



Bournda Downs Planning Proposal July 2016

Bega Valley Local Environmental Plan
May 2013



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Background

The Bournda Downs property was one of a number of sites that were deferred from the Bega Valley Local Environmental Plan 2013. Bega Valley Shire has been working closely with the Department of Planning and Environment (DPE) to finalise an agreed position on these deferred sites and is now in a position to submit a Planning Proposal for 'Bournda Downs'. This property was deferred from the CLEP due to further work needing to be done on better locating some of the proposed E4 Environmental Zones.

As part of negotiations with DPE, Council were required to liaise with the Office of Environment and Heritage (OEH) due to concerns regarding proximity to Bournda Nature Reserve, Bio-diversity and Aboriginal Cultural Heritage. Council has consulted with OEH's and they have provided their concurrence to recommendations of the Planning Proposal, whilst acknowledging that final development and lot yields could be reduced once more detailed reports are undertaken at subdivision / development stage.

The key issue to highlight is the reduction in development intensity that this Planning Proposal will provide. The following table demonstrates the impact of this planning proposal. It is important to note that under Councils previous LEP 2002 the property had 322ha of Rural Residential Zoning, with a minimum lot size of 5000sq/m. Council had previously received development applications for over 120 rural residential lots on this site.

This proposal will result in an appropriate development density for this location.

This proposal provides the following key outcomes;

	As exhibited in Draft BVLEP 2010			As per this planning proposal		
Zone	Area	Min. Lot Size	Potential Lot Yield	Area	Min. Lot Size	Potential Lot Yield
RU2 Rural Landscape	nil	-	-	85 ha	40 ha	2 lots
E3 Environmental Management	236 ha	40 ha	6 lots	200 ha	40 ha	5 lots
E4 Environmental Living	110 ha	2 ha	55 lots	61 ha	2 ha	30 lots
Total Lot yield (maximum)	61			37		

- A net reduction in rural residential living lot yield (*by approximately 100 when compared to BVLEP 2002*)
- Protection of forested escarpment along the western section of the property
- Protection of the catchment of Wallagoot Lake
- Retention of the rural landscape and aesthetics along the Shire's main tourist route

Part 1 – Objective

The objective of this planning proposal is to apply appropriate zoning and minimum lot size controls to the Bournda Downs property at Wallagoot to reflect the environmental values of land zoned for rural, environmental and rural residential purposes.

Part 2 – Explanation of the Provisions

This planning proposal will amend BVLEP 2013 in the following manner:

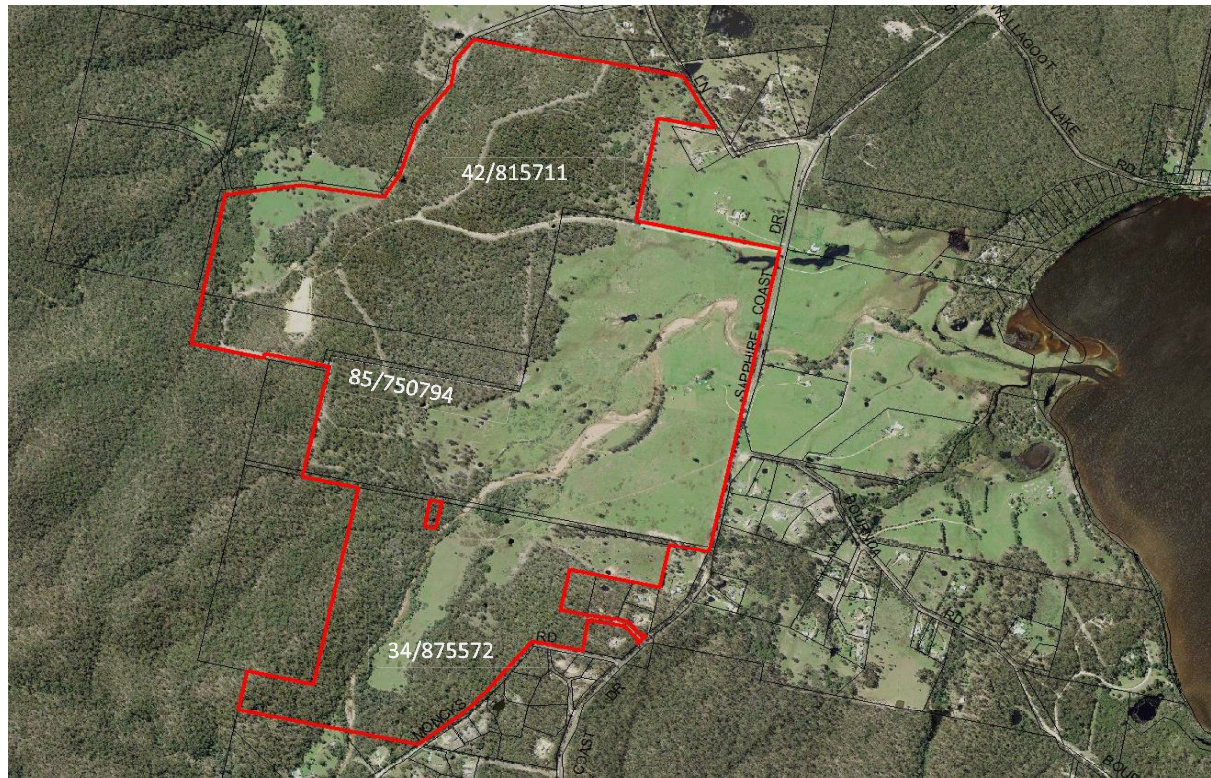
Lot 34 DP875572, Lot 42 DP 815711 & Lot 85 DP 750194 Sapphire Coast Drive, Wallagoot

- Amend map sheet LAP_001 by deleting DM Deferred Matter
- Amend map sheet LZN_019 by applying part RU2 Rural Landscape Zone, E3 Environmental Management Zone and E4 Environmental Living Zone
- Amend map sheet LSZ_019 by applying AB4 40 hectares to the RU2 Rural Landscape Zone and E3 Environmental Management Zone
- Amend map sheet LSZ_019 by applying Z1 2 hectares to the E4 Environmental Living Zoned land.

Part 3 – Justification

Lots 34 DP 875572, Lot 42 DP 815711 and Lot 85 DP 750194

Sapphire Coast Drive, Wallagoot



Subject Land



Figure 1: Sapphire Coast Drive, Wallagoot: Subject Land Aerial Photograph

Lot 34 DP 875572, Lot 42 DP 815711 & Lot 85 DP 750194 are known as ‘Bournda Downs’ and are located at Wallagoot, which is approximately 15 kilometres to the north of Merimbula and 20 kilometres southeast of Bega. The subject land contains an area of approximately 346 hectares and access to the property is via Sapphire Coast Drive and a private gravel road located in the north-eastern corner of the property.

The property contains substantial areas of native vegetation and a large area of cleared grazing land (see Figure 1). Lot 34 DP 875572 is the subject of a Property Vegetation Plan (PVP) approved by the Southern Rivers Catchment Management Authority in 2011 which identifies part of the land as an offset for the clearing of native vegetation on another property owned by the landowner.

The property is currently used for farming and there is an operational gravel quarry located near to the western boundary of the subject land. A small rural residence and associated farm buildings is located centrally near to the eastern property boundary.

Farm land and a number of developed small rural holdings adjoin the property to the north and east with a 14 lot rural residential subdivision adjoining the property to the southeast. The Bournda Nature Reserve adjoins the property to the west.

The subject property was deferred from BVLEP 2013 pending a review of the proposed zoning and lot size and is currently predominantly zoned 1(c) Rural Small Holdings under BVLEP 2002 (322.2 hectares) with a minimum lot size control between 5,000m² - 10ha (subject to the provisions of the Rural Residential Development Control Plan). A small portion of the land (23.4 hectares) is zoned 1(a) Rural General with a minimum lot size of 120 hectares under BVLEP 2002.

In Draft BVLEP 2010, the subject land was proposed to be zoned a combination of E3 Environmental Management Zone (235.7 Hectares) and E4 Environmental Living Zone (109.9 Hectares) with a minimum lot size control of 40 hectares and 2 hectares respectively. This would have given a theoretical rural residential lot yield of around 113 allotments, notwithstanding environmental and other planning constraints.

A submission received on behalf of the landowner during the public exhibition of Draft BVLEP 2010 requested that the configuration of the E3 Environmental Conservation Zone and E4 Environmental Living Zone be amended and a section of RU2 Rural Landscape Zone be included over the existing cleared farmland and operational quarry with a minimum lot size control of 40 hectares.

The submission requested a combined theoretical lot yield in the RU2 and E3 zones of 7 lots assuming a 40ha minimum lot size and 60 lots in the E4 zone assuming a 1ha minimum lot size.

However, the submission stated that 60 lots were not achievable in the E4 zone given the configuration of the lands requested to be zoned E4 and the constraints on achieving a practical design, the need to provide access and the physical constraints of the land and therefore the owner would like to achieve in the order of 30 lots in the E4 zone.

On review of the submission, Council agreed that the proposed changes to the zoning pattern represent a significant improvement to the overall exhibited zones with the exception of a proposed small north eastern section of E4 zoning. This small section of E4 zoning has been relocated elsewhere on the property to retain the subdivision potential but on less environmentally sensitive land within the subject area (see Figure 3).

The proposed changes provide development potential for the property owner, while protecting the important visual landscape of the Wallagoot flats and some of the important environmental values of the property. By retaining the exhibited 2ha minimum lot size for the E4 zoned land the owner will be able to realise development potential whilst retaining environmental attributes and the application of the lot averaging Clause 4.1B in BVLEP 2013 will allow flexibility in lot sizes and for the sensitive placement of lots and provide for the balance of the site's important environmental values to be protected (see Figure 5).

The following table outlines the proposed zoning amendments and potential lot yield:

	As exhibited in Draft BVLEP 2010			As per planning proposal		
Zone	Area	Min. Lot Size	Potential Lot Yield	Area	Min. Lot Size	Potential Lot Yield
RU2 Rural Landscape	nil	-	-	85 ha	40 ha	2 lots
E3 Environmental Management	236 ha	40 ha	6 lots	200 ha	40 ha	5 lots
E4 Environmental Living	110 ha	2 ha	55 lots	61ha	2 ha	30 lots
Total Lot (Maximum) Lot yield	61			37		

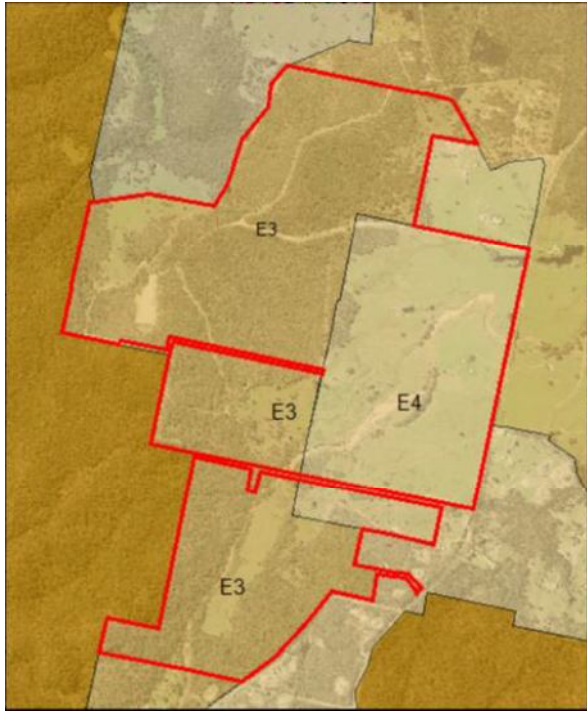


Figure 2: Exhibited Zones

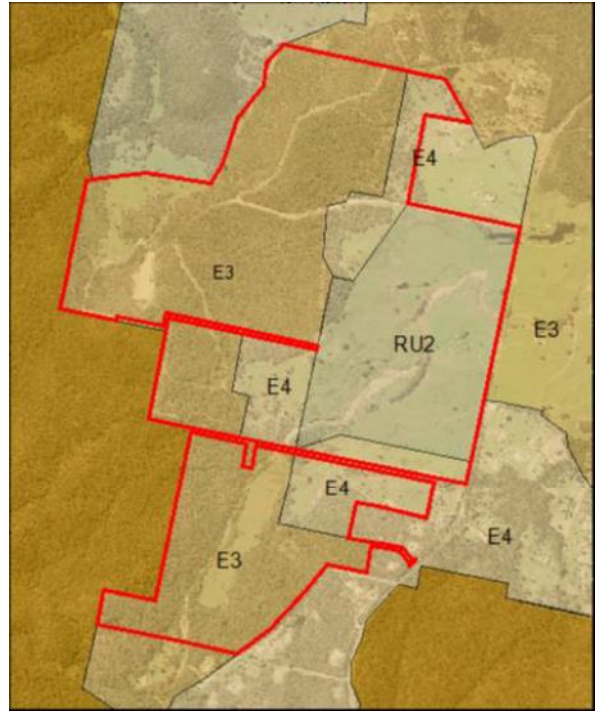


Figure 3: Proposed Zones

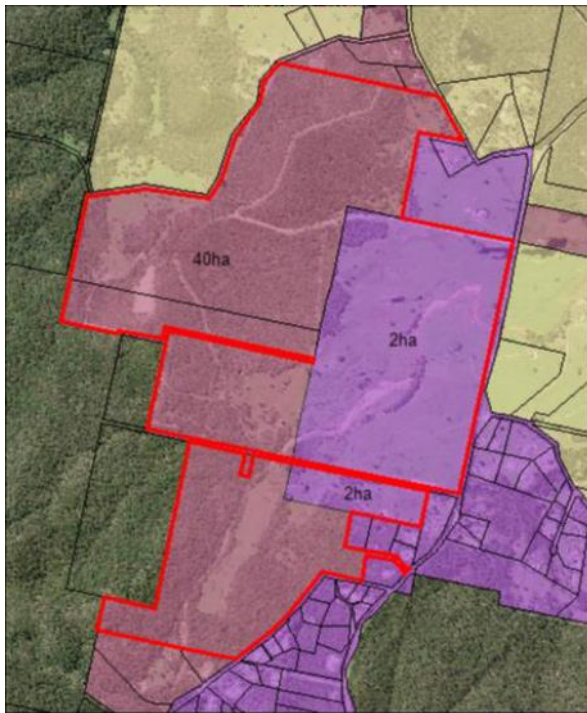


Figure 4: Exhibited Lot Size

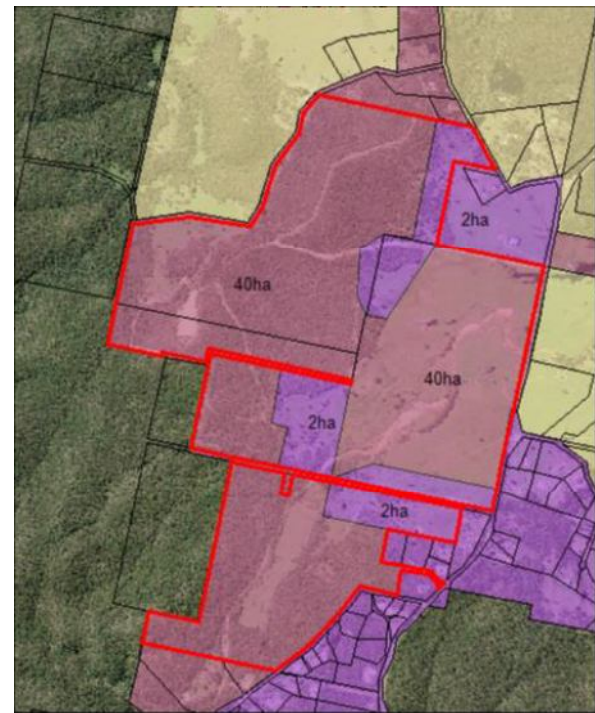


Figure 5: Proposed Lot Sizes

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Council resolved on the 13th December 2005 to prepare a draft Comprehensive Local Environmental Plan to replace BVLEP 2002. The Draft BVLEP 2010 was prepared based on the following:

- The majority of the Shire was changed to the closest comparable zone available in the standard State wide template.
- Where changes were proposed, the focus was on improving opportunities for economic development and jobs in the Bega Valley town centres, through the expansion of business, mixed use and industrial zones.
- Protection of productive agricultural land through the use of the RU1 Primary Production and RU2 Rural Landscape Zones.
- Establishment of allotment sizes through a “Lot Size Map”, thus determining subdivision and dwelling entitlements.
- Recognition of environmentally sensitive land through the use of the E3 Environmental Management and E4 Environmental Living Zones.
- Protection of sensitive foreshore areas and bushland public reserves through the use of the E2 Environmental Conservation Zone.

The Draft BVLEP 2010 was publically exhibited from the 12th May 2011 to the 29th July 2011 and 456 submissions were received. Following consideration of those submissions, Council categorised them into four groups:

- Appendix 1: Support (or partial support) for the submission request, with only minor changes required to the exhibited Draft CLEP. The CLEP was amended in line with these recommendations.
- Appendix 2: Support (or partial support) for the submission request, however, due to the nature of changes proposed, re-exhibition would be required. Land subject to the submissions is to be identified as a ‘deferred matter’ in the CLEP. Staff are to prepare planning proposals seeking to amend the CLEP, once adopted, in accordance with Councils’ resolutions and a “gateway determination” by the Minister for Planning required prior to re-exhibition.
- Appendix 3: Further research is to be carried out by Council staff prior to progressing a resolution of the submissions via a future report to Council. Land subject to the submissions is to be identified as a ‘deferred matter’ in the CLEP.
- Appendix 4: No agreement with the submission request, or the submission to be noted, but no need for further action at this time. No change to exhibited draft CLEP is required.

The full Council Report and adopted minutes from the relevant meeting of 12th June 2012 are provided in Attachment 1.

The properties that are the subject of this planning proposal are in Appendix 2 and were deferred from the BVLEP 2013. Consequently, their zoning and status as prescribed under the BVLEP 2002 still applies to the land. A planning proposal is required to apply BVLEP 2013 to resolve the issue of appropriate zoning and minimum lot sizes for the subject land.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. It is considered that this planning proposal is the most appropriate and available means of achieving the objectives.

Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

South Coast Regional Strategy

The primary purpose of the South Coast Regional Strategy (SCRS) is to ensure that adequate land is available and appropriately located to sustainably accommodate projected housing and employment needs for the South Coast Region for the next 25 years.

Section 6 of the Strategy addresses Housing and Settlement and identifies that the future demand for dwellings in the Bega Valley is estimated to be 8,600 over the next 25 years. With a significant proportion (approximately 25%) of Bega Valley residents currently choosing to live in rural areas outside of towns and villages, Council needs to ensure the provision of rural residential opportunities to accommodate the expected population growth and demand.

Section 8 of the Strategy addresses Rural Landscapes and Communities and requires that:

- additional rural residential development must be located on cleared land unsuitable for urban or agricultural uses; and
- the scale of development adjacent to existing villages and rural towns will support the role of the town in serving surrounding communities and preserve its character, scale, cultural heritage and social values.

This planning proposal is compatible with the SCRS given that the subject properties are:

- not located on viable agricultural land with the majority on cleared land;
- located near to existing towns/villages and regional transport routes, which are capable of meeting the future daily needs of residents;
- capable of providing a range of housing choices that are affordable, sustainable and of a scale that will complement the role and character of existing townships; and
- unlikely to be the subject of land use conflicts.

In addition to the above, BVLEP 2013 contains a lot averaging Clause 4.1B to ensure that lot sizes and subdivision patterns for residential accommodation conserve and provide protection for the environmental values of the land by encouraging buildings to be appropriately sited.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Bega Valley 2030 Community Strategic Plan

The Community Strategic Plan (CSP) identifies the long term aspirations of the Bega Valley Shire's community. Two of the key aims of the CSP are:

- to support a place where everyone regardless of age or circumstance can enjoy a safe, involved and affordable community life; and
- to ensure the unique environment is protected to maintain biodiversity and water quality and managed for our community, to provide growth and economic opportunity.

This planning proposal is consistent with these two aims of the CSP by enabling further subdivision for new rural living opportunities that are:

- within close proximity to existing townships, services and amenities;
- capable of supporting a range of housing choices that are affordable, sustainable and suited to the needs of the community; and
- capable of minimising and managing impacts on the natural environment.

Draft Bega Valley Shire Council Rural Living Strategy 2016

With regard to rural residential land supply this planning proposal is consistent with the following aspects of the *Draft Bega Valley Shire Council Rural Living Strategy 2016*:

- The key findings for the Tathra catchment found that there is strong demand for rural residential living, particularly in the Kalaru locality and adjacent Wallagoot;
- There is a shortage of vacant lots in close proximity to Tathra;
- If this planning proposal (37 lots) proceeds to the development phase plus the release of Tathra River estate (47 lots – includes Stage DA approval) the supply of rural residential living will increase to 21 years under the high growth scenario;
- Further large scale rural residential land beyond these two major land releases would not be supported in the 5 – 10 year time frame.

A significant proportion of the property has been earmarked for rural residential development for several years and its proximity to the Kalaru, Merimbula and Bega service centres, access to Sapphire Coast Drive, aspect and topography will ensure the future supply of rural residential living opportunities in this part of the Shire.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with most applicable State Environmental Planning Policies (SEPPs). Where this planning proposal is inconsistent with a SEPP the inconsistency is justified on the basis that the inconsistency is minor.

The SEPPs that are applicable to this planning proposal are detailed in this Section. For a complete checklist of SEPPs, refer to Attachment 2.

SEPP No. 55 Remediation of Land

This SEPP introduces planning controls for the remediation of contaminated land. The policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.

Council's records indicate that none of the land is contaminated. In addition, the subject land has been assessed by Council staff to ascertain the likelihood of contamination and it is concluded that it is highly unlikely that the subject land is contaminated from past uses or existing uses on the land or other uses in the vicinity. The subject land has generally been utilised for rural land uses and increasing the opportunities for additional rural residential development on the subject land is highly unlikely to result in land contamination or be affected by contamination from non-residential uses in the vicinity.

SEPP (Rural Lands) 2008

SEPP (Rural Lands) 2008 facilitates the orderly and economic use and development of rural lands for rural and related purposes. Clause 10(3) of SEPP (Rural Lands) 2008 prescribes a number of matters for consideration in determining development applications for rural subdivisions or rural dwellings. The Clause applies to land in a rural zone, a rural residential zone or an environment protection zone.

This planning proposal is consistent with the SEPP as it will enable additional rural residential developments in areas that are appropriate for such development as they are compatible with nearby existing and approved uses of land and are unlikely to significantly impact on agricultural land uses in the vicinity.

SEPP Mining, Petroleum Production and Extractive Industries 2007

This SEPP standardises the approach throughout NSW to the assessment and approval of mining activities under Part 4 of the EP&A Act. Under the SEPP, the relevant consent authority in determining an application must consider the compatibility of the proposed development with mining, petroleum production or extractive industry.

This planning proposal does not seek to allow for a mining, petroleum production, or extractive industry within the subject properties. However, this planning proposal is inconsistent with the SEPP as there is an existing extractive industry located within Lots 42 DP 815711 and Lot 85 DP 750194 that has been operational in the past 5 years. At this stage, the original Development Consent for extraction has expired and only a limited amount of previously extracted resource is awaiting removal from the site.

As such, further rural residential development of the subject land at Sapphire Coast Drive, Wallagoot may have the potential to create land use conflicts. In this regard, consultation with NSW Trade and Investment (Resources and Energy) regarding the existing extraction facility will be undertaken as part of the planning proposal process.

Q.6 Is the planning proposal consistent with applicable Ministerial Directions?

This section addresses consistency with applicable Section 117 Directions. Attachment 3 contains a complete list of all 117 Ministerial Directions applicable in the Bega Valley Shire.

1.2 Rural Zones

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). The objective of this Direction is to protect the agricultural production value of rural land.

This planning proposal is inconsistent with this Direction as it seeks to rezone agricultural land for residential purposes and increase the permissible density of land that is currently used for light grazing. Parts of Lot 34 DP875572, Lot 42 DP 815711 and Lot 85 DP 750194 currently have a rural zoning.

This inconsistency is justified as the loss of agricultural production value is minor in terms of the capability of the Bega Valley Shire. The part of the subject land that is currently utilised and well suited for grazing and other forms of extensive agriculture is proposed to be zoned RU2 Rural Landscape to protect the existing agricultural value of the land.

1.3 Mining, Petroleum Production and Extractive Industries

This Direction applies when a relevant planning authority prepares a planning proposal that would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or 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.

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.

This planning proposal is inconsistent with this Direction as it contains provisions that may lead to land use conflicts between an existing extractive industry and future rural residential living opportunities. As detailed in Part 3, there is an existing extractive industry located within Lots 42 DP 815711 and Lot 85 DP 750194 Sapphire Coast Drive, Wallagoot, which could potentially lead to land use conflicts between future rural residential living opportunities.

The provisions of this planning proposal that are inconsistent with this Direction are of minor significance and justifiable on the basis that the original Development Consent for extraction at Lots 42 DP 815711 and Lot 85 DP 750194 Sapphire Coast Drive, Wallagoot has expired and only a limited amount of previously extracted resource is awaiting removal from the site.

Consultation with NSW Trade and Investment (Resources and Energy) regarding the existing extraction facility will be undertaken as part of the planning proposal process.

1.5 Rural Lands

This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone or that changes the existing minimum lot size on land within a rural or environment protection zone.

The objectives of this Direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.

The subject land is approximately 340 Hectares. Over 320 hectares was zoned as rural residential 1 (c) with a MLS 5000m².

This planning proposal is consistent with this Direction as it rezones 85 Hectares of the land from Rural Residential 1 (c) to RU2 Rural Landscape. This is considered to protect the agricultural production value of rural land.

There is a net increase in agricultural land use of 85 Hectares when compared to the 1 (c) zoning.

The proposed 85 Hectares of Rural land is designed as a visual buffer only when viewed from Sapphire Coast Drive. The RU2 zone is such a size that it would not be a stand-alone viable grazing lot at only 85 Hectares.

This planning proposal will:

- Not enable the fragmentation of high quality agricultural land;
- Not enable the potential for additional rural land use conflicts, particularly between residential land uses and other rural land uses;
- Provide rural residential opportunities compatible with the natural and physical characteristics of the land and that will integrate with surrounding and existing rural residential developments; and
- Provide rural residential opportunities in areas close to existing town centres that are well serviced and capable of meeting the daily needs of residents.

In addition, that part of the subject land that is currently utilised and well suited for grazing and other forms of extensive agriculture is proposed to be zoned RU2 Rural Landscape to protect the existing agricultural value of the land. The minimum lot size is proposed to be 40 Hectares over the RU2 land.

2.1 Environment Protection Zone

This Direction applies when a relevant planning authority prepares a planning proposal. The objective is to protect and conserve environmentally sensitive areas.

This planning proposal is consistent with this Direction as it proposes zoning and minimum lot size amendments that aim to recognise environmental values of the subject land and identify and protect environmentally sensitive areas.

Parts of the subject land are proposed to be zoned E4 Environmental Living Zone and E3 Environmental Management in recognition of the relative environmental values of the land.

The subject land comprises substantial areas of native vegetation, a large area of cleared grazing land and an operational gravel quarry. Therefore, it is proposed to zone the property a mixture of E3 Environmental Management Zone, E4 Environmental Living Zone and RU2 Rural Landscape Zone in recognition of the differing environmental values of the land.

The proposed zones aim to utilise those areas of the property that are suitable for rural residential type development and to acknowledge those areas that are currently utilised and well suited for grazing and other forms of extensive agriculture, as well as maintain pastoral vistas when viewed from Sapphire Coast Drive.

2.3 Heritage Conservation

This Direction applies when a relevant planning authority prepares a planning proposal. The objective is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

A field investigation for Aboriginal archaeological sites within Lot 34 DP 875572, Lot 42 DP 815711 and Lot 85 DP 750194 Sapphire Coast Drive, Wallagoot, was conducted by NSW Archaeology Pty Ltd in 2004. The field investigation identified 22 archaeological sites comprising artefact scatters and isolated finds. The results indicated that Aboriginal usage of the land was likely to have been focussed on the elevated flats situated adjacent to and on either side of Moncks Creek. Artefact density in recorded sites was calculated to be generally low. From this, it was extrapolated that any subsurface deposits which may be present are also likely to be of low density. Given the proximity to Wallagoot Lake, the subject land forms a component of the broader cultural landscape, which includes occupation of the lake and lake shore, its adjacent coastal resources and the coastal hinterland of which the subject land is part. Accordingly, the identified archaeological sites, being representative of this broader cultural landscape, form a meaningful component of the wider local archaeological resource.

Whilst a series of recommendations for the management and mitigation of impacts associated with the 148 lot subdivision were identified, the proposal was withdrawn. The recommendations included provision of Archaeological Conservation Zones as a component of the subdivision approval, further subsurface test excavation and obtaining a Section 90 Aboriginal Heritage Impact Permit (National Parks and Wildlife Act 1974) from the NSW Office of Environment and Heritage prior to any development works. The consideration of Aboriginal Cultural Heritage issues will be fully addressed during the determination of a future development application applying to the land.

This planning proposal is consistent with this Direction as it includes provisions to protect and conserve identified places or items of significant heritage value. With regard to unidentified Aboriginal heritage values, Council includes a general notation on all Development Consents to the effect that:

It is an offence under the National Parks and Wildlife Act 1974 to destroy, deface or damage an Aboriginal relic. If during works on site any Aboriginal relic is discovered then you should immediately stop work and contact representatives of the Office of Environment and Heritage and the Local Aboriginal Land Council.

4.1 Acid Sulphate Soils

This Direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulphate soils as shown on the Acid Sulphate Soils Planning Maps. The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has the probability of containing Acid Sulphate Soils.

This planning proposal is inconsistent with this Direction as it applies to land that has a probability of containing acid sulphate soils. Lot 34 DP 875572 Sapphire Coast Drive, Wallagoot are identified on

the BVLEP 2013 Acid Sulphate Soils Map as containing Class 1 and /or Class 2 Acid Sulphate Soils (see Figure 4).

The inconsistency with this Direction is justified given the minor scale of development likely to result and because this issue is routinely addressed by Council in the development assessment process. Under Clause 6.1 of BVLEP 2013 studies are required for land that is within an area identified as having a probability of containing acid sulphate soils. Soil samples are assessed for content of acid sulphate material by a suitably qualified person and the results lodged with Council. If acid sulphate soils are identified, no excavation can take place until an Acid Sulphate Soil Management Plan has been lodged with Council and approved and any required measures to minimise adverse environmental impacts have been implemented.

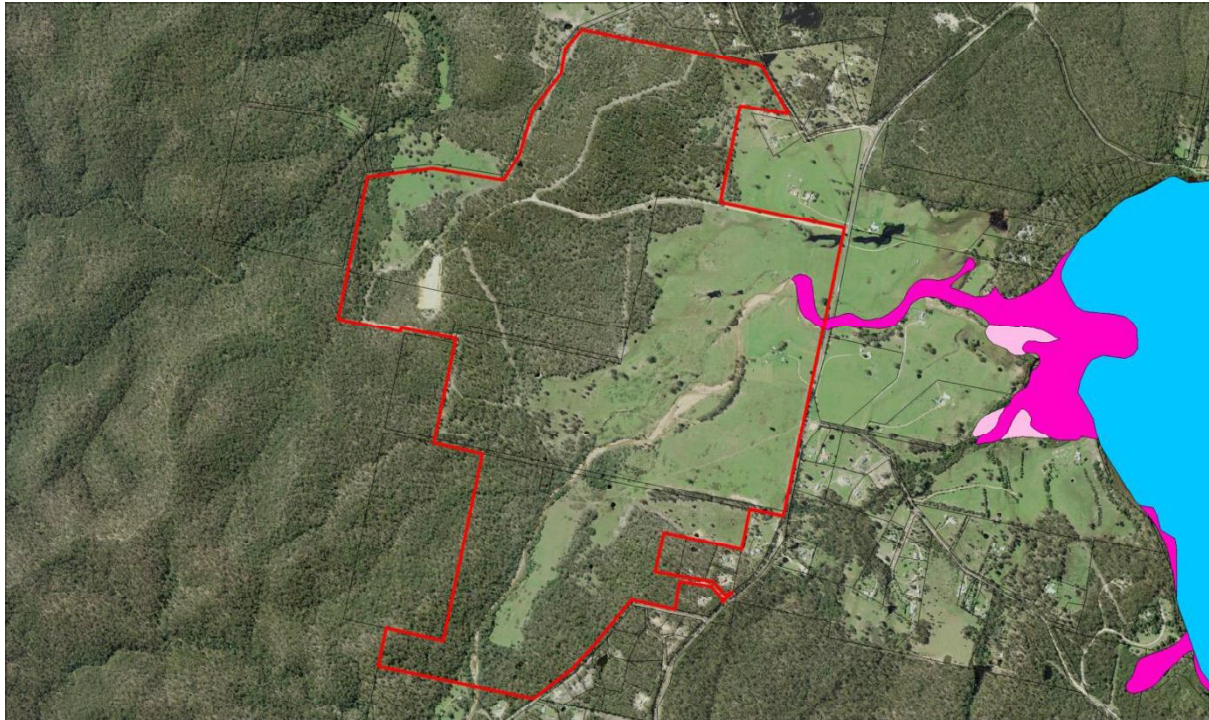


Figure 4: Sapphire Coast Drive, Wallagoot: Acid Sulfate Soils (blue = Class 1 / pink = Class 2)

A review of the potential for acid sulphate soil for Lot 34 DP 875572 Sapphire Coast Drive, Wallagoot demonstrated that this planning proposal does not propose an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the BVSC Acid Sulfate Soils Planning Maps. The small area of Class 2 acid sulfate soil is in Moncks Creek and is therefore unable to be developed for residential purposes. This part of the subject land is proposed to be zoned RU2 with a minimum lot size of 40ha providing ample site area for the location of any future development well away from the mapped acid sulfate soils.

4.4 Planning for Bushfire Protection

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. The objectives of this Direction are 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 encourage sound management of bush fire prone areas.

The properties that are the subject of this planning proposal are identified as containing bushfire vegetation within category 1 and/or 2 therefore, consultation with the NSW Rural Fire Service under Section 56 of the *Environmental Planning and Assessment Act 1979* will form part of the planning proposal process. This planning proposal is consistent with the objectives of this Direction as it does not encourage the establishment of incompatible land uses and appropriate development of the land can occur through the application of the provisions contained within Planning for Bushfire Protection 2006.

5.1 Implementation of Regional Strategies

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

As detailed at Q3, this planning proposal is consistent with the overall vision, land use strategy, policies, outcomes and actions identified in the South Coast Regional Strategy.

6.3 Site Specific Provisions

This Direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

This planning proposal does not seek to include additional uses beyond what is permitted within the land use table. Therefore it is consistent with this Direction.

Section C – Environmental, Social and Economic Impact

Q7. 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?

There is no declared critical habitat in the Bega Valley Shire. With regard to threatened species, populations or ecological communities, we advise as follows:

A biodiversity constraints analysis of the subject land conducted in 2004 for a development application that was subsequently withdrawn, concluded that the biodiversity impacts resulting from the proposed 148 lot subdivision were manageable. Floodplain Wetland, Bega Wet Shrub Forest and two uncharacteristic vegetation types were identified. These vegetated areas are mostly proposed to be zoned E3 Environmental Management Zone with a 40 hectare minimum lot size to minimise clearing associated with the four anticipated dwellings and bushfire protection works. Part of the land is a significant wildlife corridor and Council have ensured that this land has been included within the proposed E3 Environmental Management Zone. The key riparian area of Monck's Creek will be largely protected through an E3 Environmental Management or RU2 Rural Landscape zoning.

The study identified 70 species of fauna and found that site development may generate a moderate level of adverse impact for 14 species including the Glossy Black Cockatoo, Powerful Owl and Koala. Adverse impacts on fauna will be minimised through the application of the E3 Environmental Management Zone and accompanying large lot sizing over key site resources.

Part of Lot 34 DP 875572 has been designated as an offset area for a subdivision on nearby land. The size of the offset area on the subject land is 16.23 hectares and is located within the proposed E3 Zone near to the southwest boundary of Lot 34 DP 875572.

Q.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Clearing associated with Asset Protection Zones and access road provision will require the removal and/or thinning of vegetation on this land. Council will condition the future Development Applications associated with this site to protect hollow bearing trees and other mature trees. The use of On-site Sewage Management systems at these dwellings is unlikely to pose a threat to lake or estuarine ecosystems however this issue will be addressed by Council during the consideration of any future development application on the subject land.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The popularity of rural living opportunities in the Bega Valley Shire has resulted in residential development in rural areas adjacent to land used for primary industry. The different amenity expectations of people who live in rural areas for lifestyle reasons and those who operate and manage primary enterprises can cause conflict.

The properties the subject of this planning proposal, are located within a non-urban rural landscape. In response to the popularity of living in rural areas, Council's Development Control Plan 2013 contains specific provisions aimed at minimising the potential for rural land use conflict, including:

- The provision of suitable buffers on the land subject to the development proposal designed to separate rural lifestyle activities from primary industry; and
- Suitable design measures, such as acoustic treatments in building construction and appropriate setbacks and landscaping, for residential and rural lifestyle developments along or near unsealed quarry haulage routes so as to minimise noise and dust impacts.

The amendments to the minimum lot size controls for the subject properties are likely to have minor positive social and economic effects, including:

- Adequate provision of public services and infrastructure to cater for the expected future demand;
- Protection of high quality agricultural land and the natural resource base;
- Integration with surrounding and existing rural residential developments;
- Protection of the aesthetic quality of the landscape; and
- Supporting a range of housing choices that are affordable, sustainable and suited to the needs of the community.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The additional residential dwellings that will result from this planning proposal are small scale and additional demand for infrastructure is not anticipated.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with State and Commonwealth public authorities has not yet been undertaken. The level of consultation will be determined by the NSW Department of Planning and Infrastructure when it makes its Gateway Determination.

Government agencies identified for consultation with regard to this planning proposal are:

- NSW Department of Planning and Environment
- NSW Office of Environment and Heritage
- NSW Trade and Investment (Resources and Energy)
- NSW Roads and Maritime Services
- NSW Rural Fire Service

Part 4 – Mapping

Changes to the proposed map sheets will be undertaken in a suitable format for public exhibition once the Gateway Determination is issued.

This planning proposal will result in changes the following properties on the following BVLEP 2013 maps:

LAP_001

Amend map sheet LAP_001 by deleting DM Deferred Matter for:

- Lot 34 DP875572, Lot 42 DP 815711 & Lot 85 DP 750194 Sapphire Coast Drive, Wallagoot

LZN_019

Amend map sheet LZN_019 by applying:

- RU2 Rural Landscape Zone, E3 Environmental Management Zone and E4 Environmental Living Zone to Lot 34 DP875572 & Lot 42 DP 815711 Sapphire Coast Drive, Wallagoot
- RU2 Rural Landscape Zone, E3 Environmental Management Zone to Lot 85 DP 750194 Sapphire Coast Drive, Wallagoot

LSZ_019

Amend map sheet LSZ_019 by applying:

- AB4 40 hectares to the RU2 Rural Landscape Zone and E3 Environmental Management Zone to Lot 34 DP875572, Lot 42 DP 815711 & Lot 85 DP 750194 Sapphire Coast Drive, Wallagoot
- Z1 2 Hectares to E4 Environmental Living to Lot 34 DP875572, Lot 42 DP 815711 & Lot 85 DP 750194 Sapphire Coast Drive, Wallagoot.

Part 5 – Community Consultation

The Gateway Determination will confirm community consultation requirements. If this planning proposal is supported, it is likely that the proposal will be exhibited as a 'low' impact proposal for a period of not less than 14 days in accordance with Section 5.5.2 of *A Guide to Preparing LEPs*. A 'low' impact proposal is defined as *'a planning proposal that, in the opinion of the person making the Gateway determination is:*

- *Consistent with the pattern of surrounding land use zones and/or land uses*
- *Consistent with the strategic planning framework*
- *Presents no issues with regard to infrastructure servicing*
- *Not a principle LEP*
- *Does not re-classify public land*

Public exhibition of the planning proposal will include notification of on the Bega Valley Shire Council website, notification in the newspapers that circulate widely in the area (Merimbula News Weekly, Eden Magnet and Bega District News) and in writing to affected landowners.

Information relating to the planning proposal will also be on display at the following Bega Valley Shire Council customer service centres:

Place	Address
Bega	Zingel Place, Bega NSW 2551
Merimbula	Market St, Merimbula NSW 2548
Eden	Cnr Imlay and Mitchell St, Eden NSW 2550
Bermagui	Bunga St, Bermagui NSW 2546

Part 6 – Timeline

The Project Timeline will assist with tracking the progress of the planning proposal through the various stages of consultation and approval. It is estimated that this amendment to *Bega Valley Local Environmental Plan 2013* will be completed by August 2017.

Council requests delegation to carry out certain plan-making functions in relation to this proposal. Delegation would be exercised by Council's General Manager or Director of Planning and Environmental Services.

Table A: Approximate Project Timeline

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Submit planning proposal to the Department	June 2016
STAGE 2 – Receive Gateway Determination	August 2016
STAGE 3 – Preparation of documentation for Public Exhibition	September 2016
STAGE 4 – Public Exhibition of the planning proposal	November 2016
STAGE 5 – Review/consideration of submissions received	February 2017
STAGE 6 – Council Report	March 2017
STAGE 7 – Meetings	April 2017
STAGE 8 – Forward planning proposal to Department of Planning and Infrastructure with request amendment is made	June 2017
STAGE 9 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	July 2017
STAGE 10 – Anticipated date Council will forward Plan to the Department for notification	August 2017

Attachments

Attachment 1: Council reports and resolutions

Council Report: Planning and Environment Committee No. 4 - 12 June 2012

4. Bega Valley Local Environmental Plan 2012

In accordance with the Council resolution of 22 May 2012 staff have assessed both the written and oral presentations to the Council meeting regarding the Draft Comprehensive Local Environmental Plan 2010 (Draft CLEP). The staff summary is included as Appendix 7 of this report.

The report recommends amendment to the Draft CLEP and adoption of the plan. Further that the amended plan be forwarded to the Director-General requesting that the “plan be made” by the Minister for Planning.

Group Manager, Planning and Environment

Background

Council at its meeting held on 22 May 2012 gave consideration to a report on the Bega Valley Local Environmental Plan 2010 with the following staff recommendation:

“That, in regards to the draft Comprehensive Local Environmental Plan, Council resolves to:

1. Adopt the recommendations for the submissions outlined in:
 - Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a “planning proposal” is to be prepared by Council and a “gateway determination” by the Minister for Planning is required prior to re-exhibition;
 - Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
 - Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
2. Amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
3. Incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
4. Adopt the amended draft Comprehensive Local Environmental Plan as per points 2 and 3 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that “the plan be made” by the Minister for Planning.
5. Proceed with a “planning proposal” and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be “deferred”, *thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002*.
6. Defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be “deferred”, *thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002*.
7. Undertake further investigations into potential industrial sites in the Bega District for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.
8. Note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
9. Advise all those persons who have made submissions of the above.”

In accordance with Council's Code of Meeting Practice the report was deferred for a further report due to addresses.

WHAT DOES THE PLAN SEEK TO ACHIEVE?

- The majority of the Shire has simply been changed to the closest comparable zone available in the standard State wide template. This means that the majority of land owners wanting to develop or improve their properties will not be affected by the draft plan.
- Where there are changes proposed, the focus is on improving opportunities for economic development and jobs in the Bega Valley town centres, through the expansion of business, mixed use and industrial zones.
- Protection of productive agricultural land through the use of RU1 Primary Production and RU2 Rural Landscape zones.
- Establishment of allotment sizes through a "Lot Size Map", thus determining subdivision and dwelling entitlements.
- Recognition of environmentally sensitive land through the use of E3 Environmental Management and E4 Environmental Living zones.
- Protection of sensitive foreshore areas and bushland public reserves through the use of E2 Environmental Conservation zone.

Addresses to Council

There were a total of 22 individual addresses to Council while Mr C Maxted of Caddey Searl & Jarman addressed on behalf of 17 client submissions as well as matters raised by Caddey Searl and Jarman relating to subdivision clauses, lot sizing and height controls. In addition 11 written addresses were received.

The issues raised in all the addresses have been reviewed by Council staff including site meetings where appropriate.

As a result of this review, the staff recommendations for 21 of the submissions subject to addresses have been revised from that which was previously recommended to the Council on 22 May 2012.

Appendix 7 to this report is the staff summary of the addresses.

Appendix 1, 2, 3 and 4 attached to this report have been updated in accordance with the staff position included in Appendix 7.

[Link to Planning & Environment Report 5 - 22 May 2012](#)

Advice from the Department of Planning

Council on 28 February 2012 gave consideration to a staff report on the draft CLEP and as part of the resolution resolved the following:

- "1. That to progress the Comprehensive Local Environmental Plan:
- Council staff work with the Department of Planning on the proposed amendments to the exhibited CLEP that would be considered minor and not warrant further exhibition.
 - Staff report to Council on those proposed amendments that are deemed not to require further exhibition.
 - The mapping to the CLEP be amended in accordance with that subsequent Council resolution.

Council has now received a solid overall endorsement of its approach to the finalisation of the CLEP as per the response of 31 May 2012 from the Regional Director, Department of Planning (see Appendix 8).

The Department has raised two main issues for consideration which relate to Littleton Gardens and to land owned by Bermagui Country Club.

In response, the following action is proposed by staff:

1. Further justification to be provided regarding Council's intended RE1 Public Recreation zoning of Littleton Gardens.
2. The E3 zone at the Bermagui Country Club be amended to E2 in accordance with the advice.

HEIGHT CONTROLS IN MERIMBULA, BEGA AND EDEN TOWN CENTRES

Staff have reviewed the height controls in Merimbula Town Centre in consideration of a number of submissions and workshop discussions with local professionals and Councillors. For the sake of consistency across the Shire reviews are now being undertaken for Bega and Eden Town Centres.

The matter is expected to be reported to Council in July and that any proposed changes will be treated as per Appendix 2.

Planning comment

The preparation of the draft CLEP has been a lengthy and extensive process for not only Councillors and staff, but the community as a whole. The process has included the 12 weeks of exhibition, including public information sessions, and a series of workshops with Councillors over the past 9 months since the completion of the exhibition period.

Further, Council staff have held a number of meetings with officers of the Department of Planning regarding all aspects of both the written instrument and the maps. Officers of the Department have also met with Councillors on several occasions over the last 6-7 years. These meetings clarified many issues and led to the inclusion of rural worker's dwellings becoming permissible with consent in the rural zones as part of the draft CLEP.

All public submissions and addresses, as well as Government agency submission and staff recommended changes, have been considered by Councillors at workshops.

Staff are of the opinion that Council is now in a position to resolve on the submissions and addresses received.

It is proposed that Appendix 1 be adopted by Council and that the draft CLEP be amended accordingly, including the mapping, and referred to the Department of Planning requesting that "the plan be made" by the Minister for Planning.

Appendix 2 and 3 represent submissions that are agreed to and require re-exhibition or submissions that require further investigation prior to resolution by Council. In the interim, it is proposed that the subject land be "deferred" thus retaining all the existing zonings and other provisions contained in the BVLEP 2002.

Staff are of the opinion that this pathway would finalise the CLEP process for the vast majority of landholders in the Shire and give surety and confidence in the planning process and strategic direction for the Shire.

Also, those persons who made submissions that are deferred would have the confidence that there would be no change to the current status of their land under BVLEP 2002 until their submission is re-exhibited or further investigated and finally resolved by Council.

The remaining submissions are proposed to be noted and/or not to be supported at this time.

Notwithstanding extensive workshopping of all the submissions with Councillors, it is open for any submission to be debated by Council at the meeting.

It should be noted that recommendation 7 to this report refers to investigations being undertaken into Industrial Land for the Shire as a whole, not the Bega District as recommended in the report to Council on 22 May 2102. This recommendation now accurately reflects Council's previously resolved position of 28 February 2012.

Conclusion

The draft CLEP has been prepared and exhibited in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (the Act) and all submissions are now placed formally before Council for determination. A public hearing has been held in relation to the reclassification of Council owned land.

It is proposed that the draft CLEP be amended as per the recommendations of this report and referred to the NSW Department of Planning in accordance with the Act, requesting that "the plan be made" by the Minister.

Recommendation

That, in regards to the draft Comprehensive Local Environmental Plan, Council resolves to:

1. Adopt the recommendations for the submissions outlined in:
 - Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a “planning proposal” is to be prepared by Council and a “gateway determination” by the Minister for Planning is required prior to re-exhibition;
 - Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and
 - Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
2. Amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
3. Incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
4. Adopt the amended draft Comprehensive Local Environmental Plan as per points 2 and 3 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that “the plan be made” by the Minister for Planning.
5. Proceed with a “planning proposal” and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be “deferred”, thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
6. Defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be “deferred”, thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
7. Undertake further investigations into potential industrial sites in the Bega Valley Shire for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.
8. Note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
9. Advise all those persons who have made submissions of the above.

Council Minutes: Planning and Environment Committee No. 4 - 12 June 2012

4. Bega Valley Local Environmental Plan 2012

1. That the following items be placed appropriately in Appendices 1 –4 as listed below:
That the following item be moved from Appendix 4 to Appendix 1 and thus deleted from the Heritage Schedule:
[section deleted]
2. That in regard to the draft Comprehensive Local Environmental Plan Council adopts the recommendations for the submissions outlined in:
 - • Appendix 1 - support (or partial support) for the submission request, with only minor changes required to the exhibited draft Comprehensive Local Environmental Plan;
 - • Appendix 2 - support (or partial support) for the submission request however, due to the nature of changes proposed, a “planning proposal” is to be prepared by Council and a “gateway determination” by the Minister for Planning is required prior to re-exhibition;
 - • Appendix 3 - further research to be carried out by Council staff prior to progressing via a future report to Council; and

- • Appendix 4 - no agreement with the submission request, or the submission to be noted with no need for further action at this time – therefore proceed with the draft Comprehensive Local Environmental Plan as exhibited.
3. That Council amend the draft Comprehensive Local Environmental Plan in accordance with the recommendations in Appendix 1, the reclassification of various parcels of Council land in accordance with the report of the public hearing in Appendix 5, and the revised written instrument in Appendix 6.
 4. That Council incorporate lot averaging into the draft Comprehensive Local Environmental Plan for land zoned R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living.
 5. Adopt the amended draft Comprehensive Local Environmental Plan as per points 3 and 4 above, and forward the plan to the Director-General of NSW Planning & Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 requesting that “the plan be made” by the Minister for Planning.
 6. That Council proceed with a “planning proposal” and, if agreed by the Minister for Planning, re-exhibit those properties in accordance with the adopted recommendations of agreed submissions contained within Appendix 2. In the interim the subject land be “deferred”, thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
 7. That Council defer a decision on the submissions in Appendix 3 until strategic investigations are completed and reported back to Council. In the interim the subject land be “deferred”, thereby retaining its current zoning and status under Bega Valley Local Environmental Plan 2002.
 8. That Council undertake further investigations into potential industrial sites in the Bega Valley Shire for the longer term, noting that the draft Comprehensive Local Environmental Plan has already identified additional industrial land for the short to medium term in Bega (South) and Kalaru.
 9. That Council note that the draft Comprehensive Development Control Plan requires further investigation and refinement, incorporating appropriate changes emanating from submissions.
 10. That Council advise all those persons who have made submissions of the above.

Attachment 2: State Environmental Planning Policies

State Environmental Planning Policy		Compliance
SEPP No. 1	Development Standard	N/A
SEPP No. 4	Development without Consent and Miscellaneous Exempt and Complying Development	N/A
SEPP No. 6	Number of Storeys in a Building	N/A
SEPP No. 14	Coastal Wetlands	N/A
SEPP No. 15	Rural Land Sharing Communities	N/A
SEPP No. 19	Bushland in Urban Areas	N/A
SEPP No. 21	Caravan Parks	N/A
SEPP No. 22	Shops and Commercial Premises	N/A
SEPP No. 26	Littoral Rainforests	N/A
SEPP No. 29	Western Sydney Recreational Area	N/A
SEPP No. 30	Intensive Agriculture	N/A
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	N/A
SEPP No. 33	Hazardous and Offensive Development	N/A
SEPP No. 36	Manufactured Home Estates	N/A
SEPP No. 38	Olympic Games and Related Projects	N/A
SEPP No. 39	Spit Island Bird Habitat	N/A
SEPP No. 41	Casino/Entertainment Complex	N/A
SEPP No. 44	Koala Habitat Protection	N/A
SEPP No. 47	Moore Park Showground	N/A
SEPP No. 50	Canal Estate Development	N/A
SEPP No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
SEPP No. 53	Metropolitan Residential Development	N/A
SEPP No. 55	Remediation of Land	Consistent
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	N/A
SEPP No. 59	Central Western Sydney Regional and Open Space and Residential	N/A
SEPP No. 60	Exempt and Complying Development	N/A
SEPP No. 62	Sustainable Aquaculture	N/A
SEPP No. 64	Advertising and Signage	N/A
SEPP No. 65	Design Quality of Residential Flat Development	N/A
SEPP No. 70	Affordable Housing (Revised Schemes)	N/A
SEPP No. 71	Coastal Protection	N/A
SEPP No. 74	Newcastle Port and Employment Lands	N/A
SEPP	Housing for Seniors or People with a Disability 2004	N/A
SEPP	Building Sustainability Index: BASIX 2004	N/A
SEPP	Major Development 2005	N/A

SEPP	Development on Kurnell Peninsula 2005	N/A
SEPP	Sydney Region Growth Centres 2006	N/A
SEPP	Mining, Petroleum Production and Extractive Industries 2007	Justified inconsistency
SEPP	Infrastructure 2007	N/A
SEPP	Temporary Structures 2007	N/A
SEPP	Kosciuszko National Park – Alpine Resorts 2007	N/A
SEPP	Rural Lands 2008	Consistent
SEPP	Affordable Rental Housing 2009	N/A
SEPP	Western Sydney Employment Area 2009	N/A
SEPP	Exempt and Complying Development Codes 2008	N/A
SEPP	Western Sydney Parklands 2009	N/A

Attachment 3: List of applicable Section 117 Ministerial Directions

Section 117 Direction	Compliance
1. Employment and Resources	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	Justified Inconsistency
1.3 Mining, Petroleum and Extractive Industries	Justified Inconsistency
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	Justified Inconsistency
2. Environment and Heritage	
2.1 Environment Protection Zone	N/A
2.2 Coastal Protection	N/A
2.3 Heritage Conservation	Consistent
2.4 Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	N/A
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	N/A
3.5 Development Near Licensed Aerodromes	N/A
3.6 Shooting Ranges	N/A
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Justified Inconsistency
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	Consistent
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent
5.2 Sydney Drinking Water Catchment	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.5 Second Sydney Airport: Badgerys Creek	N/A
6. Local Plan Making	
6.1 Approval and Referral Requirements	N/A
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions	Consistent
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A