

## Assessment Against State Environmental Planning Policies

State Environmental Planning Policy	Applies?	Comments
SEPP 19 Bushland in Urban Areas.	N/A	-
SEPP 33 Hazardous & Offensive Development.	N/A	-
SEPP 47 Moore Park Showground.	N/A	-
SEPP 50 Canal Estate Development.	N/A	-
SEPP 55 Remediation of Land.	Applies	<p>Reference should be made to the response to Question 8 of the Planning Proposal which addresses land contamination.</p> <p>A preliminary site contamination report has been prepared by Tim Fitzroy &amp; Associates and is contained within <b>Attachment 10</b>. The report concludes that <i>"Based on the outcomes of this PSI there is no impediment to approval of Planning Proposal for the proposed rezoning from RU1 Primary Production to R5 Large Lot Residential. Further investigation in accordance with the EPA sampling guidelines is required prior to the issue of a subdivision certificate for large lot residential use."</i></p>
SEPP 64 Advertising & Signage.	N/A	-
SEPP 65 Design Quality of Residential Apartment Development	N/A	-
SEPP (Aboriginal Land) 2019	N/A	-
SEPP (Activation Precincts) 2020	N/A	-
SEPP (Building Sustainability Index: BASIX) 2004	N/A	-
SEPP (Coastal Management) 2018	N/A	-
SEPP (Concurrences and Consents) 2018	N/A	-
SEPP (Educational Establishments and Child Care Facilities) 2017	N/A	-
SEPP (Exempt and Complying Development Codes) 2008	N/A	-
SEPP (Gosford City Centre) 2018	N/A	-
SEPP (Housing) 2021		
SEPP (Infrastructure) 2007	N/A	<p>In addressing Clause 104 – Traffic Generating Development, the development does not seek to create 200 or more lots thereby being below the threshold in Column 2 to the Table in Schedule 3.</p> <p>Concerning Column 3 in Schedule 3, the development does not seek to create 50 lots.</p>

State Environmental Planning Policy	Applies?	Comments
SEPP (Koala Habitat Protection) 2020	N/A	<p>The SEPP primarily relates to development applications and will be addressed at the development application stage.</p> <p>As provided under Question 7 of the Planning Proposal, a draft flora and fauna assessment was completed for the site by James Warren &amp; Associates Pty Ltd (November 2008). The report addressed statutory requirements including State Environmental Planning Policy No. 44 (SEPP 44 – Koala Habitat Protection), Section 5A of the Environmental Planning &amp; Assessment Act (1979) and the Commonwealth EPBC Act (1999). The SEPP 44 assessment concluded that the site does not contain core Koala habitat. A Koala Plan of Management was not required.</p>
SEPP (Koala Habitat Protection) 2021	N/A	<p>The SEPP primarily relates to development applications and will be addressed at the development application stage.</p> <p>As provided under Question 7 of the Planning Proposal, a draft flora and fauna assessment was completed for the site by James Warren &amp; Associates Pty Ltd (November 2008). The report addressed statutory requirements including State Environmental Planning Policy No. 44 (SEPP 44 – Koala Habitat Protection), Section 5A of the Environmental Planning &amp; Assessment Act (1979) and the Commonwealth EPBC Act (1999). The SEPP 44 assessment concluded that the site does not contain core Koala habitat. A Koala Plan of Management was not required.</p>
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A	-
SEPP (Kurnell Peninsula) 1989	N/A	-
SEPP (Major Infrastructure Corridors) 2020	N/A	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	-
SEPP (Penrith Lakes Scheme) 1989	N/A	-
SEPP (Primary Production and Rural Development) 2019	N/A	<p>This SEPP primarily relates to development applications and is not directly relevant to the current Planning Proposal. However in relation to Schedule 4 Part 2 Clause 3, potential land use conflict matters have been addressed within the Planning Proposal. To address land use conflict and the proposed development, reference should be made to the LUCRA report prepared by Tim Fitzroy &amp; Associates contained within <b>Attachment 4</b>. Recommendations with regard to vegetation buffers have been illustrated on <b>NDC Plan 4</b>.</p> <p>The following comments are provided in respect to agricultural land:</p>

State Environmental Planning Policy	Applies?	Comments
		<p>The initial Planning Proposal lodged with Council in 2015 was for a total of 77 lots. As outlined in Section 1.4 of this Planning Proposal a number of issues were raised by NSW DPI which have now been addressed through direct consultation between NDC and the DPI. This has resulted in a significant reduction in the proposed lot yield down to 43 lots as identified on the conceptual subdivision layout presented at <b>NDC Plan 4</b>.</p> <p>Agricultural land class in regards to the subdivision has been addressed earlier under Direction 11 of the NCRP 2036. In this regard the following points are provided:</p> <ul style="list-style-type: none"> <li>• The Planning Proposal does not propose to rezone State Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.</li> <li>• As illustrated on <b>NDC Plan 4</b>, the Planning Proposal does not propose to rezone Regionally Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005, with the exception of a small area extending into proposed Lots 33, 34, 41, 42, &amp; 43 on the northern edge of the estate. However this area of land has not historically been planted out with sugar cane and therefore is proposed to be utilised as part of the rural residential footprint. The sugar cane farm will be preserved within the area to be retained as RU1 Primary Production.</li> <li>• The estate has also been configured to preserve the areas of mapped Class 3 prime agricultural land within the RU1 zoned portion of land as shown on <b>NDC Plan 4</b>, with the exception of part of the cul-de-sac head extending adjacent to Lots 31 &amp; 32, and areas of vegetation buffer on the perimeter of the estate. This vegetation buffer provides a buffer in accordance with the attached LUCRA report to the sugar cane farm to be retained within the RU1 zoned land which adjoins the estate.</li> </ul>
SEPP (State and Regional Development) 2011	N/A	-
SEPP (State Significant Precincts) 2005	N/A	-
SEPP (Sydney Drinking Water Catchment) 2011	N/A	-
SEPP (Sydney Region Growth Centres) 2006	N/A	-
SEPP (Three Ports) 2013	N/A	-
SEPP (Urban Renewal) 2010	N/A	-

State Environmental Planning Policy	Applies?	Comments
SEPP (Vegetation in Non-Rural Areas) 2017	N/A	-
SEPP (Western Sydney Aerotropolis) 2020		
SEPP (Western Sydney Employment Area) 2009	N/A	-
SEPP (Western Sydney Parklands) 2009	N/A	-