

Appendix E

State Environmental Planning Policy Checklist

HORNSBY WESTSIDE PLANNING PROPOSAL

State Environmental Planning Policies		
SEPP Title	Compliance	Comment
1. Development Standards	N/A	
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 Minimum Standards for Residential Flat Development	Repealed	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 Castlereagh Liquid Waste Disposal Depot	Repealed	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	
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 Port Kembla Coal Loader	Repealed	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 Surplus Public Land	Repealed	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 Group Homes	Repealed	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 Retention of Low-Cost Rental Accommodation	Repealed	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 Traffic Generating Developments	Repealed	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 Public Housing (Dwelling Houses)	Repealed	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 Sydney Heliport	Repealed	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	
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 Tertiary Institutions	Repealed	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 Minimum Standards for Residential Flat Development	Repealed	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. Moveable Dwellings	N/A	
22. Shops and Commercial Premises	N/A	
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 Residential Allotment Sizes	Repealed	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 Prison Sites	Repealed	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 Town Houses and Villa Houses	Repealed	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 Sydney (Kingsford Smith) Airport	Repealed	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 Major Employment Generating Industrial Development	Repealed	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 Maintenance Dredging of Tidal Waterways	Repealed	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 Continued Mines and Extractive Industries	Repealed	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 Olympic Games and Related Development Proposals	Repealed	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 Multiple Occupancy and Rural Land (Repeal)	Repealed	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 New Southern Railway	Repealed	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 Permissibility of Mining	Repealed	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 Protection and Management of Native Vegetation	Repealed	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 Major Putrescible Landfill sites	Repealed	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 Eastern Distributor	Repealed	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 Metropolitan Residential Development	Repealed	
54. Northside Storage Tunnel	Repealed	
55. Remediation of Land	Yes	The Planning Proposal is consistent with SEPP 55. The Planning Proposal does not propose to rezone land or introduce new land uses. The Proposal aims to allow increased residential and employment development in an existing business zone. Any potential contamination would be considered at the Development Application stage.
56. Sydney Harbour Foreshores and Tributaries	Repealed	
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	Repealed	
62. Sustainable Aquaculture	N/A	
63. Major Transport Projects	Repealed	
64. Advertising and Signage	N/A	
65. Design Quality of Residential Flat Development	Yes	The Planning Proposal is consistent with SEPP 65. The draft development controls are consistent with the <i>Residential Flat Design Code</i>
66. Integration of Land Use and Transport	Draft	
67. Macquarie Generation Industrial Development	Repealed	
68. Not Allocated		
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. Kosciuszko Ski Resorts	Repealed	
74. Newcastle Port and Employment Lands	Repealed	
SEPP 1989. Penrith Lakes Scheme	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 Infrastructure	Repealed	
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 Structures	N/A	
SEPP 2007. Infrastructure	N/A	
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	
SEPP 2009. Affordable Rental Housing	N/A	
SEPP 2010. Urban Renewal		

SEPP 2011. Sydney Drinking Water Catchment		
SEPP 2011. State and Regional Development		
Sydney 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	The Planning Proposal is for land within the West Precinct of Hornsby Town Centre and does not involve environmentally sensitive areas in the Hawkesbury-Nepean catchment (including the river, riparian land, escarpments and other scenic areas, national parks, wetlands, and significant floral and faunal habitats). The proposal complements the vision, goal, key principles and action plan of the <i>Metropolitan Strategy</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	

Appendix F

Local Planning Directions (s117) Checklist

**SCHEDULE OF SECTION 117 DIRECTIONS
HORNSBY WEST PRECINCT PLANNING PROPOSAL**

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.	Yes	The Hornsby West Precinct, which is the subject of this Planning Proposal, will be zoned B4 (Mixed Use) under the draft <i>Hornsby Local Environmental Plan</i>. The land is not proposed to be rezoned under this Planning Proposal. Rather, provisions will be inserted to allow increased residential and employment generating development. Therefore, the Planning Proposal will retain the location and extent of the existing business zone. The Planning Proposal will not reduce the total potential floor space area for employment uses and related public services. The base floor space ratio of 3:1 will remain unchanged for commercial development in the West Precinct. It is proposed that the revised planning controls will allow mixed use residential and commercial development with a minimum 1:1 floor space ratio of employment generating development. This ensures that although current demand for commercial development is low, development will incorporate at least 1:1 employment generating floor space, but does not limit the potential to have more. By allowing shop top housing at increased heights, the Planning Proposal encourages redevelopment for mixed use purposes.
1.2 Rural Zones A planning proposal shall not rezone rural land for urban purposes, including 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.	N/A	
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	N/A	

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, 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 Department of Planning.	N/A	
1.5 Rural Lands A Planning Proposal that affects land within an existing or proposed rural or environmental protection zone must be consistent with State Environmental Planning Policy (Rural Lands) 2008.	N/A	
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	N/A	

the land.		
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 of being of Aboriginal heritage significance.	Yes	There are a number of heritage items within the Hornsby West Precinct and part of the precinct is located within a Heritage Conservation Area. The planning proposal will potentially result in the loss of some heritage qualities including some heritage items and streetscapes. However, the Planning Proposal and supporting development controls include principles to guide future redevelopment, identifies the opportunity to retain heritage items and/or heritage facades which ensure significant heritage values within the precinct are conserved.
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.	Yes	The planning proposal includes housing provisions that broaden the choice of housing type and location in Hornsby Shire. The location of the proposed new dwellings takes advantage of existing investments in infrastructure (including transport, water and sewerage) and social facilities with the Hornsby West Precinct being located at a major transport hub. The Planning Proposal will not reduce the permissible residential density of land.
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 When preparing planning proposals, Council shall consider the categories of land and principles in SEPP No. 36 to determine suitable zones, locations	N/A	

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 EP&A Act 1979.
3.4 Integrating Land Use and Transport A planning proposal shall locate zones for urban purposes in areas in accordance with the identified guidelines and policies to reduce travel demand, including the number of trips generated by development and the distances travelled.	Yes	The planning proposal is seeks to provide additional housing and employment in an area serviced by public transport. The proposal is consistent with <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001) as it encourages the use of public transport, walking and cycling.
3.5 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. 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.	N/A	
3.6 Shooting Ranges A Planning Proposal which affects, creates, alters or removes a zone or provision relating to land adjacent to or adjoining a shooting range must not seek to rezone land to permit more intensive land uses than those which are permitted under the existing zone, or that are incompatible with the noise emitted by the existing shooting range.	N/A	
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.	N/A	

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		
4.2 Mine Subsidence and Unstable Land Where the land is subject to 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.	N/A	Direction applies to all councils that contain a mine subsidence district proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 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 the flood planning level for residential development. In preparing a planning proposal, Council shall not determine a flood level inconsistent with the <i>Floodplain Development Manual 2005</i>.	N/A	
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 following receipt of	Yes	Approximately eight properties in the north western corner of the precinct are identified as bushfire prone land. In accordance with this Direction, the Commissioner of the Rural Fire Service was consulted following receipt of gateway determination and prior to community

a gateway determination and prior to undertaking community consultation and take into account any comments made. 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.		consultation. The NSW Rural Fire Service The NSW Rural Fire Service (RFS) advises that Development Applications for future development on bushfire prone land will be required to comply with Section 79BA of the Environmental Planning and Assessment Act or Section 100B of the Rural Fires Act depending upon the nature of the proposed development. The RFS also comments that the requirements of Planning for Bushfire Protection should be considered in the planning stages for high density development in relation to the capacity of the road network to support evacuation and availability of water supplies for fire fighting.
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.	N/A	
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 EP&A Act 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	N/A	

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.		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA))	Revoked	
5.6 Sydney to Canberra Corridor	Revoked	
5.7 Central Coast	Revoked	
5.8 Sydney Second Airport: Badgerys Creek	N/A	
Planning proposals shall not contain provisions that enable development which could hinder the potential for development of a Second Sydney Airport.		
6. Local Plan Making		
6.1 Approval and Referral Requirements	N/A	
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.		
6.2 Reserving Land for Public Purposes	N/A	
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.		
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.	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036 A planning proposal shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036, published in December 2010 ("the Metropolitan Plan")	Yes	The Planning Proposal is consistent with the Metropolitan Plan. The future directions outlined in the Plan for the Hornsby Town Centre include: - Provide for increased employment in retail and office uses; - Provide for residential development within walking catchment of the Centre; - Investigate opportunities for better pedestrian links between eastern and western sides of the Centre; - Revitalise the traditional Centre to the west of the station; and - Investigate development opportunities to the west of the station.