

ATTACHMENT A

Consistency with State Environmental Planning Policies

Consistency of the Planning Proposal with current State Environmental Planning Policies

No.	Title	Consistency
1	Development Standards	Not applicable since gazettal of the BLEP
14	Coastal Wetlands	Not applicable to Berrigan Shire.
15	Rural Landsharing Communities	Not applicable to Berrigan Shire.
19	Bushland in Urban Areas	Not applicable to Berrigan Shire.
21	Caravan Parks	The Planning Proposal does not derogate from the aims, development consent requirements for caravan parks relating to, the development consent requirements, the number of sites being used for long term or short term residents, the permissibility of moveable dwellings where caravan parks or camping grounds are also permitted, and subdivision of caravan parks for lease purposes as provided in the SEPP..
26	Littoral Rainforests	Not applicable to Berrigan Shire.
29	Western Sydney Recreation Area	Not applicable to Berrigan Shire.
30	Intensive Agriculture	The Planning Proposal does not derogate from the objectives and provisions of this SEPP.
32	Urban Consolidation (Redevelopment of Urban Land)	Not applicable as the Planning Proposal does not apply to urban land.
33	Hazardous & Offensive Development	The Planning Proposal does not derogate from the objectives and provisions of this SEPP.
36	Manufactured Home Estate	The Planning Proposal does not derogate from the aims, strategies, development consent, assessment and location provisions as provided in the SEPP.
39	Spit Island Bird Habitat	Not applicable to Berrigan Shire.
44	Koala Habitat Protection	This SEPP is technically applicable because Berrigan Shire is listed in Schedule 1 of the SEPP and the land to which the Planning Proposal applies (the RU1 Zone) exceeds the area threshold. The extent of potential or core koala habitat within the Shire is not known. It is noted that the 2008 approved <i>Recovery plan for the koala</i> in NSW acknowledges there is no record of Koalas in the Shire and that the probability of koalas being present in the 'far west and south west' region of NSW (which includes the Shire) is low. In addition, the consequence of the Planning Proposal is that backpacker accommodation can be considered within the rural areas of the Shire, and the impact of this on any Koala habitat would be very low to non-existent. Backpacker accommodation is most likely to be undertaken within existing dwellings rather than new development that may impact on Koalas through disturbance of their habitat. Consequently the proposal can be supported without the need for a koala management plan.
47	Moore Park Showground	Not applicable to Berrigan Shire.
50	Canal Estate Development	The Planning Proposal does not derogate from the aims and canal estate development prohibitions as provided in the SEPP.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	This SEPP is applicable because parts of Berrigan Shire are within the Murray Irrigation area of operation. The Planning Proposal does not derogate from the objectives and provisions of this SEPP .
55	Remediation of Land	Not applicable because the Planning Proposal is not proposing a change of zone.

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59	Central Western Sydney Regional Open Space and Residential	Not applicable to Berrigan Shire.
62	Sustainable Aquaculture	The Planning Proposal does not derogate from the aims and provisions of this SEPP as they apply to aquaculture.
64	Advertising & Signage	The Planning Proposal does not derogate from the aims, development consent requirements and assessment criteria for advertising and signage as provided in the SEPP.
65	Design Quality of Residential Flat Development	Not applicable as residential apartment development is not permissible in the RU1 zone.
70	Affordable Housing (Revised Schemes)	Not applicable to Berrigan Shire.
71	Coastal Protection	Not applicable to Berrigan Shire.
	Affordable Rental Housing 2009	This SEPP triggers the requirement for development consent to convert a building to backpackers accommodation. This is consistent with the Planning Proposal that will also require development consent. The conversion of some rural dwellings to backpackers accommodation is not considered to be reducing the supply of affordable rental housing in the Shire.
	Building Sustainability Index (BASIX) 2004	The Planning Proposal does not derogate from the aims and development consent requirements relating to BASIX affected building(s) that seeks to reduce water consumption, greenhouse gas emissions and improve thermal performance as provided in the SEPP.
	Exempt & Complying Development Codes 2008	The Planning Proposal does not derogate from the aims and functions of this SEPP with respect to exempt and complying development provisions.
	Housing for Seniors & People with a Disability 2004	The Planning Proposal does not derogate from the aims, development consent, location, design, development standards, service, assessment, and information requirements as provided in the SEPP.
	Infrastructure 2007	The Planning Proposal does not derogate from the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
	Kosciuszko National Park—Alpine Resorts 2007	Not applicable to Berrigan Shire.
	Kumell Peninsula 1989	Not applicable to Berrigan Shire.
	Major Development 2005	Not applicable to the Planning Proposal as there are no nominated State significant sites in the Shire.
	Mining, Petroleum Production & Extractive Industries 2007	The Planning Proposal does not derogate from the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided in the SEPP.
	Miscellaneous Consent Provisions 2007	The Planning Proposal does not derogate from the aims, permissibility, development assessment requirements relating to temporary structures as provided in the SEPP.
	Perrith Lakes Scheme 1989	Not applicable to Berrigan Shire.

No.	Title	Consistency
	Murray Regional Environmental Plan No. 2 – Riverine Land (MREP2)	Parts of the RU1 zone in the Shire along the Murray River are within the area to which MREP2 applies. By providing for backpackers accommodation in the RU1 zone the Planning Proposal creates the opportunity for such development to be undertaken within proximity of the Murray River. The planning principles contained within MREP2 are framed more to address specific development proposals rather than policy on a broad areas. The Planning Proposal involves all land zoned RU1 in the BLEP, which represents more than 90 percent of the land area of the Shire. Any development proposal for backpackers accommodation within the area of MREP2 will need to address these planning principles as well as potentially clauses 6.2 through to 6.7 in the BLEP and Chapters 10 and 11 of the Berrigan Development Control Plan (BDCP). These controls are more than adequate to consider and control such development in vicinity of the river.
	Rural Lands 2008	Not applicable because the provisions of the SEPP don't apply to backpackers accommodation. Note that the Rural Planning Principles at clause 7 of this SEPP are 'called up' under Ministerial Direction 1.5 (see Attachment B).
	SEPP53 Transitional Provisions 2011	Not applicable to Berrigan Shire.
	State & Regional Development 2011	Not applicable as the Planning Proposal is not for State significant development.
	Sydney Drinking Water Catchment 2011	Not applicable to Berrigan Shire.
	Sydney Region Growth Centres 2006	Not applicable to Berrigan Shire.
	Three Ports 2013	Not applicable to Berrigan Shire.
	Urban Renewal 2010	Not applicable as none of the land within the RU1 zone is within a nominated urban renewal precinct.
	Western Sydney Employment Area 2009	Not applicable to Berrigan Shire.
	Western Sydney Parklands 2009	Not applicable to Berrigan Shire.