

Section 117 Ministerial Directions 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.	▪ Not applicable.
<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.	▪ Applicable. ▪ The proposal does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone; and ▪ The proposal does not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village); it seeks to reinstate dwelling rights and subdivision potential available in accordance with State-wide practice permissible under SEPP No. 1 – Development Standards, to that existing prior to the judgement in <i>Agostino v Penrith City Council [2010]</i>. ▪ The proposal is therefore not inconsistent with this Direction.
<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.

Direction	Comment
1.4 Oyster Aquaculture	
- Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal; and aims to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers. - Applies to Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006) ("the Strategy").	Not applicable
1.5 Rural Lands	
- 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 to Wyong Shire.
Environment and Heritage	
2.1 Environmental Protection Zones	
- Aims to protect and conserve environmentally sensitive areas. - Applies when Council prepares a dLEP.	- Applicable. - The proposal does not contain provisions that will reduce the environmental protection standards that apply to the lands; it seeks to reinstate dwelling rights and subdivision potential available in accordance with State-wide practice permissible under SEPP No. 1 – Development Standards, to that existing prior to the judgement in <i>Agostino v Penrith City Council</i> [2010]. - The proposal is therefore not inconsistent with this Direction.

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2.2 Coastal Protection	
- 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 may apply to lands within the Coastal Zone, however, does not contain provisions that would reduce the coastal protection standards that apply to the lands within the overall WLEP, '91; it seeks to reinstate dwelling rights available in accordance with State-wide practice permissible under SEPP No. 1 – Development Standards, to that existing prior to the judgement in <i>Agostino v Penrith City Council</i> [2010]. - The proposal is therefore not inconsistent with this Direction.
2.3 Heritage Conservation	
- Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. - Applies when Council prepares a dLEP.	- Applicable. - The proposal may apply to relevant lands, however, does not contain provisions that would reduce the protection standards that apply to the lands within the overall WLEP, '91. - The proposal is therefore not inconsistent with this Direction.
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 dLEP.	- Applicable. - The proposal may apply to relevant lands, however, does not contain provisions that would reduce the protection standards that apply to the lands within the overall WLEP, '91. - The proposal is therefore not inconsistent with this Direction.
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 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.	Not applicable.
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 dLEP.	- Applicable. - The proposal may apply to relevant lands, however, does not contain provisions that would reduce the protection standards or potential that apply to the lands within the overall

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	WLEP, '91. The proposal is therefore not inconsistent with this Direction.
3.3 Home Occupations	
- Aims to encourage the carrying out of low impact small business in dwelling houses. - Applies when Council prepares a dLEP.	- Applicable. - The proposal is to enable the construction of dwelling houses, which may later be used for Home Occupations. - The proposal is consistent with this Direction.
3.4 Integrating Land Use and Transport	
- 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.	Not applicable.
3.5 Development Near Licensed Aerodromes	
- 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.

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3.6 Shooting Ranges	
- 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	
4.1 Acid Sulphate Soils	
- 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 proposal may apply to relevant lands, however, does not contain provisions that would reduce the protection standards or potential that apply to the lands within the overall WLEP, '91. - The proposal is therefore not inconsistent with this Direction.
4.2 Mine Subsidence and Unstable Land	
- Aims to prevent damage to life, property and the environmental 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.	- Applicable. - The proposal may apply to relevant lands, however, does not contain provisions that would reduce the protection standards or potential that apply to the lands within the overall WLEP, '91. - The proposal is therefore not inconsistent with this Direction.
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 to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. - Applies when a dLEP creates, removes or alters a zone or provision that affects flood prone land.	- Applicable. - The proposal may apply to relevant lands, however, does not contain provisions that would reduce the protection standards or potential that apply to the lands within the overall WLEP, '91. - The proposal is therefore not inconsistent with this Direction.

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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.	- Applicable. - The proposal may apply to relevant lands, however, does not contain provisions that would reduce the protection standards or potential that apply to the lands within the overall WLEP, '91. - The proposal is therefore not inconsistent with this Direction.
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 dLEP that is located on land addressed within the Far North 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 proposal may apply to relevant lands, however, does not contain provisions that would reduce the protection standards or potential that apply to the lands within the overall WLEP, '91. - The proposal is therefore consistent with this Direction.
5.2 Sydney Drinking Water Catchments	
- Aims to protect water quality in the hydrological catchment. - Applies when Council prepares a dLEP that applies to Sydney's hydrological catchment.	Not applicable.
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 to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.	Not applicable.

Direction	Comment
<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 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) – Revoked 18/6/2010</i>	
<i>5.6 Sydney to Canberra Corridor – Revoked 10/7/2008</i>	
<i>5.7 Central Coast – Revoked 10/7/2008 – See Direction 5.1</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.
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 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 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.
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 Strategy. - Applies to Sydney Metropolitan Councils	- Not Applicable. - The dLEP does not affect land within the Sydney Metropolitan Region of Councils