

Section 117 Ministerial Direction Assessment

Direction	Comment
Employment and Resources	
<i>1.1 Business and Industrial Zones</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ Notably, the proposal is not consistent with <i>Direction 1.1: Business and Industrial Zones</i>, as it seeks to rezone an area of 1.92Ha of land currently zoned IN1 – General Industrial to RE1 – Public Recreation. This is to enable environmental protection of this riparian area and the buffer it provides to the adjacent EECs (Endangered Ecological Community), being the River Flat or Swamp Sclerophyll Forest EEC and the Sydney Freshwater Wetlands EEC. The IN1 zoning currently over the land was a direct conversion in the WLEP, 2013, from the 4(a) General Industrial Zone which applied under the Wyong LEP, 1991. However, the land was always part of the Dairy estate (never owned by the adjoining industrial undertaking), and was never used, or intended to be used, for industrial purposes. The zoning therefore appears as an anomaly from the previous Environmental Planning Instrument. This element of the Planning Proposal (rezoning to RE1) is in recognition that the subject area of land on the western side of the EEC is part of the Dairy estate, and that significant government funding and labour by volunteers in recent years has seen the intensive planting and rehabilitation of this riparian area to the cadastral boundary. ▪ In the context of available land for employment lands in suitable locations in Industrial zones within the Shire, the <i>Wyong Employment Lands and Industrial Land Audit (Feb, 2013)</i> indicates that with a pro-rata demand figure of 7.7Ha per year, the Shire has a vacant zoned industrial land supply of 391Ha - exceeding 50 years demand (Best Practice is considered to be 8-10 years). When considering other strategically identified lands, this potential increases to 164 years, or 1270.80Ha. ▪ It is therefore considered that the inconsistency created by the rezoning of 1.92Ha of IN1 land for environmental protection, is of <u>minor</u> significance (1.1(5)(d)).

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<i>1.2 Rural Zones</i>	
<ul style="list-style-type: none"> ▪ Aims to protect the agricultural production value of rural land. ▪ Applies when a dLEP affects land within an existing or proposed rural zone. 	<ul style="list-style-type: none"> ▪ Not Applicable. ▪ The land is approx. 170Ha and is rural in character, however is currently zoned partly E2 – Environmental Conservation and partly E3 – Environmental Management under the WLEP, 2013. Further, the land is identified as containing an item (I103) of Local Heritage significance by Schedule 5 (Clause 5.10) – Tuggerah Pioneer Dairy. ▪ The proposal intends to alter the E3 zone to the RE1 Public Recreation Zone, to enable community, tourism & recreational uses, and thereby provide income for the Pioneer Dairy Trust. This will facilitate ongoing funding for the upkeep of the item of environmental heritage and the enhancement of the environmental values of the land. ▪ The land is currently leased for grazing activities and this usage is intended to continue to provide funding for the upkeep of the land. ▪ Whilst this Direction does not technically apply to the Planning Proposal, the Proposal is not inconsistent with this Direction.
<i>1.3 Mining, Petroleum Production and Extractive Industries</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Not applicable.
<i>1.4 Oyster Aquaculture</i>	
<ul style="list-style-type: none"> ▪ 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 	<ul style="list-style-type: none"> ▪ Not applicable.

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<p>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.</p>	
<i>1.5 Rural Lands</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Not applicable. ▪ This Direction does not apply to Wyong LGA.
Environment and Heritage	
<i>2.1 Environmental Protection Zones</i>	
<ul style="list-style-type: none"> ▪ Aims to protect and conserve environmentally sensitive areas. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable ▪ The environmentally sensitive areas of the site are currently zoned E2 Environmental Conservation under the WLEP, 2013. Other sensitive adjacent lands (SEPP 14) are zoned E1: National Parks and Nature Reserves and are under the ownership of the NP&WS. ▪ The Planning Proposal is to zone the remainder of the site RE1: Public Recreation, which enables recreation, community and tourism uses whilst aiming to protect and enhance the natural environment for recreational purposes – consistent with this Direction.
<i>2.2 Coastal Protection</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The land is of a significant size and located adjacent to a tidal river, separated by South Tacoma Road. The majority of the land is therefore within the Coastal Zone ▪ The proposal does not compromise and is not inconsistent with the Policy Objectives, e.g., "to protect and conserve the coast for future generations".
<i>2.3 Heritage Conservation</i>	
<ul style="list-style-type: none"> ▪ Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The land is identified as an item (I103) of Local Heritage significance by Schedule 5 of the WLEP, 2013 (Clause 5.10) – Tuggerah Pioneer Dairy. The proposal, to change the

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	<p>majority of the land to the RE1 Public Recreation Zone, includes retention of the identification of the majority of the land on the LEP Heritage Map (Cl. 5.10).</p> <ul style="list-style-type: none"> ▪ The RE1 zone intends to enable community, tourism & recreational uses, and thereby provide income for the Pioneer Dairy Trust. This will facilitate ongoing funding for the upkeep of the item of environmental heritage and the protection and enhancement of the environmental values of the land. ▪ The proposal is consistent with this Direction.
<i>2.4 Recreational Vehicle Areas</i>	
<ul style="list-style-type: none"> ▪ Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The land is not designated as a Recreation Vehicle Area, and the proposal is not inconsistent with this Direction.
Housing, Infrastructure and Urban Development	
<i>3.1 Residential Zones</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Not applicable.
<i>3.2 Caravan Parks and Manufactured Home Estates</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Not applicable.
<i>3.3 Home Occupations</i>	
<ul style="list-style-type: none"> ▪ Aims to encourage the carrying out of low impact small business in dwelling houses. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ There are currently two dwelling houses on that part of the land within the E3 Environmental Management Zone. One of these is an identified item of Local Heritage Significance. The tourism uses (e.g., tours, café, etc.) which will be carried out within the existing dwelling/heritage item will be compatible with these aims. ▪ The proposal is not inconsistent with this Direction.

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<i>3.4 Integrating Land Use and Transport</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Not applicable. ▪ The land is adjacent to the Tuggerah Railway Station, which is also served by a bus interchange. ▪ The proposal is not inconsistent with this Direction.
<i>3.5 Development Near Licensed Aerodromes</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Not applicable.
<i>3.6 Shooting Ranges</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Not Applicable.

Direction	Comment
Hazard and Risk	
<i>4.1 Acid Sulphate Soils</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The potential for Acid Sulfate Soils on the land has been studied, defined and mapped in the WLEP 2013, and is addressed via an appropriate Clause triggering compliance with the Acid Sulfate Soils Guidelines in the assessment of development proposals. These controls will not be altered by this Planning Proposal. ▪ The proposal is not inconsistent with this Direction.
<i>4.2 Mine Subsidence and Unstable Land</i>	
<ul style="list-style-type: none"> ▪ Aims to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. ▪ Applies when a 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. 	<ul style="list-style-type: none"> ▪ Not applicable.
<i>4.3 Flood Prone Land</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The land is relatively flat, open pastureland which is dissected by creek and wetland systems. The whole of the land is subject to affectation by the 1% AEP Flood Level. Flood related development controls would apply to any new development. ▪ The Proposal is not inconsistent with this Direction.
<i>4.4 Planning for Bushfire Protection</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The land is identified on Council's map as Bush Fire Prone Land, with parts of the land containing Vegetation Categories 1 & 2 and therefore Vegetation Buffer areas also. ▪ The Proposal is not inconsistent with this Direction

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Regional Planning	
<i>5.1 Implementation of Regional Strategies</i>	
<ul style="list-style-type: none"> ▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies. ▪ Applies when Council prepares a dLEP that is located on land addressed within the following Strategy areas, requiring the PP to be consistent with the Strategy: <ul style="list-style-type: none"> ▪ Far North Regional Strategy ▪ Lower Hunter Regional Strategy ▪ Illawarra Regional Strategy ▪ South Coast Regional Strategy ▪ Sydney-Canberra Corridor Regional Strategy ▪ Central Coast Regional Strategy ▪ Mid North Coast Regional Strategy. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Central Coast Regional Strategy identifies the Tuggerah-Wyong Major Centre as performing vital roles in relation to economic, employment, social, cultural, entertainment and recreation for the local population and region. The Tuggerah Pioneer Dairy site is adjacent to and spans the eastern extent of the floodplain connecting the major centre, with access for visitors to the M1 Motorway, the Pacific Highway and the Great Northern Rail Line at both Tuggerah and Wyong Railway Stations. The Strategy provides under the key economic opportunities for the region, that 'the regions tourism advantages are also likely to increase' and identifies the conservation of environmental heritage, environmental assets and landscape values as a key employment and recreation opportunity. Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable actions for the Wyong-Tuggerah area. The development of the Regional Sporting Facility will also support these aims. ▪ The proposal is consistent with this Direction.
<i>5.2 Sydney Drinking Water Catchments</i>	
<ul style="list-style-type: none"> ▪ Aims to protect water quality in the hydrological catchment. ▪ Applies when Council prepares a dLEP that applies to Sydney's hydrological catchment. 	<ul style="list-style-type: none"> ▪ Not applicable.
<i>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Not applicable.

Direction	Comment
<i>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Not applicable.
<p>5.5 to 5.7 - REVOKED</p>	
<i>5.8 Second Sydney Airport: Badgerys Creek</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Not applicable.
Local Plan Making	
<i>6.1 Approval and Referral Requirements</i>	
<ul style="list-style-type: none"> ▪ Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Proposal will not introduce any additional concurrence, consultation or referral requirements. ▪ The Proposal is consistent with this Direction.
<i>6.2 Reserving Land for Public Purposes</i>	
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Proposal does not reserve land for public purposes, or affect any reservations of land for public purposes where land is no longer required for acquisition. ▪ The Proposal is not inconsistent with this Direction.
<i>6.3 Site Specific Provisions</i>	
<ul style="list-style-type: none"> ▪ Aims to discourage unnecessarily restrictive site specific planning controls. ▪ Applies when Council prepares a dLEP to allow particular development to be carried out. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Proposal applies an existing zone type to the site, which already exists within the WLEP, 2013. There are no additional development standards or requirements. ▪ The Proposal is consistent with this Direction.
Metropolitan Planning	
<i>7.1 Implementation of the Metropolitan Strategy</i>	
<ul style="list-style-type: none"> ▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. ▪ Applies to Sydney Metropolitan Councils 	<ul style="list-style-type: none"> ▪ Not Applicable. ▪ The dLEP does not affect land within the Sydney Metropolitan Region of Councils