

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.	▪ Applicable - Proposed B1 Zone. ▪ Whilst the site is located "out of centre", the proposal (for a medical centre and ancillary Pharmacy) will encourage employment growth at a site adjacent to a regionally significant integrated entertainment, sporting and recreational facility, a large scale residential aged care facility and adjacent residential areas, servicing the needs of local residents. ▪ In view of the above it is considered that the proposal is not inconsistent 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. ▪ The land is currently zoned 7(a) Conservation, affected by an enabling Clause 60B of the Wyong LEP, 1991.
<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 to the Wyong Shire LGA.
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 site is not “environmentally sensitive”, despite its 7(a) Conservation zoning. The precinct is generally characterised by commercial uses. ▪ The land is clear of vegetation, has been previously filled and has an area of only 6755 m², of which a significant area is affected by easements. ▪ The 7(a) zoning was retained in order to control land uses permissible and an enabling clause applied to ensure uses related to the adjacent integrated entertainment and recreation complex. ▪ The SI zones and definitions do not include the specific uses previously enabled. The proposal is therefore the “best fit” for the circumstances. ▪ In view of the above it is considered that the proposal is not inconsistent with this direction.
<i>2.2 Coastal Protection</i>	
▪ Aims to implement the principles in the NSW Coastal Policy.	▪ Not Applicable – the land is outside the “coastal zone”.

▪ Applies when a dLEP applies to land in the coastal zone as defined in the Coastal Protection Act 1979.	
<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. ▪ The site is not identified as being part of, or containing any environmental heritage or ecologically significant items or areas, having been previously filled and cleared.
<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 dLEP will not enable land to be developed for the purpose of a recreational vehicle area. ▪ It is therefore considered that the dLEP is consistent 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.	▪ Not Applicable.
<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 dLEP does not seek to rezone land to provide for caravan parks or manufactured home estates, further there are no existing caravan parks within the study area. ▪ It is therefore considered that the dLEP 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. ▪ The draft LEP does not seek to rezone land for dwelling houses. ▪ It is therefore considered that the dLEP is not inconsistent 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	▪ Applicable. ▪ The site is accessible by bus, private transport, bicycle and by pedestrians with all road infrastructure, pedestrian and cycle path connections already in existence. ▪ It is therefore considered that the dLEP

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.	is consistent with this Direction. ▪ Some concerns are raised with regard to the potential increase in traffic and the affect it will have on the already congested Wyong Road intersection. It is noted that referral to the RMS would be conducted as part of Government Agency consultation, following a Gateway Determination regarding the proposal. The RMS will need to identify what, if any, upgrading of the Wyong Road intersection will be required.
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.
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 to 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 dLEP applies to land which is identified as having a low probability of containing acid sulfate soils (Class 4). ▪ Disturbance of soils below 2 metres from surface level, or interference which may raise the water table above 2 metres would require the preparation of an Acid Sulfate Soils Management Plan. Such is unlikely for the development proposed. ▪ It is considered that the dLEP will be consistent with this Direction.
4.2 Mine Subsidence and 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 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.	▪ Not Applicable. ▪ The land is not within a Mine Subsidence District and has not been identified as unstable land. ▪ It is considered that the dLEP will be 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 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 dLEP applies to land which is partially affected by the 1 in 100 year flood event (1% AEP). ▪ Tumby Umbi creek runs along the rear eastern boundary of the site. A drainage easement/corridor also exists along the southern boundary. Based on Council's GIS and flood information the lot is partly flood affected and therefore development on this lot will be subject to flood related development controls. ▪ It is considered that adoption of the above measures will ensure that the dLEP will be 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.	▪ Applicable. ▪ The land is within a buffer area to Bushfire Prone Land. ▪ Consultation with the NSW Rural Fire Service will be undertaken during the s62 consultation process. ▪ Assessment of the proposal in accordance with Planning for Bushfire Protection 2006, recommends that development be set back a minimum of 10m from the eastern boundary and access be provided for fire vehicles. The proposal involves the development of an extensive carparking area in this location, which will provide the required buffer and access. ▪ It is considered that adoption of the above measures will ensure that the dLEP is consistent 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 regional strategy areas, including the Central Coast Regional Strategy.	▪ Applicable. ▪ The Central Coast Regional Strategy identifies actions to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional

	infrastructure and regional transport. ▪ This proposal is within an existing entry precinct to a major recreation and sporting Club, i.e., not located within a recognised retail centre, or within the North Wyong Shire Structure Plan (NWSSP) area - which is recognised by the Strategy as the key area of the Shire to provide the majority of new population and services. ▪ Concerns have been raised that any proposal to rezone the entry precinct land to a Business zone would identify the area as a centre not identified by, and therefore contrary to, the CCRS. ▪ The locality is well served by Chittaway and Killarney Vale local centres and the numerous neighbourhood centres in the surrounding area. If a centre was established in this location, it could impact on the capacity of the Killarney Vale local centre to continue to trade effectively, particularly if a supermarket was proposed (and such would be permitted under a B1 zoning). ▪ Consideration has been given to limiting uses (and therefore the creation of a centre) through the application of enabling provisions, or preferably the RE2 zone – which is being applied to the Mingara Club lands. This would address the permissibility of the take away food and drink premises on the western side of Mingara Drive. ▪ However, the uses on the Eastern side of Mingara Drive would be better addressed by a B1 zone, so that these uses become lawful, thereby not opening any new “existing use” rights. ▪ This small area of B1 zone would be confined to the medical centre and automotive uses. This would not create a competitive “centre” as the sites are small, unlikely to be redeveloped to shop or shop top housing uses in the short to medium term, and without significant costs in decontamination, consolidation and redevelopment – a supermarket is highly unlikely at this location. ▪ It is therefore considered appropriate to recommend the B1 zone for the eastern side of Mingara Drive and the RE2 zone for the western side of Mingara Drive. ▪ It is considered that adoption of the above measures will ensure that the dLEP 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	▪ Not applicable.

catchment.	
<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 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	
▪ Aims to ensure that development in the vicinity of the villages of Ellalong, Paxton and 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.	▪ Revoked 18 June, 2010.
<i>5.6 Sydney to Canberra Corridor</i>	
▪ Aims to ensure that dLEPs 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'.	▪ Revoked 10 July, 2008.
<i>5.7 Central Coast</i>	
▪ Aims to ensure that land is zoned in accordance with the appropriate regional strategy for the Central Coast. ▪ Applies to Wyong Shire Council and Gosford City Council when Council prepares a dLEP.	▪ Revoked 10 July, 2008.
<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 dLEP does not propose amendments which require concurrence, consultation or referral of development applications to the Minister or public authority. ▪ The dLEP does not identify any development as designated development. ▪ It is considered that the dLEP 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 subdivision which created Lot 2 (parent of Lot 21) included the dedication and transfer of riparian corridor land to Council for public purposes. That land adjoins the site's eastern boundary and is zoned 7(a) Conservation. ▪ It is considered that the dLEP is consistent 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 introduce the B1 Zone, rather than specific enabling provisions.
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