



Draft LP411 - Planning Proposal - Rezoning of Lot 14 DP 773481, Moss Vale Road, Kangaroo Valley

Prepared by
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File 48477E

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1 Introduction

This planning proposal seeks to rezone land at Lot 14 DP 773481 Moss Vale Road, Kangaroo Valley to R5 Large Lot Residential to allow for subdivision and development into 11 large residential lots, 1 cluster housing lot (to accommodate 6 possible dwellings), and a residue rural lot.

1.1 Subject Land

The subject site is located in Kangaroo Valley as indicated on the Location, Subject Land and Air Photo maps below.

Figure 1 - Planning Proposal Location

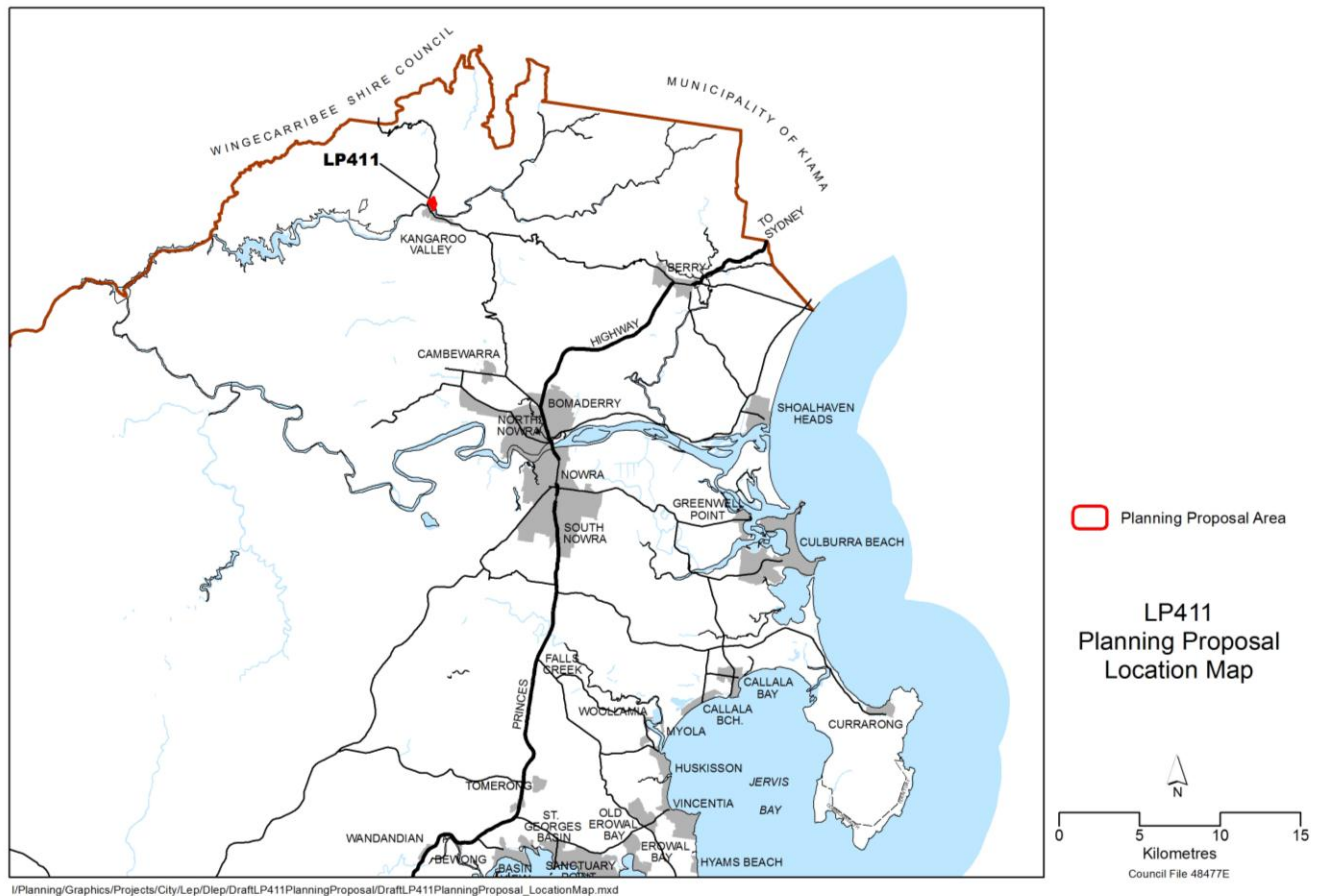


Figure 2 - Subject Land

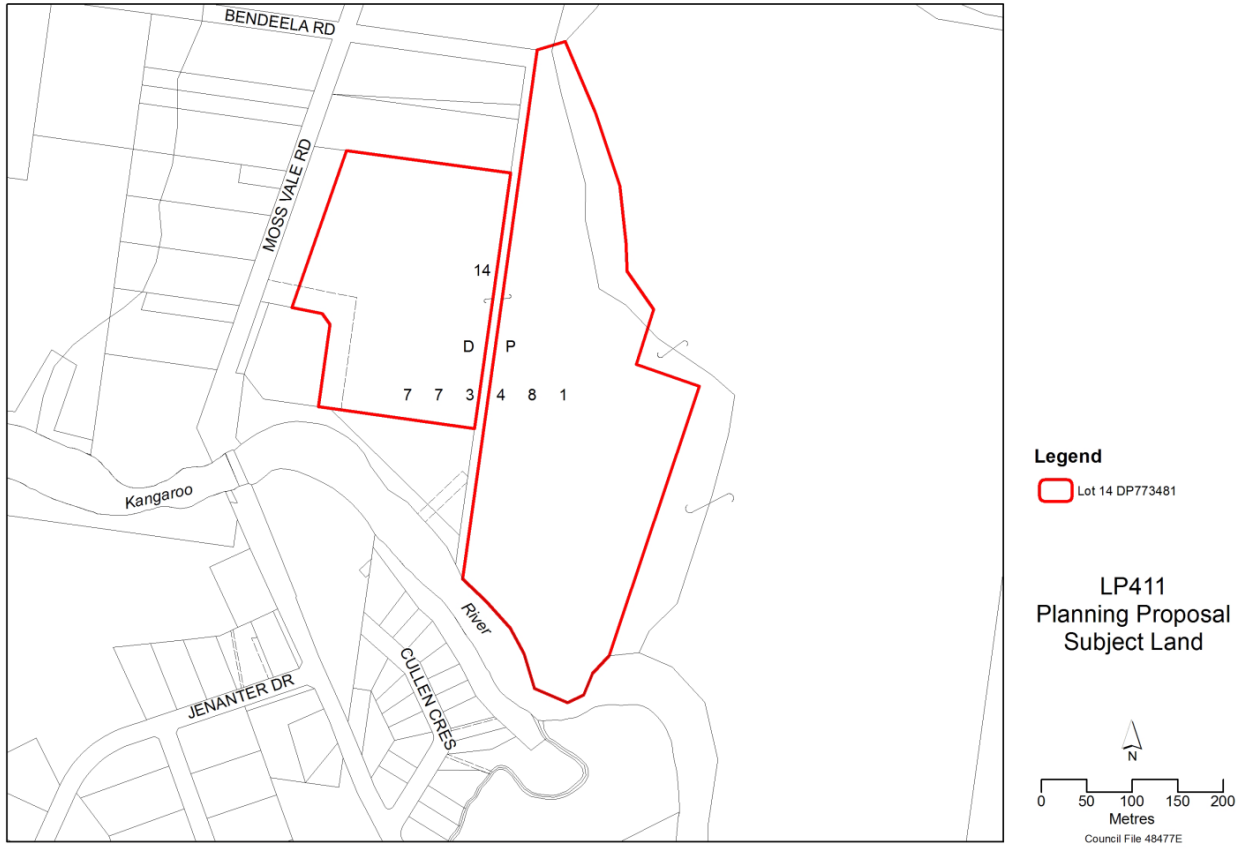


Figure 3 - Air Photo



1.2 Background

Council received a Planning Proposal (Rezoning) (PP) on 25 September 2013 to rezone land at Lot 14 DP 773481 Moss Vale Road, Kangaroo Valley to R5 Large Lot Residential to allow for subdivision into 11 large residential lots and 1 cluster housing lot (to accommodate 6 possible dwellings). This document is included as Attachment 'A'.

The property in question is identified in the adopted Shoalhaven Growth Management Strategy (GMS) as a “short term” investigation area for urban development. The GMS has been adopted by Council and is currently awaiting endorsement by the Department of Planning and Infrastructure (the Department).

Given the local interest in this proposal arising from the GMS preparation process, the subject planning proposal was released for comment prior to its consideration by Council. The PP was made available for viewing for a period of 3½ weeks at Council's Administration Building in Nowra, on Council's website, and at a local business, The Gallery, in Kangaroo Valley. The intention of this pre-consultation was to give the Council an understanding of the community's opinions on this proposal to assist in making a decision whether to proceed with the PP.

The report to Council, including the outcomes of the pre-consultation, is included as Attachment 'B'.

Council subsequently resolved on 17 December 2013 as follows:

That Council support the progression of the Planning Proposal with the following changes or inclusions, and forward it to the Department of Planning and Infrastructure for a 'Gateway' Determination:

- a) *Flood prone land remains in a non-urban zone such as RU1 or E3 with the lot size map to be used to allow for the creation of smaller lots which include flood prone land.*
- b) *Controls placed over the entire lot restricting the equivalent tenements (ETs) of any subdivision and future development to a maximum of 15 ETs.*
- c) *Restrictions placed on the proposed cluster lot to:*
 - i) *Ensure that the ETs from all dwellings constructed on the lot do not exceed the ETs allocated i.e. 4 ETs.*
 - ii) *Encourage the construction of disability friendly dwellings.*
- d) *A 20m riparian buffer area along Barrengarry Creek to possibly be transferred via a voluntary planning agreement to Council to ensure ongoing management and protection of the water and to provide potential for a future walking track (subject to landowner agreement).*

- e) *Include a mechanism to enable the eventual surrendering of the existing development consent for the tourist facility over the subject land at the time of any new development consent for the sub division.*

2 Part 1 –Intended Outcome

The intended outcome of this Planning Proposal is to amend the Shoalhaven Local Environmental Plan (LEP) to:

- enable the subdivision of the subject site into a maximum 11 large residential lots, 1 cluster housing lot and one residue rural lot (with no dwelling entitlement);
- provide a greater range of residential accommodation in Kangaroo Valley;
- protect the flood prone part of the site from residential development; and
- protect Kangaroo River, Barrengarry Creek, and their riparian areas.

3 Part 2 – Explanation of Provisions

In order to allow the creation of 11 large residential lots, 1 cluster housing lot and 1 residue rural lot, while protecting the waterways and flood prone land and not exceeding the allocated equivalent tenements (ETs) allowed for the subject site in the new sewerage scheme, it is proposed to amend the LEP as outlined in the Table that follows.

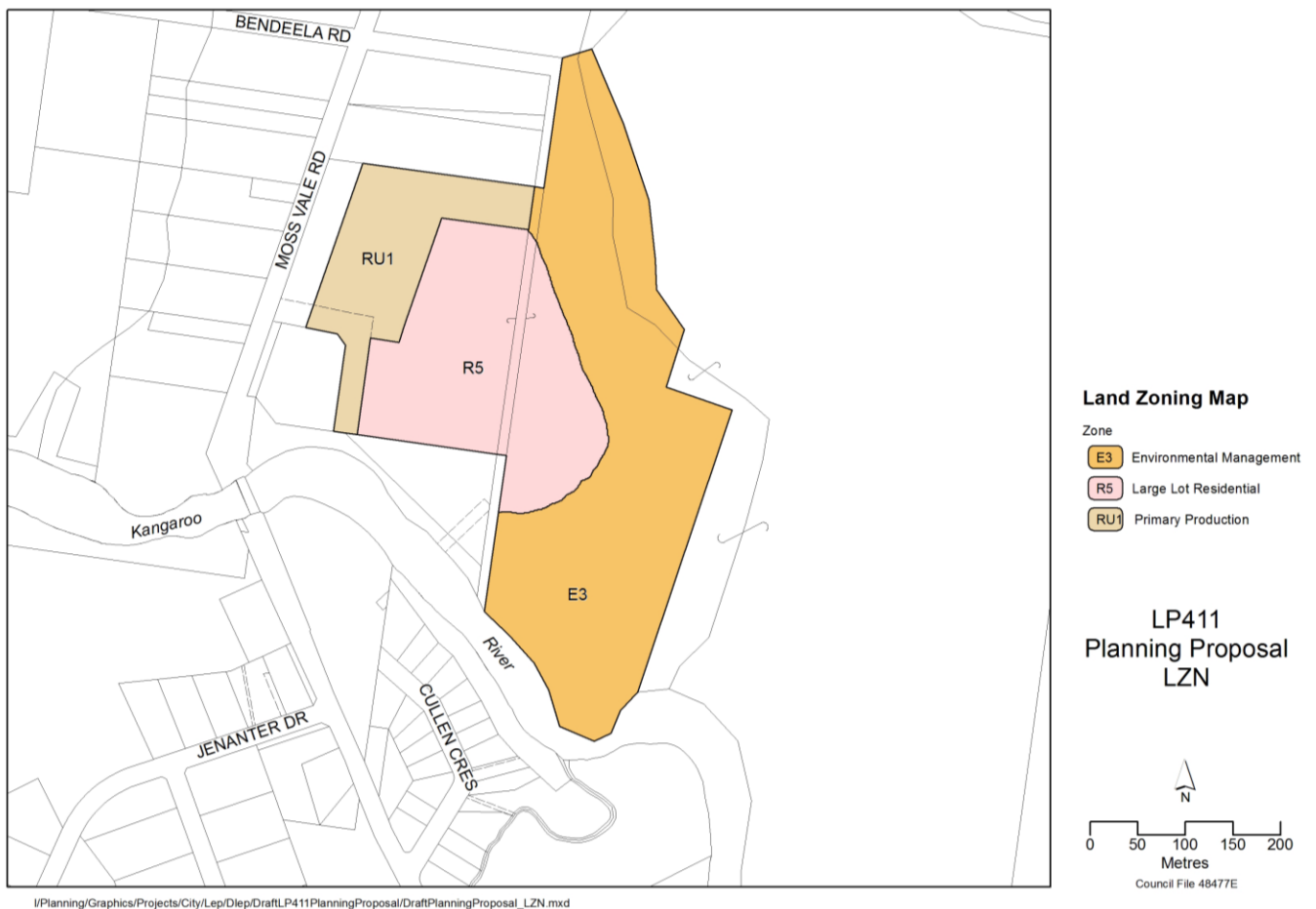
Note: The following LEP Maps apply to the site and are intended to continue to apply:

- Terrestrial Biodiversity Map
- Riparian lands and Watercourses Map
- Flood Planning Area Map
- Scenic Protection Area Map

Table 1 - Planning Proposal - Proposed Changes

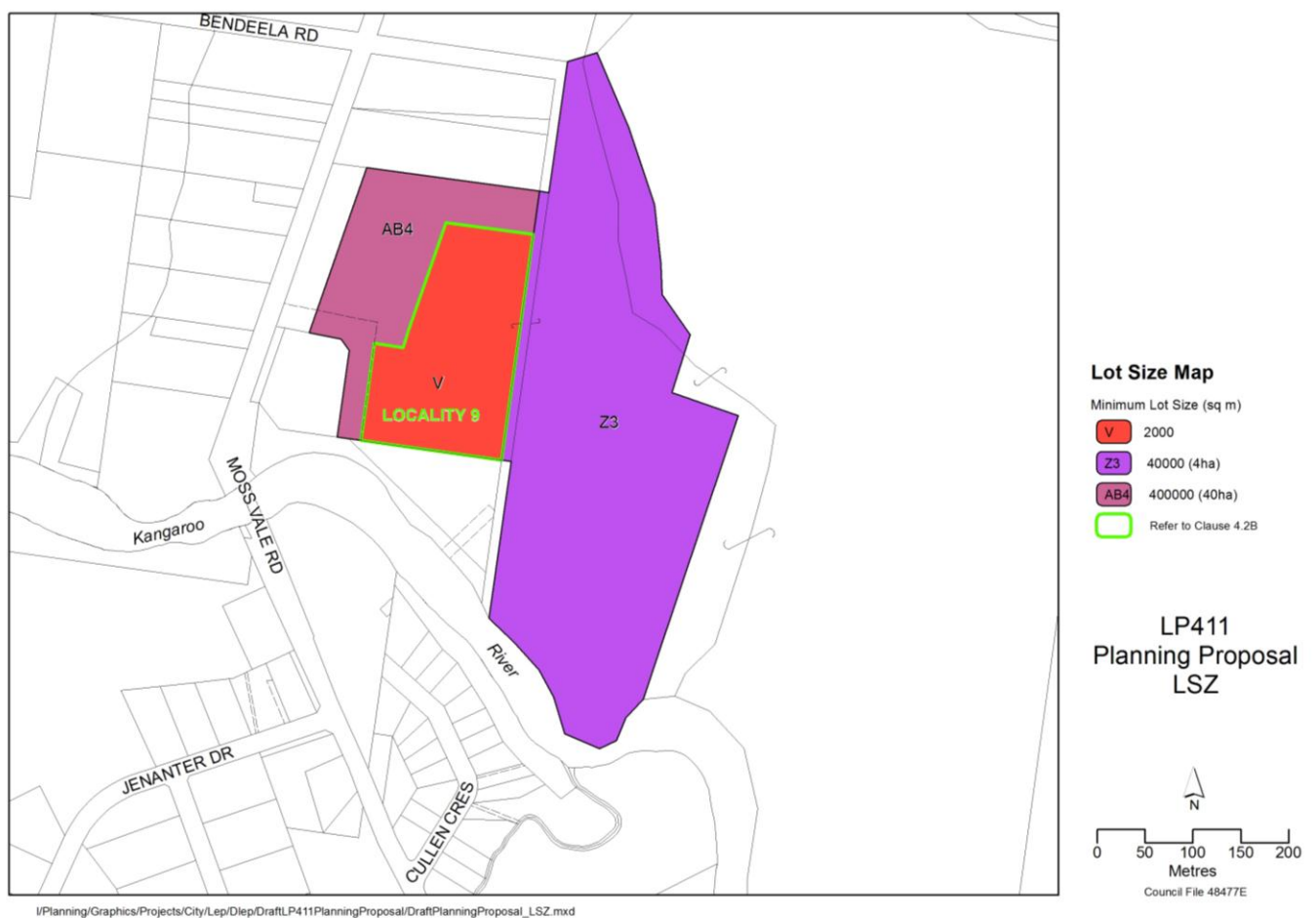
Maps & Clauses to be amended	Proposed control
LZN Map	➤ R5 Large Lot Residential for the area proposed for residential development. ➤ E3 Environmental Management for the flood prone part of the site east of the unformed Crown Road. ➤ RU1 for the proposed residue lot and the existing right of carriageway on the subject land.

Proposed Land Zoning Map



Maps & Clauses to be amended	Proposed control
LSZ Map Clause 4.2B	➤ 4ha minimum lot size for land east of unformed Crown road. ➤ 2000m² minimum lot size for area west of unformed crown road, excluding residue rural lot. Map area as 'Locality 9'. ➤ 40ha minimum lot size for residue lot area. ➤ To enable a range of lot sizes, add subclause (i) to Clause 4.2B to allow for subdivision into 10 lots with a minimum lot size of 2000m² (area shown as 'Locality 9' on the map below).

Proposed Lot Size Map



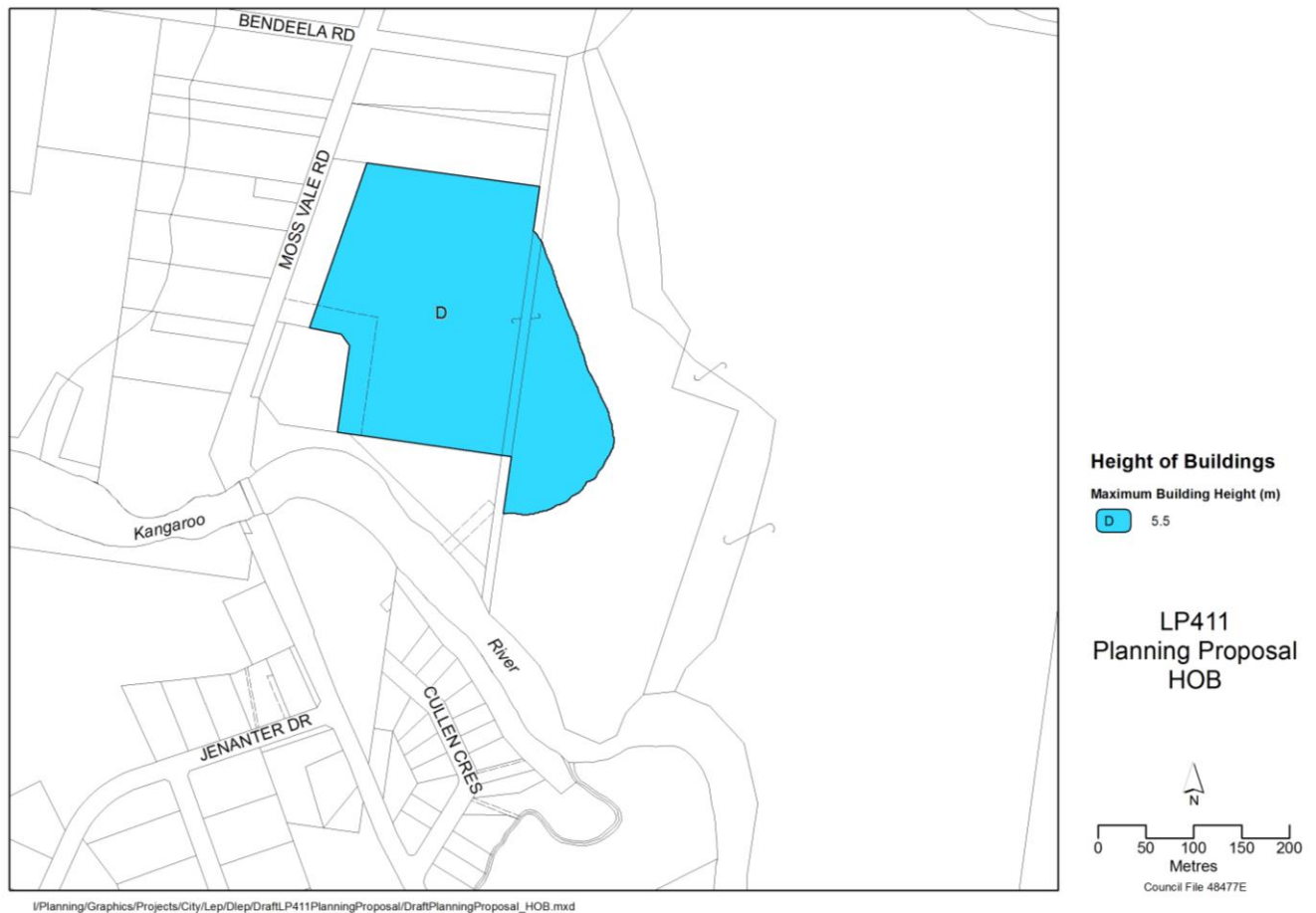
Maps & Clauses to be amended	Proposed control
CLS Map Part 7 Additional Local Provisions	➤ Insert local clause to: ○ Require the surrender of the of the existing development consent for the tourist facility over the whole of the lot at the time of any new development consent for subdivision; ○ Enable a cluster housing lot – not to exceed 4 ETs; and ○ Development not to exceed 11 ETs over 2000m² and 4ha area. ○ Allow for a residue rural lot smaller than the 40ha minimum lot size (Note: using the minimum lot size to allow creation of this lot would enable dwelling entitlement on the residue which is not the intention of this Planning Proposal).

Draft Clauses Map



Maps & Clauses to be amended	Proposed control
HOB Map	➤ Map 5.5m across the whole of the lot to the west of the unformed Crown Road and for the area east of the unformed Crown Road to be zoned R5 Large Lot Residential.

Draft Height of Buildings Map



4 Part 3 – Justification

4.1 Need for the planning proposal (Section A)

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

The planning proposal results from the Shoalhaven Growth Management Strategy (GMS) which identifies this site as a 'short term investigation area'. The Growth Management Strategy has been adopted by Council and is awaiting endorsement by the Department.

The GMS identifies land that may be capable of further development to be considered through detailed investigation and future amendments to or in future reviews of the new LEP.

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

The controls proposed in this Planning Proposal are the best means of achieving the intended outcome as they allow all the issues to be adequately addressed. Another option would be to change the lot size only over the subject site to allow for subdivision, however, this is not preferred as the RU1 Primary Production zone is more flexible than R5 Large Lot Residential zone and not appropriate for lots of this small size. This would also prevent the opportunity to zone the riparian areas and the flood prone land as E3 Environmental Management.

4.2 Relationship to strategic planning framework (Section B)

4.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

➤ South Coast Regional Strategy

The South Coast Regional Strategy (SCRS) applies to the Shoalhaven Local Government area and aims to support economic growth in the region including tourism while limiting development constrained by coastal processes, flooding, wetlands and significant and cultural landscapes.

Housing and Settlement

The SCRS states 'No new rural residential zones will be supported unless as part of an agreed structure plan or settlement strategy.' The subject land is identified in Council's Growth Management Strategy as a 'short-term investigation area'.

Cultural Heritage

The SCRS requires local environmental plans to include appropriate provisions to protect coastal towns and villages such as Kangaroo Valley, including the associated natural and cultural landscapes and curtilages, with an aim to protect conservation values, Aboriginal cultural values and visual character and reinforce their economic value for tourism.

The PP will amend Shoalhaven LEP which includes protection for a large number of heritage items in Kangaroo Valley. The LEP also identifies the subject property as a scenic protection area which requires additional matters for consideration in regards to development on the property. The area proposed to be rezoned via the PP is set back from Moss Vale Road behind a rural zoned buffer which further assists in maintaining the visual character of the area.

4.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

➤ Shoalhaven City Council's Community Strategic Plan, Shoalhaven 2020

The Proposal is consistent with Council's Community Strategy Plan and the relevant objective, strategy and action below:

Objective 2.4 Population and urban settlement growth that is ecologically sustainable and carefully planned and managed.

Strategy 2.4.2 Develop land use and related plans for the sustainable growth of the City which use the core principles of the Growth Management Strategy and ESD principles, also carefully considering community concerns and the character of unique historic townships.

Action 2.4.2.3 Implement appropriate land use zones and planning controls that reflect endorsed strategic plans and strategies.

➤ Shoalhaven Growth Management Strategy

The Growth Management Strategy identifies the subject land as a 'short-term investigation area'. It also identifies the investigations that should be undertaken to support any proposal for rezoning as addressing the following:

- Land capability and environmental values
- Locally significant riparian and habitat corridors
- Cultural heritage – Aboriginal and European
- Visual impact
- Bushfire risk and management
- Water quality including stormwater and soil and water management
- Traffic impact and management
- Required social and community infrastructure
- Infrastructure servicing
- Urban design
- Staging of development

These issues are address in the proponent's PP document which is attached (Attachment A). Some of these issues may need to be further addressed prior to public exhibition e.g. traffic impacts and land contamination.

4.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with the applicable state environmental planning policies (SEPPs) – please see Attachment “C” – SEPP checklist. The most relevant SEPPs are discussed below.

SEPP Sydney Drinking Water Catchments 2011

The subject site is within the Sydney Drinking Water Catchment so this SEPP applies. The SEPP essentially relates to development applications rather than the rezoning process. It is intended to consult Sydney Catchment Authority on this proposal to ensure that there are no matters which are likely to be of major concern for future development of the subject site. It is noted in this regard that the proposed residential lots will be connected to the new Kangaroo Valley Sewerage Scheme.

SEPP Rural Lands

The subject site has been mapped as class 2 (essentially the flood prone area) and class 3 agricultural land (remainder of site). The Rural Planning Principles from the SEPP are relevant and are discussed below.

a) The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.

The subject site is a relatively small area (approximately 16ha) that has an existing approval for a tourist facility. The proposed rezoning and future subdivision relates mostly to the class 3 land with the class 2 land proposed to be retained in two larger lots in an E3 zone. The proposed R5 and E3 zones both permit extensive agriculture. The proposed residue lot is intended to contain the small existing area of intensive agriculture (currently used for the growing of grapes and olives).

b) Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.

The GMS considers the importance of agriculture for Kangaroo Valley and the potential loss of agriculture that may result from outward expansion. The subject site is small parcel of land adjoining the Village and currently has an approval for tourist facility. The rezoning of this parcel of land is unlikely to impact on the importance of rural lands and agriculture for Kangaroo Valley, Shoalhaven or the State.

c) Recognition of significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development.

The PP recognises the aesthetic significance of the rural landscape to the village of Kangaroo Valley with the proposed rezoning being setback from Moss Vale Road and the retention of a residue lot that contains an existing area of intensive agriculture. The PP proposed to provide a greater range of housing types through the provision of some larger lots and a cluster housing lot to provide housing choice for residents of Kangaroo Valley. Additional residential development close to the village also has the potential to increase the viability of existing services.

- d) *In planning for rural lands, to balance the social, economic and environmental interests of the community.*

The proposed rezoning has the potential to create positive social, economic and environmental impacts for the community. The creation of additional development of a range of housing types within the Village area has potential social and economic benefits, while the opportunity to protect the riparian corridors through zoning and possible public ownership has environmental benefits.

- e) *The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.*

Constrained land is excluded from the R5 zone with the flood prone land proposed to be zoned E3 Environmental Management. There is potential through the planning proposal to increase protection the riparian areas through the site and possibly bring them into public ownership.

- f) *The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.*

The PP provides for rural lifestyle through provision of rural residential blocks, as well as providing housing choice through the proposed development of a cluster housing lot.

- h) *Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The investigation of the subject land for development was identified in Council's GMS (local strategy) which is currently with the Department for endorsement.

SEPP 55 Remediation of Land

As per the requirement of the SEPP, the subject land has been used as for a class of activity (agriculture) identified in Table 1 of *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land*, and therefore Council must consider whether the land is contaminated. The proponent has provided information in relation to contamination from the current owner but as the current owner has only owned the subject site since 2003, no information has been provided prior to this date.

In accordance with Clause 6(2) & (3) of the SEPP, Council will need to obtain a report furnished by the proponent that specifies the findings of a preliminary investigation of the land carried out in accordance with the planning guidelines. This will be undertaken prior to the PP being placed on public exhibition.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Some of the Ministerial Directions apply as per Attachment 'D'. Those that are relevant are discussed below.

1.2 Rural Zones

The PP is inconsistent with this direction as it proposes to rezone part of the land from a rural zone to a residential zone, in this case R5 Large Lot Residential. However, it is considered that this PP may be inconsistent with the terms of this direction as the PP is justified by a strategy, being the Growth Management Strategy which gives consideration to the objectives of the direction, identifies the subject land and is in the process of being endorsed by the Department of Planning and Infrastructure.

1.3 Mining, Petroleum Production and Extractive Industries

It is considered that the inconsistency in this instance is of minor significance as the subject site is less than 16 hectares in size and adjoining a village.

1.5 Rural Lands

The PP is not inconsistent with this Direction as it is it conforms with the Rural Planning Principles (discussed in Section 5.2.3) and the Rural Subdivision Principles as discussed below.

The Rural Subdivision Principles are as follows:

- (a) The minimisation of rural land fragmentation,
- (b) The minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,
- (c) The consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,
- (d) The consideration of the natural and physical constraints and opportunities of land,
- (e) Ensuring that planning for dwelling opportunities takes account of those constraints.

The subject land is a relatively small rural lot (15.7ha) located on the outskirts of Kangaroo Valley Village and is separated from larger parcels of rural land by Barrengarry Creek and a number of rural residential sized lots to the north and west. Subdivision of this land is consistent with the surrounding land uses, does not greatly increase fragmentation or create land use conflicts. The PP avoids development of the flood prone portion of the site and provides an opportunity to better protect the riparian corridors.

2.1 Environmental Protection

The PP is consistent with this direction as it is not proposing to reduce environmental protection standards but is in fact increasing them through the E3 Environmental zoning of the riparian and flood prone areas.

2.3 Heritage Conservation

The PP is consistent, as although it does not contain provisions for conservation of heritage items etc., it will amend Council's principle LEP which includes relevant provisions.

2.4 Recreation Vehicle Area

The PP will not enable the land to be developed for the purpose of a recreation vehicle area.

3.1 Residential Zones

The PP is consistent in that it intends to broaden the choice of building types in Kangaroo valley, particularly with the inclusion of the cluster housing lot. It is also intended to contain provisions to ensure that development is limited to that development that can be serviced by the sewage treatment plant.

3.3 Home Occupations

Home occupations are permissible without consent in the R5 zone under LEP 2014.

3.4 Integrating Land Use and Transport

It is considered that this PP may be inconsistent with the terms of this direction as the PP is justified by a strategy, being the Growth Management Strategy which gives consideration to the objectives of the direction, identifies the subject land and is in the process of being endorsed by the Department of Planning and Infrastructure.

4.3 Flood Prone Land

The PP intends to rezone the flood prone part of the subject site to E3 Environmental Management. This minimises the development potential of this area and ensures that dwellings are not constructed in a flood prone area.

4.4 Planning for Bushfire Protection

The majority of the area intended to be rezoned for development by the PP is outside the bushfire prone areas of the subject site. Development in the area which is bushfire prone will be consistent with Planning for Bushfire Protection. Council will consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Approval as per this direction.

5.1 Implementation of Regional Strategies

The PP is consistent with the South Coast Regional Strategy as discussed in Section 4.2.1 above.

5.2 Sydney Drinking Water Catchments

The PP is consistent with the principles of the SEPP Sydney Drinking Water Catchment. Council intends to consult with the Sydney Catchment Authority during the public exhibition period.

6.1 Approval and Referral Requirements

The PP does not include provisions that relate to concurrence, consultation or referral of development applications or identify development as designated development.

6.2 Reserving Land for Public Purposes

The PP does not create, alter, or reduce existing zonings or reservations of land for public purposes. Council has not been requested by a Minister or public authority to include provisions to reserve land for a public purpose.

6.3 Site Specific Provisions

The PP does include site specific provisions but it is considered that the inconsistency is of minor significance as the additional requirements included in this PP above those in the principle LEP are to ensure that the resulting development can be adequately serviced and so are not unnecessarily restrictive.

4.3 Environmental, Social and Economic Impact (Section C)

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The likelihood that critical or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal is very low. The majority of the site is cleared of native vegetation and the vegetation cover consists mostly of exotic grasses. It is not intended that the vegetated riparian areas be developed; conversely, this proposal provides the opportunity to ensure greater protection of the riparian areas of Kangaroo River and Barrengarry Creek through the application of an environmental protection zoning and the potential for the riparian land to come into public ownership.

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

As noted above, the Planning Proposal provides the opportunity to better manage the riparian corridors for Kangaroo River and Barrengarry Creek where they run through the site. There is also potential for this land to come into public ownership through this process should the landowner agree.

4.3.3 How has the planning proposal adequately addressed any social and economic effects?

Kangaroo Valley is an established Rural Town which provides a key servicing role to the rural hinterland that surrounds it. The proposal has the potential to have positive social and economic impacts through encouraging higher permanent population in the area to ensure sustainability of existing services.

The site does not contain any known European or Aboriginal cultural heritage significance that could potentially be impacted by the proposal.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal is a relatively minor amendment, resulting in an additional 12 lots with the potential for a maximum of 17 dwellings. The size of the proposal is dictated directly by the capacity of the sewage treatment plant to accept effluent from the site. The new Kangaroo Valley Sewerage Scheme provides a specific allocation for 15 ETs to the subject land. Given this constraint, the existing public infrastructure should be adequate to cope with the additional demand resulting from the proposal.

However, consideration will need to be given to whether additional traffic treatments are required on Moss Vale Road given the proximity of the right of way into the site to the 'one way' Hampton Bridge. Council intends to consult with the Roads and Maritime Services during the public exhibition period in this regard given that Moss Vale Road is a State controlled road.

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

Council has not yet consulted with any State or Commonwealth public authorities in relation to this planning proposal. It is proposed to consult with the following public authorities:

Table 2 - Consultation - Public Authorities

Public Authority	Reason
Roads and Maritime Services	Potential for impacts on Moss Vale Road, being a main road.
Sydney Catchment Authority	Potential for impacts on the Sydney drinking water catchment.
Department of Primary Industries	Potential for loss of prime crop and pasture land.
Commissioner for NSW Rural Fire Service	As per s117 Direction 4.4 (prior to public consultation).

5 Part 4 – Mapping

The maps included in this planning proposal are provided for information purposes. The maps identify the site, the proposed zone, and other relevant map overlays. Council will prepare relevant maps for exhibition purposes, as directed by the Department of Planning and Infrastructure in the Gateway Determination.

6 Part 5 - Community Consultation

Council proposes to exhibit the Planning Proposal in accordance with the requirements of Section 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and any other requirements as determined by the Gateway process.

While the proposal is consistent with the strategic planning framework for the land, there is strong community interest in this proposal and Council would not consider it to be a 'low impact proposal' for the purpose of public exhibition and would suggest a 28 day exhibition period.

Public notification of the exhibition would include notification in the local newspaper, a notice on Council's website and an advertisement in the local Kangaroo Valley newsletter. Hard copies of the Planning Proposal would be made available at Council's Administrative Buildings and a location within Kangaroo Valley Village. Council intends to write to all owners adjoining the subject land, all those people who made submissions on the pre-consultation, and to the relevant Kangaroo Valley community organisations.

7 Part 6 – Project Timeline

The following milestone timeframes are anticipated and will be revised if any significant delays are encountered.

Table 3 - Planning Proposal Project Timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	March/April 2014
Completion of Gateway determination requirements – ie, studies, government agency consultation	April/May 2014
Public exhibition (28 days)	June 2014
Consideration of submissions	July 2014
Post exhibition consideration of Planning Proposal	July/August 2014
Finalisation and notification of Plan	September 2014

Attachment A – Proponent’s Planning Proposal Document

Attachment B –Council report and resolution

Development Committee Council report and resolution to prepare a Planning Proposal (D13/307429 and MIN13.1197).

Attachment C – Checklist of State Environmental Planning Policies

Draft LEP Checklist – State Environmental Planning Policies (SEPPs) – Rezoning of Lot 14 DP 773481, Moss Vale Road, Kangaroo Valley

Draft LEP Checklist State Environmental Planning Policies					
SEPP	Date	Name	Inconsistent	Not Inconsistent	Not Applicable
6	10.12.82	Number of storeys in a building			✓
14	12.12.85	Coastal wetlands			✓
21	24.4.92	Caravan parks		✓	
22	9.1.87	Shops and commercial premises		✓	
26	5.2.88	Littoral rainforests			✓
30	8.12.89	Intensive agriculture		✓	
32	15.11.91	Urban consolidation (Redevelopment of urban land)			✓
33	13.3.92	Hazardous and Offensive development		✓	
36	16.7.93	Manufactured home estates		✓	
44	6.1.95	Koala habitat protection		✓	
50	10.11.97	Canal estate development		✓	
55	28.8.98	Remediation of land		✓	
62	25.9.00	Sustainable aquaculture		✓	
64	16.3.01	Advertising and signage		✓	
65	26.7.02	Design quality of residential flat development			✓
71	1.11.02	Coastal protection			✓
--	31.3.04	Housing for Seniors or People with a Disability 2004			✓
--	25.6.04	BASIX : 2004			✓
--	1.8.05	Major Development 2005		✓	
--	16.2.07	Mining, Petroleum Production and Extractive Industries 2007		✓	
--	26.10.07	Temporary Structures 2007		✓	
--	1.1.08	Infrastructure 2007		✓	
--	9.5.08	Rural Lands 2008		✓	
--	12.12.08	Exempt and Complying Development Codes 2008		✓	
--	31.7.09	Affordable Rental Housing 2009		✓	
--	21.1.11	Sydney Drinking Water Catchment 2011		✓	
--	28.9.11	State and Regional Development 2011		✓	

Attachment D – Checklist of Ministerial Directions**Draft LEP Checklist – Section 117(2) Directions – Rezoning of Lot 14 DP 773481, Moss Vale Road, Kangaroo Valley**

Direction No:	Subject	Applies?	Relevant?	Consistent?	Comment
1	Employment and Resources				
1.1	Business and Industrial Zones	N			
1.2	Rural Zones	Y	Y	N	The PP is inconsistent with this direction as it proposes to rezone part of the land from a rural zone to a residential zone, in this case R5 Large Lot Residential. However, it is considered that this PP may be inconsistent with the terms of this direction as the PP is justified by a strategy, being the Growth Management Strategy which gives consideration to the objectives of the direction, identifies the subject land and is in the process of being endorsed by the Department of Planning and Infrastructure.
1.3	Mining, Petroleum Production and Extractive Industries	Y	Y	N	It is considered that the inconsistency in this instance is of minor significance as the subject site is less than 16 hectares in size and adjoining a village.
1.4	Oyster Aquaculture	N			
1.5	Rural lands	Y	Y	Y	The PP is not inconsistent with this Direction as it is it conforms with the Rural Planning Principles (discussed in Section 5.2.3) and the Rural Subdivision Principles as discussed below. The Rural Subdivision Principles are as follows: (a) the minimisation of rural land fragmentation, (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses, (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands, (d) the consideration of the natural and physical constraints and opportunities of land, (e) ensuring that planning for dwelling opportunities takes account of those constraints. The subject land is a relatively small rural lot (15.7ha) located on the outskirts of Kangaroo Valley Village and is separated from larger parcels of rural land by Barrengarry Creek and a number of rural residential sized lots to the north and west. Subdivision of this land is consistently with the surrounding land uses, does not greatly increase fragmentation or create land use conflicts. The PP avoids development of the flood prone portion of the site and provides an opportunity to better protect the riparian corridors.
2					
2.1	Environmental Protection Zones	Y	Y	Y	The PP is consistent with this direction as it is not proposing to reduce environmental protection standards but proposes to increase them through the E3 Environmental zoning of the riparian and flood prone areas.

2.2	Coastal Protection	N			
2.3	Heritage Conservation	Y	N	Y	The PP is consistent, as although it does not propose contain provisions for conservation of heritage items etc., it will amend the principle LEP which includes relevant provisions.
2.4	Recreation Vehicle Area	Y	N	Y	The PP will not enable the land to be developed for the purpose of a recreation vehicle area.
3	Housing, Infrastructure and Urban Development				
3.1	Residential Zones	Y	Y	Y	The PP will potentially broaden the choice of building types in Kangaroo valley, particularly with the inclusion of the cluster housing lot. It is also intended to contain provisions to ensure that development is limited to that development that can be serviced by the sewage treatment plant.
3.2	Caravan Parks and Manufactured Home Estates	Y	N	Y	
3.3	Home Occupations	Y	Y	Y	Home occupations are permissible without consent in the R5 zone under LEP 2014.
3.4	Integrating Land Use and Transport	Y	Y	N	It is considered that this PP may be inconsistent with the terms of this direction as the PP is justified by a strategy, being the Growth Management Strategy which gives consideration to the objectives of the direction, identifies the subject land and is in the process of being endorsed by the Department of Planning and Infrastructure.
3.5	Development Near Licensed Aerodromes	N			
3.6	Shooting Ranges	N			
4	Hazard and Risk				
4.1	Acid Sulfate Soils	N			
4.2	Mine Subsidence and Unstable Land	N			
4.3	Flood Prone Land	Y	Y	Y	The PP intends to rezone the flood prone part of the subject site to E3 Environmental Management. This minimises the development potential of this area and ensures that dwellings are not constructed in a flood prone area.
4.4	Planning for Bushfire Protection	Y	Y	Y	The majority of the area intended to be rezoned for development by the PP is outside the bushfire prone areas of the subject site. Development in the area which is bushfire prone will be consistent with Planning for Bushfire Protection. Council will consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination as per this direction.
5	Regional Planning				
5.1	Implementation of Regional Strategies	Y	Y	Y	The PP is consistent with the South Coast Regional Strategy.
5.2	Sydney Drinking Water Catchments	Y	Y	Y	The PP is consistent with the principles of the SEPP Sydney Drinking Water Catchment. Council will consult with the Sydney Catchment Authority during the public exhibition period.
5.3	Farmland of State & Regional Significance on Far North Coast	N			

5.4	Commercial & Retail Development, Pacific Hwy	N			
5.8	2 nd Sydney Airport: Badgerys Creek	N			
5.9	North West Rail Link Corridor Strategy	N			
6	Local Plan Making				
6.1	Approval and Referral Requirements	Y	N	Y	The PP does not include provisions related to the concurrence, consultation or referral of development applications or identify development as designated development.
6.2	Reserving Land for Public Purposes	Y	N	Y	The PP does not create, alter, or reduce existing zonings or reservations of land for public purposes. Council has not been requested by a Minister or public authority to include provisions to reserve land for a public purpose.
6.3	Site Specific Provisions	Y	Y	N	The PP includes site specific provisions but it is considered that the inconsistency is of minor significance as the additional requirements included in this PP above those in the principle LEP are to ensure that the resulting development can be adequately serviced and so are not unnecessarily restrictive.