

Explanation of intended effect – Improving planning processes to deliver infrastructure faster

March 2024

This document answers frequently asked questions about proposed changes to the State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP), State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Precincts – Western Parkland City SEPP) and State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).

Proposed changes for educational establishments

What changes are proposed?

Proposed changes to Chapter 3 of the T&I SEPP will streamline the planning pathway for certain permanent and temporary education facilities, and provide greater consistency between schools, universities and TAFEs.

Why are these changes being proposed?

The changes enable education providers to meet the growing demand for student places. They also allow School Infrastructure NSW (SINSW) to better respond to forecast or actual disasters and emergencies.

Proposed changes for health services facilities

What changes are proposed?

We are proposing changes to T&I SEPP Division 10, which contains provisions for health services facilities. These changes streamline the planning pathway for certain complementary uses on existing health services facilities. The scope of the proposed amendment extends to development without consent and complying development provisions.

Why are these changes being proposed?

These changes respond to requests from Health Infrastructure NSW. This allows NSW Health to meet changing health needs, improve its capacity to plan for and respond to health service trends, and deliver infrastructure.

Proposed changes for National Parks and Wildlife Service (NPWS) land

What changes are proposed?

We are proposing a new T&I SEPP provision, as well as changes to Division 5 relating to electricity transmission or distribution networks.

The first change responds to a request from NPWS to permit emergency works as exempt development, where those works result from natural disasters or other events such as vandalism.

The second change limits the type of electricity works that private leaseholders can undertake on NPWS land.

Why are these changes being proposed?

The proposed changes are consistent in protecting and managing critical assets of state and national significance. The first change enables NPWS to carry out its functions more effectively. The second change addresses concerns that leaseholders have been undertaking these works in sensitive environments.

Proposed changes for electricity-generating works and solar energy

What changes are proposed?

T&I SEPP Division 4 provides planning approval pathways for infrastructure relating to electricity-generating works and solar energy systems. The proposed changes provide a complying development pathway for stand-alone power systems and medium-sized solar battery systems.

Why are these changes being proposed?

Currently, there is no planning approval pathway in the T&I SEPP for stand-alone power systems. Furthermore, we propose to provide more flexible planning pathways for solar battery systems capable of storing more than 20kWh. With electricity and battery storage system technology advances, it is appropriate to include development standards for this important infrastructure.

Proposed changes for Greater Sydney Parklands

What changes are proposed?

The Greater Sydney Parklands Trust (GSPT) is now responsible for a larger and expanding portfolio of parklands including Fernhill Estate. T&I SEPP Division 12 contains provisions for parks and other public reserves. It provides a development without consent planning pathway for land owned by Parramatta Park Trust and Centennial Park and Moore Park Trust. The pathway allows for development for the purposes of implementing a plan of management.

A proposed change would broaden the applicability of these provisions to all parkland under the care of GSPT as well as supplementary land. This includes Fernhill Estate and future parks under GSPT's care.

An additional proposed change includes a pathway for environmental protection works and roadside stalls to be considered exempt development within the Western Sydney Parklands.

Why are these changes being proposed?

The changes allow Fernhill Estate to access the development consent pathway, consistent with other Trust lands. The second change provides a streamlined planning pathway for minor works in the Western Sydney Parklands.

Proposed changes for emergency services facilities

What changes are proposed?

Three changes are proposed in relation to Division 6 of the T&I SEPP, which includes provisions for emergency services facilities:

1. Proposed changes to T&I SEPP sections 2.52 and 2.53 would permit (firefighting) hose drying poles as either exempt development or development without consent subject to development controls and conditions.
2. Responding to a Health Infrastructure NSW request, we are proposing that recreational zones are included as prescribed zones in T&I SEPP section 2.49.
3. A separate proposed change to T&I SEPP section 2.52 will permit emergency services facilities delivered by Marine Rescue NSW (MRNSW) as development without consent. MRNSW is an emergency services organisation and recognised under the *State Emergency and Rescue Management Act 1989*.

Why are these changes being proposed?

1. The hose drying poles change responds to a request from Fire and Rescue NSW and provides an efficient planning pathway for the poles as they are low impact, routine development.
4. The change to prescribed zones increases flexibility in locating emergency services facilities.
5. The change relating to MRNSW will provide consistent planning pathways for MRNSW and other emergency services organisations, who are mostly public authorities. It responds to a MRNSW request and would replace the time and cost associated with a development application process.

Planning pathways for new water treatment facilities

What changes are proposed?

A proposed change to the Planning Systems SEPP removes the state significant infrastructure (SSI) capital investment value trigger. It permits water treatment facilities as development without consent unless the water treatment facilities are likely to significantly affect the environment. Estimated development cost (EDC) will replace capital investment value as part of separate reforms which apply from 4 March 2024. The proposed change would therefore remove the EDC trigger for water treatment facilities.

Why are these changes being proposed?

SSI requirements are currently triggered due to high design and construct costs rather than potential environmental impact. This means even small-scale facilities become SSI and the resulting planning requirements are often disproportionate to the risk. This change strikes a balance between timely determination and proportionate assessment and provides a consistent planning pathway for water treatment facilities and sewage treatment facilities.

Planning pathways for water storage facilities

What changes are proposed?

Development of new water storage facilities is proposed to be permitted:

- without consent by WaterNSW in any zone
- with consent by other public authorities outside specified rural and special purpose zones.

Why are these changes being proposed?

These changes support delivery of vital water infrastructure. They provide regulatory certainty and consistency across NSW, overcome local zoning-related prohibitions, and ensure NSW Government holds the decision-making role for State assets.

Electricity and water infrastructure in coastal areas

What changes are proposed?

Specified lower-impact development for electricity, water, sewerage, and stormwater networks is proposed to be permitted without consent on land mapped under the Resilience and Hazards SEPP as coastal wetlands and littoral rainforests. Permitted works must not clear native vegetation, must involve minimal earthworks, and must not have a significant environmental impact.

Why are these changes being proposed?

These changes better align the environmental impact assessment and planning approval requirements with lower-impact works that involve minimal or no disturbance to these ecological areas. This supports efficient infrastructure delivery for housing and other development.

Planning pathways for building demolition

What changes are proposed?

Proposed changes to T&I SEPP Schedule 1 will permit demolition of any building or structure by or on behalf of a public authority as exempt development subject to conditions.

Why are these changes being proposed?

This change responds to a request from Crown Lands. It aims to reduce the time and costs associated with the current planning pathway. Currently, buildings and structures can only be demolished as exempt development if Chapter 2 of the SEPP permits erection of those types of buildings and structures as exempt development.

Temporary structures on parks and other public reserves

What changes are proposed?

A proposed change to T&I SEPP section 2.74 would provide conditions for temporary structures to be permitted as exempt development in parks and public reserves. The development controls will ensure that the use is short-term, does not compromise future development, and does not have detrimental economic, social, amenity or environmental effects on the land.

Why are these changes being proposed?

It is important to include standards relating to the erection of temporary structures in parks and other public reserves because many of these locations include environmentally sensitive areas.

Changes to electric vehicle charging units

What changes are proposed?

We recently made changes to the T&I SEPP to provide additional planning pathways for electric vehicle charging units. We're proposing further changes to Division 17 of the T&I SEPP, including exempt development and development without consent planning pathways.

Why are these changes being proposed?

These changes will provide clarity on planning approval pathways for the installation of electric vehicle charging units.

Research and monitoring stations

What changes are proposed?

Currently monitoring stations are exempt development only in prescribed zones, according to section 2.107 of the T&I SEPP. We're proposing to remove this restriction and instead permit this to occur on any land.

Why are these changes being proposed?

This change supports development of monitoring stations for water and flood monitoring in environment zones, and air quality and noise monitoring in urban areas.

Moorebank Freight Intermodal Precinct

What changes are proposed?

The department has received a request from the precinct manager to enable multi-storey warehousing options, including increases to the existing 850,000m² gross floor area (GFA) limit and changes to the height limits. Increasing the GFA limit and adjusting height limits to enable multi-storey warehousing options at the precinct aligns with the evolving needs of the freight industry, promotes efficient land use, stimulates economic growth, enhances connectivity, and bolsters Australia's trade competitiveness.

Why are these changes being proposed?

When Chapter 6 of the T&I SEPP was first developed, multi-storey warehousing was in its infancy. With the rise in automation and revolutionising warehousing operations and the rise of e-commerce

intensifying the need for fast delivery solutions, this new type of land use needs to be incorporated into the planning system.

Australian Botanic Garden – Mount Annan

What changes are proposed?

The proposed changes will expand development without consent and exempt development pathways for certain development at the Australian Botanic Garden – Mount Annan ('the Gardens'), where it is by or on behalf of the Royal Botanic Gardens and Domain Trust ('the Trust').

Why are these changes being proposed?

The proposed changes respond to a request from the Trust to assist in improving the commercial operation of the Gardens and facilitate development to be proposed under a forthcoming masterplan. The proposed changes will help support the self-sustaining operation of the Gardens, improve the current operating model, facilitate new and diversified income streams, and enable greater flexibility in undertaking some development types as a self-determining authority.

Proposed changes to three ports planning controls

What changes are proposed?

Proposed changes to Chapter 5 of the T&I SEPP are being exhibited. Chapter 5 covers land at Port Kembla, Port Botany and Port of Newcastle. The proposed changes:

- will allow bulk liquid storage tank development as complying development on land within the lease area at Port Kembla, subject to strict development standards and requirements being met
- extend the non-hazardous exempt and complying development provisions that apply within the lease areas to surrounding industrial land at Port Kembla
- update heritage item information, fix discrepancies between food and drink premise clauses, and clarify complying development provisions for modification to bulk liquid storage tank pipelines and flowrates.

Why are these changes being proposed?

These changes support the efficient development and operation of Port Kembla and surrounding industrial land by allowing greater access to fast track exempt and complying development, if specified standards are met.

Some other minor amendments are being proposed to clarify and update existing provisions in Chapter 5.

Other proposed changes

What changes are proposed?

Building on the 2021 SEPP consolidation project, we are proposing to simplify and restructure the T&I SEPP. Most changes proposed as part of this restructure will not change the effect of the legislation. The T&I SEPP's scope and assessment requirements will largely remain the same.

Other minor improvements are proposed to the T&I SEPP. These are detailed in Part 17 of the EIE and relate to:

- giving written notice
- exceptions to development standards
- preconditions to carrying out development without consent
- the local heritage item definition
- equivalent land use zones
- ringbarking
- development in infrastructure corridors
- site compatibility certificates
- consistency for the education provisions.

Why are these changes being proposed?

The T&I SEPP restructure will remove duplication, provide easier navigation and improve consistency in policy. The restructured infrastructure SEPP will be easier to interpret and apply, delivering a simpler planning system for stakeholders.

The other minor changes improve readability and support efficient infrastructure delivery.

Next steps

Why are these changes being proposed now?

It is important SEPPs are regularly updated to provide regulatory certainty and efficient planning approval processes. Updating the T&I SEPP, Precincts—Western Parkland City SEPP, and Planning Systems SEPP facilitates the timely delivery of essential infrastructure.

The proposed changes will:

- make it easier to deliver infrastructure at the right time, including speeding up projects that benefit the community, create jobs and support economic growth
- do so in a way that protects residential amenity, the environment and heritage items from any impacts of this delivery
- help ensure a consistent approach between different infrastructure activities with similar characteristics and impacts
- improve the usability of the T&I SEPP.

What will happen next?

The department will review submissions provided during the exhibition period and refine the proposed changes in response to feedback. We will then prepare recommendations for NSW Government about the best way to proceed with each of the changes proposed in the EIE.

Where can I find out more?

For more information, visit our [Transport and Infrastructure SEPP webpage](#); or email tisepp@dpie.nsw.gov.au.