



Planning Proposal

KLEP 2013 Amendment No 5

Reclassification of Land

DRAFT – NOT FOR PUBLIC DISTRIBUTION

Contents

1		
1		
1.	INTRODUCTION	3
1.1	Background	3
1.2	Land to which the planning proposal applies	3
1.3	Existing planning Controls – Zoning and Landuse	6
1.3.1	Lot 34 DP1033470 (extension to Frederickton cemetery)	7
1.3.2	Lot 11 DP816589 (Euroka Cemetery)	8
1.3.3	Lot 36 DP1011989 (proposed Yarravel cemetery)	9
1.3.4	Lot 8 DP9232 (Landsborough Street, South West Rocks)	10
1.4	Objectives or Intended outcomes.....	10
2.	PART 2 – EXPLANATION OF PROVISIONS	11
3.	PART 3 – JUSTIFICATION.....	12
3.1	Section A – Need for the Planning Proposal.....	12
3.1.1	Is the planning proposal a result of any strategic study or report?	12
3.6.2	Landsborough Street South West Rocks	12
3.6.3	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	12
3.7	Section B Relationship to strategic planning framework	13
3.7.1	Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?	13
	There are no relevant provisions regarding reclassification of land in the Mid North Coast Regional Strategy.....	13
3.7.2	Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?.....	13
3.7.3	If the provisions of the Planning Proposal Include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.	13
3.7.4	The concurrence of the landowner if the land is not owned by the Relevant Planning Authority (RPA).....	13
1.2.5	Is the planning proposal consistent with applicable State Environmental Planning Policies?	13
1.2.6	Is the planning proposal consistent with applicable Ministerial Directions (S 117 directions)?	13
3.8	Section C – Environmental, Social and Economic Impact.....	14
3.8.1	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?	14

3.8.2	Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?.....	14
3.9	Section D – State and Commonwealth interests	14
3.9.1	Is there adequate public infrastructure for the planning proposal?.....	14
PART 4 – COMMUNITY CONSULTATION		15
4.	PART 6 – PROJECT TIMELINE	17

Appendices

Appendix A — Existing Zone Landuse Tables Kempsey Local Environmental Plan 2013

Appendix B — Council Report

Appendix C — Consistency with State Environmental Planning Policies

Appendix D — Consistency with Section 117 Directions

1. INTRODUCTION, OBJECTIVES AND INTENDED OUTCOMES

1.1 Background

Council Resolved on 25 September 2012:

1 That pursuant to Section 30 of the Local Government Act 1993, Council commence the process to reclassify the following lands as “operational”:

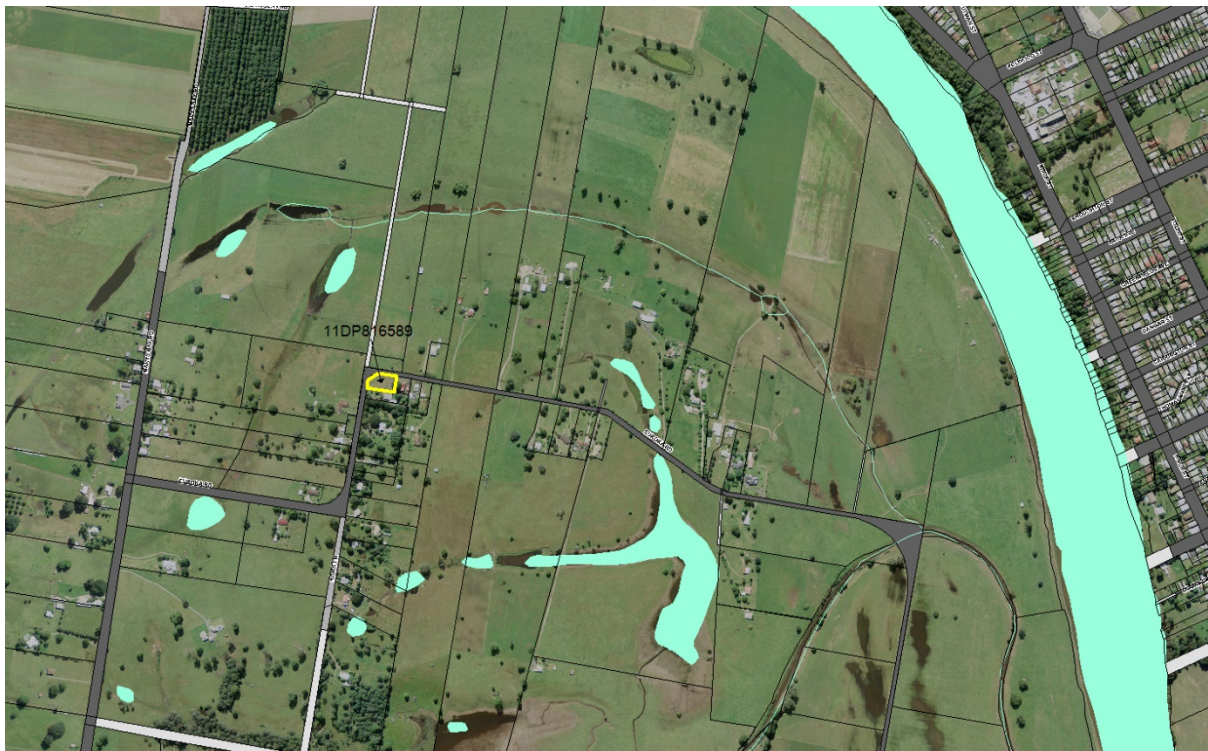
- Lot 34 DP1033470 (extension to Frederickton cemetery)
- Lot 11 DP816589 (Euroka Cemetery)
- Lot 36 DP1011989 (proposed Yarravel cemetery)
- Lot 8 DP9232 (Landsborough Street, South West Rocks)

1.2 Land to which the planning proposal applies

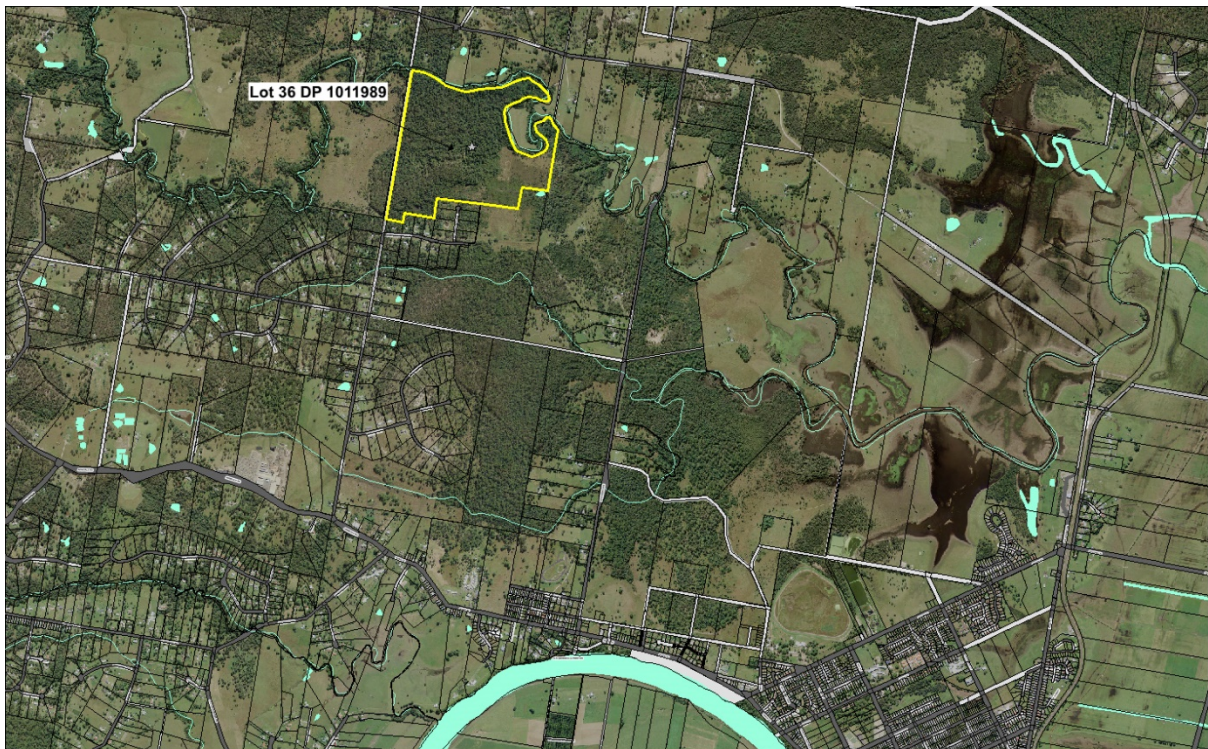
1. Extension to Frederickton Cemetery Lot 34 DP 1033470



2. Euroka Cemetery – Lot 11 DP 816589



3. Lot 36 DP 1011989 – Proposed Cemetery at Yarravel



4. Lot 8 DP 9232 – Landsborough Street SWR



1.3 Existing planning Controls – Zoning and Landuse

The following table summarises the existing zone, minimum lot size and current landuses applicable to the subject lands. Detailed zone tables are located in Appendix A.

Summary of Existing Planning Controls

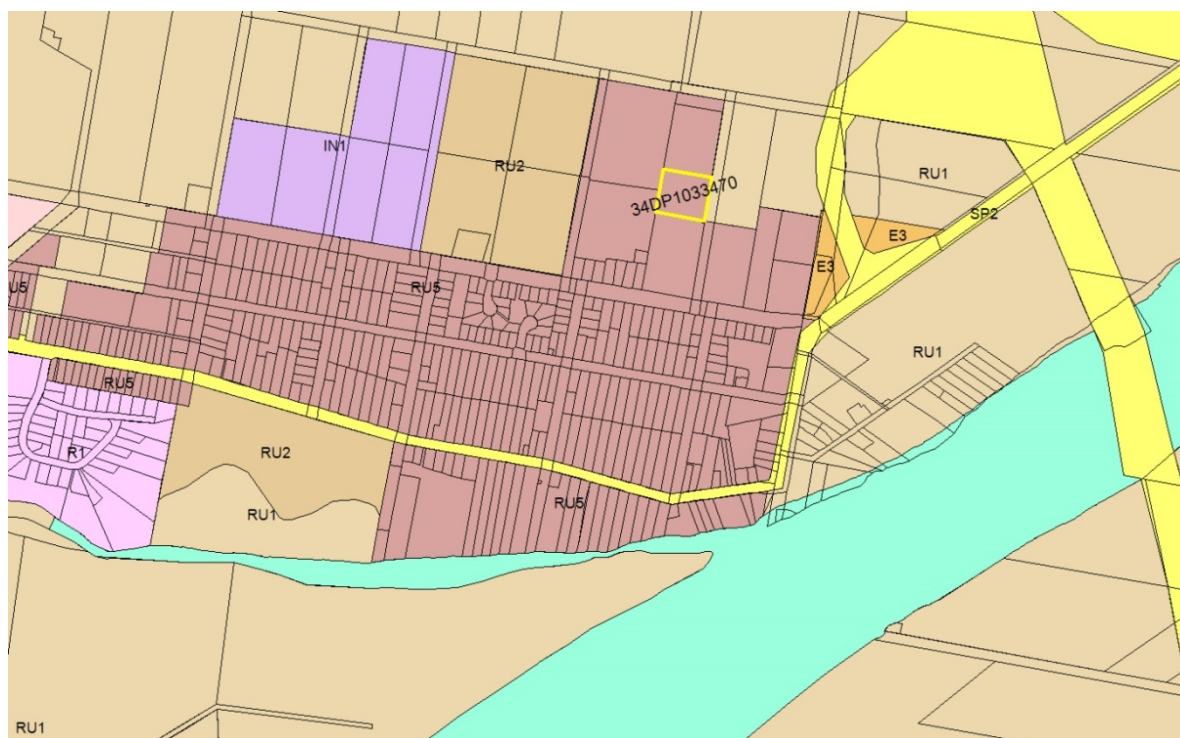
	Property	Existing Zone	Area of Property	Current Land Use	Intended Purpose
1	Lot 34 DP1033470	RU5 Village	0.87ha	Extension to Frederickton Cemetery	Extension to Frederickton Cemetery
2	Lot 11 DP816589	RU1 Primary Production	0.25 ha	Cemetery	Proposed Euroka Cemetery
3	Lot 36 DP1011989	RU2 Rural Landscape and E2 Environmental Conservation	79.00 ha	Vacant Land	Proposed Cemetery and Crematorium
4	Lot 8 DP9232	B2 Business Local	522 sq m	House (tenanted)	Considered for new Library and carpark. No longer needed for that purpose.

1.3.1 Lot 34 DP1033470 (extension to Frederickton cemetery)

The subject land is zoned RU5 under the current planning controls, as the map below indicates. It is not proposed to alter the zone following reclassification of the land.

The land has an area of 0.87. The current minimum lot size for the subject land is 500sq m as per clause 4.1 of the KLEP 2013.

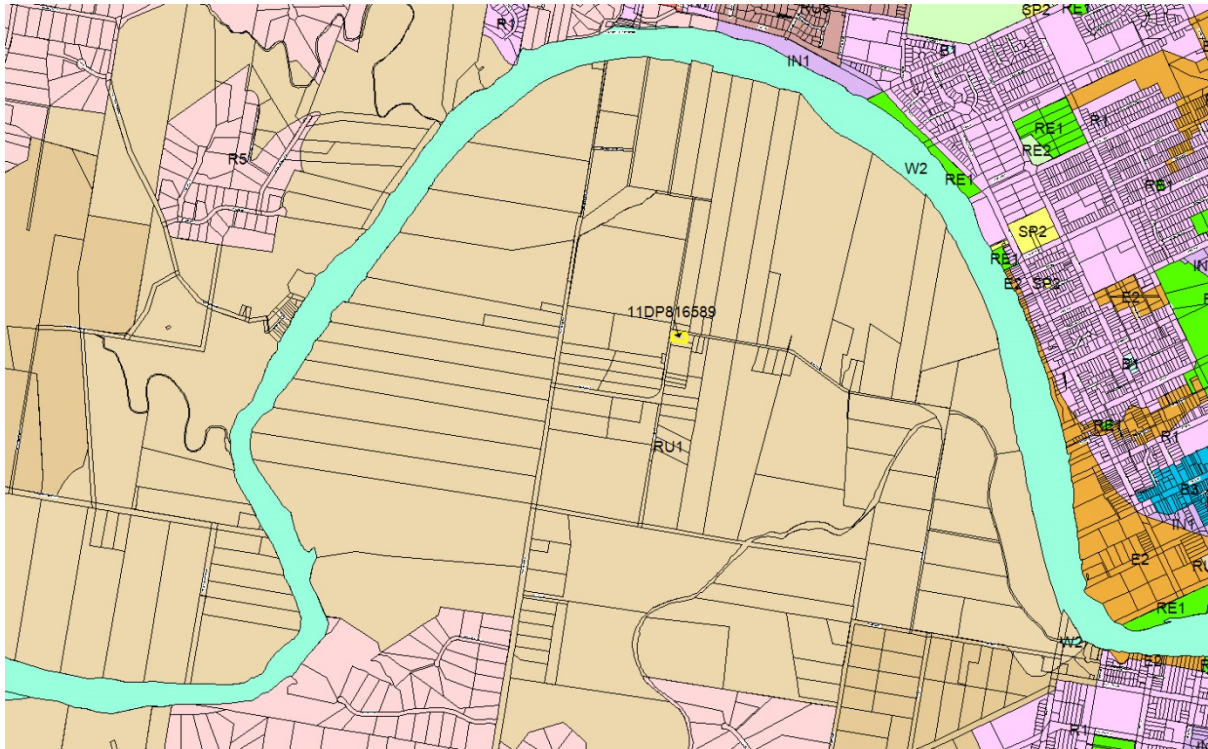
The land is currently vacant and has been set aside by Council for an extension to the existing Cemetery. Council intends to keep using the land for that purpose.



1.3.2 Lot 11 DP816589 (Euroka Cemetery)

The subject land is currently Zoned RU1 Primary Production under the KLEP 2013. It is not proposed to alter the existing zoning. The minimum lot size applicable to the zone is 40ha as per Clause 4.1 of KLEP 2013.

The subject land is currently used as a cemetery and it is intended to continue the use of that land for that purpose.



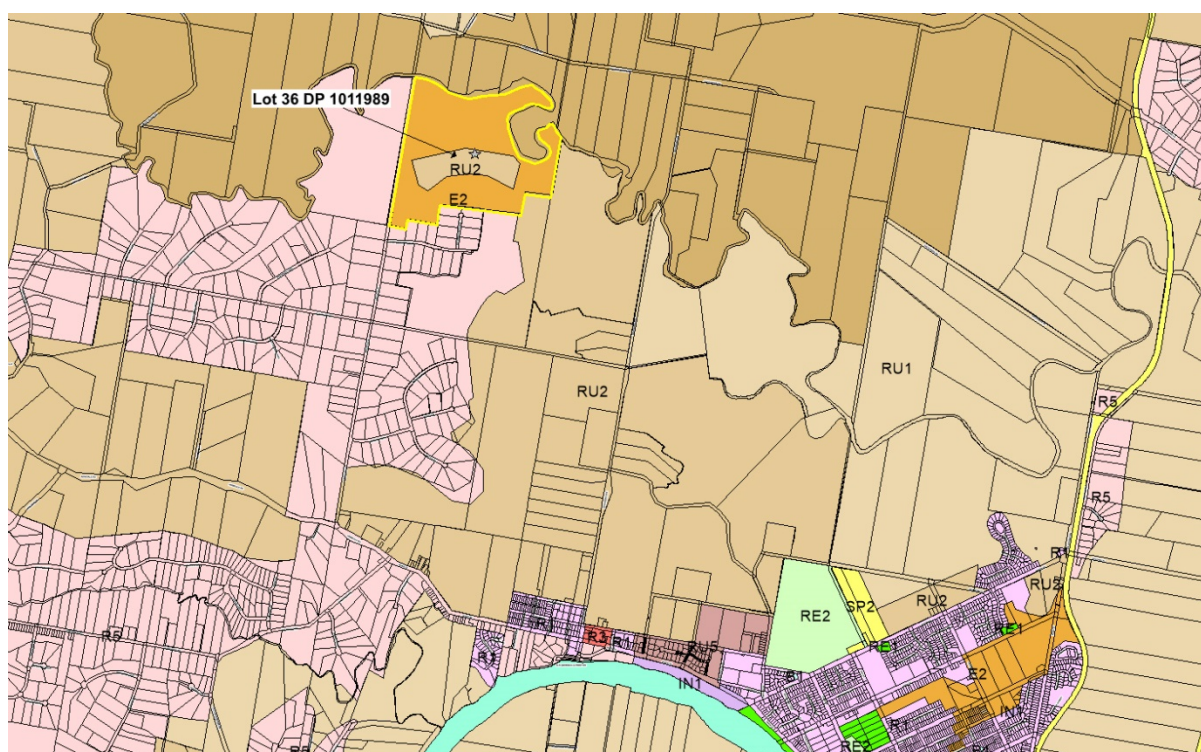
1.3.3 Lot 36 DP1011989 (proposed Yarravel cemetery)

The subject land is zoned E2 Environmental Conservation and RU2 Rural Landscape. It has a site area of 79ha. The minimum lot size applicable to the land is 40ha as per Clause 4.1 of the KLEP 2013. The site enjoys 1 dwelling entitlement and any dwelling would need to be located within the RU2 zoned portion of the land.

It is not proposed to alter the zoning of the subject land. The land is currently vacant and is being managed by Council in accordance with an Environmental Management Plan.

The site was intended for use as an additional cemetery but since its purchase and subsequent investigation for use as a cemetery it has become apparent that the site has too many constraints to be managed for reasonable use of the site as a cemetery. These are further detailed in subsequent sections of this planning proposal.

Council will be considering the sale of the asset, once the land has been reclassified as operational.



1.3.4 Lot 8 DP9232 (Landsborough Street, South West Rocks)

The subject land is zoned B2 Business Local under the KLEP 2013. It is not proposed to alter the zoning of the land. The site has a dwelling house located on it which is has been rented out by Council. It is adjacent other Council owned land. The subject land has an FSR of 1:1.5 according to Clause 4.4 of KLEP 2013.

It is not proposed to alter any planning controls in KLEP 2013 applying to the land.

Council has no current plans to sell the land, and would still consider the site as being part of any development for economic development purposes.



1.4 Objectives or Intended outcomes

The intended outcome of the planning proposal is to reclassify various parcels of land in Council ownership from Community to Operational land.

2. PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes described in Part 1 of this Planning Proposal will be achieved by amending Schedule 4 of KLEP 2013 as proposed below. Changes are indicated in **BLUE**

Schedule 4 Classification and Reclassification of Public Land

Part 1 Land Classified, or Reclassified, as operational Land – no interests changed

Column 1 Locality	Column 2 Description
<i>Fredericton</i>	<i>Lot 34 DP 1033470 Yarrabandinni Road</i>
<i>Euroka</i>	<i>Lot 11 DP 816589 246 Euroka Road</i>
<i>Yarravel</i>	<i>Lot 36 DP 1011989 Crotty's Lane</i>
<i>South West Rocks</i>	<i>Lot 8 DP 9232 18 Landsborough Street</i>

3. PART 3 – JUSTIFICATION

3.1 Section A – Need for the Planning Proposal

3.1.1 Is the planning proposal a result of any strategic study or report?

Council has undertaken various reviews and audits of land within its ownership.

Cemeteries

In the Council minutes of 25 September 2012 it is stated:

“Council has ...purchased land to add to existing operating cemeteries and on one occasion purchased land from a Church which had operated the cemetery. It appears that no action at the time of purchase was taken to classify these additions and by default these additional lands have received a “community” classification. Within the meaning ascribed by the Local Government Act 1993, Council has not adopted a Plan of Management for any of these additional lands. Longer term planning and the flexibility to adapt to changes in operational requirement means that cemeteries are better suited to an “operational” classification as distinct from a “community” classification”

There are three cemeteries are noted in this planning proposal.

Council intends to sell the land set aside for the Yarravel Cemetery once the reclassification of land has been completed. The other cemetery lands are to continue to be used for their current purpose.

3.6.2 Landsborough Street South West Rocks

In the Council minutes of 25 September 2012 it is stated:

“In 1994, Lot 8 DP 9232 was purchased in Landsborough Street, South West Rocks, to add to the existing adjoining lots owned by Council. Lot 8 DP 9232 was purchased specifically for economic development purposes. Lot 8 DP 9232 contains a residential dwelling which is subject to a Residential Tenancy Agreement. At the time of purchase, no action was taken to classify the land and it has acquired a “community” classification by default. If Council was at some future time to reconsider the redevelopment of Lot 8 in conjunction with the adjoining “operational” lands, Lot 8 would need to be excluded from any redevelopment proposed until such time it is reclassified to “operational”.

Council has no current plans to sell the land, and would still consider the site as being part of any development for economic development purposes.

The full Council report is included at Appendix B.

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

There is no alternative to the reclassification but to amend KLEP 2013.

3.7 Section B Relationship to strategic planning framework

3.7.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Mid North Coast Regional Strategy

There are no relevant provisions regarding reclassification of land in the Mid North Coast Regional Strategy.

3.7.2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Macleay Valley 2036 Community Strategic Plan June 2013

The preparation of LEP Amendments, including specifically the reclassification of land is in the Kempsey Shire Council Delivery Program 2013 -17 and the Kempsey Shire Council Operating Plan 2014-15, which are Strategic Integrated Planning Documents which are prepared under the guidance of the Macleay Valley 2036 Community Strategic Plan.

The planning proposal is not inconsistent with the relevant Community Strategic Plan.

3.7.3 If the provisions of the Planning Proposal Include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The Planning Proposal does not extinguish any interests in the land.

3.7.4 The concurrence of the landowner if the land is not owned by the Relevant Planning Authority (RPA)

All the land proposed for reclassification is owned by the Council. See attached Land Title Searches conducted 1 May 2015.

3.7.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

See Appendix C

3.7.6 Is the planning proposal consistent with applicable Ministerial Directions (S 117 directions)?

See Appendix D for detailed consideration of s117 Directions. The Planning Proposal is inconsistent with Direction 4.4 Planning for Bushfire Protection. It is proposed to Consult with RFS regarding the Planning Proposal if required, following the Gateway Determination being issued by Planning and Environment.

3.8 Section C – Environmental, Social and Economic Impact

3.8.1 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?

No. The planning proposal makes no changes to any planning controls, nor proposes any alteration to existing landuses.

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

No. The planning proposal makes no changes to any planning controls, nor proposes any alteration to existing landuses.

3.8.3 How has the planning proposal adequately addressed any social and economic effects?

The reclassification of the land requires a public hearing to be held, under **Section XX of the Act**.

3.9 Section D – State and Commonwealth interests

3.9.1 Is there adequate public infrastructure for the planning proposal?

There is no requirement for any additional infrastructure as a result of the planning proposal.

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

These will be noted and the Planning Proposal updated following a Gateway Determination and further Consultation with relevant agencies.

PART 4 – MAPPING

There are no mapping changes proposed for the Planning Proposal.

5. COMMUNITY CONSULTATION

Conditions of the Gateway Determination.

Community consultation will be undertaken in accordance with any specified conditions of the Gateway.

Public Hearing

As the Planning Proposal relates to the Reclassification of land, there is a requirement for a Public Hearing under s29 of the *Local Government Act 1993* and s56 (e) of the *Environmental Planning and Assessment Act 197*. This will be held sometime following a Gateway Determination being issued for the Planning Proposal. Council will engage an independent person to Conduct the Public Hearing and summarise the issues/submissions made to the hearing.

Council Public Consultation

In addition to the above requirements the Planning Proposal will be undertaken in accordance with Council's Customer Service and Public Notification Policy and Rezoning Applications Procedure.

6. PART 6 – PROJECT TIMELINE

An approximate project timeline is provided as *Table 6.1* below. It is estimated that this amendment to the KLEP 2013 will be complete by March 2016.

Table 6.1 – Project Timeline

LEP Amendment Steps	Estimated Project Timing
Submit Planning Proposal to DP&E	June 2015
Receive Gateway determination	July 2015
Authority consultation - pre-exhibition*	August 2015
Preparation of materials for public exhibition & authority consultation	August 2015
Public exhibition of Planning Proposal & government authority consultation. Public Hearing	September 2015
Review and consideration of submissions	October 2015
Council report preparation	October/ November 2015
Public submissions report and draft LEP amendment to Council for adoption Including the outcome of the public hearing	December 2015
Submission to the department to finalise the LEP Department Makes the Plan	January/ February 2016

Appendix A

Existing zoning – Kempsey Local Environmental Plan 2013

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural and scenic character of the zone.
- To encourage eco-tourist facilities and tourist and visitor accommodation that minimise any adverse effect on primary industry production and scenic amenity of the area.
- To enable agricultural support activities to be carried out on land within the zone in a manner that does not significantly reduce the agricultural and horticultural production potential of land in the locality.
- To encourage development that is compatible with the character of the zone.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home occupations

3 Permitted with consent

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Group homes; Helipads; Home businesses; Home industries; Hospitals; Industrial training facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Signage; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home occupations

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Group homes; Heavy industries; Helipads; Home businesses; Home industries; Hospitals; Industrial training facilities; Jetties; Liquid fuel depots; Marinas; Mooring pens; Moorings; Places of public worship; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Signage; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To ensure that development is compatible with the existing character of rural villages in the area.
- To minimise the impacts of non-residential uses and ensure these uses are compatible with surrounding development.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3 Permitted with consent

Agriculture; Amusement centres; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Dwelling houses; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Farm buildings; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Home occupations (sex services); Horticulture; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Roads; Schools; Service stations; Sewage treatment plants; Signage; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

4 Prohibited

Attached dwellings; Bulky goods premises; Dairies (pasture-based); Garden centres; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Residential flat buildings; Rural workers' dwellings; Semi-detached dwellings; Serviced apartments; Timber yards; Any other development not specified in item 2 or 3

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Environmental protection works; Home-based child care

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Mortuaries; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Wholesale supplies

Appendix B

Council Report

Council Report of 25 September 2012 - Item 3.5

Appendix C

Consistency with State Environmental Planning Policies

No.	SEPP Title	Summary	Consistency
14	Coastal Wetlands	Seeks to ensure the State's coastal wetlands are preserved and protected.	SEPP Not Applicable.
15	Rural Land sharing Communities	Seeks to facilitate the development of rural land sharing communities committed to environmentally sensitive and sustainable land use practices.	SEPP Not Applicable
21	Caravan Parks	Seeks to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short and long term residents.	SEPP Not Applicable
26	Littoral Rainforests	Seeks to protect littoral rainforests from development.	SEPP Not Applicable
30	Intensive Agriculture	Requires development consent and additional requirements for cattle feedlots and piggeries.	SEPP Not Applicable
32	Urban Consolidation	Seeks to facilitate surplus urban land redevelopment for multi-unit housing and related development in a timely manner.	While the proposal involves urban zoned land, it is for reclassification purposes only. In addition the subject land in Landsborough Street SWR, is within the SEPP71 Coastal Protection SEPP boundary and therefore the SEPP I likely to be inapplicable as under the provisions of Schedule 1. It does not involve the consideration of any particular future development of the land. SEPP Not Applicable.
33	Hazardous and Offensive Development	Seeks to provide additional support and requirements for hazardous and offensive	SEPP Not Applicable

		development	
36	Manufactured Home Estates	Seeks to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	SEPP Not Applicable
44	Koala Habitat Protection	Seeks to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas	SEPP Not Applicable.
50	Canal Estate Development	Prohibits canal estate development	SEPP Not Applicable
52	Farm Dams and other works in land management areas	Requires environmental assessment under Part 4 of the EPA for artificial water bodies carried out under farm plans that implement land and water management plans.	SEPP Not Applicable
55	Remediation of Land	Provides a State-wide planning approach for the remediation of contaminated land.	It is not proposed to alter the zones of any of the land proposed for Reclassification. The proposal is not inconsistent with the SEPP.
62	Sustainable Aquaculture	Seeks to encourage and regulate sustainable aquaculture development	SEPP Not Applicable
64	Advertising and Signage	Seeks to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	SEPP Not Applicable
65	Design Quality of Residential Flat Development	Seeks to improve the design qualities of residential flat building development in New South Wales.	SEPP Not Applicable
71	Coastal Protection	Seeks to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.	The parcel of land in Landsborough Street is within the SEPP 71 Coastal Protection Boundary. Clause 7 and 8 of the SEPP apply. A separate checklist for considerations under Clause 8 is attached.

	Affordable Rental Housing	To provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	SEPP Not Applicable
	Building Sustainability Index: BASIX 2004	The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State	SEPP Not Applicable
	Exempt and Complying Development Codes 2008	Seeks to provide streamlined assessment process for development that complies with specified development standards.	SEPP Not Applicable
	Housing for Seniors or People with a Disability 2004	Seeks to encourage the provision of housing to meet the needs of seniors or people with a disability.	SEPP Not Applicable
	Infrastructure 2007	The aim of this policy is to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	SEPP Not Applicable
	Major Development 2005	Aims to facilitate the development or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. Also to facilitate service delivery outcomes for a range of public services.	SEPP Not Applicable
	Mining, Petroleum and Extractive Industries 2007	Seeks to provide for the proper management and development of mineral, petroleum and extractive material resources	SEPP Not Applicable
	Rural Lands 2008	Seeks to facilitate the orderly and economic use and development of	SEPP Not Applicable

		rural lands for rural and related purposes	
	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	SEPP Not Applicable
	Temporary Structures	To encourage protection of the environment at the location/vicinity of temporary structures by managing noise, parking and traffic impacts and ensuring heritage protection	SEPP Not Applicable
	State Environmental Planning Policy (Urban Renewal) 2010	To facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts	SEPP Not Applicable



Appendix D

Consistency with Section 117 Directions

Direction	Objectives	Application	Consistency
1. Employment and Resources			
1.1 Business and Industrial Zones Issued 1 July 2009	- To encourage employment growth in suitable locations - To protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Applies when a planning proposal is prepared that affects land within an existing or proposed business or industrial zone (includes alteration of boundary of any existing business or industrial zone)	Proposal not inconsistent. No change to zone proposed for the land zoned B2 in Landsborough Street South West Rocks.
1.2 Rural Zones Issued 1 July 2009	To protect the agricultural production value of rural land.	Applies when a planning proposal is prepared that affects land within an existing or proposal rural zone (includes alteration of any existing rural zone boundary)	Proposal not inconsistent. No change to zone proposed for rural zoned land being reclassified.
1.3 Mining, Petroleum Production and Extractive Industries Issued 1 July 2009	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.	Applies when planning proposal is prepared that would prohibit or restrict the mining or potential development of coal, other minerals, petroleum production or obtaining extractive minerals of State or regional significance permitting incompatible land use.	Not Applicable.
1.4 Oyster Aquaculture Issued 1 July 2009	To protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may	Applies to Priority Oyster Aquaculture Areas as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006)	Not Applicable

	result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.		
1.5 Rural Lands Issued 1 July 2009	To protect the agricultural production value of rural land and facilitate the orderly and economic development of rural land.	Applies to all planning proposals to which State Environmental Planning Policy (Rural Lands) 2008 applies	Not Applicable. No change of zone proposed for any of the Rural Land being reclassified and no change to the minimum lot size is being proposed.
2. Environment and Heritage			
2.1 Environment Protection Zones Issued 1 July 2009	To protect and conserve environmentally sensitive areas.	Applies when a planning proposal is prepared.	There is no proposed change to any planning controls or environmental protections applicable to the land being reclassified. Consistent.
2.2 Coastal protection Issued 1 July 2009	To implement the principles of the NSW Coastal Policy.	Applies to the Coastal Zone as defined in the Coastal Protection Act 1979.	No changes are proposed to any planning controls for the property at Landsborough street within the coastal zone. Consistent.
2.3 Heritage Conservation Issued 1 July 2009	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	No changes proposed for nay land being reclassified. Consistent.
2.4 Recreation Vehicle Areas Issued 1 July 2009	To protect sensitive land or land with Significant conservation values from adverse impacts from	Limits the development of land for the purpose of a recreational vehicle area.	No changes to planning controls. Consistent.

	recreation vehicles.		
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones Issued 1 July 2009	- To encourage a variety and choice of housing types to provide for existing and future housing needs - To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and - To minimise the impact of residential development on the environment and resource lands.	Applies when a planning proposal affects land within an existing or proposed residential zone (including the alteration of any existing zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.	No proposed changes to planning controls for any land within a residential area. Consistent.
3.2 Caravan Parks and Manufactured Home Estates Issued 1 July 2009	- To provide for a variety of housing - types and opportunities for caravan parks and manufactured home estates	Applies when a planning proposal is prepared. Does not apply to Crown land reserved or dedicated for any purposes under the Crown Lands Act 1989 (except Crown land reserved for accommodation purposes) or land dedicated or reserved under the NP&W Act 1974.	No changes proposed in the planning proposal regarding this type of development. Consistent.
3.3 Home Occupations Issued 1 July 2009	To encourage the carrying out of low-impact small businesses in dwelling houses.	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	No changes proposed for the permissibility of home occupations. Consistent

3.4 Integrating Land Use and Transport Issued 1 July 2009	• To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts: • improve access to housing, jobs and services by walking, cycling and public transport, • increase transport choice and reduce travel demand and reducing dependence on cars, • reduce travel demand including distances travelled, especially by car, • support the efficient and viable operation of public transport services, and • Provide for the efficient movement of freight.	Applies to planning proposals that create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	Not Applicable
3.5 Development Near Licensed Aerodromes Issued 1 July 2009	• To ensure the effective and safe operation of aerodromes • To ensure that the operation of aerodromes is not compromised by development that constitutes an	Applies to a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	Not Applicable

	obstruction, hazard or potential hazard to aircraft flying in the vicinity. To ensure development for residential purposes or human occupation incorporates appropriate mitigation measures		
3.6 Shooting Ranges Issued 16 February 2011	To maintain appropriate levels of public safety and amenity and reduce land use conflict when rezoning land adjacent to an existing shooting range,	Applies to 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.	Not Applicable.
4. Hazard and Risk			
4.1 Acid Sulfate Soils Issued 1 July 2009	To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Applies to planning proposal on land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	Planning proposal makes no changes to any controls applying to works on land. Consistent.
4. 2 Mine Subsidence and Unstable Land Issued 1 July 2009	To prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Applies to planning proposal on land within a mine subsidence district or that has been identified as unstable in a study, strategy or other assessment	Not Applicable.
4.3 Flood Prone Land	To ensure that development of	Applies to a planning	Not Applicable.

Issued 1 July 2009	flood prone land is consistent with the <i>NSW Government's Flood Prone Land Policy</i> and the principles of the <i>Floodplain Development Manual 2005</i>; and 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.	proposal that creates, removes or alters a zone or a provision that affects flood prone land.	
4.4 Planning for Bushfire Protection Issued 1 July 2009	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 encourage sound management of bush fire prone areas.	Applies when Council prepares draft LEP that affects, or is in proximity to land mapped as bushfire prone land.	The Subject Land in SWR is within 40m of the Bushfire Prone Land boundary to the east. The Subject Land at Frederickton is mapped as wholly Bushfire Prone Land The Subject Land at Yarravel is mapped as wholly Bushfire Prone Land The Subject Land at Euroka is not mapped or in proximity to Bushfire Prone Land. Council has not consulted with the NSW Rural Fire Service Commissioner as yet. It is proposed to consult with the RFS following a Gateway Determination being issued. Inconsistent with Direction however it is considered to be of minor significance given that there is no change to any planning controls currently applying to the land. Following the issuing of a positive Gateway Determination, Council could undertake consultation prior to exhibiting the Planning Proposal, or as otherwise directed within the Gateway Determination.

5. Regional planning			
5.1 Implementation of Regional Strategies Issued 1 July 2009	To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Applies to: Far North Coast, Lower Hunter, Illawarra, South Coast, Sydney–Canberra Corridor, Central Coast and Mid North Coast	The Planning Proposal is not inconsistent with the Mid North Coast Regional Strategy. Consistent.
5.2 Sydney Drinking Water Catchments Issued 3 March 2011	To protect water quality in the Sydney drinking water catchment.	Applies to; Blue Mountains, Campbelltown, Cooma Monaro, Eurobodalla, Goulburn, Mulwaree, Kiama. Lithgow, Oberon, Palerang, Shoalhaven, Sutherland, Wingecarribee, Wollondilly, Wollongong.	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast Issued 1 July 2009	To protect, provide certainty and reduce land use conflict associated with agricultural land	Applies to: Ballina, Byron Shire Council, Kyogle, Lismore City Council, Richmond and Tweed.	The Subject Land at Euroka is the only mapped as State and Regional Significant Farmland. The Planning Proposal does not seek to rezone the land, or change the purpose or alter the landuse on the subject land. Consistent.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast Issued 29 November 2009	To manage commercial and retail development along the Pacific Highway	Applies to council areas on the North Coast that the Pacific Highway traverses between Port Stephens Shire Council and Tweed Shire Council, inclusive.	Not Applicable
6. Local Plan Making			
6.1 Approval and Referral	To ensure that LEP provisions encourage the efficient and	Applies when planning proposal prepared. A planning proposal must	Planning Proposal does not contain provisions requiring concurrence or referral. Consistent.

Requirements Issued 1 July 2009	appropriate assessment of development.	minimise or prohibit provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority or the nomination of designated development.	
6.2 Reserving of Land for Public Purposes Issued 1 July 2009	To facilitate the provision of public services and facilities by reserving land for public purposes and the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Applies when a planning proposal is prepared. 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.	Lanning proposal does not impact land reserved for a public purpose as discussed within this Direction. Consistent.
6.3 Site Specific Provisions Issued 1 July 2009	To discourage unnecessarily restrictive site specific planning controls.	A planning proposal to amend an environmental planning instrument must either: • allow that land use to be carried out in the zone the land is situated on, or • rezone the site to an existing zone that allows that land use without imposing any development standards, or • allow that land use on the relevant land without imposing any development standards in addition to those already contained in the principal environmental	Not Applicable.

		planning instrument being amended.	
--	--	---------------------------------------	--