

Appendix 3

**S117 Ministerial Directions
Analysis**



		Applicable (PP)	Consistent	Remarks
1	Employment and Resources			
1.1	Business and Industrial Zones	Yes	N/A	
1.2	Rural Zones	Yes	N/A	
1.3	Mining, Petroleum Production and Extractive Industries	Yes		
1.4	Oyster Aquaculture	No	N/A	
1.5	Rural Lands	Yes	Yes	The proposal is not considered to be adverse to the Rural Planning Principles contained within SEPP - Rural Lands and is therefore consistent with this Direction.
2	Environment and Heritage			
2.1	Environment Protection Zones	Yes	N/A	
2.2	Coastal Protection	No	N/A	
2.3	Heritage Conservation	Yes	N/A	
2.4	Recreation Vehicle Areas	Yes	N/A	
3	Housing, Infrastructure and Urban Development			
3.1	Residential Zones	No	N/A	
3.2	Caravan Parks and Manufactured Home Estates	No	N/A	
3.3	Home Occupations	No	N/A	
3.4	Integrating Land Use and Transport	Yes	N/A	
3.5	Development Near Licensed Aerodromes	No	N/A	
4	Hazard and Risk			
4.1	Acid Sulfate Soils	No	N/A	
4.2	Mine Subsidence and Unstable Land	No	N/A	
4.3	Flood Prone Land	No	N/A	
4.4	Planning for Bushfire Protection	Yes	TBA	Further assessment will be required in addition to consultation with the Commissioner of the NSW Rural Fire Service after the gateway determination and prior to community consultation.
5	Regional Planning			
5.1	Implementation of Regional Strategies	No	N/A	
5.2	Sydney Drinking Water Catchments	No	N/A	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A	
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	N/A	

5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)			
5.8	Second Sydney Airport: Badgerys Creek	No	N/A	
6	Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Yes	
6.2	Reserving Land for Public Purposes	Yes	Yes	
6.3	Site Specific Provisions	Yes	No	This direction applies when the PP will allow a particular development on a specific site. The planning proposal seeks to introduce a new definition by way of a local clause to deal not with a particular site specific development but a type of development not adequately defined in the SI and not provided for within the existing framework of the LEP. *See notation below
7	Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	No	N/A	

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.

Comment

The planning proposal seeks to introduce a new definition by way of a local clause to deal not with a particular site specific development but a type of development not adequately defined in the SI and not provided for within the existing framework of the LEP.

Council is experiencing unprecedented growth in the resources sector and with the subsequent employment has come demand for accommodation. One solution to the housing shortage is the development for Temporary Workers

Accommodation similar that that historically contained to more isolated parts of Queensland and Western Australia. This is a specific form of development typically consisting of amenities facilities and sleeping quarters where once the need for the facilities have expired the entire development is removed or relocated.

The SI has no specific definition for this type of development. Council has prepared a DCP to address the issue of Temporary Workers Accommodation, however, following legal advice is relying on Tourist and Visitor Accommodation as the most appropriate definition. It would seem that the various Local Government Areas faced with applications of this nature define them to suit the circumstances and location (zone) as either caravan parks, motels or innominate uses.

As this type of development is industry specific and fully self contained and self catering, Council consider that the most appropriate location in terms of minimising social impacts as well as the impact on roads is within 5km of the project site. As the project site is not defined until such time as an approval has been issued, there is no geographic criteria for the application of a zone which would achieve Council's intentions and even if there were there is not a zone that could be applied. A definition is long awaited and considered warranted given the existing and likely future demand for this type of accommodation across the state. Until such time as the SI can be amended to include such a definition, a local clause is the only option.

Further, a local clause will provide Council, the Community and developers certainty in terms of location and requirements for consideration by Council when an enquiry is made.