

APPENDIX 5: STATE ENVIRONMENTAL PLANNING POLICY ASSESSMENT

The following table identifies the State Environmental Planning Policies (SEPPs) that are relevant for the planning proposal and the draft MidCoast LEP.

| Relevant aims and objectives: | Response: |
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| State Environmental Planning Policy (Biodiversity and Conservation) 2021 | |
| <p>The key aims of this SEPP that are relevant to the MidCoast are:</p> <p>Chapter 2: Vegetation in non-rural areas</p> <ul style="list-style-type: none"> to protect the biodiversity values of trees and other vegetation in non-rural areas of the State to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. <p>Chapter 3: Koala habitat protection 2020</p> <ul style="list-style-type: none"> by encouraging the identification of areas of core koala habitat by encouraging the inclusion of areas of core koala habitat in environment protection zones. <p>Chapter 4: Koala habitat protection 2021</p> <ul style="list-style-type: none"> by encouraging the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. <p>Chapter 13: Strategic conservation planning</p> <p>(a) to ensure development in the nominated areas is consistent with the biodiversity certification under the relevant legislation</p> <p>(b) to facilitate appropriate development on biodiversity certified areas</p> <p>(c) to identify and protect areas with high biodiversity value or regionally significant biodiversity that can support ecological functions, including threatened ecological communities, species and areas with important connectivity or ecological restoration potential</p> <p>(d) to avoid or minimise impacts from future development on biodiversity values in areas with high biodiversity value</p> <p>(e) to support the acquisition of priority areas with high biodiversity value as conservation lands in perpetuity.</p> | <p>The MidCoast Rural Strategy – The Way Forward (refer to Appendix 9) outlines how the conservation zones will be applied consistently across the MidCoast. Overall, there is proposed to be a 24,303ha increase in the amount of land included in a conservation zones. The majority of the additional land is currently in a rural zone and is proposed to be included in a conservation zone. Some drivers for these changes include flooding, paper subdivisions, and proximity to National Parks which are proposed to be included in an C4 Environmental Living zone. In addition, lands subject to permanent conservation agreements are proposed to be included in the C2 Environmental Conservation zone.</p> <p>The inclusion of Additional Local Provisions in Part 7 of the draft MidCoast LEP also contribute to achieving the aims of this SEPP. Examples include protecting riparian corridors and wildlife corridors.</p> <p>Council's Vegetation Management Policy and Vegetation Management provisions in the three existing Development Control Plans will be continued in the draft MidCoast Development Control Plan. Combined these provisions support the SEPP aims relating to vegetation management</p> <p>These changes will positively contribute to achieving the aims of the SEPP by protecting conservation lands across the MidCoast.</p> <p>The planning proposal is generally consistent with the SEPP.</p> |

| Relevant aims and objectives: | Response: |
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| State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 | |
| <p>The key aims of this SEPP that are relevant to the MidCoast are:</p> <ul style="list-style-type: none"> identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act. <p>This SEPP seeks to provide streamlined assessment processes for development that complies with specified development standards.</p> | <p>The draft MidCoast LEP exempt and complying development provisions contained in Schedule 2 were reviewed against this SEPP to remove any duplication of uses.</p> <p>As result of the expansion of the conservation zones across the MidCoast, more land will have restricted access to exempt and complying development for certain uses. It should be noted that these lands have conservation limitations which limit inappropriate development, and there is a range of land uses contained in the Land Use Tables for which development consent can be sought.</p> <p>The land use tables in the draft MidCoast LEP do not conflict this SEPP.</p> <p>The planning proposal is generally consistent with the aims of this SEPP.</p> |
| State Environmental Planning Policy (Housing) 2021 | |
| <p>The principles of this SEPP are to:</p> <ol style="list-style-type: none"> enable the development of diverse housing types, including purpose-built rental housing, encourage the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability, ensure new housing development provides residents with a reasonable level of amenity, promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services, minimise adverse climate and environmental impacts of new housing development, reinforce the importance of designing housing in a way that reflects and enhances its locality, support short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use, mitigate the loss of existing affordable rental housing. | <p>The Housing Strategy (refer to Appendix 8) outlines how the range of residential zones will be applied across the MidCoast to provide a diverse range of housing in our towns and villages, while reflecting their character. The application of the R1 General Residential, R3 Medium Density Residential and R4 High Density Residential zones aims to encourage increased densities close to services, facilities and infrastructure. The Housing Strategy and MidCoast Urban Release Areas Report identify the location of potential urban release areas where future housing is proposed to meet the growth needs of the MidCoast. The draft MidCoast LEP reflects the outcomes of the Housing Strategy.</p> <p>In addition, the draft MidCoast Development Control Plan will address the delivery and design of future housing.</p> <p>The following is a summary of the planning proposal impacts on land uses provided for in this SEPP:</p> <ul style="list-style-type: none"> boarding houses are proposed to be permitted with consent in appropriate zones opportunities for supportive accommodation and built-to-rent housing will increase as a result of the expanded permissibility of residential flat buildings and boarding houses generally secondary dwellings are proposed to be permissible in the R1 General Residential and R2 Low Density Residential zones |

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| | <ul style="list-style-type: none"> • group homes and seniors housing are proposed to be permissible in all prescribed zones • manufactured home estates and caravan parks are being purposefully restricted to urban areas close to infrastructure and other urban services. This is addressed in the assessment of the Ministerial Directions (refer to Appendix 6) • there is no impact on the permissibility of emergency accommodation • the opportunities for Low-Rise Housing Diversity as permitted in State Environmental Planning Policy (Exempt and Complying Development) 2008 will be unchanged. <p>The planning proposal is generally consistent with the principles and aims of this SEPP.</p> <p>It is requested in the planning proposal (Section 3.2.4) that the SEPP be amended to include the MidCoast Local Environmental Plan in Schedule 6 of the SEPP, where exclusion applies to the Greater Taree Local Environmental Plan 2010 and Great Lakes Local Environmental Plan 2014.</p> |
| State Environmental Planning Policy (Industry and Employment) 2021 | |
| <p>The key aims of this SEPP that are relevant to the MidCoast are:</p> <p>Chapter 3: Advertising and signage</p> <ul style="list-style-type: none"> • to ensure that signage (including advertising)- <ul style="list-style-type: none"> – is compatible with the desired amenity and visual character of an area, and – provides effective communication in suitable locations, and – is of high quality design and finish • to regulate signage (but not content) under Part 4 of the Act, and • to provide time-limited consents for the display of certain advertisements, and • to regulate the display of advertisements in transport corridors, and • to ensure that public benefits may be derived from advertising in and adjacent to transport corridors. | <p>The draft MidCoast LEP land use tables and exempt and complying development provisions (contained in Schedule 2 and Schedule 3) were reviewed against this SEPP to remove any conflicts or duplication of advertising and signage requirements.</p> <p>The draft MidCoast LEP doesn't contain any additional heads of consideration for advertising signage that are inconsistent with those contained within the SEPP.</p> <p>The planning proposal is generally consistent with the principles and aims of this SEPP.</p> |
| State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development | |
| <p>This SEPP aims to improve the design quality of residential apartment development in New South Wales.</p> | <p>The planning proposal is generally consistent the requirements of this SEPP with regard to the application of the residential zones.</p> |

| Relevant aims and objectives: | Response: |
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| | The draft MidCoast Development Control Plan will address in more detail the design quality of apartment developments in accordance with the SEPP. |
| State Environmental Planning Policy (Planning Systems) 2021 | |
| <p>The key aims of this SEPP that are relevant to the MidCoast are:</p> <p>Chapter 2: State and regional development</p> <ul style="list-style-type: none"> to identify development that is State significant development, to identify development that is State significant infrastructure and critical State significant infrastructure, to identify development that is regionally significant development. <p>Chapter 3: Aboriginal land</p> <ul style="list-style-type: none"> to declare specified development carried out on land owned by Aboriginal Land Councils to be regionally significant development. | <p>This SEPP is not applicable to the development of the draft MidCoast LEP as no sites have been identified for the MidCoast. Through the development application process it will be determined whether development is considered State significant development, critical State significant infrastructure or regionally significant development.</p> |
| State Environmental Planning Policy (Primary Production) 2021 | |
| <p>The key aims of this SEPP that are relevant to the MidCoast are:</p> <p>Chapter 2: Primary production and rural development</p> <p>(a) to facilitate the orderly economic use and development of lands for primary production,</p> <p>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</p> <p>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> | <p>The MidCoast Rural Strategy – The Way Forward (refer to Appendix 9) outlines how the rural zones will be applied across the MidCoast, and it provides the foundations for the draft MidCoast LEP.</p> <p>Further amendments have been made as outlined in Section 3.4.2 of the planning proposal to address issues raised by the Department of Primary Industries (Agriculture).</p> <p>The approach for rural lands is to:</p> <ul style="list-style-type: none"> apply a consistent and evidence-based approach to the application of the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones apply a set of restructured land use tables for each of the applicable rural zones, and ensure that the land use tables consider the diverse requirements of agricultural productivity, whilst remaining sensitive to the sterilisation of agricultural land apply minimum lot size provisions from an evidence-based perspective, considering existing subdivision patterns, agricultural productivity and land/environmental attributes allow certain agricultural land uses to be permitted without consent in rural zones allow certain aquaculture land uses to be permitted with consent in certain zones. <p>The planning proposal is considered to be generally consistent with this SEPP.</p> |

| Relevant aims and objectives: | Response: |
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| <p>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</p> | <p>It is requested in the planning proposal (Section 3.2.4) that the SEPP be amended to include the MidCoast Local Environmental Plan in Schedule 5 – Rural land sharing communities of the SEPP, replacing the existing Gloucester Local Environmental Plan 2010 and Great Lakes Local Environmental Plan 2014.</p> |
| State Environmental Planning Policy (Resilience and Hazards) 2021 | |
| <p>The key aims of this SEPP that are relevant to the MidCoast are:</p> <p>Chapter 2: Coastal management</p> <p>The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i>, including the management objectives for each coastal management area.</p> <p>Chapter 3: Hazardous and offensive development</p> <p>The aim of this Chapter is to ensure hazardous and offensive industries are permitted in environmental planning instruments, and appropriate controls are applied in their assessment.</p> <p>Chapter 4: Remediation of land</p> <p>The aim of this Chapter is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p> | <p>The MidCoast Rural Strategy – The Way Forward (refer to Appendix 9) outlines how coastal management will be considered and addressed across the MidCoast and provides the foundations for the draft MidCoast LEP.</p> <p>Conservation zones have been applied over coastal wetlands as mapped in the SEPP, along with many of the coastal lands to protect these important coastal environments. A coastal risk planning clause has been included in the draft MidCoast LEP, along with coastal risk mapping for consideration by future development proposals.</p> <p>The draft MidCoast LEP proposes no changes to planning controls that would hinder hazardous or offensive development (application or assessment) in accordance with the SEPP.</p> <p>The assessment of the residential footprint (refer to Appendix 3) identifies changes to the residential extent of our towns and villages. Where residential expansion is proposed, hazards such as flooding, contaminated land and coastal hazards have been considered to ensure that there are no impacts on residents.</p> <p>The planning proposal is generally consistent with this SEPP.</p> |
| State Environmental Planning Policy (Resources and Energy) 2021 | |
| <p>The key aims of this SEPP that are relevant to the MidCoast are:</p> <p>Chapter 2: Mining, petroleum production and extractive industries</p> <p>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</p> <p>(b) to facilitate the orderly and economic use and development of land containing</p> | <p>The draft MidCoast LEP proposes no changes to planning controls that would hinder the management and development of mineral, petroleum and extractive material resources.</p> <p>The planning proposal is generally consistent with the aims of this SEPP.</p> |

| Relevant aims and objectives: | Response: |
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| <p>mineral, petroleum and extractive material resources, and</p> <p>(c) to promote the development of significant mineral resources, and</p> <p>(d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and</p> <p>(e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development-</p> <p>(i) to recognise the importance of agricultural resources, and</p> <p>(ii) to ensure protection of strategic agricultural land and water resources, and</p> <p>(iii) to ensure a balanced use of land by potentially competing industries, and</p> <p>(iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.</p> | |
| State Environmental Planning Policy (Sustainable Buildings) 2022 (comes into effect on 1 October 2023) | |
| <p>The aims of this SEPP are:</p> <p>(a) to encourage the design and delivery of sustainable buildings,</p> <p>(b) to ensure consistent assessment of the sustainability of buildings,</p> <p>(c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,</p> <p>(d) to monitor the embodied emissions of materials used in construction of buildings,</p> <p>(e) to minimise the consumption of energy,</p> <p>(f) to reduce greenhouse gas emissions,</p> <p>(g) to minimise the consumption of mains-supplied potable water,</p> <p>(h) to ensure good thermal performance of buildings.</p> | <p>The draft MidCoast LEP proposes no changes to planning controls that would hinder the effective delivery of sustainable buildings.</p> <p>The draft MidCoast Development Control Plan is being developed and will address this SEPP for consideration through the development assessment process.</p> <p>The planning proposal is generally consistent with the aims of this SEPP.</p> |

| Relevant aims and objectives: | Response: |
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| State Environmental Planning Policy (Transport and Infrastructure) 2021 | |
| <p>The aims of this SEPP are to:</p> <ul style="list-style-type: none"> • provide for the effective delivery of infrastructure across the State, including air transport facilities, correctional centres and correctional complexes and wharf or boating facilities • facilitate the effective delivery of educational establishments and early education and care facilities across the State • provide for infrastructure corridors. | <p>The draft MidCoast LEP proposes no changes to planning controls that would hinder the effective delivery of infrastructure. It is noted that:</p> <ul style="list-style-type: none"> • development for the purpose of air transport facilities, correctional centres and correctional complexes, where a public authority, are permitted under the SEPP in certain zones. Currently, the only use operated by a public authority, is Taree Airport which is appropriately included in the SP2 Infrastructure zone. The draft MidCoast LEP does not impede the delivery of these uses • development for the purpose of a wharf or boating facility, where a public authority is permitted under the SEPP in certain zones. Wharf or boating facilities are permitted with consent in the draft MidCoast LEP where considered appropriate and access to navigable waterways is possible The draft MidCoast LEP does not impede the delivery of this use • educational establishments and early education and care facilities are permitted in accordance with the SEPP. <p>The planning proposal is generally consistent with the aims of this SEPP.</p> |