

STATE ENVIRONMENTAL
PLANNING POLICY No 15

MULTIPLE OCCUPANCY OF RURAL LAND 1988-91

Aims, objectives, etc

2. The aims, objectives, policies and strategies of this Policy, are—

- (a) to encourage a community based and environmentally sensitive approach to rural settlement;
- (b) to enable—
 - (i) people to collectively own a single allotment of land and use it as their principal place of residence;
 - (ii) the erection of multiple dwellings on the allotment and the sharing of facilities and resources to collectively manage the allotment; and
 - (iii) the pooling of resources, particularly where low incomes are involved, to economically develop a wide range of communal rural living opportunities, including the construction of low cost buildings; and
- (c) to facilitate development, preferably in a clustered style—
 - (i) in a manner which both protects the environment and does not create a demand for the unreasonable or uneconomic provision of public amenities or public services by the State or Commonwealth governments, a council or other public authorities;
 - (ii) in a manner which does not involve subdivision, strata title or any other form of separate land title, and in a manner which does not involve separate legal rights to parts of the land through other means such as agreements, dealings, company shares, trusts or time-sharing arrangements; and
 - (iii) to create opportunities for an increase in the rural population in areas which are suffering or likely to suffer from a decline in services due to rural population loss.

SEPP-5 HOUSING FOR AGED OR
DISABLED PERSONS

1982-89

Aims, objectives, etc

3. The aims, objectives, policies and strategies of this Policy are—

- (a) to enable development for the purpose of housing for aged or disabled persons throughout the State so as to increase availability of that type of accommodation and to provide a wider choice of residential accommodation for aged persons or disabled persons;
- (b) to establish development standards which, if met, cannot be grounds for refusal of development consent; and
- (c) to ensure that applicants and councils take into consideration the availability of support services for aged persons or disabled persons when a development application to which this Policy applies is submitted for determination.

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**STATE ENVIRONMENTAL
PLANNING POLICY No 8**
SURPLUS PUBLIC LAND 1988

Aims, objectives, etc

2. The aims, objectives, policies and strategies of this Policy are—

- (a) to promote and co-ordinate the orderly and economic use of land in public ownership which—
 - (i) has ceased to be used for the public purpose (if any) for which it had been used;
 - (ii) is no longer required for the public purpose (if any) for which it has been used;
 - (iii) is no longer required for the public purpose (if any) for which it had been intended to be used; or
 - (iv) is otherwise surplus to public needs;
- (b) to promote the social and economic welfare of the community by ensuring that the land referred to in paragraph (a) is properly managed and developed;
- (c) to promote planning of the distribution of population and economic activity within the State;
- (d) to identify and enable the identification of land which may be developed in accordance with the Policy, recognizing—
 - (i) that many environmental planning instruments have regulated development of land on the basis of the historic use of that land unmindful of changing demands and needs and the uses to which the land could be put;
 - (ii) that particular types of development, including development for public purposes and housing, may be necessary to be carried out as matters of priority; and
 - (iii) that the development of certain land for particular types of development, including commercial premises and industry, may be necessary for the economic and social wellbeing of the community and the distribution of population and economic activity within the State;

- (e) to specify and enable the specification of purposes for which the land referred to in paragraph (a) may be used, being purposes which are additional to those for which the land may be used under other environmental planning instruments applying to the land and which are appropriate due to changing needs and circumstances, and to thereby enable the achievement of the matters set out in paragraph (a), (b) and (c); and
 - (f) to enable development of the land referred to in paragraph (a) to be considered from a State perspective rather than from a local perspective.
- #

SEPP-9 GROUP HOMES 1983-88

Aims, objectives, etc

3. The aim of this Policy is to facilitate the establishment of—

- (a) permanent group homes in which disabled persons or socially disadvantaged persons may lead as normal a life as possible by living permanently in an ordinary residential household environment, instead of in an institutional environment; and
 - (b) transitional group homes which provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of in an institutional environment for purposes such as alcohol or drug rehabilitation, "half-way" rehabilitation for persons formerly living in institutions and refuges for men, women or young people.
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**STATE ENVIRONMENTAL
PLANNING POLICY No 10** 1984-89

RETENTION OF LOW-COST RENTAL ACCOMMODATION

Aims, objectives, etc

2. The aim of this policy is to facilitate the conservation of low cost rental accommodation.

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STATE ENVIRONMENTAL PLANNING POLICY No 16 TERTIARY INSTITUTIONS

[SEPP No 16 added, Gov Gaz No 176, 1985.]

Citation

1. This policy may be cited as "State Environmental Planning Policy No 16—Tertiary Institutions".

Aims, objectives, etc

2. The aim of this policy is—

- (a) to ensure that where development for the purposes of a particular class of tertiary institution is allowed (either with or without development consent), development for the purposes of any other class of tertiary institution is allowed but only with the development consent of the consent authority;
- (b) to allow a tertiary institution of a particular class which was established before the date on which this policy came into effect to continue to be used on and from that date notwithstanding that the land on which it is established could, at the time it was established, only be used for the purposes of a tertiary institution of a different class;
- (c) to allow the continued use of a college of advanced education unlawfully established before the date on which this policy came into effect and to allow further development on the same land on which that college is erected for the purposes of a tertiary institution but only with the development consent of the consent authority; and
- (d) to enable the Director to consent to certain development at Ku-ring-gai which has been the subject of proceedings in Ku-ring-gai College of Advanced Education v Ku-ring-gai Municipal Council, No 10400 of 1985, in the Land and Environment Court.

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3.

STATE ENVIRONMENTAL PLANNING POLICY No 19 BUSHLAND IN URBAN AREAS 1986

Aims, objectives, etc

2. (1) The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of—

- (a) its value to the community as part of the natural heritage;
- (b) its aesthetic value; and
- (c) its value as a recreational, educational and scientific resource.

(2) The specific aims of this policy are—

- (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area;
- (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term;
- (c) to protect rare and endangered flora and fauna species;
- (d) to protect habitats for native flora and fauna;
- (e) to protect wildlife corridors and vegetation links with other nearby bushland;
- (f) to protect bushland as a natural stabiliser of the soil surface;
- (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape;
- (h) to protect significant geological features;
- (i) to protect existing land forms, such as natural drainage lines, watercourses and foreshores;
- (j) to protect archaeological relics;
- (k) to protect the recreational potential of bushland;
- (l) to protect the educational potential of bushland;
- (m) to maintain bushland in locations which are readily accessible to the community; and
- (n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.

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STATE ENVIRONMENTAL
PLANNING POLICY No 21

MOVABLE DWELLINGS 1986-88

Aims, objectives, etc

3. The aims of this Policy are—

- (a) to ensure that where an environmental planning instrument provides that land may (whether with or without development consent) be used for the purposes of a caravan park or camping ground, the land may be used for the purpose of the placement of movable dwellings as defined in section 289E(1) of the Local Government Act 1919, and as prescribed by clause 5 of Ordinance No 71 made under that Act; and
- (b) to require development consent to be obtained for the development of land for the purposes of any future caravan park or camping ground in all cases where development for those purposes is currently permitted by an environmental planning instrument without the necessity for development consent.

STATE ENVIRONMENTAL
PLANNING POLICY No 22

SHOPS AND COMMERCIAL PREMISES

1987-
1991

Aims, objectives, etc

3. The aim of this Policy is to permit within a business zone—

- (a) the change of use of a building lawfully used for a particular kind of commercial premises to another kind of commercial premises or to a shop; or
- (b) the change of use of a building lawfully used for a particular kind of shop to another kind of shop or to a commercial premises,

even though that change of use is prohibited under another environmental planning instrument, if

- (c) the consent authority is satisfied the change of use will not have more than a minor environmental effect and is in keeping with the objectives (if any) of the zone; and
- (d) development consent is obtained for the change of use from that consent authority.

SEPP-25
Residential Allotment Sizes
and Dual Occupancy Subdivision. 1987-91

Aims, objectives, etc

3. This Policy aims—

- (a) to reduce the consumption of land for residential purposes;
- (b) to reduce housing costs by reducing, in certain cases, the minimum area of land on which residential development may be carried out;
- (c) to encourage innovation and diversification in subdivision patterns, site plans and building designs; and
- (d) to facilitate development for the purposes of residential flat buildings containing 3 or more dwellings.

STATE ENVIRONMENTAL PLANNING POLICY No 28

TOWN HOUSES AND VILLA HOMES

[SEPP No 28 added, Gov Gaz No 98, 1989; am, Gov Gaz No 43, 1990.]

Citation

1. This Policy may be cited as State Environmental Planning Policy No 28—Town Houses and Villa Houses.

Commencement

2. This Policy commences on the date of its publication in the Gazette.

Date of publication. The Policy was published on 29th September, 1989 in Government Gazette No 98/89.

Aims, objectives etc.

3. (1) This Policy aims to achieve the following urban consolidation objectives, namely:

- (a) to reduce housing cost pressures arising from shortages of suitable housing in metropolitan areas of Sydney, Newcastle and Wollongong and such other areas as may be identified by a Council and agreed to by the Minister; and
- (b) to promote the more efficient use of public investment in infrastructure in established urban areas by accommodating a component of metropolitan population growth in these areas; and
- (c) to reduce the need for urban expansion into areas remote from centres of recreation, services and employment; and
- (d) to respond to changed or changing housing needs in terms of social, demographic and economic trends by increasing the range of dwelling types available in residential zones and promoting the availability of a range of smaller dwelling units; and

(e) to enable a higher proportion of dwellings to be accessible to transport facilities, services, shops, entertainment and employment; and

(f) to enhance opportunities to increase the supply of rental accommodation.

(2) The objectives of this Policy are:

(a) to enable development for the purposes of town houses and villa houses to be carried out on suitable residential land and certain special uses land; and

(b) to enable Councils to prepare development control codes to make more detailed provisions for the operation of this Policy in their areas; and

(c) to enable the Minister to exclude from the operation of this Policy:

(i) land which is subject to a local environmental plan which, in the opinion of the Minister, makes adequate provision for the carrying out of development for town houses or villa houses or development that otherwise satisfies the objectives of this Policy; and

(ii) land in respect of which there are, in the opinion of the Minister, such environmental factors that this Policy should not apply; and

(d) to provide the opportunity for members of the community to make submissions on applications to carry out development under this Policy for the purpose of town houses or villa houses; and

(e) to provide a framework, by way of heads of consideration and design guidelines, within which Councils can consider applications for the carrying out of development for the purpose of town houses or villa houses; and

(f) to preserve those provisions of other environmental planning instruments which enable development for the purposes of town houses or villa houses to be carried out; and

(g) to ensure that other environmental planning instruments do not prohibit development for the purposes of town houses and villa houses from being carried out on land on which that development may be carried out pursuant to this Policy.

WESTERN DIVISION REGIONAL ENVIRONMENTAL PLAN No 1

EXTRACTIVE INDUSTRIES 1989

Aims, objectives etc

2. (1) The aims of this plan are—

- (a) to facilitate, and to control in an orderly manner, the extraction of geological materials (other than minerals) from the lands of the Region; and
- (b) so far as is consistent with paragraph (a), to encourage the preservation of—
 - (i) prime crop and pasture lands and other agriculturally usable lands; and
 - (ii) water quality, whether lacustrine, riparian, subterranean or surface water; and
 - (iii) riparian environments generally; and
 - (iv) land which is a catchment for a town water supply; and
 - (v) archaeological and Aboriginal sites, relics and places; and
- (c) to provide a means whereby the public interest in the extraction of resources from the Region is balanced against the public interest in the preservation of the things referred to in paragraph (b); and
- (d) to introduce a system of planning control requiring consent to be obtained by both public and private bodies and persons carrying out development for the purposes of extractive industries, that is applied consistently throughout the Region.

(2) The strategies employed in this plan are—

- (a) to facilitate the operation of extractive industries by altering the designation of extractive industry in the Region to include only those extractive industries which are larger or higher yielding than the quantities declared in this plan or are situated on protected lands or environmentally sensitive lands as recognised by this plan; and
- (b) to require the concurrence of the Commissioner to a determination of a consent authority granting consent to an extractive development, in the case of an extractive industry that is a designated development; and
- (c) to ensure adequate protection for the environment by providing that the preparation of an environmental management and

rehabilitation plan be a condition of any consent, and requiring that at a minimum, consultation must be undertaken with the Department of Water Resources, the Soil Conservation Service and the National Parks and Wildlife Service before any consent is determined; and

- (d) to recognise the necessity of small extractive operations to farm management by excluding most on-farm extractive activities from the consent provisions of this plan; and
- (e) to allow the continued use of an existing operation to proceed largely unaffected by this plan, while imposing conditions on the re-use of an existing site after the period specified in this plan has elapsed.

SYDNEY REGIONAL ENVIRONMENTAL PLAN No 12

DUAL OCCUPANCY 1987-92

Aims, objectives, etc

2. The aims and objectives of this plan are—

- (a) to encourage fuller use of existing services and community facilities;
- (b) to reduce the trend towards declining population in established areas;
- (c) to widen the range of housing options available to residents of the Sydney region; and
- (d) to increase the supply of accommodation on land to which this plan applies—
 - (i) by providing uniform controls for the provision of dual occupancy in the Sydney region;
 - (ii) by permitting the conversion of a dwelling-house into 2 dwellings;
 - (iii) by permitting the erection of a building containing 2 dwellings;
 - (iv) by permitting the erection of a second dwelling-house on an allotment of land, other than land zoned rural or non-urban, upon which a dwelling-house is already situated;
 - (v) by permitting the erection of 2 separate dwelling-houses on an allotment of land, other than land zoned rural or non-urban, subject to certain conditions; and
 - (vi) by permitting any person to occupy a dwelling erected or created in accordance with this plan.

SYDNEY REGIONAL ENVIRONMENTAL PLAN No 23

SYDNEY AND MIDDLE HARBOURS

Citation

1. This plan may be cited as Sydney Regional Environmental Plan No 23—Sydney and Middle Harbours. 1990

Aims, objectives etc

2. (1) The general aims of this plan are—

- (a) to establish a framework which encourages a consistent and co-ordinated approach to the planning, development and management of the waterway and foreshores of Sydney and Middle Harbours; and
- (b) to establish an efficient and effective development control system for the Harbours and their foreshores; and
- (c) to ensure that the Harbours and their foreshores are developed and promoted as a community asset, with due recognition being given to their role as a recreation and tourist focal point; and
- (d) to ensure that the special value of certain foreshore areas as access points to the waterway are fully considered in future planning and development control; and
- (e) to recognise, protect and enhance the natural, scenic, environmental, cultural and heritage qualities of the land to which this plan applies in future planning and development control; and
- (f) to ensure that appropriate facilities are provided for water based and foreshore recreational activities which are compatible with the commercial role of the Port of Sydney and give due regard to environmental and cultural attributes; and
- (g) to encourage balanced multiple use of the Harbours and their foreshores, in a manner that is consistent with their environmental and cultural attributes and the commercial functions of the Port of Sydney.

(2) The specific aims of this plan are—

- (a) in relation to commercial, governmental and administrative uses and activities—
 - (i) to maintain the role of the Port of Sydney in a manner that is consistent with the environmental and cultural attributes of the land to which this plan applies; and
 - (ii) to establish an appropriate balance between commercial, governmental and administrative activities and recreational activities; and
- (b) in relation to administration and management—
 - (i) to ensure that a consistent and co-ordinated development approval process applies to all development proposals whether they be above or below mean high water mark or span mean high water mark; and
 - (ii) to ensure that for any development proposal there is only one consent authority; and
 - (iii) to ensure that all consent authorities apply consistent criteria when considering development applications; and
 - (iv) to establish clear and consistent guidelines on the use and development of the Harbours and their foreshores; and
- (c) in relation to open space and recreation—
 - (i) to recognise the fundamental role that existing foreshore open space areas have in providing access to the waterway and in accommodating water based recreational activities; and
 - (ii) to give priority to recreational activities which require or are enhanced by a foreshore location; and
 - (iii) to improve access to the waterway and from the waterway to foreshore parks; and
 - (iv) to encourage in appropriate circumstances the provision of additional foreshore open space; and
- (d) in relation to boating facilities—
 - (i) to recognise the value of the Harbours as an outstanding location for recreational, tourism and sports boating activities; and

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 36—
MANUFACTURED HOME ESTATES

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 36—Manufactured Home Estates. 8-7-1993

Aims and strategies

2. (1) The aims of this Policy are:

- (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements; and
- (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy; and
- (c) to encourage the provision of affordable housing in well designed estates; and
- (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved; and
- (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services; and
- (f) to protect the environment surrounding manufactured home estates; and
- (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.

(2) The strategies by which those aims are to be achieved are:

- (a) by allowing, with development consent, manufactured home estates on certain land on which caravan parks are permitted if the land meets the suitable locational criteria stipulated in this Policy (which it would not do if, for example, it contains important resources, is subject to natural or man-made risks or has sensitive environmental or ecological features); and
- (b) by applying this Policy to areas where there is likely to be a demand and suitable opportunities for the development of manufactured home estates; and
- (c) by allowing manufactured home estates to be subdivided with development consent either by way of leases for terms of up to 20 years or under the Community Land Development Act 1989; and
- (d) by enabling the Minister for Planning to exclude from this Policy any land that is subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Policy under section 117 of the Act.

- (ii) to recognise the importance of having appropriate facilities for the storage, launching and maintenance of commercial, recreational and other vessels; and
- (iii) to make appropriate provision for the establishment of new boating facilities in a manner that is consistent with the environmental and cultural attributes of the land to which this plan applies; and
- (e) in relation to the natural environment—
 - (i) to protect flora and fauna habitats, including wetland areas, in a manner that is consistent with their conservation value, while also recognising the validity of other uses of the foreshores and the waterway; and
 - (ii) to improve and maintain the water quality of the Harbours and to provide a healthy habitat for marine and bird life and for water based recreational pursuits; and
 - (iii) to more carefully identify the biological resources of the inter-tidal and sub-tidal zones; and
 - (iv) to preserve known areas of biological conservation value in the inter-tidal and sub-tidal zones; and
- (f) in relation to the visual environment—
 - (i) to protect and enhance the landscape and special scenic qualities of the Harbours; and
 - (ii) to ensure that adequate consideration is given to the visual impact of development; and
- (g) in relation to the environmental heritage—
 - (i) to conserve and enhance the environmental heritage of the Harbours and their foreshores including their underwater archaeological resources; and
 - (ii) to encourage an appreciation of the role of the Harbours in the history of both Aboriginal and European settlement.

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SYDNEY REGIONAL ENVIRONMENTAL PLAN No 22
1990

Aims, objectives etc

2. (1) The general aims of this plan are—

- (a) to establish a framework which encourages a consistent and co-ordinated approach to the planning, development and management of the waterway and foreshore open space and facilities of the Parramatta River; and
- (b) to establish an efficient and effective development control system for the Parramatta River and its foreshores; and
- (c) to ensure that the Parramatta River and its foreshores are developed and promoted as a community asset, with due recognition being given to their role as a recreation and tourist focal point; and
- (d) to ensure that the special value of certain foreshore areas as access points to the waterway are fully considered in future planning and development control; and
- (e) to recognise, protect and enhance the natural, scenic, environmental, cultural and heritage qualities of the land to which this plan applies in future planning and development control; and
- (f) to ensure that existing open space and recreation resources are developed more effectively by more fully integrating land and water based recreation activities; and
- (g) to establish as a priority the development of boating and recreation facilities and open space with the overall aim of achieving a diversity of landscape settings and development with appropriate facilities; and
- (h) to identify, conserve and enhance the environmental heritage of the region.

(2) The specific aims of this plan are—

(a) in relation to administration and management—

- (i) to ensure that a consistent and co-ordinated development approval process applies to all development proposals whether they be above or below mean high water mark or span mean high water mark; and
- (ii) to ensure that for any development proposal there is only one consent authority; and
- (iii) to ensure that all consent authorities apply consistent criteria when considering development applications; and

- (iv) to establish clear and consistent guidelines on the use and development of the Parramatta River and its foreshores; and

(b) in relation to open space and recreation—

- (i) recognise the fundamental role that existing foreshore open space area have in providing access to the waterway and in accommodating water based recreational activities; and
- (ii) to give priority to recreational activities which require or are enhanced by a foreshore location; and
- (iii) to improve access to the waterway and from the waterway to foreshore parks; and
- (iv) to encourage in appropriate circumstances the provision of additional foreshore open space; and

(c) in relation to boating facilities—

- (i) to recognise the value of the Parramatta River as an outstanding location for recreational, tourism and sports boating activities; and
- (ii) to recognise the importance of having appropriate facilities for the storage, launching and maintenance of commercial, recreational and other vessels; and
- (iii) to make appropriate provision for the establishment of new boating facilities in a manner that is consistent with the environmental and cultural attributes of the land to which this plan applies; and

(d) in relation to the natural environment—

- (i) to protect flora and fauna habitats, including wetland areas, in a manner that is consistent with their conservation value, while also recognising the validity of other uses of the foreshores and the waterway; and
- (ii) to improve and maintain the water quality of the river and to provide a healthy habitat for marine and bird life and for water based recreational pursuits; and

(e) in relation to the visual environment—

- (i) to protect and enhance the landscape and special scenic qualities of the Parramatta River; and
- (ii) to ensure that adequate consideration is given to the visual impact of development; and

(f) in relation to the environmental heritage—

- (i) to conserve and enhance the environmental heritage of the river and its foreshores including their underwater archaeological resources; and
- (ii) to encourage an appreciation of the role of the river in the history of both Aboriginal and European settlement. ~~xx~~

Dear *Donwick*

12.8.93 858648

This selection of SEPP's and REP's has been made with a view to examining in what ways the word "and" is used in instruments other than SEPP-15.

Question: If the DOP opinion on the use of "and" in SEPP-15 were applied to other SEPP's etc what impact/effect would it have on that legislation?

Any comments and/or observations you may have would be appreciated ASAP.

Many thanks, *Peter.*

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Dnt. STEPP Selection

	Spain	Legal LSE-DOP	STEPP
Fisher	✓		✓
Lamonte	✓	✓	✓
Eddie			✓
Graham			✓ To Mingo's office
Rob			✓
Kannaly	✓	✓	✓
Spain			✓
Dit.		✓	✓
Nick (Council?)			
Cal	✓	✓	✓
Kev. C.	✓	✓	✓
Spare.	✓	✓	✓
Simon	✓	✓	✓
Slapp			✓

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PLANNING POLICY No 15**

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Aims, objectives, etc

2. The aims, objectives, policies and strategies of this Policy, are—

- (a) to encourage a community based and environmentally sensitive approach to rural settlement;
- (b) to enable—
 - (i) people to collectively own a single allotment of land and use it as their principal place of residence;
 - (ii) the erection of multiple dwellings on the allotment and the sharing of facilities and resources to collectively manage the allotment; and
 - (iii) the pooling of resources, particularly where low incomes are involved, to economically develop a wide range of communal rural living opportunities, including the construction of low cost buildings; and
- (c) to facilitate development, preferably in a clustered style—
 - (i) in a manner which both protects the environment and does not create a demand for the unreasonable or uneconomic provision of public amenities or public services by the State or Commonwealth governments, a council or other public authorities;
 - (ii) in a manner which does not involve subdivision, strata title or any other form of separate land title, and in a manner which does not involve separate legal rights to parts of the land through other means such as agreements, dealings, company shares, trusts or time-sharing arrangements; and
 - (iii) to create opportunities for an increase in the rural population in areas which are suffering or likely to suffer from a decline in services due to rural population loss.

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**SEPP-5 HOUSING FOR AGED OR
DISABLED PERSONS
1982-89**

Aims, objectives, etc

3. The aims, objectives, policies and strategies of this Policy are—

- (a) to enable development for the purpose of housing for aged or disabled persons throughout the State so as to increase availability of that type of accommodation and to provide a wider choice of residential accommodation for aged persons or disabled persons;
- (b) to establish development standards which, if met, cannot be grounds for refusal of development consent; and
- (c) to ensure that applicants and councils take into consideration the availability of support services for aged persons or disabled persons when a development application to which this Policy applies is submitted for determination.

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- (a) to promote and co-ordinate the orderly and economic use of land in public ownership which—
 - (i) has ceased to be used for the public purpose (if any) for which it had been used;
 - (ii) is no longer required for the public purpose (if any) for which it has been used;
 - (iii) is no longer required for the public purpose (if any) for which it had been intended to be used; or
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- (b) to promote the social and economic welfare of the community by ensuring that the land referred to in paragraph (a) is properly managed and developed;
- (c) to promote planning of the distribution of population and economic activity within the State;
- (d) to identify and enable the identification of land which may be developed in accordance with the Policy, recognizing—
 - (i) that many environmental planning instruments have regulated development of land on the basis of the historic use of that land unmindful of changing demands and needs and the uses to which the land could be put;
 - (ii) that particular types of development, including development for public purposes and housing, may be necessary to be carried out as matters of priority; and
 - (iii) that the development of certain land for particular types of development, including commercial premises and industry, may be necessary for the economic and social wellbeing of the community and the distribution of population and economic activity within the State;

- (e) to specify and enable the specification of purposes for which the land referred to in paragraph (a) may be used, being purposes which are additional to those for which the land may be used under other environmental planning instruments applying to the land and which are appropriate due to changing needs and circumstances, and to thereby enable the achievement of the matters set out in paragraph (a), (b) and (c); and
- (f) to enable development of the land referred to in paragraph (a) to be considered from a State perspective rather than from a local perspective.

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Aims, objectives, etc

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- (a) permanent group homes in which disabled persons or socially disadvantaged persons may lead as normal a life as possible by living permanently in an ordinary residential household environment, instead of in an institutional environment; and
- (b) transitional group homes which provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of in an institutional environment for purposes such as alcohol or drug rehabilitation, "half-way" rehabilitation for persons formerly living in institutions and refuges for men, women or young people.

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RETENTION OF LOW-COST RENTAL ACCOMMODATION

Aims, objectives, etc

2. The aim of this policy is to facilitate the conservation of low cost rental accommodation.

#

3.

**STATE ENVIRONMENTAL
PLANNING POLICY No 16
TERTIARY INSTITUTIONS**

[SEPP No 16 added, Gov Gaz No 176, 1985.]

Citation

1. This policy may be cited as "State Environmental Planning Policy No 16—Tertiary Institutions".

Aims, objectives, etc

2. The aim of this policy is—

- (a) to ensure that where development for the purposes of a particular class of tertiary institution is allowed (either with or without development consent), development for the purposes of any other class of tertiary institution is allowed but only with the development consent of the consent authority;
 - (b) to allow a tertiary institution of a particular class which was established before the date on which this policy came into effect to continue to be used on and from that date notwithstanding that the land on which it is established could, at the time it was established, only be used for the purposes of a tertiary institution of a different class;
 - (c) to allow the continued use of a college of advanced education unlawfully established before the date on which this policy came into effect and to allow further development on the same land on which that college is erected for the purposes of a tertiary institution but only with the development consent of the consent authority; and
 - (d) to enable the Director to consent to certain development at Ku-ring-gai which has been the subject of proceedings in Ku-ring-gai College of Advanced Education v Ku-ring-gai Municipal Council, No 10400 of 1985, in the Land and Environment Court.
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**STATE ENVIRONMENTAL
PLANNING POLICY No 19**
BUSHLAND IN URBAN AREAS 1986

Aims, objectives, etc

2. (1) The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of—

- (a) its value to the community as part of the natural heritage;
- (b) its aesthetic value; and
- (c) its value as a recreational, educational and scientific resource.

(2) The specific aims of this policy are—

- (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area;
 - (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term;
 - (c) to protect rare and endangered flora and fauna species;
 - (d) to protect habitats for native flora and fauna;
 - (e) to protect wildlife corridors and vegetation links with other nearby bushland;
 - (f) to protect bushland as a natural stabiliser of the soil surface;
 - (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape;
 - (h) to protect significant geological features;
 - (i) to protect existing land forms, such as natural drainage lines, watercourses and foreshores;
 - (j) to protect archaeological relics;
 - (k) to protect the recreational potential of bushland;
 - (l) to protect the educational potential of bushland;
 - (m) to maintain bushland in locations which are readily accessible to the community; and
 - (n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.
- ✱

**STATE ENVIRONMENTAL
PLANNING POLICY No 21**

MOVABLE DWELLINGS 1986-88

Aims, objectives, etc

3. The aims of this Policy are—

- (a) to ensure that where an environmental planning instrument provides that land may (whether with or without development consent) be used for the purposes of a caravan park or camping ground, the land may be used for the purpose of the placement of movable dwellings as defined in section 289E(1) of the Local Government Act 1919, and as prescribed by clause 5 of Ordinance No 71 made under that Act; and
- (b) to require development consent to be obtained for the development of land for the purposes of any future caravan park or camping ground in all cases where development for those purposes is currently permitted by an environmental planning instrument without the necessity for development consent.

✕

**STATE ENVIRONMENTAL
PLANNING POLICY No 22**

SHOPS AND COMMERCIAL PREMISES

1987-
1991

Aims, objectives, etc

3. The aim of this Policy is to permit within a business zone—

- (a) the change of use of a building lawfully used for a particular kind of commercial premises to another kind of commercial premises or to a shop; or
- (b) the change of use of a building lawfully used for a particular kind of shop to another kind of shop or to a commercial premises,

even though that change of use is prohibited under another environmental planning instrument, if

- (c) the consent authority is satisfied the change of use will not have more than a minor environmental effect and is in keeping with the objectives (if any) of the zone; and
- (d) development consent is obtained for the change of use from that consent authority.

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SEPP-25
Residential Allotment Sizes
and Dual Occupancy Subdivision. 1987-91

Aims, objectives, etc

3. This Policy aims—

- (a) to reduce the consumption of land for residential purposes;
- (b) to reduce housing costs by reducing, in certain cases, the minimum area of land on which residential development may be carried out;
- (c) to encourage innovation and diversification in subdivision patterns, site plans and building designs; and
- (d) to facilitate development for the purposes of residential flat buildings containing 3 or more dwellings.

✕

**STATE ENVIRONMENTAL
PLANNING POLICY No 28**
TOWN HOUSES AND VILLA HOMES

[SEPP No 28 added, Gov Gaz No 98, 1989; am, Gov Gaz No 43, 1990.]

Citation

1. This Policy may be cited as State Environmental Planning Policy No 28—Town Houses and Villa Houses.

Commencement

2. This Policy commences on the date of its publication in the Gazette.

Date of publication. The Policy was published on 29th September, 1989 in Government Gazette No 98/89.

Aims, objectives etc.

3. (1) This Policy aims to achieve the following urban consolidation objectives, namely:

- (a) to reduce housing cost pressures arising from shortages of suitable housing in metropolitan areas of Sydney, Newcastle and Wollongong and such other areas as may be identified by a Council and agreed to by the Minister; and
- (b) to promote the more efficient use of public investment in infrastructure in established urban areas by accommodating a component of metropolitan population growth in these areas; and
- (c) to reduce the need for urban expansion into areas remote from centres of recreation, services and employment; and
- (d) to respond to changed or changing housing needs in terms of social, demographic and economic trends by increasing the range of dwelling types available in residential zones and promoting the availability of a range of smaller dwelling units; and

- (e) to enable a higher proportion of dwellings to be accessible to transport facilities, services, shops, entertainment and employment; and
- (f) to enhance opportunities to increase the supply of rental accommodation.

(2) The objectives of this Policy are:

- (a) to enable development for the purposes of town houses and villa houses to be carried out on suitable residential land and certain special uses land; and
- (b) to enable Councils to prepare development control codes to make more detailed provisions for the operation of this Policy in their areas; and
- (c) to enable the Minister to exclude from the operation of this Policy:
 - (i) land which is subject to a local environmental plan which, in the opinion of the Minister, makes adequate provision for the carrying out of development for town houses or villa houses or development that otherwise satisfies the objectives of this Policy; and
 - (ii) land in respect of which there are, in the opinion of the Minister, such environmental factors that this Policy should not apply; and
- (d) to provide the opportunity for members of the community to make submissions on applications to carry out development under this Policy for the purpose of town houses or villa houses; and
- (e) to provide a framework, by way of heads of consideration and design guidelines, within which Councils can consider applications for the carrying out of development for the purpose of town houses or villa houses; and
- (f) to preserve those provisions of other environmental planning instruments which enable development for the purposes of town houses or villa houses to be carried out; and
- (g) to ensure that other environmental planning instruments do not prohibit development for the purposes of town houses and villa houses from being carried out on land on which that development may be carried out pursuant to this Policy.

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WESTERN DIVISION REGIONAL ENVIRONMENTAL PLAN No 1

EXTRACTIVE INDUSTRIES 1989

Aims, objectives etc

2. (1) The aims of this plan are—

- (a) to facilitate, and to control in an orderly manner, the extraction of geological materials (other than minerals) from the lands of the Region; and
- (b) so far as is consistent with paragraph (a), to encourage the preservation of—
 - (i) prime crop and pasture lands and other agriculturally usable lands; and
 - (ii) water quality, whether lacustrine, riparian, subterranean or surface water; and
 - (iii) riparian environments generally; and
 - (iv) land which is a catchment for a town water supply; and
 - (v) archaeological and Aboriginal sites, relics and places; and
- (c) to provide a means whereby the public interest in the extraction of resources from the Region is balanced against the public interest in the preservation of the things referred to in paragraph (b); and
- (d) to introduce a system of planning control requiring consent to be obtained by both public and private bodies and persons carrying out development for the purposes of extractive industries, that is applied consistently throughout the Region.

(2) The strategies employed in this plan are—

- (a) to facilitate the operation of extractive industries by altering the designation of extractive industry in the Region to include only those extractive industries which are larger or higher yielding than the quantities declared in this plan or are situated on protected lands or environmentally sensitive lands as recognised by this plan; and
- (b) to require the concurrence of the Commissioner to a determination of a consent authority granting consent to an extractive development, in the case of an extractive industry that is a designated development; and
- (c) to ensure adequate protection for the environment by providing that the preparation of an environmental management and

rehabilitation plan be a condition of any consent, and requiring that at a minimum, consultation must be undertaken with the Department of Water Resources, the Soil Conservation Service and the National Parks and Wildlife Service before any consent is determined; and

- (d) to recognise the necessity of small extractive operations to farm management by excluding most on-farm extractive activities from the consent provisions of this plan; and
- (e) to allow the continued use of an existing operation to proceed largely unaffected by this plan, while imposing conditions on the re-use of an existing site after the period specified in this plan has elapsed. #

SYDNEY REGIONAL ENVIRONMENTAL PLAN No 12

DUAL OCCUPANCY 1987-92

Aims, objectives, etc

2. The aims and objectives of this plan are—

- (a) to encourage fuller use of existing services and community facilities;
- (b) to reduce the trend towards declining population in established areas;
- (c) to widen the range of housing options available to residents of the Sydney region; and
- (d) to increase the supply of accommodation on land to which this plan applies—
 - (i) by providing uniform controls for the provision of dual occupancy in the Sydney region;
 - (ii) by permitting the conversion of a dwelling-house into 2 dwellings;
 - (iii) by permitting the erection of a building containing 2 dwellings;
 - (iv) by permitting the erection of a second dwelling-house on an allotment of land, other than land zoned rural or non-urban, upon which a dwelling-house is already situated;
 - (v) by permitting the erection of 2 separate dwelling-houses on an allotment of land, other than land zoned rural or non-urban, subject to certain conditions; and
 - (vi) by permitting any person to occupy a dwelling erected or created in accordance with this plan. x

SYDNEY REGIONAL ENVIRONMENTAL PLAN No 23

SYDNEY AND MIDDLE HARBOURS

Citation

1. This plan may be cited as Sydney Regional Environmental Plan No 23—Sydney and Middle Harbours. 1990

Aims, objectives etc

2. (1) The general aims of this plan are—

- (a) to establish a framework which encourages a consistent and co-ordinated approach to the planning, development and management of the waterway and foreshores of Sydney and Middle Harbours; and
- (b) to establish an efficient and effective development control system for the Harbours and their foreshores; and
- (c) to ensure that the Harbours and their foreshores are developed and promoted as a community asset, with due recognition being given to their role as a recreation and tourist focal point; and
- (d) to ensure that the special value of certain foreshore areas as access points to the waterway are fully considered in future planning and development control; and
- (e) to recognise, protect and enhance the natural, scenic, environmental, cultural and heritage qualities of the land to which this plan applies in future planning and development control; and
- (f) to ensure that appropriate facilities are provided for water based and foreshore recreational activities which are compatible with the commercial role of the Port of Sydney and give due regard to environmental and cultural attributes; and
- (g) to encourage balanced multiple use of the Harbours and their foreshores, in a manner that is consistent with their environmental and cultural attributes and the commercial functions of the Port of Sydney.

(2) The specific aims of this plan are—

- (a) in relation to commercial, governmental and administrative uses and activities—
 - (i) to maintain the role of the Port of Sydney in a manner that is consistent with the environmental and cultural attributes of the land to which this plan applies; and
 - (ii) to establish an appropriate balance between commercial, governmental and administrative activities and recreational activities; and
- (b) in relation to administration and management—
 - (i) to ensure that a consistent and co-ordinated development approval process applies to all development proposals whether they be above or below mean high water mark or span mean high water mark; and
 - (ii) to ensure that for any development proposal there is only one consent authority; and
 - (iii) to ensure that all consent authorities apply consistent criteria when considering development applications; and
 - (iv) to establish clear and consistent guidelines on the use and development of the Harbours and their foreshores; and
- (c) in relation to open space and recreation—
 - (i) to recognise the fundamental role that existing foreshore open space areas have in providing access to the waterway and in accommodating water based recreational activities; and
 - (ii) to give priority to recreational activities which require or are enhanced by a foreshore location; and
 - (iii) to improve access to the waterway and from the waterway to foreshore parks; and
 - (iv) to encourage in appropriate circumstances the provision of additional foreshore open space; and
- (d) in relation to boating facilities—
 - (i) to recognise the value of the Harbours as an outstanding location for recreational, tourism and sports boating activities; and

- (ii) to recognise the importance of having appropriate facilities for the storage, launching and maintenance of commercial, recreational and other vessels; and
- (iii) to make appropriate provision for the establishment of new boating facilities in a manner that is consistent with the environmental and cultural attributes of the land to which this plan applies; and
- (e) in relation to the natural environment—
 - (i) to protect flora and fauna habitats, including wetland areas, in a manner that is consistent with their conservation value, while also recognising the validity of other uses of the foreshores and the waterway; and
 - (ii) to improve and maintain the water quality of the Harbours and to provide a healthy habitat for marine and bird life and for water based recreational pursuits; and
 - (iii) to more carefully identify the biological resources of the inter-tidal and sub-tidal zones; and
 - (iv) to preserve known areas of biological conservation value in the inter-tidal and sub-tidal zones; and
- (f) in relation to the visual environment—
 - (i) to protect and enhance the landscape and special scenic qualities of the Harbours; and
 - (ii) to ensure that adequate consideration is given to the visual impact of development; and
- (g) in relation to the environmental heritage—
 - (i) to conserve and enhance the environmental heritage of the Harbours and their foreshores including their underwater archaeological resources; and
 - (ii) to encourage an appreciation of the role of the Harbours in the history of both Aboriginal and European settlement.

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 36—
MANUFACTURED HOME ESTATES

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 36—Manufactured Home Estates. *8-7-1993*

Aims and strategies

2. (1) The aims of this Policy are:

- (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements; and
- (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy; and
- (c) to encourage the provision of affordable housing in well designed estates; and
- (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved; and
- (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services; and
- (f) to protect the environment surrounding manufactured home estates; and
- (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.

(2) The strategies by which those aims are to be achieved are:

- (a) by allowing, with development consent, manufactured home estates on certain land on which caravan parks are permitted if the land meets the suitable locational criteria stipulated in this Policy (which it would not do if, for example, it contains important resources, is subject to natural or man-made risks or has sensitive environmental or ecological features); and
- (b) by applying this Policy to areas where there is likely to be a demand and suitable opportunities for the development of manufactured home estates; and
- (c) by allowing manufactured home estates to be subdivided with development consent either by way of leases for terms of up to 20 years or under the Community Land Development Act 1989; and
- (d) by enabling the Minister for Planning to exclude from this Policy any land that is subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Policy under section 117 of the Act.

#

Aims, objectives etc

2. (1) The general aims of this plan are—

- (a) to establish a framework which encourages a consistent and co-ordinated approach to the planning, development and management of the waterway and foreshore open space and facilities of the Parramatta River; and
- (b) to establish an efficient and effective development control system for the Parramatta River and its foreshores; and
- (c) to ensure that the Parramatta River and its foreshores are developed and promoted as a community asset, with due recognition being given to their role as a recreation and tourist focal point; and
- (d) to ensure that the special value of certain foreshore areas as access points to the waterway are fully considered in future planning and development control; and
- (e) to recognise, protect and enhance the natural, scenic, environmental, cultural and heritage qualities of the land to which this plan applies in future planning and development control; and
- (f) to ensure that existing open space and recreation resources are developed more effectively by more fully integrating land and water based recreation activities; and
- (g) to establish as a priority the development of boating and recreation facilities and open space with the overall aim of achieving a diversity of landscape settings and development with appropriate facilities; and
- (h) to identify, conserve and enhance the environmental heritage of the region.

(2) The specific aims of this plan are—

(a) in relation to administration and management—

- (i) to ensure that a consistent and co-ordinated development approval process applies to all development proposals whether they be above or below mean high water mark or span mean high water mark; and
- (ii) to ensure that for any development proposal there is only one consent authority; and
- (iii) to ensure that all consent authorities apply consistent criteria when considering development applications; and

- 9-
- (iv) to establish clear and consistent guidelines on the use and development of the Parramatta River and its foreshores; and

(b) in relation to open space and recreation—

- (i) recognise the fundamental role that existing foreshore open space area have in providing access to the waterway and in accommodating water based recreational activities; and
- (ii) to give priority to recreational activities which require or are enhanced by a foreshore location; and
- (iii) to improve access to the waterway and from the waterway to foreshore parks; and
- (iv) to encourage in appropriate circumstances the provision of additional foreshore open space; and

(c) in relation to boating facilities—

- (i) to recognise the value of the Parramatta River as an outstanding location for recreational, tourism and sports boating activities; and
- (ii) to recognise the importance of having appropriate facilities for the storage, launching and maintenance of commercial, recreational and other vessels; and
- (iii) to make appropriate provision for the establishment of new boating facilities in a manner that is consistent with the environmental and cultural attributes of the land to which this plan applies; and

(d) in relation to the natural environment—

- (i) to protect flora and fauna habitats, including wetland areas, in a manner that is consistent with their conservation value, while also recognising the validity of other uses of the foreshores and the waterway; and
- (ii) to improve and maintain the water quality of the river and to provide a healthy habitat for marine and bird life and for water based recreational pursuits; and

(e) in relation to the visual environment—

- (i) to protect and enhance the landscape and special scenic qualities of the Parramatta River; and
- (ii) to ensure that adequate consideration is given to the visual impact of development; and

(f) in relation to the environmental heritage—

- (i) to conserve and enhance the environmental heritage of the river and its foreshores including their underwater archaeological resources; and
- (ii) to encourage an appreciation of the role of the river in the history of both Aboriginal and European settlement. #