

Consistency with Section 9.1 Ministerial Directions

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Planning Proposal

Strathfield Local Environmental Plan 2021

Direction	Consistency	Comment
1. Employment and Resources		
<p>1.1 Business and Industrial Zones</p> <p>Objectives:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified centres.</p>		<p><i>A planning proposal must give effect the objectives of this ministerial direction, retain areas and locations of existing business and industrial zones, not reduce the total floor space area for employment and industrial uses and new employment areas are in accordance with a strategy approved by the Secretary of the Department of Planning and Environment.</i></p> <p>The ministerial direction applies to this Planning Proposal and this proposal is not considered contrary to the relevant terms of the direction. Some changes to business and industrial zones are proposed as part of the Planning Proposal. The following commentary relates to these changes:</p> <ul style="list-style-type: none"> Increased floor space ratio (FSR) and building height provisions in industrial precincts. It is envisioned that the proposed uplifts to industrial precincts will facilitate a more appropriate and balanced planning and design outcomes for industrial land whilst encouraging employment growth and reinforcing true industrial land uses at this locations. This change supports the objectives of the direction. Convert the re-zoning of the Water Street Industrial Precinct from IN1 – General Industrial to B4 – Mixed Use zone. Notwithstanding the proposed reduction of industrial land for this precinct, the terms of direction will be supported as the proposed uplifts to other industrial precincts will assist in balancing the reduction. Thus, this change supports the objectives of the direction. Expand the permissibility of IN1 and IN2 zones and add the term recreation facility (indoor). A general review of this land use across the LGA has identified that existing facilities are situated in areas that may conflict with nearby/adjoining land uses. Permitting indoor recreation facilities in industrial areas is considered appropriate as these uses will not likely conflict with typical industrial uses (both existing and future). This change will minimise land use conflict, deliver effective appropriate planning outcomes, and increase viability of industrial land. This change supports the objectives of the direction. Remove general industry and water recycling facility from the permitted with consent uses in IN2 – Light Industrial zone. The removal of these land uses will provide greater clarity and congruence with the objectives of this zone and intentions of these objectives. This change supports the objectives of the direction. <p>Given the above considerations, the Planning Proposal maintains consistency with the terms of the direction.</p>

1.2 Rural Zones	N/A	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries <i>Objective: 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>	Yes	The Planning Proposal is consistent with this direction as it will not have any impact on Mining, Petroleum and Extractive Industries.
1.4 Oyster Aquaculture <i>Objectives: (a) To ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal. (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>	Yes	The Planning Proposal is consistent with this direction as it will not have any impact on Oyster Aquaculture.
1.5 Rural Lands	N/A	Not applicable
2. Environment and Heritage		
2.1 Environment Protection Zones <i>Objective: To protect and conserve environmentally sensitive areas.</i>		The Planning Proposal seeks to retain the existing E2 Environmental Conservation zones within the LGA. It will not reduce and will maintain the environmental protection standards that apply to the land.
2.2 Coastal Protection <i>Objective: To protect and manage coastal areas of NSW.</i>		The Planning Proposal is consistent with this direction as it will not have any impact on any coastal areas within the LGA.

<p>2.3 Heritage Conservation</p> <p><i>Objective: To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p>		<p>Council has undertaken a review of the heritage items and conservation areas within the LGA. It is proposed to remove 1 heritage item at 36 Water Street, increase the size of the Heritage Conservation Area C3 with the inclusion of three additional properties and the renaming of this area to Burlington Road Conservation Area. In addition, State Heritage items have been added to Schedule 5 Part 1 of the LEP.</p> <p>Accordingly, the Planning Proposal is consistent with this direction.</p>
<p>2.4 Recreation Vehicle Areas</p>	<p>N/A</p>	<p>Not applicable. This Planning Proposal does not have any impact on land to be developed for the purpose of a recreation vehicle area.</p>
<p>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</p>	<p>N/A</p>	<p>Not applicable</p>
<p>2.6 Remediation of Contaminated Land</p>	<p>Yes</p>	<p><i>A planning proposal authority must not include re-zoning of land that facilitates a change of use of that land unless the authority has considered whether the land is contaminated; and if the land is contaminated, the authority is satisfied that the land is suitable for the purposes of any land use permitted in the new land use zone. If remediation is required, the planning proposal authority must be satisfied that remediation will be carried out before the land is used for the purposes permitted under the new land use zone.</i></p> <p>The Planning Proposal involves the re-zoning of the Water Street Industrial Precinct from IN1 – General Industrial to B4 – Mixed Use zone. All lots within this precinct are identified as either potentially contaminated land due or registered contaminated land (i.e. listed in the EPA register and in accordance with the NSW <i>Contaminated Land Management Act 1997</i>). For example, Lots 15 and 16 in DP 29223 (No. 7 Dunlop Street, Strathfield South) are listed in the EPA register and were noted to be used as a landfill site. In order to satisfy the terms of the ministerial direction it is proposed that preliminary investigations (and if necessary, detailed investigations) of all respective lots within the Water Street Industrial Precinct are undertaken to determine the extent of contamination and any remediation plans to be actioned to ensure all land to be re-zoned to B4 – Mixed Use zone are suitable for the purposes of any permissible land use within the new zone. Accordingly, subject to the above matters resolved in accordance with <i>Contaminated Land Management Act 1997</i>, the Planning Proposal maintains consistency with the terms of the direction.</p>

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

Objectives:

- (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
- (c) To minimise the impact of residential development on environment and resource lands.

Yes

A planning proposal must include provisions that encourage provision of housing that will broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce consumption of land for housing and be of good design. A planning proposal must also contain a requirement that residential development is not permitted until the land is adequately serviced and must not contain provisions that reduce the permissible residential density of land.

The ministerial direction applies to this Planning Proposal and this proposal is not considered contrary to the relevant terms of the direction. A number of notable changes are proposed as part of the Planning Proposal. The following commentary relates to these changes:

- Removal of the **residential flat buildings** use from the R3 – Medium Density Residential zone. This change will effectively eliminate ability for certain parcels to facilitate this use. However, it is also proposed that the current areas zoned R3 – Medium Density Residential will be re-zoned to either R1 or R4 – High Density Residential, with specific properties retaining current zoning. This ensures new housing stock retains diversity and further, facilitates an appropriate and more balanced mixture of residential development suitable and viable for respective allotments. Of particular note is the encouragement of multi-dwelling housing development (such as villas and townhouses) for the LGA. This change supports the objectives of the direction.
- Introduce the R1 – General Residential zone. The introduction of this zone provides an opportunity to encourage a variety of housing types whilst respecting the current residential development within the LGA. The application of the current development standards such as the minimum lot size assists in an appropriate division and proportionate spread of housing stock throughout the LGA – particularly in areas zoned R3 and transitional areas (i.e. R2 to R3, R3 to R4). This change will assist in rationalizing areas by eliminating inappropriate land uses and restoring the integrity of the respective zones. This change supports the objectives of the direction.
- Re-zone the current R2 – Low Density Residential zone in Greenacre to R3 – Medium Density Residential zone and the deletion of provision under Schedule 1 that limits development of a dual occupancy in certain areas in the LGA. This change will provide more options for diversifying housing types in this suburb as it retains dual occupancy permissibility whilst allowing for multi-dwelling housing. This change supports the objectives of the direction.

Given the above considerations, the Planning Proposal maintains consistency with the terms of the direction.

<p>3.2 Caravan Parks and Manufactured Home Estates</p> <p><i>Objectives:</i></p> <p>(a) <i>To provide for a variety of housing types</i></p> <p>(b) <i>To provide opportunities for caravan parks and manufactured home estates.</i></p>	<p>Yes</p>	<p>The Planning Proposal is consistent with this direction as it will not have any impact on caravan parks and manufactured home estates as no provisions for these purposes are proposed.</p>
<p>3.3 Home Occupations</p> <p><i>Objective:</i></p> <p><i>To encourage the carrying out of low-impact small businesses in dwelling houses.</i></p>	<p>Yes</p>	<p>The Planning Proposal is consistent with this direction as home occupations are permissible without consent across all residential zones under the <i>SLEP2021</i>.</p>
<p>3.4 Integrating Land Use and Transport</p> <p><i>Objective:</i></p> <p><i>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p>(a) <i>Improving access to housing, jobs and services by walking, cycling and public transport</i></p> <p>(b) <i>Increasing the choice of available transport and reducing dependence on cars</i></p> <p>(c) <i>Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car</i></p> <p>(d) <i>Supporting the efficient and viable operation of public transport services</i></p> <p>(e) <i>Providing for the efficient movement of freight.</i></p>	<p>Yes</p>	<p>The Planning Proposal is consistent with this direction given that any proposed changes to zoning and to provisions relating to urban land will facilitate an appropriate integration of land use and transport infrastructure and thus achieve the objectives of this direction.</p>

3.5 Development Near Licensed Aerodromes Objectives: (a) to ensure the effective and safe operation of regulated airports and defense airfields; (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	N/A	Not Applicable <i>Note: The Defence Regulations 2016 identifies twelve declared Defence Aviation Areas (DAA) across Australia. The Nowra Airfield Defence Aviation Area is the only declared DDA in NSW. Consultation with the Department of Defence is not required for this Planning Proposal as the Strathfield LGA is not located within or near the Nowra Airfield</i>
3.6 Shooting Ranges	N/A	The Planning Proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
3.7 Reduction in non-hosted shortterm rental accommodation period	N/A	Not applicable
4. Hazard and Risk		
4.1 Acid Sulfate Soils Objective: To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Yes	The Planning Proposal seeks to maintain the model Acid Sulfate Soils clause within the SLEP 2012. The objective of the clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Accordingly, the Planning Proposal is consistent with this direction.
4.2 Mine Subsidence and Unstable Land Objective To prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	N/A	Not applicable

4.3 Flood Prone Land <i>Objectives</i> (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.	Yes	<p>The Planning Proposal seeks to retain the flood planning clause as a local provision (Clause 6.3 – Flood Planning) to ensure that all developments incorporate appropriate measures to manage flood hazards consistently across the LGA. No additional flood planning areas are proposed to be added.</p> <p>Accordingly, the Planning Proposal is consistent with this direction.</p>
4.4 Planning for Bushfire Protection <i>Objectives</i> (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	N/A	Not applicable
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	Not applicable
5.2 Sydney Drinking Water Catchments	N/A	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable
5.5 Revoked	N/A	Not applicable
5.6 Revoked	N/A	Not applicable
5.7 Revoked	N/A	Not applicable

5.8 Revoked	N/A	Not applicable
5.9 North West Rail Link Corridor Strategy	N/A	Not applicable
5.10 Implementation of Regional Plans	N/A	Not applicable
5.11 Development of Aboriginal Land Council land	N/A	Not applicable
6. Local Plan Making		
6.1 Approval and Referral Requirements <i>Objective:</i> <i>To ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>	Yes	<p>The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</p> <p>Accordingly, the Planning Proposal is consistent with this direction.</p>
6.2 Reserving Land for Public Purposes <i>Objective:</i> <i>(a) To facilitate the provision of public services and facilities by reserving land for public purposes, and</i> <i>(b) To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i>		
6.3 Site Specific Provisions <i>Objective:</i> <i>To discourage unnecessary restrictive site specific planning controls.</i>		<p>The Planning Proposal does not intend to provide any additional site specific provisions and uses and will in fact remove the additional permitted use of Dual Occupancies in Greenacre.</p> <p>It will also remove 3-9 Smallwood from the additional permitted uses schedule as this site has been redeveloped.</p> <p>Accordingly, the Planning Proposal is consistent with this direction.</p>

7. Metropolitan Planning

7.1 Implementation of A Plan for Growing Sydney <i>Objective: To give legal effect to the planning principles, directions and priorities for sub-regions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	Yes	<p><i>A Plan for Growing Sydney</i> has been replaced by the Greater Sydney Commission's <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>.</p> <p>The Planning Proposal is consistent with the objectives of Greater Sydney Regional Plan - <i>A Metropolis of Three Cities</i>, as detailed in the Planning Proposal.</p>
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	Not applicable
7.3 Parramatta Road Corridor Urban Transformation strategy		<p>The PRCUTS Implementation Plan 2016-2023 requires that prior to any rezoning commencing, a Precinct-wide traffic study and supporting modelling is required to be completed which considers the recommended land use and densities as well as future Westconnex conditions, and identified the necessary road improvements and upgrades required to be delivered as part of any proposed renewal in the Precinct.</p> <p>As the Precinct-wide traffic study has not been completed, Council has not considered any rezoning of land within this corridor and will further investigate as part of Amendment 1 to the LEP, should the Traffic study and modelling be completed.</p> <p>The proposed Planning Proposal is not in-consistent with this direction.</p>
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		The proposed Planning Proposal does not affect any land that falls within the Greater Parramatta Priority Growth Area and is considered to be consistent with this direction.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A	Not applicable

7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	Not applicable
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	N/A	Not applicable
7.12 Implementation of Greater Macarthur 2040	N/A	Not applicable
7.13 Implementation of the Pyrmont Peninsula Place Strategy	N/A	Not applicable