

**Clarence Valley Council**  
**Planning Proposal -**  
**Amendment Clause 4.1B**  
**Boundary Adjustment**  
**Provisions**  
**June 2020**

<b>Version</b>	<b>Approved by</b>	<b>Date Approved</b>	<b>Brief Description</b>
1.0	Des Schroder	25 June 2020	Version to the Planning Gateway
2.0			

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## **1. PRELIMINARY**

### **1.1 Context**

This planning proposal constitutes a document referred to in Section 3.33 of the Environmental Planning and Assessment Act 1979. It has been prepared in accordance with the Department of Planning Industry and Environment's "*A guide to preparing planning proposals*" (December 2018). A gateway determination under Section 3.34 of the Act is requested.

### **1.2 Subject Land**

This planning proposal applies to land to which clause 4.1B of the Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) applies being land in the following zones:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone R5 Large Lot Residential,
- (d) Zone E2 Environmental Conservation,
- (e) Zone E3 Environmental Management.

### **1.3 Current Zoning & Use**

The land affected by this planning proposal has the following zoning under the CVLEP 2011;

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone R5 Large Lot Residential,
- (d) Zone E2 Environmental Conservation,
- (e) Zone E3 Environmental Management.

### **1.4 Background**

Council on 26 May 2020 when considering a Notice of Motion resolved to "*do all things necessary to cause:*

1. *Clarence Valley Council LEP 2011 Part 4 to be amended at Clause 4.1B sub-clause (3) by deleting the word 'adjoining' in 2 places shown as follows:*

*(3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies by way of an adjustment of boundaries between adjoining lots where the size of at least one of the adjoining lots is less than the minimum lot size shown on the Lot Size Map in relation to the land if the consent authority is satisfied that the subdivision will not result in -*

- (a) an increase in the number of lots, or*

- (b) an increase in the number of lots that have an area that is less than the minimum size shown on the Lot Size Map in relation to that land, or*
- (c) an increase in the number of dwellings or opportunities for dwellings on each lot.*

2. *Amendment to any other LEP part or other instrument in such a way to ensure no conflict is caused with sub-clause (3), after amendment, as described above”.*

A copy of the resolution relating to the Notice of Motion and its attachments is at Appendix 5. The Notice of Motion contains letters of support from the Clarence Canegrowers Association and Sunshine Sugar.

## **2. PART 1 - OBJECTIVE OR INTENDED OUTCOME**

The objective/s or intended outcome/s of the planning proposal is permit boundary adjustments to occur between 2 or more lots that are not necessarily adjoining where one or more of those lots is less than the minimum lot size shown on the Lot Size Map in relation to that land.

## **3. PART 2 - EXPLANATION OF PROVISIONS**

The objective/s or intended outcome/s of the Proposal will be achieved by deleting in clause 4.1B (3) of the CVLEP 2011 the reference to the word “adjoining” where it occurs twice.

Note - The amendment to the LEP will not require a map amendment.

#### **4. PART 3 - JUSTIFICATION**

##### **4.1 Is the planning proposal a result of any strategic study or report?**

No. The planning proposal is a result of a Notice of Motion considered by Council on 26 May 2020.

As mentioned in BACKGROUND above Council resolved to “*do all things necessary to cause:*

3. *Clarence Valley Council LEP 2011 Part 4 to be amended at Clause 4.1B sub-clause (3) by deleting the word 'adjoining' in 2 places shown as follows:*

*(3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies by way of an adjustment of boundaries between adjoining lots where the size of at least one of the adjoining lots is less than the minimum lot size shown on the Lot Size Map in relation to the land if the consent authority is satisfied that the subdivision will not result in -*

- (a) an increase in the number of lots, or*
- (b) an increase in the number of lots that have an area that is less than the minimum size shown on the Lot Size Map in relation to that land, or*
- (c) an increase in the number of dwellings or opportunities for dwellings on each lot.*

*Amendment to any other LEP part or other instrument in such a way to ensure no conflict is caused with sub-clause (3), after amendment, as described above”.*

The minutes of the Council meeting in relation to the Notice of Motion are at Appendix 5. The proposer of the Notice of Motion provides more background for proposing the motion to amend the LEP as described above.

It should be noted that the Richmond Valley LEP 2012 (clause 4.2C) and Ballina LEP 2012 (Clause 4.2B) both have “boundary adjustments” clauses which, whilst not identical, do not specify that the lots the subject of a boundary adjustment have to be adjoining.

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

Yes. The removal of the words “adjoining” where they occur in clause 4.1B (3) of the CVLEP 2011 will achieve the objectives or intended outcomes stated above.

This will also achieve the intention of the Notice of Motion.

## RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

### **4.3 Applicable Regional Plan - Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

The *North Coast Regional Plan 2036* (NCRP 2036) released in March 2017 is the applicable regional plan. It is the NSW Government's strategy for guiding land use planning decisions for the North Coast region.

The Regional Plan comprises four goals, 25 directions and 80 actions. The goals articulate the intended outcome; the directions identify the broad issues or policy areas that need to be focused on; and the actions represent the steps needed to be taken or initiatives that need to be implemented to achieve the goals. Actions are either implemented as strategies or as initiatives.

The North Coast Delivery, Coordination and Monitoring Committee has been established to oversee implementation of the vision, goals and actions in the Regional Plan. In this regard the North Coast Regional Plan 2036 - Implementation Plan 2017-2019 has also been released to accompany the Regional Plan.

Accordingly, the proposal is considered to be consistent with the NCRP 2036. An assessment of the planning proposal's consistency against the regional plans goals, directions and actions is at Appendix 1 (consistency checklist).

### **4.4 Consistency with Council's local strategies and other local strategic plans**

The Clarence 2027 is Council's adopted community strategic plan. It is supported by Council's Delivery Program and Annual Operational Plan applicable at the time.

The Clarence 2027 has a vision/mission and is supported by 5 themes which in turn are supported by a number of objectives and associated actions.

Other local strategies include:

- Council's Delivery Program and Operational Plan (applicable at the time)
- Maclean Urban Catchment Local Growth Management Strategy 2011
- South Grafton Heights Precinct Strategy
- Clarence Valley Settlement Strategy
- Lower Clarence Retail Strategy (May 2007)
- Yamba Retail/Commercial Strategy (May 2002)
- Clarence Valley Economic Development Strategic Plan
- Clarence Valley Industrial Lands Strategy
- Clarence Valley Affordable Housing Strategy
- Clarence Valley Council Biodiversity Management Strategy 2010
- Clarence River Way Masterplan 2009
- Clarence Valley Open Spaces Strategic Plan 2012



An assessment of the planning proposal against the relevant objectives, strategies and actions is at Appendix 2 (consistency checklist). The planning proposal is considered to be consistent with the relevant objectives, strategies and actions of Council's strategies.

#### **4.5 Consistency with applicable state environmental planning policies**

The proposal is consistent with applicable and relevant state environmental planning policies (SEPPs).

Refer to the consistency checklist against these policies at Appendix 3.

#### **4.6 Consistency with applicable Ministerial Directions (s.9.1 Directions)**

The proposal is not consistent with applicable and relevant Section 9.1 Directions.

Refer to the consistency checklist against these Directions at Appendix 4.

### **ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

#### **4.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

It is considered unlikely that the proposal will have an adverse impact upon critical habitat or threatened species, population or ecological communities, or their habitats. Detailed assessment of these effects (if any) will occur when a Development Application is submitted for a specific site.

#### **4.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There are no direct negative or adverse environmental effects anticipated as a result of the planning proposal. Any possible environmental issues will be addressed as part of the Development Application process including the imposition of conditions to manage any potential impacts, if necessary.

#### **4.9 Relevant social and economic effects?**

Current clause 4.1B of the LEP already provides for social and economic circumstances where it is not viable to maintain larger holdings in situations where the primary income is not derived from the lot – or can augment already existing agricultural holdings to make the management of the land more economically viable. In all cases where this may be considered appropriate, it must be evaluated to not cause a greater likelihood of land use conflict.

The proposal to permit boundary adjustments to occur between 2 or more lots that are not necessarily adjoining (where one or more of those lots is less than the minimum lot size shown on the Lot Size Map in relation to that land) will provide more flexibility than the current LEP clause 4.1B which still prevents otherwise beneficial aggregations in situations where separation is created by road reserve, unformed Crown road and short distances between land holdings.

## **STATE AND COMMONWEALTH INTERESTS**

### **4.10 Is there adequate public infrastructure for the planning proposal?**

Yes. The planning proposal does not impact public infrastructure or create any demand to upgrade public infrastructure.

### **4.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

The views of relevant public authorities have not been sought at this early stage as a gateway determination has not yet been issued.

The proposed agency/stakeholder consultation will be confirmed with any Gateway determination issued. The outcomes of the consultation will be reported back to Council following community consultation/public exhibition.

Refer also to Section 6. PART 5 - COMMUNITY CONSULTATION, below.

## 5. PART 4 - MAPPING

No change to the LEP mapping is proposed or required.

## 6. PART 5 - COMMUNITY CONSULTATION

It is considered that the proposal is 'low impact' for the purpose of community consultation under Section 6.5.2 of *"A guide to preparing local environmental plans, December 2018"*.

On this basis, it is intended that the planning proposal be exhibited for a minimum period of 14 days in accordance with Section 6.5.2 of *"A guide to preparing local environmental plans"*.

It is proposed that consultation be undertaken with the following public authorities:

- (i) NSW Rural Fire Service (RFS)
- (ii) NSW Department of Primary Industries (Agricultural Land Use Planning)

Community and public authority consultation will be carried out following the issue of any gateway determination.

A public hearing is not considered necessary.

## 7. PART 6 - PROJECT TIMELINE

An estimated timeline for this project is 6 - 9 months from the date of issue of a Gateway determination, providing such determination does not impose conditions that are onerous to satisfy. The table below provides some estimated timeframes or dates for specific milestones.

Specific milestone	Milestone timeframe or date
Date submitted to Planning Gateway	26 June 2020
Anticipated issue of Gateway determination	24 July 2020
Public exhibition including period	7 August - 21 August 2020 <ul style="list-style-type: none"><li>• commencement date assumes no additional technical studies/investigations are required</li></ul>
Dates for public hearing (if required)	N/A
Timeframe for the consideration of a proposal post exhibition including submissions	29 September 2020 - Ordinary Council meeting
Request opinion from Parliamentary Counsel's Office (if plan-making is delegated to Council)	9 October 2020
LEP made by Council delegate (if plan-making is delegated to Council)	20 November 2020
LEP notified	4 December 2020

## APPENDIX 1: NORTH COAST REGIONAL PLAN 2036 CONSISTENCY CHECKLIST

(Note - refer also to section 4.3)

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
<b>Goal 1 - The most stunning environment in NSW</b>		
<b>Direction 1 - Deliver environmentally sustainable growth</b>		
<u>Action 1.1</u> - Focus future urban development to mapped urban growth areas.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 1.2</u> - Review areas identified as 'under investigation' within urban growth areas to identify and map sites of potentially high environmental value.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 1.3</u> - Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 1.4</u> - Prepare land release criteria to assess appropriate locations for future residential, commercial and industrial uses.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 1 - The most stunning environment in NSW</b>		
<b>Direction 2 - Enhance biodiversity, coastal and aquatic habitats, and water catchments</b>		
<u>Action 2.1</u> - Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.	Yes	Consistent although this action is not directly relevant to the planning proposal as it is not proposing additional development or settlement.
<u>Action 2.2</u> - Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	Yes	Consistent although this action is not directly relevant to the planning proposal as it is not proposing additional development or settlement.
<b>Goal 1 - The most stunning environment in NSW</b>		
<b>Direction 3 - Manage natural hazards and climate change</b>		
<u>Action 3.1</u> - Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.	Yes	Consistent although this action is not directly relevant to the planning proposal as it is not proposing additional development or settlement.
<u>Action 3.2</u> - Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 3.3</u> - Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 1 - The most stunning environment in NSW</b>		

<b>NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS &amp; ACTIONS</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
<b>Direction 4 - Promote renewable energy opportunities</b>		
<u>Action 4.1</u> - Diversify the energy sector by identifying renewable energy resource precincts and infrastructure corridors with access to the electricity network.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 4.2</u> - Enable appropriate smaller-scale renewable energy projects using bio-waste, solar, wind, small-scale hydro, geothermal or other innovative storage technologies.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 4.3</u> - Promote appropriate smaller and community-scale renewable energy projects.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 5 - Strengthen communities of interest and cross-regional relationships</b>		
<u>Action 5.1</u> - Collaborate on regional and intra-regional housing and employment land delivery, and industry development.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 5.2</u> - Integrate cross-border land use planning between NSW and South East Queensland, and remove barriers to economic, housing and jobs growth.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 5.3</u> - Encourage ongoing cooperation and land use planning between the City of Gold Coast and Tweed Shire Council.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 5.4</u> - Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling infrastructure and other policy interventions to unlock growth.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 6 - Develop successful centres of employment</b>		
<u>Action 6.1</u> - Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 6.2</u> - Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 6.3</u> - Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 6.4</u> - Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 6.5</u> - Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through local planning controls.	Yes	Consistent - although this action is not directly relevant to the planning proposal.

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
<u>Action 6.6</u> - Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support jobs growth.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 6.7</u> - Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b> <b>Direction 7 - Coordinate the growth of regional cities</b>		
<u>Action 7.1</u> - Prepare action plans for regional cities that: <ul style="list-style-type: none"> <li>▪ ensure planning provisions promote employment growth and greater housing diversity;</li> <li>▪ promote new job opportunities that complement existing employment nodes around existing education, health and airport precincts;</li> <li>▪ identify infrastructure constraints and public domain improvements that can make areas more attractive for investment; and</li> <li>▪ deliver infrastructure and coordinate the most appropriate staging and sequencing of development.</li> </ul>	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b> <b>Direction 8 - Promote the growth of tourism</b>		
<u>Action 8.1</u> - Facilitate appropriate large-scale tourism developments in prime tourism development areas such as Tweed Heads, Tweed Coast, Ballina, Byron Bay, Coffs Harbour and Port Macquarie.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 8.2</u> - Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 8.3</u> - Prepare destination management plans or other tourism focused strategies that: <ul style="list-style-type: none"> <li>▪ identify culturally appropriate Aboriginal tourism opportunities;</li> <li>▪ encourage tourism development in natural areas that support conservation outcomes; and</li> <li>▪ strategically plan for a growing international tourism market.</li> </ul>	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 8.4</u> - Promote opportunities to expand visitation to regionally significant nature-based tourism places, such as Ellenborough Falls, Dorrig National Park, Wollumbin–Mount Warning National Park, Iluka Nature Reserve and Yuraygir Coastal Walk.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 8.5</u> - Preserve the region's existing tourist and visitor accommodation by directing permanent residential accommodation away from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise identified for urban expansion	Yes	Consistent - although this action is not directly relevant to the planning proposal.

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
in an endorsed local growth management strategy.		
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 9: Strengthen regionally significant transport corridors</b>		
<u>Action 9.1</u> - Enhance the competitive value of the region by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway, to South East Queensland and the Hunter.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 9.2</u> - Identify buffer and mitigation measures to minimise the impact of development on regionally significant transport infrastructure including regional and state road network and rail corridors.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 9.3</u> - Ensure the effective management of the State and regional road network by: <ul style="list-style-type: none"> <li>▪ preventing development directly adjoining the Pacific Highway;</li> <li>▪ preventing additional direct 'at grade' access to motorway-class sections of the Pacific Highway;</li> <li>▪ locating highway service centres on the Pacific Highway at Chinderah, Ballina, Maclean, Woolgoolga, Nambucca Heads, Kempsey and Port Macquarie, approved by the Department of Planning and Environment and Roads and Maritime Services; and</li> <li>▪ identifying strategic sites for major road freight transport facilities.</li> </ul>	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 10 - Facilitate air, rail and public transport infrastructure</b>		
<u>Action 10.1</u> - Deliver airport precinct plans for Ballina–Byron, Lismore, Coffs Harbour and Port Macquarie that capitalise on opportunities to diversify and maximise the potential of value-adding industries close to airports.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 10.2</u> - Consider airport-related employment opportunities and precincts that can capitalise on the expansion proposed around Gold Coast Airport.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 10.3</u> - Protect the North Coast Rail Line and high-speed rail corridor to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 10.4</u> - Provide public transport where the size of the urban area has the potential to generate sufficient demand.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 10.5</u> - Deliver a safe and efficient transport network to serve future release areas.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 11: Protect and enhance productive agricultural lands</b>		

<b>NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS &amp; ACTIONS</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
<u>Action 11.1</u> - Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.	Yes	Consistent.
<u>Action 11.2</u> - Deliver a consistent management approach to important farmland across the region by updating the Northern Rivers Farmland Protection Project (2005) and Mid North Coast Farmland Mapping Project (2008).	Yes	Consistent.
<u>Action 11.3</u> - Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.	Yes	Consistent.
<u>Action 11.4</u> - Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.	Yes	Consistent.
<u>Action 11.5</u> - Address sector-specific considerations for agricultural industries through local plans.	Yes	Consistent.
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 12 - Grow agribusiness across the region</b>		
<u>Action 12.1</u> - Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 12.2</u> - Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 12.3</u> - Examine options for agribusiness to leverage proximity from the Gold Coast and Brisbane West Wellcamp airports.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 12.4</u> - Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 13 - Sustainably manage natural resources</b>		
<u>Action 13.1</u> - Enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses such as residential development that are sensitive to impacts from noise, dust and light interference.	Yes	Consistent.
<u>Action 13.2</u> - Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	Yes	Consistent. The planning proposal should not hinder the achievement of this action.



NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 14 - Provide great places to live and work</b>		
<u>Action 14.1</u> - Prepare precinct plans in growth areas, such as Kingscliff, or centres bypassed by the Pacific Highway, such as Woodburn and Grafton, to guide development and establish appropriate land use zoning, development standards and developer contributions.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 14.2</u> - Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 15 - Develop healthy, safe, socially engaged and well-connected communities</b>		
<u>Action 15.1</u> - Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 15.2</u> - Facilitate more recreational walking and cycling paths and expand inter-regional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 15.3</u> - Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 15.4</u> - Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 15.5</u> - Deliver crime prevention through environmental design outcomes through urban design processes.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 16 - Collaborate and partner with Aboriginal communities</b>		
<u>Action 16.1</u> - Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols.	Yes	Consistent - although this action is not directly relevant to this planning proposal.
<u>Action 16.2</u> - Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.	Yes	Consistent. The planning proposal is no implementing a local growth management strategy. Further a planning proposal for a minor amendment of the boundary adjustment provisions does not warrant engagement with the Aboriginal community.
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 17: Increase the economic self-determination of Aboriginal communities</b>		

<b>NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS &amp; ACTIONS</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
<u>Action 17.1</u> - Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 17.2</u> - Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 17.3</u> - Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further investigation.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 3 - Vibrant and engaged communities</b>		
<b>Direction 18 - Respect and protect the North Coast's Aboriginal heritage</b>		
<u>Action 18.1</u> - Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.	Yes	Consistent. The planning proposal is not for a specific site. Further the planning proposal is for a minor amendment of the boundary adjustment provisions generally where no impacts on Aboriginal objects and places are expected.
<u>Action 18.2</u> - Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.	Yes	Consistent. The planning proposal is not for a specific site. Further the planning proposal is for a minor amendment of the boundary adjustment provisions generally where no impacts on Aboriginal cultural heritage are expected.
<u>Action 18.3</u> - Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 18.4</u> - Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 3 - Vibrant and engaged communities</b>		
<b>Direction 19 - Protect historic heritage</b>		
<u>Action 19.1</u> - Ensure best-practice guidelines are considered such as the Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance and the NSW Heritage Manual when assessing heritage significance.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 19.2</u> - Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 19.3</u> - Deliver the adaptive or sympathetic use of heritage items and	Yes	Consistent - although this action is not

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
assets.		directly relevant to the planning proposal.
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 20 - Maintain the region's distinctive built character</b>		
Action 20.1 - Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the North Coast Urban Design Guidelines (2009)	Yes	Consistent - although this action is not directly relevant to the planning proposal.
Action 20.2 - Review the North Coast Urban Design Guidelines (2009).	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 21 - Coordinate local infrastructure delivery</b>		
Action 21.1 - Undertake detailed infrastructure service planning to support proposals for new major release areas.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
Action 21.2 - Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 4 - Great housing choice and lifestyle options</b> <b>Direction 22 - Deliver greater housing supply</b>		
Action 22.1 - Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region's projected housing needs.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
Action 22.2 - Facilitate housing and accommodation options for temporary residents by: <ul style="list-style-type: none"> <li>▪ preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and</li> <li>▪ working with councils to consider opportunities to permit such facilities through local environmental plans.</li> </ul>	Yes	Consistent - although this action is not directly relevant to the planning proposal.
Action 22.3 - Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 4 - Great housing choice and lifestyle options</b> <b>Direction 23 - Increase housing diversity and choice</b>		
Action 23.1 - Encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
Action 23.2 - Develop local growth management strategies to respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 4 - Great housing choice and lifestyle options</b>		

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
<b>Direction 24: Deliver well-planned rural residential housing areas</b>		
<u>Action 24.1</u> - Facilitate the delivery of well-planned rural residential housing areas by: <ul style="list-style-type: none"> <li>identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment; and</li> <li>ensure that such proposals are consistent with the Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies (2007) or land release criteria (once finalised).</li> </ul>	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 24.2</u> - Enable sustainable use of the region's sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<b>Goal 4 - Great housing choice and lifestyle options</b>		
<b>Direction 25 - Deliver more opportunities for affordable housing</b>		
<u>Action 25.1</u> - Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that will enable a greater variety of housing types and incentivize private investment in affordable housing.	Yes	Consistent - although this action is not directly relevant to the planning proposal.
<u>Action 25.2</u> - Prepare guidelines for local housing strategies that will provide guidance on planning for local affordable housing needs.	Yes	Consistent - although this action is not directly relevant to the planning proposal.

## APPENDIX 2: COUNCILS LOCAL STRATEGY AND STRATEGIC PLAN/S CONSISTENCY CHECKLIST

(Note - refer also to section 4.4)

Strategy/Strategic Plan	Relevant component/statement of consistency
The Clarence 2027	<p>The themes and objectives of the Community Plan that are most relevant to the planning proposal are listed below:</p> <p>Theme – Economy Objective 3.1 - To have an attractive and diverse environment for business, tourism and industry. <u>Comment</u> According to the Notice of Motion the proposed change to the boundary adjustment provisions will assist in creating larger farm and be beneficial to farm enterprise viability and important to protection of prime agricultural land.</p>
Council's Delivery Program and Operational Plan (Note: this changes annually)	<p>The planning proposal will complement and is consistent with the following strategies and actions under the current Delivery Program and Operational Plan.</p> <p>Objective 3.1 - We will have an attractive and diverse environment for business, tourism and industry. Strategy 3.1.2 - Grows the Clarence Valley economy through supporting local business and industry Strategy 3.1.3 - Provides land use planning that facilitates and balances economic growth, environmental protection and social equity</p>
Maclean Urban Catchment Local Growth Management Strategy 2011	Not relevant. This strategy is only applicable to the urban growth areas of Townsend, Gulmarrad and James Creek.
South Grafton Heights Precinct Strategy	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
Clarence Valley Settlement Strategy	<p>The planning proposal is consistent with the Clarence Valley Settlement Strategy including the following strategy objectives:</p> <ul style="list-style-type: none"> <li>• Maximise the valley's agricultural base;</li> <li>• Protect and maintain sustainable rural industries;</li> </ul>
Lower Clarence Retail Strategy (May 2007)	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
Yamba Retail/Commercial Strategy (May 2002)	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
Clarence Valley Economic Development Strategic Plan	The planning proposal is consistent with and complements the Clarence Valley Economic Development Strategic Plan.
Clarence Valley Industrial Lands Strategy	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
Clarence Valley Affordable Housing Strategy	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
Clarence Valley Council Biodiversity Management Strategy 2010	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
Clarence River Way Masterplan 2009	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
Clarence Valley Open Spaces Strategic Plan 2012	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.

### APPENDIX 3: STATE ENVIRONMENTAL PLANNING POLICY CONSISTENCY CHECKLIST

(Note - refer also to section 4.5)

Name of SEPP	Relevant/applicable?	Comment/statement of consistency
<i>The following State Environmental Planning Policies (SEPPs) are current and whilst not all may be applicable to the Clarence Valley LGA they are all being acknowledged and some are considered in more detail where relevant.</i>		
State Environmental Planning Policy No 1 - Development Standards	No	Not applicable to the CVLEP 2011 or to the planning proposal.
State Environmental Planning Policy No 19 - Bushland in Urban Areas	No	N/A
State Environmental Planning Policy No 21 - Caravan Parks	No	N/A - as this proposal is not for a caravan park; nor is it a development application (DA).
State Environmental Planning Policy No 33 - Hazardous and Offensive Development	No	N/A
State Environmental Planning Policy No 36 - Manufactured Home Estates	No	N/A
State Environmental Planning Policy No 47 - Moore Park Showground	No	N/A
State Environmental Planning Policy No 50 - Canal Estate Development	No	N/A
State Environmental Planning Policy No 55 - Remediation of Land	No	N/A - this is not a development application (DA). Refer also to Section 9.1 Direction 2.6 Remediation of Contaminated Land.
State Environmental Planning Policy No 64 - Advertising and Signage	No	N/A
State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development	No	N/A
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	No	N/A
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	N/A - this is not a development application (DA). The SEPP does not apply to planning proposals or to amendments to environmental planning instruments.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	N/A
State Environmental Planning Policy (Coastal Management) 2018	No	Consistent - This is not a development application (DA). The SEPP does not apply to planning proposals or to amendments to environmental planning instruments.
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	No	N/A
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	N/A
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	N/A - this is not a development application (DA) for housing for seniors or people with a disability. The SEPP does not apply to planning proposals or to amendments to environmental planning instruments.
State Environmental Planning Policy (Infrastructure) 2007	No	N/A
State Environmental Planning Policy (Kosciuszko National Park - Alpine	No	N/A

Name of SEPP	Relevant/applicable?	Comment/statement of consistency
Resorts) 2007		
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A
State Environmental Planning Policy (State and Regional Development) 2011	No	N/A
State Environmental Planning Policy (State Significant Precincts) 2005	No	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	N/A
State Environmental Planning Policy (Three Ports) 2013	No	N/A
State Environmental Planning Policy (Urban Renewal) 2010	No	N/A
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	No	Consistent - This is not a development application (DA). The SEPP does not apply to planning proposals or to amendments to environmental planning instruments.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	No	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	N/A
State Environmental Planning Policy (Concurrences and Consents) 2018	No	
State Environmental Planning Policy (Aboriginal Land) 2019	No	N/A. Refer also to Section 9.1 Direction 5.11 Remediation of Contaminated Land Development of Aboriginal Land Council land.
State Environmental Planning Policy (Primary Production and Rural Development) 2019	No	N/A
State Environmental Planning Policy (Gosford City Centre) 2018	No	N/A
State Environmental Planning Policy Koala Habitat Protection 2019	No	N/A. This is not a development application (DA). The SEPP does not apply to planning proposals or to amendments to environmental planning instruments.

## APPENDIX 4: SECTION 9.1 DIRECTION CONSISTENCY CHECKLIST

(Note - refer also to section 4.6)

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
<b>1. EMPLOYMENT AND RESOURCES</b>		
1.1 Business and Industrial Zones	Not applicable	This direction is not applicable as the land is not within an existing or proposed Business or Industrial zone.
1.2 Rural Zones	Consistent	The planning proposal is consistent as it does not: (a) rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).
1.3 Mining, Petroleum Production and Extractive industries	Consistent	The planning proposal is consistent as it will not: (i) prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (ii) restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
1.4 Oyster Aquaculture	Not applicable	The land is not nor does it affect a Priority Oyster Aquaculture Areas in terms of this direction.
1.5 Rural Lands	Consistent	The planning proposal is consistent as it does not change the existing minimum lot size on land within a rural or environment protection zone. It is considered that the planning proposal complements the objectives of this Direction.
<b>2. ENVIRONMENT AND HERITAGE</b>		
2.1 Environmental protection Zones	Consistent	The planning proposal will not alter any environmental protection zones or reduce existing any environmental protection standards. No additional lots within the environmental zones will result from the provisions.
2.2 Coastal management	Consistent	The planning proposal is not proposing to rezone land which would enable increased development or more intensive land-use of land to which the planning proposal applies.
2.3 Heritage Conservation	Consistent	The planning proposal does not seek to change those provisions or alter how they apply to any future development applications.
2.4 Recreation Vehicle Areas	Not applicable	Direction not applicable in this instance.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	This direction does not apply to the Clarence Valley Council area.
2.6 Remediation of Contaminated Land	Consistent	The planning proposal will apply to land specified in paragraph 2(b) of the Direction. The planning proposal is considered to be consistent with the direction for the following reasons: (a) It is not proposing to change the zoning of any land any land. (b) It is not proposing to change of use of the land.



SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
		<p>Due to this it is considered that Council does not have to consider the matters referred to in paragraph 4(a) to (c) of the Direction.</p> <p>Consequently, it is considered that Council does not have to obtain and have regard to the type of report referred to in paragraph 4 of the Direction.</p>
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
3.1 Residential Zones	Consistent	This direction is relevant only to the extent that current LEP clause 4.1B applies to land that is zoned R5 Large Lot Residential. As the proposal is not intending to rezone any additional land to R5 Large Lot Residential it is considered that the proposal is consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable	Direction not applicable in this instance.
3.3 Home Occupations	Not applicable	Direction not applicable in this instance.
3.4 Integrated Land Use and Transport	Not applicable	Direction not applicable in this instance.
3.5 Development Near Regulated Airports and Defence Airfields	Consistent	<p>This direction is relevant only to the extent that current LEP clause 4.1B applies to land that is zoned rural being the zoning of land that adjoins the 2 regulated airports in the Council area, which are:</p> <ul style="list-style-type: none"> <li>• Clarence Valley Regional Airport at Glenugie; and</li> <li>• South Grafton Aerodrome.</li> </ul> <p>The provisions in the LEP that are being amended do not relate to or result in any additional built development. Hence it is not considered necessary to consult with the lessee/operator of the airport/s unless the gateway determination directs that consultation be undertaken.</p> <p>The proposal is considered to be consistent with the objectives of the Direction.</p>
3.6 Shooting Ranges	Not applicable	This direction is not relevant as it will 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 short term rental accommodation period	Not applicable	The Direction applies to the Byron Shire Council only.
<b>4. HAZARD AND RISK</b>		
4.1 Acid Sulfate Soils	Consistent	Although the planning proposal covers some land parcels that are identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present it is considered that the planning proposal is consistent with this direction as it is not proposing to rezone any land or facilitate the carrying out of a particular development.
4.2 Mine Subsidence and Unstable land	Not applicable	<p>This direction is not applicable as there are no known Mine Subsidence Districts in the Council area.</p> <p>The requirements of the direction in relation to land</p>

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
		that has been identified as unstable in a study, strategy or other assessment can be addressed and met at the DA stage for any future development that may be proposed on any land that maybe the subject of an application using clause 4.1B.
4.3 Flood Prone Land	Consistent	<p>Current clause 4.1B and therefore this planning proposal no doubt apply to some land that is flood prone land. Despite this the requirements of this Direction are not triggered as the planning proposal is not proposing to facilitate the carrying out of a particular development.</p> <p>The requirements of the direction in relation to land that is flood prone land can be addressed and met at the DA stage for any future individual development that is proposed for such land having regard to the floodplain management controls in Council's development control plans.</p>
4.4 Planning for Bushfire Protection	Consistent	<p>Current clause 4.1B and therefore this planning proposal no doubt apply to some land that is mapped as bush fire prone on the relevant bush fire prone land maps. The planning proposal is not proposing to facilitate the carrying out of a particular development.</p> <p>Notwithstanding this it is proposed to consult with the NSW Rural Fire Service following the issue of any Gateway determination to proceed.</p>
<b>5. REGIONAL PLANNING</b>		
5.1 Implementation of Regional Strategies	Not applicable.	No longer applicable as the Mid North Coast Regional Strategy has now been replaced by the North Coast Regional Plan 2036. Refer to Direction 5.10 below.
5.2 Sydney Drinking Water Catchments	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	Direction not applicable in this instance.
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.	<i>Revoked 18 June 2010</i>
5.6 Sydney to Canberra Corridor	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>
5.7 Central Coast	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	<i>Revoked 20 August 2018</i>
5.9 North West Rail Link Corridor Strategy	Not applicable	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
5.10 Implementation of Regional Plans	Consistent	The applicable regional plan is the North Coast Regional Plan 2036. Refer also to section 4.3,

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
		<p>pages 8 -10 of this planning proposal document.</p> <p>The NCRP 2036 has very few if any actions (or goals or directions) that are of relevance to a planning proposal of this nature. Conversely, the planning proposal does not impact nor is considered to be inconsistent with any action (or goal or direction) contained within the NCRP 2036. Accordingly, the proposal is considered to be consistent with the NCRP 2036. A detailed assessment of the planning proposal against the NCRP 2036 actions is at Appendix 1.</p>
5.11 Development of Aboriginal Land Council land	Not applicable	The Direction is not applicable as there is no land in the Clarence Valley Council area that has been mapped on the Land Application Map accompanying State Environmental Planning Policy (Aboriginal Land) 2019.
<b>6. LOCAL PLAN MAKING</b>		
6.1 Approval and Referral Requirements	Consistent	The planning proposal is not intending to introduce concurrence, consultation or referral requirements nor identify development as designated development.
6.2 Reserving Land for Public Purposes	Consistent	The planning proposal is not intending to create, alter or reduce existing zonings or reservations of land for public purposes. In this sense the proposal does not trigger the requirements of this direction.
6.3 Site Specific Provisions	Consistent	The requirements of this Direction are not triggered as it is not intending to permit a particular development on a particular site.
<b>7. METROPOLITAN PLANNING</b>		
7.1 Implementation of a Plan for Growing Sydney	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
7.8 Implementation of	Not applicable.	This Direction is not applicable in this instance as it

<b>SECTION 9.1 DIRECTION</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan		does not apply to the Clarence Valley Council area.
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.

**APPENDIX 5: Notice of Motion Resolution  
dated 26 May 2020**

## 7. NOTICE OF MOTIONS

<b>ITEM</b>	<b>07.20.003</b>	<b>AMEND CLARENCE VALLEY LOCAL ENVIRONMENTAL PLAN 2011 SUB-CLAUSE (3) OF CLAUSE 4.1B OF PART 4 – TO DELETE WORDS PREVENTING BENEFICIAL BOUNDARY ADJUSTMENT TO NON-ADJOINING LOTS</b>
<b>Meeting</b>	Council	26 May 2020
<b>Directorate</b>	Notice of Motion	
<b>Submitted by</b>	Cr Andrew Baker	
<b>Attachment</b>	Nil	

To the General Manager, Clarence Valley Council, I propose that the following report and notice of motion be submitted to Council.

**SUMMARY**

The proposed amendment seeks to correct a detrimental provision of the LEP where boundary adjustments that would otherwise result in a net benefit to farming and rural industry are prevented merely due to lots being non-adjoining. If this motion is adopted, all of the remaining provisions of LEP2011 Part 4 remain as substantial protection of the objectives and land described in the clauses of Part 4 Principal development standards.

**PROPOSED MOTION**

That Council do all things necessary to cause:

- Clarence Valley Council LEP 2011 Part 4 to be amended at Clause 4.1B sub-clause (3) by deleting the word 'adjoining' in 2 places shown as follows:
 

(3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies by way of an adjustment of boundaries between adjoining lots where the size of at least one of the adjoining lots is less than the minimum lot size shown on the Lot Size Map in relation to the land if the consent authority is satisfied that the subdivision will not result in—

  - an increase in the number of lots, or
  - an increase in the number of lots that have an area that is less than the minimum size shown on the Lot Size Map in relation to that land, or
  - an increase in the number of dwellings or opportunities for dwellings on each lot.
- Amendment to any other LEP part or other instrument in such a way to ensure no conflict is caused with sub-clause (3), after amendment, as described above.

**COUNCIL RESOLUTION – 07.20.003**

**Baker/Lysaught**

That Council do all things necessary to cause:

- Clarence Valley Council LEP 2011 Part 4 to be amended at Clause 4.1B sub-clause (3) by deleting the word 'adjoining' in 2 places shown as follows:
 

(3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies by way of an adjustment of boundaries between adjoining lots where the size of at least one of the adjoining lots is less than the minimum lot size shown on the Lot Size Map in

relation to the land if the consent authority is satisfied that the subdivision will not result in—

- (a) an increase in the number of lots, or
- (b) an increase in the number of lots that have an area that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land, or
- (c) an increase in the number of dwellings or opportunities for dwellings on each lot.

2. Amendment to any other LEP part or other instrument in such a way to ensure no conflict is caused with sub-clause (3), after amendment, as described above.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

Against: Clancy

#### FORESHADOWED MOTION

Clancy

That Council add provisions in the Clarence Valley Local Environmental Plan 2011 to enable boundary adjustments between no more than two allotments, whether adjoining or not, where both allotments are subject to a contractual arrangement between Sugar Milling Cooperative and a grower member for the production of sugar cane being in force with respect of the land when the works are carried out.

#### LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

#### BACKGROUND

Boundary adjustments between non-adjoining Lots or part-Lots to create larger farms have proven to be beneficial to farm enterprise viability and important to protection of prime agricultural land where small lots with an existing dwelling are approved for subdivision to create a small residential Lot with the residue agricultural land then being attached to a farm Lot within the same general area. Where subdivision and aggregation occurred that did not result in additional dwelling eligibility, the farm owner gained the benefit of the agricultural land without the necessity to apply capital to an unwanted dwelling or dwelling eligibility while the small-Lot owner gained the benefit of retaining the dwelling or dwelling eligibility without the burden of a small non-viable, or hobby, area of agricultural land. The recent change (date unknown to me) to the CVLEP 2011 to require land to be adjoining now acts to prevent otherwise beneficial aggregations in situations where separation is created by road reserve, unformed Crown road and short distances between land holdings.

#### KEY ISSUES

My recent observations at three 'proposed boundary adjustment' DMU meetings has resulted in my identification of an impediment to Council consideration of sugar cane farm boundary adjustments that would, save for the word 'adjoining' occurring in the extensive list of other considerations needed to satisfy the provisions of the LEP, and if approved, result in:

- a) substantially increased protection of the prime agricultural land for farming purposes and,
- b) increased viability of the continuing farming enterprise together with,
- c) a level of protection of the sugar milling and refining industry that relies heavily upon a critical level of production for continuing viability and,
- d) no identifiable adverse impact on the subject land, other land, the environment, local amenity or on existing farming operations.

If adopted, the removal of 'adjoining' will leave all of the 'protection of land' provisions of Part 4 to be considered as part of any application for boundary adjustment.

## COUNCIL IMPLICATIONS

### Budget/Financial

Cost of implementation to be advised by way of staff report.

### Policy or Regulation

Clarence Valley Local Environmental Plan 2011

### Consultation

My external consultation on the subject with farmers and sugar industry representatives has produced no adverse comment to the issue of aggregation of non-adjoining land parcels where no additional dwelling eligibility results.

### Legal and Risk Management

N/A

## STAFF COMMENT – DIRECTOR ENVIRONMENT, PLANNING & COMMUNITY

Clause 4.1B was added to the Clarence Valley Local Environmental Plan 2011 (LEP) via a planning proposal initiated by Council staff in order to overcome a barrier in the State Environmental Planning Policy (Exempt and Complying Codes) 2008 that prevented boundary adjustments between allotments when one or more of those allotments was under the required minimum lot size. The legal drafting of the clause was prepared by NSW Parliamentary Counsel (PC) and the amendment to the LEP, known as Amendment No. 29, was notified in the NSW Government Gazette on 10 February 2017.

The planning proposal was silent on whether allotments subject to the clause needed to be adjoining or not. However, a diagram giving an example of such a boundary adjustment within the planning proposal did show the subject lots being adjoining. Given the planning proposal was silent on the issue of 'adjoining' it would appear that the PC inserted the word 'adjoining' during legal drafting and it appears Council staff did not seek to have the word removed.

Without the word 'adjoining' there is certainly potential for boundary adjustments authorised by the clause to occur between allotments that are separated by a substantial distance and this is not considered ideal as it would open the potential for such adjustments where each allotment has no relationship to the other. Advice has been provided in the DMU or Pre-DA meeting that individual applicants may seek to amend the LEP for the individual case and demonstrate the merit of the change. The LEP clauses cannot and should not necessarily cater for or enable every possible planning scenario and that is why there is a process of enabling planning proposals to be submitted and considered on their merit. For private benefit these planning proposals are typically prepared and submitted at the applicants cost on a user pays basis. Council's current fees for a planning proposal are:

### Rezoning Applications

Pre Gateway Assessment – Initial Application	Rezoning	\$3,551.00	R	N
Post Gateway Assessment	Rezoning	\$5,432.00	R	N
Advertising	Rezoning	\$336.00	R	N
Legal Drafting	Rezoning	\$1,076.00	R	N
Fee – staff time – per hour (after first 20 minutes)	Rezoning	\$157.60	R	N

The examples cited in the Notice of Motion relate to sugar cane farm boundary adjustments. With this industry in mind, and in the event that Council supported a change to clause 4.1B, it is suggested that the word 'adjoining' may be best retained and further provisions added that enable boundary adjustments



between no more than two allotments, whether adjoining or not, where at least one of the allotments is subject to a 'contractual arrangement between the Sugar Milling Cooperative and a grower member for the production of sugar cane being in force in respect of the land when the works are carried out' in much the same way as the relaxation for the sugar cane industry contained in the LEPs acid sulfate soils clause (sub clause 7.1(7)(a) of the LEP). In this way the added flexibility is limited to an industry and to a particular geographical area, ie the lower Clarence floodplain.

On this matter it would be better if the sugar industry applied for the rezoning process. This would add industry support as at present the DPI guideline (attached) does not support the addition of residential housing in agricultural zones. They would need to be consulted as per the Ministerial 117 Direction and are likely to object to this proposal as it would add more potential conflict into agricultural areas due to non-farming residents occupying houses in the new small lots. If the objection can't be overcome the Department is likely to reject the proposal at the Gateway stage.

To be tabled	Letter from Sunshine Sugar Letter from Clarence Canegrowers Association Section 9.1 Directions Farm Subdivision Assessment Guideline
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Clarence Canegrowers  
Association

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14<sup>th</sup> May 2020

The General Manager  
Clarence Valley Council  
Locked Bag 23  
Grafton NSW 2460

Proposed Amendment to Clause 4.1B sub-clause (3) of Clarence Valley Council LEP 2011

To whom it may concern,

Please accept this letter regarding a notice of motion to be submitted by councillor Andrew Baker pertaining to boundary adjustments.

The future viability of all farming practices, not just the sugar industry, relies on economies of scale.

The requirement that lots be adjoining restricts landholder's ability to amalgamate and upscale, when in fact this should be encouraged.

The enhancing of cane farming businesses ensures the ongoing viability of our sugar mills which in turn provide many hundreds of jobs critical to the economic benefit of the Clarence Valley.

At a recent meeting of the Clarence Canegrowers executive committee it was unanimously agreed to strongly support councillor Bakers proposed amendment.

Your sincerely,

Ross Farlow  
President Clarence Cane Growers Association  
Chairman NSW Cane Growers Association



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13<sup>th</sup> May 2020

The General Manager  
Clarence Valley Council  
Locked Bag 23,  
Grafton 2460, NSW

E-mail: [Ashley.Lindsay@clarence.nsw.gov.au](mailto:Ashley.Lindsay@clarence.nsw.gov.au)

Dear Sir

**Proposed Amendment to Clause 4.1B sub-clause (3) of Clarence Valley Council LEP 2011.**

The sugar industry in NSW is highly dependent on throughput to remain viable. Throughput is dependent on cane yield and the area of available good quality land on which to grow sugarcane. In recent years, we have seen the loss of significant areas of land close to our mills to alternative uses including urban encroachment, lifestyle and other crops, such as macadamias, which is placing increasing pressure on this important local industry.

Growers are in turn feeling the pressure from rising costs and increasing the scale of their operations is an important measure to improve their efficiencies. Boundary adjustments play an important role in this from two perspectives – firstly, they provide a relatively straightforward mechanism to aggregate productive land and, secondly and just as importantly, they provide an important exit mechanism for farmers who wish to retire from farming but remain in their home.

While the provisions of Clause 4.1B sub-clause (3) of Clarence Valley Council LEP 2011 certainly facilitate this process, the requirement that lots should be adjoining is in our view too restrictive and should be removed.

It is worth noting, that the Richmond Valley, Ballina, Byron Council LEPs do not specify that for boundary adjustment purposes lots should be adjoining.

Yours sincerely

Ian McBean  
Corporate Services Manager

## Section 9.1 Directions

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* - previously section 117(2). These directions apply to planning proposals lodged with the Department of Planning, Industry and Environment on or after the date the particular direction was issued:

Direction	Issue date / Date effective
1. Employment and Resources	1 July 2009 (Except for
1.1 Business and Industrial Zones	New Direction 1.2
1.2 Rural Zones	effective 14 April 2016;
1.3 Mining, Petroleum Production and Extractive Industries	Direction 1.1 effective 1
1.4 Oyster Aquaculture	May 2017;
1.5 Rural Lands	New Direction 1.5
	effective 28 February
	2019)
2. Environment and Heritage	1 July 2009 (Except for
2.1 Environment Protection Zones	New Direction 2.6
2.2 Coastal Management	effective 17 April 2020;
2.3 Heritage Conservation	Direction 2.5 effective 2
2.4 Recreation Vehicle Areas	March 2016;
2.5 Application of E2 and E3 Zones and Environmental Overlays in	Direction 2.1 and 2.4
Far North Coast LEPs	effective 14 April 2016;
2.6 Remediation of Contaminated Land	Direction 2.2 effective 3
	April 2018)
3. Housing, Infrastructure and Urban Development	1 July 2009 (Except
3.1 Residential Zones	for
3.2 Caravan Parks and Manufactured Home Estates	New Direction 3.6
3.3 Home Occupations	effective 16 February
3.4 Integrating Land Use and Transport	2011;
3.5 Development Near Regulated Airports and Defence Airfields	Direction 3.1, 3.2, 3.4
3.6 Shooting Ranges	and 3.5 effective 14 April
3.7 Reduction in non-hosted short term rental accommodation period	2016; Direction 3.7
	effective 15 February
	2019)
4. Hazard and Risk	1 July 2009 (Except
4.1 Acid Sulfate Soils	for
4.2 Mine Subsidence and Unstable Land	New Direction 4.2
4.3 Flood Prone Land	effective 14 April 2016)
4.4 Planning for Bushfire Protection	
5. Regional Planning	1 July 2009 (Except
5.1 Implementation of Regional Strategies	for
5.2 Sydney Drinking Water Catchments	New Direction 5.2
5.3 Farmland of State and Regional Significance on the NSW Far North	effective 3 March 2011;
Coast	Direction 5.4 effective 21
5.4 Commercial and Retail Development along the Pacific Highway,	August 2015;
North Coast	Direction 5.9 effective 30
5.5 Development in the vicinity of Ellalong, Paxton and Milfield	September 2013;
(Cessnock LGA) (Revoked 18 June 2010)	1 July 2009 (Except for

**LOCAL PLANNING DIRECTIONS**Section 9.1(2) of the *Environmental Planning and Assessment Act 1979*

<b>Direction</b>	<b>Issue date / Date effective</b>
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	effective 14 April 2016; Direction 5.1 and 5.3 effective 1 May 2017; Direction 5.11 effective 6 February 2019)
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	
5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	
5.9 North West Rail Link Corridor Strategy	
5.10 Implementation of Regional Plans	
5.11 Development of Aboriginal Land Council land	
6. Local Plan Making	1 July 2009
6.1 Approval and Referral Requirements	
6.2 Reserving Land for Public Purposes	
6.3 Site Specific Provisions	
7. Metropolitan Planning	14 January 2015
7.1 Implementation of A Plan for Growing Sydney	Except for Direction 7.2 effective 22 September 2015; Direction 7.3: effective 9 December 2016; Direction 7.4: effective 15 May 2017; Direction 7.5: effective 25 July 2017; Direction 7.6: effective 5 August 2017; Direction 7.7: effective 22 December 2017; Direction 7.8: effective 20 August 2018; Direction 7.9: effective: 25 September 2018; Direction 7.10: effective 25 September 2018
7.2 Implementation of Greater Macarthur Land Release Investigation	
7.3 Parramatta Road Corridor Urban Transformation Strategy	
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	
7.9 Implementation of Bayside West Precincts 2036 Plan	
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	

# 1. Employment and Resources

## 1.1 Business and Industrial Zones

### Objectives

- (1) The objectives of this direction are to:
- (a) encourage employment growth in suitable locations,
  - (b) protect employment land in business and industrial zones, and
  - (c) support the viability of identified centres.

### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must:
- (a) give effect to the objectives of this direction,
  - (b) retain the areas and locations of existing business and industrial zones,
  - (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
  - (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
  - (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.

### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
    - (i) gives consideration to the objective of this direction, and
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Secretary of the Department of Planning and Environment, or
  - (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or
  - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or
  - (d) of minor significance.

**Note:** In this direction, “identified centre” means a centre that has been identified as a strategic centre, regional city or centre in a regional strategy, regional plan, sub-regional strategy, or another strategy approved by the Secretary.

**Direction 1.1 – issued 1 May 2017**

## 1.2 Rural Zones

### Objective

- (1) The objective of this direction is to protect the agricultural production value of rural land.

### Where this direction applies

- (2) (a) Clause 4(a) of this direction applies to all relevant planning authorities.  
 (b) Clause 4(b) of this direction applies in the following local government areas:

Ashfield	Holroyd	Sutherland
Auburn	Hornsby	Warringah
Bankstown	Hunters Hill	Waverley
Baulkham Hills	Hurstville	Willoughby
Blacktown	Kogarah	Wollondilly
Blue Mountains	Ku-ring-gai	Woollahra
Botany Bay	Lake Macquarie	Wollongong
Burwood	Lane Cove	Wyang
Camden	Leichhardt	
Campbelltown	Liverpool	
Canada Bay	Manly	
Canterbury	Marrickville	
City of Sydney	Mosman	
Fairfield	Newcastle	
Gosford	North Sydney	
Hawkesbury	Parramatta	

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must:
- (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
  - (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
    - (i) gives consideration to the objectives of this direction,
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Director-General of the Department of Planning, or
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
  - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
  - (d) is of minor significance.

## 1.3 Mining, Petroleum Production and Extractive Industries

### Objective

- (1) The objective of this direction is 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.

### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:
- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
  - (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

### What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:
- (a) consult the Director-General of the Department of Primary Industries (DPI) to identify any:
    - (i) resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and
    - (ii) existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and
  - (b) seek advice from the Director-General of DPI on the development potential of resources identified under (4)(a)(i), and
  - (c) identify and take into consideration issues likely to lead to land use conflict between other land uses and:
    - (i) development of resources identified under (4)(a)(i), or
    - (ii) existing development identified under (4)(a)(ii).
- (5) Where a planning proposal prohibits or restricts development of resources identified under (4)(a)(i), or proposes land uses that may create land use conflicts identified under (4)(c), the relevant planning authority must:
- (a) provide the Director-General of DPI with a copy of the planning proposal and notification of the relevant provisions,
  - (b) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and
  - (c) include a copy of any objection and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) before undertaking community consultation in satisfaction of section 57 of the Act.

### Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the provisions of the planning proposal that are inconsistent are of minor significance.



## 1.4 Oyster Aquaculture

### Objectives

- (1) The objectives of this direction are:
  - (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 oysters and oyster consumers.

### Where this direction applies

- (2) This direction applies to Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the *NSW Oyster Industry Sustainable Aquaculture Strategy* (2006) ("the Strategy").

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:
  - (a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or
  - (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.

### What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:
  - (a) identify any Priority Oyster Aquaculture Areas and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply,
  - (b) identify any proposed land uses which could result in any adverse impact on a Priority Oyster Aquaculture Area or oyster aquaculture leases outside such an area,
  - (c) identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use in compatibility,
  - (d) consult with the Director-General of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and
  - (e) ensure the planning proposal is consistent with the Strategy.
- (5) Where a planning proposal proposes land uses that may result in adverse impacts identified under (4)(b) and (c), relevant planning authority must:
  - (a) provide the Director-General of DPI with a copy of the planning proposal and notification of the relevant provisions,
  - (b) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and
  - (c) include a copy of any objection and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning before undertaking community consultation in satisfaction of section 57 of the Act.

### Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

**Note:** In this direction:

- (a) "Priority Oyster Aquaculture Areas" has the same meaning as in the *NSW Oyster Industry Sustainable Aquaculture Strategy*; and
- (b) an "incompatible use of land" includes access to oyster leases being limited by the change in land use or the risk of adverse impacts as a result of that change in land use on water quality and, consequently, on the health of oysters and on the health of consumers of those oysters.

## 1.5 Rural Lands

### Objective

(1) The objectives of this direction are to:

- (a) protect the agricultural production value of rural land,
- (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,
- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land
- (f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy.

### Where this direction applies

(2) This direction applies to all local government areas in the State except for:

- (a) Lake Macquarie,
- (b) Newcastle,
- (c) Wollongong, and
- (d) local government areas in the Greater Sydney Region (as defined in the *Greater Sydney Commission Act 2015*) other than Wollondilly and Hawkesbury.

### When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that:

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or environment protection zone.

**Note:** Reference to a rural or environment protection zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, E1, E2, E3, E4.

### What a relevant planning authority must do if this direction applies

(4) A planning proposal to which clauses 3(a) or 3(b) apply must:

- (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement
- (b) consider the significance of agriculture and primary production to the State and rural communities
- (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
- (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
- (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
- (f) support farmers in exercising their right to farm
- (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses

- (h) consider State significant agricultural land identified in *State Environmental Planning Policy (Primary Production and Rural Development) 2019* for the purpose of ensuring the ongoing viability of this land
  - (i) consider the social, economic and environmental interests of the community.
- (5) A planning proposal to which clause 3(b) applies must demonstrate that it:
- (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
  - (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains
  - (c) where it is for rural residential purposes:
    - i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres
    - ii. is necessary taking account of existing and future demand and supply of rural residential land.

**Note:** where a planning authority seeks to vary an existing minimum lot size within a rural or environment protection zone, it must also do so in accordance with the Rural Subdivision Principles in clause 5.16 of the relevant Local Environmental Plan.

### Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
    - i. gives consideration to the objectives of this direction,
    - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - iii. is approved by the Secretary of the Department of Planning & Environment and is in force, or
  - (b) is of minor significance.

**Direction 1.5 – issued 28 February 2019**

## 2. Environment and Heritage

### 2.1 Environment Protection Zones

#### Objective

- (1) The objective of this direction is to protect and conserve environmentally sensitive areas.

#### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

#### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

#### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- (5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "*Rural Lands*".

#### Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
    - (i) gives consideration to the objectives of this direction,
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Director-General of the Department of Planning, or
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
  - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
  - (d) is of minor significance.

**Direction 2.1 – issued 14 April 2016**

## 2.2 Coastal Management

### Objective

- (1) The objective of this direction is to protect and manage coastal areas of NSW.

### Where this direction applies

- (2) This direction applies to land that is within the coastal zone, as defined under the *Coastal Management Act 2016* - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by the *State Environmental Planning Policy (Coastal Management) 2018*.

### When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal that applies to land identified in (2) above.

### What a planning proposal authority must do if this direction applies

- (4) A planning proposal must include provisions that give effect to and are consistent with:
- (a) the objects of the *Coastal Management Act 2016* and the objectives of the relevant coastal management areas;
  - (b) the NSW Coastal Management Manual and associated Toolkit;
  - (c) NSW Coastal Design Guidelines 2003; and
  - (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the *Coastal Protection Act 1979* that continues to have effect under clause 4 of Schedule 3 to the *Coastal Management Act 2016*, that applies to the land.
- (5) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:
- (a) within a coastal vulnerability area identified by the *State Environmental Planning Policy (Coastal Management) 2018*; or
  - (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:
    - (i) by or on behalf of the relevant planning authority and the planning proposal authority, or
    - (ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.
- (6) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the *State Environmental Planning Policy (Coastal Management) 2018*.
- (7) A planning proposal for a Local Environmental Plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the *State Environmental Planning Policy (Coastal Management) 2018*:
- (a) Coastal wetlands and littoral rainforests area map;
  - (b) Coastal vulnerability area map;
  - (c) Coastal environment area map; and
  - (d) Coastal use area map.

Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the *Coastal Protection Act 1979* that continues to have effect under clause 4 of Schedule 3 to the *Coastal Management Act 2016*.

Note: Under section 10(2) of the *Coastal Management Act 2016*, any provision of an LEP that identifies a coastal management area (or part of such an area) must not be made without the recommendation of the Minister administering the *Coastal Management Act 2016*.

### Consistency

- (8) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning and Environment (or their nominee) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a study or strategy prepared in support of the planning proposal which gives consideration to the objective of this direction, or

**LOCAL PLANNING DIRECTIONS**

Section 9.1(2) of the *Environmental Planning and Assessment Act 1979*

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- (b) in accordance with any relevant Regional Strategic Plan or District Strategic Plan, prepared under Division 3.1 of the *Environmental Planning and Assessment Act 1979* by the relevant strategic planning authority, which gives consideration to the objective of this direction, or
- (c) of minor significance.

“Coastal hazard” and “Coastal Management Program” are defined in the *Coastal Management Act 2016*.

**Direction 2.2 – issued 3 April 2018**

## 2.3 Heritage Conservation

### Objective

- (1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must contain provisions that facilitate the conservation of:
- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
  - (b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
  - (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:
- (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
  - (b) the provisions of the planning proposal that are inconsistent are of minor significance.

**Note:** In this direction:

“conservation”, “environmental heritage”, “item”, “place” and “relic” have the same meaning as in the *Heritage Act 1977*.

“Aboriginal object”, “Aboriginal area” and “Aboriginal place” have the same meaning as in the *National Parks and Wildlife Act 1974*.

Heritage conservation is covered by a compulsory clause in the Standard Instrument (Local Environmental Plans) Order 2006. A LEP that adopts the Standard Instrument should identify such items, areas, objects or places of environmental heritage significance or indigenous heritage significance as are relevant to the terms of this direction on the Heritage Map and relevant Schedule of the LEP.

**Direction 2.3 – issued 1 July 2009**

## 2.4 Recreation Vehicle Areas

### Objective

- (1) The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the *Recreation Vehicles Act 1983*):
- (a) where the land is within an environmental protection zone,
  - (b) where the land comprises a beach or a dune adjacent to or adjoining a beach,
  - (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:
    - (i) the provisions of the guidelines entitled *Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas*, Soil Conservation Service of New South Wales, September, 1985, and
    - (ii) the provisions of the guidelines entitled *Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas*, State Pollution Control Commission, September 1985.

### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
    - (i) gives consideration to the objective of this direction, and
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Director-General of the Department of Planning, or
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
  - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
  - (d) of minor significance.

**Direction 2.4 – issued 14 April 2016**



## **2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs**

### **Objective**

- (1) The objective of this direction is to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.

### **Where this direction applies**

- (2) This direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.

### **When this direction applies**

- (3) This direction applies when a relevant planning authority prepares a planning proposal:
  - (a) that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone;
  - (b) that introduces or alters an overlay and associated clause.

### **What a relevant planning authority or council must do if this direction applies**

- (4) A planning proposal that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone or an overlay and associated clause must:
  - (a) apply the proposed E2 Environmental Conservation or E3 Environmental Management zones, or the overlay and associated clause, consistent with the Northern Councils E Zone Review Final Recommendations.

### **Consistency**

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary, Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.

**Direction 2.5 – issued 2 March 2016**

## 2.6 Remediation of Contaminated Land

### Objective

- (1) The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

### Where this direction applies

- (2) This direction applies to:
- (a) land that is within an investigation area within the meaning of the *Contaminated Land Management Act 1997*,
  - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
  - (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:
    - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
    - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

### When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal applying to land specified in paragraph (2).

### What a planning proposal authority must do if this direction applies

- (4) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:
- (a) the planning proposal authority has considered whether the land is contaminated, and
  - (b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
  - (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.

- (5) Before including any land specified in paragraph (2) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

**Note:** In this direction, **contaminated land planning guidelines** means guidelines under clause 3 of Schedule 6 to the *Environmental Planning and Assessment Act 1979*.

**Direction 2.6 – issued 17 April 2020**

## 3. **Housing, Infrastructure and Urban Development**

### 3.1 Residential Zones

#### Objectives

- (1) The objectives of this direction are:
  - (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
  - (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
  - (c) to minimise the impact of residential development on the environment and resource lands.

#### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

#### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:
  - (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
  - (b) any other zone in which significant residential development is permitted or proposed to be permitted.

#### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must include provisions that encourage the provision of housing that will:
  - (a) broaden the choice of building types and locations available in the housing market, and
  - (b) make more efficient use of existing infrastructure and services, and
  - (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
  - (d) be of good design.
- (5) A planning proposal must, in relation to land to which this direction applies:
  - (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
  - (b) not contain provisions which will reduce the permissible residential density of land.

#### Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
  - (a) justified by a strategy which:
    - (i) gives consideration to the objective of this direction, and
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Director-General of the Department of Planning, or
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
  - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
  - (d) of minor significance.

## 3.2 Caravan Parks and Manufactured Home Estates

### Objectives

- (1) The objectives of this direction are:
  - (a) to provide for a variety of housing types, and
  - (b) to provide opportunities for caravan parks and manufactured home estates.

### Where this direction applies

- (2) This direction applies to all relevant planning authorities. This direction does not apply to:
  - (a) Crown land reserved or dedicated for any purposes under the *Crown Lands Act 1989*, except Crown land reserved for accommodation purposes, or
  - (b) land dedicated or reserved under the *National Parks and Wildlife Act 1974*.

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

### What a relevant planning authority must do if this direction applies

- (4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:
  - (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and
  - (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.
- (5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:
  - (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,
  - (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and
  - (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the *Community Land Development Act 1989* be permissible with consent.

### Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
  - (a) justified by a strategy which:
    - (i) gives consideration to the objective of this direction, and
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Director-General of the Department of Planning, or
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
  - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
  - (d) of minor significance.

### 3.3 Home Occupations

#### Objective

- (1) The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

#### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

#### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

#### What a relevant planning authority must do if this direction applies

- (4) Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

#### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.

**Note:** In this direction “home occupation” has the same meaning as it has in the Standard Instrument (Local Environmental Plans) Order 2006.

**Direction 3.3 – issued 1 July 2009**

### 3.4 Integrating Land Use and Transport

#### Objectives

- (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:
  - (a) improving access to housing, jobs and services by walking, cycling and public transport, and
  - (b) increasing the choice of available transport and reducing dependence on cars, and
  - (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
  - (d) supporting the efficient and viable operation of public transport services, and
  - (e) providing for the efficient movement of freight.

#### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

#### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

#### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:
  - (a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
  - (b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

#### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
  - (a) justified by a strategy which:
    - (i) gives consideration to the objective of this direction, and
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Director-General of the Department of Planning, or
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
  - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
  - (d) of minor significance.

**Direction 3.4 – issued 14 April 2016**

### 3.5 Development Near Regulated Airports and Defence Airfields

#### Objectives

- (1) The objectives of this direction are:
  - (a) to ensure the effective and safe operation of regulated airports and defence 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.

#### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

#### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.

#### What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:
  - (a) consult with the lessee/operator of that airport;
  - (b) take into consideration the operational airspace and any advice from the lessee/operator of that airport;
  - (c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.
  - (d) not allow development types that are incompatible with the current and future operation of that airport.
- (5) In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:
  - (a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;
  - (b) for land affected by the prescribed airspace (as defined in Regulation 6(1) of the *Airports (Protection of Airspace) Regulation 1996*, prepare appropriate development standards, such as height controls.
  - (c) not allow development types that are incompatible with the current and future operation of that airport.
  - (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the *Airports Act 1996*. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the *Environmental Planning and Assessment Act 1979*.
- (6) In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:
  - (a) consult with the Department of Defence if:
    - (i) the planning proposal seeks to exceed the height provisions contained in the *Defence Regulations 2016 – Defence Aviation Areas* for that airfield; or
    - (ii) no height provisions exist in the *Defence Regulations 2016 – Defence Aviation Areas* for the airfield and the proposal is within 15km of the airfield.
  - (b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.
  - (c) not allow development types that are incompatible with the current and future operation of that airfield.

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- (7) A planning proposal must include a provision to ensure that development meets *Australian Standard 2021 – 2015, Acoustic- Aircraft Noise Intrusion – Building siting and construction* with respect to interior noise levels, if the proposal seeks to rezone land:
  - (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25; or
  - (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or
  - (c) for commercial or industrial purposes where the ANEF is above 30.
- (8) A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 ANEC/ANEF contour for Western Sydney Airport.

**Consistency**

- (9) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:
  - a) justified by a strategy which:
    - (i) gives consideration to the objectives of this direction; and
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites); and
    - (iii) is approved by the Secretary of the Department of Planning and Environment; or
  - b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction; or
  - c) in accordance with the relevant Regional Plan prepared by the Department of Planning and Environment which gives consideration to the objectives of this direction; or is of minor significance.

**Direction 3.5 – issued 14 April 2016 (amended 20 August 2018)**



## 3.6 Shooting Ranges

### Objectives

- (1) The objectives are:
  - (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,
  - (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,
  - (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.

### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.

### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:
  - (a) permitting more intensive land uses than those which are permitted under the existing zone; or
  - (b) permitting land uses that are incompatible with the noise emitted by the existing shooting range.

### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
  - (a) justified by a strategy which:
    - i. gives consideration to the objectives of this direction, and
    - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites) and
    - iii. is approved by the Director-General of the Department of Planning and is in force, or
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
  - (c) is of minor significance.

**Note:** In this direction, an “existing shooting range” means a shooting range the subject of a valid approval issued under the *Firearms Act 1996* and *Firearms Regulation 2006*, and includes the Range Danger Area of that shooting range.

**Direction 3.6 – issued 16 February 2011**

### 3.7 Reduction in non-hosted short term rental accommodation period

#### Objective

- (1) The objectives of this direction are to:
- (a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and
  - (b) ensure the impacts of short-term rental accommodation and views of the community are considered.

#### Where this direction applies

- (2) This direction applies to Byron Shire Council.

#### When this direction applies

- (3) This direction applies when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.

#### What a planning proposal authority must do if this direction applies

- (4) The council must include provisions which give effect to the following principles in a planning proposal to which this direction applies:
- o non-hosted short term rental accommodation periods must not be reduced to be less than 90 days
  - o the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated
  - o there should be a sound evidence base for the proposed change, including evidence of the availability of short-term rental accommodation in the area (or parts of the area) in the 12 months preceding the proposal, relative to the amount of housing in the area, and trend data on the availability of short-term rental accommodation over the past 5 years.
  - o the impact of reducing the non-hosted short-term rental accommodation period should be analysed and explained, including social and economic impacts for the community in general, and impacted property owners specifically.

#### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

Note: In this direction:

**short-term rental accommodation** means an existing dwelling:

- (a) in which accommodation is lawfully provided on a commercial basis by the owner or tenant of the dwelling (the **host**) for a temporary or short-term period, with or without the host residing on the premises during that period, and
- (b) that, if it were used predominantly as a place of residence, would be one of the following types of residential accommodation:
  - (i) an attached dwelling,
  - (ii) a dual occupancy,
  - (iii) a dwelling house,
  - (iv) multi dwelling housing,
  - (v) a residential flat building,
  - (vi) a rural workers' dwelling,
  - (vii) a secondary dwelling,
  - (viii) a semi-detached dwelling,
  - (ix) shop top housing.

**Note.** Section 137A of the *Strata Schemes Management Act 2015* provides that a by-law made by a special resolution of an owners corporation may prohibit a lot being used for short-term rental accommodation.

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accommodation arrangement (within the meaning of section 54A of the *Fair Trading Act 1987*) if the lot is not the principal place of residence of the person who, pursuant to the arrangement, is giving another person the right to occupy the lot.

**tenant** has the same meaning as in the *Residential Tenancies Act 2010*.

**non-hosted short-term rental accommodation** means short-term rental accommodation provided where the host does not reside on the premises during the provision of the accommodation.

Direction 3.7 – issued 15 February 2019

## 4. Hazard and Risk

### 4.1 Acid Sulfate Soils

#### Objective

- (1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

#### Where this direction applies

- (2) This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.

#### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

#### What a relevant planning authority must do if this direction applies

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

#### Consistency

- (8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
  - (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
  - (b) of minor significance.

**Direction 4.1 – issued 1 July 2009**

## 4.2 Mine Subsidence and Unstable Land

### Objective

- (1) The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

### Where this direction applies

- (2) This direction applies to land that:
- (a) is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or
  - (b) has been identified as unstable land.

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that:
- (a) is within a mine subsidence district, or
  - (b) has been identified as unstable in a study, strategy or other assessment undertaken:
    - (i) by or on behalf of the relevant planning authority, or
    - (ii) by or on behalf of a public authority and provided to the relevant planning authority.

### What a relevant planning authority must do if this direction applies

- (4) When preparing a planning proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must:
- (a) consult the Mine Subsidence Board to ascertain:
    - (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and
    - (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and
  - (b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and
  - (c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.
- (5) A planning proposal must not permit development on unstable land referred to in paragraph 3(b).

### Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
    - (i) gives consideration to the objective of this direction, and
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Director-General of the Department of Planning, or
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
  - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
  - (d) of minor significance.

**Note:** With regard to development applications, section 15 of the *Mine Subsidence Compensation Act 1961* requires approval from the Mine Subsidence Board to alter or erect improvements within a mine subsidence district or to subdivide land therein.

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Section 91 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) provides that approval under section 15 of the *Mine Subsidence Compensation Act 1961* is integrated development. Section 91A of

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the EP&A Act provides that the consent authority must obtain from the relevant approval body (Mine Subsidence Board) the general terms of any approval proposed to be granted by the approval body in relation to the development. A consent granted by the consent authority must be consistent with the general terms of any approval proposed to be granted by the approval body.

**Direction 4.2 – issued 14 April 2016**

### 4.3 Flood Prone Land

#### Objectives

- (1) The objectives of this direction are:
  - (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
  - (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

#### Where this direction applies

- (2) This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.

#### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

#### What a relevant planning authority must do if this direction applies

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

#### Consistency

- (9) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:
  - (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the *Floodplain Development Manual 2005*, or
  - (b) the provisions of the planning proposal that are inconsistent are of minor significance.

**Note:** "flood planning area", "flood planning level", "flood prone land" and "floodway area" have the same meaning as in the *Floodplain Development Manual 2005*.

## 4.4 Planning for Bushfire Protection

### Objectives

- (1) The objectives of this direction are:
  - (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.

### Where this direction applies

- (2) This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

### What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,
- (5) A planning proposal must:
  - (a) have regard to *Planning for Bushfire Protection 2006*,
  - (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
  - (c) ensure that bushfire hazard reduction is not prohibited within the APZ.
- (6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
  - (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
    - (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
    - (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
  - (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the *Rural Fires Act 1997*), the APZ provisions must be complied with,
  - (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
  - (d) contain provisions for adequate water supply for firefighting purposes,
  - (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
  - (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

### Consistency

- (7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.



## **5. Regional Planning**

### **5.1 Implementation of Regional Strategies**

#### **Objective**

- (1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

#### **Where this direction applies**

- (2) This direction applies to land to which the following regional strategies apply:
- (a) South Coast Regional Strategy (excluding land in the Shoalhaven LGA)
  - (b) Sydney–Canberra Corridor Regional Strategy

#### **When this direction applies**

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

#### **What a relevant planning authority must do if this direction applies**

- (4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

#### **Consistency**

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the regional strategy:
- (a) is of minor significance, and
  - (b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

**Direction 5.1 – issued 1 May 2017**

## 5.2 Sydney Drinking Water Catchment

### Objective

- (1) The objective of this Direction is to protect water quality in the Sydney drinking water catchment.

### Where this Direction applies

- (2) This Direction applies to the Sydney drinking water catchment in the following local government areas:

Blue Mountains	Kiama	Sutherland
Campbelltown	Lithgow	Upper Lachlan
Cooma Monaro	Oberon	Wingecarribee
Eurobodalla	Palerang	Wollondilly
Goulburn Mulwaree	Shoalhaven	Wollongong.

### When this Direction applies

- (3) This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.

### What a relevant planning authority must do if this Direction applies

- (4) A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:
- (a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and
  - (b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and
  - (c) the ecological values of land within a Special Area that is:
    - (i) reserved as national park, nature reserve or state conservation area under the *National Parks and Wildlife Act 1974*, or
    - (ii) declared as a wilderness area under the *Wilderness Act 1987*, or
    - (iii) owned or under the care control and management of the Sydney Catchment Authority,
 should be maintained.
- (5) When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:
- (a) ensure that the proposal is consistent with *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, and
  - (b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and
  - (c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:

Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006
Land reserved under the <i>National Parks and Wildlife Act 1974</i>	E1 National Parks and Nature Reserves
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	E2 Environmental Conservation

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Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)
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and

- (d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and
- (e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979*.

**Consistency**

- (6) A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

**Note:** In this Direction:

"Sydney drinking water catchment" has the same meaning as in the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*.

"Special Area" has the same meaning as in the *Sydney Water Catchment Management Act 1998*.

"Strategic Land and Water Capability Assessment" means the series of land use capability maps and GIS data of this title, prepared by the Sydney Catchment Authority and as provided to councils in June 2009. The maps resulted from the Sydney Catchment Authority's assessment of the physical capability of natural features of land and waterways to identify appropriate types and intensities of land use that will not adversely impact on water quality and catchment health.

**Direction 5.2 – issued 3 March 2011**

## 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

### Objectives

- (1) The objectives of this direction are:
- (a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,
  - (b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and
  - (c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.

### Where this direction applies

- (2) This direction applies to:
- (a) Ballina Shire Council,
  - (b) Byron Shire Council,
  - (c) Kyogle Shire Council,
  - (d) Lismore City Council,
  - (e) Richmond Valley Council, and
  - (f) Tweed Shire Council,
- except within areas contained within the “urban growth areas” mapped in the North Coast Regional Plan 2036.

### When this direction applies

- (3) This Direction will apply when a relevant planning authority prepares a planning proposal for land mapped as:
- (a) State significant farmland, or
  - (b) regionally significant farmland, or
  - (c) significant non-contiguous farmland,
- on the set of four maps held in the Department of Planning and Environment marked “Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)”.

### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must not:
- (a) rezone land identified as “State Significant Farmland” for urban or rural residential purposes.
  - (b) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes.
  - (c) rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes.

### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if council can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the planning proposal is consistent with:
- (a) the North Coast Regional Plan 2036, or
  - (b) Section 4 of the report titled *Northern Rivers Farmland Protection Project - Final Recommendations, February 2005*, held by the Department of Planning and Environment.

**Direction 5.3 – issued 1 May 2017**

## 5.4 Commercial and Retail Development along the Pacific Highway, North Coast

### Objectives

- (1) The objectives for managing commercial and retail development along the Pacific Highway are:
  - (a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;
  - (b) to prevent inappropriate development fronting the highway;
  - (c) to protect public expenditure invested in the Pacific Highway;
  - (d) to protect and improve highway safety and highway efficiency;
  - (e) to provide for the food, vehicle service and rest needs of travellers on the highway; and
  - (f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.

### Where this Direction applies

- (2) This Direction applies to those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive.

### When this Direction applies

- (3) This Direction applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.

### What a relevant planning authority must do if this Direction applies

- (4) A planning proposal that applies to land located on "within town" segments of the Pacific Highway must provide that:
  - (a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway;
  - (b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and
  - (c) for the purposes of this paragraph, "within town" means areas which, prior to the draft local environmental plan, have an urban zone (eg: "village", "residential", "tourist", "commercial", "industrial", etc) and where the Pacific Highway speed limit is less than 80km/hour.
- (5) A planning proposal that applies to land located on "out-of-town" segments of the Pacific Highway must provide that:
  - (a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction;
  - (b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and
  - (c) for the purposes of this paragraph, "out-of-town" means areas which, prior to the draft local environmental plan, do not have an urban zone (eg: "village", "residential", "tourist", "commercial", "industrial", etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.
- (6) Notwithstanding the requirements of paragraphs (4) and (5), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that Roads and Maritime Services is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the purposes of this paragraph, a highway service centre has the same meaning as is contained in the Standard Instrument (Local Environmental Plans) Order 2006.

**Table 1: Highway service centres that can proceed**

Town	Locality
Chinderah	<ul style="list-style-type: none"> <li>Chinderah Bay Road interchange (southbound)</li> <li>Western side of highway at Tweed Valley Way interchange (northbound)</li> </ul>
Ballina	<ul style="list-style-type: none"> <li>Teven Road interchange</li> </ul>

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<b>Town</b>	<b>Locality</b>
Maclean	<ul style="list-style-type: none"> <li>• Southern interchange.</li> </ul>
Woolgoolga	<ul style="list-style-type: none"> <li>• Northern interchange at Arrawarra.</li> </ul>
Nambucca Heads	<ul style="list-style-type: none"> <li>• Nambucca Heads interchange</li> </ul>
Kempsey	<ul style="list-style-type: none"> <li>• South Kempsey interchange</li> </ul>
Port Macquarie	<ul style="list-style-type: none"> <li>• Oxley Highway interchange (both sides of the Pacific Highway)</li> </ul>
Taree	<ul style="list-style-type: none"> <li>• Old Bar Road interchange</li> </ul>
Tomago	<ul style="list-style-type: none"> <li>• In the vicinity of Tomago Road / South Heatherbrae</li> </ul>

**Consistency**

- (7) A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.

**Direction 5.4 – issued 21 August 2015****5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)** (Revoked 18 June 2010)**5.6 Sydney to Canberra Corridor** (Revoked 10 July 2008. See amended Direction 5.1)**5.7 Central Coast** (Revoked 10 July 2008. See amended Direction 5.1)**5.8 Second Sydney Airport: Badgerys Creek** (Revoked 20 August 2018)

## 5.9 North West Rail Link Corridor Strategy

### Objectives

- (1) The objectives of this direction are to:
  - (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL)
  - (b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.

### Where this direction applies

- (2) This Direction applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.

### When this Direction applies

- (3) This Direction applies when a relevant planning authority prepares a planning proposal for land within the North West Rail Link Corridor, as identified in the NWRL Corridor Strategy and Structure Plans.

### What a relevant planning authority must do if this Direction applies

- (4) A planning proposal that applies to land located within the NWRL Corridor must:
  - (a) give effect to the objectives of this direction
  - (b) be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts
  - (c) promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.

### Consistency

- (5) A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
  - (a) justified by a strategy which:
    - (i) gives consideration to the objective of this direction, and
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Director-General of the Department of Planning & Infrastructure, or
  - (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or
  - (c) in accordance with the relevant Sub-Regional Delivery Plan prepared by the Department of Planning & Infrastructure which gives consideration to the objective of this direction, or
  - (d) of minor significance.

**Direction 5.9 – issued 30 September 2013**

## 5.10 Implementation of Regional Plans

### Objective

- (1) The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

### Where this direction applies

- (2) This direction applies to land to which a Regional Plan has been released by the Minister for Planning.

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

### What a relevant planning authority must do if this direction applies

- (4) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:
  - (a) is of minor significance, and
  - (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.

**Direction 5.10 – issued 14 April 2016**



## 5.11 Development of Aboriginal Land Council land

### Objective

- (1) The objective of this direction is to provide for the consideration of development delivery plans prepared under *State Environmental Planning Policy (Aboriginal Land) 2019* when planning proposals are prepared by a planning proposal authority.

### Where this direction applies

- (2) This direction applies to all relevant planning proposal authorities.

### When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal for land shown on the Land Application Map of *State Environmental Planning Policy (Aboriginal Land) 2019*.

**Note:** When this direction was made, *State Environmental Planning Policy (Aboriginal Land) 2019* applied only to land in the Central Coast local government area.

### What a planning proposal authority must do if this direction applies

- (4) When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:
  - (a) any applicable development delivery plan made under *State Environmental Planning Policy (Aboriginal Land) 2019*; or
  - (b) if no applicable development delivery plan has been published, the interim development delivery plan published on the Department's website on the making of this direction.

**Note:** Development delivery plans must be published in the Gazette or the NSW planning portal.

### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.

Direction 5.11- issued 6 February 2019

## 6. Local Plan Making

### 6.1 Approval and Referral Requirements

#### Objective

- (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

#### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

#### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

#### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must:
- (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
  - (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
    - (i) the appropriate Minister or public authority, and
    - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),
 prior to undertaking community consultation in satisfaction of section 57 of the Act, and
  - (c) not identify development as designated development unless the relevant planning authority:
    - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and
    - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

#### Consistency

- (5) A planning proposal must be substantially consistent with the terms of this direction.

**Note:** In this direction “public authority” has the same meaning as section 4 of the Environmental Planning and Assessment Act 1979.

**Direction 6.1 – issued 1 July 2009**

## 6.2 Reserving Land for Public Purposes

### Objectives

- (1) The objectives of this direction are:
  - (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and
  - (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).
- (5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*, the relevant planning authority must:
  - (a) reserve the land in accordance with the request, and
  - (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and
  - (c) identify the relevant acquiring authority for the land.
- (6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:
  - (a) include the requested provisions, or
  - (b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.
- (7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.

### Consistency

- (8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:
  - (a) with respect to a request referred to in paragraph (7), that further information is required before appropriate planning controls for the land can be determined, or
  - (b) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.

**Note:** Clause 12 of the EP&A Reg 2000 provides that a planning proposal for a proposed local environmental plan:

- (a) may not contain a provision reserving land for a purpose referred to in section 26 (1) (c) of the EP&A Act, and
- (b) may not contain a provision in respect of that reservation as required by section 27 of the EP&A Act, unless the public authority responsible for the acquisition of the land has notified the relevant planning authority of its concurrence to the inclusion of such a provision in the planning proposal.

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“public authority” has the same meaning as section 4 of the EP&A Act.

the use or reservation of land for a public purpose has the same meaning as in section 26(1)(c) of the EP&A Act.

**Direction 6.2 – issued 1 July 2009**

## 6.3 Site Specific Provisions

### Objective

- (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

### What a relevant planning authority must do if this direction applies

- (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:
  - (a) allow that land use to be carried out in the zone the land is situated on, or
  - (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
  - (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
- (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

### Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

**Direction 6.3 – issued 1 July 2009**

## 7. Metropolitan Planning

### 7.1 Implementation of A Plan for Growing Sydney

#### Objective

- (1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

#### Where this direction applies

- (2) This direction applies to land comprising of the following local government areas:

Ashfield	Hornsby	Randwick
Auburn	Hunters Hill	Rockdale
Bankstown	Hurstville	Ryde
Blacktown	Kogarah	Strathfield
Blue Mountains	Ku-ring-gai	Sutherland
Botany Bay	Lane Cove	The Hills
Burwood	Leichhardt	Warringah
Camden	Liverpool	Waverley
Campbelltown	Manly	Willoughby
Canada Bay	Marrickville	Wollondilly
Canterbury	Mosman	Woollahra
City of Sydney	North Sydney	
Fairfield	Parramatta	
Hawkesbury	Penrith	
Holroyd	Pittwater	

#### When this direction applies

- (3) This direction applies when a Relevant Planning Authority prepares a planning proposal.

#### What a Relevant Planning Authority must do if this direction applies

- (4) Planning proposals shall be consistent with:
- (a) the NSW Government's A Plan for Growing Sydney published in December 2014.

#### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with A Plan for Growing Sydney:
- (a) is of minor significance, and
- (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its planning principles; directions; and priorities for subregions, strategic centres and transport gateways.

## **7.2 Implementation of Greater Macarthur Land Release Investigation**

### **Objective**

- (1) The objective of this direction is to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan (the Preliminary Strategy).

### **Where this direction applies**

- (2) This direction applies to Campbelltown City Council and Wollondilly Shire Council.

### **When this direction applies**

- (3) This direction applies when a relevant planning authority prepares a planning proposal for land within the Greater Macarthur Land Release Investigation Area, as identified in the Preliminary Strategy.

### **What a Relevant Planning Authority must do if this direction applies**

- (4) Planning proposals shall be consistent with the Preliminary Strategy published in September 2015.

### **Consistency**

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary), that:
  - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
  - (b) the planning proposal achieves the overall intent of the Preliminary Strategy and does not undermine the achievement of its objectives, planning principles and priorities for the Greater Macarthur Land Release Investigation Area.

**Direction 7.2 – issued 22 September 2015**

## 7.3 Parramatta Road Corridor Urban Transformation Strategy

### Objectives

- (1) The objectives of this Direction are to:
  - (a) facilitate development within the Parramatta Road Corridor that is consistent with the *Parramatta Road Corridor Urban Transformation Strategy (November, 2016)* and the *Parramatta Road Corridor Implementation Tool Kit*,
  - (b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and
  - (c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.

### Where this Direction applies

- (2) This Direction applies to the following Local Government Areas:
  - (a) City of Parramatta Council,
  - (b) Cumberland Council,
  - (c) Strathfield Council,
  - (d) Burwood Council,
  - (e) Canada Bay Council, and
  - (f) Inner West Council.

### When this Direction applies

- (3) This Direction applies when a relevant planning authority prepares a planning proposal for land within the Parramatta Road Corridor as identified on the Map titled Parramatta Road Corridor on pages 14 and 15 of the *Parramatta Road Corridor Urban Transformation Strategy (November, 2016)*.

### What a relevant planning authority must do if this Direction applies

- (4) A planning proposal that applies to land within the Parramatta Road Corridor must:
  - (a) give effect to the objectives of this Direction,
  - (b) be consistent with the Strategic Actions within the *Parramatta Road Corridor Urban Transformation Strategy (November, 2016)*,
  - (c) be consistent with the *Parramatta Road Corridor Planning and Design Guidelines (November, 2016)* and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines,
  - (d) be consistent with the staging and other identified thresholds for land use change identified in the *Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016)*,
  - (e) contain a requirement that development is not permitted until land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the *Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016)*,
  - (f) be consistent with the relevant District Plan.

### Consistency

- (5) A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary) that the planning proposal is:
  - (a) consistent with the *Out of Sequence Checklist in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016)*, or
  - (b) justified by a study (prepared in support of the planning proposal) that clearly demonstrates better outcomes are delivered than identified in the *Parramatta Road Corridor Urban Transformation Strategy (November, 2016)* and *Parramatta Road Corridor Implementation Plan 2016-2023 (November, 2016)* having regard to the vision and objectives, or
  - (c) of minor significance.



**LOCAL PLANNING DIRECTIONS**Section 9.1(2) of the *Environmental Planning and Assessment Act 1979*

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**Note:**

In this Direction the following documents are defined as:

***Parramatta Road Corridor*** - the land adjoining and at least one block back from Parramatta Road, as well as Precincts that have been identified as a focus for future growth based on their different functions and character as identified on the *Parramatta Road Corridor Map*, with the exception of the land within the City of Sydney. The Map is on pages 14 and 15 of the *Parramatta Road Corridor Urban Transformation Strategy (November, 2016)*.

***Parramatta Road Corridor Urban Transformation Strategy (November, 2016)*** – the NSW Government's 30-year plan setting out how the Parramatta Road Corridor will grow and bring new life to local communities living and working along the Corridor.

***Parramatta Road Corridor Implementation Tool Kit*** – a suite of supporting documents to be used by councils, proponents and State agencies when making land use decisions in the Parramatta Road Corridor and comprising:

- *Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016)*
- *Parramatta Road Corridor Infrastructure Schedule (November, 2016)*
- *Parramatta Road Corridor Planning and Design Guidelines (November, 2016)*
- *Parramatta Road Corridor Urban Amenity Improvement Program Report (November, 2016)*

**Direction 7.3 – issued 9 December 2016**

## **7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan**

### **Objective**

- (1) The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).

### **Where this direction applies**

- (2) This direction applies to Blacktown City Council, The Hills Shire Council and Hawkesbury City Council.

### **When this direction applies**

- (3) This direction applies when a relevant planning authority prepares a planning proposal for land within the North West Priority Growth Area.

### **What a Relevant Planning Authority must do if this direction applies**

- (4) Planning proposals shall be consistent with the North West Land Use and Infrastructure Strategy.

### **Consistency**

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary), that:
  - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
  - (b) the planning proposal achieves the overall intent of the Strategy and does not undermine the achievement of its objectives, planning principles and priorities for the North West Priority Growth Area.

**Direction 7.4 – issued 15 May 2017**

## **7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan**

### **Objective**

- (1) The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan).

### **Where this direction applies**

- (2) This direction applies to land contained within Greater Parramatta Priority Growth Area and as indicated in the map attached.

### **When this direction applies**

- (3) This direction applies when a relevant planning authority prepares a planning proposal for land within the Greater Parramatta Priority Growth Area, as identified in the map attached.

### **What a Relevant Planning Authority must do if this direction applies**

- (4) Planning proposals shall be consistent with the interim Plan published in July 2017.

### **Consistency**

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary), that:
  - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
  - (b) the planning proposal achieves the overall intent of the interim Plan and does not undermine the achievement of its objectives, planning principles and priorities for the Greater Parramatta Priority Growth Area.

**Direction 7.5 – issued 25 July 2017**

## **7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan**

### **Objective**

- (1) The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.

### **Where this direction applies**

- (2) This direction applies to Wollondilly Shire Council.

### **When this direction applies**

- (3) This direction applies when a relevant planning authority prepares a planning proposal for land within the Wilton Priority Growth Area (being the Wilton Priority Growth Area within the meaning of State Environmental Planning Policy (Sydney Region Growth Centres) 2006).

### **What a Relevant Planning Authority must do if this direction applies**

- (4) A planning proposal is to be consistent with the Interim Land Use and Infrastructure Implementation Plan and Background Analysis, approved by the Minister for Planning and as published on 5 August 2017 on the website of the Department of Planning and Environment (Implementation Plan).

### **Consistency**

- (5) A planning proposal may be inconsistent with the Implementation Plan only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary) that:
  - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
  - (b) the planning proposal achieves the overall intent of the Implementation Plan and does not undermine the achievement of its objectives, planning principles and priorities for the Wilton Priority Growth Area.

**Direction 7.6 – issued 5 August 2017**

## **7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor**

### **Objective**

- (1) The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.

### **Where this direction applies**

- (2) This direction applies to Campbelltown City Council.

### **When this direction applies**

- (3) This direction applies when a relevant planning authority prepares a planning proposal for land within the precincts between Glenfield and Macarthur.

### **What a Relevant Planning Authority must do if this direction applies**

- (4) A planning proposal is to be consistent with the precinct plans approved by the Minister for Planning and published on the Department's website on 22 December 2017.

### **Consistency**

- (5) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary), that:
  - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
  - (b) the planning proposal achieves the overall intent of the precinct plans and does not undermine the achievement of its objectives, planning principles and priorities for the urban renewal corridor.

**Direction 7.7 – issued 22 December 2017**

## **7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan**

### **Objective**

- (1) The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan dated August 2018 (the Stage 1 Land Use and Implementation Plan).

### **Where this direction applies**

- (2) This direction applies to Liverpool City Council, Penrith City Council, Blue Mountains City Council, Blacktown City Council, Camden Council, Campbelltown City Council, Fairfield City Council and Wollondilly Shire Council.

### **When this direction applies**

- (3) This direction applies when a relevant planning authority prepares a planning proposal for land within the Western Sydney Aerotropolis and land affected by the obstacle limitation surface and ANEF contours for Western Sydney Airport.

### **What a Relevant Planning Authority must do if this direction applies**

- (4) A planning proposal is to be consistent with the Stage 1 Land Use and Infrastructure Implementation Plan approved by the Minister for Planning and as published on 20 August 2018 on the website of the Department of Planning and Environment (**Implementation Plan**).

### **Consistency**

- (5) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary), that:
  - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
  - (b) the planning proposal achieves the overall intent of the Stage 1 Land Use and Implementation Plan and does not undermine the achievement of its objectives, planning principles and priorities for the Western Sydney Aerotropolis.

**Direction 7.8 – issued 20 August 2018**

**LOCAL PLANNING DIRECTIONS**Section 9.1(2) of the *Environmental Planning and Assessment Act 1979***7.9 Implementation of Bayside West Precincts 2036 Plan****Objective**

- (1) The objective of this direction is to ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan).

**Where this direction applies**

- (2) This direction applies to land within the Bayside local government area.

**When this direction applies**

- (3) This direction applies when a planning proposal authority prepares a planning proposal for land within the Bayside West Precincts of Arncliffe, Banksia and Cooks Cove.

**What a planning proposal authority must do if this direction applies**

- (4) A planning proposal authority must ensure that a planning proposal is consistent with the Bayside West Precincts 2036 Plan, approved by the Minister for Planning and published on the Department of Planning and Environment website in September 2018.

**Consistency**

- (5) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning & Environment (or their nominee), that:
- (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
  - (b) the planning proposal achieves the overall intent of the plan and does not undermine the achievement of its vision, objectives and planning principles for the Bayside West Precincts.

**Direction 7.9 – issued 25 September 2018**

## 7.10 Implementation of Planning Principles for the Cooks Cove Precinct

### Objective

- (1) The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.

### Where this direction applies

- (2) This direction applies to land within the Cooks Cove Precinct in the Bayside local government area, as shown on Map Sheet LAP\_001 Cooks Cove Precinct Section 9.1 Direction.

### When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal for land within the Cooks Cove Precinct.

### What a planning proposal authority must do if this direction applies

- (4) A planning proposal authority must ensure that a planning proposal is consistent with the following principles:
- (a) Enable the environmental repair of the site and provide for new recreation opportunities;
  - (b) Not compromise future transport links (such as the South-East Mass Transit link identified in Future Transport 2056 and the Greater Sydney Region Plan) that will include the consideration of the preserved surface infrastructure corridor, noting constraints, including the Cooks River, geology, Sydney airport and existing infrastructure will likely necessitate consideration of future sub-surface solutions and potential surface support uses;
  - (c) Create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove;
  - (d) Ensure best practice design and a high-quality amenity with reference to the NSW design policy Better Placed;
  - (e) Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden;
  - (f) Safeguard the ongoing operation of Sydney Airport;
  - (g) Enhance walking and cycling connectivity and the use of public transport to encourage and support a healthy and diverse community and help deliver a 30-minute city;
  - (h) Deliver a safe road network that balances movement and place, provides connections to the immediate and surrounding areas, and is cognisant of the traffic conditions in this area; and
  - (i) Enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage.

### Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning & Environment (or their nominee), that:
- (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
  - (b) the planning proposal achieves the overall intent of the plan and does not undermine the achievement of the planning principles for the Cooks Cove Precinct.

**Note:** Map Sheet LAP\_001 Cooks Cove Precinct Section 9.1 Direction can be available on the Department of Planning and Environment website

**Direction 7.10 – issued 25 September 2018**





# primefacts

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PLANNING FOR AGRICULTURE

## Farm subdivision assessment guideline: Developments with the potential for creating additional dwelling entitlements

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Subdivision is the dividing of an allotment of land to create one or more additional allotments. A dwelling entitlement may or may not accompany subdivision. The creation of additional dwelling entitlements and resultant land use changes can adversely affect primary industry operations and future development.

This Primefact sets out the relevant agricultural issues and planning principles to consider when assessing proposals to subdivide rural lands within Primary Production or Rural zones. The emphasis of this guide is on subdivision proposals where the lots to be created are equal to or greater than the minimum subdivision standard established in council Local Environmental Plans.

This guide is part of a series aimed at streamlining the Development Application (DA) process, by setting out the key agricultural issues, impacts and recommendations for consent authorities to consider.

This guideline focuses on agricultural issues and does not purport to cover the full range of issues that DAs and consent authorities must address.

Only those proposals that may trigger **integrated development** under the *Environmental Planning and Assessment Act 1979*, the provisions of the *Fisheries Management Act 1994*, the *Mining Act 1992*, or the *Plantations and Reafforestation (Code) Regulation 2001* should still be routinely referred to Industries and Investment NSW.

The guidelines may also help applicants, developers and consultants to identify important

subdivision design considerations and issues to be addressed to maintain sustainable primary industry production and development opportunities.

As councils are the local planning and development authority in NSW, all subdivision enquiries should be directed to the relevant local council.

Applications to subdivide land that is zoned for rural use may require the applicant or Council to seek specialist technical advice from an independent consultant with relevant expertise.

### The importance of rural land

Food and fibre production in NSW relies on access to rural land resources that are suited to efficient and profitable agricultural production. Lands that are suited to sustained agricultural production are a limited resource. Rural land resources are also important for extractive industries, mining, aquaculture and timber production.

The rural land resource is a fundamental asset to the communities of NSW as it provides a means of producing perpetual wealth, employment, raw materials and fresh food.

*Rural landscape North Coast NSW. Photo Rik Whitehead.*



Maintaining rural land in efficient and productive sized allotments is critical for maintaining opportunities for sustainable and profitable primary industry development and local food and fibre production. Maintaining productive sized allotments is a key factor in achieving wise resource use and enhancing the economic value of primary industries and protecting the capacity to manage environmental impacts.

### Why can farm subdivision be an issue?

Farm subdivision can result in permanent fragmentation of rural land and a decrease in the production and efficiency of agriculture, particularly where additional dwelling entitlements occur.

Farm subdivision and fragmentation can lead to a shift in land use from primary production to rural residential uses. This increases the risk of land use conflict and the alienation of agricultural resources.

The fragmentation of rural land can impact on access to critical farm and rural infrastructure, such as water resources, transport routes and stock reserves.

Farm subdivision can also lead to speculative increases in land values for rural lands which impacts on the capacity for farm amalgamation, farm adjustment and the 'buy-in' cost for agriculture investors.

### Assessing farm subdivision applications

The key statutory planning instruments that the subdivision proposal must be assessed against include:

- ☐ Environmental Planning and Assessment Act objectives and assessment criteria,
- ☐ State Environmental Planning Policy (Rural Lands 2008) objectives,
- ☐ relevant land use zone(s) objectives of the Local Environmental Plan,
- ☐ relevant provisions of any strategic planning documents or policies that apply.
- ☐ relevant provisions of Development Control Plans (DCPs) that apply.

Key principles to encourage sustainable and profitable agricultural development and investment are:

- The land resource base on which agriculture depends is protected from fragmentation and alienation.
- The sustainable profitable agricultural use of rural land is promoted over lifestyle uses in agricultural areas.
- Critical farm and rural infrastructure is recognised and addressed in land use planning decisions.

- Farm amalgamation and farm adjustment capacity is maintained by sound land use planning decisions.
- The potential for conflict between adjoining land uses is prevented or minimised.
- Environmental and amenity impacts are avoided through good farm design that allows management of adverse on-site and off-site effects.
- The current viability or profitability of a property is not a valid basis for farm subdivision.

To achieve these key principles the following factors should be considered.

- ☐ local context of the subdivision proposal,
- ☐ minimum lot size and agricultural development,
- ☐ sufficient resources for sustainable agricultural development,
- ☐ minimising land use conflict,
- ☐ alternatives to the subdivision have been considered and are justifiably discounted.

These factors are discussed below.

### Local context of the subdivision proposal

The proposal should be considered against the strategic plan for the rural lands for the LGA. The proposal should identify the existing and typical land uses in the locality including the dominance of such uses. This provides an understanding of the compatibility of the proposed development with the surrounding land uses.

Farm and rural property subdivision can change land use options. The creation of smaller lots with dwellings in the rural zone can result in the cumulative fragmentation of rural lands reducing the potential for agricultural use and allowing instead lifestyle-orientated uses which may be incompatible. It may also change the profile of the area and restrict efficient primary production.

*Industry & Investment NSW recommends that the consent authority verifies that:*

- ☐ the development application has identified the existing land uses in the locality and the dominance of such uses,
- ☐ the lots created by the subdivision proposal are compatible with surrounding land uses and encourage sustainable agricultural development,
- ☐ the subdivision proposal will not result in a change of land use that is contrary to zone objectives,
- ☐ each of the lots has practical and legal access and that there is no reliance on a right of way, for example, through State forest.

**COUNCIL MEETING 26 MAY 2020**

### Minimum lot size and agricultural development

Local Environmental Plans prescribe minimum subdivision standards for a dwelling in rural areas (often referred to as the Minimum Lot Size).

The intent of minimum lot sizes is to manage rural settlement patterns and thereby maintain access to the resource base for primary industry production.

Minimum subdivision standards that have been developed via a strategic planning and consultative process can provide a useful guide as to appropriate lot sizes for a particular locality to prevent the inappropriate fragmentation of rural lands and support profitable, sustainable agricultural development and food production.

The minimum historic subdivision standards (e.g. 40 ha or 100 ha) which have been carried forward from the 1970s and 1980s are typically arbitrary and were only intended as a temporary resource land protection measure.

Whilst the 40 ha and 100 ha lot size minimum may be relevant for some agricultural industries, it is inappropriate to adopt this figure for all agricultural enterprises or across all landforms.

*Industry & Investment NSW recommends that the consent authority verifies that:*

- ❑ all lots proposed by the rural subdivision meet or exceed the specified minimum lot size,
- ❑ the subdivision proposal has been justified against the State Environmental Planning Policy Rural Lands 2008 objectives and the Zone objectives.

### Sufficient resources for sustainable agricultural development.

The area required to sustain an agricultural enterprise will depend on the type of enterprise (e.g. beef cattle, dairying, intensive poultry, horticulture), and the natural resource base (e.g. soils and water) as well as the climatic conditions, available markets and the proximity to sensitive development (e.g. residences on adjoining properties).

To be sustainable, agriculture must operate within the capacity of available resources, protect and restore the natural resource base and prevent onsite and offsite impacts. Each lot should be designed to manage environmental and social impacts while being able to make productive and profitable utilisation of the resources. Each lot should have the ability to manage industry infrastructure, waste utilisation, flood impacts, climate change and climate variability, and the potential to expand or adjust to changing circumstances and markets.

*Industry & Investment NSW recommends that the consent authority verifies that:*

- ❑ each lot has sufficient area and resources required to sustain the dominant commercial agricultural industries suitable to the locality,
- ❑ each lot can manage its onsite and offsite environmental impacts,
- ❑ the justification for further fragmentation given current number of small lots,
- ❑ the appropriate distribution and balance of agricultural resources within lots, e.g. flood refuge, cultivation land, shelter belts, water resources and infrastructure.

Industry and Investment NSW publishes farm size guides for a number of specific agricultural enterprises, which can be useful in assessing the merits of a subdivision proposal.

Guidelines such as [Beef stocking rates and farm size – Hunter region](#) (NSW DPI, 2006) and [Macadamia costs and returns for northern NSW](#) (NSW DPI, 2004) provide a basis for determining the likely scale, sustainability and profitability of beef cattle grazing and horticultural enterprises in coastal regions of NSW. The Industry & Investment NSW website has information on [Minimum lot size methodology](#) that may be used to identify or determine minimum lot sizes. The methodology provides a guide for determining what could be regarded as a commercial farm size for a locality.

The Industry & Investment NSW website also contains additional information on the resources required for sustainable agricultural development including intensive agriculture proposals.



*Most agricultural businesses rely on a diversity of complementary land resources. Photo Andrew Scott.*

### Minimise land use conflict

If the subdivision proposal and resulting land uses are not compatible with surrounding land uses, land use conflict may arise, fuelling community anxiety and straining neighbour relations, as well as removing future primary industry opportunities. Land use conflict issues may force primary industries to significantly alter the timing of routine practice or force the industry to engage in expensive technologies.

**COUNCIL MEETING 26 MAY 2020**

A successful subdivision facilitates efficient farm management while reducing the likelihood of land use conflict with neighbouring land users. To be sustainable, agriculture must be able to manage off-site impacts.

Farm subdivision proposals should be designed so that the resulting land uses and practices can meet environmental legislative requirements such as the *Protection of the Environment Operations Act 1997* and the *Pesticides Act 1999*. In some cases this requires the farm to have adequate buffer distances to avoid conflict resulting from on-farm activities.

Consequently to manage offsite impacts the area of the lot may need to be greater than the direct footprint of an enterprise, especially for intensive agricultural enterprises.

The publication [\*Living and Working in Rural Areas: A handbook for managing land use conflict issues on the NSW North Coast\*](#) contains a list of common neighbour issues and some suggestions for addressing these issues.

*Industry & Investment NSW recommends that the consent authority verifies that:*

- ☐ a land use conflict risk assessment has been undertaken by a suitably qualified practitioner where there is a real risk of neighbourhood issues resulting from the subdivision,
- ☐ the subdivision proposal considers the location of dwellings relative to lot boundaries and the proximity to neighbours and surrounding land uses to minimise the risk of land use conflict,
- ☐ the subdivision proposal addresses relevant rural land issues such as chemical use, air quality, access, drainage, and managing fire, fencing, weeds and pest animals,
- ☐ the proposed subdivision has regard for the existing land uses and industries in the area including forestry, extractive industries, agriculture and the associated operations resulting from these industries.

### The alternatives to subdivision

The current viability or profitability of a property is not a valid basis for farm subdivision. All alternatives to subdivision should be considered before planning the subdivision of a rural property. Farm and rural property subdivision is not necessarily the only option.

There may be several alternatives to the subdivision of a farm or rural property. The available alternatives depend on the intended objectives of the proponent and the motivations of the landholder. Some options may offer a cheaper alternative while others may not be practical due to current investment in

infrastructure and existing management systems. Alternatives include:

- leasing out part or all of the farm,
- agisting stock or share farming,
- reassessing the land use options and management arrangements of the property,
- revising a property plan to assess future options for the farm,
- selling the farm and finding a new property more suitable to the present owner's circumstances.

*Industry & Investment NSW recommends that the consent authority verifies that:*

- ☐ the alternatives have been considered,
- ☐ the preferred subdivision plan is justified having regard to key subdivision principles set out in this guideline and the statutory planning framework.

### Pre-application enquiries

Rural landholders may have minimal prior experience of the development application process and relevant planning requirements. Encouraging intending applicants to seek pre-lodgement advice from the consent authority can greatly improve the quality of information provided, help to streamline the application process and help to ensure sustainable development of rural lands.

Assistance from council may include:

- ☐ providing a copy of the relevant sections of the LEP, DCPs and SEPPs,
- ☐ providing a written guide setting out the required supporting information to accompany the DA,
- ☐ providing Council's policy on the subdivision of rural properties in that zone or locality,
- ☐ a copy of this and other relevant guidelines.

### Strategic planning recommendations

Councils are encouraged to strategically review desired planning outcomes for rural lands considering, in particular, the resources and sustainable development opportunities for primary industry enterprises.

I & I NSW recommends that consent authorities assess minimum lot size for rural lands to ensure that:

- ☐ the land resource base on which agriculture depends is protected from fragmentation and alienation;



- ❑ the minimum lot size encourages and supports current and future investment in primary industries;
- ❑ land use conflicts between land uses in rural areas is prevented or minimised;
- ❑ agricultural enterprises have sufficient land resource to manage environmental and social impacts and to be adaptive.

I & I NSW further recommends that consent authorities:

- ❑ Review industry outlooks and resource requirements to identify future land use options and infrastructure needs,
- ❑ Develop complementary economic development strategies and programs to foster agricultural development and food security.

### Additional information

Agricultural Land Classification (Agfact AC.25 NSW Agriculture, 2002)

<http://www.dpi.nsw.gov.au/agriculture/resources/land/class/agricultural>

Beef stocking rates and farm size – Hunter region (NSW DPI, 2006)

<http://www.dpi.nsw.gov.au/agriculture/livestock/beef/management/beef-stocking-farm-size-hunter>

Farm budgets and costs (NSW DPI)

<http://www.dpi.nsw.gov.au/agriculture/farm-business/budgets>

How DPI is involved in land use planning and farm subdivision

<http://www.dpi.nsw.gov.au/agriculture/resources/land/dpi/planning-subdivision>

Living and Working in Rural Areas: A handbook for managing land use conflict issues on the NSW North Coast (NSW DPI, Dec. 2007).

[http://www.dpi.nsw.gov.au/research/alliances/centre\\_for\\_coastal\\_agricultural\\_landscapes/living-and-working-in-rural-areas](http://www.dpi.nsw.gov.au/research/alliances/centre_for_coastal_agricultural_landscapes/living-and-working-in-rural-areas)

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