

Attachment N: Consistency with applicable State Environmental Planning Policies

Gateway Question Part 3, Section B, Question 5

SEPPs	Consistency
<p><i>State Environmental Planning Policy No 1 – Development Standards</i></p>	<p>Consistent.</p> <p>SEPP 1 seeks to provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder development.</p> <p>The proposal is consistent with this policy. In accordance with Council’s resolution, a development control plan will be created for the St Leonards South area and exhibited with the proposal.</p> <p>The intent of the DCP will seek to guide development in order to achieve the 10 planning principles/standards contained within the St Leonards South Masterplan for a high amenity residential precinct.</p> <p>Furthermore, the LEP and DCP controls have been developed with a degree of flexibility already established within them, allowing for specified public benefits while still being cost-effective for a developer. Hence, compliance with these flexible controls should not be considered unreasonable or unnecessary.</p>
<p><i>State Environmental Planning Policy No 19 – Bushland in Urban Areas</i></p>	<p>Consistent.</p> <p>The general intent of this policy is to protect and preserve bushland within specified urban areas.</p>

	<p>Land within the St Leonards South area does contain nor adjoin any SEPP 19 bushland. It will not result in the removal of any bushland on the site.</p>
<p><i>State Environmental Planning Policy No 26 – Littoral Rainforests</i></p>	<p>Does not apply.</p>
<p><i>State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land)</i></p>	<p>Consistent.</p> <p>This policy of urban consolidation seeks to “promote the social and economic welfare of the State and a better environment by enabling:</p> <ul style="list-style-type: none"> - the location of housing in areas where there are existing public infra-structure, transport and community facilities, and - increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and - the reduction in the rate at which land is released for development on the fringe of existing urban areas”. <p>Provisions of this planning proposal seek to increase residential density in the area within 400 metres of an existing railway station (St Leonards) – this is also consistent with the relevant State Government land use and transport planning policies.</p> <p>Therefore, the planning proposal is consistent with this policy.</p>
<p><i>State Environmental Planning Policy No 55 – Remediation of Land</i></p>	<p>Consistent.</p> <p>This policy deals with the remediation of contaminated land and is applicable when either rezoning land or considering a development application.</p>

	<p>Under clause 6, a planning authority (when rezoning) must consider:</p> <ul style="list-style-type: none"> • whether the subject land is contaminated; • if it is, whether the proposed zone is suitable for the permissible uses of the new zone; and • if the land requires remediation to make the land suitable for the proposed zone. <p>Further advice, in relation to contamination, will be received from Council's Manager Environmental Health prior to finalisation.</p>
<p><i>State Environmental Planning Policy No 65 – Design Quality Of Residential Apartment Development</i></p>	<p>Consistent.</p> <p>This policy applies to development for purposes of residential flat buildings, shop top housing or mixed use development with a residential component.</p> <p>The St Leonards South Master plan was designed with the aim that all buildings, within & adjoining the precinct, would be able to achieve the requirements of SEPP 65 and the accompanying Apartment Design Guide.</p> <p>Built form analysis focused on buildings within the precinct that would generally be able to achieve the minimum provisions of the Apartment Design Guide provided that:</p> <ul style="list-style-type: none"> - Buildings were orientated in North-South alignment only (as shown in the Master Plan); - There was a 12 metre building setback from the rear boundary (this allows for 24 metres separation between buildings); - Given the proximity to adjoining residential houses – a high level of street tree planting is essential to obtain visual

	<p>transition.</p> <p>While previous building envelope modelling indicated that most buildings would generally be able to comply with most of the Apartment Design Guide provisions, 2 hours solar access in mid-winter has proved difficult to achieve across the precinct.</p> <p>Due to the south facing slope of the precinct, some buildings are only able to achieve 1.5 hours solar access in mid-winter. Objective 4A-1 (pg 79) of the ADG makes allowances for this:</p> <p><i>“Achieving the design criteria may not be possible on some sites. This includes:</i></p> <ul style="list-style-type: none"> - <i>where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source</i> - <i>on south facing sloping sites</i> - <i>where significant views are oriented away from the desired aspect for direct sunlight</i> <p><i>Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective”.</i></p> <p>These, along with other, controls will be implemented in a site-specific Development Control Plan for the St Leonards South area.</p> <p>As part of Council’s resolution, a SEPP 65 Design Review Panel will also be established for this precinct.</p>
<p><i>State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)</i></p>	<p>The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.</p>
<p><i>State Environmental Planning</i></p>	<p>The planning proposal does not contain</p>

<i>Policy (Affordable Rental Housing) 2009</i>	provisions that would be inconsistent with, or hinder the application of the SEPP.
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
<i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>	The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
<i>State Environmental Planning Policy (Major Development) 2005</i>	The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
<i>State Environmental Planning Policy (State and Regional Development) 2011</i>	<p>Consistent.</p> <p>While St Leonards South does not contain land that is declared as either 'State Significant development' or 'State Significant Infrastructure' it is within the vicinity of 'Critical State Significant Infrastructure'.</p> <p>Under Schedule 5 the area is associated with the Sydney Metro City and Southwest project. The development is for construction of stations and associated underground rail infrastructure for the Sydney Metro project.</p> <p>However, "<i>the development does not include surveys, test drilling, test excavations, geotechnical investigations, contamination investigations or other tests, surveys, sampling or works for the purposes of the design or assessment of Sydney Metro City and Southwest</i>".</p> <p>The planning proposal is still consistent with this policy as it does not contain provisions</p>

	that would be inconsistent with, or hinder the application of the SEPP.
<i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>	<p>Consistent.</p> <p>This plan is relevant as all of the Lane Cove Local Government Area falls within the Sydney Harbour Catchment Map.</p> <p>However, the St Leonards South area falls outside of the Foreshore Area and Boundary. As a result, the provisions of this plan do not directly apply.</p>