

CONSISTENCY WITH MINISTERIAL DIRECTIONS – Section 117
Environmental Planning and Assessment Act

Direction	Comment
1. Employment & Resources	
1.1 Business & Industrial Zones	
- 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 draft LEP affects land within an existing or proposed business or industrial zone.	- Applicable - The Planning Proposal is importantly consistent with the Directions underpinning objectives as summarised below: Encourage employment growth in suitable locations. Diversification of business, commercial and industrial land uses along the Pacific Highway will contribute to employment and job density on unconstrained land, which is serviced by existing infrastructure connections. Protect employment lands and create jobs. Various industries and high technology land uses will remain permissible and a number of higher density commercial uses will create more diverse jobs and business opportunities. Although, the proposal will reduce the amount of land zoned solely Industrial it will fundamentally not detract from the supply of lands, which generate employment opportunities and growth. In effect, the proposal will increase the number of potential jobs created; contributing to the overall target of 45,000 jobs by 2031 in the Central Coast Regional Strategy 2008. It will increase jobs density and is projected to exceed the local target of 2000 jobs in North Wyong Employment Lands by more than 1200 (About 3,250 jobs by 2031.¹ Support viability of centres. The proposal limits retailing activity, thereby supporting the viability and function of identified Strategic Centres at Wyong-Tuggerah and Gosford. This also recognises the role of a range of smaller towns and villages nearby, identified in the Central Coast Regional Strategy, including the nearby planned Warnervale Town Centre and Wadalba (Village) Neighbourhood Centre, that will provide a different mix and offer of commercial

¹ Source: Wyong Shire Residential Land Monitor (June 2009); MacroPlan Australia (2010)

	activity to this land. It will also not be in direct competition with the Business Park proposed for Precinct 7A (Warnervale) It should be noted that the PP relates principally to the land that has a high vacancy level along the Pacific Highway. 36 % (31.5ha) is long term vacant and undeveloped due largely to a lack of market demand for traditional industrial format lands. Notably, over 54 hectares will remain zoned general industrial to the north of the Industrial Estate. The proposed land use table will still permit light industrial uses, albeit, many of the existing land uses already on site are not defined 'industries'. An increase in gross floor space and higher job density will also ensure that the overall potential for employment increases. The Central Coast Regional Economic Development & Employment Strategy 2009 identifies a number of priorities that this PP supports ,including: • <i>To develop a more robust and sustainable regional economy.</i> • <i>To deliver more than 45,000 new jobs by 2031, to increase the region's level of employment self-containment and to provide jobs for a growing population.</i> • <i>To shape new areas of advantage and business opportunity through increasing the level of research and innovation in the region.</i> • <i>To encourage employment growth in key employment nodes, including strategic centres, employment lands and smaller centres.</i> The Estate is specifically identified as a priority area for; interalia, research and development. Additionally, the Employment Lands Development Program 2010 identifies that 57% of all Employment Lands in the Central Coast Region are undeveloped. This equates to 64 % in Wyong Shire. The land is similarly under occupied and the uptake for industrial purposes is consistently low. It is anticipated that this trend will be further validated by the Shire Wide Employment Lands Study and Industrial Audit, yet to be finalised by Council. (Consistent)
--	--

1.2 Rural Zones	
• Aims to protect the agricultural production value of rural land. • Applies when a draft LEP affects land within an existing or proposed rural zone.	• Applicable • The draft PP does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	
• 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 draft LEP 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.	• Applicable. The PP will have the effect of: Prohibiting extractive industries and open cut mining (It is noted that the extent of current industrial development and nearby residential development (in accordance with the prevailing zoning) is considered to negate the prospects of extractive industries and/or open cut mining; as do the impinging environmental sensitive constraints. (Inconsistent - Justified)
1.4 Oyster Aquaculture	
• 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 draft LEP 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. • The PP does not affect Priority Oyster Aquaculture Areas and other aquaculture outside areas identified in the <i>NSW Oyster Industry sustainable Aquaculture Strategy (2006)</i>.
1.5 Rural Lands	
• Aims to project the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related proposed. • Applies when a PP (draft LEP) affects land within an existing or proposed rural zone.	• Not applicable. • Wyong Shire Council local government area is not subject to SEPP (Rural Lands), 2008.

2. Environment and Heritage	
2.1 Environmental Protection Zones	
- Aims to protect and conserve environmentally sensitive areas - Applies when Council prepares a PP (draft LEP).	- Applicable - The PP is not considered to be inconsistent with this Direction. It should be noted, however, that the subject land is contiguous with an area of environmental sensitivity. This offsite environmentally sensitive land is currently zones Non Urban Constrained land 1(c) and 7(g) Wetlands Management Zone. Additionally, there is a precinct of land comprising substantial vegetation, currently zoned 6(c) Proposed Open Space and Recreation Zone. This latter vegetation community extends onto the subject land, but is currently zoned for General Industrial purposes (4(a). The proposed rezoning will not adversely impact the prevailing situation in respect of environmental sensitivity. Indeed, there exist the prospects of enhanced water management and offsite impacts through the installation and integration of stormwater management practices embracing in particular the principles of Water Sensitive Urban Design. (WSUD). Further, both onsite and offsite impacts on environmental systems will be comprehensively addressed, pursuant to Section 79(c) of the Act. Advancement of the PP will likely entail consultation with the Office of Environment and Heritage. (Consistent)

2.2 Coastal Protection	
- Aims to implement the principles in the NSW Coast Policy. - Applies when a draft LEP applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.	- Not applicable - The PP does not include land located within the coastal zone, as defined by the <i>Coastal Protection Act, 1979</i>.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and	Applicable.

places of environmental heritage significance and indigenous heritage significance. • Applies when council prepares a PP (draft LEP).	• There are no heritage items located on the subject land or on land proximate. Further, no cultural landscapes are adversely impacted. • Further indigenous heritage matters have not constrained the past adoption and implementation of the industrial zone provisions. (Consistent)
2.4 Recreational Vehicle Areas	
• Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. • Applies when council prepares a PP (draft LEP).	• Not Applicable. • The PP does not propose that land be developed for the purpose of a recreation vehicle area. (Consistent)
3. Housing Infrastructure and Urban Development	
3.1 Residential Zones	
• 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 minimize the impact of residential development on the environmental and resource lands. • Applies when a PP (draft LEP) 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 PP makes provision for shop top housing, but only where part of a mixed use development (as is inherent given the definition of shop top housing). • It will importantly expand the range of housing opportunities within the existing urban footprint, thereby minimising impacts on the environment and optimising use of existing infrastructure and services (Consistent)

3.2 Caravan Parks and Manufactured Home Estates	
• Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. • Applies when council prepares a PP (draft LEP).	• Applicable • The PP does not seek to rezone land to provide for caravan parks or manufactured home estates. Further, there are no existing caravan parks within the area, the subject of the PP. (Consistent)
3.3 Home Occupations	

• Aims to encourage the carrying out of low impact small business in dwelling houses. • Applies when Council prepares a PP (draft LEP).	• Applicable • Home occupations are permitted without consent in the Proposed B6 zone, in accordance with the standard Instrument. (Consistent)
3.4 Integrating Land Use & Transport	
• Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to 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 PP (draft LEP) 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 subject site has frontage to the Pacific Highway and all Highway based transport services, including in particular bus services. It is also proximate to the rail and opportunities that its future enhancement will afford. Opportunities for integration with future cycleway/pedestrian pathways will also be possible. The prospects of shop top housing also support the principles of integrated landuse and transport, potentially minimising some journey to work movements and making some alternative transport means more attractive. (Consistent)
3.5 Development near Licensed Aerodromes	
• Aims to ensure the effective and safe operation of aerodromes, their 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 ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. • Applies when a PP (draft LEP) creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.	• Applicable. The site is significantly removed from the zone of influence of the Warnervale Airport, situated some 3 Kilometres to the north west of the subject land. Specifically, it is not impacted by flightpaths associated with the runway nor is it impacted by height or noise controls attached to the Airport operation. • The PP does not propose to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome. (Consistent)
3.6 Shooting Ranges	
• Aims to ensure appropriate levels of public safety and amenity and minimization of landuse conflict when rezoning land adjacent to an existing shooting range.	• Not applicable. • Not proximate to an existing shooting range.
4. Hazard & Risk	
4.1 Acid Sulphate Soils	

• Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. • Applies when a PP (draft LEP) applies to land having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps.	• Applicable. The site contains some limited Acid Sulphate Soils (Class 5). The adjoining land (not subject of the PP) also contains Acid Sulphate Soils (Classes 1-4). The proposed zoning amendment will not result in major changes to impervious areas. Further, the standard model clause requirements in respect of Acid Sulphate soils (Clause 7.1) will be relevant. (Consistent)
4.2 Mine Subsidence & Unstable Land	
• Aims to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. • Applies when a PP (draft LEP) 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.	• Not applicable. • The PP is not located within a Mine Subsidence District proclaimed pursuant to Section 15 of the Mine Subsidence Compensation Act, 1961 or on unstable land.
4.3 Flood Prone Land	
• 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 PP (draft LEP) creates, removes or alters a zone or provision that affects flood prone land.	• Applicable. • The PP applies to a site currently zoned for industrial purposes and is subject to an existing flood mitigation strategy in respect of part of its northern fringe. • Further, the standard model clause requirements in respect of Flood Planning (Clause 7.3) will be relevant. (Consistent)
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 PP (draft LEP) affects or is in proximity to land mapped as bushfire prone land.	• Applicable. • The PP applies to land which is identified to contain bushfire prone vegetation or is impacted by the buffer zone to such vegetation. A review having regard to the provisions of Planning for Bushfire Protection, 2006 has established that acceptable management elements in respect of Asset Protection Zones/Defendable Space, access and water

	supplies for fire – fighting puposes, construction standards of buildings, bushfire hazard management and emergency management, can be achieved. Council will consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of a “Gateway” determination under Section 56 EP & A Act. In accordance with Clause 5.11 of the Standard Instrument Bushfire Hazard Reduction is permissible without development consent. (Consistent)
--	---

5. 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 when council prepares a PP (draft LEP).	• Applicable. • The PP is not directly affected by the Central Coast Regional Strategy. Such strategy, however, provides a broader contextual setting. • The PP is consistent with the vision and aims of the Strategy. The outcome of the PP will be to facilitate an increase in the number and diversity of employment opportunities and general vitality of the precinct. • The PP is also generally consistent with the following actions identified in the Strategy: ○ Action 5.1 – Promotion of economic and employment growth. ○ Action 5.2 – LEPs consistent with Strategy and employment targets. ○ Action 5.3 – Provision fro comparatively low cost premises. ○ Action 5.4 – Regional Economic and Employment Strategy ○ Action 5.6 – Retention of employment lands. ○ Action 5.7 – Focus on existing employment lands. ○ Action 5.8 – Impact of residential development. ○ Action 5.9 – Retail Bulky Good trading. ○ Action 5.11 – Retail and commercial focus ○ Action 5.17 – Interface issues ○ Action 5.18 – Enterprise corridors ○ Action 6.2 – Mining compatibility ○ Action 6.5 – Appropriate buffers ○ Action 6.8 – Aboriginal heritage ○ Action 6.9 – Rural and resource lands
---	---

	○ Action 6.10 – Off site impact management ○ Action 6.14 – Waste management ○ Action 6.19 – Sustainable transport ○ Action 8.2 – Water management ○ Action 9.6 - Waste management ○ Action 10.1 – Strategic Bus Corridors ○ Action 10.4 – Upgrades to Pacific Highway ○ Action 10.9 – Integration employment and Transport nodes. ○ Action 10.10 – Optimise integration employment and Transport. ○ Action 11.3 Consistency with Regional Strategy • The draft LEP will not rezone land that will diminish the ability of future employment generating areas.
5.2 Sydney Drinking Water Catchments	
• Aims to protect water quality in the hydrological catchment. • Applies when council prepares a PP (draft LEP) that applies to the hydrological catchment.	• Not applicable. • This direction does not apply to Wyong LGA.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
• 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 Ballina, Byron, Kyogle and Tweed Shire Councils, Lismore city council and Richmond Valley Council.	• Not applicable. • This direction does not apply to Wyong LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
• 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. • This direction does not apply to Wyong LGA.
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	
• Aims to ensure that development in the vicinity of the villages of Ellalong, Paxton and	• Not applicable.

Millfield is consistent with the Cessnock City Wide Settlement Strategy and Lower Hunter Regional Strategy. • Applies to land in the vicinity of the villages of Ellalong, Paxton and Millfield in the Cessnock LGA.	• This direction does not apply to Wyong LGA.
5.6 Sydney to Canberra Corridor	
• Aims to ensure that PPs (draft LEPs) are prepared in accordance with the Sydney to Canberra Corridor. • Applies to land within the local government areas described as the 'Sydney to Canberra Corridor'.	• Not applicable. • This direction does not apply to Wyong LGA.
5.7 Central Coast	
• Aims to ensure that land is zoned in accordance with the appropriate regional strategy for the Central Coast. • Applies to Wyong Shire council when council prepares a PP (draft LEP).	• See Section 5.1
5.8 Second Sydney Airport: Badgerys Creek	
• 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. • This direction does not apply to Wyong LGA.

6. Local Plan Making	
6.1 Approval and Referral Requirements	
• Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. • Applies when council prepares a PP (draft LEP).	• Applicable. - The PP does not propose amendments which require concurrence, consultation, or the referral of development applications to an appropriate Minister or public authority; and - The PP does not identify any development as designated

	development. (Consistent)
6.2 Reserving Land for Public Purposes	
• 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 PP (draft LEP).	• Applicable. • The PP does not propose the reservation of any additional lands for public purposes nor are there any obsolete reservations which need to be addressed. (Consistent)
6.3 Site Specific Provisions	
• Aims to discourage unnecessarily restrictive site specific planning controls. • Applies when Council prepares a PP (draft LEP) to allow particular development to be carried out.	• Applicable. • The PP is consistent with the <i>Direction</i> as the PP will rezone various parcels of land consistent with standard Instrument Provisions. (Consistent)