

Attachment 4: Section 117 Ministerial Directions

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the Environmental Planning and Assessment Act, 1979. These Directions apply to planning proposals lodged with the Department of Planning and Environment.

S117 Ministerial Direction	Applicable	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones <i>Objectives:</i> <i>(a) Encourage employment growth in suitable locations</i> <i>(b) Protect employment land in business and industrial zones,</i> <i>(c) Support the viability of identified strategic centres.</i>	Applicable to the Planning Proposal.	Consistent. No change is proposed to the B4 Mixed Use zoning of the site. The FSR includes a minimum non-residential FSR of 0.5:1 to ensure that employment opportunities on the site are maintained.
1.2 Rural Zones	Not applicable to Hurstville.	--
1.3 Mining, Petroleum Production and Extractive Industries <i>Objective:</i> <i>To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</i>	Not applicable to Planning Proposal.	The Planning Proposal does not have any effect on mining, petroleum production and extractive industries.
1.4 Oyster Aquaculture <i>Objectives:</i> <i>(a) To ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal.</i> <i>(b) To protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oyster and oyster consumers.</i>	Not applicable to the Planning Proposal.	The Planning Proposal does not propose a change in land use which could result in adverse impacts on a Priority Oyster Aquaculture Area or an incompatible use of land.

S117 Ministerial Direction	Applicable	Comment
1.5 Rural Lands	Not applicable to Hurstville.	--
2. Environment and Heritage		
2.1 Environment Protection Zones <i>Objective:</i> <i>To protect and conserve environmentally sensitive areas.</i>	Not applicable to the Planning Proposal.	The Subject Site is not located within an environmental protection zone and the Proposal does not impact on environmentally sensitive areas.
2.2 Coastal Protection	Not applicable to Hurstville.	--
2.3 Heritage Conservation <i>Objective:</i> <i>To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i>	Not applicable to the Planning Proposal.	The Hurstville LEP 2012 contains Standard Instrument LEP provisions to facilitate heritage conservation. No change to these provisions is proposed. The Subject Site does not include a heritage item or located within a Heritage Conservation Area, however is adjacent to a heritage item; however a Heritage Report is required to consider the impacts of the proposed development on the adjoining heritage item at 27 MacMahon Street Hurstville (the Old Fire Station).
2.4 Recreation Vehicle Areas <i>Objective:</i> <i>To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</i>	Not applicable to the Planning Proposal.	The Planning Proposal is not within an environmental protection zone or coastal areas identified in the Direction.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable to Hurstville.	--
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones <i>Objectives:</i> <i>(a) To encourage a variety and choice of housing types to provide for existing and future housing needs</i> <i>(b) To make efficient use of existing infrastructure and services and ensure that new</i>	Applicable to Planning Proposal.	While not proposing the rezoning of the Site to a residential zone, the retention of the B4 Mixed Use Zone and the proposed increase in the maximum height and FSR controls will allow for additional housing (approx. 10 dwellings) in an existing urban area making efficient use of existing

S117 Ministerial Direction	Applicable	Comment
<i>housing has appropriate access to infrastructure and services</i> (c) <i>To minimise the impact of residential development on environment and resource lands.</i>		infrastructure, services and amenities.
3.2 Caravan Parks and Manufactured Home Estates <i>Objectives:</i> (a) <i>To provide for a variety of housing types</i> (b) <i>To provide opportunities for caravan parks and manufactured home estates.</i>	Not applicable to the Planning Proposal.	The proposed rezoning to B4 Mixed Use will not allow caravan parks and manufactured home estates as they are prohibited in the zone.
3.3 Home Occupations <i>Objective:</i> <i>To encourage the carrying out of low-impact small businesses in dwelling houses.</i>	Not applicable to Planning Proposal.	Home occupation is currently permitted (with consent) in the B4 zone.
3.4 Integrating Land Use and Transport <i>Objective:</i> <i>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i> (a) <i>Improving access to housing, jobs and services by walking, cycling and public transport</i> (b) <i>Increasing the choice of available transport and reducing dependence on cars</i> (c) <i>Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car</i> (d) <i>Supporting the efficient and viable operation of public transport services</i> (e) <i>Providing for the efficient movement of freight.</i>	Applicable to Planning Proposal.	The Planning Proposal is partly consistent with Direction 3.4 as it would allow for additional housing (approx. 10 dwellings) in a location with good access to the facilities within the Hurstville City Centre, in particular public transport. A comprehensive Traffic Study to demonstrate consistency with the Council's TMAP, including an assessment of the proposal in light of the cumulative impacts of both existing and future development and in consultation with TfNSW and RMS needs to be undertaken. This analysis should be undertaken by the Applicant at no cost to Council.
3.5 Development Near Licensed	Applicable to the	Consultation with Airport

S117 Ministerial Direction	Applicable	Comment
Aerodromes	Planning Proposal.	authorities is required in accordance with the Department and JRPP advice. Refer Part 2 Section D of the Report for detail.
3.6 Shooting Ranges	Not applicable to Hurstville.	--
4. Hazard and Risk		
4.1 Acid Sulfate Soils <i>Objective: To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i>	Not applicable to Planning Proposal.	The Subject Site is not within an area identified as land having a probability of containing acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	Not applicable to Hurstville.	--
4.3 Flood Prone Land	Not applicable to Planning Proposal.	The Subject Site is not within an area identified as Flood Prone Land.
4.4 Planning for Bushfire Protection	Not applicable to Planning Proposal.	The Subject Site is not within a Bushfire Prone Area.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Not applicable to Hurstville.	--
5.2 Sydney Drinking Water Catchments	Not applicable to Hurstville.	--
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Hurstville.	--
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Hurstville.	--
5.5 – 5.7 Revoked	--	--
5.8 Second Sydney Airport: Badgerys Creek	Not applicable to Hurstville.	--
5.9 North West Rail Link Corridor Strategy	Not applicable to Hurstville.	--
6. Local Plan Making		
6.1 Approval and Referral Requirements <i>Objective:</i>	Applicable to the Planning proposal.	Consistent. The Planning Proposal does not include provisions that require

S117 Ministerial Direction	Applicable	Comment
<i>To ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>		concurrence, consultation or referral of development applications to the Minister or public authority or identify development as designated development.
6.2 Reserving Land for Public Purposes <i>Objective:</i> (a) <i>To facilitate the provision of public services and facilities by reserving land for public purposes, and</i> (b) <i>To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i>	Not applicable to Planning Proposal.	Not inconsistent. No lands are proposed to be reserved for Public Purposes through the Planning Proposal.
6.3 Site Specific Provisions <i>Objective:</i> <i>To discourage unnecessary restrictive site specific planning controls.</i>	Applicable to Planning Proposal.	The Planning Proposal includes a minimum non-residential FSR of 0.5:1 on the Site which is considered a means to ensure employment uses are provided on the Site. The requirement will be included in the Hurstville LEP 2012 through an amendment to the existing Clause 4.4A.
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney <i>Objective:</i> <i>To give legal effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	Applicable to Planning Proposal.	The Planning Proposal is generally consistent with the NSW Government's A Plan for Growing Sydney (December 2014) as considered in Part 3 Section B of the report.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable to Hurstville.	--