

APPENDIX B - SEPP/Section 117 Direction Checklist

SCHEDULE OF SEPPs AND SECTION 117 DIRECTIONS KANGAROO POINT PLANNING PROPOSAL

State Environmental Planning Policies		
SEPP Title	Compliance	Comment
1. Development Standards	N/A	
1. Development Standards (Amend No. 1)	Draft	
2. Minimum Standards for Residential Flat Development	Repealed	
3. Castlereagh Liquid Waste Disposal Depot	Repealed	
4. Development Without Consent and Miscellaneous Complying Development	N/A	
5. Housing for Older People or People with a Disability	Repealed	
6. Number of Storeys in a Building	N/A	
7. Port Kembla Coal Loader	Repealed	
8. Surplus Public Land	Repealed	
9. Group Homes	Repealed	
10. Retention of Low-Cost Rental Accommodation	Repealed	
11. Traffic Generating Developments	Repealed	
12. Public Housing (Dwelling Houses)	Repealed	
13. Sydney Heliport	Repealed	
14. Coastal Wetlands	N/A	
15. Rural Land - Sharing Communities	N/A	
16. Tertiary Institutions	Repealed	
17. Design of Building in Certain Business Centres	Not Made	
18. Public Housing	Not Made	
19. Bushland in Urban Areas	N/A	
20. Minimum Standards for Residential Flat Development	Repealed	
21. Caravan Parks	N/A	
22. Shops and Commercial Premises	N/A	
23.	Not Allocated	

24. State Roads	Not Made	
25. Residential Allotment Sizes	Repealed	
26. Littoral Rainforests	N/A	
27. Prison Sites	Repealed	
28. Town Houses and Villa Houses	Repealed	
29. Western Sydney Recreational Area	N/A	
30. Intensive Agriculture	N/A	
31. Sydney (Kingsford Smith) Airport	Repealed	
32. Urban Consolidation (Redevelopment of Urban Land)	N/A	
33. Hazardous and Offensive Development	N/A	
34. Major Employment Generating Industrial Development	Repealed	
35. Maintenance Dredging of Tidal Waterways	Repealed	
36. Manufactured Home Estates	N/A	
37. Continued Mines and Extractive Industries	Repealed	
38. Olympic Games and Related Development Proposals	Repealed	
39. Spit Island Bird Habitat	N/A	
40. Sewerage Works	Not Made	
41. Casino/Entertainment Complex	N/A	
42. Multiple Occupancy and Rural Land (Repeal)	Repealed	
43. New Southern Railway	Repealed	
44. Koala Habitat Protection	N/A	
45. Permissibility of Mining	Repealed	
46. Protection and Management of Native Vegetation	Repealed	
47. Moore Park Showground	N/A	
48. Major Putrescible Landfill sites	Repealed	
49. Tourism Accommodation in Private Homes	Draft	
50. Canal Estates	N/A	
51. Eastern Distributor	Repealed	

52. Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
53. Metropolitan Residential Development		
54. Northside Storage Tunnel	Repealed	
55. Remediation of Land	N/A	
56. Sydney Harbour Foreshores and Tributaries	Repealed	
57. Not Made	N/A	
58. Protecting Sydney's Water Supply	Repealed	
59. Central Western Sydney Economic and Employment Area	N/A	
60. Exempt and Complying Development	N/A	
61. Exempt and Complying Development for White Bay and Glebe Island Ports		
62. Sustainable Aquaculture	N/A	
63. Major Transport Projects	Repealed	
64. Advertising and Signage	N/A	
65. Design Quality of Residential Flat Development	N/A	
66. Integration of Land Use and Transport	Draft	
67. Macquarie Generation Industrial Development	Repealed	
68.		
69. Major Electricity Supply Projects	Repealed	
70. Affordable Housing (Revised Schemes)	N/A	
71. Coastal Protection	N/A	
72. Linear Telecommunications Development – Broadband	Repealed	
73. Kosciusko Ski Resorts	N/A	
74. Newcastle Port and Employment Lands	N/A	
SEPP 2004. Housing for Seniors or People with a Disability	N/A	
SEPP 2004. Building Sustainability Index: BASIX	N/A	
SEPP 2004. ARTC Rail	Repealed	

Infrastructure		
SEPP 2004. Sydney Metropolitan Water Supply	Repealed	
SEPP 2005. Development on Kurnell Peninsula	N/A	
SEPP 2005. Major Development	N/A	
SEPP 2006. Sydney Region Growth Centres	N/A	
SEPP 2007. Mining, Petroleum Production and Extractive Industries	N/A	
SEPP 2007. Temporary Structure and Places of Public Entertainment	N/A	
SEPP 2007. Infrastructure	Yes	<i>State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)</i> identifies a number of land uses that are permitted either with or without consent in the waterways zones where carried out by a public authority, including the berthing of any vessel. The planning proposal is consistent with the <i>Infrastructure SEPP</i> .
SEPP 2007. Kosciuszko National Park – Alpine Resorts	N/A	
SEPP 2008. Rural Lands	N/A	
SEPP 2008. Exempt and Complying Development Codes	N/A	
SEPP 2009. Western Sydney Parklands	N/A	
SEPP 2009. Affordable Rental Housing	N/A	
SEPP 2009. Western Sydney Employment Area	N/A	
Regional Plans (deemed SEPPs)		
SREP 1. Dual Occupancy	Repealed	
SREP 2. Dual Occupancy	Repealed	
SREP 3. Kurnell Peninsula	Repealed	
SREP 4. Homebush Bay	Repealed	
SREP 5. Chatswood Town Centre	N/A	
SREP 6. Gosford Coastal Areas	Repealed	

SREP 7. Multi-Unit Housing – Surplus Government Sites	Repealed	
SREP 8. Central Coast Plateau Areas	N/A	
SREP 9. Extractive Industry (No. 2)	N/A	
SREP 10. Blue Mountains Regional Open Space	Repealed	
SREP 11. Penrith Lakes Scheme	N/A	
SREP 12. Dual Occupancy	Repealed	
SREP 13. Mulgoa Valley	N/A	
SREP 14. Eastern Beaches	Repealed	
SREP 15. Terrey Hills	Repealed	
SREP 16. Walsh Bay	N/A	
SREP 17. Kurnell Peninsula	N/A	
SREP 18. Public Transport Corridor	N/A	
SREP 19. Rouse Hill Development Area	N/A	
SREP 20. Hawkesbury Nepean River (No. 2 – 1997)	Yes	<i>Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River (SREP No. 20) applies to the waterways of Hornsby Shire to ensure that the impacts of future land uses are considered in a regional context. The planning proposal is consistent with the strategies for consideration in planning identified under Part 2 of the SREP and the development controls relating to marinas under Part 3 of the SREP.</i>
SREP 21. Warringah Urban Release Area	Repealed	
SREP 22. Parramatta River	Repealed	
SREP 23. Sydney and Middle Harbours	Repealed	
SREP 24. Homebush Bay Area	N/A	
SREP 25. Orchard Hills	N/A	
SREP 26. City West	N/A	
SREP 27. Wollondilly Regional Open Space	Repealed	
SREP 28. Parramatta	N/A	
SREP 29. Rhodes Peninsula	N/A	
SREP 30. St Marys	N/A	
SREP 31. Regional Parklands	Repealed	
SREP 33. Cooks Cove	N/A	

SREP 2005. Sydney Harbour Catchment	N/A	
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Ministerial Directions (s117)		
S117 Direction Title & Summary	Compliance	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones A planning proposal shall encourage employment growth in suitable locations, protect employment lands and support the viability of “identified strategic centres”. A planning proposal shall retain the areas and locations of existing business and industrial zones. A planning proposal shall not reduce the total potential floor space area for employment uses and related public services in business zones. A planning proposal shall not reduce the total potential floor space area for industrial uses in industrial zones. A planning proposal shall ensure that proposed new employment areas are in accordance with an approved strategy.	N/A	
1.2 Rural Zones A planning proposal shall not rezone rural land for urban purposes, including	N/A	

residential, business or industrial purposes. A planning proposal shall not contain provisions which will increase the permissible density of rural zoned land. A planning proposal shall not include provisions that control access from traffic generating developments to classified roads in rural zones.		
1.3 Mining, Petroleum Production and Extractive Industries Council shall consult the Director-General of the Department of Primary Industries (DPI) to identify any resources of coal, petroleum and extractive materials of State or regional significance and existing mines or extractive industries occurring in the area subject to the draft LEP. Council shall seek advice from the Director-General of the DPI on the development potential of the identified resources. Council shall consider any likely conflict between the development of existing mines or extractive industries, or identified resources and other land uses. Where a planning proposal prohibits or restricts development of identified resources or is likely to conflict with other land uses,	N/A	

Council shall consult with the Director-General of the DPI concerning the draft LEP and provide a copy of any comments received to the Director-General of the Department of Planning.		
1.4 Oyster Aquaculture Council shall ensure the planning proposal is consistent with the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i>. Council shall identify any Priority Oyster Aquaculture Areas (POAA) and oyster aquaculture leases outside such an area to which the planning proposal would apply. Council shall identify any proposed land uses which could adversely impact on a POAA and oyster aquaculture leases outside such an area. Council shall consider any likely incompatibilities between oyster aquaculture and other land uses and evaluate ameliorative measures. Where a planning proposal could result in an impact on a POAA and oyster aquaculture leases outside such an area, Council shall consult the Director-General of the Department of Primary Industries (DPI) concerning the draft LEP and provide a copy of any comments received to the Director-General of the	Yes	Council must have regard to the priority oyster areas in preparing a planning proposal. A Priority Oyster Aquaculture Area (POAA) is located approximately 400m from Kangaroo Point. Therefore, the planning proposal for commuter berthing would not result in adverse impacts on a POAA and is consistent with this direction.

Department of Planning.		
2. Environment and Heritage		
2.1 Environmental Protection Zones A planning proposal shall include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to environmental protection zoned land or land identified for environmental protection purposes shall not reduce the protection standards that apply to the land.	N/A	
2.2 Coastal Protection A planning proposal shall be consistent with the <i>NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997</i>, the <i>Coastal Design Guidelines 2003</i> and the <i>NSW Coastline Management Manual 1990</i>.	N/A	
2.3 Heritage Conservation A planning proposal shall contain provisions to facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance. A planning proposal shall contain provisions that facilitate the conservation of areas, places, landscapes and objects identified as being of	N/A	

Aboriginal heritage significance.		
2.4 Recreation Vehicle Areas Planning proposals shall not zone or enable land to be developed for a recreational vehicle area where the land is in an Environmental Protection Zone, is a beach or dune, or in other areas unless the council has taken into consideration relevant guidelines listed in the Direction.	N/A	
3. Housing Infrastructure and Urban Development		
3.1 Residential Zones A planning proposal shall include housing provisions that broaden the choice of building types and housing locations, make more efficient use of existing infrastructure and services, reduce urban sprawl and be of good design. A planning proposal shall contain a requirement that residential development is not permitted until land is adequately serviced with water and sewerage. Planning proposals shall not contain provisions which reduce the permissible density on residential zoned lands.	N/A	
3.2 Caravan Parks and Manufactured Home Estates Planning proposals shall retain existing zones of land or utilise an appropriate zone under the standard Instrument to permit caravan parks in LEPs	N/A	

When preparing planning proposals, Council shall consider the categories of land and principles in SEPP No. 36 to determine suitable zones, locations and provisions for Manufactured Home Estates.		
3.3 Home Occupations Planning proposals shall permit home occupations to be carried out in dwelling houses without the need for development consent.	N/A	Direction applies to all councils that do not have a principal Local Environmental Plan or a draft LEP, prepared pursuant to the standard instrument under section 33A of the <i>EP&A Act 1979</i> .
3.4 Integrating Land Use and Transport A planning proposal shall locate zones for urban purposes in area in accordance with the identified guidelines and policies to reduce travel demand, including the number of trips generated by development and the distances travelled.	N/A	
3.4 Development Near Licensed Aerodromes For a planning proposal affecting land in the vicinity of a licensed aerodrome, the Council shall consult with the Department of Commonwealth responsible for aerodromes and the lessee of the aerodrome. A draft LEP shall take into consideration the Obstacle Limitation Surface (OLS) and for land affected by the OLS permit development compatible with the operation of an aerodrome and prepare appropriate development standards.	N/A	

A planning proposal shall not rezone land for certain purposes listed in the direction where the Australian Noise Exposure Forecast (ANEF) exceeds the levels specified in the direction. Draft LEPs which rezone lands for such purposes shall include a provision regarding interior noise levels.		
4. Hazard and Risk		
4.1 Acid Sulfate Soils Council shall consider the <i>Acid Sulfate Soils Planning Guidelines</i> adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Risk Maps prepared by the Department of Natural Resources. Planning proposals that regulate works in acid sulfate soils shall be consistent with the Acid Sulfate Soils Model LEP or such other provisions provided by the Director-General of the Department of Planning. Council shall not prepare a planning proposal that intensifies land uses on land having a probability of containing acid sulfate soils unless an acid sulfate soils study has been considered	Yes	Acid sulfate soils have been identified on the Acid Sulfate Soils Risk Maps prepared by the Department of Natural Resources throughout the waterways of Hornsby Shire. The land at Kangaroo Point has an acid sulfate soil classification of 5 and the surrounding waterway has an acid sulfate soil classification of 1. Given the presence of acid sulfate soils, an acid sulfate soils study assessing the appropriateness of commuter berthing at Kangaroo Point would be proposed as part of the development application process.
4.2 Mine Subsidence and Unstable Land Where the land is subject to	N/A	Direction applies to all councils that contain a mine subsidence district proclaimed pursuant to section 15 of the <i>Mine Subsidence Compensation Act</i>

mine subsidence, council shall consult the Mine Subsidence Board to ascertain if the Board has any objection to the Plan and the appropriateness of the development for the potential level of subsidence. A planning proposal shall not permit development on unstable land.		1961 or that contain unstable land. Clarification was sought from the Department of Planning in late 2005 as to the meaning of 'unstable land'. A formal response has not been received. However, a Department representative advised by email 29 November 2005 that unstable land is land that is subject to land slip because of slope and soil/geological conditions.
4.3 Flood Prone Land A planning proposal shall include provisions that give effect to the <i>NSW Flood Prone Land Policy</i> and are consistent with the <i>Floodplain Development Manual 2005</i>. A draft LEP shall not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. A planning proposal shall not permit development in floodway areas, permit development that will significantly impact on other properties, permit a significant increase in development, result in a substantial increase in the need for government spending on flood mitigation, permit specified development without the need for consent. A planning proposal shall not impose flood related development controls above	N/A	

the flood planning level for residential development. In preparing a planning proposal, Council shall not determine a flood level inconsistent with the Floodplain Development Manual 2005.		
4.4 Planning for Bushfire Protection Council shall consult with the Commissioner of the NSW Rural Fire Service in the preparation of any planning proposal that applies to bushfire prone land. A planning proposal shall have regard to Planning for Bushfire Protection 2006, avoid permitting inappropriate development in hazardous areas and ensure that hazard reduction is not prohibited in the asset protection zone (APZ). A planning proposal, where development is proposed, shall comply with specified provisions to minimise bushfire hazard risk, as appropriate.	N/A	
5. Regional Planning		
5.1 Implementation of Regional Strategies A planning proposal shall be consistent with a regional strategy released by the Minister for Planning.	Yes	The planning proposal is consistent with the objectives of the <i>Sydney Metropolitan Strategy</i> and <i>draft North Subregional Strategy</i>. The <i>draft North Subregional Strategy</i> identifies a need to improve the quality and accessibility of local open space. Action F2.1 and Action F2.1.2 seek to improve the quality of local open space

		through an embellishment program that improves facilities. The planning proposal would facilitate the provision of commuter berthing at Kangaroo Point and the income generated from the commercial lease could be used to fund the refurbishment and maintenance of the site.
5.2 Sydney Drinking Water Catchments A planning proposal shall be prepared in accordance with the general principle that water quality within the hydrological catchment must be protected and in accordance with specified principles. When preparing a planning proposal that applies to land within a hydrological catchment, Council, shall consider any strategic land and water capability assessment, or a settlement or rural residential strategy, consult the Sydney Catchment Authority (SCA) under Section 62 of the <i>EP&A Act</i> and zone SCA land in accordance with the specified zones from the Standard Instrument.	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast A planning proposal shall not rezone land identified as "State Significant Farmland", "Regionally Significant Farmland" or "Significant non-contiguous farmland" for urban or rural residential purposes.	N/A	

5.4 Commercial and Retail Development along the Pacific Highway, North Coast A planning proposal that applies to land “within town” shall provide that new commercial or retail development shall be concentrated within distinct centres rather than spread along the Pacific Highway. A draft LEP that applies to land “out of town” shall provide that new commercial or retail development shall not be established near the Pacific Highway. Development with frontage to the Pacific Highway shall consider the impact the development has on the safety and efficiency of the Highway. A planning proposal shall permit a highway service centre beside the Pacific Highway where they are located close to the town bypassed, the local economy is considered and there is adequate separation from other service centres. A planning proposal shall limit the uses permitted in highway service centres to those specified in the Direction.	N/A	Directions applicable to councils between Port Stephens Shire and Tweed Shire, inclusive.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) Council shall not prepare a planning proposal that is inconsistent with relevant	N/A	

agreements and strategies that apply to the area.		
5.6 Sydney to Canberra Corridor A planning proposal shall include provisions that give effect to, and are consistent with, the publication entitled <i>The Sydney to Canberra Corridor Strategy 1995</i>.	N/A	
5.7 Central Coast A planning proposal shall be consistent with the Gosford-Wyong Structure Plan except as amended by the Sydney Regional Environmental Plan No. 6 – Gosford Coastal Areas.	N/A	
5.8 Sydney Second Airport: Badgerys Creek Planning proposals shall not contain provisions that enable development which could hinder the potential for development of a Second Sydney Airport.	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements A planning proposal shall minimise provisions requiring concurrence, consultation or referral of development applications to a Minister or public authority. A planning proposal shall not identify development as designated development unless Council can satisfy the Director-General that such is warranted.	N/A	
6.2 Reserving Land for Public Purposes	Yes	Kangaroo Point is currently classified Community Land and zoned Open

A planning proposal shall not create, alter or reduce existing reservations or zonings of land for public open space without the approval of the relevant public authority and the Director General. When a Minister or public authority requests a Council to reserve land for a public purpose, include provisions relating to the use of land reserved for a public purpose, rezone and/or remove a reservation, the council shall accede to the request.		Space A (Public Recreation – Local) under the <i>HSLEP</i>. The planning proposal does not create, alter or reduce this zoning or reservation of land for public purposes. The planning proposal seeks to permit with consent an additional land use, namely “marinas”. Therefore, the planning proposal is consistent with this direction.
6.3 Site Specific Provisions A planning proposal that amends another LEP to allow a particular development to be carried out shall either: * allow that land use to be carried out in the zone; or * rezone the site to an existing zone without imposing any additional development standards or requirements applying to that zone; or * allow that land use on the land without imposing any development standards in addition to those already contained in the principal LEP being amended.	Yes	The planning proposal is consistent with the direction as it does not place unnecessarily restrictive site specific planning controls on Kangaroo Point. The planning proposal would amend the <i>HSLEP</i> to permit marinas at Kangaroo Point. The planning proposal does not propose any development standards or requirements in addition to those already contained in the <i>HSLEP</i>.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy A planning proposal shall be consistent with the NSW	Yes	The planning proposal is consistent with the <i>Metropolitan Strategy</i>. Action D4.1.1 of the <i>Metropolitan Strategy</i> recognises the need to improve transport planning through strategic

Government's Metropolitan Strategy: City of Cities, A {Plan for Sydney's Future, published in December 2005 ("the Metropolitan Strategy")		planning, subregional planning and place planning. Place-specific transport planning is required at Kangaroo Point to meet the needs and desires of Hornsby Shire river residents. The planning proposal has been prepared having regard to all relevant social, environmental and economic factors.
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