

ATTACHMENT B

Consistency with Ministerial Directions

Consistency of the Planning Proposal with Ministerial Directions given under Section 117 of the EP&A Act

No.	Title	Consistency
1. Employment and Resources		
1.1	Business & Industrial Zones	Not applicable as the Planning Proposal does not affect any commercial or industrial zone.
1.2	Rural Zones	This direction is relevant because the Planning Proposal affects land within an existing rural zone. The proposal is arguably inconsistent with the direction because it has the potential to "increase the permissible density of land" in the RU1 zone. The extent to which creating the opportunity for backpackers accommodation will increase residential density within the rural areas of the Shire is debateable. It is anticipated that in most instances backpackers accommodation will be taken up within existing rural dwellings as the feasibility of constructing such purpose built accommodation is unlikely to be feasible. In any case the Director-General can be satisfied as to the extent of any inconsistency on the grounds it is of "minor significance".
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable as the Planning Proposal does not impact on mining.
1.4	Oyster Aquaculture	Not applicable as RU1 zoned land in Berrigan Shire is not within a Priority Oyster Aquaculture Area
1.5	Rural Lands	This direction is relevant because the Planning Proposal affects land within an rural zone. The direction requires that the planning proposal must be consistent with the following Rural Planning Principles expressed in the SEPP (Rural Lands). a) <i>the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</i> b) <i>recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,</i> c) <i>recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,</i> d) <i>in planning for rural lands, to balance the social, economic and environmental interests of the community,</i> e) <i>the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</i> f) <i>the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</i> g) <i>the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</i> h) <i>ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i> The planning proposal can be considered consistent with these principles for the following reasons: a) The provision of backpackers accommodation principally for the purposes of housing employees associated with local primary industry is consistent with this principle. b) Backpackers are a source of relatively cheap labour for rural enterprise and are an asset that otherwise can be hard to find in rural areas. Backpackers are a relatively recent trend and are encouraged by the visa requirements relating to work and holidaying in Australia. Within this context, backpackers accommodation is responding to changes in the availability of labour for primary producers.

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		c) Backpackers contribute to the local economy and communities just by residing in the area. This is a positive contribution to make. d) The interests of the community are served by backpackers. There is not considered to be any detrimental impacts arising from backpackers being present in the community. e) The natural environment will be unaffected by the presence of backpackers in rural areas of the Shire. f) Backpackers in the main are young overseas persons on a working holiday. These characteristics can make a positive contribution to local communities. g) Backpackers accommodation will have no impact on services and infrastructure over and above what is already available to rural communities. h) There are no adopted strategies endorsed by the Director-General applicable to RU1 zoned land in the Shire (including the stalled Murray Region Strategy).
2. Environment and Heritage		
2.1	Environment Protection Zones	This direction is relevant because it applies to all planning proposals. The Planning Proposal is consistent with the direction because the opportunity for backpacker accommodation is only being provided within the RU1 zone. It is not being provided to any environment protection zone (including the E3 zone in the Shire).
2.2	Coastal Protection	Not applicable as land zoned RU1 in the Shire is not within a coastal zone.
2.3	Heritage Conservation	This direction is relevant because it applies to all planning proposals. As written, the Planning Proposal is inconsistent with this direction because it does not include "provisions that facilitate the conservation" of heritage items and Aboriginal objects etc. That said, these provisions already exist within the BLEP at clause 5.10. To the extent of any inconsistency, the Director-General can be satisfied on the grounds the Planning Proposal is of "minor significance".
2.4	Recreation Vehicle Areas	This direction is relevant because it applies to all planning proposals. The Planning Proposal is consistent with the direction because it does not advocate the designation of any land as a recreation vehicle area pursuant to an order in force under section 11 (1) of the <i>Recreation Vehicles Act 1983</i>.
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	This direction is not relevant because the Planning Proposal is backpackers accommodation within the RU1 zone is not considered to be "significant residential development".
3.2	Caravan Parks & Manufactured Home Estates	This direction is relevant because it applies to all planning proposals. The Planning Proposal is not inconsistent with this direction because it does not contemplate "suitable zones, locations and provisions" for caravan parks and manufactured homes estates.
3.3	Home Occupations	This direction is relevant because it applies to all planning proposals. The Planning Proposal will not prevent future dwellings being used for 'home occupations' and hence is consistent with this direction.
3.4	Integrating Land Use and Transport	This direction is not relevant because the Planning Proposal does not involve urban land.
3.5	Development Near Licensed Aerodromes	Not applicable as there are no licensed aerodromes in the Shire.
3.6	Shooting Ranges	This direction is relevant because the Planning Proposal advocates a change to a zone (RU1) that may also include a shooting range. However there is no response required by Council as the change is not a rezoning.

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4. Hazard and Risk		
4.1	Acid Sulphate Soils	Not applicable as there are no known acid sulphate soils within the RU1 zone in the Shire.
4.2	Mine Subsidence & Unstable Land	Not applicable as there are no known Mine Subsidence Districts within the RU1 zone in the Shire.
4.3	Flood Prone Land	Not applicable because whilst the Shire contains flood prone land in the RU1 zone, the Planning Proposal does not change anything in the BLEP that would affect such land.
4.4	Planning for Bushfire Protection	Not applicable because whilst the Shire contains bushfire prone land in the RU1 zone, the Planning Proposal does not change anything in the BLEP that would affect such land.
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not applicable because RU1 zoned land in the Shire is not within one of the regional strategies nominated in this direction.
5.2	Sydney Drinking Water Catchment	Not applicable as the Shire is not within the Sydney Drinking Water Catchment.
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable as the Shire is not one of the local government areas nominated in this direction.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable as the Shire is not near the Pacific Highway.
5.5	Development in the Vicinity of Ellalong, Paxton and Milfield (Cessnock LGA)	Revoked in 2010.
5.6	Sydney to Canberra Corridor	Revoked in 2008.
5.7	Central Coast	Revoked in 2008.
5.8	Second Sydney Airport: Badgerys Creek	Not applicable as the Shire is not near the site for a second Sydney airport.
5.9	North West Rail Link Corridor Strategy	Not applicable as the Shire is not near this corridor.
6. Local Plan Making		
6.1	Approval and Referral Requirements	This direction is relevant because it applies to all planning proposals. The Planning Proposal is consistent with this direction because it does not propose any referral requirements or nominate any development as 'designated development'.
6.2	Reserving Land for Public Purposes	This direction is relevant because it applies to all planning proposals. The Planning Proposal is consistent with this direction because it does not remove or propose any public land.
6.3	Site Specific Provisions	Not applicable as the Planning Proposal does not propose any site specific provisions.
7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Not applicable as the Shire is not one of the local government areas nominated in this direction.