

## Appendix 1 – Section 9.1 Direction Checklist

S9.1 Direction	Application	Compliance of Planning Proposal
<b>1 Employment and Resources</b>		
1.1 Business and Industrial Zones	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).	Does not apply to planning proposal.
1.2 Rural Zones	<p>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).</p> <p>Under this direction a planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</li> <li>(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).</li> </ul>	<p>Consistent.</p> <p>The planning proposal does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone, nor contain provisions that will increase the permissible density of land within a rural zone</p> <p>Whilst the planning proposal does include the rezoning of certain rural land to an environmental zone (E2 or E3), this is proposed in accordance with the NSW Government's Northern Councils E Zone Review Final Recommendations Report and associated Ministerial Direction 2.5 (see below).</p> <p>The planning proposal also provides for extensive agriculture as a permissible land use in both the E2 and E3 zones enabling certain agricultural activities on the land.</p>

S9.1 Direction	Application	Compliance of Planning Proposal
1.3 Mining, Petroleum Production and Extractive Industries	<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> <li>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</li> <li>(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.</li> </ul>	<p><b>Inconsistent.</b></p> <p>The proposal contains eighty-three (83) sites where an E2 Environmental Conservation Zone and/or E3 Environmental Management Zone are proposed within a s9.1 mineral “transition area”. An additional seven (7) sites are within an ‘Identified Resource’ area. In accordance with the requirements of this direction, Council will consult with the Director-General of Department of Primary Industries (DPI) during exhibition of this planning proposal to clarify the development potential of these resources and DPI’s position on the proposed E2 zones on these sites.</p> <p>Further information about these sites is contained in <b>Appendix 2.</b></p>
1.4 Oyster Aquaculture	<p>Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p> <ul style="list-style-type: none"> <li>(a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”, or</li> <li>(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.</li> </ul>	<p>Does not apply to planning proposal.</p>

S9.1 Direction	Application	Compliance of Planning Proposal
<p>1.5 Rural Land</p>	<p>Applies when a relevant planning authority prepares a planning proposal that:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) changes the existing minimum lot size on land within a rural or environment protection zone.</li> </ul> <p>A planning proposal to which clauses 3(a) or 3(b) apply must:</p> <ul style="list-style-type: none"> <li>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment</li> <li>(b) consider the significance of agriculture and primary production to the State and rural communities</li> <li>(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</li> <li>(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</li> <li>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</li> <li>(f) support farmers in exercising their right to farm</li> <li>(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</li> <li>(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</li> <li>(i) consider the social, economic and environmental interests of</li> </ul>	<p>Consistent with the relevant objectives and provisions of this direction.</p> <p>Furthermore:</p> <ul style="list-style-type: none"> <li>– The planning proposal has been prepared having regard for State Environmental Planning Policy (Primary Production and Rural Development) 2019 and the NSW Government's Northern Councils E Zone Review Final Recommendations Report.</li> <li>– Extensive agriculture is identified a permissible land use in both the E2 and E3 zones, enabling certain agricultural activities on the land.</li> </ul>

S9.1 Direction	Application	Compliance of Planning Proposal
	<p>the community.</p> <p>A planning proposal to which clause (b) applies must demonstrate that it:</p> <ul style="list-style-type: none"> <li>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</li> <li>(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</li> <li>(c) [<i>not applicable</i>]</li> </ul>	
<b>2 Environment and Heritage</b>		
2.1 Environment Protection Zones	<p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>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 “<i>Rural Lands</i>”.</p>	<p>Consistent.</p> <p>The planning proposal involves the application of environmental zones to land which meets the criteria contained within the NSW Government’s Northern Councils E Zone Review Final Recommendations Report. This provides for the protection and conservation of environmentally sensitive areas.</p>
2.2 Coastal Protection	<p>This Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> <li>a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</li> <li>(b) the NSW Coastal Management Manual and associated Toolkit;</li> <li>(c) NSW Coastal Design Guidelines 2003; and</li> <li>(d) any relevant Coastal Management Program that has been</li> </ul>	<p>Consistent.</p> <p>The application of environmental zones to certain land that contains wetland and/or littoral rainforest communities, and that meets the criteria contained within the NSW Government’s Northern Councils E Zone Review Final Recommendations Report, is consistent with the relevant objectives and provisions of this direction.</p>

S9.1 Direction	Application	Compliance of Planning Proposal
	<p>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.</p> <p>In addition, a planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <p>(a) within a coastal vulnerability area identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>; or</p> <p>(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:</p> <p>(i) by or on behalf of the relevant planning authority and the planning proposal authority, or</p> <p>(ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</p>	

S9.1 Direction	Application	Compliance of Planning Proposal
2.3 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> <li>(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,</li> <li>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</li> <li>(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.</li> </ul>	Does not apply to planning proposal.
2.4 Recreation Vehicle Areas	<p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <ul style="list-style-type: none"> <li>(a) where the land is within an environment protection zone,</li> <li>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</li> <li>(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: <ul style="list-style-type: none"> <li>(i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September 1985</i>, and</li> <li>(ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission</i>,</li> </ul> </li> </ul>	<p>Consistent.</p> <p>The Planning Proposal does not enable land to be developed for the purpose of a recreation vehicle area.</p>

S9.1 Direction	Application	Compliance of Planning Proposal
	<i>September 1985.</i>	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<p>This direction applies when a relevant planning authority prepares a planning proposal:</p> <p>(a) that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone;</p> <p>(b) that introduces or alters an overlay and associated clause.</p> <p>A planning proposal must 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.</p>	<p>Consistent.</p> <p>The proposed environmental zones are consistent with the criteria and supporting recommendations contained in the 'Northern Councils E Zone Review Final Recommendations' report.</p>
2.6 Remediation of Contaminated Land	<p>This direction applies when a planning proposal authority prepares a planning proposal applying to land specified in this <a href="#">direction</a>.</p> <p>A planning proposal must not include in a particular zone (within the meaning of the local environmental plan) any land specified in <a href="#">paragraph (2)</a> if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(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</p> <p>(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.</p>	<p>Consistent.</p> <p>The planning proposal does not seek to intensify development or expand range of permissible land uses on affected lands, but instead apply a more restrictive E2/E3 zoning and/or like-for-like transition of 1988 LEP to 2014 LEP zones.</p> <p>A high-level assessment was carried out in accordance with the <a href="#">Contaminated Land Planning Guidelines</a> for rezoning' proposed across large areas of rural land. The assessment found that one or more of the following categories applies to land affected by this planning proposal:</p> <ul style="list-style-type: none"> <li>• No change in dwelling permissibility based on new zone/s proposed</li> <li>• Not identified in Council's register of unhealthy building land</li> <li>• Affected by a dip site or dip site buffer, but no change in dwelling permissibility based on new zone/s proposed</li> <li>• Land containing an existing approved dwelling in an urban area and currently zoned 'environmental' (eg. 7B), where a small portion of the environmental zoned area is proposed to</li> </ul>

S9.1 Direction	Application	Compliance of Planning Proposal
		<p>be replaced by a residential zone to reflect primary use.</p> <p>Based on the assessment findings above, and in accordance with the <a href="#">Contaminated Land Planning Guidelines</a> for across large areas of rural land, a more detailed contamination assessment is not warranted at this stage and the suitability of the land for any future proposed uses can be appropriately assessed if/when specific proposals are made.</p>



S9.1 Direction	Application	Compliance of Planning Proposal
<b>3 Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none"> <li>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</li> <li>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</li> </ul> <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul> <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) not contain provisions which will reduce the permissible residential density of land.</li> </ul>	<p>Consistent.</p> <p>The application of a residential zone (R2 Low Density Residential, R3 Medium Density Residential or R5 Large Lot Residential) in this proposal will largely retain the same provisions as the adjoining residential zone.</p> <p>Clause 6.6 of Byron LEP 2014 already applies essential services provisions to development in residential zones.</p>
3.2 Caravan Parks and Manufactured Home Estates	<p>Applies when a relevant planning authority prepares a planning proposal.</p> <p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</li> </ul>	<p>Consistent.</p> <p>The proposal will not result in any reduction in the existing availability of land for caravan parks or manufactured home estates.</p>

S9.1 Direction	Application	Compliance of Planning Proposal
	<p>(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.</p> <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(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</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p>	

S9.1 Direction	Application	Compliance of Planning Proposal
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling-houses without the need for development consent.	Consistent. The proposal will not affect any existing permissibility or exemptions for home occupations.
3.4 Integrating Land Use and Transport	<p>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.</p> <p>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:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	Consistent. This proposal will not result in any negative impacts on accessibility or transport movements.
3.5 Development Near Licensed Aerodrome	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p> <p>The main requirements of the Direction are that Council considers the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth for residential purposes, and does not increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25.</p>	Does not apply to planning proposal.
3.6 Shooting Ranges	<p>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.</p> <p>A Planning Proposal must not seek to rezone land adjacent to and/or adjoining an existing shooting range that has the effect of permitting more intensive land uses in the area.</p>	Does not apply to planning proposal.

S9.1 Direction	Application	Compliance of Planning Proposal
<b>4 Hazard and Risk</b>		
4.1 Acid Sulfate Soils	<p>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.</p> <p>A council shall not prepare a draft LEP 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 council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p>	<p>Consistent.</p> <p>Some land to which this Planning Proposal is affected by acid sulfate soils. However the Planning Proposal is unlikely lead to intensification of land uses proposed on land identified on the Acid Sulfate Soils Planning Maps. Council will consider acid sulfate soils if it receives a development application for affected land in accordance with existing clause 6.1 of Byron LEP 2014.</p>
4.2 Mine Subsidence and Unstable Land	<p>Applies when a relevant planning authority prepares a planning proposal that permits development on land that:</p> <ul style="list-style-type: none"> <li>(a) is within a mine subsidence district, or</li> <li>(b) has been identified as unstable in a study, strategy or other assessment undertaken: <ul style="list-style-type: none"> <li>(i) by or on behalf of the relevant planning authority, or</li> <li>(ii) by or on behalf of a public authority and provided to the relevant planning authority.</li> </ul> </li> </ul>	Does not apply to planning proposal.
4.3 Flood Prone Land	<p>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.</p> <p>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 <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environment Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p>	Does not apply to planning proposal.

S9.1 Direction	Application	Compliance of Planning Proposal
	<p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(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.</p> <p>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).</p> <p>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 <i>Guideline on Development Controls on Low Flood Risk Areas</i>) 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).</p>	
<p>4.4 Planning for Bushfire Protection</p>	<p>Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>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 3.34 of the Act, and prior to undertaking community consultation in satisfaction of Schedule 1, clause 4 of the Act, and take into account any comments so made.</p> <p>A planning proposal must:</p>	<p>Consistent (subject to consultation with the NSW Rural Fire Service).</p> <p>The proposal will result in the alteration to some planning provisions affecting bush fire prone land. This results from changes to zoning and associated planning controls, which are intended to reflect the characteristics of the land and current and planned land use. [Note: LEP 2014 cl 5.11 permits bush fire hazard reduction work authorised by the Rural Fires Act 1997 to be carried out on any land without development consent.]</p>

S9.1 Direction	Application	Compliance of Planning Proposal
	<p>(a) have regard to <i>Planning for Bushfire Protection 2019</i>,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p> <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</li> </ul> <p>(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 <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	<p>Consultation will be undertaken with the NSW Rural Fire Service in accordance with this Direction, following receipt of a gateway determination.</p>

S9.1 Direction	Application	Compliance of Planning Proposal
<b>5 Regional Planning</b>		
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	Revoked
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	Does not apply to Byron Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project for an urban use.	Consistent.  The proposal does not propose the rezoning of identified significant farmland for urban, residential or rural residential purposes.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<p>A Planning Proposal that applies to land located on “within town” segments of the Pacific Highway must provide that:</p> <ul style="list-style-type: none"> <li>(a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway,</li> <li>(b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway.</li> <li>(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 80 km/hour.</li> </ul> <p>A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that:</p> <ul style="list-style-type: none"> <li>(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,</li> <li>(b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the</li> </ul>	Does not apply to planning proposal.

S9.1 Direction	Application	Compliance of Planning Proposal
	<p>highway.</p> <p>(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 80 km/hour or greater.</p>	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA).	Revoked.	N/A
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)	Revoked.	N/A
5.7 Central Coast (Revoked 10 July 2008)	Revoked.	N/A
5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	Revoked.	N/A
5.9 North West Rail Link Corridor Strategy	[Only applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.]	Does not apply to Byron Shire.
5.10 Implementation of Regional Plans	All planning proposals must be consistent with the applicable Regional Plan released by the Minister for Planning.	<p>Consistent.</p> <p>The planning proposal is generally consistent with the planning framework set out under the North Coast Regional Plan — in particular, Directions 1 &amp; 2 (and supporting actions) associated with ‘Goal 1: The most stunning environment in NSW’.</p>



S9.1 Direction	Application	Compliance of Planning Proposal
5.11 Development of Aboriginal Land Council land	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	Does not apply to Byron Shire.

S9.1 Direction	Application	Compliance of Planning Proposal
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	<p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</li> <li>(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: <ul style="list-style-type: none"> <li>(i) the appropriate Minister or public authority, and</li> <li>(ii) the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General),</li> </ul> prior to undertaking community consultation in satisfaction of section 57 of the Act, and</li> <li>(c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> <li>(i) can satisfy the Director-General of the Department of Planning and Environment (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</li> <li>(ii) has obtained the approval of the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</li> </ul> </li> </ul>	<p>Consistent.</p> <p>The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.</p>
6.2 Reserving Land for Public Purposes	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 and Environment (or an officer of the Department nominated by the Director-General).	Does not apply to this planning proposal.
6.3 Site Specific	Applies when a relevant planning authority prepares a planning proposal	Does not apply to this planning proposal.

S9.1 Direction	Application	Compliance of Planning Proposal
Provisions	<p>that will allow a particular development to be carried out.</p> <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> <li>(a) allow that land use to be carried out in the zone the land is situated on, or</li> <li>(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</li> <li>(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.</li> </ul> <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	
<b>7. Metropolitan Planning</b>		
Directions 7.1 - 71.2	Only apply to certain Sydney metropolitan local government areas.	Does not apply to Byron Shire.