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19 April 2024

**Ref No:** F2020/00724

To Whom it May Concern,

**Re: EIE- Improving Planning Processes for Efficient Infrastructure Delivery**

Thank you for the opportunity to comment on the above Explanation of Intended Effects (EIE), which outlines potential measures for streamlining planning processes and procedures to facilitate efficient infrastructure delivery in NSW.

The EIE foreshadows a raft of changes to Exempt and Complying Development provisions in key infrastructure policy documents, including the *State Environmental Planning Policy (Transport and Infrastructure) (2021)* (T&I SEPP), *State Environmental Planning Policy (Planning Systems) (2021)* (PS SEPP) and *State Environmental Planning Policy (Western Parkland City) (2021)*. The changes proposed are wide ranging, with the key objective of making it easier for public authorities to carry out infrastructure development more easily and efficiently, including health and education facilities, electricity generating works and solar energy, water storage facilities, and electric vehicle charging units.

Council recognises the pivotal role of essential infrastructure in the functioning of our cities and in shaping the well-being and prosperity of our community. Critical infrastructure such schools, hospitals, roads, transport and the like are essential for supporting economic development, providing the foundation for business growth, job creation, connectivity and quality of life.

Council acknowledges the substantial benefits in streamlining infrastructure approval processes from reducing delays, accelerating project timelines, to fast-tracking delivery across the State. Reducing bottle necks within the planning process can create greater efficiencies, cost savings and enhanced productivity in infrastructure delivery. This is pertinent given population growth and demographic change forecasts and to ensure our standard of living is maintained and community needs are met.

Although Council largely supports the *intent* of the proposed changes in terms of creating greater efficiencies in the infrastructure delivery process, we wish to raise a number of matters for consideration given the potential to undermine local amenity and character. These matters summarised below should be addressed by the Department prior to making planning policy changes:

**1) Health Services Facilities – Maximum Height Limits**

The EIE proposes to increase the maximum height of buildings used for the purposes of ‘health care facilities’ from 12m to 30m under the Complying Development pathway. The proposed 30m height limit would apply to a range of development that falls under the definition of ‘health services facility’, including medical centres, community health services facilities, hospitals and health consulting rooms. It would also extend to commercial premises, administration buildings, carparks or training facilities proposed on an existing health services premises site. The 30m maximum height limit is to be supplemented by additional provisions to manage built form and amenity such as setbacks, privacy, landscaping and solar access, however no further information has been provided on these controls.

Concerns are raised about the extent of height proposed which in effect is more than double the current permissible height for health care facilities under the Complying Development pathway. A 30m height limit is excessive and has the potential to diminish the character of surrounding residential areas. This

<p><b>English</b></p> <p>If you need help to understand this letter, please come to Council's Customer Service Centre and ask for assistance in your language or you can contact the Telephone Interpreter Service (TIS) on 131 450 and ask them to contact Council on 1300 722 542.</p>	<p><b>Greek</b></p> <p>Αν χρειάζεστε βοήθεια για να καταλάβετε αυτή την επιστολή, παρακαλείστε να έρθετε στο Κέντρο Εξυπηρέτησης Πελατών της Δημαρχίας (Council Customer Service Centre) και να ζητήσετε βοήθεια στη γλώσσα σας ή τηλεφωνήστε στην Τηλεφωνική Υπηρεσία Διερμηνέων (Telephone Interpreter Service — TIS) τηλ. 131 450 και να ζητήσετε να επικοινωνήσουν με τη Δημαρχία τηλ. 1300 722 542.</p>	<p><b>Italian</b></p> <p>Se avete bisogno di aiuto per capire il contenuto di questa lettera, recatevi presso il Customer Service Centre del Municipio dove potrete chiedere di essere assistiti nella vostra lingua; oppure mettetevi in contatto con il Servizio Telefonico Interpreti (TIS) al 131 450 e chiedete loro di mettersi in contatto col Municipio al 1300 722 542.</p>
<p><b>Croatian</b></p> <p>Ako vam je potrebna pomoć da biste razumjeli ovo pismo, molimo dođite u Općinski uslužni centar za klijente (Council's Customer Service Centre) i zatražite pomoć na svom jeziku, ili možete nazvati Telefonsku službu tumača (TIS) na 131 450 i zamoliti njih da nazovu Općinu na 1300 722 542.</p>	<p><b>Spanish</b></p> <p>A la persona que necesite ayuda para entender esta carta se le ruega venir al Centro de Servicios para Clientes [Customer Service Centre] de la Municipalidad y pedir asistencia en su propio idioma, o bien ponerse en contacto con el Servicio Telefónico de Intérpretes ["TIS"], número 131 450, para pedir que le comuniquen con la Municipalidad, cuyo teléfono es 1300 722 542.</p>	<p><b>Vietnamese</b></p> <p>Nếu quý vị không hiểu lá thư này và cần sự giúp đỡ, mời quý vị đến Trung Tâm Dịch Vụ Hướng Dẫn Khách Hàng của Hội Đồng Thành Phố (Council's Customer Service Centre) để có người nói ngôn ngữ của quý vị giúp hay quý vị có thể liên lạc Dịch Vụ Thông Dịch qua Điện Thoại (TIS) ở số 131 450 và yêu cầu họ liên lạc với Hội Đồng Thành Phố (Council) ở số 1300 722 542.</p>
<p><b>Polish</b></p> <p>Jeśli potrzebujesz pomocy w zrozumieniu treści tego pisma, przyjdź do punktu obsługi klientów (Customer Service Centre) przy Radzie Miejskiej i poproś o pomoc w języku polskim, albo zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service — TIS) pod numer 131 450 i poproś o skontaktowanie się z Radą Miejską (Council) pod numerem 1300 722 542.</p>	<p><b>Indonesian</b></p> <p>Jika Anda memerlukan bantuan untuk memahami surat ini, silakan datang ke Pusat Pelayanan Pelanggan (Customer Service Centre) Pemerintah Kotamadya (Council) dan mintalah untuk bantuan dalam bahasa Anda, atau Anda dapat menghubungi Jasa Juru Bahasa Telepon (Telephone Interpreter Service - TIS) pada nomor 131 450 dan meminta supaya mereka menghubungi Pemerintah Kotamadya pada nomor 1300 722 542.</p>	<p><b>Turkish</b></p> <p>Bu mektubu anlamak için yardima ihtiyaciniz varsa, lütfen Belediye'nin Müşteri Hizmetleri Merkezi'ne gelip kendi dilinizde yardım isteyiniz veya 131 450'den Telefonla Tercüme Servisi'ni (TIS) arayarak onlardan 1300 722 542 numaradan Belediye ile ilişkiye geçmelerini isteyiniz.</p>
<p><b>Hungarian</b></p> <p>Amennyiben a levél tartalmát nem érti és segítségre van szüksége, kérjük látogassa meg a Tanácsház Ügyfél Szolgálatát (Customer Service Centre), ahol magyar nyelven kaphat felvilágosítást, vagy hívja a Telefon Tolmás Szolgálatot (TIS) a 131 450 telefonszámon és kérje, hogy kapcsolják a Tanácsházat a 1300 722 542 telefonszámon.</p>	<p><b>Czech</b></p> <p>Jestliže potřebujete pomoc při porozumění tohoto dopisu, navštivte prosím naše Středisko služeb pro veřejnost (Council's Customer Service Centre) a požádejte o poskytnutí pomoci ve vaší řeči anebo zavolejte Telefonní tlumočnickou službu (TIS) na tel. číslo 131 450 a požádejte je, aby oni zavolali Městský úřad Randwick na tel. číslo 1300 722 542.</p>	<p><b>Arabic</b></p> <p>إذا أردت مُساعدة لفهم هذه الرسالة، نرجوك الحضور إلى مركز خدمة عملاء المجلس وأطلب المُساعدة في لغتك، أو يُمكنك الاتصال بخدمة الترجمة الهاتفية (TIS) على هاتف رقم 131 450 وأطلب منهم الاتصال بالمجلس على رقم 1300 722 542.</p>
<p><b>Chinese</b></p> <p>如果你需要人幫助你了解這封信的內容，請來市政會顧客服務中心要求翻譯服務，或者與電話傳譯服務 (TIS) 聯繫，號碼是 131 450。請他們幫助你打電話給市政會，號碼是 1300 722 542。</p>	<p><b>Russian</b></p> <p>Если Вам требуется помощь, чтобы разобраться в этом письме, то, пожалуйста, обратитесь в Муниципальный Центр Обслуживания Клиентов и попросите оказать Вам помощь на Вашем языке или же Вы можете позвонить в Телефонную Службу Переводчиков (TIS) по номеру 131 450 и попросить их связаться с Муниципалитетом по номеру 1300 722 542.</p>	<p><b>Serbian</b></p> <p>Ako vam treba pomoć da razumete ovo pismo, molimo vas da dođete do Centra za usluge mušterijama pri Opštini (Customer Service Centre) i zamolite ih da vam pomognu na vašem jeziku, ili možete nazvati Telefonsku prevodilačku službu (TIS) na 131 450 i zamolite ih da vas povežu sa Opštinom na 1300 722 542.</p>

issue is particularly critical in the absence of detailed controls to define building envelopes and manage amenity considerations.

Concerns are further raised that the proposed provisions fail to consider the different *types* of facilities that fall under the definition of ‘health services facility’ and their specific built form requirements. The EIE fails to clarify whether the 30m height provisions would be limited to specific zones or sites of a certain land area. Significantly, the EIE does not account for different locational contexts nor the potential impacts of excessive height and scale on the amenity of surrounding land uses.

The different types of health service facilities that currently exist in Randwick City are a case in point, where several medical centres and health consulting rooms (which fall under the definition of ‘health care facility’), are located across different zones including the R2 Low Density Residential zone which has a 9.5m height limit under the *Randwick Local Environmental Plan 2012* (RLEP 2012). In such localities, a 30m building form would be out of scale with surrounding low density residential development and erode the cohesive built form character. It is our contention, that the proposal would be more suited to stand alone infrastructure zones under the Standard Instrument (i.e. SP1 or SP2) and/or for sites over a certain size so that zone interface issues and amenity impacts are more capable of being managed.

Given the absence of detail on specific zones, suitable height transitions, amenity considerations nor how zone interfaces are to be managed, the proposed 30m height provision cannot be supported in its current form. It is therefore recommended that:

- The 30m height provision be limited to the infrastructure zones under the Standard LEP Instrument; or
- That the 30m height provision apply to sites of a certain size limit; and
- Zone interface, height transition and other building envelope and amenity controls (e.g. landscaped area, solar access) be exhibited prior to the adoption of the new Complying Development provisions to ascertain public feedback.

## **2) High Tech Industry on Existing Health Facilities**

The EIE proposes to permit low scale high tech industries (buildings where biological, pharmaceutical, and medical goods or services are produced) on health services facility sites, without requiring a development application (DA). The impacts of such facilities would be assessed under Part 5.1 of the EP&A Act via a Review of Environmental Factors (REF).

As a broad comment, there is merit in clustering complementary uses on health facility sites in terms of economies of scale, effective use of land and meeting specific health services needs. However, concerns are raised that the EIE fails to elaborate on what denotes “small scale”. Furthermore, no further detail is provided on suitable zones or built form controls (e.g height, scale and massing). It is requested that further detail be provided on how ‘small scale’ would be defined, applicable zones and as well as supporting built form and amenity provisions.

## **3) Residential Care Facilities on Existing Health Facility Sites**

The EIA proposes to permit residential care facilities on sites which contain an existing health care facility. Although (as noted above) there are benefits of co-locating complementary uses, concerns are similarly raised that insufficient information has been provided to determine the suitability of the proposed Part 5.1 assessment framework. For instance, no detail has been provided on proposed height, parking requirements, floor space ratio, waste management etc.

## **4) Changes to electricity generating works**

The EIE proposes amendments to the T&I SEPP to permit development for the purposes of a solar battery system (storage of > 20kWh of energy) as Complying Development. The proposed CDC provisions will include standards requiring the consideration of matters such as safety, separation distances and battery locations.

Council is supportive of this change as it would encourage the take up of decentralised energy systems, by reducing red tape and costs associated with lodging a DA.

There appears to be an inconsistency with respect to proposed heritage exclusions in Table 9 where dot point 2 clarifies that the CDC provisions would not apply to sites within a heritage conservation area. On the other hand dot point 9, implies that the provisions may be applicable (ie: '*solar battery systems located on land containing a heritage item or within an HCA must not be visible from any road at the point where the road adjoins a property boundary*').

Given this inconsistency, clarification is sought on whether or not a solar battery systems would be permitted within an HCA or on a site containing a Heritage Item under the proposed Complying Development pathway.

## **5) Greater Sydney Parklands**

The EIE proposes to amend the T&I SEPP to expand the scope of s2.73(2) (development without consent) and s7.74(2) (Exempt Development) to apply to development on all parklands under the purview of the GSPT including Centennial Parklands. Although no objection is raised to this proposal, it is queried whether *environmental management works* which are permissible as Exempt Development would apply to environmentally sensitive lands such as mapped coastal wetlands in Centennial Parklands. In the absence of this detail, concerns are raised that the objectives of the proposed amendments (which is to apply to all development under the care of the GSPT) may potentially conflict with the *Resilience and Hazards SEPP (2021)* (R&HSEPP) where environmental protection works within mapped coastal wetlands require development consent. Given that Centennial Parklands has an area of mapped coastal wetlands, clarification is sought on whether the proposed provisions would apply to this area.

## **6) Emergency Services Facilities**

### ***Emergency Services on Recreation Land***

The EIE proposes to amend the T&I SEPP to permit emergency services facilities (e.g. ambulance stations) on land zoned for recreation if carried out by or on behalf of a public authority. Currently emergency services facilities are permitted across a number of prescribed zones but are prohibited in recreation zones.

Council notes that this proposed amendment is intended to reduce red tape, create cost savings associated with a DA and support the role of emergency services in our community. Council has been investigating the potential to relocate a State Emergency Services (SES) facility to land that is partially zoned for public recreation within the local government area. The proposed amendment would therefore align with Council's intentions for the SES facility.

It is important to note that the proposed T&I SEPP amendment would need to be clear and make reference to legislative requirements for the preparation/update of relevant Plans of Management and land categorisation under the Local Government Act and Crown Lands Management Act to permit emergency services facilities on Council owned or managed land. This process would incorporate a community consultative process that would need to be undertaken prior to emergency service facilities being constructed on recreation zoned land. It is also worth noting that lands zoned for recreation are in short supply, particularly in inner city locations, and the changes should be strictly conditional on a range of matters being satisfied prior to any approval such as the size of the facility, access, setbacks and future open space opportunities for the land. Furthermore, there needs to be mechanisms/assurances in place to ensure that the proposed provisions would not reduce the quantum of vital recreational spaces nor reduce urban tree canopy in our City.

### ***Firehose Drying Poles***

The EIE proposes amendments to the T&I SEPP to permit fire hose drying poles as Exempt Development. Firehose drying poles are essential facilities for fire stations and currently require a DA as they are usually over 18m in height. The proposed Exempt Development pathway would permit firehose drying poles that are up to 20m in height provided they are located a minimum of 3m from residential zoned property boundaries and do not penetrate the Obstacle Limitation Surface Plan. For proposals which do not meet these requirements, firehose drying poles would be assessed under Part 5 of the EP&A Act via an REF.

Firehose drying poles are noted to be generally low impact infrastructure as they generate negligible noise, and overshadowing. Although no objections are raised in this regard, it is requested that the



Exempt Development criteria exclude heritage conservation areas and foreshore scenic protection areas due to the potential for impacts on the character and residential amenity in these sensitive locations.

## **7) Temporary Structures on Parks and Other Reserves**

The EIE proposes additional development standards under the T&I SEPP to support existing Exempt Development provisions for temporary structures on parks and public reserves. These include a maximum time period of 12 months, a 1 storey height limit, a minimum 5m setback from residential zones and 1m setback from other zones, as well as prohibiting temporary structures from being sited on ecologically sensitive areas, coastal zones, flood prone or bushfire prone land.

The proposed development standards are supported as they would give greater guidance on the siting of temporary structures and would help to minimise adverse impacts upon residential amenity as well as sensitive lands. Notwithstanding this, it is recommended that the standards be further strengthened to exclude temporary structures from fire breaks and asset protection zone areas due to bushfire risk as they may potentially contain flammable materials which are prohibited in these areas. Suitable standards are also required to guide the placement of the temporary structure on the land to minimise together with land remediation provisions where required.

It is also important to consider how the provisions would align with Native Title legislation as any construction of permanent structures on Crown land may potentially extinguish Native Title rights. In such a scenario, councils would be liable for compensation under the legislation. In this regard prior to the provisions being finalised, appropriate consultation should be undertaken with the Aboriginal Land Council.

## **8) Electric Vehicle Charging Facilities**

The EIE proposes to amend the T&ISEPP to clarify approval pathways for electric vehicle charging facilities (EVCs) including permitting EVC units on above ground telecommunications housing as Exempt Development and on street poles, substations and street furniture as development without consent (ie: under Part 5 of the EP&A Act).

Although the proposed amendments do not relate to third party advertising, we wish to raise this issue given the recent DAs for EVC units on substations, with digital advertising associated with the structure. Many of these EVC/substation proposals are located on road reserves in high traffic locations which provide a highly visible advertising opportunity for providers, yet also have the potential to create adverse amenity and safety impacts for road users.

As noted above, EVC units are proposed to be permitted on substations as development without consent, including 'advertising enabled EV charging units'. The T&ISEPP defines 'advertising enabled EV charging units' as an EV charging unit that includes a screen or other display 'capable' of displaying advertisements. As such, this does not permit the public authority to determine the advertising component of a proposal as development without consent, but rather the screen or display that is capable of displaying the advertising. Any advertising would therefore still be subject to the Chapter 3 of the *State Environmental Planning Policy (Industry and Employment) 2021*.

For the purposes of clarity, to improve usability and to reduce confusion, it is recommended that the T&ISEPP be amended to make it absolutely clear that *advertising enabled EV charging units* as development without consent does not apply to proposals that include-advertising, but rather only to the display component to accommodate future advertising.

## **9) Three Ports Planning controls**

### ***Floor space standards for food and drink premises***

The EIE proposes amendments to the T&ISEPP Complying Development standards for food and drink premises, by reducing floor area from 1,250m<sup>2</sup> to 300m<sup>2</sup> in the Port Botany Lease Area, while permitting food and drink premises with a floor area of up to 800m<sup>2</sup> in the SP1 Special Activities Zone.

Further clarification is sought on the rationale of these proposed amendments, noting an inconsistency where the Port Botany Lease Area is zoned SP1 Special Activities zone. It is therefore unclear which particular area that the 300m<sup>2</sup> standard would apply to.

### ***Heritage Mapping***

The EIE proposes to introduce heritage maps for Port Botany and update the table of heritage items under the T&ISEPP. The draft heritage map for Port Botany identifies heritage items listed in the Bayside LEP, however fails to reference heritage assets owned/controlled by NSW Ports that are listed on the s170 Register including the Bunnerong Powerstation Canal, Port Botany Revetment Wall. The Section 170 Register is an important resource for making decisions about maintaining, conserving and making changes to heritage assets. For the purposes of transparency and to improve the usability of the T&ISEPP, and to ensure the ongoing conservation and management of the Port's heritage assets, consideration could be given to inclusion of s170 heritage assets on the proposed heritage map.

Randwick City appreciates the opportunity to comment on the EIE. Should you have any questions or queries regarding this submission, please contact Stella Agagiotis, Manager Strategic Planning on 9093 6954.



**Kerry Kyriacou**  
Director, City Planning