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Gateway Planning Proposal - Parker Smash Repairs and Towing Storage Site

March 2013

136 Neill Street (cnr Neill and Lucan St) Harden



Prepared by:

**Building and Environmental Services Today
26 Goulburn Street
JUNEE NSW 2663**



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1. Introduction

Building Environment Services Today (BEST) has been engaged by Parker Smash Repairs to prepare a Gateway Planning Proposal for Lot 20 Section 29 DP 758737 No 136 Neill Street (cnr Neill and Lucan Street) Harden. **(Figure 1)**

The purpose of the Gateway Planning Proposal is to seek Council's support to permit under Schedule 1 of the *Harden Local Environmental Plan 2011* the use of the premises (subject to development consent from Council) as a "Storage Premises". The Dictionary to the *Harden Local Environmental Plan 2011* defines a *storage premises* as a:

"building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre"

2. Background

This Gateway Planning Proposal has been prepared in accordance with:

- *Planning Circular PS 12-006 dated 29 October 2012*
- *A Guide to Preparing a Planning Proposal dated October 2012*

Section 1.3 of *A Guide to Preparing a Planning Proposal dated October 2012* states:

A planning proposal must provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process. The level of detail required in a planning proposal should be proportionate to the complexity of the proposed amendment. The planning proposal should contain enough information to demonstrate that relevant environmental, social, economic, and other site specific matters have been identified and if necessary that any issues can be addressed with additional information and/ or through consultation with agencies and the community.

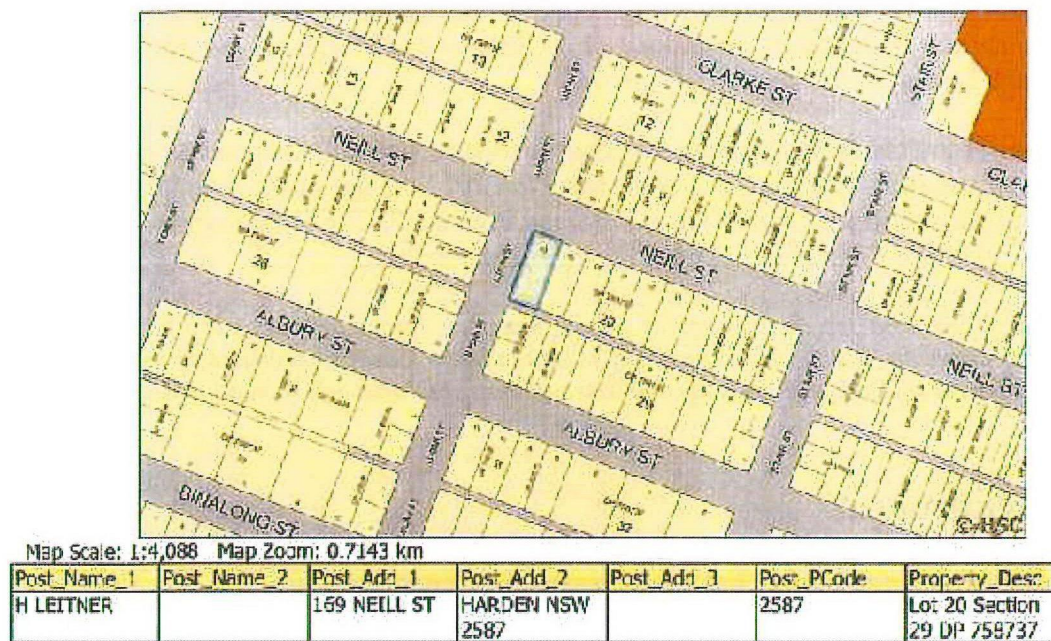
This Gateway Planning Proposal has been prepared to provide Council with sufficient information relevant to the intended use of the site as a storage premises to enable the proposal to proceed through the Gateway process.

3. History of the site

The site was approved by the Council of the Municipality of Murrumburrah for a panel beating workshop and later included approval for service station. The floor space of the shed was approved at 18.25m x 9.14m (166.8m²). The following is the record of approvals associated with the previous uses of the site **(Attachment 1)**:

- Building Approval 63/34 dated 17 June 1963 for a panel beating workshop including toilets and shower, and
- Erection of two (2) petrol pumps (fronting Neill Street) approved by letter on the 22 July 1964

Figure 1 – Location of the site



(Source: Harden Council GIS – Note that land is 136 Neill Street not 169)

These approved uses have subsequently been abandoned. The workshop premise is vacant.

4. Part 1- Proposal objective or intended outcome

The objective and intended outcome of the proposal is to use the existing building and associated land located at No 136 Neill Street as storage premises, in conjunction with Parker Smash Repairs and Towing business, for the storage of motor vehicles.

5. Part 2- Explanation of provisions

To achieve the intended outcome of the proposal Council is requested to include in *Schedule 1* of the *Harden Local Environmental Plan No 2011* the following:

3. Use of certain land at Neill Street, Harden

- (1) This clause applies to land at Neill Street, Harden, being Lot 20, Section 29 DP 758737, known as Leitner's Body Works
- (2) Development for the purposes of a storage premises is permitted with development consent.

6. Part 3 - Justification

Section A – Need for the Planning Proposal

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

The planning proposal for this site has not been prepared in response to any current site specific studies to justify the requested amendment to the *Harden Local Environmental Plan 2011*.

The planning proposal is consistent with the strategic direction of Harden Shire Council to support economic development in the local area and region where Council is taking a productive approach to not only encourage but maintain employment, growth & wealth creation within the local community.

This proposal reflects the TEAM Harden *Shire Community Vision Strategic Action Plan* in 2010 which identifies:

Economic development is entwined with social development in rural communities, so it is necessary for the planning process to take a holistic approach to all the issues affecting the community.

The planning proposal aims to allow for better operational arrangements for an existing essential business within Harden. This is consistent with Council's strategic economic direction.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed planning proposal is considered to be the best means of achieving the objectives and intended outcomes. Accordingly, amending *Schedule 1* of the *Harden Local Environmental Plan 2011* is the best and neatest way of achieving the intended use of the site as a storage premises.

Section B – Relationship to strategic planning framework.

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)

There are no applicable regional strategies prepared or endorsed by the Department of Planning and Infrastructure that affect Harden Shire. The Sydney-Canberra corridor region extends as far as Yass Valley Council area.

Harden Shire is a member of CENTROC which have identified a number of key economic indicators for Harden Shire including a local profile for Harden LGA. This is included in **Attachment 2**.

CENTROC also identify in the *Central West & Centroc Regional Economic Profile Final Report 2011*:

- *Harden LGA contributed approximately 1.5% of the Centroc regions total economic output during 2009-10.*
- *The LGA experienced positive growth for most of its key socio- economic determinants over the past year, with the value of building approvals having increased by more than 15 times over 2009-10. The increase is primarily attributable to the non-residential building approvals.*

-
- *GRP declined marginally during 2009-10, largely due to a decline in agricultural output.*
 - *The key sectors driving Hardens economic output includes agriculture and transport, postal & warehousing.*

The *Central West & Centroc Regional Opportunity Assessment Report 2011* identified that skills shortages research undertaken by the Department of Education, Employment and Workplace Relations for December 2010 has identified significant skills shortages in regional NSW in blue collar occupations. Particular areas of shortages in regional NSW include automotive, engineering and construction tradesman. These areas of skills shortages mirror some of the gaps in local industry, signalling potential areas for improvement.

Relevant regional strategies that impact on the regional employment and economic development within this region include the *Regional Development Australia – Southern Inland – Regional Plan 2010-2015*. Harden LGA forms part of the Southern Inland region. The Southern Inland Regional Plan identifies that the third largest employer in Harden LGA are those persons employed as technicians and trade workers

The Planning Proposal is consistent with the directions of key Regional Economic Strategies as it will support necessary operational adjustments required by an existing established automotive/engineering business.

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Relevant Local Strategies

Council undertook to convert the Harden Interim Development Order No 1 to the new Standard Instrument LEP in 2010/2011. In discussions with Council this plan was essentially a conversion LEP where zones were transferred from the previous IDO to the new Standard Instrument zones. No Local Environmental Study was completed to support this conversion. Council has indicated that it sought to utilise the standard residential zonings within Harden and associated land use tables.

The site is currently zoned R1 General Residential under the 2011 LEP. The objectives of the zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The development of the site for a storage premises is currently prohibited under the R1 zone. There is no Minimum Lot Size applying to the site under the R1 zoning.

The current proposal while being a prohibited land use is not inconsistent with all the R1 zone objectives. The use of the premises as a storage premises can be considered as a facility and service that meets the day to day needs of the residents of Harden – i.e. repairs to motor vehicles in Harden is an essential service particularly where no alternative public transport

services are available to this community. The ability to safely store those vehicles waiting for repair is also an essential operational requirement of vehicle repairs.

Council adopted a Community Strategic Plan in May 2012. This Planning Proposal is consistent with the findings of this plan which found that:

the overwhelming issue identified during consultation and at the public meetings was the maintenance and further development of industry to provide employment.

Importantly Council has identified that maintaining a planning regime that supports the economy, utility and ambience of the Shire, while maintaining a sustainable environment is equally important. This Planning Proposal does not alter the current land use zoning that applies to this part of Harden however recognises that the use of the land for limited commercial opportunities is sustainable.

Site Specific merit of the Planning Proposal

The existing site is located in the corner of Neill and Lucan Street. Current improvements on the site include an existing workshop building located on the frontage to Neill Street with the remaining part of the site, which is fenced, running parallel to Lucan Street.

Plate 1 – View of the existing workshop from Neill Street



Plate 2 – Inside view of existing workshop



Plate 3 – View of boundary of site from Lucan Street



The surrounding land uses to the site include larger residential allotments. Being located on a corner allotment the site only adjoins two residential properties. The boundaries to these properties are fenced and there is adequate separation between the workshop building and adjoining houses. The boundaries of the site are fenced with a solid steel fencing of varying heights.

Plate 4 – View of adjoining boundary to immediately adjoining vacant lot and duplex on Neill St



Plate 5 – View along Lucan Street to adjoining residential property



Plate 6 – View of rear of existing workshop



Plate 7 – View along Lucan Street boundary and residential properties opposite existing site



Plate 8 – View of adjoining dwelling opposite front entry to workshop on Neill Street



Plate 9 – View of intersection of Lucan and Neill Street



There are a number of existing limits to the redevelopment of the land for sensitive land uses such as residential or other related land uses. This is due to the existing fuel storage tanks associated with the previous service station as well as other potentially contaminating activities that may have occurred with the operation of the panel beating workshop. This is further addressed with reference to State Environmental Planning Policy No 55 within this Planning Proposal.

The use of the site for a storage premises will not require any additional infrastructure or the upgrading of existing infrastructure.

The proposed use of the site for a storage premises has a number of strategic benefits including:

- the definition of a storage premises does not permit any commercial or related activities on the site which is consistent with the intention of the proposed development of the site – i.e. Parker Smash Repairs is located elsewhere in Harden and this site is only to be used for the storage of motor vehicles,
- the redevelopment of the site will allow the current vacant premises to be maintained and improved. Maintaining the current condition of the site is not in the broader community interest, and
- the redevelopment of this site for future residential purposes may still occur when the economics of addressing any land contamination issues make residential development including land subdivision feasible.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is generally consistent with all applicable SEPPs with the exception of State Environmental Planning Policy No 55 – SEPP 55 (**Attachment 3**).

In response to SEPP 55 the following justification is provided:

- SEPP 55 requires Council to take into account contamination in the rezoning process. It is acknowledged on this site that there is potential for contamination associated with the panel beating workshop and previous service station activities.
- SEPP 55 requires consideration of changes in land use zone that may affect the need to consider investigation the potential contamination and need for remediation of a site. The Planning Proposal does not alter the residential land use zoning applying to the site however seeks to permit a land use activity which is not sensitive to the potential for contamination within the site
- There is no physical evidence to suggest that any contamination has occurred or is ongoing on the site or affecting adjoining land.
- Council has advised that this site is unlikely to be affected by groundwater unlike other parts of Harden. It is likely that the existing fuel storage arrangements have been unaffected.

It is considered that a preliminary investigation of site contamination is not warranted to support this Planning Proposal or be a requirement of the Gateway Determination.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is generally consistent with Ministerial Directions under Section 117(**Attachment 3**) with the exception of Direction 3.1

The justification for this inconsistency is:

- The site is currently within a zoned Residential area however the site has been developed to accommodate other land uses which have ceased and are now prohibited within the current zoning. The site has not been developed for residential purposes

and the use of the site for a low impact use is not inconsistent with the objectives of the zone

- The use of the site as a storage premises will not impact on the amenity of the surrounding residential area.
- The impacts of the current Residential zone make redevelopment of the site for residential purposes uneconomic due to previous land uses. The restrictions of the land uses within the zone have the potential to sterilise the site

Adjustments to the permitted land uses within the R1 Residential zone will not undermine the intent of the zone however will permit an opportunity to avoid sterilising the existing site.

Section C – Environmental, social and economic impact

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?

There is no recorded critical habitat or threatened species within the site

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

Has the planning proposal adequately addressed any social and economic effects?

The site contains no recorded sites of archaeological or cultural significance. The existing workshop has limited architectural value although in terms of the existing streetscape provides some interest to the corner site.

The planning proposal is consistent with economic strategies that seek to support existing technical trades within the region and Council's drive to ensure existing businesses are sustained. The reuse of the existing site allows for operational changes to an existing business utilising existing available infrastructure.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The proposal will not require any additional public infrastructure and will not increase demands on existing infrastructure.

What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

There are no specific interests at State or Commonwealth level in respect of the site and the use of the site as a storage premises.

7. Community consultation

No community consultation has been undertaken in the preparation of this planning proposal. It is anticipated that the normal consultation process associated with an amendment to the

Harden Local Environmental Plan 2011 will be sufficient to seek wider community views of the proposal

Attachment 1 – Details of previous approvals

BUILDING APPLICATION

Local Government Act 1919 (Ordinances 71)

Date 15 June 63

No. 63/34

THE CLERK,

MUNICIPALITY
SHIRE

of Murrumburrah

Sir,—

I, the undersigned, hereby make application for the approval of the Council to plans and specifications (two copies supplied herewith) of a building which I propose to erect and complete within twelve months from date of approval.

Particulars are as follow:—

Class of Building Panel-Beating-Workshop
Here state whether detached, semi-detached, dwelling, flats, shop and dwelling, garage, stable, additions, or as the case may be.

State whether new or second-hand materials are to be used NEW

Location of Building

Portion — Lot 20 Section 29 Street or road Neill Street Estate ---

Town or locality HARDEN Area 1 r Frontage 66' Depth 165'

NAME OF OWNER Hermann LEITNER Address 169 Neill Street Murrumburrah

NAME OF BUILDER _____ Address _____

SUMMARY OF SPECIFICATION

Note: Sizes must be given.

Number and particulars of all rooms and outhouses one workshop
+ Separate Toilets and shower

Foundation 15" x 24" R.C. No. of Stories 1 Damp Proof Course Material 24G. G.I.

Material of Outer Walls Concrete Partition Walls None Material of Roofs—Main 24G. G.I.

Roofs—Subsidiary _____ Verandah _____ Floor Joists _____

Ceiling Joists 6" x 2" H.W. Wall Plates _____ Rafters Steel Bearers _____

Corner Studs _____ Other Studs _____ Height of Rooms, floor to ceiling 12'-0" MIN

Proposed Method of Ventilation Louvres Adjustable

Proposed Method of Lighting Natural + Fluorescent

Proposed Method of Drainage Sewered Is Sewer Available? Yes

Particulars of Closet Accommodation 2 Flush Type closets Is Bathroom or Laundry Detached? Yes

(Closet must be strictly in accordance with Local Government Ordinance 44.)

Strike out any of the following not included in Cost of Building: Stove, Bath, Copper, Tubs,
Water Supply, Sewerage, Lighting, Fencing.

Total Value of Buildings £ 2500/- b. i. & approx

Cost of Fencing £ 100/- b. i. & approx Value of Allotment £ 132/- o. i. o

Height and Description of Fencing Galv. Iron Timber Framed 6'-0" High

Note.—Block Plan, showing Building and all Outhouses must be shown on next leaf.

Applicant to state whether builder, owner or architect owner

Signature of Applicant Hermann Leitner

NOTE.—The form below this line is for the use of Council only.

REPORT on Application Recommend approval

Subject to all work being
done and in accordance with
the provisions of the Local Government
act, ordinance and specifications
thereunder

Assessment No. _____

Application No. 28/1

Fees—No. 2060 Amount £8/-

Paid on 17/6/63

Building Surveyor or Vice Chairman of Committee R. Stevenson

Dealt with by Council 17/6/63

Result approved

Plans and Specifications returned on _____ 19 _____ to _____

Address All Mail To:
The Town Clerk,
P.O. Box 39,
Murrumburrah,
N.S.W.

Telephone No.
Harden 18

The Council of the
Municipality of Murrumburrah
(1890)

Please quote
Reference: RNS * NT

Council Chambers,
Murrumburrah

22nd July, 1964

Mr. H. Leitner,
Central Panelbeating Service,
Clarke Street,
MURRUMBURRAH

Dear Sir,

In reply to your application dated 1st June, 1964, for permission to erect a Petrol Service Station at Lot 20 Neill Street (cnr. Lucan Street) Harden, it is advised that such application has been approved by Council.

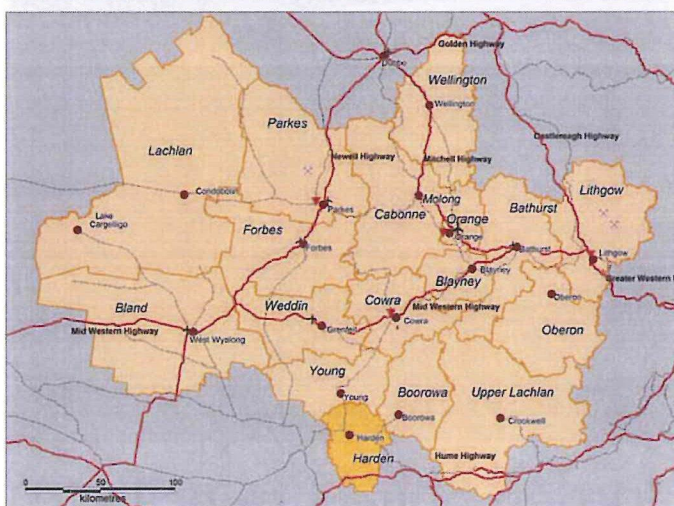
As requested, two (2) petrol pumps may be erected in front of your Panel Beating workshop in a position approved by Council's Health Inspector.

The necessary inlet and outlet crossings and footpath and roadway works are to be carried out at your expense in accordance with Council's requirements and to the satisfaction and approval of Council's engineer.

Yours faithfully,


W.J. RODDER,
TOWN CLERK

Attachment 2 – Harden Local Economic Profile



LEGEND



Agriculture accounts for over a quarter of economic activity in Harden Shire. The remainder of activity is spread across a number of sectors, particularly the following:

- ▶ Transport and warehousing ▶ Education ▶ Public administration
- ▶ Healthcare

Harden Shire is nestled in the heart of New South Wales, just 90 minutes from Canberra, Goulburn or Wagga Wagga, and only 340km from Sydney. It is located on the main Sydney-Melbourne rail lines.

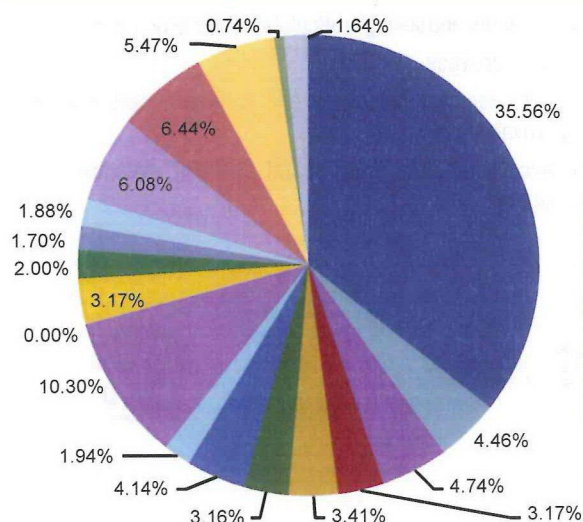
The area offers a rural lifestyle underpinned by scenic countryside, historic villages, sporting activities, events and high-quality local food and drink.

Harden Shire has recently been experiencing strong industrial growth, with a number of local and national businesses choosing to locate in Harden. Industrial land is currently available for lease or purchase, with well-serviced blocks ranging in size from 4,000m² to 10,000m².

HARDEN REGIONAL OVERVIEW 2009-10

STATISTIC	INDICATOR
Population/Demographics	
Population	3,669
Workforce	1,982
Unemployment	5.5%
Average Wage (weekly)	\$756
Economy	
Gross Regional Product	\$114.9 million
Key Sectors	
Agriculture	\$33.3 million
Transport and warehousing	\$9.6 million
Education	\$6.0 million
Public administration	\$5.7 million
Healthcare	\$5.1 million
Investment	
Non-residential Investment	\$3.1 million
Residential Investment	\$1.1 million
Median House Price	\$154,750

Sources: ABS (2011a,b), DEEWR (2011), AECgroup (2010), Housing NSW (2010)



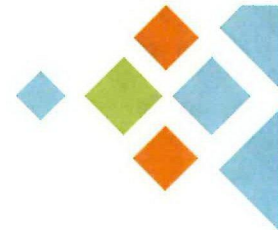
HARDEN GRP 2009-10, BY SECTOR

- Agriculture, forestry and fishing
- Mining
- Manufacturing
- Electricity, gas, water and waste services
- Construction
- Wholesale trade
- Retail trade
- Accommodation and food services
- Transport, postal and warehousing
- Information media and telecommunications
- Financial and insurance services
- Rental, hiring and real estate services
- Professional, scientific and technical services
- Administrative and support services
- Public administration and safety
- Education and training
- Healthcare and social assistance
- Arts and recreation services
- Other services

Source: ABS (2011), AECgroup (2010)



HARDEN



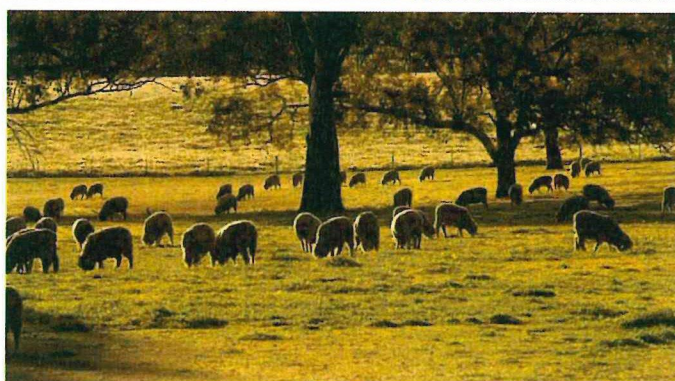
Affectionately known as “Australia’s Produce Supermarket”, the area produces wheat, canola, stone fruit, wool, wine, mustard oil, lamb, beef and livestock and other products.

However, beyond agriculture, industry development has increased recently, with the location of Rail Services Australia and Changers IAMA. These large developments have contributed to not only growing the economy, but diversifying it.

There is an established transport industry catering for light and heavy freight plus stock and refrigerated transport due to Harden’s location on the Sydney-Melbourne rail lines. The interstate express stops here twice a day.

Opportunities for future economic development include:

- ▶ **Manufacturing** – Harden’s location on major transport routes and the availability of industrial land will allow the agricultural value-add manufacturing industry to grow.
- ▶ **Transport and warehousing** – stemming from the availability of industrial land, its strategic location and access to infrastructure, the transport and logistics sector can grow in the future.



Harden Shire Council’s Business Partnership Program

Both established businesses looking to expand and potential new businesses in Harden Shire are invited to apply for an assistance package from Harden Shire Council under the Business Partnership Program. Potential benefits offered include (but are not limited to) the following:

- ▶ Sales and lease of commercial or industrial land on competitive terms.
- ▶ Coordination and/or provision of utilities.
- ▶ Assistance with water and sewage reticulation establishment charges.
- ▶ Reduced Council charges.
- ▶ Streamlined pre-approval processes and increased certainty with statutory approvals.
- ▶ Facilitating access to State and Federal financial assistance and advisory programs.

CONTACT INFORMATION

Manager Economic Development
Harden Shire Council, 3 East Street Harden NSW 2587
Phone 02 6386 0100
Email council@harden.nsw.gov.au



Attachment 3 – Consistency with SEPPs and S117 Directions

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
1	State Environmental Planning Policy – Development Standards	Makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	Yes	The provisions within this SEPP are additional to those in the Planning Proposal
4	State Environmental Planning Policy – Development without consent & Miscellaneous Exempt & Complying Development	Previously titled SEPP No. 4 - Development without Consent. This policy allows relatively simple or minor changes of land or building use and certain types of development without the need for formal development applications. The types of development covered in the policy are outlined in the policy	Yes	The provisions within this SEPP are additional to those in the Planning Proposal
6	State Environmental Planning Policy – Number of Storeys in a Building	Sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments	Yes	The provisions within this SEPP are additional to those in the Planning Proposal.
10	State Environmental Planning Policy – Retention of Low Cost Rental Accommodation	Originally applying to just the inner suburbs of Sydney, Newcastle and Wollongong, the policy now covers the 53 local government areas in the Greater Metropolitan Region. The policy requires the local council's consent, and the Director General of the Department of Planning's concurrence, to demolish, alter or change the use of a boarding house. Consent is also required to strata-subdivide a low-cost residential flat building or boarding house. Before granting consent or concurrence, the council and Director General are required to take into account the availability of comparable accommodation; however, it is not mandatory for them to refuse a proposal if such accommodation is not available. Other matters to be considered include the structural soundness and fire safety of a building, the estimated cost of necessary improvements and, as relevant, the financial viability of continuing to run a boarding house.	N/A	N/A

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
14	State Environmental Planning Policy – Coastal Wetlands	Ensures coastal wetlands are preserved and protected for environmental and economic reasons. The policy applies to local government areas outside the Sydney metropolitan area that front the Pacific Ocean. The policy identifies over 1300 wetlands of high natural value from Tweed Heads to Broken Bay and from Wollongong to Cape Howe. Land clearing, levee construction, drainage work or filling may only be carried out within these wetlands with the consent of the local council and the agreement of the Director General of the Department and Planning. Such development also requires an environmental impact statement to be lodged with a development application. The policy is continually reviewed. It has, for example, been amended to omit or include areas, clarify the definition of the land to which the policy applies and to allow minimal clearing along boundaries for fencing and surveying	N/A	N/A
15	State Environmental Planning Policy – Rural Land sharing Communities	Makes multiple occupancy permissible, with council consent, in rural and non-urban zones, subject to a list of criteria in clause 9(1) of the policy. Multiple occupancy is defined as the collective management and sharing of unsubdivided land, facilities and resources. The policy encourages a community-based environmentally-sensitive approach to rural settlement, and enables the pooling of resources to develop opportunities for communal rural living. SEPP 15 Guide provides guidance to intending applicants.	N/A	N/A
19	State Environmental Planning Policy – Bushland in Urban Areas	Protects and preserves bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. The policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared	N/A	N/A

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
21	State Environmental Planning Policy – Caravan Parks	Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years	N/A	N/A
22	State Environmental Planning Policy – Shops & Commercial Premises	Permits within a business zone, a change of use from one kind of shop to another or one kind of commercial premises to another, even if the change of use is prohibited under an environmental planning instrument. Development consent must be obtained and the consent authority satisfied that the change of use will have no, or only minor, environmental effect	N/A	N/A
26	State Environmental Planning Policy – Littoral Rainforests	Protects littoral rainforests, a distinct type of rainforest well suited to harsh salt-laden and drying coastal winds. The policy requires that the likely effects of proposed development be thoroughly considered in an environmental impact statement. The policy applies to 'core' areas of littoral rainforest as well as a 100 metre wide 'buffer' area surrounding these core areas, except for residential land and areas to which SEPP No. 14 - Coastal Wetlands applies. Eighteen local government areas with direct frontage to the Pacific Ocean are affected, from Tweed in the north to Eurobodalla in the south.	N/A	N/A
29	State Environmental Planning Policy – Western Sydney Recreation Area	Enables development to be carried out for recreational, sporting and cultural purposes within the Western Sydney Recreation Area, including the development of a recreation area of State significance.	N/A	N/A

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
30	State Environmental Planning Policy – Intensive Agriculture	Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.	N/A	N/A
32	State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land)	States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. Councils will continue to be responsible for the majority of rezonings. The policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban redevelopment. Where a site is rezoned by an REP, the Minister will be the consent authority.	N/A	N/A
33	State Environmental Planning Policy – Hazardous & Offensive Industry	Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as	N/A	N/A

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
		defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment, and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.		
36	State Environmental Planning Policy – Manufactured Home Estate	Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy	N/A	N/A
39	State Environmental Planning Policy – Spit Island Bird Habitat	Enables a bird habitat at Spit Island at Towra Point, Kurnell to be created and protected without the need for development consent. Such work is still subject to Part 5 of the Environmental Planning and Assessment Act 1979. The wading birds for which the nesting habitat is to be created are covered by international agreements. It is needed as the construction of the third runway at Sydney Airport substantially reduced the habitat for Little Terns, an endangered	N/A	N/A

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
		species, as well as several other species of migratory wading birds		
41	State Environmental Planning Policy – Casino Entertainment Complex	Permits development for the purpose of a casino/entertainment complex or complimentary development on the land to which the policy applies	N/A	N/A
44	State Environmental Planning Policy – Koala Habitat Protection	Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to 107 local government areas. Local councils cannot approve development in an area affected by the policy without an investigation of core koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat	N/A	N/A
47	State Environmental Planning Policy – Moore Park Showground	Enables the redevelopment of the Moore Park Showground for film and television studios and film-related entertainment facilities in a manner that is consistent with the Showground's status as an area important to the State and for regional planning. The policy ensures community activities and equestrian uses can continue on parts of the site. It specifies a consultation process, and requires the Minister for Planning, as the consent authority, to consider a range of possible impacts when determining development applications	N/A	N/A
50	State Environmental Planning Policy – Canal Estate Development	Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments	N/A	N/A
52	State Environmental Planning Policy – Farm Dams and Other Works in Land and Water Management Plan Areas	Applies to 11 irrigation areas or districts and lands shown on the plans. They are: Coleambally, Jemalong, Wyldes Plains, Burrong, Tabbita and Wah Wah; Berriquin, Cadell, Denemein and Wakool, which are part of the area administered by Murray Irrigation Ltd; and	N/A	N/A

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
		land in East Cadell in the Murray local government area. The policy amends the threshold used to determine what is 'designated development' in relation to farm dams (artificial waterbodies). It applies in areas where there are approved land and water management plans (LWMP) and farm plans have been approved. Currently only the area administered by Murray Irrigation Corporation has approved LWMPs (i.e. for Berriquin, Caddell, Denemein and Wakool). As other LWMPs are approved, the policy may be amended to incorporate the areas covered by those plans. The policy amends SEPP No. 4 to enable Irrigation corporations within the areas covered by the policy to carry out routine maintenance and emergency works without the need for development consent.		
53	State Environmental Planning Policy – Metropolitan Residential Development	Repeals SEPP No. 12, SEPP No. 20, SEPP No. 25 and Sydney Regional Environmental Plan No. 12. Applies to councils in the Greater Metropolitan Region that have not prepared a suitable residential development strategy that addresses local housing needs while contributing to the metropolitan objective of more compact cities. The policy contains development controls for integrated housing and dual occupancy. Subdivision of dual occupancy is not permitted. Under Part 4 of the policy, the Minister can alter local planning provisions to facilitate multi-unit redevelopment of sites that are well located in relation to transport, jobs and services. A site analysis and a range of design principles are to be considered in assessing development to which the policy applies	N/A	N/A
55	State Environmental Planning Policy – Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place	Yes	The Planning Proposal is generally consistent with the aims of this policy. The inconsistencies are addressed within the Planning

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
		before the land is developed. 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. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines		Proposal report.
59	State Environmental Planning Policy – Central Western Sydney Regional Open Space and Residential	Rezones and coordinates the planning and development of certain land in the central west of Sydney. The policy provides for residential development in suitable areas on a precinct-by-precinct basis to help accommodate Sydney's population growth. It also provides for optimal environmental and planning outcomes, including the conservation of areas of high biodiversity, heritage, scenic or cultural value, implementation of good urban design, and providing for the extraction of resources from existing quarries in an environmentally acceptable manner. Note. The title of this SEPP was amended by SEPP (Western Sydney Employment Area) 2009 published 21 August 2009.	N/A	N/A
60	State Environmental Planning Policy – Exempt & Complying Development	Provides a more efficient and effective approval process for certain classes of development. The policy is an essential part of the reforms introduced to the development assessment system in July 1998. It applies to areas of the State where there are no such provisions in the council's local plans	N/A	N/A
62	State Environmental Planning Policy – Sustainable Aquaculture	Encourages the sustainable expansion of the industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The	N/A	N/A

No.	SEPP Title	Summary of SEPP	Applicable to	Consistency
			Planning Proposal	
		SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks		
64	State Environmental Planning Policy – Advertising & Signage	Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. Transport Corridor Outdoor Advertising and Signage Guidelines (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications	N/A	N/A
65	State Environmental Planning Policy – Design Quality of Residential Flat Development	Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages	N/A	N/A
70	State Environmental Planning Policy – Affordable Housing (Revised Schemes)	Extends the life of affordable housing provisions relating to: Sydney Regional Environmental Plan No. 26 - City West, Willoughby Local Environmental Plan 1995, South Sydney Local Environmental Plan 1998. Schemes such as these are helping to provide affordable housing in areas undergoing significant redevelopment	N/A	N/A
71	State Environmental Planning Policy – Coastal Protection	The policy has been made under the Environmental Planning and Assessment Act 1979 to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there	N/A	N/A

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
		is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.		
	State Environmental Planning Policy (Affordable Rental Housing) 2009	Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.	N/A	N/A
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX. The draft SEPP was exhibited together with draft Regulation amendment in 2004.	N/A	N/A
	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.	N/A	N/A

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood. Note the name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07	N/A	N/A
	State Environmental Planning Policy (Infrastructure) 2007	Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.	N/A	The provisions within this SEPP are additional to those in the Draft Local Environmental Plan and do not substantially govern the operation of the Draft Plan.
	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	The aim of this policy is to strengthen the assessment framework for development within the alpine resorts and to reinforce environmentally sustainable development and recreational activities within these resorts. The Policy also facilitates the protection of the natural and cultural setting of the alpine resorts in Kosciuszko National Park	N/A	N/A
	State Environmental Planning Policy (Major Development) 2005	Defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional development to be determined by JRPPs. Note: This SEPP was formerly known as State Environmental Planning Policy (Major Projects) 2005.	N/A	N/A

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.	N/A	N/A
	State Environmental Planning Policy (Rural Lands) 2008	The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The policy applies to local government areas that are not listed in clause 4	N/A	N/A
	State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Provides for the coordinated release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region (in conjunction with Environmental Planning and Assessment Regulation relating to precinct planning).	N/A	N/A
	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. Note the name of this policy was changed from SEPP (Temporary Structures and Places of Public Entertainment) 2007 to SEPP (Temporary Structures) 2007 effective 26.10.09.	N/A	N/A
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	Promotes economic development and the creation of employment in the Western Sydney Employment Area by providing for development, including major warehousing, distribution, freight transport, industrial, high technology and research facilities. The policy provides for coordinated planning, development and rezoning of land for employment or environmental conservation purposes.	N/A	N/A
	State Environmental Planning Policy (Western Sydney Parklands)	The aim of the policy is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western	N/A	N/A

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
	2009	Parklands into multi-use urban parkland for the region of western Sydney.		
Regional Environmental Plan (deemed State Environmental Planning Policies)				
	Murray REP No. 2 – Riverine Land	Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinating planning along the Murray River and the implementation of planning-related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.	N/A	N/A
	Willandra Lakes REP No 1 - World Heritage Property	Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.	N/A	N/A
	Riverina REP No. 1	This plan covers land within a 16-kilometre radius of the proposed Australian Defence Communications Facility to be built near Morundah. Its purpose is to protect the operational effectiveness of the new facility	N/A	N/A
	Orana REP No. 1 - Siding Spring	Covers the area around Siding Spring Observatory in Coonabarabran and is designed to deal with the problem of light emission interfering with the effectiveness of the telescopes. Coonabarabran Council has prepared a development control plan to implement the necessary lighting codes.	N/A	N/A
	Western Division REP No. 1 - Extractive Industries	Provides consistent control of extractive industries in the Western Division, to ensure there is adequate site management and to protect	N/A	N/A

No.	SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
		valuable agricultural land, water quality, riparian environs, heritage items and aboriginal sites of significance. The plan also provides for rehabilitation of quarries after extraction		

No.	Title	Applicable to Planning Proposal	Consistency
1. Employment and Resources (effective 1 July 2009)			
1.1	<i>Business and Industrial Zones</i>	No	N/A
1.2	<i>Rural Zones</i>	No	N/A
1.3	<i>Mining Petroleum Production and Extractive Industries</i>	No	N/A
1.4	<i>Oyster Aquaculture</i>	N/A	N/A
1.5	<i>Rural Lands</i>	No	N/A
2. Environment and Heritage (effective 1 July 2009)			
2.1	<i>Environment Protection Zones</i>	No	N/A

No.	Title	Applicable to Planning Proposal	Consistency
2.2	<i>Coastal Protection</i>	N/A	N/A
2.3	<i>Heritage Conservation</i>	No	N/A
2.4	<i>Recreation Vehicle Areas</i>	No	N/A
3. Housing Infrastructure and Urban Development (effective 1 July 2009 - Except for new Direction 3.6 –effective 16 February 2011)			
3.1	<i>Residential Zones</i>	Yes	(3) The Draft LEP does entail the alteration of residential zoning provisions by permitting under Schedule 1 a prohibited land use. The justification for this inconsistency is included in the Planning Proposal Report. The Planning Proposal is considered to be justifiably inconsistent with this S.117 Direction.
3.2	<i>Caravan Parks and Manufactured Home Estates</i>	No	N/A
3.3	<i>Home Occupations</i>	No	N/A
3.4	<i>Integrating Land Use and Transport</i>	No	N/A
3.5	<i>Development Near Licensed Aerodromes</i>	N/A	N/A
3.6	<i>Shooting Ranges</i>	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
4. Hazard and Risk (effective 1 July 2009)			
4.1	<i>Acid Sulfate Soils</i>	N/A	N/A
4.2	<i>Mine Subsidence and Unstable Land</i>	N/A	N/A
4.3	<i>Flood Prone Land</i>	No	N/A
4.4	<i>Planning for Bushfire Protection</i>	No	N/A
5. Regional Planning (effective 1 July 2009 - Except for new Direction 5.4 effective 29 November 2009 & Direction 5.2 effective 3 March 2011)			
5.1	<i>Implementation of Regional Strategies</i>	N/A	N/A
5.2	<i>Sydney Drinking Water Catchments</i> This Direction applies to the Sydney drinking water catchment	N/A	N/A
5.3	<i>Farmland of State and Regional Significance on the NSW Far North Coast</i>	N/A	N/A
5.4	<i>Commercial and Retail</i>	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	<i>Development along the Pacific Highway, North Coast</i>		
5.5	<i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)</i>	N/A	N/A
5.6	<i>Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)</i>	N/A	N/A
5.7	<i>Central Coast (Revoked 10 July 2008. See amended Direction 5.1)</i>	N/A	N/A
5.8	<i>Second Sydney Airport: Badgerys Creek</i>	N/A	N/A
6. Local Plan Making (effective 1 July 2009)			
6.1	<i>Approval and Referral Requirements</i>	No	N/A

No.	Title	Applicable to Planning Proposal	Consistency
6.2	<i>Reserving Land for Public Purposes</i>	No	N/A
6.3	<i>Site Specific Provisions</i>	Yes	The Planning Proposal has been prepared to facilitate a particular development and the Planning Proposal is consistent with this Direction.
7. Metropolitan Planning (effective 1 February 2010)			
7.1	<i>Implementation of the Metropolitan Plan for Sydney 2036</i>	N/A	N/A