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Geoff Withycombe
Sydney Coastal Councils Group
GPO Box 1591
SYDNEY NSW 2001

Email: geoff@sydneycoastalcouncils.com.au

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Dear Sir

Proposed new State Environmental Planning Policy (Environment)

You have asked us to consider the proposed State Environmental Planning Policy (Environment) (SEPP) and provide comments in relation to the gaps, risks and other relevant issues raised by the SEPP of relevance to your member Councils.

We have set out general comments and observations in respect of matters proposed to be addressed in the new SEPP in the enclosed table, with a summary of some of the key proposed changes below.

1. Background and intentions

- 1.1 The proposed new SEPP will integrate provisions from 7 existing SEPPs relating to catchments, waterways, urban bushland and world heritage. The Explanation of Intended Effects (EIE) states at page 7 that "the proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs".
- 1.2 Absent the detailed provisions it is not possible to advise in respect of consequences with any certainty.

2. General Observations

- 2.1 Without seeing the provisions of the proposed SEPP, and where throughout the EIE it is proposed to 'update' and transfer provisions of current SEPPs to the new SEPP, there is a risk the current heads of consideration and objectives that consent authorities must have regard to may be weakened or not picked up.
- 2.2 Absent the detailed wording it is uncertain what threshold the matters of consideration will have i.e. will they be matters that a consent authority "must be satisfied of" as a precondition to the grant of consent or a lower threshold such as "have regard to".

Adelaide
Brisbane
Canberra
Darwin
Hobart
Melbourne
Norwest
Perth
Sydney

- 2.3 The SEPP proposes to align Standard Instrument zones with zones under the SREP. Some of the zone objectives for the zones proposed to be aligned do not appear to be appropriately consistent. For instance, in Zone W1 Natural Waterways of the Standard instrument, an objective is "to provide for sustainable fishing industries" which doesn't appear to directly align with the environment protection objectives of the SREP Zone W2 "to give preference to enhancing and rehabilitation the natural and cultural values of waters in this zone".
- 2.4 The current SREP provisions seem to place a higher threshold on development in terms of protecting and enhancing visual qualities of Sydney Harbour as opposed to the Coastal Management SEPP which only requires satisfaction that development will not adversely impact on visual amenity. Amendments to development permitted in some zones under the new SEPP such as the proposal that under SREP Zone W7 Scenic Waters Casual Use mooring pens are to be considered on a case by case basis has the potential to increase the number and extent of structures over waters and could raise visual impact concerns.
- 2.5 The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (SREP DCP) is proposed to be transitioned into design guidelines. The legal status of the proposed guidelines has not been made clear - the EIE does not explain whether they sit under the SEPP and are given standing i.e. "when determining DAs for...the consent authority is to have regard to the Design Guidelines". DCPs are a s 79C consideration which Councils are required to take into consideration. It is unclear how design guidelines will be given weight and whether they will be afforded the same weight as the SREP DCP.
- 2.6 Seniors housing is proposed to be allowed in water catchments if located on land zoned primarily for urban purposes. The EIE does not consider the implications and risk of allowing sensitive development on water catchments and what further considerations if any will be included in the SEPP or State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 when seniors housing development applications are being assessed for these areas.

Observations made will likely require revision and clarification once we have had the opportunity to review the new SEPP. Given the breadth and scope, we cannot guarantee we have identified all issues which may be of import to your member Councils.

We trust the above is of assistance. Should you wish to discuss these issues further please do not hesitate to contact me.

Yours faithfully



Kirston Gerathy
Partner
HWL Ebsworth Lawyers

+61 2 9334 8628
kgerathy@hwle.com.au



Rachael Knapman
Solicitor
HWL Ebsworth Lawyers

+61 2 9334 8507
rknapman@hwle.com.au

| SEPP (Environment) EIE | Current SEPP to be affected | Comment |
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| SEPP No. 19 - Bushland in Urban Areas | | |
| <p><u>General</u></p> <p>According to the EIE, the new Environment SEPP is intended to "improve protection of urban bushland in the Sydney metropolitan area by expanding current protections and modernising provisions to align with other planning instruments".</p> <p>As per Attachment B of the EIE, most of the substantive provisions of SEPP 19 are to be updated and transferred to the new Environment SEPP.</p> | <p>Clauses 2 - 9 [of SEPP 19]:</p> <ol style="list-style-type: none"> 2. Aims, objectives etc 3. Application of Policy 4. Interpretation 5. Relationship with other environmental planning instruments 6. Consent to disturb bushland zoned or reserved for public open space 7. Public Authorities 8. Plans of Management 9. Land adjoining land zoned or reserved for public open space | <p>While it is clear which clauses of SEPP 19 will be transferred to the proposed Environment SEPP, because each clause will also be "update[d]", the practical effects of the repeal of SEPP 19 are uncertain. There is little explanation of what most of the updates will entail.</p> <p>It appears as if the aims and objectives in clause 2 of SEPP 19 will remain.</p> |
| <p><u>Definitions</u></p> <p>The term "bushland zoned or reserved for public open space purposes" currently utilised by SEPP No. 19 will be changed to "public bushland".</p> <p>"Public bushland" is to include all land that:</p> <ul style="list-style-type: none"> • is zoned non-rural (ie zoned under the Standard Instrument zones, excluding RU1, RU2, RU3, RU4 and RU5 zoned land); and • is owned or managed by a council or a public authority, or reserved for acquisition for open | <p>Clause 4(2) - Interpretation</p> <p>The previous reference to "bushland zoned or reserved for public open space purposes" was a reference to "bushland within an area or zone identified by an environmental planning instrument as open space (other than for private recreation)."</p> | <p>The new definition appears to broaden the scope of land covered by what is now called "public bushland". It does this via:</p> <ul style="list-style-type: none"> • including land owned/managed/reserved for "environmental conservation" in addition to "open space"; • removing the reference to the land having to be "identified by an environmental planning instrument as open space" and including all land zoned under the Standard |

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| <p>space or environmental conservation by a council or a public authority; and</p> <ul style="list-style-type: none"> • has vegetation which meets the definition of bushland. <p>This change is intended to reflect feedback from councils that the land covered by the former definition was not consistent with terms in the <i>Local Government Act 1993</i>, such as "community land".</p> <p>The definition of bushland in SEPP 19 will be transferred to the new SEPP.</p> | | <p>Instrument excluding Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry , Zone RU4 Primary Production Small Lots, Zone RU5 Village</p> |
| <p><u>Consent to disturb urban bushland</u></p> <p>"The activities that do not require development consent for the disturbance of bushland, as outlined in clause 6(2) [of SEPP 19], will also be updated to align with the current planning and legislative context."</p> | <p>Clause 6(2) - Consent to disturb bushland zoned or reserved for public open space</p> | <p>The activities that do not currently require development consent for the disturbance of bushland are specific and limited.</p> <p>What is meant by updating the activities that do not require development consent for the disturbance of bushland to align with "the current planning and legislative context" is vague.</p> <p>It is beyond the scope of our instructions to review the plethora of instruments and Act which comprise the current legislative context. The framework however continues to be amended to increase activities/development that can be carried out as exempt or complying development. Depending on the detail of the reform, it could potentially allow for the greater</p> |

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| | | removal of urban bushland absent development assessment. |
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Application of SEPP 19



The councils which SEPP 19 applies to be will be updated to reflect relevant changes since 1986. Schedule 1 of SEPP 19 (which lists the areas to which the SEPP applies) will be replaced with a land application map which shows the areas to which the new Environment SEPP will apply.

The entirety of the former Wyong Shire local government area will also be incorporated into the new SEPP.



Schedule 1 - Areas and part areas to which the Policy applies

Apart from the extension of the SEPP to the former Wyong Shire local government area, these changes appear to be administrative.

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| <p>Legend</p> <p> LGAs covered by current SEPP 19*</p> <p> Proposed additional area (former Wyong Shire Council)</p> <p>The land application map will also be integrated into the NSW Planning Portal system.</p> | | |
| <p><u>Preparation of local environmental plans</u></p> <p>The current clause 10 of SEPP No 19 which concerns the preparation of local environmental plans is not to be included in the new Environment SEPP. Instead, these provisions will be transferred to a new Ministerial Direction.</p> <p>The EIE states that a new Ministerial Direction is required for the following reasons:</p> <ul style="list-style-type: none"> • it is the appropriate mechanism to guide plan making; and • no existing direction (including Ministerial Direction 2.1 - Environmental Protection Zones) adequately covers the wide range of public urban bushland. | <p>Clause 10 - Preparation of local environmental plans:</p> <p>"When preparing draft local environmental plans for any land to which this Policy applies, other than rural land, the council shall:</p> <p>(a) have regard to the general and specific aims of the Policy, and</p> <p>(b) give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland."</p> | <p>The EIE states that the "new Ministerial Direction is intended to function largely the same way as clause 10 of SEPP 19. As currently, the direction will apply when a planning authority is preparing a planning proposal for land to which the Urban Bushland provisions of SEPP (Environment) apply."</p> <p>Absent details concerning exactly what will be incorporated into the new Ministerial Direction the consequences cannot be analysed. Currently the SEPP prioritises retention of bushland subject to criteria.</p> <p>The Ministerial Direction will direct Councils' preparation of an LEP in accordance with principles not yet specified.</p> <p>It is unclear whether it will direct a Council to prepare an LEP with provisions requiring the Council to take into account certain matters (such as those in clause 9(2)(c)-(e) of SEPP</p> |

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| | | <p>19 "the need to retain any bushland on the land; the effect of the proposed development on bushland zoned or reserved for public open space purposes") when Council proposes to grant consent in relation to development on land adjoining bushland zoned for public open space purposes.</p> <p>If clause 9 goes into the new SEPP and does not pick up the heads of consideration in SEPP 19 or, instead of the strong "the public authority shall not grant approval unless it has taken into account.." the new SEPP has lesser threshold, there may be a gap/weakening in the assessment of impacts on bushland</p> |
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Sydney Regional Environmental Plan (Sydney Harbour Catchment)

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| <p><u>General</u></p> <p>The EIE states that the new SEPP will update the aims of the SREP to better reflect recent development in the harbour and transfer to new SEPP.</p> | <p>The current aims re importance of Harbour as a natural asset of national and heritage significance, public accessibility along the foreshore, precedence to public good will be transferred to the new SEPP.</p> <p>Aim (1)(d) of the SREP "to ensure a prosperous working harbour and an effective transport corridor" is to be amended to include a range of recreational, transport, tourism and commercial uses</p> <p>Transfer references to water quality and catchment to the new catchment section in proposed SEPP.</p> | <p>How the aims will be updated is unclear: there is little explanation of what most of the updates will entail.</p> |
| <p><u>Planning principles</u></p> <p>Planning principles in the SREP which are to be considered in the preparation of EPIs and environmental studies and master plans are to be updated and transferred to 2 Ministerial Directions</p> | <p>The new SEPP will update and transfer the planning principles to Ministerial Directions which will inform Councils' preparation of planning instruments.</p> <p>The first planning principle will combine all catchment management and water quality and quantity provisions from the other catchment SEPPs.</p> | <p>As the planning principles direct matters to be considered by Councils in preparing LEPs, transferring the SREP planning principles into Ministerial Directions which also direct Councils in relation to preparation of an LEP in accordance with principles will have a similar effect.</p> |

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| | <p>The second planning principle will combine clauses 14 and 15 relating to maintaining and improving public access, protecting visual qualities and retaining land required to support the working harbour and recognising the heritage significance of the harbour.</p> <p>The draft planning principle at page 52 of the EIE identifies principles that planning proposals must be consistent with. These are broad statements such as "public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation."</p> | |
| <p>Zoning</p> <p>Update and transfer zones, align some zones with standard instrument LEP</p> <p>Zoning objectives updated to align with standard instrument LEP and additional objectives specific to Sydney Harbour added</p> <p>Land use table updated and transferred to new SEPP</p> | <p>SREP Zone W1 maritime waters changes to Standard Instrument W3 working waterways</p> <p>SREP Zone W2 environment protection to become Standard Instrument W1 natural waterways</p> <p>SREP Zone W5 water recreation to become Standard Instrument W2 recreational waterway</p> | <p>Whilst these are policy rather than legal questions strictly, aligning 3 SREP zones with the Standard Instrument zones where the intent and purposes is similar seems to make sense and avoid confusion.</p> <p>There are some objectives that don't line up (i.e. an objective of Zone W3 of the Standard Instrument is "to provide for sustainable fishing industries" which isn't referred to in the SREP Zone W1).</p> |

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| | <p>SREP Zone W7 Scenic Waters Casual Use - mooring pens to be considered on a case by case basis, having regard to the potential visual, navigational and environmental constraints</p> <p>SREP Zone W8 Scenic Waters Passive Use objectives are to be amended to clarify the intent is to support development of public and community facilities and to clearly prohibit over water development</p> <p>SREP Zone 8a national parks to become Standard Instrument E1 LEP zone for national park land.</p> | <p>Also in Zone W1 of the Standard instrument, an objective is "to provide for sustainable fishing industries and recreational fishing" which doesn't appear to align with the environment protection objectives of Zone W2 "to give preference to enhancing and rehabilitation the natural and cultural values of waters in this zone".</p> <p>Zone W2 of the Standard Instrument allows marinas with consent but it's unclear whether the specific considerations of the Zone W5 objectives in the SREP will be carried over to temper/regulate that permitted use.</p> <p>Aligning the SREP Zone 8(a) with the Standard Instrument E1 seems uncontroversial as both zones defer to the uses allowed under the <i>National Parks and Wildlife Act 1974</i></p> |
| <p><u>Subdivision</u></p> <p>Amendment of clause 18A to allow subdivision</p> | <p>Clause 18A of the SREP prohibited subdivision of land in all zones under the SREP except for certain purposes set out in that clause (Part 3A development, development benefitting from existing use rights etc).</p> <p>The new SEPP will be amended to allow the</p> | <p>This will allow the RMS (owner and consent authority for Sydney Harbour) to subdivide Harbour land. The EIE states that the amendment is necessary to provide certainty to businesses and property owners who lease land on the harbour foreshore as renewal of existing leases now requires</p> |

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| | <p>RMS to subdivide the Sydney Harbour foreshore for the purposes of managing lawfully reclaimed Harbour land.</p> <p>Requirement for the consent authority to consider whether, and to what extent, subdivision likely to result in any reduction in public access remains.</p> | <p>subdivision to meet the requirements of the Conveyancing Act (the Harbour is on one lot and the Conveyancing Act requires subdivision of parts of existing lots for renewal of leases).</p> <p>Effectively this change will facilitate new private leases over public land and may facilitate privatisation of public assets.</p> <p>There appears to be a tension between the object of maintaining public access and subdivision.</p> |
| <p><u>Development control within national parks</u></p> <p>The clauses dealing with development in national parks will be deleted where dealt with under SEPP (Infrastructure) and updated then transferred to the new SEPP.</p> | <p>Clause 19 of the SREP refers to certain developments in national parks which do not require development consent. These types of development are covered in the SEPP (Infrastructure) and so clause 19 of the SREP is proposed to be deleted.</p> <p>Clause 38 of the SREP permits development authorised under the <i>National Parks and Wildlife Act 1974</i> to be undertaken without consent on land in water adjoining national parks. Clause 38 is to be retained and updated to be consistent with SEPP (Infrastructure).</p> <p>Clause 39 of the SREP relates to development in the waterway which is likely</p> | <p>This appears intended to avoid duplication. There are no special objectives/controls in the SREP re national parks.</p> <p>Note that under the Infrastructure SEPP, development which does not require consent may still require assessment and approval under Part 5 of the EPA Act.</p> |

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| | to affect land reserved as national park. It is proposed to retain and update clause 39 in line with current National Parks and Wildlife Service policy and guidelines and consistent with SEPP (Infrastructure) | |
| <p><u>Matters for consideration</u></p> <p>It is proposed to consolidate and update the matters for consideration into clearer themes and structured to be more consistent with the Standard Instrument format.</p> | | |
| <p><u>Biodiversity, ecology and environment protection</u></p> <p>Clause 21 of the SREP requires that matters "are taken into consideration by consent authorities" before granting consent under Part 4 or carrying out activities under Part 5. The matters to be taken into consideration relate to biodiversity, ecology, environment protection</p> | <p>Transfer to proposed SEPP and update to focus on protecting and enhancing aquatic and foreshore species and communities of Sydney Harbour.</p> <p>The current SREP includes that development should protect and enhance terrestrial and aquatic species amongst its matters to be taken into consideration at DA stage. It also requires consideration of other matters such as (a) development should have a neutral or beneficial effect on the quality of water entering the waterways.</p> | <p>Whether or not important general considerations such as "the cumulative environmental impact of development" which do not have a direct focus on enhancing aquatic and foreshore species will be carried over to the new SEPP is not clear.</p> <p>Absent the detailed wording it is uncertain what threshold the matters of consideration will have i.e. will they be matters that "must be taken into consideration by Councils before granting consent" or an arguably lower threshold such as "had regard to".</p> |
| <p><u>Public access to, and use of, foreshores and waterways</u></p> | <p>Transfer to proposed SEPP and update to align to Coastal Management SEPP Coastal Use Areas provisions (aimed at maintaining or, where practicable, improving existing, safe public access to and along the foreshore, beach, headland or rock platform).</p> | |

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| | Retain provisions of clause 22 relating to access to and from waterways and amend provisions to consider potential public access routes identified in the DCP map | |
| <u>Maintenance of a working harbour and interrelationship of waterway and foreshore uses</u> | Clauses 23 and 24 of the SREP which deal with the interrelationship and management of different uses of waterways are to be consolidated and transferred to the new SEPP | Again, how will they be updated? |
| <u>Foreshore and waterways scenic quality and maintenance, protection and enhancement of views</u> | Clauses 25 and 26 of the SREP are to be consolidated and transferred to the new SEPP and updated to align with the Coastal Management SEPP Coastal Use Area provisions | <p>Unclear what will change. The Coastal Use Area provisions of the Coastal Management SEPP do not replicate the SREP provisions in terms of views/vistas to and from the Harbour, public places, visual qualities in the current clauses 25 and 26.</p> <p>The Coastal Management SEPP requires satisfaction that proposed development "will not adversely impact on visual amenity, minimises loss of views from public places to foreshores" as opposed to the positive construction of the SEPP clauses which requires Councils to consider, in determining DAs, matters such as "development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries..."</p> <p>The current SREP provisions seem to place</p> |

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| | | a higher threshold on development in terms of protecting and enhancing visual qualities of Sydney Harbour as opposed to the Coastal Management SEPP which only requires satisfaction that development will not adversely impact on visual amenity. |
| <u>Foreshores and Waterways Planning and Development Advisory Committee</u> | The Committee is to be disbanded and this Division deleted | The rationale given is the Committee only advises on small projects and its recommendations were not binding. If the significant asset of the Harbour is no longer to have a standalone planning instrument. |
| <u>Special provisions</u> | Clauses 33 and 34 re specific uses and restrictions on those uses (commercial marinas in W1 and boat repair facilities in W2) are to be transferred and updated to align with the updated zoning framework | Zone W1 is to align with the Standard Instrument clause which does allow marinas - will the restrictions on use in the SREP be carried over? |
| <u>Development on land comprising acid sulfate soils</u> | Transfer to proposed SEPP and update to align with standard instrument clause | |

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| <p><u>Strategic foreshore sites</u> - Requirement for master plan to be prepared and for consent authorities to take master plan into consideration when determining a DA for a strategic foreshore site.</p> | <p>Instead of requiring master plans, site-specific DCPs will be required. It is unclear whether the provision (clause 41(2)) which allows the Minister to waive compliance with the requirement to prepare master plans will apply to site-specific DCPs in the new SEPP.</p> <p>Division 2 which sets out the nature, preparation, adoption, amendment of master plans is to be updated and transferred to the new SEPP and aligned with the requirements for DCPs.</p> | <p>Since 2005, the Act has deemed existing master plans as site specific DCPs. DCPs are statutory instruments and mandatory s 79C considerations but also subject to the s 79C(3A) requirement to be applied flexibly.</p> |
| <p><u>Heritage provisions</u></p> | <p>The heritage provisions are to be transferred to the new SEPP and updated to align with clause 5.10 of the standard instrument LEP. The provisions relating to the Opera House will be transferred to the SEPP (State Significant Precincts).</p> | <p>Between the standard instrument clause and the Heritage Act 1977, there doesn't appear to be significant changes to the heritage protection provided in the SREP</p> |
| <p><u>Wetlands protection</u></p> | <p>Transfer to proposed SEPP and update to align with Coastal Management SEPP. Amend terminology from 'wetland' to 'rocky foreshore' as the wetlands not captured by the SEPP (Coastal Management) are mainly seagrass and natural rocky foreshore areas within the eastern half of the Harbour and in the Middle Harbour tributary. These will continue to be protected in the new SEPP.</p> | <p>There are no objectives for protection, preservation of scenic qualities, restoration etc of wetlands in the Coastal Management SEPP so it seems as though the objectives in clause 61 of the SREP relating to wetlands protection will not be carried over. These include "to preserve, protect and encourage the restoration and rehabilitation of wetlands, to maintain and restore the health and viability of wetlands etc"</p> |

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| <p><u>Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005</u></p> | <p>The DCP will be transitioned into one or more design guidelines that will cover the current content and provide updated guidance to consent authorities based on design principles and landscape character.</p> <p>Land only developments will be removed from the remit of the design guidelines. The guidelines will address water and land/water development types only.</p> <p>The new SEPP will include a requirement that development be consistent with the proposed guidelines or the current DCP in the interim.</p> | <p>Could be more difficult to ensure the visual/scenic quality of waterfront development without prescriptive SREP DCP controls.</p> <p>The legal status of the proposed guidelines has not been made clear - the EIE does not explain whether they sit under the SEPP and are given standing i.e. "when determining DAs for... the consent authority is to have regard to the Design Guidelines".</p> <p>DCPs are a s 79C consideration which Councils are required to take into consideration - it is unclear how design guidelines will be given weight and whether they will carry the same weight as the SREP DCP</p> |
| <p><u>SEPP (Seniors)</u></p> | <p>Seniors housing and housing for people with a disability development proposals will be allowed in water catchments if located on land zoned primarily for urban purposes and in a water catchment identified in an EPI or REP for Georges River, Sydney Harbour. It is proposed that 'water catchments' be removed from Schedule 1 of the SEPP (Seniors).</p> | <p>Seniors living developments are not subject to many density, height and landscaped area controls which would apply to the built form if it were a residential flat building. Relatively intense forms of development could therefore occur in catchment areas.</p> |

Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment

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| <p><u>General</u></p> <p>Many issues included in the Georges River Regional Environmental Plan are addressed through other legislative requirements in the <i>Heritage Act 1977</i>, <i>National Parks and Wildlife Act 1974</i>, <i>Protection of the Environment Operations Act 1997</i> etc. so many provisions won't be carried across.</p> <p>The definitions and consent requirements for land uses that are elsewhere defined will be repealed</p> <p>Savings and transitional arrangements not set out.</p> <p>Aims and objectives updated and transferred to proposed SEPP and Ministerial Direction.</p> | <p>Acid sulfate soils, bank disturbance, industrial discharges, on-site sewage management, sewer overflows are to be repealed as they are addressed elsewhere - standard instrument, POEO Act</p> | |
| <p><u>Advertised development</u></p> <p>Advertised development provisions are to be repealed.</p> | <p>Identifying artificial lakes, aquaculture, intensive livestock activities, marines and slipways, single moorings as advertised development for the purposes of the Act is said in the EIE to be unnecessary as they are already identified as designated development under the EPA Regulation and designated development requirements are stronger than those for advertised</p> | <p>There are a number of advertised development uses that will no longer be advertised and are not designated development such as manufactured home estates, caravan parks etc. which carry lesser public notification requirements</p> |

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| | development. Differing minimum public consultation requirements apply - designated development requires 30 days of public consultation and advertised development requires 14 days. | |
| <u>Wetlands</u> | Wetland provisions are now addressed in the SEPP (Coastal Management). Specific heads of consideration that relate to the protection of wetlands not included in the SEPP (Coastal Management) will be addressed in the SEPP (Environment) | There are no objectives for protection, preservation of scenic qualities, restoration etc of wetlands in the Coastal Management SEPP so it seems as though the objectives in clause 61 of the SREP relating to wetlands protection will not be carried over. These include “to preserve, protect and encourage the restoration and rehabilitation of wetlands, to maintain and restore the health and viability of wetlands etc” |
| <u>Planning principles</u> | <p>Planning principles are to be updated and transferred to the new SEPP and Ministerial Direction. The planning principles are to be applied when a Council prepares an LEP, determines a DA or a public authority or another person proposes to carry out development or an activity which does not require development consent but which has the potential to adversely affect water quality, river flows etc.</p> <p>The general principles in the GRC SEPP which require the likely effect of development on downstream LGAs, cumulative impact of the proposed</p> | Councils must apply the specific planning principles when they determine DAs. The general principles are to be transferred to the proposed SEPP and Ministerial Direction for LEPs and the specific planning principles for DA assessment are to be transferred to the new SEPP. How the principles will be updated and which are outdated and will be deleted is not apparent. |

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| | <p>development on the Georges River etc to be taken into account will be updated and transferred to the proposed SEPP and Ministerial Direction.</p> <p>The specific planning principles are to be updated and transferred "except for outdated and duplicated provisions which will be deleted".</p> | |
| <u>Planning requirements</u> | <p>The development assessment regime under the GRC SEPP is to be updated and transferred to the proposed SEPP, except for outdated and duplicated provisions, which will be deleted.</p> <p>Relevant heads of consideration will be consolidated and retained to ensure that development assessment considers key issues including water quality and flows within watercourses, flood risks and flood behaviour, biodiversity etc.</p> <p>All existing SEPP prohibitions are to be retained in the proposed SEPP.</p> | <p>The GRC SEPP is prescriptive as to what development is permissible/prohibited, when consent and advertising is required and identifies specific matters for consideration in assessing development. How these are to be carried across and updated has not been spelled out. Again, the provisions which are "outdated" and are to be deleted are not identified.</p> |
| <u>Definitions</u> | <p>Standard instrument definitions will be adopted where possible. Only existing definitions that cannot be aligned with the Standard Instrument will be transferred to the proposed SEPP. Definitions will be updated and transferred to the proposed</p> | |

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| | SEPP, except for outdated and duplicated definitions which will be deleted. | |
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