

Assessment against s.117 Ministerial Directions

State Environmental Planning Policy	Applies?	Comments
SEPP 1 Development Standards	N	-
SEPP 14 Coastal Wetlands	N	There is no SEPP 14 Wetland within or adjacent to the site. The nearest is located 500-600m to the north-east, but separated by a ridgeline that prevents stormwater from the site reaching the area. The SEPP 14 wetland associated with Marshall's Creek is located approximately 1.5kms to the south-east of the site.
SEPP 15 Rural Landsharing Communities	N	-
SEPP 21 Caravan Parks	N	-
SEPP 26 Littoral Rainforests	N	There is no SEPP26 littoral rainforest within or adjacent to the site. The nearest mapped area is approximately 2kms to the south-east.
SEPP 30 Intensive Agriculture	N	-
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	N	-
SEPP 33 Hazardous and Offensive Development	N	-
SEPP 36 Manufactured Home Estates	N	-
SEPP 44 Koala Habitat Protection	Y	The site contains vegetation that is mapped as primary koala habitat. The preliminary ecological assessment undertaken by Planit (see Appendix D) indicates that the subject site provides food source trees in various stages of vegetative growth, including old growth and mature specimens over 30 years that are compatible with the koala's dietary requirements. Planit note, however, that no direct evidence or records can be found of koala occurrence on or use of the site. The soccer fields proposed for the northern part of the land will not impact on koala habitat.
SEPP 50 Canal Estate Development	N	-
SEPP 55 Remediation of Land	Y	The northern part of the site contains an area of land previously filled in association with Development Consent for a proposed service station. The filling was undertaken in accordance with requirements to demonstrate that the fill material was free from contaminants. The construction of the northern field/ facilities will involve the lowering of the existing fill platform and use of the excavated material to increase the area of the platform on the site. As such there will not be excavation of 'natural material' on the land.

State Environmental Planning Policy	Applies?	Comments
SEPP 62 Sustainable Agriculture	N	-
SEPP 64 Advertising & Signage	N	-
SEPP 65 Design Quality of Residential Flat Development	N	-
SEPP 71 Coastal Protection	Y	The proposed rezoning of part of the land is not inconsistent with the principles and requirements of SEPP 71.
SEPP (Affordable Rental Housing) 2009	N	-
SEPP (Building Sustainability Index: BASIX) 2004	N	-
SEPP (Exempt and Complying Codes) 2008	N	The development of the land for sports fields and associated facilities does not meet the requirements for either exempt or complying development under this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	N	-
SEPP (Infrastructure) 2007	N	The provisions of clause 65(3)(b) provide that Councils may develop <i>'outdoor recreational facilities, including playing fields, but not including grandstands'</i> without consent on a public reserve. Council is currently in the process of declaring the site to be a public reserve.
SEPP (Major Development) 2005	N	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N	-
SEPP (Miscellaneous Consent Provisions) 2007	N	-
SEPP (Rural Lands) 2008	Y	The planning principles contained in this SEPP are aimed at protecting agricultural and other productive and sustainable economic activities in rural areas, and protecting natural resources, including biodiversity, water resources and the like. The subject land does not have significant agricultural potential and has previously been approved for a more urban use, being a highway service centre. As outlined above, the concept development has been designed to minimise biodiversity impacts. The planning proposal is therefore not inconsistent with the Rural Planning Principles outlines in this SEPP.
SEPP (State and Regional Development) 2011	N	-



Appendix I

Section 117 Ministerial Directions Checklist

Assessment against s.117 Ministerial Directions

Section 117 Direction	Applies?	Comments
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	-
1.2 Rural Zones	Yes	This direction applies where a draft LEP affects land within an existing rural or environmental protection zone. It requires that such a draft LEP must be consistent with the planning principles contained in SEPP (Rural Lands) 2008. This SEPP is addressed in Appendix H above. As outlined therein, the intention of those principles is to protect rural or environmental land demonstrated to have value in terms of agricultural or other economic potential, rural lifestyle/ amenity value, or natural resource value. In this case, while parts of the site have high biodiversity values, the development proposal will not impact those values as it relates to a heavily disturbed part of the land that was previously approved for filling and the construction of a highway service station.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	-
1.4 Oyster Aquaculture	N/A	-
1.5 Rural Lands	N/A	-
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	The Direction requires that 'a draft LEP that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land'. It also requires that 'a draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas'. The assessment outlined in this planning proposal demonstrates that the development is limited to the parts of the site that are highly disturbed. By containing the fields and associated facilities to this part of the site, both direct and indirect impacts on high conservation value vegetation can be minimised. Additional native vegetation planting will be incorporated into the development to offset the minor impacts associated with the tree clearing that is required to construct the development. It is considered that the draft LEP is consistent with this Direction as environmental impacts are of minor significance.

Section 117 Direction	Applies?	Comments
2.2 Coastal Protection	Yes	This Direction is applicable as the land is located within the Coastal Zone. It requires that a draft LEP should be considered in relation to: <u>The NSW Coastal Policy:</u> This Policy addresses a number of key coastal themes including: population growth, coastal water quality issues, acid sulfate soils, ESD considerations and integrated management across levels of government. The rezoning of this land is considered to be consistent with the Policy in that it will result in development that provides additional resources to the local growing population in a manner that avoids and/or minimises biophysical impacts in relation to soils, water and vegetation. <u>Coastal Design Guidelines:</u> The guidelines, in the main, relate to settlement planning and to built-form considerations. Nonetheless, a number of the design principles are relevant, relating to protection of natural edges, connectivity and accessibility of open space, and the like. The proposed development is considered to be consistent with these guidelines as it utilises previously disturbed land, located in close proximity to a number of existing settlements, to provide additional sporting and recreational facilities for those communities. <u>Coastline Management Manual:</u> This Manual is not directly relevant as it primarily relates to the management of coastal process, mainly erosion and accretion, coastal recession and the like. The site is located well away from the active coastal zone and is not at risk from ongoing coastal processes.
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	N/A	
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrated Land Use and Transport		
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	

Section 117 Direction	Applies?	Comments
4. Hazard and Risk		
4.1 Acid Sulfate Soils	No	Development of the northern field will not require any excavation into 'natural ground'. It will involve excavation into an area previously filled. The filling work was undertaken in accordance with a valid approval from Council.
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	Y	Preliminary flood assessment demonstrates that the northern field can be constructed with no off-site flood impacts.
4.4 Planning for Bushfire Protection	Y	The land is bushfire prone. The proposed use, however, does not result in significant bushfire risks.
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Revoked	N/A	
5.6 Revoked	N/A	
5.7 Revoked	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
5.9 North West Rail Link Corridor Strategy	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements	N/A	
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	