

Draft LEP Checklist – Section 117(2) Directions – Nebraska Estate Planning Proposal

Direction No:	Subject	Applies ?	Relevant?	Consistent?	Comment
1	Employment and Resources				
1.1	Business and Industrial Zones	N			The Planning Proposal does not relate to existing or proposed business/industrial zones.
1.2	Rural Zones	Y	Y	N	The Planning Proposal is consistent with the Jervis Bay Settlement Strategy, which is endorsed by the Department of Planning, and hence the South Coast Regional Strategy. This justifies the inconsistency with this Ministerial Direction.
1.3	Mining, Petroleum Production and Extractive Industries	N			The Planning Proposal will not alter the situation with respect of mining, petroleum production and extractive industries.
1.4	Oyster Aquaculture	N			Oyster aquaculture is not undertaken in St Georges Basin.
1.5	Rural lands	Y	Y	Y	The Planning Proposal is consistent with the Rural Planning Principles and the Rural Subdivision Principles in the Rural Lands SEPP. The Planning Proposal will assist to resolve the future of land that is already fragmented whilst having regard to environmental and land capability constraints.
2	Environment and Heritage				
2.1	Environmental Protection Zones	Y	Y	Y	The Planning Proposal recognises and will provide increased protection for the environmentally sensitive land.
2.2	Coastal Protection	Y	Y	Y	The Planning Proposal is consistent with the objective and key actions of the NSW Coastal Policy, the NSW Coastal Design Guidelines, and the NSW Coastline Management Manual.
2.3	Heritage Conservation	Y	Y	Y	Three Aboriginal sites are located within the proposed E2 zone and no further residential development is proposed on the affected land. Some ground disturbance will be necessary for construction of infrastructure. Council will need to determine if an Aboriginal Heritage Impact Permit (AHIP) is required and if so, will undertake the necessary consultation and impact assessment to comply with the legislative requirements.
2.4	Recreation Vehicle Areas	Y	N		
3	Housing, Infrastructure and Urban Development				
3.1	Residential Zones	Y	Y	N	The Planning Proposal seeks to expand development in St Georges Basin and will require services and infrastructure from these areas to be extended. However it will allow the existing subdivision to be reconfigured in accordance with contemporary planning requirements and best practice. Any inconsistency with this Direction is justifiable given that the subject land is identified for investigation in an endorsed planning strategy.
3.2	Caravan Parks and Manufactured Home Estates	Y	Y		The Planning Proposal does involve any existing or proposed caravan parks or manufactured home estates.
3.3	Home Occupations	Y	Y		For the zones in question, SLEP 2014 allows home occupations in dwellings without consent.
3.4	Integrating Land Use and Transport	Y	Y	Y	The Planning Proposal will potentially enable a relatively small expansion of the St Georges Basin urban area. Finer details in relation to transport would be considered as the Planning Proposal advances.
3.5	Development Near Licensed Aerodromes	N			Not relevant to the subject land.
4	Hazard and Risk				

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4.1	Acid Sulfate Soils	Y	Y	Y	The area mapped as Potential Acid Sulfate Soils is proposed to be zoned E2 – Environmental Conservation and no development is proposed. This approach is consistent with the NSW Acid Sulfate Soils Planning Guidelines.
4.2	Mine Subsidence and Unstable Land	N			Not relevant to the subject land.
4.3	Flood Prone Land	Y	Y	Y	No development is proposed within land identified as floodprone.
4.4	Planning for Bushfire Protection	Y	Y	Y	The Planning Proposal has been prepared to comply with Planning for Bush Fire Protection 2006 and the NSW RFS will be consulted after the Department has made its gateway determination.
5	Regional Planning				
5.1	Implementation of Regional Strategies	Y	Y	Y	Refer to sections on the South Coast Regional Strategy and the Jervis Bay Settlement Strategy.
5.2	Sydney Drinking Water Catchments	N			
5.3	Farmland of State & Regional Significance on Far North Coast	N			
5.4	Commercial & Retail Development, Pacific Hwy	N			
5.5	Development in the vicinity of Ellalong, Paxton & Millfield	N			
5.6	Sydney to Canberra Corridor	N			
5.7	Central Coast	N			
5.8	2 nd Sydney Airport: Badgerys Creek	N			
6	Local Plan Making				
6.1	Approval and Referral Requirements	Y	Y		The Planning Proposal seeks to allow dwellings on suitable land thus minimising the need for concurrence, consultation or referral of development applications to a Minister or public authority.
6.2	Reserving Land for Public Purposes	Y	Y		Land required for a new perimeter road (Option 2 only) is identified on the Land Acquisition map.
6.3	Site Specific Provisions	Y	Y	Y	The conceptual resubdivision/development details do not need to be included in the amending LEP. They are relevant to the proposed zoning and demonstrate compliance with the bushfire planning requirements. As stated in section 4.3, lot averaging provisions will need to be added via Clause 4.2B and if Option 2 is pursued, this clause would also need to apply to the R2 Zone. It should also be noted that if Option 2.2 is pursued for the NW Sector, a minimum lot size of 750 m ² would need to be added to SLEP 2014.

State Environmental Planning Policies applying to the Nebraska Estate Planning Proposal	Relevant	Consistent?	Comment
Rural Lands	Y	Y	The subject land is NOT prime crop and pasture land. The Planning Proposal acknowledges and is consistent with the land's capability and environmental constraints.

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14 – Coastal Wetlands	N	Y	No SEPP 14 wetlands are located directly downstream of the subject land.
44 – Koala Habitat Protection	Y	Y	The subject land does not contain any potential Koala habitat (ELA, 2009).
55 – Remediation of Land	N	Y	The subject land does not contain any matters identified in Clause 6(4) if the SEPP.
71 – Coastal Protection	Y	Y	The Planning Proposal is consistent with the matters set out in Clause 8 – Matters for consideration.