

Draft Hurstville Local Environmental Plan 2012- Amendment No. 2

Local Planning Directions (Section 117 Directions) Compliance Table

The Minister for Planning, under section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) issues directions that relevant planning authorities such as local councils must follow when preparing planning proposals for new LEPs. The directions cover the following broad categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk regional planning
- local plan making
- metropolitan planning.

The directions apply to planning proposals lodged with the Department of Planning on or after the date the particular direction was issued. To view the section 117 Directions go to:

<http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=dOkLhSFp9eo%3d&tabid=248&language=en-AU>

(N.B. The directions that apply to the draft LEP are those for planning proposals)

Summary Checklist of Section 117 Directions for Draft Hurstville Local Environmental Plan 2012 (Amendment No. 2)

Section 117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	Yes
1.2 Rural Zones	N/A	N/A
1.3 Mining, Petroleum Production & Extractives Industries	N/A	N/A
1.4 Oyster Aquaculture	N/A	N/A
1.5 Rural Lands	N/A	N/A
2. Environment and Heritage		
2.1 Environment Protection Zones	N/A	N/A
2.2 Coastal Protection	N/A	N/A
2.3 Heritage Conservation	Yes	Yes
2.4 Recreation Vehicle Areas	N/A	N/A
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	Yes
3.2 Caravan Parks and Manufactured Home Estates	N/A	N/A
3.3 Home Occupations	N/A	N/A
3.4 Integrating Land Use and Transport	N/A	N/A
3.5 Development Near Licensed Aerodromes	N/A	N/A
3.6 Shooting Ranges	N/A	N/A
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	Yes
4.2 Mine Subsidence and Unstable Land	N/A	N/A
4.3 Flood Prone Land	N/A	N/A
4.4 Planning for Bushfire Protection	Yes	Yes
5. Regional Planning		

5.1 Implementation of Regional Strategies	N/A	N/A
5.2 Sydney Drinking Water Catchments	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A
5.6 Sydney to Canberra Corridor	N/A	N/A
5.7 Central Coast	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A
6.0 Local Plan Making		
6.1 Approval and Referral Requirements	N/A	N/A
6.2 Reserving Land for Public Purposes	N/A	N/A
6.3 Site Specific Provisions	N/A	N/A
7.0 Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes

DIRECTION	Applicable	Consistent
1.EMPLOYMENT AND RESOURCES		
1.1. BUSINESS AND INDUSTRIAL ZONES This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	Yes	Yes
What a relevant planning authority must do if this direction applies <i>(4) A planning proposal shall:</i> <i>(a) give effect to the objectives of this direction,</i> <i>(b) retain the areas and locations of existing business and industrial zones,</i> <i>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</i> <i>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</i> <i>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning and Infrastructure.</i>		
Comment: Direction 1.1 Business and Industrial Zones, applies to the Planning Proposal - draft Hurstville LEP 2012 (Amendment No. 2) and in accordance with Part 4 of the Direction: (a) The draft HLEP 2012 (Amendment No. 2) gives effect to the objectives of the direction, as it does not negate any of the objectives of the direction, namely: - Objective (a) encourage employment growth. - Objective (b) protect employment land in business and industrial zones. and - Objective (c) support the viability of identified strategic centres. (b) The draft HLEP 2012 (Amendment No. 2) does not modify the area and location of the existing business and industrial zones within Hurstville LGA. (c) The draft HLEP 2012 (Amendment No. 2) does not reduce the total potential floor space area for employment uses and related public services in business zones. (d) The draft HLEP 2012 (Amendment No. 2) does not reduce the total potential floor space area for industrial uses in the industrial zones. There are no new employment areas proposed as part of the draft HLEP 2012 (Amendment No. 2). The Planning Proposal relates to the inclusion of new heritage items on and removal of two existing items from Schedule 5 Environmental heritage of Hurstville LEP 2012. The Planning Proposal is thus consistent with the Direction 1.1 Business and Industrial Zones.		

DIRECTION	Applicable	Consistent
1.2. RURAL ZONES	Not applicable	
1.3. MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES	Not applicable	
1.4. OYSTER AQUACULTURE	Not applicable	
1.5. RURAL LANDS	Not applicable	

DIRECTION	Applicable	Consistent
2. ENVIRONMENT AND HERITAGE		
2.1. ENVIRONMENT PROTECTION ZONES	Not applicable	
2.2. COASTAL PROTECTION	Not applicable	
2.3. HERITAGE CONSERVATION This direction applies when a relevant planning prepares a planning proposal.	Yes	Yes
What a relevant planning authority must do if this direction applies (4) A planning proposal must contain provisions that facilitate the conservation of: (a) <i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i> (b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i> (c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the council, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i>		
Comment: In accordance with Clause 4 of the Direction, the following comments are provided: (a) The Planning Proposal has been prepared to include 32 new heritage items in and remove two existing items from <i>Schedule 5 Environmental Heritage</i> of Hurstville LEP 2012; in accordance with the recommendations of the draft Heritage Study and further consideration of Council. Clause 5.10 (Heritage Conservation) of Hurstville LEP 2012 contains provisions that will facilitate the conservation of these new items. (b) The Final Draft Heritage Report prepared as part of the review and update of the <i>Hurstville Heritage Study 1988</i> mentions the types and approximate numbers of known Aboriginal Cultural sites within Hurstville LGA. There are 37 Aboriginal objects or Aboriginal places which are protected under the National Parks and Wildlife Act 1974, mainly located near creeks and waterways and natural areas. Clause 5.10 (8) of Hurstville LEP 2012 contains provisions relating to Aboriginal places of heritage significance. (c) Refer comment above. Thus, the Planning Proposal is consistent with the Direction 2.3 Heritage Conservation.		
2.4. RECREATION VEHICLE ACCESS	Not applicable	

DIRECTION	Applicable	Consistent
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1. RESIDENTIAL ZONES This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted.	Yes	Yes
What a relevant planning authority must do if this direction applies (4) <i>A planning proposal shall include provisions that encourage the provision of housing that will:</i> (a) <i>broaden the choice of building types and locations available in the housing market, and</i> (b) <i>make more efficient use of existing infrastructure and services, and</i> (c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> (d) <i>be of good design.</i> (5) <i>A planning proposal shall, in relation to land to which this direction applies:</i> 5(a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i> 5(b) <i>not contain provisions which will reduce the permissible residential density of land.</i>		
Comment: Direction 3.1 Residential Zones pertains to the provision of adequate and diverse housing stock which makes efficient use of infrastructure and services and minimises adverse impacts on the environment and resource lands. Whilst the Planning Proposal applies to certain residential zoned land where properties have been identified for heritage listing, it does not propose to increase or decrease the residential development potential of the land. and does not reduce the consumption of land for housing and associated urban development. Further, the Planning Proposal does not contain provisions which will reduce the permissible residential density of land and is therefore consistent with Direction 3.1.		
3.2. CARAVAN PARKS AND MANUFACTURED HOME ESTATES	Not applicable	
3.3. HOME OCCUPATIONS	Not applicable	

3.4. INTEGRATING LAND USE AND TRANSPORT	Not applicable	
3.5. DEVELOPMENT NEAR LICENSED AERODROMES	Not applicable	
3.6. SHOOTING RANGES	Not applicable	

DIRECTION	Applicable	Consistent
4. HAZARD AND RISK		
4.1. ACID SULFATE SOILS This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	Yes	Yes
What a relevant planning authority must do if this direction applies <i>(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i> <i>(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i> <i>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</i> <i>(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.</i> <i>(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</i> <i>(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with</i>		

DIRECTION	Applicable	Consistent
paragraph (5).		
Comment: The Hurstville LEP 2012 contains clause 6.1 (Acid sulfate soils). Whilst the Planning Proposal applies to certain properties identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present, it does not propose any intensification of land uses on land identified as having the probability of containing acid sulfate soils. This Planning Proposal is about listing new heritage items on Schedule 5 Environmental Heritage of Hurstville LEP 2012. Thus, the Planning Proposal is consistent with Direction 4.1.		
4.2. MINE SUBSIDENCE AND UNSTABLE LAND	Not applicable	
4.3. FLOOD PRONE LAND	Not applicable	
4.4. PLANNING FOR BUSHFIRE PROTECTION This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	Yes	Yes
<i>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</i> <i>(5) A planning proposal must:</i> <i>(a) have regard to Planning for Bushfire Protection 2006,</i> <i>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</i> <i>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</i> <i>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</i> <i>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</i> <i>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a</i>		

DIRECTION	Applicable	Consistent
<i>building line consistent with the incorporation of an APZ, within the property, and</i> <i>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</i> <i>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</i> <i>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</i> <i>(d) contain provisions for adequate water supply for firefighting purposes,</i> <i>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</i> <i>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</i>		
In accordance with Clause 4, 5 and 6 of Direction 4.4 the following comment is provided: (4) The NSW Rural Fire Service was consulted by Council as part of the preparation of the Hurstville LEP 2012. Council will consult with the RFS following the receipt of the Gateway Determination and in accordance with its requirements. (5) (a) The Planning Proposal has been prepared to include 32 new heritage items and remove two existing items from Schedule 5 of Hurstville LEP 2012. A number of these are located on bush fire prone land or in proximity to land mapped as bush fire prone land, specifically in the Lugarno peninsula. (b) Council introduced zoning based land use controls within the Hurstville LEP 2012 that avoids placing inappropriate developments in		

DIRECTION	Applicable	Consistent
hazardous areas. The Planning Proposal will not place inappropriate development in hazardous areas and will facilitate the conservation of these new heritage items by listing them on Schedule 5 Hurstville LEP 2012. (c) The Hurstville LEP 2012 includes Clause 5.11 Bush fire hazard reduction which allows without consent bush fire hazard reduction work authorised by the Rural Fires Act 1997. The Planning Proposal does not affect bush fire hazard reduction work. (6) The Planning Proposal does not propose specific development; however the development of these sites will be permitted under the zoning of the land and in accordance with clause 5.10 (Heritage Conservation) of Hurstville LEP 2012. Section 79BA of the Environmental Planning and Assessment Act 1979 requires Council to consult with the Commissioner of the NSW Rural Fire Service for development on bushfire prone land. Council has and will continue to comply with this section of the Act under the Hurstville LEP 2012. Therefore the Planning Proposal is consistent with Direction No.4.4.		

5. REGIONAL PLANNING		
5.1.IMPLEMENTATION OF REGIONAL STRATEGIES	Not applicable	
5.2. SYDNEY DRINKING WATER CATCHMENT	Not applicable	
5.3.FARMLAND OF STATE AND REGIONAL SIGNIFICANCE ON THE NSW FAR NORTH COAST	Not applicable	
5.4. COMMERCIAL AND RETAIL DEVELOPMENT ALONG THE PACIFIC HIGHWAY, NORTH COAST	Not applicable	
5.8.SECOND SYDNEY AIRPORT: BADGERYS CREEK	Not applicable	

DIRECTION	Applicable	Consistent
6. LOCAL PLAN MAKING		
6.1. APPROVAL AND REFERRAL REQUIREMENTS	Not applicable	
6.2. RESERVING LAND FOR PUBLIC PURPOSES	Not applicable	
6.3. SITE SPECIFIC PROVISIONS	Not applicable	

7. METROPOLITAN PLANNING		
7.1. Implementation of the Metropolitan Plan for Sydney 2036 This direction applies when a relevant planning authority prepares a planning proposal.	Yes	Yes
What a relevant planning authority must do if this direction applies Planning proposals shall be consistent with: a) the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010 ("the Metropolitan Plan")		
Comment: The Planning Proposal is generally consistent with <i>Metropolitan Plan for Sydney 2036</i> and its strategic directions, and key policy directions, specifically, <i>direction H Achieving equity, liveability and social inclusion</i> and its following objectives: • H1 – To ensure equity, liveability and social inclusion are integrated into plan making and decision-making. - o Action H1.1 – heritage, cultural life and the arts are encouraged and strengthened. • H4 – To continue to identify, enliven and protect places of special cultural, social and community value. - o Action H4.1 – Identify heritage landscapes in Sydney and develop appropriate responses to plan for their protection and interpretation in the preparation of Subregional Strategies and LEPs. The Department of Planning and Infrastructure required Council to undertake a comprehensive heritage review within 12 months of finalising Hurstville LEP 2012. The Planning Proposal, which is an outcome of the heritage review, is also consistent with the <i>Draft Subregional Strategy – South Subregion</i>, which supports the <i>Metropolitan Plan</i>. One of the key directions (Direction E) is "protect scenic, heritage and environmental assets of the subregion" and sets out actions to protect and enhance those assets including cultural heritage items. The Planning Proposal addresses the following objectives in the Strategy: <i>E6.1.2 Councils to review and/or update heritage studies as part of preparing their Principal Local Environmental Plans.</i> <i>E6.3.1 The Heritage Office to work with local councils in the South Subregion to promote and provide access to heritage places, contribute to local economies and assist in sustaining heritage places.</i>		