

Appendix E

Explanatory Discussion Paper

Strathfield

Local Environmental Plan 2021

Explanatory Discussion Paper

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Introduction

This Discussion Paper contains a detailed description of the written instrument for the *Strathfield Local Environmental Plan (SLEP 2021)*. This Paper provides a discussion outlining the strategic intent and purposes behind each development standard adopted. This includes the actions taken to create an updated LEP to direct land use planning in the Strathfield Local Government Area (LGA). *SLEP 2021* reflects the objectives of, and has been informed by, all New South Wales (NSW) State policies and Local Government strategic priorities relating to legislative and best practice land use planning. *SLEP 2021* has been prepared in accordance with the *Standard Instrument - Principal Local Environmental Plan*.

Background

Local Environmental Plans (LEPs) are legal planning instruments that provide key land use policies and development standards. LEPs identify zonings, which specify what land uses are permitted or prohibited within those zonings. LEPs also include development standards, such as height and floorspace ratio, which help to ensure appropriate form, scale and density of development in particular zones. LEPs also identify environmentally significant features, such as heritage items, open space and recreation areas, waterways and environmentally sensitive areas that must be retained and protected.

The Strathfield LEP 2021 has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulations 2000*. *Strathfield LEP 2021* reflects the standardised environmental planning instrument known as the *Standard Instrument - Principal Local Environmental Plan*, as directed by the Department of Planning, Industry and Environment (DPIE) through the *Standard Instrument (Local Environmental Plans) Order 2006*.

Council has engaged with government agencies, consultants and the community to assist in formulating the consistency in the application of *SLEP 2021* objectives and clauses. Recommendations made in accordance with feasibility and compliance with the existing State Environment Planning Policies (SEPPs), Local Planning Directions and the broader NSW strategic planning framework, have informed and guided the review and development of controls. It has also included a review of surrounding councils' LEPs and controls. Overall, Council has undertaken a comprehensive review of the existing *SLEP 2012* which is to apply to all land located within the Strathfield LGA.

The *Strathfield LEP 2021* will be the primary Environmental Planning Instrument for the LGA, and will replace *Strathfield LEP 2012*.

Explanatory Comment

Overview of Structure

The Standard Instrument LEP contains five (5) key parts, six (6) Schedules that *must* be populated when councils are preparing a new Standard Instrument format LEP. Councils have the ability to implement additional parts, relating to specific provisions relevant to land use planning within their LGAs. The Standard Instrument LEP also includes a Dictionary identifying the various land use terms and references, and a section on Historical Notes, to which amendments to legislation and the LEP itself are made over time.

Each part of the *SLEP 2021* has been summarised in this document.

Part 1 – Preliminary

Clause 1.1 Name of Plan [compulsory]

This clause identifies the name of the Plan as *Strathfield Local Environmental Plan 2021*.

Clause 1.1AA Commencement [compulsory]

This Plan commences on the day on which it is published on the NSW legislation website.

Clause 1.2 Aims of Plan [compulsory]

This clause identifies that the Plan is being prepared as a Standard Instrument LEP, and sets out the specific aims of the Plan. The aims listed in subclause (2) have been formed by Strathfield Council to reflect the local planning context and character. These aims are consistent with the following strategic planning documents underpinning the LEP:

- State Environmental Planning Policies
- *Sydney Regional Environmental Plans*
- *Greater Sydney Regional Plan - A Metropolis of Three Cities*
- *Eastern City District Plan*
- *Future Transport Strategy 2056*
- *NSW State Infrastructure Strategy*
- *Strathfield 2040 - Local Strategic Planning Statement*
- *Strathfield 2030 Community Strategic Plan*

The SLEP 2021 aims to reflect existing themes and key objectives of the current LEP, such as protecting residential amenity, encouraging economic growth and development, as well as conservation of cultural and environmental heritage.

As required by DPIE, the aims of the Plan are to regulate land use planning matters, through the implementation of the various zonings, clauses and provisions of the Strathfield LEP.

Clause 1.3 Land to which Plan applies [compulsory]

The Land Application Map indicates the area of the LGA that is regulated by *SLEP 2021*, through the application of a thick black boundary line around the land.

Clause 1.4 Definitions [compulsory]

The Standard Instrument LEP includes mandatory standard definitions relating to land uses and other terms relevant to the interpretation of the *SLEP 2021*. The standard definitions cannot be changed, and the existing definitions will be maintained.

Clause 1.5 Notes [compulsory]

This clause states that any of the notes that are located below some clauses and definitions are provided as a guide in understanding a clause or definition, and do not form part of the LEP itself.

Clause 1.6 Consent authority [compulsory]

This clause states that Strathfield Council is the consent authority for the purposes of the *SLEP 2021*.

Clause 1.7 Maps [compulsory]

Clause 1.7 relates to the establishment of maps as part of the *SLEP 2021*. All new Strathfield LEP maps are required to be prepared in electronic form so that they can be accessed online. All councils are required to adopt the standard technical specifications in relation to the colours, lines and symbols used on the face of the maps. The following maps are included in *SLEP 2021*:

- Additional Permitted Uses Map
- Acid Sulfate Soils Map
- Floor Space Ratio Map
- Heritage Map
- Height of Buildings Map
- Intensive Urban Development Area Map
- Key Sites Map
- Land Application Map
- Land Reservation Acquisition Map
- Land Zoning Map
- Lot Size Map
- Terrestrial Biodiversity Map.

Clause 1.8 Repeal of other local planning instruments applying to land [compulsory]

Clause 1.8 establishes the fact that at the time of the publication (gazettal) of the *S SLEP 2021* on the NSW Legislation website, all other local environmental plans applying to the land will be repealed.

Clause 1.8A Savings provision relating to the development applications [local]

This clause explains that, in instances where Development Applications (DAs) have been lodged before the commencement of this Plan, they are to be determined as if the *SLEP 2021* has been exhibited, but not yet commenced. This means that DAs will be assessed on the basis of the zoning and controls in place when they were lodged.

Clause 1.9 Application of SEPPs [compulsory]

This clause outlines the relationship of the Strathfield LEP with SEPPs. All Regional Environmental Plans (REPs) are deemed to be SEPPs. Section 3.28 of the *Environmental Planning and Assessment Act 1979* establishes that SEPPs prevail over LEPs.

Clause 1.9A Suspension of covenants agreements and instruments [local]

In order for development to be carried out under this Plan, this clause suspends any agreement, covenant or other similar instrument that restricts the carrying out of development, under certain circumstances.

Part 2 – Permitted or Prohibited Development

Clause 2.1 Land use zones [compulsory]

A comprehensive review of all zones has been undertaken, to identify the suitable land zones for inclusion in *SLEP 2021*. Clause 2.1 identifies which of the Standard Instrument zones have been incorporated into the *SLEP 2021*. All existing zones are to be retained, with the introduction of one additional zone being the R1 – General Residential Zone. The zones proposed in *SLEP 2021* include:

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B6 Enterprise Corridor
- B7 Business Park
- IN1 General Industrial
- IN2 Light Industrial
- SP1 Special Activities
- SP2 Infrastructure
- RE1 Public Recreation
- RE2 Private Recreation
- E2 Environmental Conservation.

R1 General Residential

This Zone has been introduced to accommodate land that is currently zoned R3 that will be affected or have its development potential reduced with the removal of “*residential flat buildings*” as a permitted use from the Land Use Table. It is intended that the R1 Zone will reflect the existing R3 Zone, including RFB’s and the additional mandated uses of the R1 zone. This will allow for existing R3 Zone land to be re-zoned to R1 where it is not clearly defined that the area is more reflective of multi-dwelling housing or residential flat buildings. It is intended that the R1 areas will be further reviewed with LEP Amendment 1. The objective of this clause is to provide for the housing needs of the community and to provide a variety of housing types and densities. Where the R3 Zone will only permit multi-dwelling housing and the R4 Zone will permit/encourage higher density residential flat buildings and development in the R1 Zone will encourage development greater diversity in housing types and densities based on the existing character of the locality.

R2 Low Density Residential

This Zone is intended to accommodate low density residential housing and ancillary land uses. Some of the predominant land uses within this zone include single and double storey dwelling houses.

Low density residential zoning is included within the Strathfield LEP, as there are many established low density residential neighbourhoods found across the LGA. This Zone is proposed to be maintained across all existing R2 residential zoned land.

R3 Medium Density Residential

This Zone is applied to land considered appropriate for medium density development. The Strathfield Local Housing Strategy has recommended that “*residential flat buildings*” be removed from the permitted uses within the zone. This will encourage housing diversity and allow for more of the “missing middle” medium density development types. An assortment of housing types have been mandated under the Standard Instrument LEP, to encourage housing choice and diversity within this Zone. Accordingly, this Zone will accommodate the identified need for more medium density housing choice such as semi-detached, villa/townhouses, row or terrace houses, to prevent families and large households being priced out of the Strathfield LGA.

All land currently zoned R3 under *SLEP 2012* will be reviewed with a recommendation to either be retained as R3 or rezoned to R1 or R4 depending on the desired character and housing diversity required based on existing developments, Floor Space Ratio (FSR) and Height of Buildings (HOB) controls.

In addition to this, the R3 zone will be applied to the Greenacre Area, which was previously identified in Schedule 1 – Additional Permitted Uses. This area was identified in *the Strathfield Local Housing Strategy* as a Housing Investigation Area and is proposed to be included in this Planning Proposal to meet the current housing targets for the LGA. The rezoning of this area to R3 will provide additional housing diversity, choice and affordability and will remove the need for additional permitted uses.

R4 High Density Residential

This Zone is applied to land identified for high density housing types, such as residential flat buildings or shop top housing. This Zone also includes additional uses that provide facilities or services to residents, being neighbourhood shops, community facilities, places of public worship, centre-based child care facilities and respite day care centres.

This Zone is proposed to be retained for all land currently zoned R4 High Density Residential under *SLEP 2012*. In addition to this, with the removal of “*residential flat building*” as a permitted use in the R3-Medium Density Residential Zone, the existing R3 Zones outside the housing investigation areas have been rezoned to either R4 where RFB’s were prominent in the area, zoned R1 where there was not a definitive delineation between RFB’s or multi-unit housing and maintained as R3 if multi-unit housing was the prominent development type. *SLEP 2021* high density residential zoning reflects the provisions of current and desired

densities and urban forms. High density residential zoning is required to meet the increased demand in families with children, couples without children, and downsizers wanting to live in apartments. This zoning will assist in accommodating the forecasted housing demand as well as meet housing targets under the *Eastern City District Plan*.

B1 Neighbourhood Centre

This Zone is defined by small-scale convenience retail premises (neighbourhood shops), business premises, medical centres and community facilities that serve the daily needs of residents within easily walkable distances.

The B1 Neighbourhood Centre zoning has been maintained in the Strathfield LEP to encourage a focus on local communities, and to retain existing smaller scale centres established across the Strathfield LGA. This zone is proposed to be applied to all land currently zoned B1 Neighbourhood Centre under *SLEP 2012*.

B2 Local Centre

This Zone is intended to provide centres that offer a variety of commercial, civic, cultural and residential uses that service the wider community. This Zone provides for shop-top housing and other uses such as educational establishments, entertainment facilities, function centres, information and education facilities, office premises, and tourist and visitor accommodation. Such a mix of uses and activities in one location promote walking, cycling and public transport options for more people.

This Zone is proposed to be applied to all land currently zoned B2 Local Centre under the *SLEP 2012*. The retention of the Zone over this land will provide for the existing and future concentrations of services and infrastructure to support sustainable housing growth. This Zone will cater land for the existing established centres of local centre scale within the Strathfield LGA, which have been identified as focal points under the *Eastern City District Plan*.

B3 Commercial Core

This Zone is applied to land for major centres that provide a wide range of uses including large-scale retail, office, businesses, entertainment and community facilities directly connected to major transport routes. These centres are intended to meet the needs of the local community, as well as the needs of the wider district. Land which is zoned Commercial Core may be surrounded by other business zones, such as B4 Mixed Use or R4 High Density residential, in order to provide a variety of supporting uses and deliver an appropriate transition from the major centre.

This Zone is proposed to be applied to all land currently zoned B3 Commercial Core under the *SLEP 2012*.

B4 Mixed Use

This Zone is intended for land supporting a vast range of land uses, and to encourage the inclusion of commercial, residential, tourist and visitor and community uses. The residential

component in this zone is an important element in revitalising and sustaining local areas, as well as increasing housing diversity close to commercial cores and major transport nodes.

This Zone is proposed to be applied to all land currently zoned B4 Mixed Use land under the *SLEP 2012*.

B6 Enterprise Corridor

This Zone is intended for land where commercial or industrial development is to be encouraged along main roads, such as the Princes Highway. This Zone provides for uses such as business premises, hotel or motel accommodation, light industries, hardware and building supplies, garden centres and warehouse or distribution centres.

B7 Business Park

This Zone is established for land accommodating office and light industrial uses, which include high technology industries. Business park zones form vital economic and employment roles across the district. Specialised functions must be protected for the long term, and competing uses must not override the core activities. Permissible uses in this Zone includes ancillary facilities and services such as centre-based child care facilities, respite day care centres, and neighbourhood shops to support daily needs of workers. This Zone is proposed to be applied to all land currently zoned B7 Business Park under the *SLEP 2012*.

IN1 General Industrial

This Zone caters for land supporting industrial and warehouses uses, which include general industry, high technology industries, industrial training facilities, and depots. General industrial zoning is to be carried over from the *SLEP 2012*, as it will support and protect employment land for industrial uses, particularly within the Enfield Intermodal Logistic Centre. It is intended to add “*recreation facility (indoor)*” as a permitted use in this Zone to encourage a more diverse utilisation of the zone and uses outside normal business hours. In addition the *Eastern City District Plan* requires *SLEP 2021* to retain and manage all existing industrial and urban services land. Retaining industrial lands supports *Planning Priority E12 – retain and managing industrial and urban services land*. This zone is proposed to be applied to all land currently zoned IN1 General Industrial under *SLEP 2012*.

IN2 Light Industrial

This Zone accommodates a range of light industry, warehouse or distribution centres, depots and other related land uses. The land uses in this Zone are to be ‘light’ in nature, meaning they are to not cause nuisance or adversely affect the surrounding amenity by noise, emissions or odour. This Zone does not make provisions for hazardous, heavy or offensive industries. It is intended to remove “*general industries*” and “*water recycling facilities*” and add “*office premises*” and “*specialised retail (bulky goods)*” and “*recreation facility (indoor)*” as a permitted use in the Zone to encourage a more diverse utilisation of the Zone and uses outside normal business hours. These changes were identified in the *Strathfield Employment and Productivity Strategy for Urban Services Land*.

SP1 Special Activities

This Zone is applied to public or private land to facilitate quite specific uses that cannot be, or should not be, accommodated in other zones. This Zone is proposed to be applied to all land currently zoned SP1 Special Activities under the SLEP 2012.

SP2 Infrastructure

This Zone is intended for land accommodating, or proposing to accommodate community and public infrastructure.

This Zone is proposed to be applied to all land currently zoned SP2 Infrastructure under the SLEP 2012.

RE1 Public Recreation

This Zone is applied to land reserved for a wide range of public recreational areas, and other related land uses, often in the form of open space and local or regional parks. The permissible land uses primarily include uses associated with recreational and community purposes.

The Strathfield LGA accommodates an established diverse range of open space and recreational sporting facilities, including a number of destination and regional open spaces. This zone is proposed to be applied to all land currently zoned RE1 Public Recreation under the SLEP 2012.

RE2 Private Recreation

Private recreational areas enable exclusive recreation-related uses for groups of specific users, as sites are, typically, privately owned. Such uses may include bowling clubs, or other sporting uses, and recreational facilities. This zone is proposed to be applied to land currently zoned RE2 Private Recreation under the SLEP 2012.

E2 Environmental Conservation

This Zone is proposed to be applied to land currently zoned E2 Environmental Conservation under SLEP 2012, which is limited to three small areas of land in the LGA which have been identified for protection, management and restoration due to their high ecological values.

Clause 2.2 Zoning of land to which Plan applies [compulsory]

This clause indicates that the land use zones under the Plan are shown on the Land Zoning Map.

Clause 2.3 Zone objectives and land use table [compulsory]

This clause explains the Land Use Table which specifies the objectives for development and the land uses that are (i) permissible without consent; (ii) permitted with consent; or (iii) prohibited development, for each zone. This clause also requires the consent authority to consider the zone objectives set out in the Land Use Table when determining a Development Application.

Clause 2.4 Unzoned land [compulsory]

This clause establishes the requirement for development consent for any development on

land that is not zoned under the Plan. The consent authority is required to consider the objectives of adjoining zones, and must be satisfied that proposed development is appropriate and compatible with adjoining land uses prior to granting development consent.

Clause 2.5 Additional permitted uses for particular land [compulsory]

This clause allows additional permitted uses on particular land, despite anything contrary to the Land Use Table or another provision in the Plan. Schedule 1 identifies the exclusive properties and lots of land with relevant land uses and conditions which clause 2.5 applies.

Clause 2.6 Subdivision – consent requirements [compulsory]

The purpose of this clause is to clarify the requirements for development consent for the subdivision of land and strata subdivision of a building. This clause establishes the exception to the subdivision of land on which there is a secondary dwelling and subdividing would result in lot sizes less than the minimum size shown on the Lot Size Map.

This clause also identifies circumstances where a subdivision and strata subdivision of a building may be Exempt or Complying Development under the *State Environmental Planning Policy (Exempt and Complying Development Code) 2008*.

Clause 2.7 Demolition requires consent [compulsory]

This is a model clause prepared by the DPIE. This clause requires development consent for the demolition of buildings and structures, unless identified under Schedule 2 or under the *Exempt and Complying Development Codes SEPP 2008*.

Clause 2.8 Temporary use of land [optional]

This clause permits the temporary use of land for a maximum of 52 days in any 12 month period, when development consent is granted. This time period reflects the existing *SLEP 2012*. The consent authority can only grant consent to the temporary use of land if it is satisfied that the use:

- does not prejudice future development of the site
- does not adversely impact on adjoining land or the amenity of the neighbourhood
- does not adversely impact on the environment or increase the risk of natural hazards that may affect the land.

Specific exclusions to the stated 52 day period apply to sales office for new release areas or housing estates.

Land Use Table

The Land Use Table lists, for each zone:

- the objectives of the zone
- development permitted without consent
- development permitted with consent
- prohibited development.

The Land Use Table includes mandated zone objectives and land uses by the Standard Instrument LEP, and cannot be changed by Council. A general rule of retaining the permissibility / prohibition of land uses has been applied in each zone, where appropriate and consistent with the proposed zone objectives.

Part 3 – Exempt and Complying

In 2008 the NSW Government introduced a policy for Exempt and Complying Development standards to be used state-wide, under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Other less common types of 'Exempt' or 'Complying' Development are also identified in other state policies such as:

- *State Environmental Planning Policy No 64—Advertising and Signage* (only applicable to works carried out by the RTA or Railcorp or relating to an Government election)
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Housing for Seniors or people with a Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007* (the majority of the policy relates to works by a public authority however also wind turbines, solar energy systems)
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
- *State Environmental Planning Policy (Primary Production and Rural Development) 2019*.

Under the revised provisions of the *Environmental Planning and Assessment Act 1979*, councils must include Exempt or Complying Development provisions that are unique to their local areas in the relevant Schedules of new Comprehensive Local Environmental Plans. The provisions must not be inconsistent with and/or duplicate those contained within State policies.

Clause 3.1 Exempt Development [compulsory]

This clause identifies that development listed in Schedule 2 is 'Exempt Development', meaning that it is minor development which does not require approval if it meets the predetermined criteria. Exempt Development must comply with both the development standards in Schedule 2, and the requirements specified in this clause.

Clause 3.2 Complying development [compulsory]

This clause identifies that development listed in Schedule 3 is Complying Development, meaning that it is minor development which requires approval in the form of a Complying Development certificate rather than development consent. Either Council or a private certifier may issue a Complying Development Certificate, provided the development meets the predetermined criteria. Complying Development must comply with the development standards and conditions of approval detailed in Schedule 3, as well as the requirements specified in this clause.

Clause 3.3 Environmentally sensitive areas excluded [compulsory]

This clause specifies 'environmentally sensitive areas' where exempt or complying development must not be carried out.

Part 4 – Principal Development Standards

Clause 4.1 Minimum subdivision lot sizes [optional]

This clause establishes minimum subdivision lot sizes for certain land in the Strathfield LGA. A minimum subdivision lot size is set in accordance with the Lot Size Map. If the subdivision of a lot creates a battle-axe subdivision or a lot with an access handle, the area of the access handle is to be excluded from the minimum lot size calculations. In addition, this clause does not apply to the subdivision of land in R3 Medium Density Residential where the erection of a dual occupancy is proposed.

Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

This clause establishes a minimum lot size for certain development types in the relevant zone. This is to ensure that the lot is of adequate size to accommodate the development type and maintain character and amenity of the zone. It is intended to increase the minimum lot size for dual occupancy developments from 560 m² to 650 m² in both the R1 and R3 zones to ensure a better quality outcome is achieved. Further to this, to control the provisions or development of boarding houses within the R2 and R1/R3 Zones, it is intended to introduce a minimum lot size and site width control so that the development is more reflective of the character of the area and does not impact on the amenity of the locality. It is intended to require a site area of 200sqm and frontage of 32m for a boarding house in an R2 zone and 800 m² and 20m frontage in an R1/R3 zones.

Clause 4.1B Minimum Subdivision lot size for dual occupancies

This clause sets out the objectives and minimum subdivision requirements for the subdivision (Torrens title) of dual occupancies. This provision over-rides the minimum lot size in Clause 4.1 and 4.1A and ensures that the dual occupancy does not exceed the maximum floor space ratio of the resultant lot. The subdivision can only occur once the dual occupancy development has been constructed and will only occur in R3 and R1 Zones as dual occupancies are prohibited in the R2 Zone.

Clause 4.1C Minimum subdivision requirements in R2 Low Density Residential Zones

This clause sets out the minimum width of a lot to be subdivided and the minimum width of the access handle for a battle axe allotment. The clause reinforces the controls of the *Strathfield Consolidated DCP 2005* and ensures that any future lot is of adequate width to accommodate a new development without impacting on the existing streetscape.

Clause 4.1D Minimum lot size for dual occupancies on land identified as “Area 1” on the Lot Size Map

This clause sets out the minimum lot size of 600 m² for dual occupancies in Greenacre, which is identified as Area 1 and is less than the 650 m² required for the R3 and R1 Zones. The increase in site area of 650 m² would have ruled out the majority of the Greenacre area from

accommodating a dual occupancy development, which was not the intended effect. By reducing the site area to 600sm² in this specific location, an additional 153 lots are capable of being developed for dual occupancy development providing for a greater diversity in housing and affordability.

Clause 4.3 Height of Buildings [optional]

This clause sets out the objectives for the height of buildings and specifies that a building must not exceed the maximum height shown on the Height of Buildings map for the land. This maintains a level of order and ensures the established local character of the different areas across the LGA are retained.

Clause 4.3A Exceptions to height of buildings (Parramatta Road Corridor)

This clause identifies areas within the LGA (along Parramatta Road) that have been identified as key sites, that where they are amalgamated/developed together as a key site, additional height provisions are applied to the site as a bonus to encourage the development in accordance with the amalgamation pattern and ensuring the site is of adequate size and shape to accommodate a larger development type.

Clause 4.4 Floor Space Ratio [optional]

The floor space ratio (FSR) is the ratio of the gross floor area of a development to the site area. This controls the bulk and scale of future development. FSR is a tool used:

- as a measure for potential development density of a site
- to ensure sufficient floor space can be accommodated to meet future residential and commercial needs of the area
- to establish development of buildings that are compatible with the bulk, form and scale of the existing and desired future character of the locality
- to ensure any adverse impacts of development on the amenity and environment of the surrounding areas are minimised

This clause establishes FSR objectives, and requires development to comply with the maximum FSR shown on the FSR Map.

Clause 4.4A Exceptions to floor space ratio (Parramatta Road Corridor)

This clause identifies areas within the LGA (along Parramatta Road) that have been identified as key sites, that where they are amalgamated/developed together as a key site, additional floor space ratio provisions are applied to the site as a bonus to encourage the development in accordance with the amalgamation pattern and ensuring the site is of adequate size and shape to accommodate a larger development type.

Clause 4.4B Exceptions to floor space ratio (Strathfield Town Centre)

The clause identifies two areas within the Strathfield Town Centre where additional floor space ratio will be permitted provided that the development site exceeds 1500sqm.

Clause 4.4C Exceptions to floor space ratio (Zone R2)

This clause establishes the floor space ratio for areas identified as R2 Low density residential. The floor space ratio for R2 zone land is based on the site area range identified in Column 1 and as such is not mapped on the Floor Space ratio map.

Clause 4.5 Calculation of floor space ratio and site area [optional]

This clause sets out the objectives and definition of 'floor space ratio'. This includes the standardised Standard Instrument LEP method for calculating the site area of development and additional provisions for the purposes of applying FSR to a development site.

Clause 4.6 Exceptions to development standards [compulsory]

This clause exists to provide flexibility in planning controls by enabling the consent authority to vary development standards in certain circumstances. This clause details the matters to be addressed and the process that would allow a development proposal to contravene a development standard, such as height or floor space ratio.

The clause identifies that consent will only be granted where compliance within a development standard is considered unreasonable and unnecessary in the circumstances. The proposed development must satisfy the objectives of both the development standard, and the relevant zone. The concurrence of the Secretary of the DPIE is also required before consent is granted. This concurrence is generally delegated by Council through a local planning panel, unless the proposed development has an overwhelming majority of circumstances. Matters for consideration by the consent authority are listed. The clause identifies particular development standards to which it does not apply.

Part 5 – Miscellaneous Provisions

Clause 5.1 Relevant acquisition authority [compulsory]

This clause is a model clause prepared by the DPIE. It generally relates to State Government or Council acquisition for roads, or open space purposes.

The purpose of this clause is for the identification of the relevant public authority for acquiring exclusively reserved land for certain public purposes, in accordance with 3.15 *Owner – initiated acquisition of land reserved for public purposes (cf previous s 27)* in the *Environmental Planning and Assessment Act 1979*, and under the *Land Acquisition (Just Terms Compensation) Act 1991*. This clause supplements existing owner-initiated acquisition procedures where acquisition can be triggered if the owner will suffer hardship, if there is any delay in the land being acquired by the relevant authority.

Land that is to be acquired is identified on the Land Reservation Acquisition map. This clause limits development on land intended for acquisition.

Clause 5.1A Development on land intended to be acquired for public purposes

This clause applies to land identified on the Land Reservation Acquisition Map. The purpose of this clause is to limit development on certain land intended to be acquired for a public purpose by the relevant authority of the State. Development consent is to only be granted for a purpose specified in the table found in this clause.

Clause 5.2 Classification and reclassification of public land [compulsory]

This clause enables Council to classify or reclassify public land by listing it in Schedule 4 of the *SLEP 2021*. All Council owned land (other than public roads or crown reserves) is required to be classified as 'community land' or 'operational land' under the *Local Government Act 1993*.

Community land is land that is considered important to the community, because of its use or special features. Examples of community land are public open space, or land where other restrictions apply such as a trust deed which creates an obligation to maintain public access. The ongoing use and management of community land is to be set out in a Plan of Management under the *Local Government Act 1993*.

Operational land has no particular restrictions, other than those that may apply to any piece of land under the Plan. This land includes Council depots, and other land owned by a council and used for operational purposes.

Clause 5.3 Development near zone boundaries (optional)

This clause establishes a process that would allow flexibility in the use of a site where it is adjoining or adjacent to a zone boundary and that use is permitted in the adjoining zone. It sets a maximum of 10m as the relative distance between the two zones and does not apply to environmentally sensitive zones or sex services and restricted premises.

Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]

This clause establishes the numerical standards for various permissible uses for certain types of development, namely being bed and breakfast accommodation, home businesses, home industries,

Industrial retail outlets, farm stay accommodation, kiosks, neighbourhood shops, neighbourhood supermarkets, roadside stalls, secondary dwellings and artisan food and drink (exclusion). This is mandated by the Standard Instrument LEP, and imposes development standards for these niche land uses. Numerical standards have been maintained from *SLEP 2012*.

Clause 5.6 Architectural roof features [optional]

This clause allows the development of architectural roof features to exceed the maximum building height control, if certain specified criteria can be met. This is to accommodate development for roof features of visual interest or decorative form.

Clause 5.8 Conversion of fire alarms [compulsory]

This clause applies to a fire alarm system that can be monitored by NSW Fire Brigades, or by a private service provider. The clause outlines development that requires consent and development that is complying development.

Clause 5.10 Heritage conservation [compulsory]

This clause is mandated by the Standard Instrument LEP, and sets out provisions to conserve the environmental heritage of the Strathfield LGA. It applies to heritage items, heritage conservation areas, archaeological sites, and places of Aboriginal heritage significance. It identifies when development consent is required, and requires the consent authority to consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned.

Under this clause, the consent authority may require a Heritage Impact Assessment, or Heritage Conservation Management Plan. This clause also allows land uses that may not otherwise be permitted on the site of a heritage item, as an incentive for the conservation of that item. This clause is supported by Schedule 5 and the Heritage Map which identify both the heritage items and heritage conservation areas found within the Strathfield LGA.

Clause 5.11 Bush fire hazard reduction [compulsory]

This clause enables bushfire hazard reduction authorised by the *Rural Fires Act 1997* to be carried out without consent.

Clause 5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]

This clause identifies that *SLEP 2021* does not restrict any development that is permitted under *State Environmental Planning Policy (Infrastructure) 2007*, if it is carried out by or on behalf of a public authority.

Clause 5.19 Pond-based, tank-based and oyster aquaculture [compulsory]

This clause outlines the key objectives to encourage the development of sustainable oyster, pond-based and tank based aquaculture. This clause specifies the matters that must be satisfied by the consent authority in order for consent to be granted. This is criteria based on site location and operational requirements, subject to the permissible zones found in Part 1 of Schedule 6.

This clause states that the consent authority is not limited to the minimum requirements set out in Part 1 of Schedule 6, and may impose additional conditions deemed necessary for development consent.

Clause 5.20 Standards that cannot be used to refuse consent – playing and performing music [compulsory]

This clause sets out the reasons for which development consent cannot be refused for licensed premises in relation to playing or performing music.

Part 6 – Local Provisions

6.1 Acid Sulfate Soils [local and model]

This is a model clause prepared by the DPIE. The objective of this model clause is to avoid development resulting in environmental hazards, through the disturbance of acid sulfate soils. This clause sets out requirements for development that involves the disturbance of soil or groundwater, and provides for assessment of certain excavation works on land within an acid sulfate soil area or buffer area identified in the Acid Sulfate Soils Map. Complying Development under the SEPP (*Exempt and Complying Development Code*) 2008 (including Complying Development under the *Housing Code*) cannot be carried out on land identified as Class 1 or Class 2 on the Acid Sulphate Soils Map.

SLEP 2012 has adopted a provision relating to acid sulfate soils that is consistent with the DPIE's model provision. Development Applications within areas identified on the Acid Sulfate Map will need to consider, and assess, the impact of the development on acid sulfate soils and prepare an acid sulfate soils management plan if a preliminary assessment indicates a management plan is required.

6.2 Earthworks [local]

This clause sets out the matters that are considered in the assessment of earthworks to ensure the protection of environmental functions and processes, amenity of neighbouring uses, cultural or heritage items, or features within land of the Strathfield LGA. This clause permits earthworks of minor nature without requiring separate development consent.

This local provision means that any development application will need to consider the impact of proposed excavation such as soil stability, soil erosion, the structural integrity of adjoining properties and the health and vitality of existing vegetation (trees). Proposed development will also need to be designed to complement the topography of the land to minimise the need for cut and fill processes and the associated bulk and height.

6.3 Flood Planning

This is a model clause prepared by the DPIE which is currently applicable in the Strathfield LGA. This clause is to apply to the whole LGA to ensure flooding is assessed consistently and that all developments incorporate appropriate measures to:

- minimise the flood risk to life and property
- ensure compatibility with the flood hazard of the land
- avoid significant adverse impacts on flood behaviour and the environment.

6.4 Essential Services [local]

This clause states that the consent authority may not grant consent unless satisfied that essential services for the proposed development have been made available and accessible

when required. Essential services under this provision include:

- the supply of water
- electricity
- disposal and management of sewage
- stormwater drainage or on-site conservation, and suitable road and vehicular access.

6.5 Converting serviced apartments to residential flat building [local]

The purpose of this clause is to prevent substandard residential accommodation occurring through the conversion of serviced apartments to a residential flat building. This clause states the subdivision of a building or part of a building from a serviced apartment into a residential flat building under a strata scheme must consider the design quality principles set out in Schedule 1 of the *SEPP 65- Design Quality of Residential Apartment Development*, and the design principles of the *Apartment Design Guide*, before consent can be determined.

6.6 Erection or display of signage [local]

The purpose of this clause is to ensure that any proposed signage in the Strathfield LGA is compatible with the desired amenity and visual character of the area and is of a quality design.

6.7 Design excellence for Strathfield Town Centre [local]

The purpose of this clause is to seek sustainable outcomes that enhance the public realm through high quality architectural and urban design in the Strathfield Town Centre. This clause applies to certain development involving the construction of a new building, or external alterations to an existing building, on land identified as Area 2 on the Floor Space Ratio Map. Development consent is contingent upon whether the proposed development exhibits design excellence.

6.8 Additional provisions for development in Strathfield Town Centre [local]

The purpose of this Clause is to limit or restrict the amount of residential accommodation within the Strathfield Town Centre. This provision only applies when the site benefits from the additional floor space ratio in Area's 2 and 2, where the site has an area greater than 1500 m².

6.9 Additional provisions for development in Parramatta Road Corridor [local]

The purpose of this clause is to ensure that when developments along Parramatta Road Corridor are developed as "key sites" and receive the additional floor space ratio and height of building controls that the development encourages a mix of commercial and residential, with larger commercial and retail floor plates and integration with other land uses.

6.10 Location of sex services premises [local]

The purpose of this clause is to minimise land use conflicts and adverse amenity impacts on places that are regularly frequented by children. This clause states that the consent authority may not grant consent unless satisfied that the premises is appropriately located and separated by at least one local road from:

- land zoned as R2 Low Density Residential, R3 Medium Density Residential or RE1 PublicRecreation
- land uses of centre-based child care facilities, community facilities, schools or places ofworship.

6.11 Terrestrial Biodiversity [local]

This clause is intended for the protection and conservation of terrestrial and aquatic biodiversity found in the Strathfield LGA. This clause previously only applied to land identified as 38-50 Weeroona Road, Strathfield (being Lot 1, DP 803688). The *Strathfield Biodiversity Strategy* which saw these areas better defined and the clause now applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map. This clause states that the consent authority must consider whether the development is likely to have any adverse impacts on the native ecological and threatened communities on land or detrimentally impact the composition of the land.

This clause establishes the matters of consideration that the consent authority must be satisfied with before granting consent, including whether the development design and form is managed to avoid significant adverse environmental impact, and whether the impact of the development cannotbe avoided or minimised by adopting feasible alternatives.

6.12 Creative Industries in Zone (IN2 and/or IN1) [local]

The purpose of this clause is to encourage a diverse range of industries (including creative and innovative industries) that do not compete with commercial centres and do not compromise industrial and urban services within the IN1 and IN2 zone

This clause seeks to foster a diverse range of industries within the IN1 and IN2 zones, includingcreative and innovative industries such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes

6.13 – Value Sharing

This clause outlines Council’s adopted Value Sharing Policy to be applied to Planning Proposals and Development Applications where there is an increase in development potential of the site above what is permitted under the *SLEP 2021*. This is to be captured as a monetary contribution as a percentage of the additional value and used to provide/acquire affordable rental housing.

Part 7 – Intensive Urban Development Areas

7.1 Arrangements for designated State public infrastructure [local and model]

This clause ensures satisfactory requirements for the provision of land for designated State public infrastructure. Development consent is to not be granted for residential accommodation in an intensive urban development area, unless the Secretary has certified satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure lands.

7.2 Relationship between Part and remainder of Plan [local and model]

This clause outlines that in the event of inconsistency, all clauses and provisions under Part 7 Intensive Urban Development Areas will prevail over any other provisions under any Part of *SLEP 2021*.

Schedules

Schedule 1 Additional Permitted Uses

This Schedule supports clause 2.5 “Additional permitted uses for particular land”. It lists additional permitted land uses (in addition to those permitted by the Land use Table) which may be carried out with consent on the nominated land.

Schedule 2 Exempt development

This Schedule supports clause 3.1 “Exempt Development”, and lists development that may be carried out without development consent or other council approval if the requirements in Part 3 of *SLEP 2021*, and the relevant criteria in Schedule 2 are satisfied. This schedule is supplementary to SEPPs, which also identify types of development that are Exempt Development. It is proposed to remove the existing exempt provisions listed in Schedule 2 of *SLEP 2012*, as the Code’s SEPP supersedes all former controls listed. This avoids confusion and prevents over complicating the overall intent of the Schedule.

Schedule 3 Complying development

This Schedule supports clause 3.2 “Complying development”. Part 1 of the Schedule lists local development which may be approved by Council, or an accredited certifier, provided the requirements of Part 3 of the Plan and the listed criteria are satisfied, and subject to the conditions set out in Part 2 of the Schedule being the same conditions in the *SEPP (Exempt and Complying Development Codes) 2008*. *SLEP 2012* does not have any listed local development included under Schedule 3 and none are proposed under *SLEP 2021*.

Schedule 4 Classification and reclassification of public land

This Schedule supports clause 5.2 “Classification and reclassification of public land”. It lists Council property that is to be classified or reclassified as either community land or operational land under the *Local Government Act 1993*. No sites are proposed for classification or reclassification in the *SLEP 2021*.

Schedule 5 Environmental heritage

This Schedule supports clause 5.10 “Heritage conservation”. Part 1 lists heritage items, and Part 2 lists heritage conservation areas. These heritage items and conservation areas correspond to the areas shown on the proposed Heritage Map. All existing items under *SLEP 2021* have been incorporated into Schedule 5 of the Strathfield LEP 2021, with the exception of 1 property at 36 Water Street. State Heritage items have been added to Part 1.

Schedule 6 Pond-based and tank-based aquaculture

This Schedule supports clause 5.19 “Pond-based, tank-based and oyster aquaculture”, and outlines site location and operational requirements for these types of aquaculture uses, which must be satisfied for the consent authority to grant consent.

Dictionary

The Dictionary is the Standard Instrument Dictionary, and defines mandated terms used in *SLEP 2021*.

The Dictionary includes definitions for heritage related matters such as *Aboriginal object*, and *Heritage conservation areas* etc. Generally the relevant definitions are the same as those in *SLEP 2012*.