

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No. (#)) and State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No. (#)) – planning proposal to limit building height and require a minimum provision of retail or business premises for shop top housing and mixed use developments and prohibit shop top housing in certain zones in Box Hill Release Area

ADDRESS OF LAND:

- Land zoned B1 Neighbourhood Centre under The Hills Local Environmental Plan 2012.
- Land zoned B2 Local Centre identified on the proposed Key Sites Map under The Hills Local Environmental Plan 2012.
- Land zoned B1 Neighbourhood Centre, B2 Local Centre and R1 General Residential under Appendix 2 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (North Kellyville Precinct).
- Land zoned B2 Local Centre, R2 Low Density Residential and R3 Medium Density Residential under Appendix 11 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Box Hill Precincts).

SUPPORTING MATERIAL:

Attachment A	Existing and proposed Key Sites Maps
Attachment B	Maps of subject properties identified as Flood Controlled Land
Attachment C	Maps of subject properties identified as Bushfire Prone Land
Attachment D	Assessment against State Environment Planning Policies
Attachment E	Assessment against Section 117 Local Planning Directions
Attachment F	Council Report and Minute, 15 December 2015

BACKGROUND:

Council adopted its Centres Direction in 2009 to provide a clear strategy to protect and manage the Shire's centres to 2031. The Direction established a network of centres to provide places for residents to shop, work, and have social interaction and recreational opportunities. Centres are classified according to a centres hierarchy, providing a framework for their scale, location and function. This ensures that the population has access to a range of centres that meet their needs and are appropriate in scale and design for their location. A key issue facing centres as identified in the Direction is the provision of sufficient retail space to meet the needs of the community. A Retail Floor Space and Demand Analysis undertaken by Hill PDA in 2008 assessed supply and demand for retail floor space and found that there was sufficient land and opportunities available within existing and proposed centres to meet retail demand.

Council's Standard Instrument LEP came into force in October 2012. The Standard Instrument provides a consistent format for all new principal LEPs in NSW. It sets out certain mandated permissible land uses and identifies shop top housing as a mandated use within certain residential and business zones. Since LEP 2012 came into force, Council has experienced a growing number of shop top housing proposals across the Shire, predominantly due to recent market conditions and pressure to provide residential development to ease Sydney's housing shortage.

A number of recent development applications and development enquiries to undertake shop top housing and mixed use developments have proposed outcomes that are not in keeping with the objectives of Council's business and residential zones, are not compatible with surrounding development and compromise the retail and employment role of centres. Most of these have proposed relatively small amounts of retail/business floor space and higher than expected residential densities raising concern regarding the ability of centres to serve surrounding populations and the capacity of existing infrastructure in these locations to support additional population.

The above issues have necessitated a review of the controls applying to shop top housing and mixed use developments across all zones throughout the Shire including land zoned under LEP 2012 and land zoned under the Growth Centres SEPP within the North Kellyville and Box Hill Precincts.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to ensure that the type, scale and location of shop top housing and mixed use development is appropriate and that developments reflect the role of centres established within Council's Centres Hierarchy. This will be achieved by limiting the height of shop top housing in areas surrounded by lower scale residential development, requiring a minimum provision of retail or business floor space within business zones and prohibiting shop top housing in low and medium density zones in the Box Hill Release Area.

PART 2 EXPLANATION OF THE PROVISIONS

The Hills Local Environmental Plan 2012

The proposed outcomes will be achieved by the following amendments to The Hills Local Environmental Plan 2012:

- Include a new provision, 7.11 'Additional controls for shop top housing' under Part 7 Additional Local Provisions providing that the maximum height of buildings for shop top housing within the B1 Neighbourhood Centre zone is 7 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 7.11 'Additional controls for shop top housing' under Part 7 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments, within identified Key Sites zoned B2 Local Centre, is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.

Non-residential floor area refers to the floor area of the development used for any purpose other than residential accommodation.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The proposed outcomes will also be achieved by amendments to Appendix 2 North Kellyville Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006:

- Include a new provision, 6.6 'Additional controls for shop top housing' under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the B1 Neighbourhood Centre zone is 7 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 6.6 'Additional controls for shop top housing' under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the B2 Local Centre zone is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 6.6 'Additional controls for shop top housing' under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the R1 General Residential zone is 7 metres.

Also, the following amendments to Appendix 11 The Hills Growth Centre Precincts Plan (known as the Box Hill Precincts) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006:

- Include a new provision, 6.8 'Additional controls for shop top housing' under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing within the B2 Local Centre zone, apart from Box Hill Town Centre, is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 6.8 'Additional controls for shop top housing' under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing within the Box Hill Town Centre is 20 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Prohibit shop top housing within the R2 Low Density Residential and R3 Medium Density Residential zones.

The planning proposal is supported by amendments to The Hills Development Control Plan 2012 and the North Kellyville and Box Hill Growth Centre DCPs which consolidate and strengthen existing controls from the Business and Residential Flat Building sections of DCP 2012. Additional controls are proposed where existing controls are not available or where alternative controls are considered more suitable for shop top/mixed use development. The proposed and consolidated controls primarily relate to building height, setbacks, common open space, landscaping and access and seek to ensure that developments reflect the desired scale for shop top housing, are of a high quality and provide adequate amenity. Existing controls from other DCP 2012 sections, in particular the Residential Flat Building section, are also proposed to apply including unit size/mix, parking, visual privacy, solar access, private open space, ventilation and storage to ensure appropriate residential outcomes are achieved.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is a result of a strategic review of shop top housing and mixed use developments across The Hills Shire. The outcomes of the review were reported to Council on 15 December 2015. The planning proposal also seeks to facilitate strategic outcomes as envisaged within Council's Draft Local Strategy (2008), Residential Direction (2008) and Centres Direction (2009).

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is considered to be the best way to achieve the intended outcomes for shop top housing and mixed use developments across the Shire. The proposal will help to ensure developments are of a suitable scale for their location and reflect the desired land use outcomes for zones within which they are located.

A number of recent development applications and development enquiries to undertake shop top housing and mixed use developments have proposed significant residential densities in commercial areas well beyond the scope of what was intended for shop top housing and where significant residential densities were neither anticipated nor required to meet State government housing targets. These have also proposed a scale of development that is excessive in the context of surrounding lower scale residential development, impacting on the established density, character and amenity of these localities.

One such proposal included a mixed use/shop top development within the Hezlett Road neighbourhood centre in North Kellyville. Council's infrastructure plan anticipated a yield of less than 10 dwellings in this centre given the focus for the centre is to provide small-scale retail, business and community uses, with some residential development provided it does not detract from the primary function of the zone. However, consent was granted in July 2015 for a total of 209 units and 3,498m² of retail floor space on the site (86% residential and 14%

retail) raising significant concern regarding capacity of existing and proposed infrastructure such as roads and open space within this area to support the additional population.

A further proposal was for 102 dwellings above Winston Hills Mall shopping centre. This application was refused by the Joint Regional Planning Panel in August 2015 on the basis the proposal was inappropriate for the site and incompatible with planning objectives and land uses of adjoining land. It is noted the applicable contributions plan did not anticipate any residential density on this land, thus the proposal resulted in significant concern regarding the capacity of infrastructure in this location to support the proposed additional population. Council's Centres Direction also identifies future retail expansion of this centre to assist its transition to a higher order centre. Therefore, concern was also raised that the proposal would significantly compromise the opportunity for the centre to be developed to its maximum potential as a local provider of retail services and employment.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes, a discussion of consistency is provided below.

• A Plan for Growing Sydney

On 14 December 2014, the NSW Minister for Planning released A Plan for Growing Sydney. The Plan is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. To achieve the Government's vision for Sydney as a "strong global City and a great place to live", the Plan sets out four (4) main goals, for Sydney to be:

- A competitive economy with world-class services and transport,
- A City of housing choice with homes that meet our needs and lifestyles,
- A great place to live with strong, healthy and well-connected communities, and
- A sustainable and resilient City that protects the natural environment and has a balanced approach to the use of land and resources.

The Plan identifies targets for the future growth of Sydney including the provision of an additional 664,000 new homes and 689,000 new jobs over the next 20 years.

Key principles contained within the Plan are to provide housing and employment in and around centres and encourage urban renewal in established areas. The Plan also notes that growth must be supported by essential infrastructure including transport, utilities and social infrastructure such as schools, child care centres, health facilities, open space and recreation.

It is considered the planning proposal is consistent with the objectives of the Plan given it supports a reasonable level of residential growth whilst ensuring developments are of a suitable scale and do not place undue pressure on public infrastructure. The planning proposal also seeks to ensure sufficient and well-located employment is available by requiring a minimum provision of retail and/or business premises within centres to ensure local employment is supported and protected.

Permissibility of shop top housing and mixed use developments under the Standard Instrument provides opportunity to diversify housing stock and contribute to the revitalisation of established areas. The planning proposal does not seek to prohibit these uses but simply aims to ensure that developments recognise and respond to the context within which they are located and meet the land use objectives for the zones within which they are situated. Importantly, the proposal will not impact on the Shire's capacity to meet established housing targets, given sufficient land has been identified in appropriate locations supported by the necessary infrastructure to accommodate growth.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes, a discussion of consistency is provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Direction articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The planning proposal will help to achieve key strategic outcomes of the Plan specifically the provision of a modern local economy, vibrant communities and balanced urban growth by ensuring that:

- Business and employment opportunities are protected across centres of varying scales and typologies.
- Developments do not compromise the provision of infrastructure and facilities for existing and future residents.
- The planning framework achieves an appropriate balance of residential and commercial development that is accordance with community needs and expectations.

- **Local Strategy**

In 2008 Council adopted its Local Strategy to provide the basis for the future direction of land use planning in the Shire and within this context implement the key themes and outcomes of the 'Hills 2026 Looking Toward the Future'. The Residential and Centres Directions are the relevant components of the Local Strategy to be considered in assessing this application.

- Residential Direction

The Residential Direction reflects Council's desired approach to guide the planning, protection and management of the Shire's residential development. It establishes opportunities and mechanisms for ensuring residential development is planned and managed appropriately. Four key Directions have been established for the Shire's residential development including:

- R1 Accommodate population growth
- R2 Response to changing housing needs
- R3 Provide a sustainable living environment
- R4 Facilitate quality housing outcomes

The Direction includes a target for an additional 36,000 dwellings within the Shire to 2031 based on the State's North West Subregional Strategy. It also demonstrates sufficient capacity to meet this target within existing and proposed residential and mixed use zones. Therefore, significant residential densities as currently being proposed within the Shire's business zones are neither expected nor required to meet State government dwelling targets.

Objectives of the Direction relevant to the proposal include the provision of balanced growth, well located housing supported by infrastructure and a diversity of housing choice appropriate to resident needs. It is considered the proposal is consistent with these objectives given it supports an appropriate level of residential development in conveniently located centres, ensuring developments are of a suitable scale for their location and are supported by appropriate infrastructure.

- Centres Direction

The Centres Direction seeks to establish a network of centres that provides places for residents to shop, work, and have social interaction and recreational opportunities. The Direction includes a centres hierarchy which provides a framework for the scale, location and function of centres. This ensures that the population has access to a range of centres that meet their needs and are appropriate in scale and design for their location.

The Centres Direction identifies a hierarchy and desired typology and scale for each centre and planned centre in the Shire. A summary of the typology for neighbourhood and local centres as articulated within the Centres Direction is provided in the table below.

Centre type	Land use zone under LEP 2012	Land use zone under Growth Centres SEPP	Typology
Neighbourhood Centre	B1 Neighbourhood Centre	B1 Neighbourhood Centre or B2 Local Centre	- Local bus stop - Low scale strip retailing. Retail meets daily needs on a small scale. Medium to large supermarkets are not appropriate - Low density residential development - Services include post box, public phone, public open space - Child care centre, primary school, general practitioner, community centre/facility within vicinity of centre
Village Centre	B2 Local Centre	B1 Neighbourhood Centre	- Local bus stop Low scale built form - Retail serves local residents' weekly shopping needs - Medium density housing such as town houses - Services and facilities may include child care centre, public open space, health care, ATM Schools, private recreation within vicinity of centre
Town Centre	B2 Local Centre	B2 Local Centre	- Local transport node Local scale built form with civic amenity - Retail meets weekly shopping needs - Medium and higher density housing including seniors living, affordable housing - Services and facilities include Council library branch, banks, post office, private recreation (e.g. gym), community centre. - Pedestrian accessible and convenient car parking - Schools, medical practitioners within vicinity of centre

Table 1
Typology of local and neighbourhood centres under Centres Direction

The planning proposal will help to facilitate development outcomes which better align with the typologies outlined in the Centres Direction. The proposal will ensure residential development is more appropriately balanced with economic uses and help to ensure centres are vibrant, viable and meet the diverse shopping needs of the community. It is therefore considered that the proposal is consistent with this Direction.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment D. A discussion on the consistency of the proposal with the relevant Policies is provided below.

- **State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The SEPP provides for the coordinated release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region (in conjunction with the Environmental Planning and Assessment Regulation 2000 relating to precinct planning). The North Kellyville and Box Hill Precincts are zoned under the SEPP and form part of the North West Growth Centre. The aims of the SEPP are as follows:

- (a) *To co-ordinate the release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region;*
- (b) *To enable the Minister from time to time to designate land in those growth centres as ready for release for development;*
- (c) *To provide for comprehensive planning for those growth centres;*
- (d) *To enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity;*
- (e) *To provide controls for the sustainability of land in those growth centres that has conservation value;*
- (f) *To provide for the orderly and economic provision of infrastructure in and to those growth centres;*
- (g) *To provide development controls in order to protect the health of the waterways in those growth centres;*
- (h) *To protect and enhance land with natural and cultural heritage value; and*
- (i) *To provide land use and development controls that will contribute to the conservation of biodiversity.*

The proposal will help to meet the wider vision and objectives for development within the Growth Centres Precincts. The proposal will provide for vibrant and sustainable centres that meet the needs of the community and contain an appropriate mix of uses with a high level of amenity. The proposal will help to meet growth targets whilst ensuring an appropriate scale of development and availability of sufficient infrastructure to support existing and future populations. Accordingly, it is considered that the planning proposal, along with the amendments to the North Kellyville and Box Hill DCPs, will assist in achieving the aims of the SEPP.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment E. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 1.1 – Business and Industrial Zones**

It is considered the proposal is consistent with the objectives of this Direction given it proposes to retain areas zoned for business uses and does not reduce the permissible floor space on such land. The proposal seeks to protect land for employment purposes and encourage the provision of employment in suitable locations within centres close to housing and transport.

- **Direction 3.1 – Residential Zones**

The planning proposal seeks to ensure high quality developments that do not place excessive pressure on existing infrastructure and services. Additionally the proposal seeks to ensure developments are appropriately located reflecting Council's hierarchical zoning framework which locates higher residential densities within and surrounding higher order centres and locations that provide a range of services and accessibility to public transport, whilst lower scale residential development is provided in conjunction with smaller scale centres and in more peripheral locations. Accordingly, the proposal is not considered to be inconsistent with this Direction.

- **Direction 3.4 – Integrating Land use and Transport**

A planning proposal must locate zones for urban purposes and include provisions that are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

The planning proposed aims to protect the employment potential of business zoned land which will ensure jobs are appropriately located within centres close to housing and transport. The proposal is therefore considered to support the aims of this Direction.

- **Direction 4.3 – Flood Prone Land**

Some land to which this proposal applies is identified as a flood control lot under Council's Flood Controlled Land Map (see maps in Attachment B). However, the proposed amendments are not likely to increase the scale of shop top housing and mixed use developments and are therefore are unlikely to have any adverse flooding impact beyond what is likely under existing controls.

The Hills LEP 2012 contains flood prone land provisions that seek to minimise risks to property and life and significant impacts on the environment. Furthermore, flood related development controls apply to any flood prone land through The Hills Development Control Plan 2012 Part C Section 6 – Flood Controlled Land. These controls have been prepared in accordance with the NSW Government's Flood Prone Land Policy.

It is not envisaged the proposal will result in any additional flood mitigation requirements and therefore the proposal is considered to be consistent with the strategic directions and key policy settings of this Direction.

- **Direction 4.4 – Planning for Bushfire Protection**

Whilst the planning proposal partly applies to land mapped as or in proximity to land mapped as bushfire prone land (see maps in Attachment C), it is unlikely the proposal will facilitate any intensification of development on the subject land. However, in accordance with this Direction it is proposed to consult with the NSW Rural Fire Service as part of the public agency consultation for this planning proposal.

- **Direction 5.9 – North West Rail Link Corridor Strategy**

Some of the land to which the planning proposal applies falls within the Station Precincts identified in the North West Rail Link Corridor Strategy including:

- Rouse Hill Local Centre (Windsor Road)
- Kellyville Local Centre (Windsor Road)
- Kellyville Local Centre (Hector Court)
- Baulkham Hills Neighbourhood Centre (Windsor Road)
- Castle Hill Local Centre (Carrington Road)

It is considered the proposal is generally consistent with the overall vision for these sites as outlined in the North West Rail Link Corridor Strategy. The proposal will retain a retail/employment outcome for each of these centres whilst facilitating a reasonable level of residential development provided this does not detract from the primary employment objectives of the land. It is further noted that the proposed controls do not seek to pre-empt or override detailed precinct planning undertaken for the rail station precincts. Should an alternative outcome for these sites be identified through the precinct planning process, the current proposed controls may need to be refined as part of that process to reflect desired outcomes.

- **Direction 7.1 – Implementation of A Plan for Growing Sydney**

This Direction seeks to ensure planning proposals give effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways within A Plan for Growing Sydney.

It is considered the proposal is consistent with the overall planning principles, directions and priorities of the Plan as it supports residential growth within and surrounding centres and seeks to ensure a suitable scale and density of development that does not place undue pressure on public infrastructure such as roads and open spaces. It also seeks to ensure that sufficient and well-located employment is provided for existing and future residents.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No increase to permissibility of land uses or density is proposed as part of the planning proposal and therefore the planning proposal is considered unlikely to impact on any critical habitat or threatened species, populations or ecological communities, or their habitats. Should any future developments be proposed on land with critical habitat or threatened species, populations or ecological communities, or their habitats, this would need to be appropriately managed at the development application stage, as is currently the case.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal is considered unlikely to result in any other adverse environmental impacts.

9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal supports the economic viability of centres through mandating a minimum provision of retail/business floor space and maintaining opportunity to provide some residential development to support the role and function of centres. The proposal will facilitate the provision of vibrant and attractive centres that are suited to their location and maintain a high level of amenity for residents.

SECTION D - STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

The proposal is unlikely to place additional demand on public infrastructure given that no increase to the current permissible densities is proposed.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be

known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)

It is envisaged the planning proposal may require consultation with Transport for NSW, Roads and Maritime Services and NSW Rural Fire Services, in addition to any others identified as part of a Gateway Determination. Following receipt of a Gateway determination, all relevant agencies will be consulted.

PART 4 MAPPING

The planning proposal seeks to amend the Key Sites Map of *The Hills Local Environmental Plan 2012*.

The proposed Key Sites Map will identify land zoned B2 Local Centre under LEP 2012 to which the new local provisions will apply. Snapshots of the existing and proposed Key Sites are provided as Attachment A.

A portion of the subject land is identified as either flood controlled land or bushfire prone land. Maps of these properties are provided as Attachments B and C, respectively.

PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in local newspapers and on display at Council's administration building and within all library branches. The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners and stakeholders.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	March 2016
Government agency consultation	April 2016
Commencement of public exhibition period	May 2016
Completion of public exhibition period	June 2016
Timeframe for consideration of submissions	July 2016
Timeframe for consideration of proposal post exhibition	August 2016
Report to Council on submissions	September 2016
Planning Proposal to PCO for opinion	October 2016
Date Council will make the plan (if delegated)	November 2016
Date Council will forward to department for notification (if delegated)	November 2016

ATTACHMENT D: ASSESSMENT AGAINST STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	NO	-	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	YES	NO	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
Affordable Rental Housing (2009)		YES	NO	-
Building Sustainability Index: BASIX 2004		YES	NO	-
Exempt and Complying Development Codes (2008)		YES	NO	-
Housing for Seniors or People with a Disability (2004)		YES	NO	-
Infrastructure (2007)		YES	NO	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Major Development (2005)		YES	NO	-
Mining, Petroleum Production and Extractive Industries (2007)		YES	NO	-
Miscellaneous Consent Provisions (2007)		YES	NO	-
Penrith Lakes Scheme (1989)		NO	-	-
Port Botany and Port Kembla (2013)		NO	-	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Rural Lands (2008)	NO	-	-
SEPP 53 Transitional Provisions (2011)	NO	-	-
State and Regional Development (2011)	YES	NO	-
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)	YES	YES	CONSISTENT
Three Ports (2013)	NO	-	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Deemed SEPPs			
SREP No. 8 (Central Coast Plateau Areas)	NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	-
SREP No. 16 – Walsh Bay	NO	-	-
SREP No. 18 – Public Transport Corridors	NO	-	-
SREP No. 19 – Rouse Hill Development Area	NO	-	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	-
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 25 – Orchard Hills	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	NO	-	-

ATTACHMENT E: ASSESSMENT AGAINST SECTION 117 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	YES	YES	CONSISTENT
1.2	Rural Zones	NO	-	-
1.3	Mining, Petroleum Production and Extractive Industries	NO	-	-
1.4	Oyster Aquaculture	NO	-	-
1.5	Rural Lands	NO	-	-
2. Environment and Heritage				
2.1	Environment Protection Zone	YES	NO	-
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	NO	-
2.4	Recreation Vehicle Area	YES	NO	-
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	YES	CONSISTENT
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3	Home Occupations	YES	NO	-
3.4	Integrating Land Use and Transport	YES	YES	CONSISTENT
3.5	Development Near Licensed Aerodomes	NO	-	-
3.6	Shooting Ranges	NO	-	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	NO	-	-
4.2	Mine Subsidence and Unstable Land	NO	-	-
4.3	Flood Prone Land	YES	YES	CONSISTENT
4.4	Planning for Bushfire Protection	YES	YES	CONSISTENT
5. Regional Planning				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	YES	YES	CONSISTENT

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	NO	-
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	NO	-
7. Metropolitan Planning				
7.1	Implementation of A Plan for Growing Sydney	YES	YES	CONSISTENT