

Attachment 11

State Environmental Planning Policies

Attachment 11 - State Environmental Planning Policies

State Environmental Planning Proposal	Comments
SEPP 1 – Development Standards	Not applicable under clause 1.9 (2) of CLEP 2012
SEPP 19 – Bushland in Urban Areas	Applicable Consistent. The planning proposal does not impact on urban bushland and does not contain provisions that are contrary to this SEPP.
SEPP 21 – Caravan Parks	Applicable Consistent. The planning proposal does not impact on caravan parks and does not contain provisions that are contrary to this SEPP.
SEPP 33 – Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not relate to hazardous and offensive development and does not contain provisions that are contrary to this SEPP.
SEPP 36 – Manufactured Home Estates	Not applicable
SEPP 44 – Koala Habitat Protection	Not applicable
SEPP 47 – Moore Park Showground	Not applicable
SEPP 50 – Canal Estate Development	Applicable Consistent. The planning proposal does not relate to canal estate development and does not contain provisions that are contrary to this SEPP.
SEPP 55 – Remediation of Land	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP.
SEPP 64 – Advertising and Signage	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP.
SEPP 65 – Design Quality of Residential Flat building	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP. It is unlikely that the provisions of the planning proposal will be relevant to the type of development captured by this SEPP.
SEPP 70 – Affordable Housing (Revised Schemes)	Applicable Hurlstone Park is however not an area identified for provision of affordable housing under this SEPP, so it is not directly relevant.
SEPP (Aboriginal Land) 2019	Not applicable

SEPP (Affordable Rental Housing) 2009	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP.
SEPP (Building Sustainability Index BASIX) 2004	Applicable Any future development applications would need to consider the provisions of this SEPP.
SEPP (Coastal Management) 2018	Not applicable. None of the land identified as a draft heritage item or HCA is identified by this SEPP.
SEPP (Concurrences) 2018	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP, which relates to the development assessment process.
SEPP (Educational Establishments and Child Care Facilities) 2017	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP. The identification of heritage items and HCAs will limit the application of this SEPP.
SEPP (Gosford City Centre) 2018	Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP.
SEPP (Infrastructure) 2007	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP. The identification of heritage items and HCAs will limit the application of this SEPP.
SEPP (Integration and Appeals) 2016	Not applicable
SEPP (Kosciusko National Park – Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP.

SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Primary Production and Rural Development) 2019	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP.
SEPP (Rural Lands) 2008	Not applicable
SEPP (State and Regional Development) 2011	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP.
SEPP (State Significant Precincts) 2005	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable. The planning proposal does not include land that is part of a potential urban renewal precinct.
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable Consistent. The planning proposal does not contain provisions that are contrary to this SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Sydney Western Parklands) 2009	Not applicable

Attachment 12

Local Planning Directions

Attachment 12 – Local Planning Directions

Section 117 Directions	Consistency	Comments
<p>1.1 Business and Industrial Zones</p>	<p>Justifiably inconsistent</p>	<p>This direction is applicable as the planning proposal includes land that is zoned B2 Local Centre. The parts of the direction that are particularly relevant are clauses 4(b) and 4(c).</p> <p>The planning proposal is consistent with clause 4(b) of this direction. It will not result in a loss of business zoned land, and therefore retains the areas and locations of existing business zones.</p> <p>This direction in clause 4(c) requires that a planning proposal must not reduce the total potential floor space area for employment uses and related public services in business zones.</p> <p>The planning proposal is intending to alter the existing height controls by reducing maximum building height in part of the B2 zone from 14 metres to 11 metres and 9 metres.</p> <p>The main area of applicability is the Hurlstone Park Village Centre. This centre is relatively small and characterised by small lots and a fine grain built form. In past 15 years there has been only one application for redevelopment in the centre. Given these circumstances it is not anticipated that there will be any significant loss of potential floor space.</p> <p>Built form modelling has demonstrated that there will be significant detrimental impacts if the current height controls are maintained.</p> <p>The other applicable site is St Stephanos Greek Orthodox Church. The land already contains a substantial church building, hall, and child care centre.</p> <p>It is considered that the degree of inconsistency is of minor significance.</p>
<p>2.3 Heritage Conservation</p>	<p>Consistent</p>	<p>This direction requires that a planning proposal must contain provisions that facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal is consistent with this direction. It seeks to conserve the heritage of Hurlstone Park and is based on detailed heritage assessments of this suburb.</p>

<p>3.1 Residential Zones</p>	<p>Justifiably inconsistent</p>	<p>This direction is applicable as the planning proposal involves the rezoning of land that is zoned R3 Medium Density Residential and R4 High Density Residential in proposed Heritage Conservation Areas, to R2 Low Density Residential.</p> <p>This is to ensure that development which would be incompatible with the proposed Heritage Conservation Areas is no longer permissible.</p> <p>The change in zoning will reduce the choice of building types and locations available in the housing market and therefore is inconsistent with clause 4(a) of this direction.</p> <p>The impact is expected to be minor, because the likelihood of significant levels of new medium and high density housing occurring in the existing R4 and R3 zones in Hurlstone Park is low. This is due to the relatively small existing lot sizes that make forming development sites difficult, and the quality and established nature of the existing dwelling stock.</p> <p>However the planning proposal will conserve buildings of the Federation and Inter War period that are becoming more sought after and rarer in the Council area. Given the amount of residential development envisaged elsewhere within the Sydenham to Bankstown Urban Renewal Corridor the impact of the planning proposal in this regard will be of minor significance.</p> <p>The planning proposal will also not make more efficient use of existing infrastructure and services as specified in clause 4(b) of this direction. Much of the land proposed to be conserved is within 800 metres of a railway station. However, as previously noted, given the amount of residential development envisaged elsewhere within the Sydenham to Bankstown Urban Renewal Corridor the impact of the planning proposal in this regard will be of minor significance.</p> <p>The issue of good design specified in clause 4(d) will be met through existing LEP controls in clause 5.10 and through the DCP controls to be exhibited with this planning proposal.</p>
<p>7.1 Implementation of A Plan for Growing Sydney</p>	<p>Justifiably inconsistent</p>	<p>This direction requires that planning proposals shall be consistent with the NSW Government's A Plan for Growing Sydney published in December 2014.</p> <p>The relationship of the planning proposal and Sydney Region planning policy is discussed in Section B of this planning proposal.</p>

Attachment 13

Evaluation Criteria for the Delegation of Plan Making Functions

Attachment 5 – Plan making reporting template when council is authorised to make the local environmental plan

Reporting Template for LEP Amendments where council is authorised to make the plan

Notes:

- Planning proposal number will be provided by the Department following receipt of the planning proposal
- The Department will fill in the details of **Tables 1** and **3**
- PPA is to fill in details for **Table 2**
- If the planning proposal is exhibited more than once, the PPA should add additional rows to **Table 2** to include this information
- The PPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the Department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the PPA's request to have the LEP notified

Table 1 – To be completed by the Department

Stage	Date / Details
Planning Proposal Number	
Date Sent to Department under s 3.34	
Date considered at LEP Review Panel (if relevant)	
Gateway determination date	

Table 2 – To be completed by the PPA

Stage	Date / Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to Department requesting notification		

Table 3 – To be completed by the Department

Stage	Date / Details
Notification Date and details	
Additional Relevant Information:	

Attachment 14

Delegated plan making reporting template

STEP 1: REQUIRED FOR ALL PROPOSALS
(under s3.33(2)(a-e) of the EP&A Act)

- | | |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| • Objectives and intended outcome | • Explanation of provisions |
| • Mapping (including current and proposed zones) | • Justification and process for implementation (including compliance assessment against relevant section 9.1 direction/s) |
| • Community consultation (agencies to be consulted) | |

STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS
(Depending on complexity of planning proposal and nature of issues)

Planning Matters or Issues	to be considered	N/A		to be considered	N/A
Strategic Planning Context			Environmental Considerations		
Consistent with the relevant regional, district or corridor/precinct plans applying to the site, including any draft regional/district or corridor/precinct plans released or public comment; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flooding	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with a relevant local council strategy that has been endorsed by the Department; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land/site contamination (SEPP55)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Seeking to update the current planning controls if they have not been amended in the last 5 years	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sea level rise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Description / Context			Urban design Considerations		
Aerial photographs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing site plan (buildings, vegetation, roads, etc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site photos / photomontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Building mass/block diagram study (changes in building height and FSR)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic and Transport Considerations			Lighting impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Local traffic and transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Development yield analysis (potential yield of lots, houses, employment generation)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TMAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic Considerations		
Public transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic impact assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cycle and pedestrian movement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Retail centres hierarchy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Considerations			Employment land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bushfire Hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Social and Cultural Considerations		
Acid sulphate Soil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Heritage impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Noise impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aboriginal archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Flora and/or fauna	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open space management	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Soil stability, erosion, sediment, landslip assessment and subsidence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	European archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Social and cultural impacts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stakeholder engagement	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			Infrastructure Considerations		
			Infrastructure servicing and potential funding arrangements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Miscellaneous / Additional Considerations		
			List any additional studies that should be undertaken post Gateway determination	<input type="checkbox"/>	<input checked="" type="checkbox"/>