



IRF25/396

## Gateway determination report – PP-2024-2781

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Strathfield Local Environmental Plan 2012 –  
Housekeeping Amendments 2024

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Attachment C – Strathfield Biodiversity Conservation Strategy and Action Plan
Attachment D – Heritage Study
Attachment E – Letter from Sydney Water
Attachment F – Council Report
Attachment G – Council Minutes

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Strathfield Council</b>
<b>PPA</b>	Strathfield Council
<b>NAME</b>	Strathfield Housekeeping Amendments 2024
<b>NUMBER</b>	PP-2024-2781
<b>LEP TO BE AMENDED</b>	Strathfield Local Environmental Plan 2012
<b>ADDRESS</b>	N/A
<b>DESCRIPTION</b>	N/A
<b>RECEIVED</b>	24/12/2024
<b>FILE NO.</b>	EF25/1054
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to amend the Strathfield Local Environmental Plan (SLEP) 2012 to:

- Implement various administrative changes to the LEP
- Implement selected amendments contained within the withdrawn Strathfield Comprehensive planning proposal 2021
- Update land uses permissible within general industrial zones
- Update references identifying the land to which biodiversity provisions apply.

The objectives of this planning proposal are clear and adequate.

## 1.3 Background

In 2021, Council drafted a new local environmental plan (SLEP 2021), which was submitted to the Department for gateway assessment. On 29 April 2022, a Gateway determination was issued for the new LEP, which conditioned the removal of several of the proposed amendments. Additionally, the Gateway determination required further information on several other matters contained within the proposal.

- On 4 April 2023, Council resolved to withdraw the proposal to create a new LEP.
- On 14 November 2023, following a briefing, Council resolved to initiate a new housekeeping planning proposal aimed at amending the existing Strathfield LEP. The proposal would incorporate components from the withdrawn proposal that did not require further work to progress.
- On 24 December 2024, Council submitted the *Strathfield Housekeeping 2024* planning proposal to the Department.

## 1.4 Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend SLEP 2012 as per the changes below.

### 1.4.1 Amendment to E4 General Industrial Land Use

The planning proposal seeks to amend the land use table within SLEP 2012 to include indoor recreation facilities as a land use that is permitted with consent on land zoned E4 General Industrial. Council has proposed this amendment to enable a broader range of urban services to support businesses and workers located within E4 zones.

The Department notes the objectives of E4 zones within both SLEP 2012 and the Strathfield Local Strategic Planning Statement (LSPS).

The Department acknowledges that introducing indoor recreation facilities as a land use that is permissible with consent within E4 General Industrial zoning will enable E4 zones to be supported by *...facilities and services to meet the needs of businesses and workers* in accordance with the objectives of the zone under the Strathfield LEP.

The Department notes that the introduction of indoor recreation facilities will help to provide a wider range of recreational infrastructure across the Strathfield LGA without compromising the landscape character or functionality of local E4 zones.

The Department considers the proposed amendment to have merit and recommends that the proposed change is progressed to exhibition.

### 1.4.2 Amendments to Minimum Lot Size Requirements

The planning proposal seeks to alter Clauses 4.1 and 4.1A of the SLEP 2012, which relate to minimum lots sizes for subdivision, minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings respectively.

Currently, lot size calculations for purposes identified within Clauses 4.1 and 4.1A of SLEP 2012 considers the total land area of the identified lot. Strathfield Council have raised concerns that, where a lot includes a battle-axe or other form of access-handle, the amount of area gained from the carriageway of the lot could facilitate development which would otherwise be considered inappropriate.

The planning proposal seeks to introduce a subclause to Clauses 4.1 and 4.1A of SLEP 2012 to stipulate that battle-axes and other forms of access-handles are not to be included within lot area calculations for the subject clauses. The justification of this amendment would be to prevent inappropriate development from occurring on land parcels with access-handles.

As noted within the planning proposal, the Department acknowledges that multiple precedents of this subclause exist, including but not limited to applications in the Canada Bay LEP and the Canterbury-Bankstown LEP.

The Department considers the proposed changes to minimum lot sizes to have merit and recommends that the changes are progressed to exhibition.

#### 1.4.3 Amendment to Application of Terrestrial Biodiversity Clause

The planning proposal seeks to amend Clause 6.11 of SLEP 2012 to alter the land to which the clause applies from a specific site to land identified within terrestrial biodiversity mapping.

The proposed amendment would update the referencing system used to identify the land to which the clause applies. Currently the clause applies to land located at 38-50 Weeronna Road Strathfield. The proposed amendment would delete references to 38-50 Weeronna Road and insert instead reference to land identified within the Terrestrial Biodiversity Map. This planning proposal includes mapping to support this amendment.

Council have endorsed the *Strathfield Biodiversity Conservation Strategy and Action Plan (2020 – 2030)* (**Attachment C**), which provides a guideline for improving protection of high biodiversity areas throughout the LGA to ensure positive environmental, social and economic outcomes.

The Department considers the proposed amendment to have clear and consistent objectives. Additionally, the Department notes the intended objective of the proposed amendment to improve local biodiversity.

Notwithstanding the Department's assessment of this amendment, it is recommended that the Conservation Programs, Heritage and Regulation Group (CPHR) within NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) are consulted on this planning proposal. The Department notes that the mapping is proposed to apply to a number of sites owned by Sydney Water, Crown Lands, and Transport for NSW (TfNSW) who should be consulted through the public exhibition process.

The Department considers the amendment to have merit and recommends that it is progressed to exhibition.

#### 1.4.4 Amendments to Schedule 2 of the Strathfield LEP 2012

The planning proposal seeks to amend Schedule 2 of the SLEP 2012. Drafting of SLEP 2012 occurred prior to the introduction of the Codes SEPP 2012, which identifies signage as a form of exempt development. Noting that signage is already identified as exempt development under the Codes SEPP 2012, Council seeks to remove Schedule 2 provisions of the SLEP 2012 that relate to signage, to minimise duplication and prevent potential inconsistencies with the SEPP.

The Department considers the proposed amendment to have merit and recommends that the proposed change is progressed to exhibition.

#### 1.4.5 Amendment to Schedule 5 Part 1 of the Strathfield LEP 2012

The property details of an item in Part 1 of Schedule 5 Environmental Heritage requires amendments to ensure consistency with the State heritage register.

**Table 3 - Proposed Amendments to Schedule 5 Part 1 of the Strathfield LEP 2012**

Suburb	Item Name	Address	Property Description	Significance	Item no
Strathfield	<del>Australian Catholic University Strathfield Campus</del> (includes former "Mount Royal") various buildings and landscape  Mount St Mary Campus of the Australian Catholic University	25A Barker Road (formerly 179 Albert Road)	Lot 11, DP 869042	<del>Local</del> State	192

The Department notes that amendment proposed to Part 1 of Schedule 5 of the SLEP 2012 will ensure consistency between the LEP and state heritage register. Consequently, the Department supports this amendment and recommends that it is progressed to exhibition.

#### 1.4.6 Amendment to Schedule 5 Part 2 of the Strathfield LEP 2012

The planning proposal seeks to amend Schedule 5 Part 2 of the Strathfield LEP 2012, as shown within the table below.

**Table 4 Proposed Amendments to Schedule 5 Part 2 of the Strathfield LEP 2012**

Name	Identification on Heritage Map	Significance
<del>Pair of Federation Queen Anne style houses</del> Burlington Road Heritage Conservation Area	Shown by red hatching and labelled "C3"	Local

The planning proposal seeks to expand heritage conservation area (HCA) C3 to encompass two additional lots including 57-59 Burlington Road, and 61 Burlington Road Homebush. As the proposed expansion of the HCA would extend beyond the pair of Federation Queen Anne style houses, the proposal seeks to rename the HCA to reflect this change.

The planning proposal is supported by a heritage study which was commissioned by Council and finalised in April 2024 (**Attachment D**). Noting that 61 Burlington Road is already a local heritage item listed within the SLEP 2012, the merit of the proposed HCA expansion is primarily contingent on the heritage value of 57-59 Burlington Road.

The heritage study assessed 57-59 Burlington Road against six criteria to determine its merit to be included within a HCA. The criteria assessed the site for historic significance, historical association, aesthetic/creative/technical achievement, social/cultural/spiritual significance, research potential, rarity, and representation. Of the six criteria established the report identifies three areas in which the site contains potential heritage value.

The heritage study considers the site to have potential historical significance citing that '*the subject property is historically significant as an early building pertaining to the Underwood Estate and that the site retains its early double-lot subdivision pattern and some original architectural detailing.*'

While the subject site has a connection to the Underwood Estate, the Department does not consider the justification provided adequately explains why this connection is of particular

significance. A local heritage review conducted in 2020 noted that there are over sixty examples of Queen Anne style buildings contained within the LGA’s heritage conservation areas.

Additionally, the study found that the site had aesthetic significance and was representative of an intact Victorian era dwelling. Specifically, the report states that the site ‘...has aesthetic significance as a Victorian house with remnant historic fabric and original detailing set within a large double-lot garden setting.’

Whilst the Department acknowledges the remnant historic fabric of the property, further investigation indicates significant modifications have been made to the property, detracting from the original character of the site. **Figure 1** provides a comparison of the site before and after the modifications conducted in the mid-1990s. Of particular note is the addition of a swimming pool and garage, extension to the rear of the dwelling, and replacement of the roof of the dwelling.



Left Photo Taken 1994, Right Photo Taken 1998 (Source: NSW Historical Imagery)  
\*Subject site shown in red

**Figure 1 – Aerial Comparison Illustrating Modifications to 57-59 Burlington Road, Homebush**

In addition to the 2024 heritage study, the Department acknowledges that a heritage study was conducted in 2020 to supplement Council’s heritage review. The Department notes the conclusions of the 2020 heritage study included the recommended removal of the existing C3 conservation area, stating that the houses included within the current HCA ‘...do not significantly add to the streetscape.’

**This amendment is not supported by the Department.** As a proposed condition of gateway, the planning proposal is to be updated to remove proposed amendments to heritage conservation area C3.

### 1.4.7 Mapping Amendments

Table 4 outlines the mapping changes contained within the planning proposal.

**Table 5 – Proposed Mapping Changes**

Location	Proposed Amendment	Context
LGA Wide	Introduce a Terrestrial Biodiversity map	Refer to <b>Section 1.4.3</b> of this report.

Location	Proposed Amendment	Context
Various Sites under management of Sydney Water	Rezone Land Use from R2 Low Density Residential to SP2 Infrastructure (as shown in <b>Section 1.6.2</b> )	<p>On 11 October 2019, Strathfield Council received correspondence from Sydney Water requesting the rezoning of certain Sydney Water assets within the Strathfield LGA from R2 Low Density Residential to SP2 Infrastructure (<b>Attachment E</b>).</p> <p>In 2021, Council lodged a planning proposal referred to as the <i>Strathfield Comprehensive LEP 2021</i>. As part of that planning proposal, Council sought to rezone Sydney Water assets in accordance with the request made in 2019. However, on 4 April 2023, Council resolved to withdraw the proposal.</p> <p>On 24 January 2024, Strathfield Council met with Sydney Water to discuss Council's intention of including the rezoning of Sydney Water assets within the <i>Strathfield Housekeeping Planning Proposal 2024</i>. Sydney Water expressed that the rezonings were no longer supported and that current zoning would provide better development opportunities for future infrastructure projects.</p> <p>Strathfield Council maintains the view that Sydney Water assets should be rezoned to better align with current land use objectives.</p> <p>The Department notes the outstanding objection made by Sydney Water in relation to this proposed amendment. <b>The Department recommends that the proposed amendment is progressed, subject to a gateway condition to be addressed prior to exhibition that requires a letter dated no earlier than 2025 from Sydney Water that supports the exhibition of the rezonings.</b></p>
57-65 Burlington Road, Homebush	Expand existing heritage conservation area "C3" to include 57-59 and 61 Burlington Road, Homebush (as shown in <b>Section 1.6.3</b> ).	Refer to <b>Section 1.4.6</b> of this report. Not recommended to proceed.

Details of the above mapping amendments can be found within **Section 1.6** of this report.

## 1.5 Site description and surrounding area

The planning proposal applies to land in the Strathfield local government area (LGA) as shown in **Figure 2**. Certain administrative amendments apply to specific sites as identified in the explanation of provisions in Sections **1.4.5**, **1.4.6**, **1.4.7** and **1.6**.

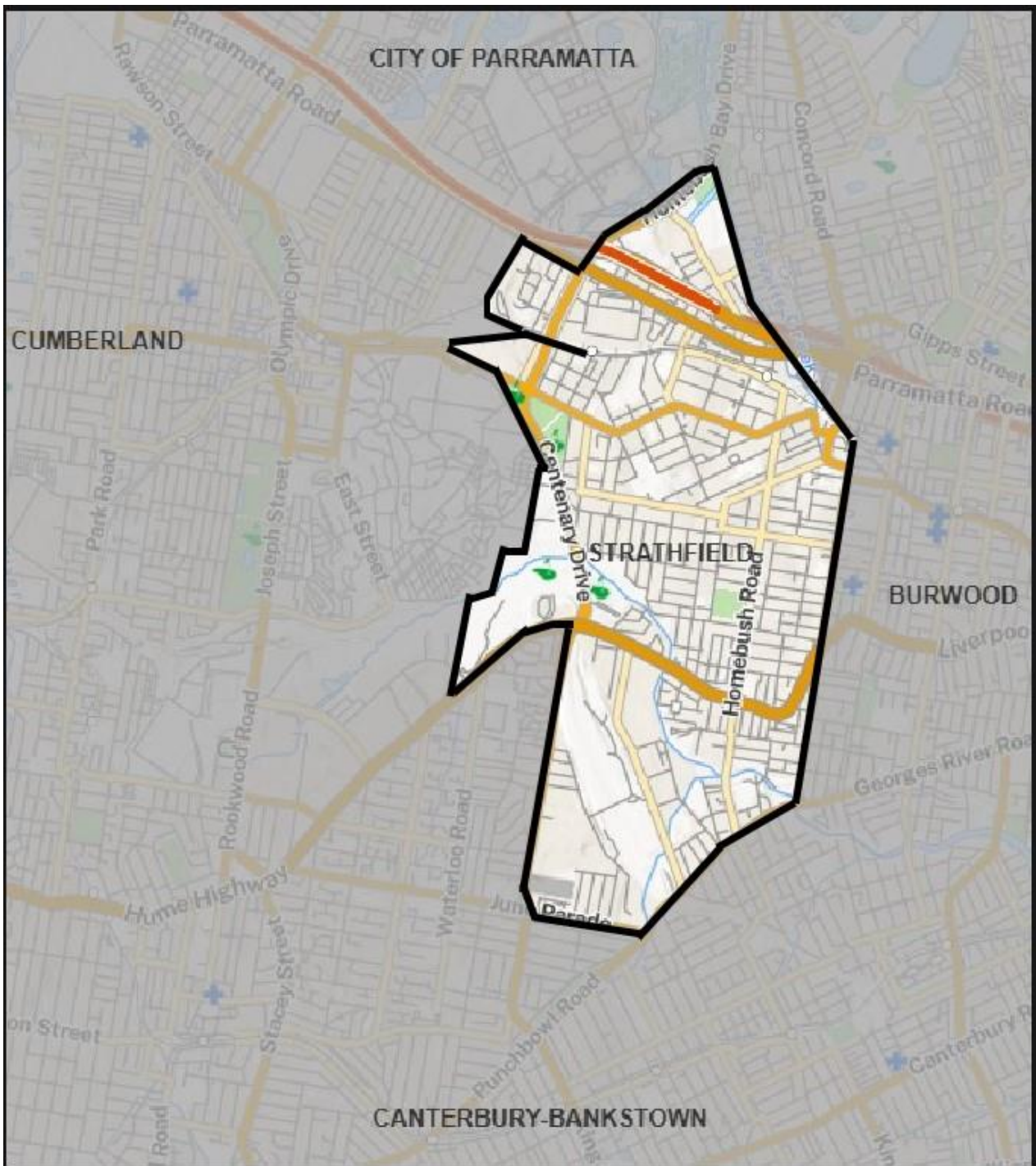


Figure 2 – Strathfield Local Government Area

## 1.6 Mapping Amendments

### 1.6.1 Terrestrial Biodiversity Map

**Figures 3-8** illustrate the Terrestrial Biodiversity Mapping proposed. The Department is generally satisfied with the maps provided; however, **it is recommended that the spelling error in the title of the proposed map tiles be corrected as a condition for gateway.**

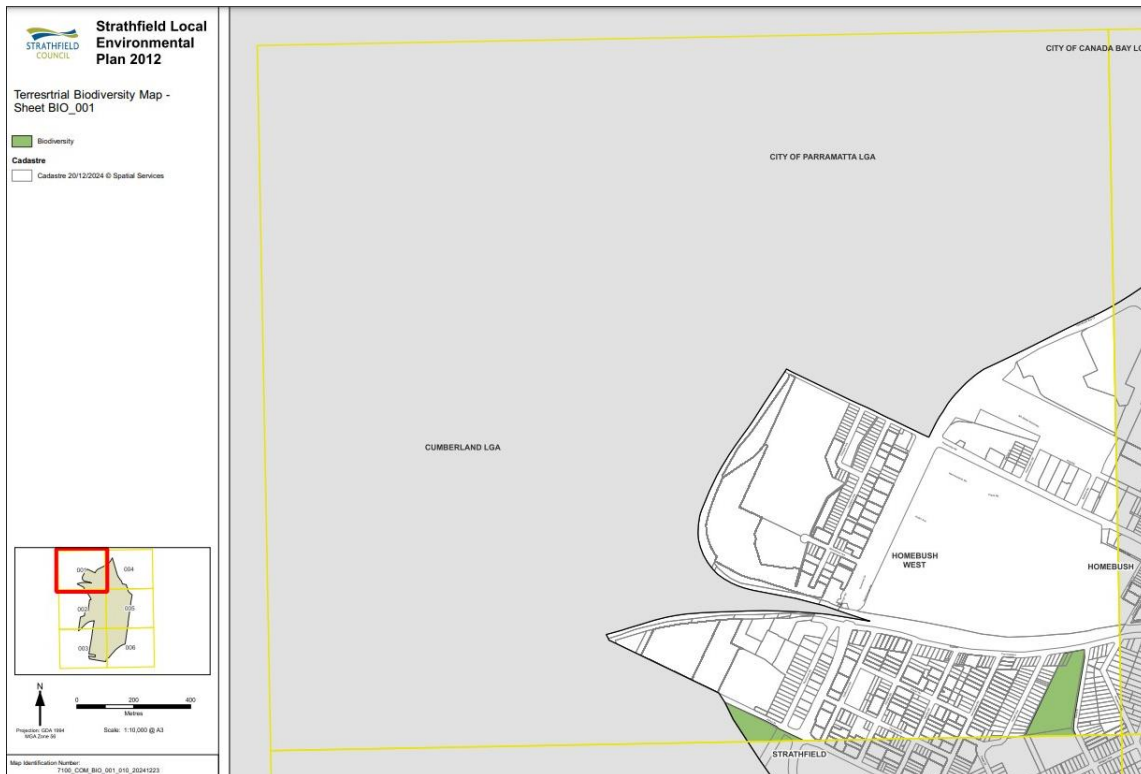


Figure 3 – Proposed Terrestrial Biodiversity Map Tile 1



Figure 4 – Proposed Terrestrial Biodiversity Map Tile 2



Figure 5 – Proposed Terrestrial Biodiversity Map Tile 3



Figure 6 – Proposed Terrestrial Biodiversity Map Tile 4



Figure 7 – Proposed Terrestrial Biodiversity Map Tile 5

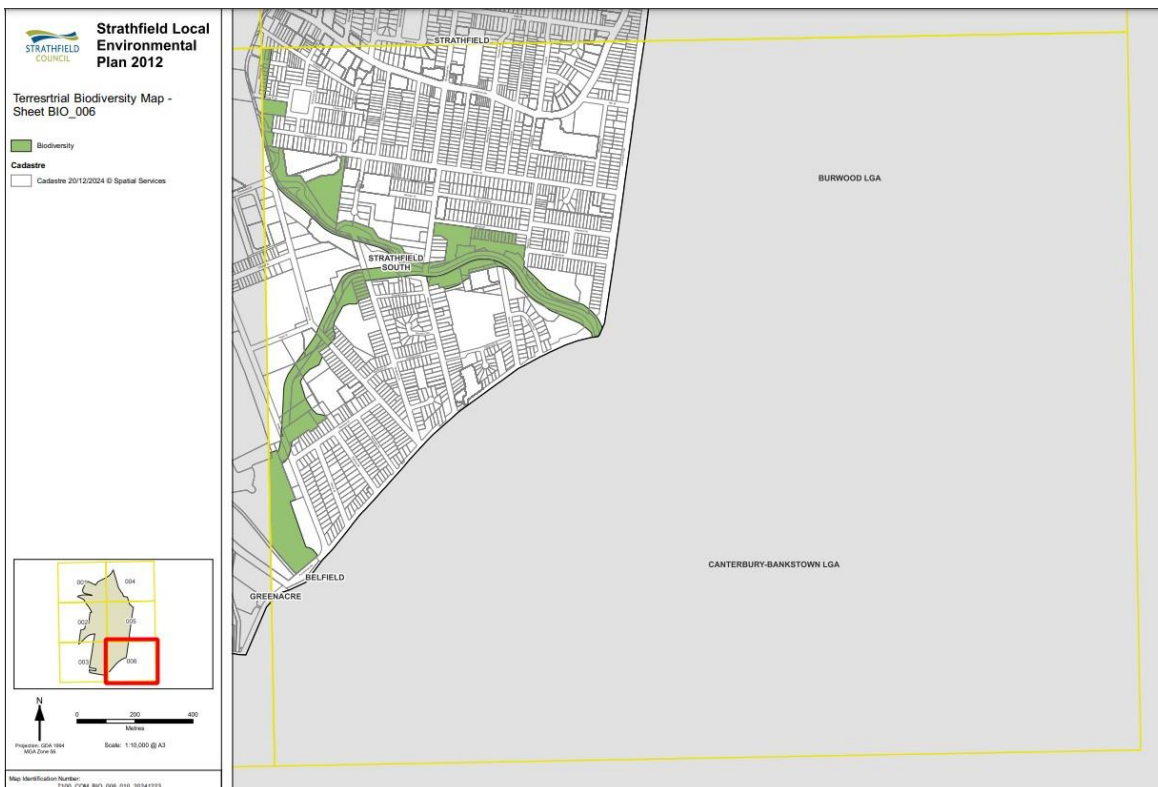


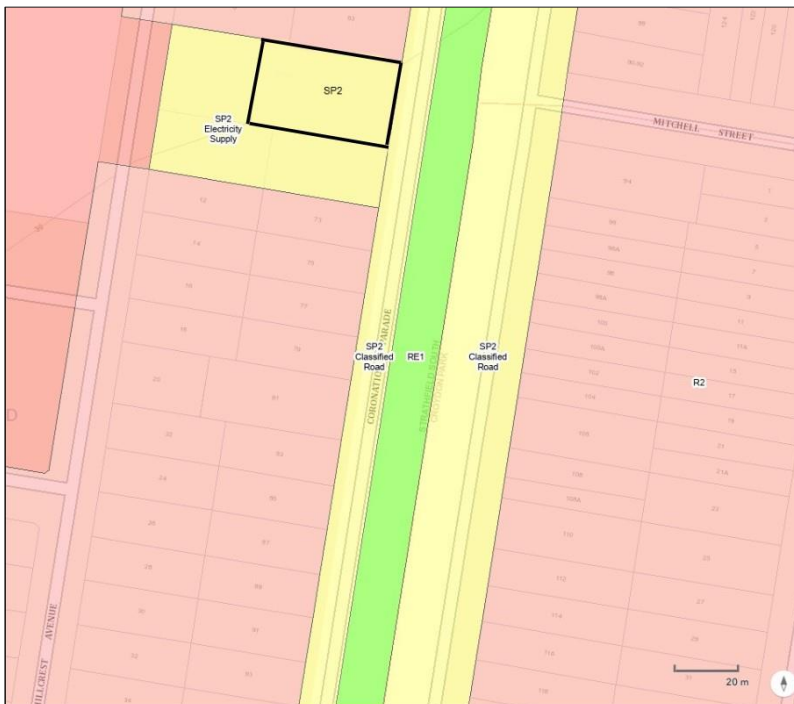
Figure 8 – Proposed Terrestrial Biodiversity Map Tile 6

## 1.6.2 Land Use Rezoning of Sydney Water Infrastructure

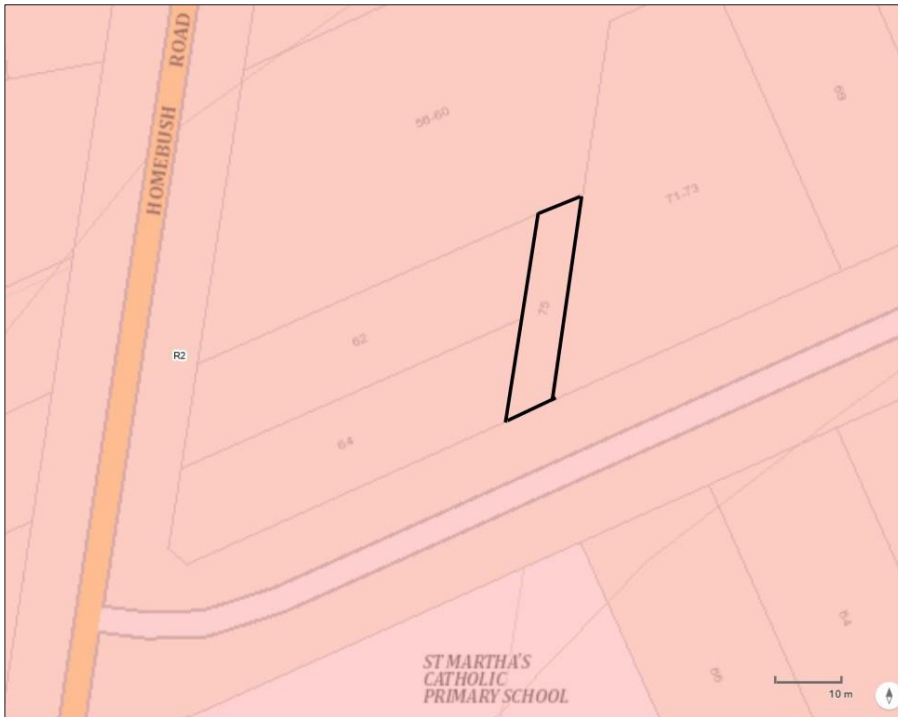
**Figures 9-16** have been generated by the Department. It is noted that the legends and labels within the land use zone mapping provided to the Department are not legible. **As a condition of gateway, the planning proposal must be updated to include legible land use zone mapping, if pre-exhibition consultation with Sydney Water confirms the exhibition of the rezonings is supported.**



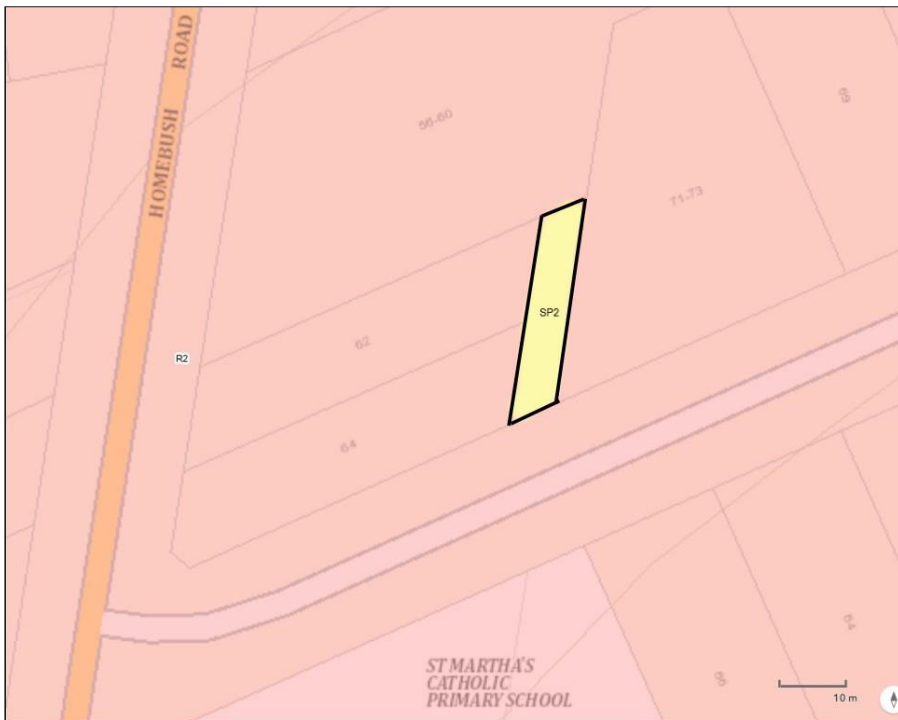
**Figure 9 - Existing Land Use Zoning of Along Coronation Parade, South Strathfield**



**Figure 10 – Proposed Land Use Zoning of along Coronation Parade, South Strathfield**



**Figure 11 – Existing Land Use Zoning at 75 Churchill Avenue, Strathfield**



**Figure 12 – Proposed Land Use Zoning at 75 Churchill Avenue, Strathfield**

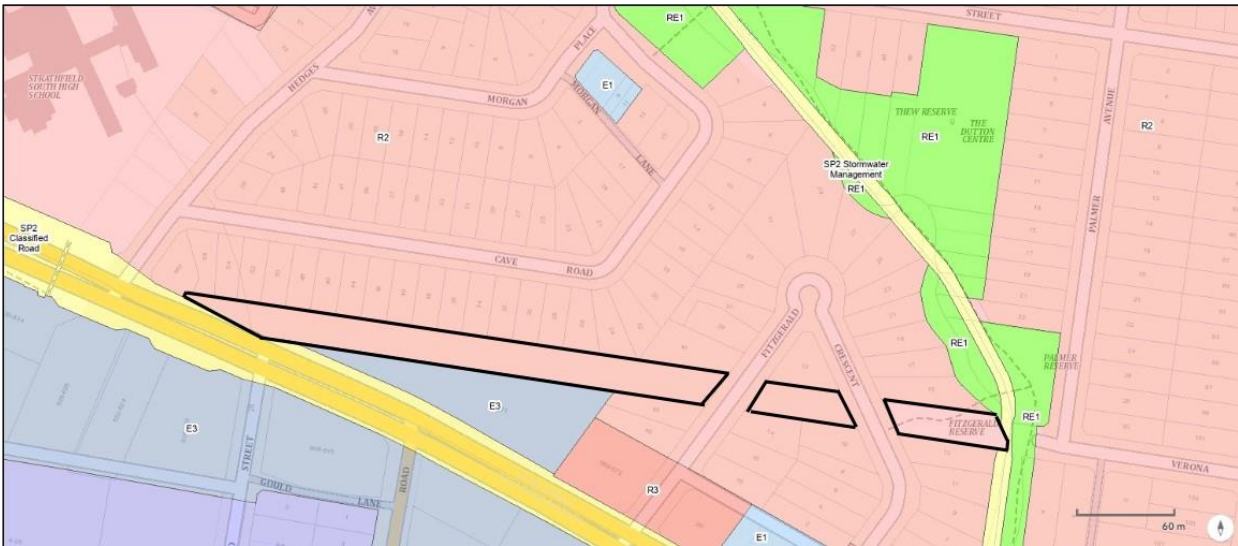


Figure 13 – Existing Land Use Zoning adjoining Fitzgerald Crescent, Strathfield



Figure 14 – Proposed Land Use Zoning adjoining Fitzgerald Crescent, Strathfield

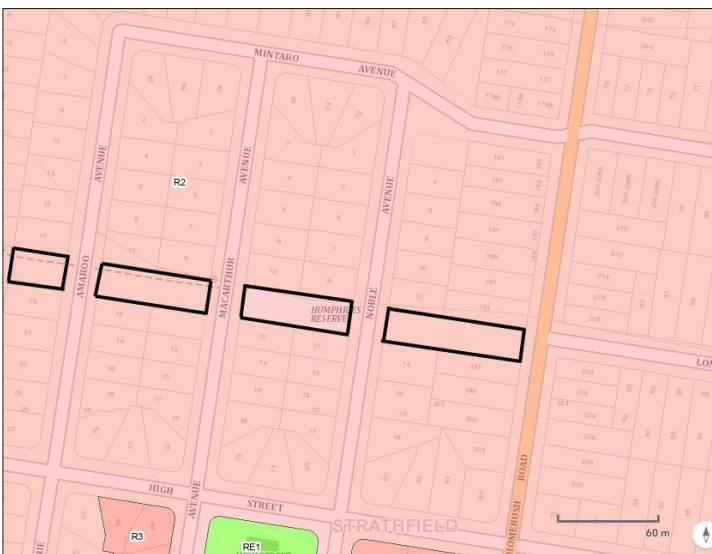


Figure 15 – Existing Land Use Zoning from Amaroo Avenue to Homebush Road, Strathfield

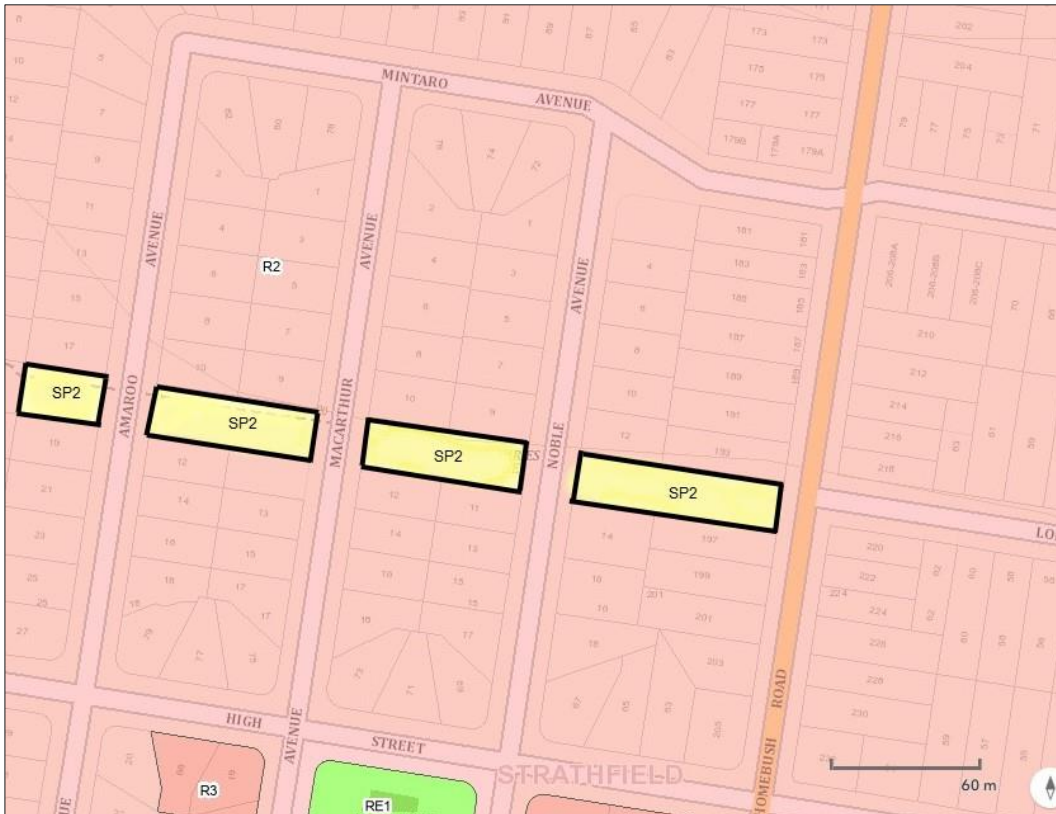


Figure 16 – Proposed Land Use Zoning from Amaro Avenue to Homebush Road, Strathfield

### 1.6.3 Heritage Mapping

Figures 17 and 18 illustrate existing and proposed local heritage mapping. The Department does not support the amendments proposed to Strathfield's heritage mapping, as discussed within Section 1.4.6 of this report. Consequently, it is **recommended that the planning proposal is updated to remove heritage map amendments as a condition for gateway.**



Figure 17 – Existing Extent of Heritage Conservation Area 3 (C3)



Figure 18 – Proposed Extent of Heritage Conservation Area 3 (C3)

## 2 Need for the planning proposal

Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is not a result of a strategic study or report. The planning proposal is primarily a consequence of the withdrawn *Strathfield 2021 Comprehensive Planning Proposal*.

In 2023, Strathfield Council resolved to withdraw the proposal due to the significant amount of additional work required. Despite Council's withdrawal of the 2021 Comprehensive Planning Proposal, several amendments from the original proposal were identified as not requiring further justification. These amendments have been compiled to form the current housekeeping proposal.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal seeks to amend specific LEP provisions. There are no other mechanisms other than a planning proposal to amend statutory planning controls to facilitate the intended outcome.

## 3 Strategic assessment

### 3.1 District Plan

The planning proposal is located within the Eastern City District as identified by the Eastern City District Plan released by the former Greater Sydney Commission in March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is generally consistent with plan's priorities for infrastructure and collaboration, liveability, productivity, and sustainability as outlined in **Table 6** below. The

Department is satisfied the planning proposal gives effect to the District Plan subject to conditions, in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

**Table 6 - District Plan assessment**

District Plan Priorities	Justification
<p><b>Planning Priority E1: Planning for a city supported by infrastructure.</b></p>	<p>The proposal seeks to amend land use zoning associated with certain Sydney Water sites (refer to <b>Section 1.4.7</b>) across the Strathfield LGA.</p> <p>The Department notes the longstanding dialogue which has occurred between Sydney Water and Strathfield Council regarding this matter. Specifically, the Department notes the conflicting advice provided by Sydney Water in relation to the proposed rezoning of water infrastructure within the Strathfield LGA.</p> <p>Objectives 3 and 4 of this priority aim to ensure that infrastructure can adapt to the future needs of the population and that infrastructure use is optimised.</p> <p>It is noted that the planning proposal seeks to rezone water infrastructure managed by Sydney Water. Given the specialty knowledge held by Sydney Water in relation to future water infrastructure requirements, the Department <b>recommends confirmation be acquired from Sydney Water that supports the rezonings.</b></p> <p>Despite this, the Department is satisfied that the proposal is consistent with Planning Priority E1 as both zones allow for the continued provision of infrastructure.</p>
<p><b>Planning Priority E12: Retaining and managing industrial and urban services land.</b></p>	<p>While the planning proposal would introduce a new land use within E4 General Industrial zones, the proposal does not facilitate the conversion of any industrial land to an alternative zone. The Department notes both the objectives of the E4 zone within the Strathfield LEP and the objectives of the Strathfield LSPS and considers indoor recreation facilities to be an appropriate form of permissible development within the E4 zone.</p> <p>The Department is satisfied that the proposal is consistent with Planning Priority E12.</p>
<p><b>Planning Priority E15: Protecting and enhancing bushland and biodiversity.</b></p>	<p>In 2019, Strathfield Council published the <i>Strathfield Biodiversity Conservation Strategy and Action Plan</i> (2020-2030), which identifies land across the Strathfield LGA containing high biodiversity value. The PP seeks to amend Clause 6.11 of the Strathfield LEP, to update the land to which the clause applies, from the address currently specified to a broader area identified within the proposed Terrestrial Biodiversity mapping. Expanding the area that is subject to this clause, and introducing a Terrestrial Biodiversity Map will improve the protections of local public</p>

District Plan Priorities	Justification
	<p>bushland and will provide a clearer illustration of sites requiring ecological maintenance, preservation and conservation.</p> <p>The Department is satisfied that the proposal is consistent with Planning Priority E15.</p>

## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 7 - Local strategic planning assessment**

Local Strategies	Justification
<b>Local Strategic Planning Statement</b>	<p>Published in March 2020, the <i>Strathfield 2040 Local Strategic Planning Statement</i> (SLSPS) provides a 20-year vision explaining how land use planning will be used to respond to predicted housing, economic, and population trends within the LGA.</p> <p>The proposal is consistent with the planning priorities established within the SLSPS, particularly in relation to priorities 6, 10 and 13.</p> <p>Priority 6 of the SLSPS aims to provide balance between growth with best practice planning. The proposal supports Priority 6 through removing battle-axes and other forms of access handles from minimum lot size calculations for the purposes of subdivisions and dual occupancies. The proposed amendment intends to ensure that demand for higher density developments will not result in overdevelopment and reduced urban design outcomes.</p> <p>Priority 10 of the SLSPS aims to activate spaces within industrial lands through the provision of local urban services. The proposal supports Priority 10 through introducing indoor recreation facilities as a land use which is permissible with consent within E4 General Industrial zones. The proposed amendment intends to increase the variety of local services offered within industrial areas.</p> <p>Priority 13 of the SLSPS aims to ensure that biodiversity and ecological health and resiliency is conserved, restored and enhanced. The planning proposal will significantly increase the amount of land subject to biodiversity provisions established under the SLEP. Through increasing the amount of land subject to biodiversity provisions, the amendment will ensure better preservation and conservation outcomes for local land containing high biodiversity values.</p>
<b>Strathfield Biodiversity Conservation Strategy and Action Plan 2020-2030</b>	<p>Published in 2019, the <i>Strathfield Biodiversity Conservation Strategy and Action Plan 2020-2030</i> (SBCSAP), was developed as a response to legislation updates and the substantial loss of local vegetation. Council endorsed the action plan to establish principles</p>

Local Strategies	Justification
	<p>and methods to guide the rehabilitation and conservation of the remaining areas containing high biodiversity values.</p> <p>The Strategy and Action Plan includes four priorities that are used to inform better management of local biodiversity.</p> <p>The proposal is consistent with the priorities established within the SBCSAP, particularly in relation to priorities B1 and B4.</p> <p>Priority B1 aims to ensure that native vegetation and habitat is conserved, restored and enhanced across the Strathfield LGA. The proposed amendment to Clause 6.11 of the Strathfield LEP will extend existing biodiversity protections to include additional biodiverse lands, habitats and vegetation within the LGA.</p> <p>Priority B4 aims to actively engage Community and Council in biodiversity conservation. The Department notes that the planning proposal will update the referencing system used to identify the land subject to Clause 6.11 of the LEP. Incorporation of the Terrestrial Biodiversity Mapping into the Strathfield LEP will provide both Council and external stakeholders with a clearer visual of the land throughout the LGA containing high biodiversity values, communicating to the community where conservation efforts need to be focused.</p> <p>The Department is satisfied that the planning proposal is consistent with principles established within the SBCSAP.</p>

### 3.3 Local planning panel (LPP) recommendation

The planning proposal was considered at the Strathfield LPP's meeting on 10 October 2024. The LPP unanimously supported the planning proposal and recommended that Council progress and lodge the proposal with the Department for gateway determination.

On 26 November 2024, Council resolved to lodge the planning proposal with the Department **(Attachments F and G)**.

### 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 8 - 9.1 Ministerial Direction assessment**

Directions	Consistent	Reasons for Consistency or Inconsistency
3.7 Public Bushland	Yes	<p>The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure ecological viability of the bushland.</p> <p>The planning proposal seeks to extend the application area of biodiversity controls within the LEP, to include a greater amount of public bushland.</p> <p>The planning proposal is consistent with the direction.</p>
6.1 Residential Zones	No	<p>The planning proposal seeks to rezone several sites managed by Sydney Water from R2 Low Density Residential to SP2 Infrastructure zoning. As R2 is a residential zone, Direction 6.1 applies.</p> <p>The proposed rezoning is inconsistent with Direction 6.1(2)(b), which states that the planning proposal must <i>not contain provisions which will reduce the permissible residential density of the land</i>.</p> <p>However, the Department considers the proposed change to be of <i>minor significance</i>, as the subject sites are currently used for the purpose of water infrastructure.</p> <p>The Department considers the proposal to be justifiably inconsistent with Direction 6.1.</p>

## 3.5 State environmental planning policies (SEPPs)

The planning proposal's consistency with the relevant SEPPs are discussed below.

**Table 9 – SEPP Assessment**

Applicable SEPP	Consistent	Reasons for Consistency or Inconsistency
Biodiversity and Conservation 2021	Yes	<p>The planning proposal will extend the area of land covered by biodiversity protection provisions within the Strathfield LEP. The Department is satisfied that the proposal is consistent with this SEPP.</p>
Exempt and Complying Development Codes 2008	Yes	<p>The planning proposal will remove clauses within the Strathfield LEP that are duplications of clauses already implemented under the Exempt and Complying Codes SEPP 2008. Removal of the clauses from the LEP will ensure the relevant requirements remain clear and do not result in any inconsistencies.</p> <p>The Department is satisfied that the proposal is consistent with this SEPP.</p>

## 4 Site-specific assessment

An assessment against the potential economic, environmental, infrastructure, and social impacts which may result from this proposal are found within the table below.

**Table 10 – Site-specific impact assessment**

Impact Type	Impact Sub-Type	Assessment
Economic	General	<p>The Department notes that this planning proposal has neither a direct impact on the number of local jobs available nor does it have a direct impact on local housing supply.</p> <p>Consequently, the Department considers the economic impact of this proposal to be minimal.</p>
Environmental	Biodiversity & Ecology	<p>The Department notes that the planning proposal will increase the total amount of land subject to the biodiversity provisions established within the Strathfield LEP. The additional land included as part of this amendment has been identified by the SBCSAP for containing significant biodiversity value.</p> <p>The amendment will improve biodiversity outcomes through providing additional protections to land identified within the SBCSAP.</p>
	Urban Design & Built Form	<p>The Department notes that the planning proposal seeks to exclude access handles from minimum lot size calculations for subdivision and dual occupancy purposes. Council justifies this proposed change, stating that removing access handles from the lot size calculations will prevent overdevelopment from occurring on land where densification has only been enabled due to a large carriageway.</p> <p>The Department acknowledges the justification provided by Council and agrees that the proposed amendment will provide better urban design outcomes and prevent overcrowding.</p>
Infrastructure	Development Capacity	<p>The Department acknowledges the growing demand for water resources within the Strathfield LGA and surrounding council areas. Additionally, the Department notes that the proposal seeks to rezone several sites currently managed by Sydney Water, from R2 zoning to SP2 zoning.</p> <p>Sydney Water have raised concerns that the proposed rezoning could restrict the future expansion of water infrastructure on the subject sites and consequently do not support the rezonings.</p> <p>To ensure the concerns raised by Sydney Water are resolved and that future expansion of local water infrastructure is not unnecessarily restricted, the Department recommends a gateway condition to make the approval of the rezoning amendments contingent on the support of Sydney Water.</p>

Impact Type	Impact Sub-Type	Assessment
Social	Social Amenity	<p>The Department notes that the planning proposal will allow indoor recreation facilities to be permitted with consent within E4 General Industrial zones across the LGA. This change will unlock additional spaces for recreation-based services such as gyms or play centres and encourage a wider distribution of social amenity across the Strathfield LGA.</p> <p>The Department concludes that the planning proposal is likely to have a positive impact on social amenity.</p>

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The Department notes that the planning proposal is classified as standard. Consequently, a minimum exhibition period of 20 working days is recommended for the proposal, in accordance with the *LEP Making Guideline*.

### 5.2 Agencies

As a condition of gateway (**Attachment B**), it is required that the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW Department of Climate Change, Energy, the Environment and Water – Conservation Programs, Heritage and Regulation Group (CPHR)
- Sydney Water
- Crown Lands
- TfNSW

## Timeframe

Council proposes a 10 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

The Department recommends an LEP completion date of 19 December 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

## 6 Local plan-making authority

Council did not request delegation to be the Local Plan-Making authority.

Given that the changes sought by the planning proposal are of minor significance, the Department recommends that Council is authorised to be the local plan-making authority for this proposal.

## 7 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposed amendments will improve the function of the LEP by implementing a range of housekeeping amendments.
- The proposed amendments have strategic and site-specific merit. The discrepancy with Ministerial Direction 6.1 Residential Zones is considered minor and justified.

## 8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that inconsistency with section 9.1 Direction 6.1 Residential Zones is minor and justified.

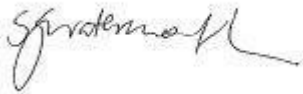
It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

- 1) The planning proposal is to be updated prior to public exhibition to:
  - a) Remove all proposed amendments associated with the expansion of HCA “C3” including:
    - i) Proposed text amendments within Schedule 5 Part 2 of the SLEP; and
    - ii) Proposed map amendments to the *Heritage Map*.
  - b) Obtain a letter from Sydney Water dated no earlier than 2025 to demonstrate its support of proposed rezoning of their land. This letter must be obtained prior to exhibition.
  - c) If the rezoning amendments are supported by Sydney Water, update proposed mapping associated with the rezonings to ensure that the legend and labels are clear and legible.
  - d) Amend proposed mapping associated with the *Terrestrial Biodiversity Map* to correct the title of the map tiles from “Terresrtrial Biodiversity Map” to “Terrestrial Biodiversity Map”.
  - e) Update Part 6 of the planning proposal to provide a project timeline that is consistent with the requirements stipulated under the LEP Making Guideline.
- 2) Prior to public exhibition, the planning proposal is to be revised to address Condition 1 and forwarded to the Department for review and endorsement.
- 3) Consultation is required with the following public authorities:
  - NSW Department of Climate Change, Energy, the Environment and Water – Conservation Programs, Heritage and Regulation Group (CPHR)
  - Sydney Water
  - Crown Lands
  - Transport for NSW (TfNSW)
- 4) Public exhibition is required under section 3.34(2)(c) of the Act as follows:
  - a) the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment,

2023) and must be made available for community consultation for a minimum of 20 working days; and

- b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2023).
- 5) Given the nature of the planning proposal, Council should be authorised to be the local plan making authority.
  - 6) A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
  - 7) The timeframe for the LEP to be completed is on or before 19 December 2025



28.02.25

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17 March 2025

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