



File Ref: 2015/66176

19 December 2017

Department of Planning  
GPO Box 39  
Sydney NSW 2001

Dear Tim Archer

**RE: Repeal SEPP 1 and Insertion of Standard Instrument Clauses**

I refer to your letter dated 24 November 2017 concerning the repeal of State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) and the insertion of standard instrument Clauses:

- 4.6 Exceptions to development standards,
  - 2.6 Subdivision,
  - 2.7 Demolition,
  - 2.8 Temporary Use of Land, and
  - 5.8 Conversion of Fire Alarms
- in SSLEP2000, SSLEP2006 and SEPP Kurnell Peninsula.

SSLEP2000 – comments

Land currently subject to SSLEP2000 is located in the west of the Shire. This land was subject to a Major Project/SSD 'Heathcote Ridge'. Only a small portion of the land was ultimately rezoned (see below). The remainder is largely presently zoned 1(b) Rural (Future Urban), 7(a) Environmental Protection (Waterways), 7(b) Environmental Protection (Bushland) and a small area of 2(a1) Residential.

Development standards in the plan are currently subject to SEPP 1 provisions. Subdivision is presently permitted in all zones (except 8(a) National Parks – where such may be done subject to the National Parks and Wildlife Act). Similarly Demolition is also a permitted use in all zones. Conversion of Fire Alarms was not envisaged as a required provision at the time of drafting of the plan. They involve (Clause 5.8(3)) minor internal alterations to a building together with the mounting of an antenna and are therefore low impact.

Current Temporary Use of Land provisions in SSLEP2000 (clause 9) are limited to 28 days in a year. If the standard instrument clause was inserted (with

SSLEP2015 standards) this would increase the provision to 52 days. This is the only material change and such is consistent with the provisions in SSLEP2015.

The insertion of Clauses 4.6, 2.6, 2.7, 2.8 and 5.8 into SSLEP2000 land is unlikely to cause significant planning consequences and no objection is raised.

#### SSLEP2006 - comments

Part 4 of SSLEP2006 applies to 'Heathcote Ridge' West Menai. In 2010 the land was subject to a more extensive planning proposal (89Ha). However, ultimately the Department only zoned 23ha of the site to R2 – Low Density Residential via an amendment to SSLEP2006. The Department applied the R2 zone and development standards that were significantly different from the surrounding low density area. No minimum landscape area control was applied, nor was a maximum FSR applied, as is normally the case in the Local Housing/R2 land under SSLEP2006/2015. At the time, Council expressed concern at the development outcomes that could result.

The development standards that apply to this SSLEP2006 land include: Clause 67 Minimum subdivision lot size and Clause 68 Height of buildings. It is noted that Clause 72 Exceptions to Development Standards, already allows those standards to be applied flexibly. Subdivision is presently permitted by Clause 66. Demolition is also permitted use in the R2 land pursuant to clause 69. Conversion of Fire Alarms is permitted pursuant to Clause 75. Temporary Use of Land provisions are currently covered by Clause 70.

A small portion of land remains under the provisions SSLEP2006 - land at Ella Ave Barden Ridge – zoned Environmental Housing Bushland. SEPP1 (via Clause 8(3)) currently applies to the main development standards (height, FSR, lot size, landscaped area). Hence the insertion of Clause 4.6 to this land is unlikely to cause significant planning consequences that do not already exist.

Hence the insertion of Clauses 2.6, 2.7, 2.8 and 5.8 into SSLEP2006 is unlikely to cause significant planning consequences as similar provisions are already there, or the impacts are minor.

#### SEPP Kurnell Peninsula

A significant site at 280-282 Captain Cook Drive Kurnell remains subject to a number of zones under SEPP Kurnell - 4(a) General Industrial, 6(b) Public Recreation Proposed, 7(b) Environmental Protection-Special Development, 9(a) Regional Open Space and 6(c) Private Recreation. Development standards in SEPP Kurnell do limit the development of this land.

SEPP1 provisions already apply to this land. The application of Clause 4.6 to this land is unlikely to cause significant planning consequences.

SEPP Kurnell Peninsula is a very old plan (1989) drafted in a manner that differs from current drafting practice. Clause 10 allows subdivision with the consent of

Council. SEPP (Exempt & Complying Development Codes) allows demolition, except on heritage properties. Such demolition is permitted by Clause 23A of SEPP Kurnell. Conversions of Fire Alarms provisions were not envisaged by this plan. They involve (Clause 5.8(3)) minor internal alterations to a building together with the mounting of an antenna and are therefore low impact.

There are currently no temporary use provisions in the SEPP. Hence the insertion of Clause 2.8 Temporary Use of Land provisions is the only material change to the plan. Land use on the Peninsula is changing hence this provision is likely to assist in the transition of uses.

Hence the insertion of Clauses 2.6, 2.7, 2.8 and 5.8 into SEPP Kurnell Peninsula is unlikely to cause significant planning consequences.

If you require any further information, please contact me on 9710 0376.

Yours sincerely,



Beth Morris  
Senior Policy Officer  
Strategic Planning