

Consistency with Section 117 Directions

Section	Requirements	Comment	Consistency
2. Environment and Heritage			
2.3 Heritage Conservation	(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of: (a) 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, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) 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 relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	The planning proposal will not provide a detrimental impact on the adjoining Sugar Mill residential development which is listed as a local heritage item under Council's Canterbury LEP 2012. Future development will not provide significant overshadowing impacts, and historic views and view corridors will also be preserved (refer to Section 6.5 for further details). Canterbury LEP 2012 Clause 5.10 Heritage Conservation will apply to future DAs for the site, and will require any potential heritage impacts on the Sugar Mill residential development to be considered.	✓
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands. A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. A planning proposal must, in relation to land to which this direction applies: (a) 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 (b) not contain provisions which will reduce the permissible residential density of land.	The planning proposal is consistent with this direction, in that it: ▪ Proposes a R4 High Density Residential zone within close proximity to the existing Canterbury Town Centre and public transport connections ▪ Facilitates additional housing in the Canterbury LGA that is currently not provided on the site ▪ Provides residential development in an existing urban area that will be fully serviced by existing infrastructure ▪ Will facilitate a high level of residential amenity and provide a high quality design Nothing in the planning proposal precludes the requirements of this Direction regarding infrastructure and density from being achieved.	✓

Section	Requirements	Comment	Consistency
3.4 Integrating Land Use and Transport	(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. (4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	The planning proposal is consistent with this direction, in that it: ▪ will provide new dwellings in close proximity to existing public transport links including the Canterbury Railway Station and bus services along Canterbury Road that provide services to the wider metropolitan region ▪ will enable residents to walk or cycle to ▪ will facilitate a new community facility in proximity to existing transport links ▪ makes more efficient use of space and infrastructure by increasing densities on an underutilised site ▪ be capable of achieving the minimum car parking requirements set out by the Canterbury DCP 2013 but recognise the site's strategic location immediately adjacent to the existing Canterbury Town Centre	✓

Section	Requirements	Comment	Consistency
4. Hazard and Risk			
4.1 Acid Sulfate Soils	(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. (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. (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: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines. (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. (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 paragraph (5).	The site is identified as Class 5 on the Acid Sulfate Soils Map in Canterbury LEP 2013. Acid sulfate soils are generally not found in Class 5 areas however Geotechnique has prepared a Acid Sulfate Soils assessment which indicates the topsoil/fill across the site and alluvium and estuarine deposits in the southern portions of the site are likely to be acid sulphate soils. Accordingly, disturbance and excavation of these soils as part of any future DA will need to be carried out in accordance with an approved "Acid Sulphate Soil Management Plan (ASSMP)." The Acid Sulphate Soils Assessment prepared in support of the planning proposal includes a draft ASSMP to establish the preferred framework for addressing acid sulphate soil as part of the future DA stage. In addition, Canterbury LEP 2012 Clause 6.1 Acid Sulphate Soils will apply to future DAs for the site, and will require acid sulphate soils to be considered.	✓

Section	Requirements	Comment	Consistency
4.3 Flood Prone Land	(1) The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. (6) A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. (7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). (8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	The site is not identified as being flood prone land.	N/A

Section	Requirements	Comment	Consistency
5. Regional Planning			
5.1 Implementation of Regional Strategies	(1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy: (a) is of minor significance, and (b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	The planning proposal is generally consistent with the objectives and strategies of the subregional strategy in that it will facilitate the delivery of residential floor space to contribute towards the realisation of dwelling targets within the Canterbury LGA.	✓
6. Local Plan Making			
6.1 Approval and Referral Requirements	(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	The planning proposal does not introduce any provisions that require any additional concurrence, consultation or referral.	✓

Section	Requirements	Comment	Consistency
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	(1) The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. (5) A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Plan: (a) is of minor significance, and (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	The Planning Proposal is consistent with the objectives and strategies of the Metropolitan Plan in that it will facilitate the delivery of residential floor space which provides uses which will contribute to the vitality of the site.	✓