

Appendix 3. Consistency with SEPPs and deemed SEPPs
State Environmental Planning Policies (SEPPs)

No.	Title	Summary	Application and Consistency
1	Development Standards	Aims to provide flexibility in the application of planning controls where strict compliance of development standards would be unreasonable, unnecessary or hinder the attainment of specified objectives of the Act.	Does not apply to Cumberland LGA. SEPP repealed by <i>Auburn LEP 2010</i> , <i>Holroyd LEP 2013</i> and <i>Parramatta LEP 2011 (clause 1.9)</i> .
55	Remediation of Land	Provides a State wide planning approach for the remediation of contaminated land.	Applies State-wide Justifiably Inconsistent The <i>Low Rise Medium Density Housing Code</i> permits dual occupancy and medium density housing as complying development. The Code permits (and in some cases encourages) basement car parking as complying development, increasing the likelihood of disturbing contaminants that may affect human health. These matters would normally be considered as part of a DA, however this assessment would not occur under the Code's complying development. Certain lands in the R2 and R3 zones are identified by Council's mapping as contaminated. Some of these have been remediated and have Site Audit Statements to verify this. Further work is required to update the remediation status of these lands for parts of the LGA. Accordingly, it is recommended that a separate Planning Proposal to be developed to recognise sites that are identified by Council or the EPA as contaminated, but which do not have Site Audit Statements be identified, and seeks to exclude these sites from Code.
70	Affordable Housing (Revised Schemes)	Aims to insert affordable housing provisions into EPIs and to address expiry of savings made by EP&A Amendment (Affordable Housing) Act 2000.	Does not apply to the Cumberland LGA Applies to land within the Greater Metropolitan Region particularly City of South Sydney, City of Sydney, City of Willoughby and Leichhardt.
	Building Sustainability Index: BASIX 2004	Aims to ensure consistency in the implementation of the BASIX scheme throughout the State	Applies State-wide Compliance with this BASIX is required for complying development of the types permitted under the Code.

No.	Title	Summary	Application and Consistency
	Exempt and Complying Development Codes 2008	Aims to provide streamlined assessment process for development that complies with specified development standards.	<p>Applies State-wide Consistent</p> <p>The <i>Low Rise Medium Density Housing Code</i> when in effect, will form part of this SEPP. This Planning Proposal seeks amendments to the Auburn and Holroyd LEPs to address issues raised as a result of this, as discussed throughout this Planning Proposal and Council reports.</p> <p>On 5 July 2018, Cumberland Council was granted a deferred application of the Code until 1 July 2019. The amendment to the Auburn and Holroyd LEPs as sought under this Planning Proposal should be finalised by 1 July 2019.</p>
	Affordable Rental Housing 2009	Aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	<p>Applies State-wide Justifiably Inconsistent - outside the control of Council</p> <p>Permitting complying development for dual occupancies in the R2 zones, and manor houses, terraces, and dual occupancies in the R3 zones, at the lot sizes and FSRs proposed in the <i>Low Rise Medium Density Housing Code</i> would discourage applicants from providing infill affordable housing in these forms via the Affordable Rental Housing SEPP, as the Code provides for similar development potential for such sites in many instances.</p>
	Urban Renewal 2010	Aims to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts	<p>Applies Cumberland LGA Applies to land within a potential precinct – land identified as a potential urban renewal precinct. This includes Granville - parts of which are within the Cumberland LGA.</p>
	Three Ports 2013	Aims to provide consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and Port Newcastle.	<p>Does not apply to Cumberland LGA Applies to the land within Botany City Council in the area known as Port Botany. It also applies to land within Wollongong City Council in an area known as Port Kembla and land within New Castle City Council in an area known as Port Newcastle.</p>

Deemed SEPPs

No	Title	Summary	Application and Consistency
9	Extractive Industry No. 2 1995	Aims to facilitate development of extractive industries in proximity to the population of the Sydney Metropolitan Area.	<p>Applies to the Cumberland LGA Applies to LGAs listed in Schedule 4 (includes former Parramatta and Holroyd LGAs).</p> <p>Not Inconsistent</p> <p>Residential zoned land would not likely be affected by this SEPP.</p>
	SREP (Sydney Harbour Catchment) 2005	<p>Aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole.</p> <p>Planning principles for development under the SEPP include (but are not limited to):</p> <ul style="list-style-type: none"> • Protection and where practicable, improvement of the hydrological, ecological and geomorphological processes on which the catchment depends, • Improvement of water quality, rehabilitation of watercourses, wetlands, riparian corridors remnant native vegetation and ecological connectivity • Protection and rehabilitation of land affected or potentially affected by urban salinity • Minimisation of the disturbance of acid sulfate soils • Reduction of quantity and frequency of urban runoff • Protection of the functioning of natural drainage systems on floodplains • Protection of visual qualities of the foreshores • Take into account the cumulative impacts of development in the catchment. 	<p>Applies to the area of Sydney Harbour, including Parramatta River and its tributaries and the Lane Cove River.</p> <p>Justifiably Inconsistent</p> <p>Applies to some land within the Cumberland LGA. A number of waterways and riparian zones within Cumberland LGA are identified on the <i>SREP Foreshores and Waterways Area Map</i>.</p> <p>Development under the <i>Low Rise Medium Density Housing Code</i> has certain requirements regarding the management of stormwater to support principles of this Plan in relation to the catchment as a whole. However, where sites are located within riparian lands and waterways, it would result in a number of inconsistencies with the principles, both for the catchment as a whole, and for the identified foreshores and waterways.</p> <p>For example, such development would result in increased impermeable surfaces, reduce vegetated riparian areas, and/or areas that could be rehabilitated to assist in filtering pollutants from runoff and protect the stability of creek banks.</p> <p>Limiting the areas by the topographical features as described, means that land near most channelled waterways is not excluded from the Code. It is anticipated that further work to finalise boundaries may be required as part of the work for the comprehensive Cumberland LEP.</p> <p>It is appropriate that any proposed development that would increase density or permeable surfaces on these lands be assessed through the DA process.</p>