



**Planning Proposal to amend the
Land Use Table of the
E2 Environmental Conservation Zone under
Wingecarribee LEP 2010 to permit
Emergency Services Facilities to be
permitted with consent**

Planning Proposal

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND

All land zoned E2 Environmental Conservation under Wingecarribee Local
Environmental Plan 2010

PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF PLANNING PROPOSAL

The purpose of the Planning Proposal is to amend the Land Use Table of the E2
Environmental Conservation Zone under Wingecarribee LEP 2010 to allow an
'emergency services facility' to be permitted with consent.

An **Emergency Service Facility** is defined under the State Environmental Planning
Policy (Infrastructure) 2007 as *a building or place (including a helipad) used in
connection with the provision of emergency services by an emergency services
organisation.*

The proposed amendment will facilitate consideration of a development application for
such a use including a helipad.

PART 2 – EXPLANATION OF PROVISIONS

The Planning Proposal will effect an amendment to Wingecarribee Local Environmental
Plan 2010 by amending the Land Use Table under the E2 Environmental Conservation
to include Emergency Services Facility as 'Permitted with Consent'.

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 was instigated by the Rural Fire Services (RFS) seeking consent to provide a training facility on a specific site at Nattai Street Welby. The recommendation of the Department of Planning was to proceed by amending the Land Use Table attached to the E2 Environmental Conservation zone to allow Emergency Service Facilities to be permitted with consent in the nominated zone. Over the last four (4) years the RFS, Wingecarribee Shire Council and the Department of Lands have been negotiating
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	to obtain the site for the intended purpose. Two other sites were previously considered however these were eliminated due to site constraints, the ability to serve the intended purpose and the availability of water and sewer.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Yes, the amendment of the Land Use Table to allow Emergency Service Facilities is the best means of achieving the desired outcome. The Department of Lands has agreed to change the classification of the subject land to 'Community Purposes' and lease the parcel to the Rural Fire Service.
3. Will the net community benefit outweigh the cost of implementing and administering the Planning Proposal?	Yes, the net community benefit will outweigh the cost of implementing and administering the proposal. With regard to the site the subject of the original planning proposal, site management practices and techniques to mitigate the offsite impacts in the construction and ongoing use of the site including wastewater generation, the control of erosion and sediment runoff to the adjoining Gibbergunyah Creek and helicopter noise (see B.10 below) will still need to be managed satisfactorily however this can be done during the course of the assessment of the development application. The community benefit will be in the provision of a localised training facility for Wollondilly and Wingecaribee Rural Fire Service personnel and as a staging post for critical incident management.

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 (including draft strategies)?	Yes, the proposal is consistent with the Sydney Canberra Corridor Regional Strategy identifying and constructing additional infrastructure to support government services.
5. Is the Planning Proposal consistent with the local council's Community	Yes, the Planning Proposal is consistent with Council's Wingecaribee Strategic

Strategic Plan, or other local strategic plan?	Community Plan 2031+ (point 5.1.3)
6. Is the Planning Proposal consistent with applicable state environmental planning policies?	It is considered that the Planning Proposal is consistent with the following relevant SEPPs: 1. State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. 2. State Environmental Planning Policy (Infrastructure) 2007.
7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes. There are no 'Justifiable Inconsistencies' with the Section 117 Directions.

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 Planning Proposal?	No, clearing of the site occurred prior to the application being lodged. This has become a compliance issue for the Rural Fire Service and has been investigated by the Department of Environment, Climate Change and Water (DECCW).
9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?	The subject land is located between land zoned R2 Low Density Residential to the west and zone IN2 Light Industrial to the east. Adjoining land uses to the west are a RTA Motor Registry Offices and compound and a nursery. Land uses to the immediate east are consistent with the IN2 Light Industrial zoning. Department of Lands bushland reserve zoned E2 Environmental Conservation is located immediately to the north with land zoned R2 Low Density Residential, separated by the Old Hume Highway, to the south. A Category 2 – Aquatic and Terrestrial Habitat watercourse separates the IN2 land to the east from the site. This watercourse is noted on the Natural Resources Sensitivity Map (Reference: NRS_007 under WLEP

	2010). Clause 7.5 of WLEP 2010 requires a riparian corridor of 30 metres on either side of the watercourse. The Development Assessment process will include consideration of this requirement and what rehabilitation of the site is required as a condition of development consent. A preliminary assessment of the Planning Proposal against the Strategic Land and Water Capability Assessment Data (SLWCA) indicates that a number of parameters, including Vegetation Cover (the site has had some clearing along the watercourse), Proximity to Water, Erodibility and Soil Depth, will need to be addressed in detailed information requested for the development application. Preliminary advice from the Sydney Catchment Authority (SCA) is that they have no objection to the Planning Proposal subject to the development application being amended to address the following. Any wastewater generated by the site must be connected to the reticulated sewer system, any erosion and sediment control measures must pass or exceed a Neutral or Beneficial Effect (NorBE) test and any future development must include Current Recommended Practices (CRP's) to manage stormwater and urban run-off.
10. How has the Planning Proposal adequately addressed any social and economic effects?	Economic considerations are considered to be satisfactory. Social considerations however are considered to be in relation to the proximity of the helipad to the residential area. These impacts will be mitigated by the adjoining land uses (RTA Registry Offices and Depot, the nursery and Old Hume Highway) however Council has requested additional information to address the operation of the helipad in the context of the locality in the form of an Acoustic/Noise Impact Assessment.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the Planning Proposal?	Traffic considerations have been preliminarily assessed and will be considered as part of the development assessment process. The proposal is providing infrastructure to support Rural Fire Service training activities and emergency incident support.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?	The Sydney Catchment Authority has been consulted in accordance with S55 of the EP&A Act, 1979. 117 Directions (5.2 Drinking Water Catchment 5(d)). The Sydney Catchment Authority (SCA) has advised that they have no objection to the Planning Proposal subject to the development application being amended to address certain aspects (as above). A copy of the advice from the Sydney Catchment Authority is attached.

PART 4 – COMMUNITY CONSULTATION

The Planning Proposal would be placed on public exhibition for a period of 14 days and identified stakeholders would be notified, unless otherwise advised in the Gateway Determination.



Local Planning Directions

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning on or after the date the particular direction was issued.

These Local Planning Direction responses relate to:

A Planning Proposal to amending the Land Use Table attached to the E2 Environmental Conservation zone under Wingecarribee Local Environmental Plan 2010 to include Emergency Services Facility as 'Permitted with Consent'.

The description of the Planning Proposal has been revised for these directions to reflect the Department of Planning and Infrastructure Gateway Determination and the recommendation supported by Council.

Direction	Issue date/ date effective
1. Employment and Resources	1 July 2009
1.1 Business and Industrial Zones	NR
1.2 Rural Zones	NR
1.3 Mining, Petroleum Production and Extractive Industries	NR
1.4 Oyster Aquaculture	NR
1.5 Rural Lands	NR
2. Environment and Heritage	1 July 2009
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	16 February 2011
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
3.6 Shooting Ranges	NR
4. Hazard and Risk	1 July 2009
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	C
5. Regional Planning	3 March 2011
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) (Revoked 18 June 2010)	Revoked
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Revoked
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Revoked
5.8 Second Sydney Airport: Badgerys Creek	NR
6. Local Plan Making	1 July 2009
6.1 Approval and Referral Requirements	C
6.2 Reserving Land for Public Purposes	NR
6.3 Site Specific Provisions	C
7. Metropolitan Planning	1 February 2010
7.1 Implementation of the Metropolitan Plan for Sydney 2036	NR

1. Employment and Resources

1.1 Business and Industrial Zones



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.

Direction 1.1 – issued 1 July 2009

1.2 Rural Zones



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

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.

Direction 1.2 – issued 1 July 2009

1.3 Mining, Petroleum Production and Extractive Industries



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.

Direction 1.3 – issued 1 July 2009

1.4 Oyster Aquaculture



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:

- (1) "Priority Oyster Aquaculture Areas" has the same meaning as in the *NSW Oyster Industry Sustainable Aquaculture Strategy*; and
- (2) 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



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	Wyang
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:
- (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 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



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 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:
- b. 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



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



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



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



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.

Direction 3.1 – issued 1 July 2009

3.2 Caravan Parks and Manufactured Home Estates



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.

Direction 3.2 – issued 1 July 2009

3.3 Home Occupations



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



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.

Direction 3.4 – issued 1 July 2009

3.5 Development Near Licensed Aerodromes



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

- (b) (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

3.6 Shooting Ranges



Objective

- (1) The objectives are:
- (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,
 - (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,
 - (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.

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, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:
- a. permitting more intensive land uses than those which are permitted under the existing zone; or
 - b. permitting land uses that are incompatible with the noise emitted by the existing shooting range.

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 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 and is in force, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (c) is of minor significance.

Note: In this direction, an "existing shooting range" means a shooting range the subject of a valid approval issued under the *Firearms Act 1996* and *Firearms Regulation 2006*, and includes the Range Danger Area of that shooting range.

Direction 3.6 – issued 16 February 2011

4. Hazard and Risk

4.1 Acid Sulfate Soils



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.

Direction 4.1 – issued 1 July 2009

4.2 Mine Subsidence and Unstable Land



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



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



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



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 Catchment



Objective

- (1) The objective of this Direction is to protect water quality in the Sydney drinking water catchment.

Where this Direction applies

- (2) This Direction applies to the Sydney drinking water 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 land within the Sydney drinking water 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 Sydney drinking water catchment must be protected, and in accordance with the following specific principles:
- (a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and
 - (b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and
 - (c) the ecological values of land within a Special Area that is:
 - (i) reserved as national park, nature reserve or state conservation 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 Sydney drinking water catchment, the relevant planning authority must:
- (a) ensure that the proposal is consistent with *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, and
 - (b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, 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 <i>National Parks and Wildlife Act 1974</i>	E1 National Parks and Nature Reserves
Land in the ownership or under the care, control and management of the Sydney Catchment Authority 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 Systems" on the Land Zoning Map)
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- 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 *Environmental Planning and Assessment Act 1979*.

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:

"Sydney drinking water catchment" has the same meaning as in the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*.

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

"Strategic Land and Water Capability Assessment" means the series of land use capability maps and GIS data of this title, prepared by the Sydney Catchment Authority and as provided to councils in June 2009. The maps resulted from the Sydney Catchment Authority's assessment of the physical capability of natural features of land and waterways to identify appropriate types and intensities of land use that will not adversely impact on water quality and catchment health.

Direction 5.2 – issued 3 March 2011

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.

Direction 5.3 – issued 1 July 2009

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

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) Notwithstanding the requirements of paragraphs (4) and (5), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that the Roads and Traffic Authority is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the purposes of this paragraph, a highway service centre has the same meaning as is contained in the Standard Instrument (Local Environmental Plans) Order 2006.

Table 1: Highway service centres that can proceed

Town	Locality
Chinderah	• Chinderah Bay Road interchange (southbound) • Western side of highway in urban zone (northbound)

Town	Locality
Ballina	• Teven Road interchange
Maclean	• Northern interchange near the Clarence River or southern interchange near Ferry Park, but not both.
Woolgoolga	• Northern interchange at Arrawarra or southern interchange south of Woolgoolga, but not both.
Kempsey	• South Kempsey interchange
Port Macquarie	• Oxley Highway interchange, east of the Pacific Highway
Taree	• Old Bar Road interchange
Tomago	• In the vicinity of Tomago Road / Southern Heatherbrae

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 29 November 2009

- 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)** (Revoked 18 June 2010)
- 5.6 Sydney to Canberra Corridor** (Revoked 10 July 2008. See amended Direction 5.1)
- 5.7 Central Coast** (Revoked 10 July 2008. See amended Direction 5.1)

5.8 Second Sydney Airport: Badgerys Creek



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.

Direction 5.8 – issued 1 July 2009

6. Local Plan Making

6.1 Approval and Referral Requirements



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*.

Direction 6.1 – issued 1 July 2009

6.2 Reserving Land for Public Purposes



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:
 - (a) 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
 - (b) 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



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

7. Metropolitan Planning

7.1 Implementation of the Metropolitan Plan for Sydney 2036 NR

Objective

- (1) The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

Where this direction applies

- (2) This direction applies to land comprising of the following local government areas:

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

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 shall be consistent with:
- (a) the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010 ("the Metropolitan Plan").

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 Metropolitan Plan:
- (a) is of minor significance, and
 - (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

Direction 7.1 – issued 1 February

