



Kogarah City Council
PLANNING PROPOSAL
Amendment 1 to Kogarah LEP 2012

March 2013
Prepared by Kogarah City Council

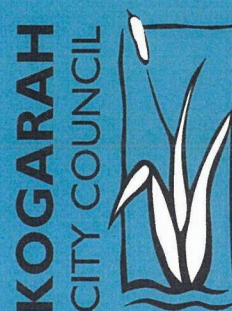


Table of Contents

Introduction	3
Background	3
Part 1 – Objectives or Intended Outcomes	4
Part 2 – Explanation of Provisions.....	4
A Clause 4.1 Minimum subdivision lot size	4
B Clause 6.4 Limited development on foreshore area.....	5
C Clause 6.7 Location of sex services premises	6
D LEP Schedule Amendments	7
E Mapping Changes	11
Part 3 – Justification	12
A Need for the Planning Proposal	12
1. <i>Is the planning proposal a result of any strategic study or report?.....</i>	<i>12</i>
2. <i>Is the planning proposal the best means of achieving the objectives or intended outcome or is there a better way?</i>	<i>13</i>
B Relationship to strategic planning framework.....	13
3. <i>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)?.....</i>	<i>13</i>
4. <i>Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?</i>	<i>13</i>
5. <i>Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?.....</i>	<i>13</i>
6. <i>Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?</i>	<i>13</i>
C Environmental, Social and Economic Impact.....	13
7. <i>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?</i>	<i>13</i>
8. <i>Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</i>	<i>14</i>
9. <i>How has the planning proposal adequately addressed any social and economic impacts?.....</i>	<i>14</i>
D State and Commonwealth Interests.....	14
10. <i>Is there adequate public infrastructure for the planning proposal?.....</i>	<i>14</i>
11. <i>What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?</i>	<i>14</i>
Part 4 – Mapping.....	14
Part 5 – Community Consultation	14

Annexures

Annexure 1 – Draft subclause 4.1(3A)

Annexure 2 – Assessment of Consistency with SEPPs

Annexure 3 – Assessment of Consistency with Section 117 Directions

Annexure 4 – Heritage Map, as proposed to be amended

Introduction

This Planning Proposal explains the intended effect of, and provides justification for the proposed amendment to *Kogarah Local Environmental Plan (LEP) 2012*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP & A Act), and the relevant Department of Planning and Infrastructure (Department) guides, including 'A Guide to Preparing Local Environment Plans' and 'A Guide to Preparing Planning Proposals'.

Background

Kogarah LEP 2012 (KLEP 2012) was gazetted on 25 January 2013 and came into effect on 8 February 2013. The LEP was prepared in accordance with the Department's Standard Instrument LEP.

KLEP 2012 represents a conversion LEP, implementing a Standard Instrument LEP in for the Kogarah LGA that replaces but maintains the general effect of the repealed KLEP 1998.

Review of KLEP 2012 prior to gazettal has identified a number of errors and inconsistencies, some of which the Department was aware of prior to notification. A Planning Proposal is necessary to ensure that KLEP 2012 continues to represent Council policy and delivers consistent and reliable outcomes for the community.

A report outlining the proposed amendments was presented to Council's Planning & Environmental Services Working Party Meeting on 18 February 2013. Subsequently, Council, at its meeting on 25 February 2013 resolved the following:

- a) *That the amendments to the Kogarah Local Environmental Plan 2012 (KLEP 2012) as outlined in the body of the report with the exception of the deletion of "Griffith House" from Schedule 5 (Heritage Schedule) be adopted for the purpose of incorporation into a Planning Proposal.*
- b) *That the Planning Proposal referred to in (a) above be submitted to the Department of Planning and Infrastructure for Gateway Determination.*

Part 1 – Objectives or Intended Outcomes

The objectives of the Planning Proposal are to amend KLEP 2012 to:

- i. Reword subclause (3A) of 4.1 *Minimum subdivision lot size* to ensure consistency with the provisions of Council's Residential Design Guide Development Control Plan 2005 (RDG).
- ii. Amend subclause (2) of 6.4 *Limited development on foreshore area* to ensure consistency with the foreshore building line provision of the repealed KLEP 1998.
- iii. Reword subclause (3)(a) of 6.7 *Location of sex services premises* to ensure consistency with Council's intent for the provision and the repealed KLEP 1998.
- iv. Delete 2A Torwood Street, Sans Souci and 1 and 3 William Street, South Hurstville from subclause 18(1) of *Schedule 1* to address duplication.
- v. Correct the property description for 721A and 721B King Georges Road, Penshurst as it appears in subclause 19(1)(z) of *Schedule 1*.
- vi. Insert No. 113 Hurstville Road, Oatley in subclause 20(1) of *Schedule 1* to make dual occupancies (detached) a permissible land use on the site, consistent with KLEP 1998
- vii. Renumber items in the Heritage Schedule (*Schedule 5*) so that they are ordered sequentially.
- viii. Amend the heritage map to reflect cadastral changes and ensure consistency with *Schedule 5*.

Part 2 – Explanation of Provisions

The information included below includes detailed explanation of the proposed changes to Kogarah LEP 2012:

A Clause 4.1 Minimum subdivision lot size

Subclause 4.1(3A) of KLEP 2012 is an exception clause which introduces additional requirements for subdivisions. The intent of the subclause was to apply minimum lot width and depth requirements to all subdivisions as per the existing provisions of Council's RDG. However, as currently worded, the provisions only apply to battle-axe allotments.

This issue was brought to the attention of the Sydney East team of the Department prior to notification of KLEP 2012 and alternate wording was submitted. Following review of the redrafted clause, the Department formed the opinion that while the

redrafted clause was reflective of Council's original intent and existing controls, the proposed amendment would constitute a significant post exhibition change which may have required re-exhibition. They advised that given finalisation of the LEP was imminent the change should be made as a first amendment to the LEP so as to avoid delaying final drafting and Parliamentary Counsel (PC) opinion.

Accordingly, this planning proposal seeks to amend subclause 4.1(3A) to relocate the reference to battle-axe lots so that the minimum lot width and depth requirements apply to all subdivisions and the alternate lot sizes specified in the subclause apply only where a subdivision is resulting in the creation of a battle-axe lot.

Furthermore, 4.1(3A)(e)(iv) applies to the subdivision of land within Zone E4 Environmental Living which has direct frontage to the foreshore (affected by a Foreshore Building Line and identified as "R" on the Lot Size Map). As per the current RDG, the subclause requires that where land identified as "R" is to be subdivided, a minimum of 500m² of the lot is to be provided above the FBL.

The exhibited draft instrument stated *a minimum 500m² shall not be located behind the Foreshore Building Line* which was subsequently amended by PC to *at least 500 square metres of the lot must not be located behind the foreshore building line*. Further review of the instrument has revealed that 'behind the Foreshore Building Line' could be subject to discretionary interpretation and hence simplification of the requirement is necessary.

It is therefore recommended that *at least 500 square metres of the lot must not be located behind the foreshore building line* be replaced with *at least 500 square metres of the lot must be located above the foreshore building line* so as to provide clarification as to which side of the foreshore building line the 500 square metres is to be provided.

A draft amended subclause 4.1(3A) is included in **Annexure I**.

B Clause 6.4 Limited development on foreshore area

KLEP 2012 has adopted the "foreshore building line" model local clause prepared by the Department, with a minor variation. The variation pertains to subclause (2) which specifies purposes for which development consent may be granted on land in the foreshore area.

The model provision states:

- (2) *Development consent must not be granted for development on land in the foreshore area except for the following purposes:*
 - (a) *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,*
 - (b) *the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*
 - (c) *development for the purposes of boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

while clause 6.4 of the KLEP 2012 states:

- (2) *Development consent must not be granted to development on land in the foreshore area except for the following purposes:*
- (a) *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,*
 - (b) *the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*
 - (c) *boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways or walking trails.*

The intent of the variation was to retain consistency with development permitted below the foreshore building line under clause 18 of KLEP 1998.

Since notification of KLEP 2012, it has been identified that while the revised provision permits 'waterway access stairs', it does not permit the construction of inclinator as per the former KLEP 1998, which used the terminology 'works to enable pedestrian access'.

It is therefore proposed that subclause 6.4 (2)(c) of KLEP 2012 be amended to replace 'waterway access stairs' with 'works to enable pedestrian access to the waterway' to enable applications for inclinator in the foreshore area to be considered.

C Clause 6.7 Location of sex services premises

Subclause (2) of the exhibited sex services premises clause stated, in part, the following:

- (2) *In deciding whether to grant consent to any such development, the consent authority must take into account the impact that the proposed development would have on children who use the land,*

Prior to gazettal of KLEP 2012, PC reworded the subclause to state, in part:

- (3) *In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:*
- (a) *the impact of the proposed development on land on which the sex services premises are located, or any land referred to in subclause (1), that is frequented by children,*

The reworded subclause infers that it is the impact of the sex services premises on the land on which it is located that must be considered, when in fact the intent of the provision is to minimise the impact of sex service premises on children using land within the vicinity.

Furthermore, the subclause is incorrect in its reference to subclause (1) which is now a clause objective (inserted by PC) and the 'any land' (being Zone E4

Environmental Living; Zone R2 Low Density Residential; and Zone R3 Medium Density Residential) is now identified in subclause (2).

It is proposed that subclause (3)(a) be reworded to the following:

- (a) *the social impact of the proposed development on land frequented by children or any land referred to in subclause (2),*

This will ensure consistency with the repealed KLEP 1998 and Council's original intent with regard to this clause.

D LEP Schedule Amendments

Schedule 1 – Additional permitted uses

Clause 16

To ensure the effect of KLEP 1998 was maintained in the preparation of a Standard Instrument LEP for the Kogarah LGA, the land uses and sites contained within Clause 24 - Exceptions of KLEP 1998 were inserted into Schedule 1. Clause 16(1) of Schedule 1 identifies sites upon which the additional uses of 'business premises, office premises, residential flat buildings and shops' are permissible with development consent. This represents conversion of 'commercial premises, multi-unit housing and small shops' under KLEP 1998.

No.'s 401 and 403 Rocky Point Road, Sans Souci are identified in clause 24 of KLEP 1998 with 'commercial premises, multi-unit housing and small shops' as additional permitted uses. As such, they should be identified in Clause 16(1) of Schedule 1 of KLEP 2012.

However, since notification of KLEP 2012, it has been established that despite being identified in analysis undertaken during preparation of the Planning Proposal and draft instrument, No.'s 401 and 403 Rocky Point Road, Sans Souci have not been included in Clause 16(1) of Schedule 1.

Accordingly, amendment is required to insert these properties into the Schedule to ensure that KLEP 2012 remains consistent with KLEP 1998 and the intent of producing a conversion LEP.

Under the former clause 24, development with commercial premises/small shops at ground floor and multi-unit housing above was permissible on the sites where 'commercial premises, multi-unit housing and small shops' were additional permitted uses, as was multi-unit housing in the form of villas and/or townhouses. However, without these uses specified under subclause 16(2) of Schedule 1, these forms of development would not be permissible under KLEP 2012 on the identified sites, thereby being inconsistent with the provisions of KLEP 1998. It is therefore proposed that 'shop top housing' and 'multi dwelling housing' be included as permissible with consent under subclause 16(2).

Furthermore, it has been identified that subclause 16(3)(b) inadvertently restricts the maximum floor space of all the additional permitted uses to no more than 80m² or the existing commercial and retail floor space, whichever is greater. The intent of the subclause was to retain the effect of the land use exception table under clause 24 of KLEP 1998 which restricted the amount of floor space used for 'commercial premises or small shops (or both)' to 80m² or the existing commercial/retail floor space, whichever is greater.

To address the unintended restriction on the amount of residential floor space, it is proposed to replace the existing subclause 16(3)(b):

the maximum floor space used for the development permitted by subclause (2) is no more than 80m² or the existing commercial and retail floor space, whichever is greater.

with the following:

the maximum floor space used for business premises, office premises or shops is no more than 80m² or the existing commercial and retail floor space, whichever is greater.

Clause 18

Clause 18 of Schedule 1 identifies sites upon which the additional use of 'multi dwelling housing' is permissible. This clause is a conversion of clause 22A(6) of the repealed KLEP 1998 which allowed development for the purpose of villas to be carried out on land within the Residential 2(a) Zone identified in a Development Control Plan (DCP). Accordingly, sites identified for villas in Appendix 14 of the RDG were inserted in Schedule 1 so as to ensure that the use remained permissible on the selected sites.

Appendix 14 of the RDG identifies No.'s 2 and 2A Torwood Street, Sans Souci as sites upon which development for the purpose of villas can be undertaken in accordance with subclause 22A(6) of KLEP 1998. Accordingly, both sites were listed in subclause 18(1) of Schedule 1 of KLEP 2012 to ensure that the use remained permissible. However, No. 2A Torwood Street was zoned Residential 2(b) Medium Density under KLEP 1998 and is now the equivalent R3 Medium Density Residential under KLEP 2012.

As such, multi dwelling housing (known as villas and townhouses under KLEP 1998) is permitted with consent on the site under the Land Use Table and hence identification in clause 18 of Schedule 1 is unnecessary. It is therefore proposed to delete No. 2A Torwood Street, Sans Souci from clause 18 of Schedule 1.

No.'s 1 and 3 William Street, South Hurstville are listed in subclause 18(1) of Schedule 1 of KLEP 2012, reflecting their identification in Appendix 14 of the RDG. However, the sites were also identified as satisfying the criteria under subclause 22A(4) of KLEP 1998 which allowed development for the purpose of villas or townhouses (or both). As such, the sites also appear in clause 15 of Schedule 1 with multi dwelling housing identified as an additional permitted use. Clauses 18 and 15 of Schedule 1 permit the same development, yet clause 18, representing conversion of the villas clause of KLEP 1998, restricts development to a height of 5m.

While subclause 15(2) of Schedule 1 requires consolidation of No.'s 1 and 3 William Street, subclause 18(2) requires a minimum site width of 20m at the front building line and hence necessitates both sites to be developed as one. Accordingly, reference to the sites in clause 18 of Schedule 1 is redundant and therefore proposed to be deleted.

Clause 19

No.'s 721A and 721B King Georges Road Penshurst are incorrectly referenced as *part of Lot 12, DP 881035* in subclause 19(1) of Schedule 1.

This matter was discussed with the Department prior to the instrument being given to PC for final review and confirmation was provided that the reference to a part lot, as per the exhibited version, was incorrect and the property should be referred to as *Lot 12, DP 881035*. However, PC incorrectly drafted the LEP with the reference to part lot retained.

It is therefore proposed to amend the reference to *Lot 12, DP 881035*.

Clause 20

Clause 20(1) of Schedule 1 of KLEP 2012 identifies sites upon which dual occupancies (detached) can be undertaken as an additional permitted land use. The clause represents a conversion of Clause 22A(10) of KLEP 1998 which permitted detached dual occupancies on corner sites.

While the former clause specified parameters which a site must satisfy for dual occupancies (detached) to be a permitted use, under the Standard Instrument LEP it was necessary for the sites which met the specified parameters to be identified and listed in Schedule 1 Additional permitted uses with dual occupancies (detached) as the 'additional permitted use'.

In the process of identifying sites which satisfy the requirements contained within Clause 22A(10), No. 113 Hurstville Road, Oatley was not identified as a corner site due to the adjacent road being comprised of two 'lots' (see image below showing the cadastre).

However, in reality, 113 Hurstville Road is located on a corner (see aerial photograph below) and as such should have been identified in Clause 20(1) of Schedule 1. It is proposed that Clause 20(1) of Schedule 1 be amended to include reference to No. 113 Hurstville Road, Oatley (Lot 1, DP 566062) to make dual occupancies (detached) a permissible land use on the site as per the former KLEP 1998.

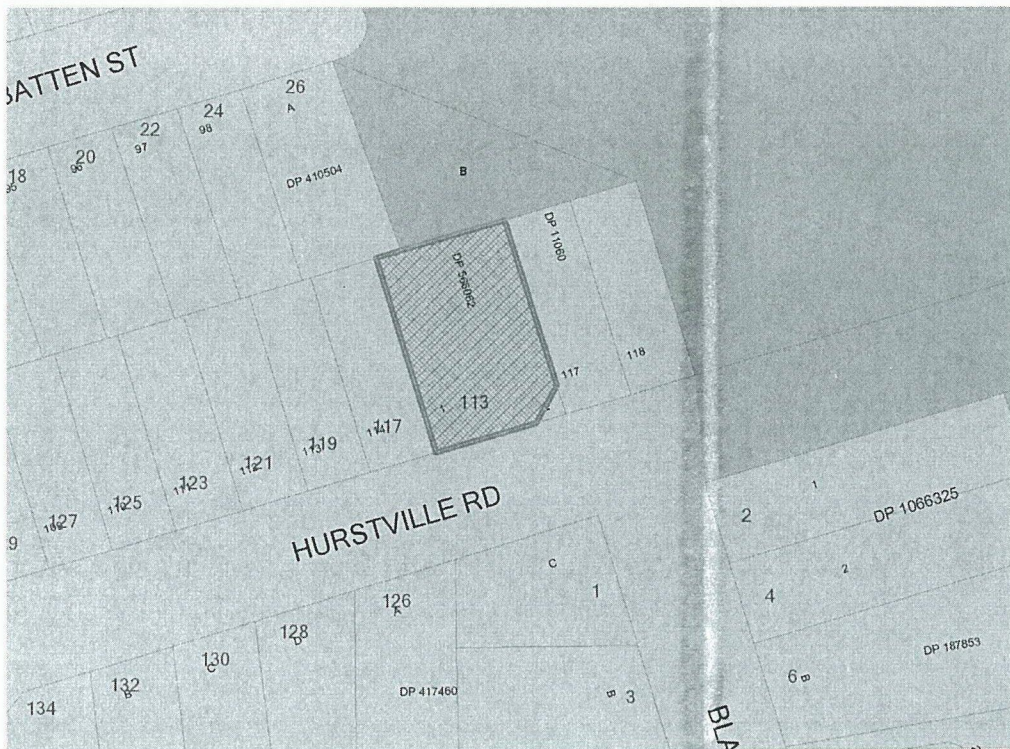


Image 1 – Excerpt from KLEP 2012 zoning map showing the location of 113 Hurstville Rd, Oatley



Image 2 – Aerial photograph showing the location of 113 Hurstville Rd, Oatley

Schedule 5 – Environmental Heritage

Following exhibition of the Planning Proposal and draft instrument, but prior to obtaining PC opinion, the decision was made to change all references to 'Hurstville South' to 'South Hurstville' to ensure consistency across the document. This

decision was made following confirmation with Council's Rates section and the Geographical Names Board of NSW.

This change altered the order of items in Schedule 5 which are arranged alphabetically by suburb. Rather than amending the item numbers and the accompanying map, PC simply relocated the four subject items in South Hurstville to the end of the Schedule, resulting in the items no longer being in sequential order. It is therefore proposed to address this by renumbering the items in Schedule 5 and reflect these changes on the heritage map.

E Mapping Changes

Heritage Map

Following a change to the cadastre, the depiction of the Mortdale Railway Station and car sheds has changed slightly. The heritage map accompanying the notified KLEP 2012 identifies the subject item as two separate shapes, while the cadastral change means that the item will now be depicted as one shape. The images below illustrate the proposed change, the first image being an excerpt from the current heritage map and the second being taken from the proposed map. It is proposed that the heritage map be amended to reflect this change in the cadastre and the resultant change in the depiction of the item.

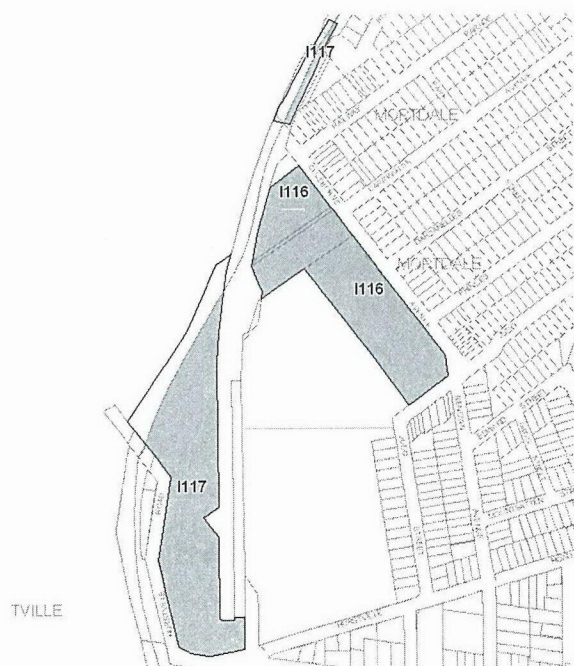


Image 3 – Excerpt from the heritage map of the notified KLEP 2012

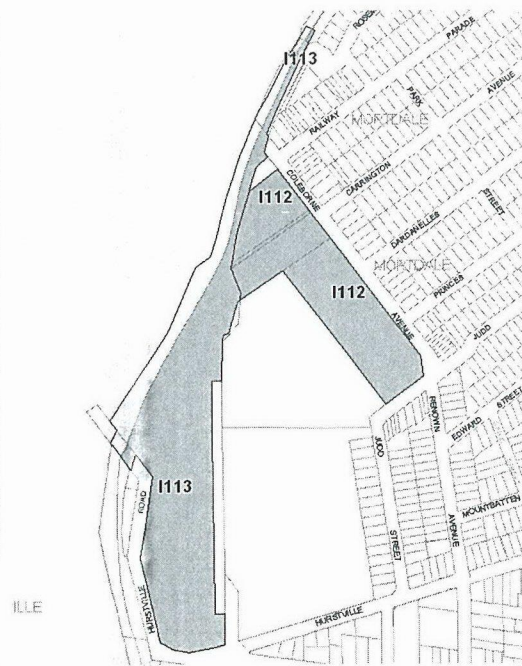


Image 4 – Excerpt from the proposed heritage map

The Standard Instrument template requires that all heritage items be identified by their property description (lot and DP). In converting each listing into the Standard Instrument format, the accuracy of the mapping under KLEP 1998 was reviewed and consideration given to property descriptions, particularly where sites are comprised of multiple lots.

A review of Sans Souci Public School (No. 413 Rocky Point Rd) revealed that some of the lots identified in the heritage map accompanying the KLEP 1998 are vacant, well removed from the listed 'original 2 storey school building' and attached to a separate address (13 Endeavour St).

It was decided not to include these lots in the listing of the Sans Souci Public School and as such they are not identified in Schedule 5 of KLEP 2012. However, the lots were incorrectly identified on the heritage map, resulting in an inconsistency between the Schedule and the map.

Accordingly, to address this discrepancy and ensure consistency with the original intent of the KLEP 2012, it is proposed to amend the map as depicted below. The first image is an excerpt from the current heritage map and the second identifies the proposed amendment to the map.

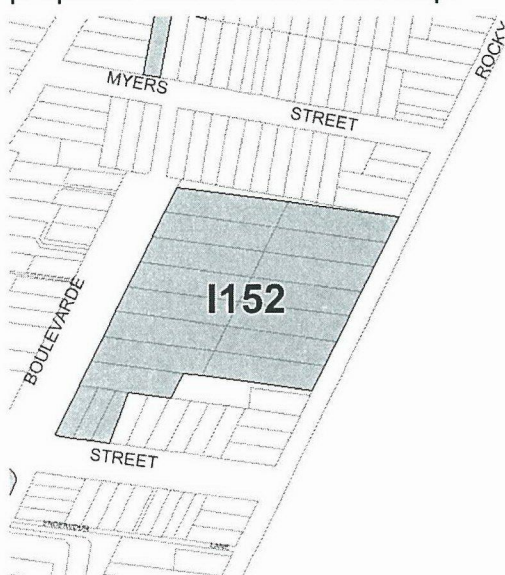


Image 5 – Excerpt from the heritage map of the notified KLEP 2012



Image 6 – Excerpt from the proposed heritage map

Part 3 – Justification

A Need for the Planning Proposal

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

The amendments outlined in the planning proposal are not a result of a strategic study or report. They are required to correct drafting errors and to clarify the intent of provisions within the KLEP 2012 so as to ensure consistency with the repealed KLEP 1998 which was Council's primary objective when undertaking the preparation of a Standard Instrument LEP.

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

The intent of the planning proposal is to resolve errors and inconsistencies within the KLEP 2012. Accordingly, the planning proposal is considered the best way of achieving the objectives.

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)?*

The Planning Proposal is consistent with the objectives and actions contained within the Metropolitan Plan for Sydney 2036 and draft South Subregional Strategy.

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

Bright Future, Better Lifestyle: Kogarah 2020 is Council's Community Strategic Plan (CSP), representing the aspirations of the people who live, visit and work in the City of Kogarah and setting out the strategic direction which Council will follow in achieving the needs of our community for the next 10 years to 2020.

The Planning proposal is consistent with Council's Community Strategic Plan.

5. *Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?*

The Planning Proposal has been assessed against all relevant State Environmental Planning Policies (SEPPs). Based on this assessment, Council has concluded that the Planning Proposal is consistent with the applicable SEPPs, as shown in the table in **Appendix 2**.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?*

An analysis of the consistency with the s117 Directions has been undertaken and is included in **Annexure 3**. The Planning Proposal is consistent with all applicable Ministerial Directions.

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. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the

Planning Proposal.

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

There is no likelihood of adverse environmental impact as a result of this planning Proposal.

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

The purpose of the planning proposal is to address identified anomalies and errors within KLEP 2012. This will improve the operation of the KLEP 2012 and provide positive social and economic outcomes for the whole community.

D State and Commonwealth Interests

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

Yes. The planning proposal does not generate increased need for public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Consultation with appropriate State and Commonwealth public authorities has not yet been undertaken. Council will engage with any relevant public authority in accordance with the Gateway Determination.

Part 4 – Mapping

The majority of the amendments proposed by the planning proposal are related to the wording of the instrument and therefore do not result in mapping changes.

The renumbering of the items in the Heritage Schedule and the outlined cadastral changes and mapping correction will result in changes to the Heritage Maps. These accompany this planning proposal and are included as **Annexure 4**.

Part 5 – Community Consultation

The Planning Proposal will be placed on public exhibition in accordance with the Gateway Determination.

An engagement strategy will be prepared by Council which would include the following:

- advertisement in the local newspaper (i.e. *The St George Leader*);
- the Planning Proposal and supporting information being made available on Council's website;

- notification letters to relevant State Agencies and other authorities nominated by the Department;
- display of the Planning Proposal in Council's Customer Service Centre and Kogarah Town Centre Library,

Annexure I – Draft Subclause 4.1(3A)

Draft clause 4.1

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to promote the efficient use of land in accordance with this plan,
 - (b) to ensure that subdivision does not prevent the orderly development of land in accordance with this plan,
 - (c) to require adequate street frontages and dimensions for standard and battle-axe lots,
 - (d) to ensure that the intensity of development is appropriate to the land's environmental capability.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) Despite subclause (3), development consent may only be granted for subdivision where the resultant lots will meet the following requirements:
 - (a) for land in Zone R2 Low Density Residential identified as "I" on the Lot Size Map:
 - (i) minimum lot width—15 metres, and
 - (ii) minimum lot depth—30 metres, and
 - (iii) where subdivision will result in a battle-axe lot, the battle-axe lot shall have a minimum lot size of:
 - (A) 550 square metres, if the lot has a rear boundary with land in Zone RE1 Public Recreation, or
 - (B) 600 square metres, if the lot has a rear boundary with land in a residential zone or Zone E4 Environmental Living,
 - (b) for land in Zone R3 Medium Density Residential identified as "S" on the Lot Size Map:
 - (i) minimum lot width—18 metres or 27 metres, if the lot has frontage to a classified road, and
 - (ii) minimum lot depth—30 metres, and
 - (iii) where subdivision will result in a battle-axe lot, the battle-axe lot shall have a minimum lot size of:
 - (A) 900 square metres, if the lot has a rear boundary with land in Zone RE1 Public Recreation, or
 - (B) 950 square metres, if the lot has a rear boundary with land in a residential zone or Zone E4 Environmental Living,

- (c) for land in Zone E4 Environmental Living identified as “M” on the Lot Size Map:
 - (i) minimum lot width—15 metres, and
 - (ii) minimum lot depth—30 metres, and
 - (iii) where subdivision will result in a battle-axe lot, the battle-axe lot shall have a minimum lot size of:
 - (A) 650 square metres, if the lot has a rear boundary with land in Zone RE1 Public Recreation, or
 - (B) 700 square metres, if the lot has a rear boundary with land in a residential zone or Zone E4 Environmental Living,
 - (d) for land in Zone E4 Environmental Living identified as “Q” on the Lot Size Map:
 - (i) minimum lot width—18 metres, and
 - (ii) minimum lot depth—30 metres, and
 - (iii) where subdivision will result in a battle-axe lot, the battle-axe lot shall have a minimum lot size of:
 - (A) 750 square metres, if the lot has a rear boundary with land in Zone RE1 Public Recreation, or
 - (B) 800 square metres, if the lot has a rear boundary with land in a residential zone or Zone E4 Environmental Living,
 - (e) for land in Zone E4 Environmental Living identified as “R” on the Lot Size Map:
 - (i) minimum lot width—18 metres, and
 - (ii) minimum lot depth—25 metres, and
 - (iii) at least 500 square metres of the lot must be located above the foreshore building line, and
 - (iii) where subdivision will result in a battle-axe lot, the battle-axe lot shall have a minimum lot size of:
 - (A) 800 square metres, if the lot has a rear boundary with land in Zone RE1 Public Recreation, or
 - (B) 850 square metres, if the lot has a rear boundary with land in a residential zone or Zone E4 Environmental Living,
- (3B) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size for the purpose of subclauses (3) and (3A).
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

Annexure 2 – Assessment of Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Application	Statement of Consistency
State Environmental Planning Policy No. 1 – Development Standards	This SEPP does not apply to the Kogarah LGA	Not applicable
State Environmental Planning Policy No. 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	This policy allows relatively simple or minor changes of land or building use and certain types of development without the need for a development application.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy No. 6 – Number of storeys in a building	Sets out a method for determining the number of storeys in a building.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy No. 14 – Coastal Wetlands	The SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy No. 15 – Rural Landsharing Communities	The SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy No. 19 – Bushland in Urban Areas	The general aim of this Policy is to protect and preserve bushland within the urban areas. SEPP 19 applies to bushland zoned or reserved for public open space purposes and to development adjoining that land. The Policy applies to the Kogarah LGA.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy No. 21 – Caravan Parks	Requires development consent to be obtained from Council for development for the purposes of caravan parks and sets out matters to be considered before granting consent.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental	Permits with consent a	It is not proposed to

Annexure 2 – Assessment of Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Application	Statement of Consistency
Planning Policy No. 22 – Shops and Commercial Premises	change of use within a business zone of a shop or commercial premises to another shop or commercial premises even if prohibited under another environmental planning instrument.	include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy No. 26 – Littoral Rainforests	There are no mapped Littoral Rainforests in the Kogarah LGA.	Not applicable
State Environmental Planning Policy No. 29 – Western Sydney Recreation Areas	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy No. 30 – Intensive Agriculture	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)	Under this SEPP, when preparing environmental planning instruments councils must consider whether urban land is no longer required for the purpose it is currently zoned or used and if it is suitable for redevelopment for multi-unit housing in accordance with the aims and objectives of the Policy.	The planning proposal addresses inconsistencies identified in Council's SILEP and does not identify additional land for multi-unit housing nor increase the availability of housing. Accordingly, the inconsistency with the Policy is considered justifiable.
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development	Provides definitions guidelines and considerations for assessing hazardous and offensive development.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy No. 36 – Manufactured Home Estates	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy No. 39 – Spit Island Bird Habitat	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental	This SEPP does not apply	Not applicable

Annexure 2 – Assessment of Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Application	Statement of Consistency
Planning Policy No. 41 – Casino entertainment complex	to the Kogarah LGA.	
State Environmental Planning Policy No. 44 – Koala Habitat Protection	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy No. 47 – Moore Park Showground	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy No. 50 – Canal Estate Development	Prohibits canal estate development.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy No. 55 – Remediation of Land	This Policy provides for a State wide planning approach to the remediation of contaminated land. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. When rezoning land (to permit a change of use), councils must consider whether the land is contaminated and if so whether it can be remediated for the purposes permitted under that zone.	The planning proposal does not propose the rezoning of land and as such is not inconsistent with the SEPP.

Annexure 2 – Assessment of Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Application	Statement of Consistency
State Environmental Planning Policy No. 59 – Central Western Sydney Regional Open Space and Residential	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy No. 60 – Exempt and Complying Development	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy No. 62 – Sustainable Aquaculture	State Environmental Planning Policy No. 62 – Sustainable Aquaculture (SEPP 62) encourages sustainable aquaculture in NSW.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy No. 64 – Advertising and Signage	This Policy applies to all signage: (a) that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and (b) is visible from any public place or public reserve, except as provided by this Policy. Council must consider objectives and assessment criteria set out by the SEPP. The SEPP requires consultation with the Roads and Maritime Services where a draft LEP makes provision for signage or advertising to which this Policy applies within 250 metres of a classified road.	As the planning proposal does not introduce new provisions for signage or advertising, consultation under SEPP 64 is not required. It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental	This Policy aims to	The planning proposal

Annexure 2 – Assessment of Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Application	Statement of Consistency
Planning Policy No. 65 – Design Quality of Residential Flat Development	improve the design quality of residential flat development in NSW and applies to the erection of a new residential flat building, substantial redevelopment or the substantial refurbishment of an existing residential flat building, and conversion of an existing building to a residential flat building. Clause 28 provides that the preparation of an environmental planning instrument, development control plan or master plan that makes provision with respect to residential flat development, should include provisions to ensure the achievement of design quality in accordance with the design quality principles and have regard to the <i>Residential Flat Design Code</i>.	does not introduce further provision for residential flat development and therefore is not inconsistent with the SEPP.
State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy No. 71 – Coastal Protection	This SEPP does not apply to the Kogarah LGA	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	This Policy establishes a consistent planning regime for the provision of affordable rental housing. It provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and	It is not proposed to include any provisions which would be inconsistent with the SEPP.

Annexure 2 – Assessment of Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Application	Statement of Consistency
	expands the role of not-for-profit providers.	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	This Policy aims to ensure consistency in the implementation of the BASIX scheme (to encourage sustainable residential development) throughout the State.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Introduces state wide exempt and complying development provisions.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Encourages the provision of housing that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services, and be of good design.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy (Infrastructure) 2007	This Policy aims to facilitate the effective delivery of infrastructure across the State.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy (Major Development) 2005	Facilitates the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State.	Not applicable
State Environmental Planning Policy (Mining, Petroleum Production and	Permits mines, petroleum production and extractive industries.	It is not proposed to include any provisions which would be

Annexure 2 – Assessment of Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Application	Statement of Consistency
Extractive Industries) 2007		inconsistent with the SEPP.
State Environmental Planning Policy (Rural Lands) 2008	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy (Temporary Structures) 2007	Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy (Urban Renewal) 2010	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy (Western Sydney Employment Area) 2009	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy (Western Sydney Parklands) 2009	This SEPP does not apply to the Kogarah LGA.	Not applicable
State Environmental Planning Policy (Kurnell Peninsula) 1989	This SEPP does not apply to the Kogarah LGA.	Not applicable
Regional Environmental Plans (Deemed SEPPs)		
Greater Metropolitan REP No. 2 – Georges River Catchment	Aims to protect the water quality of the Georges River and its tributaries and the environmental quality of the whole catchment. The objectives of the plan are to be achieved through coordinated land use planning and development	It is not proposed to include any provisions which would be inconsistent with the SEPP.

Annexure 2 – Assessment of Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Application	Statement of Consistency
	control. The Plan includes principles which must be considered when an LEP is prepared or a development application determined.	
Williams River Catchment REP 1997	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Hunter REP 1989 (Heritage)	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Illawarra REP No. 1	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Illawarra REP No. 2 – Jamberoo Valley	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Jervis Bay REP 1996	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Lower South Coast REP No. 1	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Lower South Coast REP No. 2	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Lord Howe Island REP 2005	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
North Coast REP	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 33 – Cooks Cove	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 30 – St	This deemed SEPP does	Not applicable

Annexure 2 – Assessment of Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Application	Statement of Consistency
Marys	not apply to the Kogarah LGA.	
Sydney REP No. 28 – Parramatta	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 20 – Hawkesbury–Nepean River (No. 2 - 1997)	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 9 – Extractive Industry (No. 2 – 1995)	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 24 – Homebush Bay Area	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 26 – City West	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 25 – Orchard Hills	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 24 – Homebush Bay Area	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 18 – Public Transport Corridors	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 19 – Rouse Hill Development Area	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 16 – Walsh Bay	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 11 – Penrith Lakes Scheme	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 8 – Central Coast Plateau Areas	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Sydney REP No. 5 – Chatswood Town Centre	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable

Annexure 2 – Assessment of Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Application	Statement of Consistency
Willandra Lakes REP No. 1 – World Heritage Property	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Kosciuszko REP 1998 – Snowy River	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Riverina REP No. 1	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Murray REP No. 2 – Riverine Land	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable
Orana REP No. 1 – Siding Spring	This deemed SEPP does not apply to the Kogarah LGA.	Not applicable

Annexure 3 – Assessment of Consistency with s117 Directions

Direction	Application	Consistency
I. Employment and Resources		
I.1 Business and Industrial zones <i>The objectives of this direction are to:</i> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres	This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone.	Not applicable The subject planning proposal does not propose alteration of the intent or extent of business or industrial zones.
I.2 Rural zones <i>The objective of this direction is to protect the agricultural production value of rural land.</i>	This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed rural zone.	Not applicable There is no rural zoned land in the Kogarah LGA, hence the direction does not apply.
I.3 Mining, Petroleum Production & Extractive Industry <i>The objective of this direction is 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>	This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	Not applicable Mining, petroleum production and extractive industries do not exist within the Kogarah LGA. As the subject planning proposal relates to housekeeping amendments to the KLEP 2012, it will not introduce prohibitions for mining, production of petroleum or extractive industries, nor restrict the potential development of resources of State or regional significance.
I.4 Oyster Aquaculture <i>The objectives of this direction are:</i> (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, (b) 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 oysters and oyster consumers.	(c) This direction applies to Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006) ("the Strategy")	Not applicable There are no Priority Oyster Aquaculture Areas or other oyster aquaculture within the Kogarah LGA, hence this direction does not apply.
I.5 Rural Lands <i>The objectives of this direction are to:</i> (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for	The direction lists Kogarah as an LGA to which it does not apply.	Not applicable

Annexure 3 – Assessment of Consistency with s117 Directions

Direction	Application	Consistency
<i>rural and related purposes.</i>		
2. Environment and Heritage		
2.1 Environment Protection Zones <i>The objective of this direction is to protect and conserve environmentally sensitive areas.</i>	This direction applies to all relevant planning authorities when preparing a planning proposal.	Yes As the subject planning proposal relates to housekeeping amendments to the KLEP 2012, it will not alter the intent or extent of Council's Environment Protection Zones, specifically Zone E4 Environmental Living. Accordingly, the planning proposal is consistent with this direction.
2.2 Coastal Protection <i>The objective of this direction is to implement the principles in the NSW Coastal Policy.</i>	This direction applies to the coastal zone, as defined in the <i>Coastal Protection Act 1979</i> , when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.	Not applicable Council does not have land within the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.
2.3 Heritage Conservation <i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i>	This direction applies to all relevant planning authorities when preparing a planning proposal.	Yes As the subject planning proposal relates to housekeeping amendments, it will not alter the intent of the heritage provisions or the items listed in Schedule 5, aside from some being given a different item number. Accordingly, it is considered that the planning proposal is consistent with this direction.
2.4 Recreation Vehicle Areas <i>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</i>	This direction applies to all relevant planning authorities when preparing a planning proposal.	Not applicable The planning proposal does not facilitate the development of land for the purpose of vehicle recreation areas, hence the direction is not relevant.
3. Housing, Infrastructure and Urban Development		
3.1 Residential zones <i>The objectives of this direction are:</i> <i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i>	This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within: (c) an existing or proposed residential zone (including the alteration of any existing	Yes As the subject planning proposal relates to housekeeping amendments, it will not alter the intent or extent of residential zones, or

Annexure 3 – Assessment of Consistency with s117 Directions

Direction	Application	Consistency
(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands	residential zone boundary), (d) any other zone in which significant residential development is permitted or proposed to be permitted.	other zones which permit significant residential development, and hence the planning proposal is consistent with this direction.
3.2 Caravan Parks and Manufactured Home Estates The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	This direction applies to all relevant planning authorities when preparing a planning proposal.	Yes As the subject planning proposal relates to housekeeping amendments, it will not alter the permissibility of caravan parks within the LGA. The planning proposal is therefore consistent with this direction.
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	This direction applies to all relevant planning authorities when preparing a planning proposal.	Yes As the subject planning proposal relates to housekeeping amendments, it will not alter the permissibility of home occupations.
3.4 Integrating Land Use and Transport The objective of this direction is 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, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	Not applicable As the subject planning proposal relates to housekeeping amendments it does not propose alteration of the intent or extent of zones and hence will not create, alter or remove a zone or a provision relating to urban land. Therefore consistency with the direction is not pertinent.
3.5 Development Near Licensed	This direction applies to all relevant	Not applicable

Annexure 3 – Assessment of Consistency with s117 Directions

Direction	Application	Consistency
Aerodromes <i>The objectives of this direction are:</i> (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	The subject planning proposal relates to housekeeping amendments to the KLEP 2012 and as such will not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome
3.6 Shooting Ranges <i>The objectives are:</i> (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	This direction applies to all relevant planning authorities when preparing a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Not applicable There are no shooting ranges within the Kogarah LGA, hence the direction is not pertinent to the planning proposal.
4. Hazard and Risk		
4.1 Acid Sulphate Soils <i>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i>	This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulphate soils, as shown on Acid Sulphate Soils Planning Maps held by the Department of Planning, when preparing a planning proposal that will apply to such land.	Yes The subject planning proposal relates to housekeeping amendments and as such will not alter provisions relating to Acid Sulphate Soils nor intensify land uses. It is therefore considered that the planning proposal is consistent with the direction.
4.2 Mine Subsidence and Unstable Land <i>The objective of this direction is to prevent damage to life, property and the environment on land identified as</i>	This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that: (a) is within a mine subsidence	Not applicable There are no mine subsidence districts, proclaimed pursuant to section 15 of the <i>Mine</i>

Annexure 3 – Assessment of Consistency with s117 Directions

Direction	Application	Consistency
<i>unstable or potentially subject to mine subsidence.</i>	district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.	<i>Subsidence Compensation Act 1961</i> , within the Kogarah LGA nor are any known unstable sites within the LGA as identified by a strategy or assessment.
4.3 Flood Prone Land <i>The objectives of this direction are:</i> (a) <i>to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i> (b) <i>to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i>	This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA when preparing a planning proposal that creates, removes or alters a zone or a provision that affects this land.	Yes The subject planning proposal relates to housekeeping amendments and as such will not create, remove or alter a zone or a provision affecting flood prone land. It is therefore considered that the planning proposal is consistent with the direction.
4.4 Planning for Bushfire Protection <i>The objectives of this direction are:</i> (a) <i>to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</i> (b) <i>to encourage sound management of bush fire prone areas.</i>	This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	Not applicable There is no bushfire prone land within the Kogarah LGA.
5. Regional Planning		
5.1 Implementation of Regional Strategies <i>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</i>	This direction applies to land to which the following regional strategies apply: (a) Far North Coast Regional Strategy (b) Lower Hunter Regional Strategy (c) Illawarra Regional Strategy (d) South Coast Regional Strategy (e) Sydney–Canberra Corridor Regional Strategy (f) Central Coast Regional Strategy, and (g) Mid North Coast Regional Strategy.	Not applicable The listed strategies do not apply to the Kogarah LGA, hence the direction is not pertinent to the planning proposal.

Annexure 3 – Assessment of Consistency with s117 Directions

Direction	Application	Consistency
5.2 Sydney Drinking Water Catchments <i>The objective of this direction is to protect water quality in the Sydney drinking water catchment.</i>	This direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.	Not applicable Kogarah is not listed as an LGA to which the direction applies, hence the direction is not pertinent to the planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast <i>The objectives of this direction are:</i> (a) <i>to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</i> (b) <i>to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</i> (c) <i>to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</i>	This direction applies to: (a) Ballina Shire Council, (b) Byron Shire Council, (c) Kyogle Shire Council, (d) Lismore City Council, (e) Richmond Valley Council, and (f) Tweed Shire Council, except within areas contained by a “town and village growth boundary” in the Far North Coast Regional Strategy.	Not applicable Kogarah is not listed as an LGA to which the direction applies, hence the direction is not pertinent to the planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast <i>The objectives for managing commercial and retail development along the Pacific Highway are:</i> (a) <i>to protect the Pacific Highway’s function, that is to operate as the North Coast’s primary inter- and intra-regional road traffic route;</i> (b) <i>to prevent inappropriate development fronting the highway</i> (c) <i>to protect public expenditure invested in the Pacific Highway,</i> (d) <i>to protect and improve highway safety and highway efficiency,</i> (e) <i>to provide for the food, vehicle service and rest needs of travellers on the highway, and</i> (f) <i>to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of</i>	This direction applies to those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive.	Not applicable Kogarah is not an LGA to which the direction applies, hence the direction is not pertinent to the planning proposal.

Annexure 3 – Assessment of Consistency with s117 Directions

Direction	Application	Consistency
the towns.		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked	Not applicable
5.6 Sydney to Canberra Corridor	Revoked	Not applicable
5.7 Central Coast	Revoked	Not applicable
5.8 Second Sydney Airport: Badgery's Creek <i>The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</i>	This direction applies to land shown within the boundaries of the proposed airport site and within the 20 ANEF contour as shown on the map entitled "Badgerys Creek–Australian Noise Exposure Forecast–Proposed Alignment–Worst Case Assumptions", within Fairfield City Council, Liverpool City Council, Penrith City Council and Wollondilly Shire Council local government areas.	Not applicable Kogarah is not an LGA to which the direction applies, hence the direction is not pertinent to the planning proposal.
6. Local Plan Making		
6.1 Approval and Referral Requirements <i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>	This direction applies to all relevant planning authorities when preparing a planning proposal.	Not applicable As the planning proposal relates to housekeeping amendments to the KLEP 2012 it does not propose alteration of approval or referral requirements.
6.2 Reserving Land for Public Purposes <i>The objectives of this direction are:</i> (a) <i>to facilitate the provision of public services and facilities by reserving land for public purposes, and</i> (b) <i>to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition</i>	This direction applies to all relevant planning authorities when preparing a planning proposal.	Yes The subject planning proposal relates to housekeeping amendments to the KLEP 2012 and as such will not create, alter or reduce existing zonings or reservations of land for public purposes. The Planning Proposal is thereby consistent with this direction.
6.3 Site Specific Provisions <i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i>	This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.	Not applicable The Planning Proposal relates to housekeeping amendments as opposed to facilitating a particular development, hence the direction does not apply.

Annexure 3 – Assessment of Consistency with s117 Directions

Direction	Application	Consistency
7. Metropolitan Planning		
7.1 Implementation of Metropolitan Plan for Sydney 2036 <i>The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.</i>	This direction applies to particular LGAs, including Kogarah, when preparing a planning proposal.	Yes The planning proposal is consistent with the vision, land use strategy, policies, outcomes and actions of the Metropolitan Strategy and the draft South Subregional Strategy.