

Attachment 3:

SEPP & s117 Direction Compliance Tables

State Environmental Planning Policies

The following is a list of State Environmental Planning Policies (SEPPs) that apply to the Subject Site (37-41 Treacy Street, Hurstville) ("Treacy Street Car Park") and consideration of the Planning Proposal's (PP2015/0006) consistency with the objectives and provisions of the SEPPs.

State Environmental Planning Policy	Applicable	Consideration
<i>SEPP No.1 – Development Standards</i>	Not applicable to Hurstville.	Repealed by clause 1.9 of Hurstville LEP 2012.
<i>SEPP No.14 – Coastal Wetlands</i>	Not applicable to Hurstville.	--
<i>SEPP No.15 – Rural Landsharing Communities</i>	Not applicable to Hurstville.	--
<i>SEPP No.19 – Bushland in Urban Areas</i>	Not applicable to the Planning Proposal.	The Subject Site is located within the established urban area of Hurstville in an existing at grade car parking area.
<i>SEPP No.21 – Caravan Parks</i>	Not applicable to the Planning Proposal.	The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP No.26 – Littoral Rainforests</i>	Not applicable to Hurstville.	--
<i>SEPP No.29 – Western Sydney Recreation Area</i>	Not applicable to Hurstville.	--
<i>SEPP No.30 – Intensive Agriculture</i>	Not applicable to Hurstville.	--
<i>SEPP No.32 – Urban Consolidation (Redevelopment of Urban Land)</i>	Not applicable to Planning Proposal.	The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP No.33 – Hazardous and Offensive Development</i>	Not applicable to the Planning Proposal.	The B4 Mixed Use zoning prohibits hazardous and offensive development.
<i>SEPP No.36 – Manufactured Home Estates</i>	Not applicable to Hurstville.	--
<i>SEPP No.39 – Spit Island Bird Habitat</i>	Not applicable to Hurstville.	--
<i>SEPP No.44 – Koala Habitat Protection</i>	Not applicable to Hurstville.	--
<i>SEPP No.47 – Moore Park Showground</i>	Not applicable to Hurstville.	--
<i>SEPP No.50 – Canal Estate Development</i>	Not applicable to the Planning Proposal.	The Planning Proposal does not propose canal estate development.
<i>SEPP No.52 – Farm Dams and Other Works in Land and Water Management Plan Areas</i>	Not applicable to Hurstville.	--
<i>SEPP No.55 – Remediation of Land</i>	Not applicable to the Planning Proposal.	Consistent. The Planning Proposal will not hinder the application of this SEPP. The

State Environmental Planning Policy	Applicable	Consideration
		proposed B4 Mixed Use zone is an equivalent zone to the existing 3(b) City Centre Business zoned under the Hurstville LEP 1994. Any future development application on the site will be required to address the provisions of SEPP No.55.
<i>SEPP No.59 – Central Western Sydney Regional Open Space and Residential</i>	Not applicable to Hurstville.	--
<i>SEPP No.62 – Sustainable Aquaculture</i>	Not applicable to the Planning Proposal.	Consistent. The Planning Proposal will not hinder the application of this SEPP.
<i>SEPP No.64 – Advertising and Signage</i>	Not applicable to the Planning Proposal.	Consistent. The Planning Proposal will not hinder the application of this SEPP.
<i>SEPP No.65 – Design Quality of Residential Apartment Development</i>	Not applicable to the Planning Proposal.	The Planning Proposal has been considered by the St George Design Review Panel which functions under Part 3 of the SEPP. Consideration of the advice provided by the DRP is included in the Council and IHAP Reports (Attachment 1). Any future development application on the site for residential development will be required to address the provisions of the SEPP and the Apartment Design Guide.
<i>SEPP No.70 – Affordable Housing (Revised Schemes)</i>	Not applicable to Hurstville.	
<i>SEPP No.71 – Coastal Protection</i>	Not applicable to Hurstville.	--
<i>SEPP (Affordable Rental Housing) 2009</i>	Not applicable to Planning Proposal.	Consistent. The Planning Proposal will not hinder the application of this SEPP.
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	Not applicable to the Planning Proposal.	Any future residential development will be required to comply with the BASIX requirements for residential accommodation.
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP (Housing for Seniors or People with a Disability) 2004</i>	Not applicable to the Planning	The proposed B4 Mixed Use zone permits 'seniors housing'

State Environmental Planning Policy	Applicable	Consideration
	Proposal.	with consent. Any future development application on the site for seniors housing will be required to address the provisions of the SEPP.
<i>SEPP (Infrastructure) 2007</i>	Applicable to the Planning Proposal.	Refer consideration in the main body of the report.
<i>SEPP (Kosciuszko National Park – Alpine Resorts) 2007</i>	Not applicable to Hurstville.	--
<i>SEPP (Kurnell Peninsula) 1989</i>	Not applicable to Hurstville.	--
<i>SEPP (Major Development) 2005</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP (Miscellaneous Consent Provisions) 2007</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP (Penrith Lakes Scheme) 1989</i>	Not applicable to Hurstville.	--
<i>SEPP (Rural Lands) 2008</i>	Not applicable to Hurstville.	--
<i>SEPP (SEPP 53 Transitional Provisions) 2011</i>	Not applicable to Hurstville.	--
<i>SEPP (State and Regional Development) 2011</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP (Sydney Drinking Water Catchment) 2011</i>	Not applicable to Hurstville.	--
<i>SEPP (Sydney Region Growth Centres) 2006</i>	Not applicable to Hurstville.	--
<i>SEPP (Three Ports) 2013</i>	Not applicable to Hurstville.	--
<i>SEPP (Urban Renewal) 2010</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this SEPP.
<i>SEPP (Western Sydney Employment Area) 2009</i>	Not applicable to Hurstville.	--
<i>SEPP (Western Sydney Parklands) 2009</i>	Not applicable to Hurstville.	--
<i>Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment (deemed SEPP)</i>	Not applicable to the Planning Proposal.	Not inconsistent. The Planning Proposal does not hinder the application of this deemed SEPP.

Section 117 Ministerial Directions

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act, 1979*. These Directions apply to planning proposals lodged with the Department of Planning and Environment.

Direction	Applicable	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones Objectives: (a) <i>Encourage employment growth in suitable locations</i> (b) <i>Protect employment land in business and industrial zones,</i> (c) <i>Support the viability of identified strategic centres.</i>	Applicable to the Planning Proposal.	The proposed B4 Mixed Use zone is an equivalent zone to the existing 3(b) City Centre Business zoned under the Hurstville LEP 1994. A minimum non-residential FSR of 1:1 is also proposed to ensure employment opportunities on the site are provided.
1.2 Rural Zones	Not applicable to Hurstville.	--
1.3 Mining, Petroleum Production and Extractive Industries Objective: <i>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.</i>	Not applicable to Planning Proposal.	The Planning Proposal does not have any effect on mining, petroleum production and extractive industries.
1.4 Oyster Aquaculture Objectives: (a) <i>To ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal.</i> (b) <i>To protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oyster and oyster consumers.</i>	Not applicable to the Planning Proposal.	The Planning Proposal does not propose a change in land use which could result in adverse impacts on a Priority Oyster Aquaculture Area or an incompatible use of land.

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1.5 Rural Lands	Not applicable to Hurstville.	--
2. Environment and Heritage		
2.1 Environment Protection Zones <i>Objective: To protect and conserve environmentally sensitive areas.</i>	Not applicable to the Planning Proposal.	The Subject Site is not located within an environmental protection zone and the Proposal does not impact on environmentally sensitive areas.
2.2 Coastal Protection	Not applicable to Hurstville.	--
2.3 Heritage Conservation <i>Objective: To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i>	Not applicable to the Planning Proposal.	The Hurstville LEP 2012 contains Standard Instrument LEP provisions to facilitate the heritage conservation. No change to these provisions is proposed. The Subject Site is not a heritage item or located within a heritage conservation area.
2.4 Recreation Vehicle Areas <i>Objective: To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</i>	Not applicable to the Planning Proposal.	The Planning Proposal is not within an environmental protection zone or coastal areas identified in the Direction.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones <i>Objectives: (a) To encourage a variety and choice of housing types to provide for existing and future housing needs (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services (c) To minimise the impact of residential development on environment and resource lands.</i>	Applicable to Planning Proposal.	Consistent. The proposed B4 Mixed Use Zone and the proposed increases in maximum building height and maximum FSR on the site will allow a greater provision of housing in an existing urban area, improve housing choice, and increase the efficiency of existing infrastructure, services and amenities.
3.2 Caravan Parks and Manufactured Home Estates <i>Objectives: (a) To provide for a variety of housing types (b) To provide opportunities for caravan parks and</i>	Not applicable to the Planning Proposal.	The proposed B4 Mixed Use zoning of the land will prohibit caravan parks and manufactured home estates, both of which uses are incompatible with the character of the Hurstville City Centre

Direction	Applicable	Comment
<i>manufactured home estates.</i>		
3.3 Home Occupations <i>Objective: To encourage the carrying out of low-impact small businesses in dwelling houses.</i>	Applicable to the Planning Proposal.	The proposed B4 Mixed Use zoning of the land permits (with consent) home occupations (an occupation carried on in a dwelling).
3.4 Integrating Land Use and Transport <i>Objective: To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) Improving access to housing, jobs and services by walking, cycling and public transport (b) Increasing the choice of available transport and reducing dependence on cars (c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car (d) Supporting the efficient and viable operation of public transport services (e) Providing for the efficient movement of freight.</i>	Applicable to the Planning Proposal.	Consistent. The Subject Site is strategically positioned in term of proximity to the Hurstville City Centre and the Hurstville Railway Station and Bus Interchange. The Planning Proposal does not hinder the application of this Direction. Refer consideration in the main body of the report.
3.5 Development Near Licensed Aerodromes	Not applicable to Hurstville.	--
3.6 Shooting Ranges	Not applicable to Hurstville.	--
4. Hazard and Risk		
4.1 Acid Sulfate Soils <i>Objective: To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i>	Not applicable to Planning Proposal.	The Subject Site is not within an area identified as land having a probability of containing acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	Not applicable to Hurstville.	--

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4.3 Flood Prone Land	Not applicable to Planning Proposal.	The Subject Site is not within an area identified as Flood Prone Land.
4.4 Planning for Bushfire Protection	Not applicable to Planning Proposal.	The Subject Site is not within a Bushfire Prone Area.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Not applicable to Hurstville.	--
5.2 Sydney Drinking Water Catchments	Not applicable to Hurstville.	--
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Hurstville.	--
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Hurstville.	--
5.5 Revoked	--	--
5.6 Revoked	--	--
5.7 Revoked	--	--
5.8 Second Sydney Airport: Badgerys Creek	Not applicable to Hurstville.	--
5.9 North West Rail Link Corridor Strategy	Not applicable to Hurstville.	--
6. Local Plan Making		
6.1 Approval and Referral Requirements <i>Objective:</i> <i>To ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>	Yes	The Planning Proposal does not include provisions that require concurrence, consultation or referral of development applications to the Minister or public authority or identify development as designated development.
6.2 Reserving Land for Public Purposes <i>Objective:</i> <i>(a) To facilitate the provision of public services and facilities by reserving land for public purposes, and</i> <i>(b) To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i>	Yes	Consistent. The Planning Proposal does not hinder the application of this Direction. No lands are proposed to be reserved for Public Purposes through the Planning Proposal.
6.3 Site Specific Provisions <i>Objective:</i>	Applicable to Planning	The Planning Proposal includes a minimum non-residential FSR

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<i>To discourage unnecessary restrictive site specific planning controls.</i>	Proposal.	of 1:1 on the site which is considered a means to ensure employment uses are included on the site. The requirement will be included in the Hurstville LEP 2012 through an amendment to the existing clause 4.4A. The Planning Proposal also includes provisions relating to affordable housing and retention of existing car parking spaces, which are site specific planning controls.
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney <i>Objective: To give legal effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	Yes	The Planning Proposal is not inconsistent with the NSW Government's A Plan for Growing Sydney (December 2014). Refer consideration in Section 3.2 of the report.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable to Hurstville.	--