

Appendix 8 – Consistency with applicable SEPP’s and Section 9.1 Ministerial Directions

CONSISTENCY WITH STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP	Applicable <i>Does the SEPP chapter apply to the subject land?</i>	Relevant <i>Is the SEPP chapter relevant to the Planning Proposal?</i>	Aim of SEPP	Consistent <i>Is the Planning Proposal consistent with the SEPP chapter?</i>	Comment <i>Explain why the Planning Proposal is consistent or justifiably inconsistent with the SEPP chapter.</i>
SEPP (BIODIVERSITY AND CONSERVATION) 2021					
Ch 2 Vegetation in non-rural areas	No				
Ch 3 Koala habitat protection 2020	No				
Ch 4 Koala habitat protection 2021	No				
Ch 5 River Murray lands	No				
Ch 6 Bushland in urban areas	No				
Ch 7 Canal estate development	No				

SEPP	Applicable <i>Does the SEPP chapter apply to the subject land?</i>	Relevant <i>Is the SEPP chapter relevant to the Planning Proposal?</i>	Aim of SEPP	Consistent <i>Is the Planning Proposal consistent with the SEPP chapter?</i>	Comment <i>Explain why the Planning Proposal is consistent or justifiably inconsistent with the SEPP chapter.</i>
Ch 8 Sydney drinking water catchment	No				
Ch 9 Hawkesbury-Nepean River	Yes		The aim of this Chapter is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.	Yes	The Planning Proposal will not prevent either the existing or future application of this chapter.
Ch 10 Sydney Harbour Catchment	No				
Ch 11 Georges River Catchment	No				
Ch 12 Willandra Lakes Region World Heritage Property	No				
SEPP (HOUSING) 2021					

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Ch 2 Affordable housing	Yes	Yes	This Policy identifies that there is a need for affordable housing within each area of the State.	Yes	The Planning Proposal will not prevent either the existing or future application of this chapter.
Ch 3 Diverse housing	Yes	Yes	See SEPP Part 1-10	Yes	The Planning Proposal will not prevent either the existing or future application of this chapter.
SEPP (INDUSTRY AND EMPLOYMENT) 2021					
Ch 2 Western Sydney Employment Area	No	No			Not applicable as the chapter does not apply to the subject land.
Ch 3 Advertising and signage	Yes	Yes	Ensure signage is compatible with desired amenity, provides effective communication in suitable locations, high quality design and finish, regulate display, timing of signage (not content) and signage in transport corridors.	Yes	The Planning Proposal is consistent as no additional provisions relating to signage are proposed. Chapter 3 will continue to apply to the site.

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SEPP (PRIMARY PRODUCTION) 2021					
Ch 2 Primary production and rural development	No				
Ch 3 Central Coast plateau areas	No				
SEPP (RESILIENCE AND HAZARDS) 2021					
Ch 2 Coastal management	No				
Ch 3 Hazardous and offensive development	No				
Ch 4 Remediation of land	Yes	Yes	Provide for a Statewide planning approach to the remediation of contaminated land. To promote the remediation of contaminated land for the purpose	Yes	Preliminary Investigations confirm that previous land uses have the potential to cause contamination which is typical of any greenfield release area. Further investigations to be completed prior to development.

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			of reducing the risk of harm to human health or any other aspect of the environment		
SEPP (RESOURCES AND ENERGY) 2021					
Ch 2 Mining, petroleum production and extractive industries	No				
Ch 3 Extractive industries in Sydney area	No				
SEPP (TRANSPORT AND INFRASTRUCTURE) 2021					
Ch 2 Infrastructure	Yes	Yes	To facilitate the effective delivery of infrastructure across the State.	Yes	The Planning Proposal does not prevent the application of this chapter.
Ch 3 Educational establishments and child care facilities	Yes	Yes	To facilitate the effective delivery of educational establishments and early	Yes	The Planning Proposal does not prevent the application of this chapter.

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			education and care facilities across the State .		
Ch 4 Major infrastructure corridors	No				
Ch 5 Three ports – Port Botany, Port Kembla and Newcastle	No				
PLANNING SYSTEMS					
SEPP (Planning Systems) 2021					
Ch 2 State and regional development	No				Not Applicable. The Planning Proposal however does not prevent the application of this SEPP for state significant or critical infrastructure projects.
Ch 3 Aboriginal land	No				

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Ch 4 Concurrences and consents	No				The Planning Proposal does not prevent the application of this chapter.
SEPP (Exempt and Complying Development Codes) 2008	Yes				Exempt and complying development under this SEPP will continue to apply to the land.
SEPP (Precincts – Western Parkland City) 2021	No				
Ch 2 State significant precincts	No				
Ch 3 Sydney region growth centres	No				
Ch 4 Western Sydney Aerotropolis	No				The Planning Proposal does not prevent the application of this chapter.
Ch 5 Penrith Lakes Scheme	No				
Ch 6 St Marys	No				

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Ch 7 Western Sydney Parklands	No				

CONSISTENCY WITH SECTION 9.1 LOCAL PLANNING DIRECTIONS

Direction	Applicable <i>Does the Direction apply to the subject land?</i>	Aim of Direction	Consistent <i>Is the Planning Proposal consistent with the Direction?</i>	Comment <i>Explain why the Planning Proposal is consistent or justifiably inconsistent with the Direction.</i>
Focus Area 1: PLANNING SYSTEMS				
1.1 Implementation of Region Plans	Yes	To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans; i.e. Greater Sydney Region Plan.	Yes.	The Planning Proposal is consistent with the Western City District Plan. See Planning Proposal document.
1.2 Development of Aboriginal Land Council land	No			
1.3 Approval and Referral Requirements	Yes	To ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Yes	No new unnecessary referral or concurrence conditions are proposed as part of the Planning Proposal.

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1.4 Site Specific Provisions	Yes	To discourage unnecessarily restrictive site specific planning controls.	Yes	The Planning Proposal utilises appropriate zones to achieve the intended land use outcomes. To allow flexibility in the location of a temporary sales and marketing suite to be handed at the finish of the release to Council for community uses, and to enable freestanding residential flat development on the B2 Local Centre Zone, it is proposed to use clause 2.8 of the LEP to allow for these to be listed in Schedule 1 as an additional permitted use. This approach does not impose any additional development standards and is consistent with this direction.
Focus Area 1: Planning Systems – Place-based				
1.5 Parramatta Road Corridor Urban Transformation Strategy	No			
1.6 Implementation of North West Priority Growth Area Land	No			

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Use and Infrastructure Implementation Plan				
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No			
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No			
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	No			
1.10 Implementation of the Western Sydney Aerotropolis Plan	No.	To ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020.	Yes	The Planning Proposal is consistent with the Western Sydney Aerotropolis Plan, noting that it is located outside the bounds of the relevant Aerotropolis Precincts.

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1.11 Implementation of Bayside West Precincts 2036 Plan	No			
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	No			
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	No			
1.14 Implementation of Greater Macarthur 2040	No			
1.15 Implementation of the Pymont Peninsula Place Strategy	No			
1.16 North West Rail Link Corridor Strategy	No			
1.17 Implementation of the Bays West Place Strategy	No			

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Focus Area 2: Design and Place				
<i>To be added when Design and Place SEPP made</i>				
Focus Area 3: Biodiversity and Conservation				
3.1 Conservation Zones	Yes	To protect and conserve environmentally sensitive areas.	Yes	The Planning Proposal introduces conservation zones in accordance with the Draft Cumberland Plain Conservation Plan (CPCP) to apply to riparian areas and remnant vegetation on the land. This land will be included in an C2 Environmental Conservation zone or RE1 Public Recreation zone with limited permitted uses focussed on environmental works and limited passive recreation. The land will be dedicated to Council.
3.2 Heritage Conservation	Yes	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.		The Planning Proposal does not propose changes to the LEP clause or Maps relating to Heritage. All future Development Applications submitted will be required to comply with the relevant provisions within the LEP, National Parks and Wildlife Act and Heritage Act. The Planning Proposal is consistent with this Direction.

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3.3 Sydney Drinking Water Catchments	No			
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No			
3.5 Recreation Vehicle Areas	Yes	To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Yes	Not relevant to this planning proposal. This Planning Proposal does not enable land to be developed for a recreation vehicle area.
Focus Area 4: Resilience and Hazards				
4.1 Flooding	Yes	To ensure that the development of flood prone land is consistent with NSW Government's Flood Prone Land Policy and ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood	Yes	Not applicable. The site is not identified as flood prone land.

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		behaviour and includes consideration of the potential flood impacts both on and off the subject land.		
4.2 Coastal Management	No			
4.3 Planning for Bushfire Protection	Yes	To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and encourage sound management of bush fire prone areas.	Yes	Any future development on site will have regard to Planning for Bushfire Protection (PBP) 2006. The Planning Proposal has acknowledged that since the time the Planning Proposal was lodged (21 May 2018) Planning for Bushfire Protection 2019 has come into affect. As this Planning Proposal was submitted prior to the 1 March 2020 PBP 2006 remains the valid assessment document for this matter. This is outlined in DPIE's Planning Circular PS-001 <i>Planning for Bushfire Protection 2019</i> . The Planning Proposal investigations confirm that bush fire hazards can be addressed by Asset Protection Zones within the site by use of perimeter roads, setbacks and building construction. Further the master plan has been reviewed by a bushfire consultant to ensure appropriate fire truck access and evacuation.

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				Council will consult the NSW Rural Fire Service on the Planning Proposal, which will provide the information to demonstrate compliance with the provisions of this Direction. The Planning Proposal is consistent with this direction.
4.4 Remediation of Contaminated Land	Yes	To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	Yes	Contaminated lands have been previously investigated under the Preliminary Site Investigation and High Level Risk Assessment, requiring that Detailed Site Investigations, and if required, a Remediation Action Plan should be undertaken at the Development Application Stage pursuant with Chapter 4 of the Resilience and Hazards SEPP (previously SEPP 55).
4.5 Acid Sulfate Soils	No			The Planning Proposal does not affect land within an acid sulphate soils area.
4.6 Mine Subsidence and Unstable Land	No			The land is not within an identified Mine Subsidence area.
Focus Area 5: Transport and Infrastructure				

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5.1 Integrating Land Use and Transport	Yes	<p>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport,</p> <p>(b) increasing the choice of available transport and reducing dependence on cars,</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car,</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p>	Yes	<p>Land uses have been located to ensure access to key transport nodes/networks are provided via appropriate road, cycle and pedestrian linkages. The Planning Proposal provides for pedestrian and cycle connections to Glenmore Park Stage 2 and The Northern Road.</p> <p>The Planning Proposal is consistent with this Ministerial Direction.</p>

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		(e) providing for the efficient movement of freight.		
5.2 Reserving Land for Public Purposes	Yes	To facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required from acquisition.	Yes	<p>The Planning Proposal does not alter the extent of land already nominated for acquisition by Transport for New South Wales.</p> <p>Consistent with previous Stages of Glenmore Park, the open space will be delivered as part of the VPA and s7.11 Contributions Plan and hence does not require reservation.</p> <p>Consultation with SINSW has identified the need for land to provide a school, this land will be zoned SP2 Infrastructure.</p> <p>The Planning Proposal is consistent with this Direction.</p>
5.3 Development Near Regulated Airports and Defence Airfields	No			

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5.4 Shooting Ranges	No			The Proposal does not impact on provisions relating to shooting ranges.
Focus Area 6: Housing				
6.1 Residential Zones	Yes	To encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	Yes	<p>The Planning Proposal is consistent with this Direction as the proposed land use provisions will:</p> <ul style="list-style-type: none"> • broaden the choice of building types and locations available in the housing market, • achieve a high-quality urban design outcome. • contain provisions that residential development is not permitted until land is adequately serviced, and • does not contain provisions which will reduce the permissible residential density of land. <p>The Planning Proposal is therefore consistent with this Direction.</p>
6.2 Caravan Parks and Manufactured Home Estates	Yes	To provide for a variety of housing types, and provide opportunities for	Yes	The Planning Proposal does not incorporate provision for Caravan Parks. The Planning Proposal is consistent with this Direction.

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		caravan parks and manufactured home estates.		
Focus Area 7: Industry and Employment				
7.1 Business and Industrial Zones	Yes	To encourage employment growth in suitable locations, protect employment land in business and industrial lands and support the viability of identified strategic centres.	Yes	The Planning Proposal introduces a B2 Local Centre Zone to provide retail services of up to 5.000m ² for the new community. The proposed Local Centre is included in a retail assessment by Urbis.
7.2 Reduction in non-hosted short-term rental accommodation period	No			
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	No			
Focus Area 8: Resources and Energy				

Direction	Applicable <i>Does the Direction apply to the subject land?</i>	Aim of Direction	Consistent <i>Is the Planning Proposal consistent with the Direction?</i>	Comment <i>Explain why the Planning Proposal is consistent or justifiably inconsistent with the Direction.</i>
8.1 Mining, Petroleum Production and Extractive Industries	No	To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.		The Planning Proposal does not prevent the application of this Ministerial Direction.
Focus Area 9: Primary Production				
9.1 Rural Zones	Yes	To protect the agricultural production value of rural land.	Yes	The Planning Proposal will replace the RU2 Rural Landscape and E3 Environmental Management zone with an urban zone. The land is identified as being Class 3 agricultural land and is fragmented into lots between 2ha, 10ha and the residue lot from the adjoining urban subdivision. The rezoning would represent a minor decrease in agricultural land in Sydney. Class 3 also represents land with some constraints to agricultural production including slopes above 5% creating an erosion hazard. The investigations as part of the Planning Proposal confirm the urban capability and physical suitability for the land for urban purposes. A High-Level

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				Agricultural Impact 62 Report has been submitted as part of this Planning Proposal in Appendix 2 (Attachment L). The inconsistency is of a minor nature.
9.2 Rural Lands	No			Not applicable. The direction applies to all local government areas in the State except for local government areas in the Greater Sydney Region and other locations.
9.3 Oyster Aquaculture	No			
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	No			