

Section 117 Ministerial Direction Assessment

Direction	Comment
Employment and Resources	
<i>1.1 Business and Industrial Zones</i>	
▪ Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. ▪ Applies when a dLEP affects land within an existing or proposed business or industrial zone.	▪ The Planning Proposal will result in employment growth in the construction, tourism and service industries and will support the viability of the Toukley Town Centre. ▪ The proposal is consistent with this Direction.
<i>1.2 Rural Zones</i>	
▪ Aims to protect the agricultural production value of rural land. ▪ Applies when a dLEP affects land within an existing or proposed rural zone.	▪ Not Applicable.
<i>1.3 Mining, Petroleum Production and Extractive Industries</i>	
▪ Aims 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. ▪ Applies when a dLEP would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, 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.	▪ Not applicable.

<i>1.4 Oyster Aquaculture</i>	
▪ Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and 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 the health of oysters and consumers. ▪ Applies when a dLEP could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	▪ Not applicable.
<i>1.5 Rural Lands</i>	
▪ Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. ▪ Applies to Councils to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a dLEP that affects land within an existing or proposed rural or environment protection zone.	▪ Not applicable.
Environment and Heritage	
<i>2.1 Environmental Protection Zones</i>	
▪ Aims to protect and conserve environmentally sensitive areas. ▪ Applies when Council prepares a dLEP.	▪ Applicable ▪ The Proposal does not apply to land within an environmental protection zone, however, does contain sensitive lake foreshore land. ▪ The rezoning also involves rezoning of SP3 zoned land to RE1, increasing the supply of zoned public open space. ▪ The Planning Proposal is therefore not inconsistent with this Direction.

<i>2.2 Coastal Protection</i>	
▪ Aims to implement the principles in the NSW Coastal Policy. ▪ Applies when a dLEP applies to land in the coastal zone as defined in the Coastal Protection Act 1979.	▪ Applicable. ▪ The Proposal is located on land within the Coastal Zone, and is land which is identified as a “sensitive coastal location” under SEPP 71 – Coastal Protection. ▪ The subject land currently has an SP3 zoning and it is proposed to implement a B4 zoning. This will have no material impact on the issues relevant to the CP Act or SEPP 71. ▪ It is proposed to remove the currently existing Foreshore Building Line and Foreshore Area notation on the WLEP 2013 Map. However, sufficient controls relating to development on land near the lake foreshore are retained within the WLEP, 2013 (Clauses 5.5, 5.7, 7.1, 7.2, & 7.11), to ensure that appropriate environmental assessment will be undertaken prior to the issue of any consent for development on the land. ▪ The proposal will enable better public access to foreshore open space within the locality. ▪ The Planning Proposal is not inconsistent with this Direction, or if it is inconsistent, the inconsistency is of a minor nature.
<i>2.3 Heritage Conservation</i>	
▪ Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ There are no known sites or relics of European or Aboriginal Heritage significance on or near the land. ▪ The Proposal is not inconsistent with this Direction.
<i>2.4 Recreational Vehicle Areas</i>	
▪ Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ The Proposal does not enable the land to be used for a recreation vehicle area. ▪ The proposal is not inconsistent with this Direction.

Housing, Infrastructure and Urban Development	
<i>3.1 Residential Zones</i>	
▪ Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. ▪ Applies when a dLEP affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	▪ Applicable. The Proposal will enable a development which will attract and accommodate tourists, who will contribute to the use of local cultural and community facilities, open space, sports and recreation facilities. Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable strategies to Wyong. Council is currently seeking to increase utilisation of existing facilities. ▪ The Proposal will allow for the better and more efficient utilisation of existing infrastructure and services. The land is currently serviced with electricity, telephone, water, sewerage and drainage infrastructure which can be embellished to accommodate the development. ▪ The Proposal will increase the permissible residential density of the land for a wider variety of quality housing types including multi-level medium density housing. It is a vacant urban in-fill site, not contributing to the consumption of additional land. ▪ The proposal is consistent with this Direction.
<i>3.2 Caravan Parks and Manufactured Home Estates</i>	
▪ Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ The Proposal is not inconsistent with this Direction.
<i>3.3 Home Occupations</i>	
▪ Aims to encourage the carrying out of low impact small business in dwelling houses. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ Home Occupations provide important economic activity and job opportunities in the local economy. They often comprise "start-up" level businesses which later expand to larger enterprises and relocate to larger premises. Home Occupations are a permissible use with consent in dwellings in the B4 zone. ▪ The proposal is consistent with this Direction.

<i>3.4 Integrating Land Use and Transport</i>	
▪ Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. ▪ Applies when a dLEP creates, alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	▪ Applicable. ▪ The proposal will permit additional economic activity and increased population density in a developed urban area, contributing to the sustainable utilisation of existing transport infrastructure. ▪ The Proposal is consistent with this Direction.
<i>3.5 Development Near Licensed Aerodromes</i>	
▪ Aims to ensure the effective and safe operation of aerodromes and that the operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity. Development for residential purposes or human occupation (within the Annual Noise Exceedence Frequency (ANEF) contours between 20 and 25) must incorporate appropriate mitigation measures so that the development is not adversely affected by aircraft noise. ▪ Applies when a dLEP creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.	▪ Not Applicable.
<i>3.6 Shooting Ranges</i>	
▪ Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range; reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land; and identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. ▪ Applies when a dLEP affects, creates or removes a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	▪ Not Applicable.

Hazard and Risk	
<i>4.1 Acid Sulphate Soils</i>	
▪ Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. ▪ Applies when a dLEP applies to land having a probability of containing acid sulfate soils on the Acid Sulphate Soils Planning Maps.	▪ Applicable. ▪ The land contains soils identified as Class 5 on the Acid Sulfate Soils Map, and being adjacent to Budgewoi Lake is also adjacent to soils identified as Class 1 (WLEP, 2013). Future development of the land will require detailed assessment of the soil conditions via the Development Application process, particularly for excavation of the basement levels and footings required, as the excavations are likely to impact groundwaters, and mitigation measures may be required. An Acid Sulphate Soils Management Plan has been prepared. ▪ The Proposal is not inconsistent with this Direction.
<i>4.2 Mine Subsidence and Unstable Land</i>	
▪ Aims to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. ▪ Applies when the dLEP permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of Council or other public authority and provided to Council.	▪ Applicable. ▪ The land is within the Swansea / North Entrance Mine Subsidence District. The Mine Subsidence Board will impose appropriate building controls for development on the land. ▪ The Proposal is not inconsistent with this Direction.
<i>4.3 Flood Prone Land</i>	
▪ Aims to ensure development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the <i>Floodplain Development Manual 2005</i>; and 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. ▪ Applies when a dLEP creates, removes or alters a zone or provision that affects flood prone land.	▪ Applicable. Council's Flood Mapping indicates that part of the land (the Lake foreshore land below the embankment) is classified as Flood Prone. ▪ An SP3 Tourist zoning applies to the whole of the land including down to the Mean High Water Mark. It is proposed to implement a B4 Mixed Use zoning over the same land, as "residential flat building" is not a permissible use within the SP3 zone. This zoning change will have no material impact on the issues relevant to flood planning for the site, as the change does not "intensify" the permissible residential density or flood risk – tourist apartments are currently permissible, and are materially the same as residential flats. ▪ The proposal is therefore consistent with this Direction.

4.4 Planning for Bushfire Protection	
▪ Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. ▪ Applies when a dLEP affects or is in proximity to land mapped as bushfire prone land.	▪ Not Applicable. ▪ The Proposal does not affect land classified as Bush Fire Prone Land.
Regional Planning	
5.1 Implementation of Regional Strategies	
▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within Regional Strategies. ▪ Applies to land to which the following regional strategies apply: ▪ Far North Coast Regional Strategy, ▪ Lower Hunter Regional Strategy, ▪ Illawarra Regional Strategy, ▪ South Coast Regional Strategy, ▪ Sydney-Canberra Corridor Regional Strategy, ▪ Central Coast Regional Strategy, and ▪ Mid North Coast Regional Strategy.	▪ Applicable. ▪ The Central Coast Regional Strategy (CCRS p29) provides under the <i>Key Economic Opportunities for the Region</i>, that "the regions tourism advantages are (also) likely to increase". The Planning Proposal will enable a development which will attract and accommodate tourists, who will contribute to the fuller utilisation of local cultural and community facilities, open space, sports and recreation facilities. ▪ A proposal of this nature will also result in job creation in the management and service industries. Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable strategies to Wyong. ▪ This vacant urban in-fill development site also has the potential to contribute strongly to the provision and variety of housing in the locality. ▪ The development of tourist accommodation is important to the economy of the Region and the concurrent development of the land for medium density housing will lead to the better utilisation of existing infrastructure and services. ▪ As a Shire, the strategy anticipates that Wyong will be required to create an additional 27,000 jobs. The construction and ongoing operational jobs which will be created by a development of this nature (approx. \$40M construction cost) addresses this aspect of the Strategy. ▪ The Proposal is consistent with this Direction.

<i>5.2 Sydney Drinking Water Catchments</i>	
▪ Aims to protect water quality in the hydrological catchment. ▪ Applies when Council prepares a dLEP that applies to Sydney's hydrological catchment.	▪ Not applicable.
<i>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</i>	
▪ Aims to ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. ▪ Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.	▪ Not applicable.
<i>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</i>	
▪ Aims to manage commercial and retail development along the Pacific Highway, North Coast. ▪ Applies to all Councils between and inclusive of Port Stephens and Tweed Shire Councils.	▪ Not applicable.
<i>5.5, 5.6 and 5.7 - Revoked</i>	
<i>5.8 Second Sydney Airport: Badgerys Creek</i>	
▪ Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. ▪ Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.	▪ Not applicable.
<i>5.9 North West Rail Link Corridor Strategy</i>	
▪ Aims to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and to ensure development within the Corridor is consistent with the proposals set out in the relevant Strategy and Structure Plans. ▪ Applies to Hornsby Shire Council, the Hills Shire Council and Blacktown City Council.	▪ Not Applicable

Local Plan Making	
<i>6.1 Approval and Referral Requirements</i>	
▪ Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ The proposal does not introduce any additional requirements for referrals, concurrences or consultation and does not identify development as designated development. ▪ The proposal is consistent with this Direction.
<i>6.2 Reserving Land for Public Purposes</i>	
▪ Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition. ▪ Applies when Council prepares a dLEP.	▪ Applicable. ▪ The proposal does not seek to reserve land for public purposes. ▪ The Proposal is not inconsistent with this Direction.
<i>6.3 Site Specific Provisions</i>	
▪ Aims to discourage unnecessarily restrictive site specific planning controls. ▪ Applies when Council prepares a dLEP to allow particular development to be carried out.	▪ Not applicable. ▪ The Proposal will apply a zone existing within the EPI to the land. ▪ The proposal will adjust site specific provisions as they apply to Key Sites under Wyong LEP 2013. The adjustments requested are not more restrictive than those which currently apply. ▪ The Proposal is consistent with this Direction.
Metropolitan Planning	
<i>7.1 Implementation of the Metropolitan Strategy</i>	
▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. ▪ Applies to Sydney Metropolitan Councils	▪ Not Applicable. ▪ The dLEP does not affect land within the Sydney Metropolitan Region of Councils