

Planning Proposal

Checklist of State Environmental Planning Policies (SEPPs)

The following SEPPs and other relevant plans have been considered in preparing the draft Hurstville Local Environmental Plan 2012 (Amendment No.1) and are relevant to the draft LEP amendment. Consideration of the relevant SEPPs is provided in the planning proposal.

State Environmental Planning Policy (SEPP)	Applicable	Consistent
SEPP No 1 – Development Standards	Yes	Yes
SEPP No 4 – Development Without Consent and Miscellaneous Complying Development	Yes	Yes
SEPP No 6 – Number of Storeys in a building	Yes	Yes
SEPP No 14 – Coastal Wetlands	N/A	N/A
SEPP No 15 – Rural Land-Sharing Communities	N/A	N/A
SEPP No 19 – Bushland in Urban Areas	N/A	N/A
SEPP No 21 – Caravan Parks	Yes	Yes
SEPP No 22 – Shops and Commercial Premises	N/A	N/A
SEPP No 26 – Littoral Rainforests	N/A	N/A
SEPP No 29 – Western Sydney Recreation Area	N/A	N/A
SEPP No 30- Intensive Agriculture	N/A	N/A
SEPP No 32 – Urban Consolidation (Redevelopment of Urban land)	Yes	Yes
SEPP No 33 – Hazardous and Offensive Development	N/A	N/A
SEPP No 36 – Manufactured Home Estates	N/A	N/A
SEPP No 39 – Spit Island Bird Habitat	N/A	N/A
SEPP No 41 – Casino/Entertainment Complex	N/A	N/A
SEPP No 44 – Koala Habitat Protection	N/A	N/A
SEPP No 47 – Moore Park Showground	N/A	N/A
SEPP No 50 – Canal Estate Development	N/A	N/A
SEPP No 52 – Farm Dams and Other Works in Land and Water Management plan Areas	N/A	N/A
SEPP No 53 – Metropolitan Residential Development	N/A	N/A
SEPP No 55 – Remediation of Land	Yes	Yes
SEPP No 59 – Central Western Sydney Economic and Employment Area	N/A	N/A
SEPP No 60 – Exempt and Complying Development	N/A	N/A
SEPP No 62 – Sustainable Aquaculture	N/A	N/A
SEPP No 64 – Advertising and Signage	Yes	Yes
SEPP No 65 – Design Quality of Residential Flat Development	N/A	N/A
SEPP No 70 Affordable Housing (Revised Schemes)	N/A	N/A
SEPP No 71 – Coastal Protection	N/A	N/A
SEPP (Affordable Rental Housing) 2009	Yes	Yes
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Yes
SEPP (Exempt and Complying Development Codes) 2008	Yes	Yes

State Environmental Planning Policy (SEPP)	Applicable	Consistent
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	Yes
SEPP (Infrastructure) 2007	Yes	Yes
SEPP (Kosciusko National Park - Alpine Resorts) 2007	N/A	N/A
SEPP (Major Development) 2005	Yes	Yes
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
SEPP (Rural Lands) 2008	N/A	N/A
SEPP (Sydney Region Growth Centres) 2006	N/A	N/A
SEPP (Temporary Structures) 2007	Yes	Yes
SEPP (Western Sydney Employment Area) 2009	N/A	N/A
SEPP(Western Sydney Parklands) 2009	N/A	N/A
Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment	N/A	N/A
Sydney REP No 5 – (Chatswood Town Centre)	N/A	N/A
Sydney REP No 8 – Central Coast Plateau Areas	N/A	N/A
Sydney REP No 9 – Extractive Industry (No 2 – 1995)	N/A	N/A
Sydney REP No 11 – Penrith Lakes Scheme	N/A	N/A
Sydney REP No 13 – Mulgoa Valley	N/A	N/A
Sydney REP No 16 – Walsh Bay	N/A	N/A
Sydney REP No 17 – Kurnell Peninsula	N/A	N/A
Sydney REP No 18 – Public Transport Corridor	N/A	N/A
Sydney REP No 19 – Rouse Hill Development Area	N/A	N/A
Sydney REP No 20 – Hawkesbury-Nepean River (No. 2 – 1997)	N/A	N/A
Sydney REP No 24 – Homebush Bay Area	N/A	N/A
Sydney REP No 25 – Orchard Hills	N/A	N/A
Sydney REP No 26 – City West	N/A	N/A
Sydney REP No 28 – Parramatta	N/A	N/A
Sydney REP No 29 – Rhodes Peninsula	N/A	N/A
Sydney REP No 30 – St Marys	N/A	N/A
Sydney REP No 33 – Cooks Cove	N/A	N/A
Sydney REP (Sydney Harbour Catchment) 2005	N/A	N/A
Note: All Regional Environmental Plans (REPs) are now deemed State Environmental Planning Policies (SEPPs) as of 1 July 2009.		

Draft Hurstville Local Environmental Plan 2012 (Amendment No.1)

Local Planning Directions (Section 117 Directions) Compliance Tables

The Minister for Planning, under section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) issues directions that relevant planning authorities such as local councils must follow when preparing planning proposals for new LEPs. The directions cover the following broad categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk regional planning
- local plan making.

The directions apply to planning proposals lodged with the Department of Planning on or after the date the particular direction was issued. To view the section 117 Directions go to:

<http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=RnOPJC9dU4Q%3d&tabid=248&language=en-AU> (N.B. The directions that apply to the draft LEP are those for planning proposals)

Table 1 below provides a summary checklist and **Table 2** provides a detailed checklist for consistency for the Draft Hurstville Local Environmental Plan 2012 (Amendment No.1) (draft HLEP 2012 (Amendment No.1)) against the Directions issued by the Minister for Planning under section 117(2).

Table 1: Summary Checklist of Section 117 Directions for Draft HLEP 2012 (Amendment No.1)

Section 117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	Yes
1.2 Rural Zones	N/A	N/A
1.3 Mining, Petroleum Production & Extractives Industries	N/A	N/A
1.4 Oyster Aquaculture	N/A	N/A
1.5 Rural Lands	N/A	N/A
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	Yes
2.2 Coastal Protection	N/A	N/A
2.3 Heritage Conservation	Yes	Yes
2.4 Recreation Vehicle Areas	N/A	N/A
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	Yes
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3 Home Occupations	Yes	Yes
3.4 Integrating Land Use and Transport	N/A	N/A
3.5 Development Near Licensed Aerodromes	N/A	N/A
3.6 Shooting Ranges	N/A	N/A
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	N/A
4.2 Mine Subsidence and Unstable Land	N/A	N/A
4.3 Flood Prone Land	N/A	N/A
4.4 Planning for Bushfire Protection	N/A	N/A
5. Regional Planning		

5.1 Implementation of Regional Strategies	N/A	N/A
5.2 Sydney Drinking Water Catchments	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A
5.6 Sydney to Canberra Corridor	N/A	N/A
5.7 Central Coast	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A
6.0 Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Yes
6.2 Reserving Land for Public Purposes	Yes	Yes
6.3 Site Specific Provisions	N/A	N/A
7.0 Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes

Table 2: Summary Checklist of Section 117 Directions for Draft HLEP 2012 (Amendment No.1)

DIRECTION	Applicable	Consistent
1.EMPLOYMENT AND RESOURCES		
1.1. BUSINESS AND INDUSTRIAL ZONES This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	Yes	Yes
What a relevant planning authority must do if this direction applies <i>(4) A planning proposal shall:</i> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning and Infrastructure.		
Comment: Direction 1.1 Business and Industrial Zones, applies to the draft HLEP 2012 (Amendment No.1) and in accordance with Part 4 of the Direction: (a) The draft HLEP 2012 (Amendment No.1) gives effect to the objectives of the direction, as it provides for the retention of industrial zoned land in Kingsgrove. (b) The draft HLEP 2012 (Amendment No.1) retains the area and location of the existing industrial zone land. (c) The draft HLEP 2012 (Amendment No.1) does not apply to business zoned land. (d) The draft HLEP 2012 (Amendment No.1) does not reduce the potential floor space area for industrial uses in industrial zones. (e) There are no new employment areas proposed as part of the draft HLEP 2012 (Amendment No.1). The draft HLEP 2012 (Amendment No.1) is thus consistent with the Direction 1.1 Business and Industrial Zones.		
1.2. RURAL ZONES	Not applicable	
1.3. MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES	Not applicable	
1.4. OYSTER AQUACULTURE	Not applicable	
1.5. RURAL LANDS	Not applicable	

DIRECTION	Applicable	Consistent
2. ENVIRONMENT AND HERITAGE		
2.1. ENVIRONMENT PROTECTION ZONES	Yes	Yes
What a relevant planning authority must do if this direction applies		
(4) <i>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i> (5) <i>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</i>		
Comment: Direction 2.1 Environment Protection Zones, applies to the draft HLEP 2012 (Amendment No.1). It should be noted that the draft HLEP 2012 does not propose to make any changes to the existing protection and conservation of environmentally sensitive areas within the HLEP 2012 and is consistent with the direction.		
2.2. COASTAL PROTECTION	Not applicable	
2.3. HERITAGE CONSERVATION	Yes	Yes
What a relevant planning authority must do if this direction applies		
(4) <i>A planning proposal shall contain provisions that facilitate the conservation of:</i> (a) <i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i> (b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i> (c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the council, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i>		
The draft HLEP 2012 (Amendment No.1) is an amendment to various maps associated with the HLEP 2012. It is not proposed to make any amendments to the heritage provisions contained within the HLEP 2012 (Schedule 5 – Environmental Heritage) nor the associated heritage mapping. It is considered that this planning proposal is consistent with Direction 2.3 Heritage Conservation.		
2.4. RECREATION VEHICLE ACCESS	Not applicable	

DIRECTION	Applicable	Consistent
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1. RESIDENTIAL ZONES This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted.	Yes	Yes
What a relevant planning authority must do if this direction applies (4) <i>A planning proposal shall include provisions that encourage the provision of housing that will:</i> (a) <i>broaden the choice of building types and locations available in the housing market, and</i> (b) <i>make more efficient use of existing infrastructure and services, and</i> (c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> (d) <i>be of good design.</i> (5) <i>A planning proposal shall, in relation to land to which this direction applies:</i> 5(a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i> 5(b) <i>not contain provisions which will reduce the permissible residential density of land.</i>		
Comment: Direction 3.1 Residential Zones pertains to the provision of adequate and diverse housing stock which makes efficient use of infrastructure and services and minimises adverse impacts on the environment and resource lands. The draft HLEP 2012 (Amendment No.1) contains residential zoned land, and the planning proposal retains the low density residential zone as contained within the Canterbury Planning Scheme Ordinance. It is proposed to zone the residential land R2 Low Density Residential Zone under the HLEP 2012. This Planning Proposal has been prepared to transfer and translate the current Canterbury City Council planning controls for the subject land into the Hurstville City Council planning controls, namely the HLEP 2012. There is no proposed increase or decrease in the residential development potential of the land and the provisions of the HLEP 2012 will apply to all of the residential zoned land. It is considered that the planning proposal is consistent with Direction 3.1 Residential Zones.		
3.2. CARAVAN PARKS AND MANUFACTURED HOME ESTATES	Yes	Yes

DIRECTION	Applicable	Consistent
What a council must do if this direction applies (d) <i>In identifying suitable zones, locations and provisions for caravan parks in a draft LEP, council shall:</i> (a) <i>retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</i> (b) <i>retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</i> (e) <i>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a draft LEP, council shall:</i> (a) <i>take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</i> (b) <i>take into account the principles listed in clause 9 of SEPP 36 (which councils are required to consider when assessing and determining the development and subdivision proposals), and</i> (c) <i>include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.</i>		
As the HLEP 2012 does not include Caravan Parks or Manufactured Home estates as permissible in any of the proposed zones the planning proposal is consistent with Direction 3.2.		

3.3. HOME OCCUPATIONS	Yes	Yes
What a council must do if this direction applies (f) <i>Draft LEPs shall permit home occupations to be carried out in dwelling houses without the need for development consent.</i>		
Comment: The HLEP 2012 permits Home Occupation without consent in all zones that permit dwelling houses. The draft HLEP 2012 (Amendment No.1) does not propose to alter these provisions. Therefore the draft HLEP 2012 (Amendment No.1) is consistent with Direction 3.3 Home Occupations.		
3.4. INTEGRATING LAND USE AND TRANSPORT	Not applicable	
3.5. DEVELOPMENT NEAR LICENSED AERODROMES	Not applicable	
3.6. SHOOTING RANGES	Not applicable	

DIRECTION	Applicable	Consistent
4. HAZARD AND RISK		
4.1. ACID SULFATE SOILS	Not applicable	
4.2. MINE SUBSIDENCE AND UNSTABLE LAND	Not applicable	
4.3. FLOOD PRONE LAND	Not applicable	
4.4. PLANNING FOR BUSHFIRE PROTECTION	Not applicable	
5. REGIONAL PLANNING		
5.1.IMPLEMENTATION OF REGIONAL STRATEGIES	Not applicable	
5.2. SYDNEY DRINKING WATER CATCHMENT	Not applicable	
5.3.FARMLAND OF STATE AND REGIONAL SIGNIFICANCE ON THE NSW FAR NORTH COAST	Not applicable	
5.4. COMMERCIAL AND RETAIL DEVELOPMENT ALONG THE PACIFIC HIGHWAY, NORTH COAST	Not applicable	
5.8.SECOND SYDNEY AIRPORT: BADGERYS CREEK	Not applicable	

DIRECTION	Applicable	Consistent
6. LOCAL PLAN MAKING		
6.1. APPROVAL AND REFERRAL REQUIREMENTS This direction applies when a relevant planning authority prepares a planning proposal.	Yes	Yes
What a relevant planning authority must do if this direction applies (6) <i>A planning proposal shall:</i> a. <i>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i> b. <i>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the council has obtained the approval of:</i> i. <i>the appropriate Minister or public authority, and</i> ii. <i>the Director-General of the Department of Planning and Infrastructure (or an officer of the Department nominated by the Director-General),</i> <i>prior to a certificate under section 65 of the Act being issued, and</i> c. <i>not identify development as designated development unless the council:</i> i. <i>can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</i> ii. <i>has obtained the approval of the Director-General of the Department of Planning and Infrastructure (or an officer of the Department nominated by the Director-General) prior to a certificate being issued under section 65 of the Environmental Planning and Assessment Act 1979.</i>		
Comment: The draft HLEP 2012 (Amendment No.1) does not include additional Local Provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority and is therefore consistent with Direction No. 6.1.		
6.2. RESERVING LAND FOR PUBLIC PURPOSES This direction applies when a relevant planning authority prepares a planning proposal.	Yes	Yes
What a relevant planning authority must do if this direction applies 4. <i>A planning proposal shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</i> 5. <i>When a Minister or public authority requests a council to reserve land for a public purpose in a draft LEP and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the council shall:</i> (a) <i>reserve the land in accordance with the request, and</i> d. <i>include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</i>		

DIRECTION	Applicable	Consistent
<i>e. Identify the relevant acquiring authority for the land.</i> 6. <i>When a Minister or public authority requests a council to include provisions in a draft LEP relating to the use of any land reserved for a public purpose before that land is acquired, the council shall:</i> (a) <i>include the requested provisions, or</i> (b) <i>take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</i> 7. <i>When a Minister or public authority requests a council to include provisions in a draft LEP to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the council shall rezone and/or remove the relevant reservation in accordance with the request.</i>		
Comment: The draft HLEP 2012 (Amendment No.1) is consistent with the objectives of the Direction in that: In accordance with Clause 4, 5, 6 and 7 of Direction 6.2 the following comment is provided: (4) The draft HLEP 2012 (Amendment No.1) has not created, altered or reduced existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning. The M5 East is located within the land subject to draft HLEP 2012 (Amendment No.1) and the RTA has been consulted on the alignment of the SP2 Infrastructure Zone land. (5) There have been no requests to reserve land for a public purpose as part of the draft HLEP 2012 (Amendment No.1) (6) There have been no requests to include provisions in the draft HLEP 2012 (Amendment No.1) relating to the use of any land reserved for a public purpose before that land is acquired. (7) There have been no requests to include provisions in the draft HLEP 2012 (Amendment No.1) to rezone and/or remove a reservation of any land that is reserved for public purposes.		
6.3. SITE SPECIFIC PROVISIONS	Not applicable	

7. METROPOLITAN PLANNING		
7.1. Implementation of the Metropolitan Plan for Sydney 2036 This direction applies when a relevant planning authority prepares a planning proposal.	Yes	Yes
What a relevant planning authority must do if this direction applies <i>Planning proposals shall be consistent with:</i> a) <i>the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010 ("the Metropolitan Plan")</i>		
Comment: The draft HLEP 2012 (Amendment No.1) was recently prepared by Hurstville City Council and is consistent with the objectives and actions contained within the Metropolitan Plan for Sydney 2036 and the draft South Subregional Strategy. The key features of the HLEP 2012 which implemented the objectives and directions in the Metropolitan Plan for Hurstville, and that are applicable to the draft HLEP 2012 (Amendment No.1), are: • Providing for a full range of residential development throughout the LGA by allowing all housing types (other than residential flat buildings) in the R2 Low Density Residential Zone which accounts for over 60% of land in Hurstville. The range of housing types allowed for in both the R2 Low Density Residential Zone and R3 Medium Density Residential Zone under the draft HLEP 2012 allows for new housing opportunity throughout the suburbs to satisfy the changing demographic of Hurstville (eg families, singles and seniors) and will supplement the housing growth anticipated in the Hurstville City Centre. • In relation to improving the quality of new development and urban renewal, a number of local clauses were included in the HLEP 2012 to ensure that amenity, urban design and best-practice environmental design are considered in all developments. These clauses will apply to the subject land. The future review of DCP No.1 – LGA Wide will also consider controls to improve the design of new development. • HLEP 2012 reflected the existing mix of Open Space including small pocket and local parks throughout the residential areas to the larger undeveloped natural areas in the south-west of the LGA including the Georges River National Park and Oatley Park. The draft HLEP 2012 (Amendment No.1) proposes to retain the open space areas south of the M5 East.		