

Appendix D: Department's LEP Practice Note PN 09-003



LEP practice note

STANDARD INSTRUMENT FOR LEPS

Note	PN 09-003
Date	12 June 2009
Related	Supersedes (re)classification advice in Best Practice Guideline (1997)

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update (and supersede) previous guidance on the process to classify or reclassify public land through a local environmental plan including a principal plan in accordance with the Standard Instrument.

Introduction

'Public land' is any land (including a public reserve) vested in, or under the control of, council. Exceptions include roads, land to which the *Crown Lands Act 1989* applies, a common, or land to which the *Trustees of Schools of Arts Enabling Act 1902* applies.

'Community' land is generally open to the public, for example, parks, reserves or sports grounds. 'Operational' land may be used for other purposes, for example, as works depots or garages, or held by council as a temporary asset.

'Classification' of public land refers to the process when this land is first acquired and first classified as either 'operational' land or 'community' land.

'Reclassification' of public land refers to the process of changing the classification of 'operational' land to 'community' land or from 'community' land to 'operational' land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- resolution of council under section 31, 32 or 33 of the *Local Government Act 1993* (LG Act) [through section 27(2)], or
- a local environmental plan (LEP) under the *Environmental Planning and Assessment Act 1979* (EP&A Act) [through section 27(1) of the LG Act].

In both cases, it is not possible for councils to delegate their decision to classify or reclassify public land [section 377(1) of the LG Act]. Councils are encouraged to classify or reclassify land through the LG Act wherever circumstances conform to sections 31, 32 or 33 of the LG Act.

The remaining parts of this practice note identify the key areas councils must consider when proposing to classify or reclassify public land by means of a local environmental plan (LEP) under the second option.

This practice note supersedes the sections relating to classification and reclassification in *LEPs and council land*, Best Practice Guideline (Department of Urban Affairs and Planning 1997).

Procedure under the EP&A Act

Where classification or reclassification is proposed through an LEP, council is advised to include the proposal as early as possible in the draft LEP or planning proposal. If the public land to be classified or reclassified is not owned by council, landowner's consent is required prior to either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).¹

The proposal would then form part of the material presented through either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).

¹ In relation to the Part 3 amendment, council should also check the changes to the EP&A Act and Regulation once these commence.

To assist councils, the steps in preparing material either as a draft LEP or planning proposal are summarised in Attachment 1. Column 1 of Attachment 1 sets out the requirements in accordance with the EP&A Act **prior to** the Part 3 amendment commencing. Column 2 of the attachment sets out the requirements **after** the Part 3 amendment commences. In relation to the Part 3 amendment, council should also check the savings and transitional arrangements under the EP&A Act, once these commence.

Where land is proposed to be reserved for a public purpose such as provision of public services and facilities, section 117 Direction 6.2—Reserving Land for Public Purposes applies. The Direction also sets out requirements when a reservation of public land for such purposes is no longer required.

A summary of relevant matters that need to be available at the time the planning proposal is first forwarded are listed in Attachment 2 under 'Exhibition'. Other matters for exhibition and later stages are listed separately in that attachment.

Provisions in the Standard Instrument

The following Standard Instrument provisions are relevant to the classification and reclassification of public land.

Clause 5.2—Classification and reclassification of public land

The purpose of this clause is to enable councils to classify or reclassify public land identified in Schedule 4 of the Standard Instrument. Only public land to be classified or reclassified by publication on the NSW legislation website of that principal LEP is to be identified in the schedule. Schedule 4 must not contain a reference to any land already classified or reclassified.

Part 1 Schedule 4—change to 'operational' land, no interest changes

Land is identified in Part 1 of Schedule 4 where the trusts, estates, interests, dedications, conditions, restrictions or covenants over the land are to remain after reclassification to 'operational land', i.e. where **no** interests will change.

Part 2 Schedule 4—change to 'operational' land and an interest will change

Land is identified in Part 2 of Schedule 4 where the land is to be classified or reclassified as 'operational land' and some of the trusts, estates, interests, dedications, conditions, restrictions, or covenants over the land remain. The interests to remain are identified in column 3 of this part of the schedule.

Part 3 Schedule 4—change to 'community' land

Land proposed to be classified or reclassified as 'community land' through the LEP is identified in Part 3 of the schedule.

Where there is no land to be classified or reclassified through the LEP, the clause remains with the schedule empty.

General requirements for exhibition

Public exhibition of the LEP occurs after certification of the LEP (in accordance with section 66 of the EP&A Act). Public exhibition of a planning proposal may occur in accordance with section 57(2) (when the Part 3 amendment to the EP&A Act commences). To assist the public in understanding an exhibited draft LEP or planning proposal to classify or reclassify land, requirements are summarised in Attachment 2.

A copy of council's response to these requirements together with a copy of this practice note is to be part of material displayed during public exhibition of an LEP or planning proposal to reclassify or classify public land.

Public hearing

A public hearing must be held when 'community land' is proposed to be reclassified as 'operational land'.

To ensure council and the community have sufficient time to consider relevant matters associated with the proposed change, the public hearing is held **after** the close of the exhibition period under section 68 of the EP&A Act (section 29 of the LG Act) for an LEP and in accordance with section 57(6) (when the Part 3 amendment to the EP&A Act commences).

Public hearing provisions are set out in the EP&A Regulation (clause 14) and public notice of a hearing must be sent or published **at least 21 days** before the start of the public hearing.

The independence of the person chairing the public hearing and requirements relating to the preparation and inspection of reports from the hearing are specified in section 47G of the LG Act.

Further information

A copy of this practice note, Standard Instrument, and other specific practice notes and planning circulars on using the Standard Instrument, can be accessed on the Department's website <http://www.planning.nsw.gov.au/lep/index.asp>

Authorised by:

Sam Haddad, Director-General

List of attachments:

1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*
2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Attachment 1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*

Requirements prior to commencement of the 2008 Part 3 amendment to the EP&A Act	Requirements after commencement of the 2008 Part 3 amendment to the EP&A Act when it applies to a proposal
Council notifies the Department of a decision to prepare a draft LEP including a proposal to classify or reclassify public land (section 54 of the EP&A Act). This notification is accompanied by an appropriate level of information including for the following: - a justification for the proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including agency's consent where land is vested or held by an agency other than council - consideration of any relevant directions e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.	A planning proposal is forwarded by council to the Minister (new section 56 of the EP&A Act), including a proposal to classify or reclassify public land. This proposal contains an appropriate level of information including for the following: - a justification for the planning proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including an agency in which the land is vested or held - consideration of any relevant directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.
Consultation with relevant public agencies and other stakeholders (section 62 of the EP&A Act).	See below.
After consultation, council submits a draft LEP to the Department and, subject to the issue of a section 65 certificate, the draft LEP is exhibited for a minimum of 28 days and the public invited to provide written submissions to the exhibited LEP within the exhibition period.	Following review, at the gateway, if the planning proposal is to proceed, requirements for the various stages of the proposal, including consultation requirements, will be provided to council (new section 56(1), 56(2) of the EP&A Act).
Where a draft LEP includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with section 68 of the EP&A Act (section 29 of the Local Government Act). *	Where a planning proposal includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with new section 57(6) of the EP&A Act. *
Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.	Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.
Where it is considered appropriate, the draft LEP is submitted to the Director-General together with details of all submissions and the report of the public hearing, together with a statement of other matters set out in section 68 of the EP&A Act.	Consultation for a planning proposal under new section 57 of the EP&A Act is completed when council has considered any submissions made concerning the proposed instrument and the report of any public hearing. Where the planning proposal is to proceed, the Director-General makes arrangements for the drafting of the LEP to give effect to the final proposal (new section 59 of the EP&A Act).
The Director-General furnishes a report to the Minister if the Director-General is satisfied that the draft LEP has been prepared in accordance with any applicable standard instrument under section 33A (section 69 of the EP&A Act).	
The Minister determines whether to make the LEP under section 70 of the EP&A Act. **	The Minister (or Minister's delegate) determines whether to make the LEP under new section 59 of the EP&A Act. **

Notes:

* Where a proposal includes a classification of 'operational' land to 'community' land, a public hearing is not generally required.

** Where a reclassification proposes to extinguish other interests in the land, the approval of the Governor is required in accordance with section 30 of the LG Act.

Attachment 2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Exhibition

When exhibiting a planning proposal or draft LEP to classify or reclassify public land, council must provide a written statement including the following:

- the reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, council's intention to dispose of the land, provision of open space in a town centre
- the current and proposed classification of the land
- the reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification
- council's ownership of the land, if this applies
- the nature of council's interest in the land, e.g. council has a 50 year lease over the site
- how and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94
- the reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency
- any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement
- an indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre
- the asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially
- whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either

immediately after rezoning/reclassification or at a later time

- Relevant matters required in plan making under the EP&A Act
- A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies.

Post-exhibition

Once a decision has been made regarding whether the draft LEP or planning proposal proceeds, everyone who made a written submission must be notified in writing of the decision.

Written notification must occur within 14 days of the decision and needs to clearly identify the reasons for council's decision. An explanation must be included of how issues raised in submissions were addressed including the reasons for council's decision.

The final report after exhibition to either the Director-General or the Minister should include:

- a brief summary of council's interest in the land
- issues raised in any relevant submissions
- the dates of the exhibition and the hearing
- an explanation of how issues raised were addressed or resolved.

Additional matters to be addressed when the Governor's approval is required

The Governor's approval is required for the extinguishment of public reserve status and other interests in land which a council proposes to reclassify from 'community' to 'operational' status under the LG Act.

Council must provide sufficient information in accordance with this practice note to inform the Minister of any public reserve and/or other third party property interests (e.g. trust, covenant, easement) that are proposed to be extinguished upon the making of such a draft LEP or planning proposal.

Important note

This note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this note.

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Appendix E: Written Statement of Council's Interest

This 'written statement of Council's interest' is prepared for Lot 22 Eric Crescent, Lidcombe to address requirements of Department's LEP Practice Note 09-003 dated 12 June 2009:

- **The reasons why the PP is being prepared?**

In 2002, Auburn City Council carried out a review of its property portfolio which included the removal of various encumbrances of thirty nine properties. This review identified a few land parcels including Lot 22 Eric Crescent, Lidcombe (Lot 22 DP 219238) as surplus to Council's open space needs. Council's Meeting of 5 June 2002 (CCL31-02) resolved to reclassify the subject site (site to which the planning proposal applied) from 'community' to 'operational'.

Following this, Council when implementing the reclassification for the site as resolved, discovered the site was not owned by Council, and was held by a private owner with a mortgage. In 2009, the site's ownership was eventually transferred to Council and was further vested with a 'public reserve' notation on its title.

Legal advice received from Council solicitors and subsequently confirmed by NSW Land and Property Information Services (NSW LPI) required a fresh LEP amendment to reclassify the land, because the site was classified as 'community' land.

This matter was reported to Council's meeting of 17 December 2014 (Item 383/14), and resolved below:

- "1. That pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, Council prepare a Planning Proposal to amend the Auburn Local Environment Plan 2010 to reclassify land in Eric Crescent, Lidcombe known as Lot 22, DP 219238 from Community Land to Operational Land.***
- 2. That the General Manager be authorised to deal and proceed with matters associated with the consolidation of Lot 22 DP 219238 with Lot 3, DP 555190 and the subsequent sale of the consolidated lot, subject to independent valuation advice.*
- 3. That the Mayor and General Manager to authorised to sign and seal documentation associated with the sale of the subject land".*

The planning proposal seeks to address Part 1 of Council's resolution (shown bold black) to reclassify the subject site from 'community' to 'operational' land.

- **The site's current and proposed classification**

The site to which the proposal applies is currently classified as community land since the site is a public reserve, and is listed under Council's 'Plan of Management for Parks' (Item 27 of p.11).

- **Reasons for reclassification and how it relates to future use of the land?**

Reasons for reclassification are as follows:

- To enable Council to dispose of the surplus land which is currently a burden on Council's operational resources and provides negligible recreational benefit as public open space; and

- To enable the land classification to be consistent with the existing *Auburn LEP 2010* zoning controls to consolidate and develop the site.

The site to which the proposal applies is currently zoned R3 Medium Density Residential under the *Auburn LEP 2010*. In addition, to reclassifying the site from Community to Operational land, the proposal further intends to remove the existing 'public reserve' notation from the Certificate of Title for operational purposes (refer to Table 2 for more information). This will enable the site to be consolidated and developed accordingly to reflect its zoning.

- **Council ownership of the land?**

The land is currently owned by Council.

- **Nature of Council's interest in the land and how and when it was acquired?**

The site was originally registered on 27 February 1964 to a private owner (Trans Development Pty Limited) till 4 September 2009, prior to Council owning the land. The site was also considered as 'public land' since it included a notation titled "public garden and recreation space".

Further Council's *Plan of Management for Parks* also indicates the site as reserved for park (Item 27, p.11).

- **The reasons why Council acquired an interest in the land?**

The land appears to have been originally acquired for the potential development or use of public open space.

Any agreements over the land together with their duration, control, terms, agreement to dispose of the land etc.

Not known.

- **An indication, as minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise.**

By reclassifying the land from community to operational land, Council can dispose of the lands by selling the land in the open market. The sale of the land allows Council to realise a financial gain which will enable Council to reinvest the funds to provide additional benefits and facilities to the Community.

- **The asset management objectives being pursued the manner in which they will be achieved and the type of benefits the Council wants.**

Council's asset management plan aims to *inter alia*; to ensure that Council is achieving and equitable balance between the provision of appropriate services and facilities for its community in accordance with the level of resources available.

Council's aim is to ensure that it is achieving the best value in a monetary sense and in the level of services and facilities it provides to its community.

- **Whether there has been an agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset either immediately after rezoning/or at a later time.**

There has not been any agreement for the sale or the lease of the site.

Council has received enquiries from interested parties wishing to purchase the land since conducting its property review and transfer of land ownership in 2009.

Council's intentions are to realise proceeds from the sale of the site at the conclusion of the reclassification process.

Appendix F: Consistency with Strategic Policy Framework

State Environmental Planning Policies (SEPPs)

No.	Title	Summary	PP application's consistency with the SEPP
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 Auburn LGA. SEPP repealed by <i>Auburn LEP 2010</i> (clause 1.9)
14	Coastal Wetlands	Aims to ensure the State's coastal wetlands are preserved and protected.	Does not apply to Auburn LGA. Applies to specified land under the National Parks & Wildlife Act, the Tomago Aluminium Smelter (Newcastle) and land to which SEPP 26 applies.
15	Rural Land sharing Communities	Aims to facilitate the development of rural land sharing communities committed to environmentally sensitive and sustainable land use practices.	Does not apply to Auburn LGA.
19	Bushland in Urban Areas	Aims to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.	Applies to State The site to which the proposal applies is not affected by bushland. Consistent
21	Caravan Parks	Aims to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short and long term residents.	Applies to State except land to which SEPP (Western Sydney Parklands) applies. Consistent
26	Littoral Rainforests	Aims to protect littoral rainforests from development.	Does not apply to Auburn LGA

No.	Title	Summary	PP application's consistency with the SEPP
29	Western Sydney Recreation Area	Aims to enable the carrying out of development for recreational, sporting and cultural purposes within the Western Sydney Recreation Area	Does not apply to Auburn LGA (Applies to land within Western Sydney Parklands - Eastern Creek, Prospect, Horsley Park and Hoxton Park)
30	Intensive Agriculture	Establishes the requirement for development consent and additional requirements for cattle feedlots and piggeries.	Applies to State Consistent
32	Urban Consolidation (Redevelopment of Urban Land)	Aims to facilitate surplus urban land redevelopment for multi-unit housing and related development in a timely manner.	Applies to State Applies to all urban land, except Western Sydney Parklands under that SEPP Consistent
33	Hazardous and Offensive Development	Aims to provide additional support and requirements for hazardous and offensive development	Applies to State Consistent
36	Manufactured Home Estates	Aims to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	Does not apply to Auburn LGA Applies to land outside the Sydney Region.
39	Spit Island Bird Habitat	Aims to enable development for the purposes of creating and protecting bird habitat.	Does not apply to Auburn LGA Applies to land comprising Spit Island, Towra Point and Kurnell
44	Koala Habitat Protection	Aims to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas	Does not apply to the Auburn LGA Auburn LGA not listed in Schedule 1
47	Moore Park Showground	Aims to enable redevelopment of Moore Park Showground consistent with its status as being of State and regional planning importance.	Does not apply to the Auburn LGA
50	Canal Estate Development	Prohibits canal estate development	Applies to State, except Penrith Lakes Consistent

No.	Title	Summary	PP application's consistency with the SEPP
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Requires environmental assessment under Part 4 of the EPA for artificial water bodies carried out under farm plans that implement land and water management plans.	Does not apply to the Auburn LGA
55	Remediation of Land	Provides a State wide planning approach for the remediation of contaminated land.	Applies to State The site to which the proposal applies seeks to reclassify the land from community to operational. Any further contamination issues to be considered at the DA stage if required. Consistent
59	Central Western Sydney Regional Open Space and Residential	Aims to provide for residential development on suitable land as identified in the Policy to assist in accommodating the projected population growth of Western Sydney	Does not apply to the Auburn LGA Applies to land identified as Regional Open Space Zone and Residential Zone within the Western Sydney Parklands
62	Sustainable Aquaculture	Aims to encourage and regulate sustainable aquaculture development	Applies to State Consistent
64	Advertising and Signage	Aims to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	Applies to State Consistent
65	Design Quality of Residential Flat Development	Aims to improve the design qualities of residential flat building development in New South Wales.	Applies to State , except Kosciusko SEPP area The site to which the proposal applies is currently zoned R3 Medium Density Residential, and seeks only to reclassify the land from community to operational. Not applicable
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 Auburn LGA Applies to land within the Greater Metropolitan Region. Specifically mentions Ultimo/Pymont precinct, City of Willoughby and Green Square.

No.	Title	Summary	PP application's consistency with the SEPP
71	Coastal Protection	Aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.	Does not apply to Auburn LGA Applies to land within the coastal zone, as per maps of SEPP.
	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.	Applies to State To be considered at DA stage if required. Consistent
	Building Sustainability Index: BASIX 2004	Aims to ensure consistency in the implementation of the BASIX scheme throughout the State	Applies to State To be considered at DA stage if required. Consistent
	Exempt and Complying Development Codes 2008	Aims to provide streamlined assessment process for development that complies with specified development standards.	Applies to State To be considered at the DA stage if required. Consistent
	Housing for Seniors or People with a Disability 2004	Aims to encourage the provision of housing to meet the needs of seniors or people with a disability.	Applies to State To be considered at the DA stage if required. Consistent
	Infrastructure 2007	Aims to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	Applies to State To be considered at the DA stage if required. Consistent
	Kosciuszko National Park – Alpine Resorts 2007	Aims to protect and enhance the natural environment of the alpine resorts area.	Does not apply to Auburn LGA Applies only to specified land within Kosciuszko National Park, Kosciuszko Road and Alpine Way.
	Kurnell Peninsula 1989		Does not apply to Auburn LGA Applies to the land within Sutherland Shire known as Kurnell Peninsula. Excludes some land under SSLEP 2006.

No.	Title	Summary	PP application's consistency with the SEPP
	Major Development 2005	Aims to facilitate the development or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. Also to facilitate service delivery outcomes for a range of public services.	Applies to State Consistent
	Mining, Petroleum and Extractive Industries 2007	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources	Applies to State Consistent
	Penrith Lakes Scheme 1989	Aims to provide a development control process establishing environmental and technical matters which must be taken into account in implementing the Penrith Lakes Scheme in order to protect the environment.	Does not apply to Auburn LGA
	Rural Lands 2008	Aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes	Does not apply to Auburn LGA
	SEPP 53 Transitional Provisions 2011	Aims to enact transitional provisions consequent on the repeal of SEPP 53 - Metropolitan Residential Development.	Does not apply to Auburn LGA Applies only to specified land in Kuring-gai LGA.
	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	Applies to State Consistent
	Sydney Drinking Water Catchment 2011	Aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.	Does not apply to Auburn LGA Applies to land within the Sydney drinking water catchment.
	Sydney Region Growth Centres 2006	Aims to co-ordinate the release of land for development in the North West and South West Growth Centres.	Does not apply to Auburn LGA. Applies to all land in a 'growth centre' (North West Growth Centre or the South West Growth Centre)

No.	Title	Summary	PP application's consistency with the SEPP
	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.	Does not apply to Auburn 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.
	Urban Renewal 2010	Aims to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts	Does not apply to Auburn LGA Applies to land within a potential precinct – land identified as a potential urban renewal precinct. This includes Redfern-Waterloo, Granville and Newcastle.
	Kosciuszko National Park – Alpine Resorts 2007	Aims to protect and enhance the natural environment of the alpine resorts area.	Does not apply to Auburn LGA Applies only to specified land within Kosciuszko National Park, Kosciuszko Road and Alpine Way.
	Rural Lands 2008	Aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes	Does not apply to Auburn LGA
	SEPP 53 Transitional Provisions 2011	Aims to enact transitional provisions consequent on the repeal of SEPP 53 - Metropolitan Residential Development.	Does not apply to Auburn LGA Applies only to specified land in Kuring-gai LGA.
	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	Applies to State Consistent
	Sydney Drinking Water Catchment 2011	Aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.	Does not apply to Auburn LGA Applies to land within the Sydney drinking water catchment.
	Western Sydney Employment Area 2009	Aims to promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development	Does not apply to Auburn LGA

No.	Title	Summary	PP application's consistency with the SEPP
	Exempt and Complying Development Codes 2008	Aims to provide streamlined assessment process for development that complies with specified development standards.	Applies to State Consistent
	Western Sydney Parklands 2009	Aims to ensure the Western Sydney Parkland can be developed as urban parkland to serve the Western Sydney Region.	Does not apply to Auburn LGA Applies to land within the Blacktown, Fairfield and Holroyd LGAs (Quakers Hill to West Hoxton)

State Regional Environmental Plans (Deemed SEPPs)

No	Title	Summary	Application
8	Central Coast Plateau	Aims to implement the state's urban consolidation policy.	Does not apply to the Auburn LGA. Applies to nominated land in the NSW Central Coast.
9	Extractive Industry No. 2 1995	Aims to facilitate development of extractive industries in proximity to the population of the Sydney Metropolitan Area.	Does not apply to the Auburn LGA. Applies to LGAs listed in Schedule 4 of the SREP.
16	Walsh Bay	Aims to regulate the use and development of the Walsh Bay area.	Does not apply to the Auburn LGA. Applies to land within the City of Sydney and within Sydney Harbour.
18	Public transport corridors	Aims to protect provision for future public transport facilities.	Does not apply to the Auburn LGA. Applies to the Fairfield, Parramatta, Holroyd and Baulkham Hills LGAs.
19	Rouse Hill Development Area	Aims to provide for the orderly and economic development of the RHDA.	Does not apply to the Auburn LGA. Applies to area defined by policy. Note: Rouse Hill is in The Hills and Blacktown LGAs.
20	Hawkesbury Nepean River No.2 1997	Aims to protect the Hawkesbury-Nepean River System.	Does not apply to the Auburn LGA. Applies to certain LGAs within Greater Metropolitan Region.
24	Homebush Bay Area	Aims to encourage the co-ordinated and environmentally sensitive development of the Homebush Bay area	Does not apply to land to which ALEP 2010 applies (clause 1.9). Applies to rest of Auburn LGA – refer to <i>State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Land Application Map</i> . Consistent

No	Title	Summary	Application
26	City West	Aims to promote the orderly and economic use and development of land within City West.	Does not apply to the Auburn LGA. Applies to land shown as City West area (Pyrmont and Ultimo)
30	St Marys	Aims to support the redevelopment of St Marys by providing a framework for sustainable development.	Does not apply to the Auburn LGA. Applies to specified land within the Blacktown and Penrith LGAs
33	Cooks Cove	Establishes the zoning and development controls for the Cooks Cove site.	Does not apply to the Auburn LGA. Applies to specified land at Cooks Cove within the suburb of Arncliffe.
	Sydney Harbour Catchment 2005	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.	Applies to the area of Sydney Harbour, including Parramatta River and its tributaries and the Lane Cove River. Applies to land within the Auburn LGA. Consistent

Section 117 Directions

Section 117 directions apply to planning proposals lodged with Department of Planning and Environment

Direction	Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones	Not Applicable The site to which the proposal applies is currently zoned R3 Medium Density Residential, and is located within the Lidcombe Town Centre. The proposal does not rezone or amend the principal development standards resulting in a loss of regionally and strategically significant employment lands within the LGA.
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable The site to which the proposal applies is not affected by flooding under the Auburn LEP 2010.
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	Not applicable The site to which the proposal applies is not affected by environmental heritage under the Auburn LEP 2010.
2.4 Recreation Vehicle Areas	Not applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent The site to which the proposal applies is currently residential zoned land that encourages the provision of housing.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable

Direction	Consistency
3.3 Home Occupations	Consistent Does not change the permissibility of home occupations.
3.4 Integrating Land Use and Transport <i>What a relevant planning authority must do if this direction applies</i> A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> , and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). <i>Consistency</i> A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance.	Consistent The site to which the proposal applies is located 630 metres from Lidcombe's Town Centre and Railway Station. The site is serviced by existing Sydney and Transdev bus transport services and cycle routes which can be accessed within 5-10 minutes walking distance from the site. The proposal is broadly consistent with the objectives and principles of the mentioned DP&E policies. The site to which the proposal applies is predominantly residential land. Any subsequent issues relating to car parking would be addressed at the DA stage after the site is reclassified to operational land.
3.5 Development Near Licensed Aerodromes	Not applicable
3.6 Shooting Ranges	Not applicable

Direction	Consistency
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Consistent The site to which the proposal applies is affected by Class 5 Acid Sulphate Soils. Any future DAs to redevelop the site would need compliance with Acid Sulphate Soils Management Plan in accordance with clause 6.1(3) of the <i>Auburn LEP 2010</i>.
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Land	Not applicable The site to which the proposal applies is not affected by flooding.
4.4 Planning for Bushfire Protection	Not applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking Water Catchments	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not applicable
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	Not applicable
6.2 Reserving Land for Public Purposes	The site to which the proposal applies is currently identified as surplus to Council's open space needs and is classified as community land. The reclassification of the site from community to operational would enable Council to dispose of the land and facilitate the development of the land accordingly with the site's existing R3 Medium Density Residential zoning.

Direction	Consistency
	A public hearing will also be held after exhibition of the proposal to meet section 29(1) requirements of the <i>Local Government Act 1993</i> .
6.3 Site Specific Provisions	Not applicable
7. Metropolitan Planning	
7.1 Implementation of <i>A Plan for Growing Sydney</i>	The proposal is consistent with the following action: • 2.1.1 - Accelerate Housing Supply and Local Housing Choices