

Ref No: D19/240535

APPENDIX 5 – Consistency with State Environmental Planning Policies (SEPPs)

Amended Planning Proposal

Georges River Local Environmental Plan

(PP2019/0004)

June 2020 – For Finalisation

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State Environmental Planning Policy	Consistency	Comment
State Environmental Planning Policy No 19 – Bushland in Urban Areas	Yes	The proposed areas of residential intensification, known as the Housing Investigation Areas (HIAs), are not located in existing bushland. The Planning Proposal also introduces the following new local provisions that seek to protect and enhance the tree canopy and <u>landscaped setting of</u> the LGA: Clause 6.7: “Foreshore scenic protection area” – the objective of this clause is to protect, maintain and improve the scenic amenity, significant views, diversity and condition of native vegetation and habitats, and environmental, social and character values of the Georges River foreshore in line with the overarching principles of this LEP. - Clause 6.13: “Landscaped areas in residential and environmental protection zones” - the objective of this clause is to ensure that the landscaped character of residential suburbs is preserved, minimise urban run-off by maximising permeable areas, minimise the visual impact of development, and ensure that vegetation which contributes to biodiversity and tree canopy is retained. This clause aims to reduce the urban heat island effect by increasing urban vegetation and permeable surfaces. <u>- Clause 6.19: “Tree protection and landscaping in Zones R2 and R3” – the objective of this cause is to ensure any development undertaken on land in the R2 Low Density Residential and the R3 Medium Density Residential zones maintains and enhances the landscaped character of the neighbourhood and contributes to the tree canopy of the LGA. This clause will also enable Council to enforce the removal of exotic tree species as part of development applications and provide locally endemic species as replacements.</u> Accordingly, the Planning Proposal is consistent with this SEPP.
State Environmental Planning Policy No 21	Yes	The Planning Proposal does not contain provisions that contradict or hinder the

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State Environmental Planning Policy	Consistency	Comment
– Caravan Parks		application of this SEPP as no provisions for caravan parks are proposed.
State Environmental Planning Policy No 33 – Hazardous and Offensive Development	Yes	The Planning Proposal does not permit hazardous or offensive industries through the <i>GRLEP 2020</i> . Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy No 36 – Manufactured Home Estates	N/A	Not applicable
State Environmental Planning Policy No 44 – Koala Habitat Protection	N/A	Not applicable
State Environmental Planning Policy No 47 – Moore Park Showground	N/A	Not applicable
State Environmental Planning Policy No 50 – Canal Estate Development	N/A	Not applicable
State Environmental Planning Policy No 55 – Remediation of Land	N/A	All of the land that is proposed to be rezoned under the Planning Proposal to allow increased residential density (i.e. the Housing Investigation Areas) is currently zoned residential and is urban land. Therefore, the sites proposed for rezoning are unlikely to be contaminated. In accordance with the conditions of the Gateway Determination, the proposed rezoning of 141-143A Stoney Creek Road, Beverly Hills from SP2 Infrastructure (Public Administration) to R2 Low Density Residential will no longer be pursued by this Planning Proposal due to the absence of a contamination assessment as the site was previously used by the former Roads and Traffic Authority for non-residential uses. The previous activities may cause contamination as identified by the EPA's <i>Planning Guidelines for Managing Land Contamination</i>.

State Environmental Planning Policy	Consistency	Comment
		Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy No 64 – Advertising and Signage	Yes	The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	Yes	The Planning Proposal introduces a new local provision for design excellence to deliver the highest standards of architecture and design across the LGA (Clause 6.11 Design excellence). The clause applies to new developments and substantial redevelopments of 12m or greater in the high density residential, industrial and business zones. The consent authority will need to ensure the subject development satisfies the heads of consideration listed in this clause, which include the suitability of the land for development, the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, bulk, massing and modulation of buildings. The proposed clause complements SEPP 65 in improving the design quality of residential apartment development. Development applications will need to comply with SEPP 65, the Apartment Design Guide and the design excellence clause. Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)	Yes	Council has prepared a draft <i>Inclusive Housing Strategy</i> and a supporting Delivery Plan, which are exhibited with this Planning Proposal. The Delivery Plan will include an Affordable Housing Contribution Scheme which will set out how, where, and at what rate development contributions can be collected by Council for affordable housing.

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State Environmental Planning Policy	Consistency	Comment
		The <i>Inclusive Housing Strategy</i> and the supporting Delivery Plan will inform the Stage 2 (Housing Choice) LEP in the staged LEP process. This Planning Proposal does not propose the implementation of delivery mechanisms for affordable housing. However, the Strategy will establish a policy position that affordable housing will be provided through planning proposals and the associated voluntary planning agreement process in the short term with exploration of provisions for affordable housing through infill development in future LEPs. Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Aboriginal Land) 2019	N/A	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	N/A	As stated above, this Planning Proposal does not propose the implementation of delivery mechanisms for affordable housing which will be implemented in Stage 2 of the LEP programme. Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes	The Planning Proposal introduces a new local provision for environmental sustainability in certain business, industrial and residential zones (Clause 6.12). The intent of this clause is to ensure that all development with a GFA of 1,500sqm or greater in business, industrial and high density residential zones embrace the best practice principles of environmentally sustainable development. The clause requires a statement of verification to be submitted with a development application by an Australian Building Sustainability Association accredited assessor demonstrating that the development satisfies environmentally

State Environmental Planning Policy	Consistency	Comment
		sustainable principles such as water efficiency, reducing the urban heat island effect and reducing energy demands. The proposed clause complements BASIX in encouraging sustainable development. Development applications will need to comply with BASIX and the environmentally sustainable local provision. Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Coastal Management) 2018	Yes	The Planning Proposal introduces a new local provision, Clause 6.5 – Foreshore area and coastal hazards and risks. The intent of this clause is to enhance the protection of the natural environment along the LGA's foreshore in line with the overarching principles of this LEP. The inclusion of the coastal hazard area based on the findings of the <i>Tidal Inundation Study</i> will ensure that there is a focus on addressing coastal hazards and risk through the development assessment process as the local provisions of the existing LEPs do not provide a clear link to policy on coastal hazard and risks. If a proposed development falls within land to which this clause applies, consideration must be given towards the impacts of sea level rise and tidal inundation as a result of climate change, impacts on the water quality of the Georges River, and other coastal hazards. The proposed clause intends to complement the Coastal Management SEPP, particularly Division 3 Coastal environment area and Division 4 Coastal use area of the SEPP. Development applications will need to comply with the Coastal Management SEPP and the foreshore area and coastal hazards and risks provisions under Clause 6.5. The proposed coastal environment

State Environmental Planning Policy	Consistency	Comment
		considerations under Clause 6.5 are not intended to replicate the requirements of the SEPP and instead are in addition to the SEPP as most of the land subject to Clause 6.5 is located on the Land Application Map of the SEPP. It should be noted that there are a number of affected areas that are not located within the application area of the SEPP (e.g. Gannons Park in Peakhurst and the Beverley Park Golf Course in Beverley Park). The proposed clause will ensure that appropriate environmental considerations are also provided by future development in these areas. Accordingly, the Planning Proposal does not contain provisions that contradict, hinder or duplicate the application of this SEPP.
State Environmental Planning Policy (Concurrences) 2018	Yes	The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Yes	The Planning Proposal permits educational establishments and early education and care facilities in all residential and business zones to facilitate the delivery of these land uses, consistent with the aims of the SEPP. The Planning Proposal also recognises the importance of retaining existing educational uses. To ensure the retention of land for educational establishments, it is proposed to retain the existing SP2 Educational Establishments zone for properties currently with this zone under the <i>HLEP 2012 and KLEP 2012</i>. In addition, properties across the LGA not currently zoned as SP2 Educational Establishments but are owned by education providers and operating as schools are proposed to be rezoned to SP2 Educational Establishments to formalise and retain the use of these lands as schools. Accordingly, the Planning Proposal is consistent with the SEPP.
State Environmental Planning Policy (Exempt and	Yes	The Planning Proposal does not propose the inclusion of any exempt or complying development and instead relies on the

State Environmental Planning Policy	Consistency	Comment
Complying Development Codes) 2008		provisions of the Codes SEPP. Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	The Planning Proposal rezones land that is currently identified as SP2 "Aged Care" under the <i>HLEP 2012</i> to the adjoining zone as seniors housing is permissible under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Gosford City Centre)	N/A	Not applicable
State Environmental Planning Policy (Infrastructure) 2007	Yes	The Planning Proposal seeks to harmonise the existing SP2 Infrastructure zones under the <i>HLEP 2012</i> and <i>KLEP 2012</i> , consistent with the aim of the Infrastructure SEPP to improve regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services. For example, the Planning Proposal seeks to rezone the small number of properties currently zoned SP2 Community Purposes and SP2 Public Administration to the adjoining zone for consistency given the vast majority of properties with these uses within the LGA do not have an SP2 zone. The Planning Proposal also seeks to protect important infrastructure by expanding the SP2 zone. For example, to protect hospitals and schools as significant infrastructure in the LGA, the Planning Proposal rezones land occupied by hospitals within the LGA to SP2 Hospital and SP2 Educational Establishments respectively. Accordingly, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental	N/A	Not applicable

State Environmental Planning Policy	Consistency	Comment
Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007		
State Environmental Planning Policy (Kurnell Peninsula) 1989	N/A	Not applicable
State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	Yes	The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Yes	The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A	Not applicable
State Environmental Planning Policy (Primary Production and Rural Development) 2019	N/A	Not applicable
State Environmental Planning Policy (State and Regional Development) 2011	N/A	Not applicable
State Environmental Planning Policy (State Significant Precincts) 2005	N/A	Not applicable
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	Not applicable
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N/A	Not applicable
State Environmental	N/A	Not applicable

State Environmental Planning Policy	Consistency	Comment
Planning Policy (Three Ports) 2013		
State Environmental Planning Policy (Urban Renewal) 2010	N/A	Not applicable
State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017	Yes	As discussed above, the Planning Proposal introduces the following new local provisions that seek to protect and enhance the tree canopy and the landscaped character of the LGA: - Clause 6.7: "Foreshore scenic protection area" - Clause 6.13: "Landscaped areas in residential and environmental protection zones" - <u>Clause 6.19: "Tree protection and landscaping in Zones R2 and R3"</u> These local provisions are consistent with the aims of the SEPP to protect the natural environment through the preservation of trees and other vegetation. <u>It should be noted that the Georges River Local Planning Panel at its meeting dated 25 and 26 June 2020 resolved to amend the proposed FSPA to retain the existing extent of the foreshore scenic protection area ("FSPA") identified by the HLEP 2012. These areas are included in addition to the exhibited extent of the FSPA in this amended Planning Proposal to allow Council to further define the role, mapped extent and zoning of the FSPA consistently across the LGA as part of the preparation of the draft LEP in 2021 / 2022.</u> Accordingly, the Planning Proposal is consistent with this SEPP.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N/A	Not applicable
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A	Not applicable

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State Environmental Planning Policy	Consistency	Comment
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	Not applicable
Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment		The Planning Proposal <u>extends the application of the existing riparian and watercourses clause within the HLEP 2012 to the whole LGA to ensure that all developments along the riverfront give consideration to the environmental impacts on the river. The intent of this clause is to protect and maintain the water quality and ecological habitats of the LGA's significant waterways of the Georges River and Salt Pan Creek.</u> If a proposed development falls within land to which this clause applies, consideration must be given to a number of matters, including impacts on the water quality of the Georges River, consistent with the aims of the <i>Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment</i>. Accordingly, the Planning Proposal is consistent with this deemed SEPP.

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