

Appendix D

Examination of Ministerial Directions (S117 Directions)

1 July 2009

Section 117 Ministerial Directions (1 July 2009) as amended

1. Employment and Resources

1.1 Business and Industrial Zones

This direction only applies to the extent that the Local Government Boundary change to Land Zoning Map – Sheet LZN – 009 will extend the current IN3 heavy industrial zone to cater for the new boundary.

The boundary change is of minor significance and in accordance with Goulburn Mulwaree Strategy 2020 endorsed on 30 December 2008.

1.2 Rural Zones

Objectives:

Revised planning proposal is consistent with the objective.

Where this direction applies:

(2) (a) Goulburn Mulwaree Local Government Council area.

(3) Revised planning proposal alters the location and area of existing rural zones.

What a relevant planning authority must do if this direction applies:

(4) (a) Revised planning proposal rezones rural land to industrial.

Consistency:

(5) (d) Having regard to the objective of the direction the revised planning proposal's inconsistency is of minor significance and only occurred because of the local government boundary changes.

1.3 Mining, Petroleum Production and Extractive Industries:

The principal Local Environmental Plan 2009 zoning over potential mining areas that may be on the fringe of rural lifestyle areas does not prohibit or restrict such use.

Consultation with Director – General of Department of Primary Industries is required.

1.4 Oyster Aquaculture:

Not applicable

1.5 Rural Land:

Objectives:

Comments on the objectives:

(1) (a) and (b) Revised planning proposal is consistent with the objectives.

Where this direction applies

(3) (a) and (b) Revised planning proposal affects rural and environmental protection zones and changes the existing minimum lot size within both rural and environmental protection zones.

What a relevant planning authority must do if this direction applies

- (4) and (5) Revised planning proposal has been extensively examined in appendix C against the rural planning principals and rural subdivision principals listed in SEPP (Rural Lands) 2008.

Consistency

- (6) Revised planning proposal is consistent with this direction.

2.Environmental and Heritage

2.1 Environmental Protection Zones**Objectives:**

Comments on the objectives:

- (1) The revised planning proposal has given effect to this objective by retaining and adding additional environmental protection controls, via additional zoned areas.

Where this direction applies:

- (2) Goulburn Mulwaree Local Government Council area.

When this direction applies:

- (3) This direction applies as Council is preparing a draft Local Environmental Plan.

What a relevant planning authority must do if this direction applies:

- (4) The revised planning proposal includes additional provisions that facilitate the protection and consideration of environmentally sensitive areas.
(5) The revised planning proposal has increased the environmental protection standards.

Consistency:

- (6) The revised planning proposal is consistent with the terms of this direction.

2.2 Coastal Protection:

Not applicable.

2.3 Heritage Conservation**Objectives:**

- (1) The principal plan, Local Environmental Plan 2009 has given effect to this objective.

Where this direction applies:

- (2) Goulburn Mulwaree Local Government Council area.

When this direction applies:

- (3) This direction applies as Council is preparing a draft Local Environmental Plan.

What a relevant planning authority must do if this direction applies:

- (4) The principal plan complied with these provisions and the revised planning proposal does not change or alter that position.

Consistency:

- (5) The revised planning proposal is consistent with the terms of this direction.

2.4 Recreation Vehicle Areas**Objectives:**

Comments on the objectives:

- (1) The principal plan, Local Environmental Plan 2009 has given effect to this objective.

Where this direction applies:

- (2) Goulburn Mulwaree Local Government Council area.

When this direction applies:

- (3) This direction applies as Council is preparing a draft LEP.

What a relevant planning authority must do if this direction applies:

- (4) The principal plan complied with these provisions and the revised planning proposal does not change or alter that position.

Consistency:

- (5) The revised planning proposal is consistent with the terms of this direction.

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones**Objectives:**

Comments on the objectives:

- (1) The revised planning proposal has given effect to the objectives of this direction.

Where this direction applies:

- (2) Goulburn Mulwaree Local Government Council area.

When this direction applies:

- (3) (a) This direction applies as the draft Local Environmental Plan affects the R5 zone boundary.

What a relevant planning authority must do if this direction applies:

- (4) (a) The revised planning proposal broadens the choice of building types and offers a choice of locations.
(b) The revised planning proposal makes more efficient use of, existing infrastructure and services.
(c) Revised planning proposal will rezone additional large lot residential lands on the western peri-urban fringe of Goulburn City.
(d) Design criteria has been detailed in the Development Control Plan 2009 rather than the Local Environmental Plan.
- (5) (a) An appropriate local provision has been included in the Local Environmental Plan 2009.
(b) The existing overall permissible residential density of land will be maintained and expanded by the use of the model clauses.

Consistency:

- (6) (a) The inconsistency with (4)(c) is justified by the Goulburn Mulwaree Strategy 2020 endorsed by the Director-General on 30 December 2008.

3.2 Caravan Parks and Manufactured Home Estates**Objectives:**

Comments on the objectives:

- (1) The principal plan, Local Environmental Plan 2009 has given effect to the objectives of this direction.

Where this direction applies:

- (2) Goulburn Mulwaree Local Government Council area.

When this direction applies:

- (3) This direction applies as Council is preparing a draft Local Environmental Plan.

What a relevant planning authority must do if this direction applies:

- (4) Revised planning proposal has no impact or application for this direction.

Consistency:

- (6) The revised planning proposal is consistent with the terms of this direction.

3.3 Home Occupations

Principal plan, Local Environmental Plan 2009 complied with this direction and the revised planning proposal has no impact or application with respect to this direction.

3.4 Integrating Land Use and Transport

Having regard to the objectives of this direction the revised planning proposal's inconsistency is of minor significance and only occurred because of a local government boundary change which extended the industrial zoned land.

3.5 Development near Licensed Aerodromes

Not applicable.

4. Hazard and Risk

4.1 Acid Sulfate Soils

Not applicable.

4.2 Mine subsidence and unstable land

Not applicable.

4.3 Flood Prone Lands

Not applicable.

4.4 Planning for Bushfire Protection

Objectives:

Comments on the objectives:

- (1) The principal plan, Local Environmental Plan 2009, Amendment No. 1 and Goulburn Mulwaree Development Control Plan 2009, Amendment No. 1 has given effect to these objectives.

Where this direction applies:

- (2) This direction does not apply as Council has a certified bush fire prone land map.

5.Regional Planning

5.1 Implementation of Regional Strategies

Objective:

- (1) Revised planning proposal has given effect to this objective.

Where this direction applies:

- (2) (e) Goulburn Mulwaree Council is part of the Sydney – Canberra Corridor Regional Strategy.

When this direction applies:

- (3) This direction applies to the revised planning proposal.

What a relevant planning authority must do if this direction applies:

- (4) Revised planning proposal is consistent with the Regional Strategy. Refer to clause 3.4.

Consistency:

- (5) Revised planning proposal is consistent with this direction.

5.2 Sydney Drinking Water Catchments

Objectives:

Comments on the objectives:

- (1) The principal plan has given effect to this objective.

Where this direction applies:

- (2) Goulburn Mulwaree Local Government Council area.

When this direction applies:

- (3) This direction applies as the Council is drafting a Local Environmental Plan which applies to the hydrological catchment.

What a relevant planning authority must do if this direction applies:

- (4) The revised planning proposal has been prepared in accordance with Goulburn Mulwaree Strategy 2020. The said Strategy was referred to the Sydney Catchment Authority and amended to reflect their requirements. The principal plan was also referred to the Sydney Catchment Authority and amended as requested. The revised planning proposal has been prepared in accordance with the principals in the deemed SEPP (REP No.1). SLWCA assessments have been undertaken and future land uses matched to land and water capability.

- (5) (a) The principal plan has given effect to the principals in paragraph (4).
- (b) The revised planning proposal has been revised to ensure consistency with the outcomes of strategic land and water capability assessment undertaken by the SCA.
- (c) The principal plan complied with this sub-direction.
- (d) and (e) It is recommended that the revised planning proposal be referred to SCA.

Consistency:

- (6) The revised planning proposal gives effect to the objective of this direction and is consistent with this direction (clause 3.6(d)).

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

Not applicable.

5.4 Commercial and retail development along the Pacific Highway, North Coast

Not applicable.

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

Not applicable.

5.8 Second Sydney Airport: Badgerys Creek

Not applicable.

6. Local Plan Making

6.1 Approval and Referral Requirements**Objectives:**

Comments on the objectives:

- (1) The principal plan, Local Environmental Plan 2009 and the revised planning proposal have given effect to this objective.

Where this direction applies:

- (2) Goulburn Mulwaree Local Government Council area.

When this direction applies:

- (3) This direction applies to the revised planning proposal.

What a relevant planning authority must do if this direction applies:

- (4) Principal plan has incorporated these provisions.

Consistency:

- (5) The revised planning proposal is consistent with the terms of this direction.

6.2 Reserving land for public purposes

The principal plan, Local Environmental Plan 2009 is consistent with this direction.

The revised planning proposal has no application with respect to this direction.

6.3 Site specific provisions

Not applicable.