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WINGECARRIBEE SHIRE COUNCIL

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ABN 49 546 344 354

Our Reference 107/18
Contact: Mark Pepping

7 January 2010

Department of Planning
Southern Region
PO Box 5475
WOLLONGONG NSW 2520

Department of Planning
RECEIVED
11 JAN 2010
Southern Region

PCU002075

Dear Sir/Madam

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A Act, 1979)
NOTICE OF PROPOSED PLANNING PROPOSAL IN ACCORDANCE WITH S55

Please be advised Council resolved on 11 November 2009 to prepare a Draft Local Environmental Plan (Planning Proposal) to regulate Hedge Screen Plantings along Tourism Routes throughout the Shire.

With respect to the timing of Wingecarribee Shire's Local Environmental Plan 2009, the Planning Proposal will amend Wingecarribee LEP 2009.

As a Planning Proposal, the information required under the provisions of Section 55 of the EP&A Act, 1979 are set out hereunder and in the attached documentation:

(a) *Information required under Section 55 of the EP&A Act, 1979*

i) *A statement of the objectives or intended outcomes of the proposed instrument* (Planning Proposal Part 1),
ii) *An explanation of the provisions that are to be included in the proposed instrument* (Planning Proposal Part 2),
iii) *The justification for those objectives, outcomes and provisions and the process for their implementation* (Planning Proposal Part 3) (including a statement whether the proposed instrument will comply with relevant Section 117 Directions),
iv) *If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument* (included in Views and Vistas Scenic Landscape Review Nov 09),
v) *Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument* (Planning Proposal Part 4).

Department of Planning
Received
20 JAN 2010
Scanning Room

(b) *Additional information also includes:*

i) *Copies of the Council Report and Resolution of 11 November 2009.*
ii) *Notation of Compliance with Section 117 Directions*
iii) *Copy of the Views and Vistas Scenic Landscape Review (Nov 09) Amended in accordance with the Council resolution of 11 Nov 09.*

Please note that the Views and Vistas Scenic Landscape Review contains a development assessment methodology, formulated by the consultant, to assess the impact of future applications for hedge screen plantings on the scenic landscape.

Should you require any further information with regard to the planning proposal, please contact Mr Bennett Kennedy on 4868 0829 or by email at **Bennett.Kennedy@wsc.nsw.gov.au**.

Yours faithfully,

Mark Pepping
Manager Strategic Planning

Planning Proposal

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND (if applicable): SHIRE-WIDE TOURIST ROUTES

PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF LEP:

To provide appropriate provisions within the principal Plan which will regulate tree and shrub plantings in areas of the Shire which have high scenic quality.

PART 2 – EXPLANATION OF PROVISIONS

Insert the following Scenic Protection Clause into the Wingecarribee LEP 2009 which is similar in nature to the Department of Planning's Practice Note PN09-002 regarding Scenic Protection.

Scenic Protection

(1) The objective of this clause is to protect high and very high value scenic vistas.

(2) This clause applies to land identified as high and very high scenic views from roads identified within the Views and Vistas Scenic Road Map.

(3) Despite any other provisions of this Plan, development consent is required for any of the following;

- *(a) The planting of vegetation screens (native or exotic) with a length of 50 metres or greater,*
- *(b) That will mature to a height in excess of 2 metres,*
- *(c) Will alter the existing views and vistas available along routes identified on the Scenic Road Map within high and very high scenic views.*

(4) Before granting consent to development to which this clause applies, the consent authority must be satisfied that the plantings;

- *(a) provide sufficient scope for maintaining views and vistas*
- *(b) do not result in screening of over 50 percent of the frontage of any property*
- *(c) do not conflict with the objectives of the key historic cultural landscape zones.*

(5) For the purpose of this clause Views and Vistas Scenic Road Map means the Wingecarribee Local Environmental Plan 2009 Views and Vistas Scenic Landscape Review - Scenic Road Rating Map.

Concern has arisen in recent years over the proliferation of hedges being planted along property boundaries in locations with high scenic value. This trend in the use of hedges is significantly different to plantings of the 1800's and 1900's used for livestock protection.

PART 3 - JUSTIFICATION

Section A – Need for the Planning Proposal

1. Is the planning proposal the result of any strategic study or report?	**Yes. The proposal is the result of a study (Views and Vistas Scenic Landscape Review – DEM Consulting, July 09) to establish the impact the planting of inappropriate hedge planting have had on the scenic landscape of the shire. In summary, the report concluded that it was appropriate that action be taken to protect high and very high scenic areas. A copy of the consultant's report is attached.**
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	**Yes. Council has investigated a number of options, including legal avenues. The result of investigation was that no avenues were enforceable without the backing of a statutory instrument that enabled Council to consider applications for this type of development.** **Education, for example, has been undertaken through the distribution of pamphlets. This however has resulted in a predisposition to particular species, in the knowledge that there is no statutory regulation to control hedge planting characteristics.**
3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?	**Yes. The current situation permits unregulated planting of screen hedges without consent. It is considered that the cost of implementing and administering the statutory regulation, supported by a sound methodology developed during the above study, will result in a substantial net community benefit both in terms of environmental amenity and the economic benefit of tourism.**

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (included draft strategies)?	**Yes. The proposal is consistent with the Sydney Canberra Corridor Regional Strategy, in particular to '*Limit development in places constrained by important primary industry resources and significant scenic and cultural landscape (p13),* to preserve the *Southern Highlands farm landscapes (p19)* and *Natural and***

	cultural assets **that** ***create significant tourism attractions (p22).***
5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	**Yes, the Community Strategic Plan has enabled Council to set up a webpage focussing solely on the Tourism potential of the Shire. Prominent in this focus are the 'Trails and Experiences' that visitors can have in the area, including identified 'Drives'. The inherent dispersal of rural attractions means that tourists can have a variety of 'Experiences' (Heritage, Food and Wine, gardens etc) or simply an outing (used by less mobile citizens and vehicle clubs). It also means that there is a heavy reliance on motor vehicles for transport that will take in the views and vistas along alternative routes. Council is seeking to contribute to the enjoyment and ongoing support of these attractions by providing a safe and pleasant experience between destinations.**
6. Is the planning proposal consistent with applicable state environmental planning policies?	**Yes. The planning proposal is consistent with State environmental Planning Policies (SEPP) as scheduled below.**
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	**Yes. (see attached 117 Directions response)**

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	**No**
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	**No**
10. How has the planning proposal adequately addressed any social and economic effects?	**The planning proposal intends to regulate the planting of hedge screen plantings. The Views and Vistas Scenic Landscape Review qualifies and quantifies the impact high hedge screen plantings have had on the scenic landscape. Continued unregulated screen plantings will diminish the attraction the shire has for tourism and thereby an external source of**

	economic generation.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	**Not applicable.**
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	**Public authorities had not been consulted at the time of preparation.**

PART 4 – COMMUNITY CONSULTATION

The planning proposal would be placed on public exhibition for a period of 28 days and identified stakeholders would be notified.

o-EP10 Views and Vistas Scenic Landscape Review

REF: SPM 107/18

The purpose of this report is to seek a resolution from Council to adopt the *'Views and Vistas Scenic Landscape Review'*, prepared by DEM Consulting and request that Council write to the Department of Planning to consider including the 'Scenic Protection' clause in the Wingecarribee Local Environmental Plan (LEP) 2009.

OC 181/09

The Committee on a ***MOTION*** *moved by Clr L A C Whipper and seconded by Clr G McLaughlin* ***RECOMMENDED:***

1. ***THAT Council accept the 'Views and Vistas Scenic Landscape Review' report prepared by DEM Consulting, noting the amendment to Condition 3(a) under the heading "Scenic Protection" as follows:***

   "3. Despite any other provisions of this Plan, development consent is required for any of the following:

   (a) the planting of vegetation screens (native or exotic) with a length of fifty (50) metres or greater."

2. ***THAT Council resolve to submit a Planning Proposal to the Department of Planning to proceed with a Draft Local Environmental Plan amendment to regulate the planting of row/screen hedges along roads rated as having a Very High and High view and vista significance.***

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead		x
Clr J Mauger		x
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

Environmental Sustainability

o-EP10 Views and Vistas Scenic Landscape Review

REF: SPM 107/18

The purpose of this report is to seek a resolution from Council to adopt the *'Views and Vistas Scenic Landscape Review'*, prepared by DEM Consulting and request that Council write to the Department of Planning to consider including the 'Scenic Protection' clause in the Wingecarribee Local Environmental Plan (LEP) 2009.

REPORT

BACKGROUND

On 23 November 2005, Council formally resolved under Section 54 of the Environmental Planning & Assessment Act 1979 to prepare a Draft Local Environmental Plan Amendment in order to regulate the planting of hedges to protect scenic rural landscape views and vistas under Wingecarribee Local Environmental Plan 1989. In March 2006, the Department of Planning formally advised Council that it would not allow the Draft LEP Amendment to proceed.

Since that time, Councillors and staff have met with Ministers, Local Members of Parliament as well as Departmental staff to discuss the potential impact unregulated hedge plantings will have on the scenic quality of the Shire and hence tourism, if appropriate measures are not put in place.

On 25 June 2008, Council received a report, including legal advice, recommending that Council engage a suitably qualified Landscape Architect to review the survey mapping already undertaken (by Councillors) to justify the identification of areas regarded as being significant rural views and vistas. At that meeting Council resolved:

'1. THAT Council resolves to engage a qualified Cultural Landscape Architect to review the survey mapping already undertaken to justify the identification of areas regarded as being significant rural views and vistas.

2. THAT this matter be brought to the attention of the Member for Kiama and Minister for Tourism the Hon. Matt Brown MP to advise him of how Council intends to pursue the matter.

3. THAT Council sends a deputation to the Regional Director of the Department of Urban Affairs & Planning seeking endorsement to proceed with a Draft LEP amendment based on the content of the Legal Advice and suggested strategies as detailed in the report.

4. THAT an information session to which the Tourism Manager be invited be held prior to the visit to the Regional Director to clarify any issues that Councillors may have in relation to this matter.

5. THAT Decision L27 from the Record of Decisions of the Local Government Association of NSW 2006 Annual Conference be included in any negotiations – i.e.:

"1. THAT the Associations request the Department of Local Government to recognise that "vegetative screen plantings" can be defined as a type of development to be included in the land use tables of a Local Environmental Plan and that in some circumstances it is appropriate to require the lodgement and assessment of a Development Application.

2. THAT the Associations be requested to work with the NSW Department of Planning to formulate a planning control which allows Councils to control the height of all hedge planting (irrespective of species) in their respective Local Government urban and rural areas"'.

This resolution was actioned firstly by preparing a brief for distribution to suitably qualified consultants to review the survey mapping already undertaken. DEM Consulting, Landscape Architects, were the successful respondent to this brief and subsequently prepared a report soundly justifying the survey mapping. A final version of this report was provided on 21 October 2009 and a copy is provided as an attachment (1).

Further, in response to the above resolution, this matter was brought to the attention of the then Minister for Tourism and Member for Kiama, the Honourable Matt Brown MP. Mr Brown subsequently made representations on behalf of the former Mayor (G. Lewis) to the then Minister for Planning, the Honourable Frank Sartor MP.

Council staff also made representations to the Regional Office of the Department.

Councillors were briefed on the content and layout of the *Views and Vistas Scenic Landscape Review* report, prepared by DEM Consulting, on the 21 October 2009. Specifically, the recommendation of the report is to include provisions, based on standardised provisions included in a Planning Practice Note (PN 09-002) issued by the Department of Planning (30 April 2009), in the Wingecarribee LEP 2009.

The standard provisions require mapping to identify and qualify areas for protection. With the completion of the consultant report and mapping of significant areas Council is now in a position to pursue the Department to consider inserting appropriate provisions into the LEP to regulate row/screen plantings in critical locations.

As a result of Council's recent motions at the 2009 Local Government Associations Annual Conference held in Tamworth, Council received an update from Mr Matt Brown MP on 27 October 2009. Mr Brown advised that he had made further representations to the Minister for Planning, the Hon Kristina Keneally MP requesting a meeting regarding this issue. Mr Brown has advised that he will contact Council when this meeting transpires.

Council should be made aware that staff receive a new enquiry every week regarding this issue. The public are being advised that Council has acknowledged the issue as a serious one, has not been able to secure the support of the Department of Planning to control inappropriate plantings but are in the process of developing a policy in this regard.

PLANNING PROPOSAL

In line with recent changes to the Environmental Planning & Assessment Act, 1979 in respect to the preparation and making of Local Environmental Plans, it is recommended that Council formally submit a Planning Proposal to the Department of Planning. The aim of this

proposal would be to regulate, via development applications, the planting of row/screen hedges along roads identified in the *Views and Vistas Scenic Landscape Review* as being of Very High and High status. This would be with the aim of including of the following provisions within the Wingecarribee LEP 2009.

'Scenic Protection

(1) The objective of this clause is to protect high and very high value scenic vistas.
(2) This clause applies to land identified as high and very high scenic views from roads identified within the Views and Vistas Scenic Road Map.
(3) Despite any other provisions of this Plan, development consent is required for any of the following;
(a) the planting of vegetation screens (native or exotic) with a maximum length of 50 metres
(b) that will mature to a height in excess of 2 metres.
(c) will alter the existing views and vistas available along routes identified on the Scenic Road Map within high and very high scenic views.
(4) Before granting consent to development to which this clause applies, the consent authority must be satisfied that the plantings;
(a) provide sufficient scope for maintaining views and vistas
(b) do not result in screening of over 50 percent of the frontage of any property
(c) do not conflict with the objectives of the key historic cultural landscape zones.
(5) For the purpose of this clause Views and Vistas Scenic Road Map means the Wingecarribee Local Environmental Plan 2009 Views and Vistas Scenic Landscape Review - Scenic Road Rating Map.'

CONCLUSION

As a result of the preliminary work undertaken by the consultant, DEM Australia, Council is now in a position to make a strong representation to the Department of Planning requesting that the provisions be placed on public exhibition for inclusion in the new LEP.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Non applicable

POLICY IMPLICATIONS

The proposed regulations for hedge plantings would form part of the Planning Policy for the Shire regulated under the Wingecarribee Local Environmental Plan 2009

BUDGET IMPLICATIONS

Their will be no immediate budget implications as a result of supporting this report recommendation. If successful, the introduction of these provisions would lead to additional Development Applications being lodged, with fees, but also the potential for additional costs associated with enforcement action.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) *Environmental Factors*
The need to preserve access to scenic rural landscape views and vistas improves the overall quality of the environment.

(ii) *Social Factors*
The proposed provisions still maintain the rights of the landowner to plant their own choice of landscaping species. Enjoyment of scenic rural landscape views and vistas however are an integral component of the identity of this Shire. Views from public areas should be protected as public assets with the benefits to the public outweighing in most cases any possible private interests.

(iii) *Economic Factors*
Inappropriate plantings come at a direct and indirect cost to the community in a number of ways, particularly in tourism. Land of high scenic quality is an important tourism drawcard for this Shire.

ATTACHMENTS

There is one attachment to this report, *The Views and Vistas Scenic Landscape Review,* which has been circulated separately.

RECOMMENDATION

1. THAT Council accept the '*Views and Vistas Scenic Landscape Review*' report prepared by DEM Consulting.

2. THAT Council resolve to submit a Planning Proposal to the Department of Planning to proceed with a Draft LEP amendment to regulate the planting of row/screen hedges along roads rated as having a Very High and High view and vista significance.

(Voting on the Motion)

Section 117 Directions

Directions issued on 1 July 2009 to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*:

1. Employment and Resources

1.1 Business and Industrial Zones ..... NR

1.2 Rural Zones C

1.3 Mining, Petroleum Production and Extractive Industries ..... NR

1.4 Oyster Aquaculture ..... NR

1.5 Rural Lands C

2. Environment and Heritage

2.1 Environment Protection Zones C

2.2 Coastal Protection ..... NR

2.3 Heritage Conservation ..... NR

2.4 Recreation Vehicle Areas ..... NR

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones ..... NR

3.2 Caravan Parks and Manufactured Home Estates ..... NR

3.3 Home Occupations ..... NR

3.4 Integrating Land Use and Transport ..... NR

3.5 Development Near Licensed Aerodromes ..... NR

4. Hazard and Risk

4.1 Acid Sulfate Soils ..... NR

4.2 Mine Subsidence and Unstable Land ..... NR

4.3 Flood Prone Land ..... NR

4.4 Planning for Bushfire Protection ..... NR

5. Regional Planning

5.1 Implementation of Regional Strategies C

5.2 Sydney Drinking Water Catchments C

5.3 Farmland of State and Regional Significance on the NSW Far North Coast ..... NR

5.4 Commercial and Retail Development along the Pacific Highway, North Coast ..... NR

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) ..... NR

5.6 Second Sydney Airport: Badgerys Creek ..... NR

6. Local Plan Making

6.1 Approval and Referral Requirements C

6.2 Reserving Land for Public Purposes ..... NR

6.3 Site Specific Provisions ..... NR

1. Employment and Resources

Please note the following notations are indicated on the right hand side of the following Directions as follows:

NR = Not Relevant

C = Consistent

JI = Justifiably Inconsistent - see attached Statement of Justification for Inconsistencies between draft LEP and s117(2) Directions, SEPPs and/or REPS

1.1 Business and Industrial Zones NR

Objectives

(1) The objectives of this direction are to:

(a) encourage employment growth in suitable locations,

(b) protect employment land in business and industrial zones, and

(c) support the viability of identified strategic centres.

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 affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

What a relevant planning authority must do if this direction applies

(4) A planning proposal must:

(a) give effect to the objectives of this direction,

(b) retain the areas and locations of existing business and industrial zones,

(c) not reduce the total potential floor space area for employment uses and related public services in business zones,

(d) not reduce the total potential floor space area for industrial uses in industrial zones, and

(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

Consistency

(5) 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:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

Note: In this direction, "identified strategic centre" means a centre that has been identified as a strategic centre in a regional strategy, sub-regional strategy, or another strategy approved by the Director General.

1.2 Rural Zones C

Objective

(1) The objective of this direction is to protect the agricultural production value of rural land.

Where this direction applies

(2) (a) Clause 4(a) of this direction applies to all relevant planning authorities.

(b) Clause 4(b) of this direction applies in the following local government areas:

Ashfield
Auburn
Bankstown
Baulkham Hills
Blacktown
Blue Mountains
Botany Bay
Burwood
Camden
Campbelltown
Canada Bay
Canterbury
City of Sydney
Fairfield
Gosford
Hawkesbury
Holroyd
Hornsby
Hunters Hill
Hurstville
Kogarah
Ku-ring-gai
Lake Macquarie
Lane Cove
Leichhardt
Liverpool
Manly
Marrickville
Mosman
Newcastle
North Sydney
Parramatta
Sutherland
Warringah
Waverley
Willoughby
Wollondilly
Woollahra
Wollongong
Wyong

When this direction applies

(3) This direction 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).

What a relevant planning authority must do if this direction applies

(4) A planning proposal must:

(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

(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).

Consistency

(5) 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:

(e) justified by a strategy which:

(i) gives consideration to the objectives of this direction,

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) is of minor significance.

1.3 Mining, Petroleum Production and Extractive Industries NR

Objective

(1) The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

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 would have the effect of:

(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or

(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.

What a relevant planning authority must do if this direction applies

(4) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:

(a) consult the Director-General of the Department of Primary Industries (DPI) to identify any:

(i) resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and

(ii) existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and

(b) seek advice from the Director-General of DPI on the development potential of resources identified under (4)(a)(i), and

(c) identify and take into consideration issues likely to lead to land use conflict between other land uses and :

(i) development of resources identified under (4)(a)(i), or

(ii) existing development identified under (4)(a)(ii).

(5) Where a planning proposal prohibits or restricts development of resources identified under (4)(a)(i), or proposes land uses that may create land use conflicts identified under (4)(c), the relevant planning authority must:

(a) provide the Director-General of DPI with a copy of the planning proposal and notification of the relevant provisions,

(b) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and

(c) include a copy of any objection and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) before undertaking community consultation in satisfaction of section 57 of the Act.

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.

1.4 Oyster Aquaculture NR

Objectives

(1) The objectives of this direction are:

(a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,

(b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.

Where this direction applies

(2) This direction applies to Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the *NSW Oyster Industry Sustainable Aquaculture Strategy* (2006) ("the Strategy").

When this direction applies

(3) This direction applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:

(a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or

(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.

What a relevant planning authority must do if this direction applies

(4) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:

(a) identify any Priority Oyster Aquaculture Areas and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply,

(b) identify any proposed land uses which could result in any adverse impact on a Priority Oyster Aquaculture Area or oyster aquaculture leases outside such an area,

(c) identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use incompatibility,

(d) consult with the Director-General of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and

(e) ensure the planning proposal is consistent with the Strategy.

(5) Where a planning proposal proposes land uses that may result in adverse impacts identified under (4)(b) and (c), relevant planning authority must:

(d) provide the Director-General of DPI with a copy of the planning proposal and notification of the relevant provisions,

(e) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and

(f) include a copy of any objection and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning before undertaking community consultation in satisfaction of section 57 of the Act.

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.

Note: In this direction:

(a) "Priority Oyster Aquaculture Areas" has the same meaning as in the NSW Oyster Industry Sustainable Aquaculture Strategy; and

(b) an "incompatible use of land" includes access to oyster leases being limited by the change in land use or the risk of adverse impacts as a result of that change in land use on water quality and, consequently, on the health of oysters and on the health of consumers of those oysters.

Direction 1.4 – issued 1 July 2009

1.5 Rural Lands C

Objectives

(1) The objectives of this direction are to:

(a) protect the agricultural production value of rural land,

(b) facilitate the orderly and economic development of rural lands for rural and related purposes.

Where this direction applies

(2) (a) This direction applies to all planning proposals to which *State Environmental Planning Policy (Rural Lands) 2008* applies, which includes all local government areas in the State other than the following local government areas:

Ashfield	Holroyd	Penrith
Auburn	Hornsby	Pittwater
Bankstown	Hunters Hill	Randwick
Baulkham Hills	Hurstville	Rockdale
Blacktown	Kogarah	Ryde
Blue Mountains	Ku-ring-gai	Strathfield
Botany Bay	Lake Macquarie	Sutherland
Burwood	Lane Cove	Warringah
Camden	Leichhardt	Waverley
Campbelltown	Liverpool	Willoughby
Canada Bay	Manly	Wollondilly
Canterbury	Marrickville	Woollahra
City of Sydney	Mosman	Wollongong
Fairfield	Newcastle	Wyong
Gosford	North Sydney	
Hawkesbury	Parramatta	

When this direction applies

(3) This direction applies when:

(a) a relevant planning authority prepares a planning proposal that 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

(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.

What a relevant planning authority must do if this direction applies

(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

Note: *State Environmental Planning Policy (Rural Lands) 2008* does not require a relevant planning authority to review or change its minimum lot size(s) in an existing LEP. A relevant planning authority can transfer the existing minimum lot size(s) into a new LEP. However, where a relevant planning authority seeks to vary an existing minimum lot size in an LEP, it must do so in accordance with the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008.*

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:

(f) justified by a strategy which:

(i) gives consideration to the objectives of this direction,

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and

(iii) is approved by the Director-General of the Department of Planning and is in force, or

(b) is of minor significance.

Direction 1.5 – issued 1 July 2009

2. Environment and Heritage

2.1 Environment Protection Zones C

Objective

(1) The objective of this direction is to protect and conserve environmentally sensitive areas.

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.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP, the planning proposal 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 *"Rural Lands"*.

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:

(a) justified by a strategy which:

(i) gives consideration to the objectives of this direction,

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) is of minor significance.

Direction 2.1 – issued 1 July 2009

2.2 Coastal Protection NR

Objective

(1) The objective of this direction is to implement the principles in the NSW Coastal Policy.

Where this direction applies

(2) This direction applies to the coastal zone, as defined in the *Coastal Protection Act 1979*.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must include provisions that give effect to and are consistent with:

(a) the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, and

(b) the *Coastal Design Guidelines 2003*, and

(c) the manual relating to the management of the coastline for the purposes of section 733 of the *Local Government Act 1993* (the *NSW Coastline Management Manual 1990*).

Consistency

(5) 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:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

Direction 2.2 – issued 1 July 2009

2.3 Heritage Conservation NR

Objective

(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

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.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must contain provisions that facilitate the conservation of:

(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,

(b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and

(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.

Consistency

(5) 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:

(a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or

(b) the provisions of the planning proposal that are inconsistent are of minor significance.

Note: In this direction:

"conservation", "environmental heritage", "item", "place" and "relic" have the same meaning as in the *Heritage Act 1977*.

"Aboriginal object", "Aboriginal area" and "Aboriginal place" have the same meaning as in the *National Parks and Wildlife Act 1974*.

Heritage conservation is covered by a compulsory clause in the Standard Instrument (Local Environmental Plans) Order 2006. A LEP that adopts the Standard Instrument should identify such items, areas, objects or places of environmental heritage significance or indigenous heritage significance as are relevant to the terms of this direction on the Heritage Map and relevant Schedule of the LEP.

Direction 2.3 – issued 1 July 2009

2.4 Recreation Vehicle Areas NR

Objective

(1) The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

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.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the *Recreation Vehicles Act 1983*):

(a) where the land is within an environmental protection zone,

(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,

(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:

(i) the provisions of the guidelines entitled *Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985*, and

(ii) the provisions of the guidelines entitled *Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.*

Consistency

(5) 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:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

Direction 2.4 – issued 1 July 2009

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones NR

Objectives

(1) The objectives of this direction are:

(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,

(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and

(c) to minimise the impact of residential development on the environment and resource lands.

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 affect land within:

(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),

(b) any other zone in which significant residential development is permitted or proposed to be permitted.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must include provisions that encourage the provision of housing that will:

(a) broaden the choice of building types and locations available in the housing market, and

(b) make more efficient use of existing infrastructure and services, and

(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and

(d) be of good design.

(5) A planning proposal must, in relation to land to which this direction applies:

(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

(b) not contain provisions which will reduce the permissible residential density of land.

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:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

3.2 Caravan Parks and Manufactured Home Estates NR

Objectives

(1) The objectives of this direction are:

(a) to provide for a variety of housing types, and

(b) to provide opportunities for caravan parks and manufactured home estates.

Where this direction applies

(2) This direction applies to all relevant planning authorities. This direction does not apply to:

(a) Crown land reserved or dedicated for any purposes under the *Crown Lands Act 1989,* except Crown land reserved for accommodation purposes, or

(b) land dedicated or reserved under the *National Parks and Wildlife Act 1974*.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

(4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:

(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and

(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.

(5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:

(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,

(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

(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the *Community Land Development Act 1989* be permissible with consent.

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:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

3.3 Home Occupations NR

Objective

(1) The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

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.

What a relevant planning authority must do if this direction applies

(4) Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

Consistency

(5) 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 with the terms of this direction are of minor significance.

Note: In this direction "home occupation" has the same meaning as it has in the Standard Instrument (Local Environmental Plans) Order 2006.

Direction 3.3 – issued 1 July 2009

3.4 Integrating Land Use and Transport NR

Objective

(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

(a) improving access to housing, jobs and services by walking, cycling and public transport, and

(b) increasing the choice of available transport and reducing dependence on cars, and

(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and

(d) supporting the efficient and viable operation of public transport services, and

(e) providing for the efficient movement of freight.

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 create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

What a relevant planning authority must do if this direction applies

(4) 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:

(a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and

(b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistency

(5) 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:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

3.5 Development Near Licensed Aerodromes NR

Objectives

(1) The objectives of this direction are:

(a) to ensure the effective and safe operation of aerodromes, and

(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and

(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

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 create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

What a relevant planning authority must do if this direction applies

(4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:

(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,

(b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,

(c) for land affected by the OLS:

(i) prepare appropriate development standards, such as height, and

(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome

(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.

(5) A planning proposal must not rezone land:

(a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or

(b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or

(c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.

(6) A planning proposal that rezones land:

(a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or

(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or

(c) for commercial or industrial purposes where the ANEF is above 30,

must include a provision to ensure that development meets AS 2021 regarding interior noise levels.

Consistency

(7) 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:

(a) justified by a strategy which:

  (i) gives consideration to the objectives of this direction, and

  (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

  (iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

Direction 3.5 – issued 1 July 2009

4. Hazard and Risk

4.1 Acid Sulfate Soils

NR

Objective

(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

Where this direction applies

(2) This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.

When this direction applies

(3) This direction 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.

What a relevant planning authority must do if this direction applies

(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:

(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or

(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.

(6) A relevant planning authority must not prepare a planning proposal 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 relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.

(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).

Consistency

(8) 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:

(a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(b) of minor significance.

4.2 Mine Subsidence and Unstable Land NR

Objective

(1) The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

Where this direction applies

(2) This direction applies to land that:

(a) is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or

(b) has been identified as unstable land.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that:

(a) is within a mine subsidence district, or

(b) has been identified as unstable in a study, strategy or other assessment undertaken:

(i) by or on behalf of the relevant planning authority, or

(ii) by or on behalf of a public authority and provided to the relevant planning authority.

What a relevant planning authority must do if this direction applies

(4) When preparing a planning proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must:

(a) consult the Mine Subsidence Board to ascertain:

(i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and

(ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and

(b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and

(c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

(5) A planning proposal must not permit development on unstable land referred to in paragraph 3(b).

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:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

Note: With regard to development applications, section 15 of the *Mine Subsidence Compensation Act 1961* requires approval from the Mine Subsidence Board to alter or erect improvements within a mine subsidence district or to subdivide land therein.

Section 91 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) provides that approval under section 15 of the *Mine Subsidence Compensation Act 1961* is integrated development. Section 91A of the EP&A Act provides that the consent authority must obtain from the relevant approval body (Mine Subsidence Board) the general terms of any approval proposed to be granted by the approval body in relation to the development. A consent granted by the consent authority must be consistent with the general terms of any approval proposed to be granted by the approval body.

Direction 4.2 – issued 1 July 2009

4.3 Flood Prone Land NR

Objectives

(1) The objectives of this direction are:

(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and

(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Where this direction applies

(2) This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.

When this direction applies

(3) This direction 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.

What a relevant planning authority must do if this direction applies

(4) 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 *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*).

(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

(6) A planning proposal must not contain provisions that apply to the flood planning areas which:

(a) permit development in floodway areas,

(b) permit development that will result in significant flood impacts to other properties,

(c) permit a significant increase in the development of that land,

(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or

(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.

(7) 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).

(8) 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 *Guideline on Development Controls on Low Flood Risk Areas*) 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).

Consistency

(9) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:

(a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or

(b) the provisions of the planning proposal that are inconsistent are of minor significance.

Note: "flood planning area", "flood planning level", "flood prone land" and "floodway area" have the same meaning as in the *Floodplain Development Manual 2005*.

Direction 4.3 – issued 1 July 2009

4.4 Planning for Bushfire Protection NR

Objectives

(1) The objectives of this direction are:

(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and

(b) to encourage sound management of bush fire prone areas.

Where this direction applies

(2) This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

What a relevant planning authority must do if this direction applies

(4) 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 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,

(5) A planning proposal must:

(a) have regard to *Planning for Bushfire Protection 2006*,

(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and

(c) ensure that bushfire hazard reduction is not prohibited within the APZ.

(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:

(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

(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,

(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 *Rural Fires Act 1997*), the APZ provisions must be complied with,

(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,

(d) contain provisions for adequate water supply for firefighting purposes,

(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,

(f) introduce controls on the placement of combustible materials in the Inner Protection Area.

Consistency

(7) 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 council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

Direction 4.4 – issued 1 July 2009

5. Regional Planning

5.1 Implementation of Regional Strategies C

Objective

(1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

Where this direction applies

(2) This direction applies to land to which the following regional strategies apply:

(a) Far North Coast Regional Strategy

(b) Lower Hunter Regional Strategy

(c) Illawarra Regional Strategy

(d) South Coast Regional Strategy

(e) Sydney–Canberra Corridor Regional Strategy

(f) Central Coast Regional Strategy, and

(g) Mid North Coast Regional Strategy.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

(4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

Consistency

(5) 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 extent of inconsistency with the regional strategy:

(a) is of minor significance, and

(b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

Direction 5.1 – issued 1 July 2009

5.2 Sydney Drinking Water Catchments C

Objective

(1) The objective of this direction is to protect water quality in the hydrological catchment.

Where this direction applies

(2) This Direction applies to the hydrological catchment in the following local government areas:

Blue Mountains	Kiama	Sutherland
Campbelltown	Lithgow	Upper Lachlan
Cooma Monaro	Oberon	Wingecarribee
Eurobodalla	Palerang	Wollondilly
Goulburn Mulwaree	Shoalhaven	Wollongong.

When this direction applies

(3) This Direction applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must be prepared in accordance with the general principle that water quality within the hydrological catchment must be protected, and in accordance with the following specific principles:

(a) new development within the hydrological catchment must have a neutral or beneficial effect on water quality, and

(b) new development within the hydrological catchment must not compromise the achievement of the water quality objectives set out in the Drinking Water Catchments Regional Environmental Plan No.1, and

(c) future land use in the hydrological catchment should be matched to land and water capability, and

(d) the ecological values of land within a Special Area that is:

(i) reserved as national park, nature reserve or state recreation area under the *National Parks and Wildlife Act 1974*, or

(ii) declared as a wilderness area under the *Wilderness Act 1987,* or

(iii) owned or under the care control and management of the Sydney Catchment Authority,

should be maintained.

(5) When preparing a planning proposal that applies to land within the hydrological catchment, the relevant planning authority must:

(a) include provisions which will achieve or give effect to the principles in paragraph (4), and

(b) give consideration to the outcomes of any strategic land and water capability assessment prepared by the SCA, or if such an assessment has not yet been prepared may give consideration to:

(i) the outcomes of an assessment, prepared in consultation with the Sydney Catchment Authority, which is equivalent to a strategic land and water capability assessment, or

(ii) a site-specific assessment prepared in consultation with the Sydney Catchment Authority which takes into account the likely impact of rezoning on water quality, or

(iii) a current settlement strategy or rural residential strategy that has been approved by the Director-General of the Department of Planning, and

(c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:

Land	*Zone under Standard Instrument (Local Environmental Plans) Order 2006*
Land reserved under the *National Parks and Wildlife Act 1974*	E1 National Parks and Nature Reserves
Land in the ownership or under the care, control and management of the SCA located above the full water supply level	E2 Environmental Conservation
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply" on the Land Zoning Map)

, and

(d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph 4 of this direction, and

(e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process, in its planning proposal prior to the issuing of a gateway determination under section 56 of the Act.

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.

Note: In this direction:

"hydrological catchment" has the same meaning as in the Drinking Water Catchments Regional Environmental Plan No.1.

"Special Area" has the same meaning as in the *Sydney Water Catchment Management Act 1998.*

"strategic land and water capability assessment" has the same meaning as in the Drinking Water Catchments Regional Environmental Plan No.1.

Direction 5.2 – issued 1July 2009

5.3 Farmland of State and Regional Significance on the NSW Far North Coast NR

Objectives

(1) The objectives of this direction are:

(a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,

(b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and

(c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.

Where this direction applies

(2) This direction applies to:

(a) Ballina Shire Council,

(b) Byron Shire Council,

(c) Kyogle Shire Council,

(d) Lismore City Council,

(e) Richmond Valley Council, and

(f) Tweed Shire Council,

except within areas contained by a "town and village growth boundary" in the Far North Coast Regional Strategy.

When this direction applies

(3) This Direction will apply when a relevant planning authority prepares a planning proposal for land mapped as:

(a) State significant farmland, or

(b) regionally significant farmland, or

(c) significant non-contiguous farmland,

on the set of four maps held in the Department of Planning and marked "Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)".

What a relevant planning authority must do if this direction applies

(4) A planning proposal must not:

(a) rezone land identified as "State Significant Farmland" for urban or rural residential purposes.

(b) rezone land identified as "Regionally Significant Farmland" for urban or rural residential purposes.

(c) rezone land identified as "significant non-contiguous farmland" for urban or rural residential purposes.

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning or (an officer of the Department nominated by the Director-General) that the planning proposal is consistent with:

(a) the Far North Coast Regional Strategy, and

(b) Section 4 of the report titled *Northern Rivers Farmland Protection Project - Final Recommendations, February 2005*, held by the Department of Planning.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast NR

Objectives

(1) The objectives for managing commercial and retail development along the Pacific Highway are:

(a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;

(b) to prevent inappropriate development fronting the highway

(c) to protect public expenditure invested in the Pacific Highway,

(d) to protect and improve highway safety and highway efficiency,

(e) to provide for the food, vehicle service and rest needs of travellers on the highway, and

(f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.

Where this Direction applies

(2) This Direction applies to those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive.

When this Direction applies

(3) This Direction applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.

What a relevant planning authority must do if this Direction applies

(4) A planning proposal that applies to land located on "within town" segments of the Pacific Highway must provide that:

(a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway,

(b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway.

(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 80km/hour.

(5) A planning proposal that applies to land located on "out-of-town" segments of the Pacific Highway must provide that:

(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.

(b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway.

(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 80km/hour or greater.

(6) A draft LEP shall permit the establishment of a highway service centre beside the Pacific Highway, provided that:

(a) They are located as near as possible to an existing town that has been by-passed,

(b) the town's economy is considered before approval is given to establish any new or expanded highway service centre on the edge or outside the town, and

(c) it is spaced no closer than 24 kilometres from another highway service centre or a town through which the highway still passes, and

(d) it is limited to one highway service centre to serve both directions of traffic, or one highway service centre per side of the highway,

(e) the only uses allowed in highway service centres are:

(i) service stations (which may supply convenience goods catering for the needs of the travelling public),

(ii) emergency vehicle repairs,

(iii) bus/coach terminal facilities (but not depots),

(iv) restaurant facilities (preferably both sit-down and fast food),

(v) toilet/shower facilities,

(vi) tourist information (but not commercial tourist facilities),

(vii) telephones,

(viii) rest areas (including seating, barbecue and play areas), and

(ix) adequate parking for cars, buses and trucks.

(f) For the purposes of this paragraph, a highway service centre is a place which provides only services essential to long distance travellers on the highway

Consistency

(7) 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.

Direction 5.4 – issued 1 July 2009

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) NR

Objective

(1) The objective of this direction is to ensure that development in the vicinity of the villages of Ellalong, Paxton and Millfield is consistent with the Cessnock City Wide Settlement Strategy and the Lower Hunter Regional Strategy.

Where this direction applies

(2) This direction applies to land in the vicinity of the villages of Ellalong, Paxton and Millfield in the Cessnock LGA.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal to zone or identify land for urban purposes.

What a relevant planning authority must do if this direction applies

(4) A relevant planning authority must not prepare a planning proposal for the life of the Lower Hunter Regional Strategy that is inconsistent with:

(a) The Agreement signed between the Minister for Planning, the Minister for the Environment and Hardie Holdings (and associated companies) on 22 December 2006, or

(b) Cessnock City Wide Settlement Strategy as endorsed by the Department of Planning and amended from time to time.

Consistency

(5) 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.

Direction 5.5 – issued 1 July 2009

5.6 Second Sydney Airport: Badgerys Creek NR

Objective

(1) The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.

Where this direction applies

(2) This direction applies to land shown within the boundaries of the proposed airport site and within the 20 ANEF contour as shown on the map entitled "Badgerys Creek–Australian Noise Exposure Forecast–Proposed Alignment–Worst Case Assumptions", this being found in Appendix U of the Second Sydney Airport Site Selection Program Draft Environmental Impact Statement within Fairfield City Council, Liverpool City Council, Penrith City Council and Wollondilly Shire Council local government areas.

What a relevant planning authority must do if this direction applies

(3) Planning proposals must not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this direction, could hinder the potential for development of a Second Sydney Airport.

Consistency

(4) 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 with the terms of this direction are:

(a) justified by a strategy which:

(i) gives consideration to the objectives of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

6. Local Plan Making

6.1 Approval and Referral Requirements C

Objective

(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

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.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must:

(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and

(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:

(i) the appropriate Minister or public authority, and

(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),

prior to undertaking community consultation in satisfaction of section 57 of the Act, and

(c) not identify development as designated development unless the relevant planning authority:

(i) can satisfy the Director-General of the Department of Planning (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

(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

Consistency

(5) A planning proposal must be substantially consistent with the terms of this direction.

Note: In this direction "public authority" has the same meaning as section 4 of the Environmental Planning and Assessment Act 1979.

6.2 Reserving Land for Public Purposes NR

Objectives

(1) The objectives of this direction are:

(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and

(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

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.

What a relevant planning authority must do if this direction applies

(4) 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 (or an officer of the Department nominated by the Director-General).

(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*, the relevant planning authority must:

(a) reserve the land in accordance with the request, and

(b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and

(c) identify the relevant acquiring authority for the land.

(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:

(a) include the requested provisions, or

(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.

(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.

Consistency

(8) 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:

(c) with respect to a request referred to in paragraph (7), that further information is required before appropriate planning controls for the land can be determined, or

(d) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.

Note: Clause 12 of the EP&A Reg 2000 provides that a planning proposal for a proposed local environmental plan:

(a) may not contain a provision reserving land for a purpose referred to in section 26 (1) (c) of the EP&A Act, and

(b) may not contain a provision in respect of that reservation as required by section 27 of the EP&A Act,

unless the public authority responsible for the acquisition of the land has notified the relevant planning authority of its concurrence to the inclusion of such a provision in the planning proposal.

In this direction:

"public authority" has the same meaning as section 4 of the EP&A Act.

the use or reservation of land for a public purpose has the same meaning as in section 26(1)(c) of the EP&A Act.

Direction 6.2 – issued 1 July 2009

6.3 Site Specific Provisions NR

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.

Direction 6.3 – issued 1 July 2009

PART B : STATE ENVIRONMENTAL PLANNING POLICIES

		NR	C	JI
SEPP No.1	Development Standards		✓	
SEPP No.4	Development Without Consent		✓	
SEPP No.6	Number of Storeys in a Building	✓		
SEPP No.10	Retention of Low Cost Rental Accommodation	✓		
SEPP No.14	Coastal Wetlands	✓		
SEPP No.15	Rural Landsharing Communities	✓		
SEPP No.19	Bushland in Urban Areas	✓		
SEPP No.21	Caravan Parks	✓		
SEPP No.22	Shops and Commercial Premises	✓		
SEPP No.26	Littoral Rainforests	✓		
SEPP No.29	Western Sydney Recreation Area	✓		
SEPP No.30	Intensive Livestock	✓		
SEPP No.32	Urban Consolidation (Redevelopment of Urban Land)	✓		
SEPP No.33	Hazardous and Offensive Development	✓		
SEPP No.36	Manufactured Home Estates	✓		
SEPP No.39	Spit Island bird Habitat	✓		
SEPP No.41	Casino Entertainment Complex	✓		
SEPP No.44	Koala Habitat Protection	✓		
SEPP No.47	Moore Park Showground	✓		
SEPP No.50	Canal Estate Development	✓		
SEPP No.52	Farm Dams and Other Works in Land & Water Management Areas	✓		
SEPP No.53	Metropolitan Residential Development	✓		
SEPP No.55	Remediation of Land	✓		
SEPP No.59	Central Western Sydney Economic and Employment Area	✓		
SEPP No. 60	Exempt and Complying Development	✓		
SEPP No. 62	Sustainable Aquaculture	✓		
SEPP No. 64	Advertising and Signage	✓		
SEPP No 65	Design Quality of Residential Flat Development	✓		
SEPP No. 70	Affordable Housing (Revised Schemes)			

		NR	C	JI
SEPP No. 71	Coastal Protection	✓		
SEPP	(Building Sustainability Index: BASIX) 2004	✓		
SEPP	(Housing for Seniors or for People with a Disability) 2004	✓		
SEPP	(Major Projects) 2005	✓		
SEPP	(State Environmental Planning Policy (Sydney Region Growth Centres) 2006	✓		
SEPP	(Infrastructure) 2007	✓		
SEPP	(Kosciuszko National Park—Alpine Resorts) 2007	✓		
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	✓		
SEPP	(Temporary Structures and Places of Public Entertainment) 2007	✓		
SEPP	(Rural Lands) 2008		✓	
SEPP	(Exempt and Complying Development Codes) 2008	✓		
	(Western Sydney Parklands) 2009	✓		