

Table 1– Consistency with State and regional planning policies and strategies and 117 Directions

SEPPs	Requirement	Compliance/relevance
SEPP 11 Traffic generating development	Where a consent authority receives a development application to carry out development specified in Schedule 1, the consent authority shall, within 7 days of its receipt of the application, forward a copy of the application to the Traffic Authority for comment.	The proposed redevelopment of EDH will include development falling within Schedule 1 of the SEPP.
SEPP 32 Urban Consolidation – Redevelopment of Urban Land	The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used; and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy.	The proposed SEPP amendment to allow the re-zoning of land at EDH from Maritime and Transport to Public Recreation and Mixed Use Zone is consistent with the aims and objectives of SEPP 32. The re-zoning will enable urban consolidation and the redevelopment of EDH for a range of residential and non-residential purposes.
SEPP No 55 Remediation of Land	Land must not be rezoned unless contamination has been considered and, where relevant, land has been appropriately remediated.	A Contamination Assessment of the site undertaken by Environmental Resources Management Australia Pty Ltd (ERM) is included at Appendix N . The assessment has been prepared in accordance with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). The primary objective of the investigation was to identify and document the existing environmental and geotechnical site conditions in preparation for development planning. ERM consider that the site could be made suitable for the proposed future land use if appropriate remedial and validation works are undertaken. The Statement of Commitment lists the remediation measures which will be undertaken on the site prior to development.
SEPP No 65 Design Quality of Residential Flat Development	Includes design principles to raise the design quality of residential flat buildings. It also requires that in the preparation of Environmental Planning Instruments and DCPs, provisions are included to ensure the achievement of design quality principles.	The proposed zoning amendment will allow residential flat buildings on the site with consent. A discussion of how future development could meet the provisions of SEPP 65 is provided in this EAR. SEPP 65 will be a consideration at future detailed development application stages, when relevant assessments will be undertaken.
Building Sustainability Index SEPP 2004	This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.	The proposed zoning amendment will allow residential flat buildings on the site with consent. BASIX ensures homes are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for house and units. The EDH Concept Plan illustrates how ESD initiatives can be incorporated into the planning of EDH and detailed design of future development. The design principles and objectives are consistent with BASIX requirements. Future Project Applications will be assessed against BASIX requirements.

Draft SEPPs	Requirement	Compliance/relevance
Draft SEPP No 66 Integration of Land Use & Transport	Draft LEPs should ensure that urban structure, building form, land use locations and subdivision design help integrate land use and transport and minimise the need to travel by private car.	A Transport Assessment which includes consideration of existing and future public transport serving the EDH site has been prepared by Masson Wilson Twiney and is included at Appendix J of the EAR. As indicated in the assessment, the proposal will allow a mix of commercial and residential uses in close proximity to Wynyard Station, bus stops and ferry services. The site will provide pedestrian connections to existing and future public transport services.

SREPs	Requirement	Compliance/relevance
Sydney Harbour Catchment SREP 2005 and associated Sydney Harbour Foreshores and Waterways DCP	<p>The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the preparation of a draft LEP. The key relevant principles are summarised to include:</p> <ul style="list-style-type: none"> – protect and improve hydrological, ecological and geomorphological processes; – consider cumulative impacts of development within the catchment; – improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and – protect and rehabilitate riparian corridors and remnant vegetation. 	<p>The site is within the Sydney Harbour catchment and drains directly into the harbour.</p> <p>The impact of the proposed development on the Sydney Harbour Catchment will be assessed through detailed hydrological, ecological and stormwater impact assessments at the time of detailed Project Applications as appropriate. The Concept Plan sets out strategies on the proposed stormwater management and the envisaged stormwater services upgrade for the site.</p>
Zone	W1 Maritime Waters	The water at the interface of land at East Darling Harbour is zoned W1 Maritime Waters
Objectives of W1 zoned land	<p>(a) to give preference to and protect waters required for the effective and efficient movement of commercial shipping, public water transport and maritime industrial operations generally,</p> <p>(b) to allow development only where it is demonstrated that it is compatible with, and will not adversely affect the effective and efficient movement of, commercial shipping, public water transport and maritime industry operations,</p> <p>(c) to promote equitable use of the waterway, including use by passive recreation craft.</p>	Noted. The proposed redevelopment of EDH will not be inconsistent with the objectives of the W1 zoned land.
Permissible Uses (without development consent)	Aids to navigation; demolition (other than demolition of a heritage item); general restoration works; maintenance dredging; naval activities; single mooring (other than associated with a commercial marina or a boating industry facility).	Noted

SREPs	Requirement	Compliance/relevance
Permissible Uses (with development consent)	Aviation facilities; boat launching ramps (public); boat lifts (other than boat lifts for storage of vessels above water; boat repair facilities; charter and tourism facilities; commercial marinas; commercial port facilities; community facilities; dredging; flora and fauna enclosures; private landing steps; public boardwalks; public water recreational facilities; public water transport facilities; recreational or club facilities; skids; telecommunications facilities.	Noted – The Concept Plan does not propose any development within the W1 zoned land. The Concept Plan boundary runs along the interface between the W1 zoned land and the Maritime and Transport Zoned land under the SLEP 2005.
Development that is prohibited	Advertisements; advertising structures; boat lifts for the storage of vessels above water; boat sheds (private); houseboats; intertidal dredging; mooring pens; private landing facilities; private marinas; reclamation works; residential development; slipways; swimming enclosures (private); swimming pools; tourist facilities.	Noted
Matters for Consideration in the assessment of Development Applications	<ul style="list-style-type: none"> – Biodiversity, ecology and environment protection; – Public access to, and use of, foreshores and waterways; – Maintenance of a working harbour; – Interrelationship of waterway and foreshore uses; – Foreshore and waterways scenic quality; – Maintenance, protection and enhancement of views; – Boat storage facilities; 	The relevant matters for consideration are addressed in the Environmental Assessment Report supporting the SEPP amendment and Concept Plan application. Further consideration will be given to these matters at the detailed project application stage.
Foreshores and Waterways Planning and Development Advisory Committee	Development proposed in the Foreshores and Waterways Are (listed in Schedule 2 of the REP) should be referred to the Advisory Committee and submissions received from the Committee within 30 days after the date on which the application was forwarded to the Committee should be considered.	Seawalls are listed in Schedule 2 of the REP. The proposed works to the seawall will therefore need to be referred to the Advisory Committee
Strategic Foreshore Sites	A masterplan does not have to be prepared for the City Foreshore Area as shown on the Strategic Foreshore Sites Map unless the Minister so directs.	The site falls within the City Foreshore area. A masterplan does not therefore have to be prepared for the site unless the Minister so directs.

SREPs	Requirement	Compliance/relevance
Heritage Provisions	<p>The matters referred to in this Part are to be taken into consideration by consent authorities before granting consent to development and by public authorities and others before they carry out activities to which Part 5 of the Act applies.</p> <p>This section contains provisions relating to:</p> <ul style="list-style-type: none"> – The protection of heritage items; – The protection of places of potential heritage significance; and – Miscellaneous provisions. 	A Heritage Assessment has been undertaken by City Plan Heritage to consider the heritage impacts of the proposed re-zoning and redevelopment envisaged within the proposed Concept Plan for EDH. Refer to Appendix A of this report.
Sydney Harbour Foreshores and Waterways Area Development Control Plan	This document contains detailed provisions relating to the design and development of land in the Foreshores and Waterways Area as identified in SREP Sydney Harbour Catchment 2005.	<p>EDH is within the Foreshores and Waterways Area as identified in the SREP Sydney Harbour Catchment 2005. The provisions of the DCP are therefore relevant. The proposed Concept Plan for EDH is consistent with the planning principles for the Foreshores and Waterways Area. In particular, the Concept Plan:</p> <ul style="list-style-type: none"> – increases public access to and along the foreshore and waterway; – maintains, protects and enhances the unique visual qualities of Sydney Harbour; – retains sufficient foreshore land to meet existing and future demand for working harbour uses; and – maintains and enhances the natural assets and unique environmental qualities of Sydney Harbour.
SREP 16 – Walsh Bay	This document enables wharves, shoredredges and bond stores not required for port purposes to be adapted for new uses, and ensures the protection of this historic area by establishing a conservation zone.	The site falls outside the Walsh Bay Conservation Area. The specific requirements of the SEPP are not therefore applicable to this development. The redevelopment of EDH will however address the heritage significance of the Walsh Bay Conservation Area.
Sydney Cove Redevelopment Area Scheme (SCRAPS)	This document contains a building site control drawing for development within this area.	SCRAPS covers the area to the north east of the site. The provisions contained within this document are not therefore relevant for the redevelopment of EDH.
	Requirement	Compliance/relevance
No 9 Conservation and Management of Environmental and Indigenous Heritage	Environmental heritage and ecologically significant items and areas must be conserved, except where justified by an environmental study.	Five structures of heritage significance are identified on the site (The Moores Wharf Building, MWS and DB Sewage Pumping Station 14, the Dalgety Bond Store located on Hickson Road, part of the sandstone seawall on Hickson Road and the Ports Operations and Communications Centre). The Heritage Assessment undertaken to support the Concept Plan identifies how these heritage items will be conserved and protected in the future development of EDH. Refer to Appendix A of the EAR.

SREPs	Requirement	Compliance/relevance
No 17 Integrating Land Use and Transport	Seeks to ensure that urban structure, building form, land use locations and subdivision design help integrate land use and transport and minimise the need to travel by private car, increases choice of public transport, reduces travel demand, and supports viable operation of public transport.	The SEPP amendment identifies a Mixed Use Zone. The SEPP amendment zoning and Concept Plan proposals have been designed to minimise the need to travel by private car, with provision made for a range of public transport services (buses, ferrys and potential future light rail) and increased pedestrian connections to surrounding public transport services (such as Wynyard Station).
No 21 Residential Zones	Seeks to ensure the orderly and economic use or development of residential land.	The SEPP amendment proposes to re-zone part of the site to a Mixed Use Zone, where residential development is permissible with development consent. The SEPP amendment and Concept Plan proposal are not inconsistent with the requirements of this Direction. Residential development will not be permitted until land is adequately serviced. The re-zoning of EDH will provide for increased residential density and will where possible encourage a variety of housing forms.
No 26 Special Area Zones and Recreation Zones	Seeks to facilitate the provision of public services and facilities by ensuring land for public purposes, providing for the creation of zones and reservations for public purposes and provide for land to be acquired by the Crown or any public authority when requested by that agency.	This Direction is not relevant because the Council is not proposing to re-zone the land for a public purpose and the land is not owned by the Council.