

Draft LEP Checklist – Section 117(2) Directions – Badgee Deferred Matters Planning Proposal

Direction No:	Subject	Applies?	Relevant?	Consistent?	Comment
<b>1</b>	<b>Employment and Resources</b>				
1.1	Business and Industrial Zones	N			
1.2	Rural Zones	N			
1.3	Mining, Petroleum Production and Extractive Industries	N			
1.4	Oyster Aquaculture	N			
1.5	Rural lands	Y	Y	Y	Consistent - The initial LEP for the rezoning of Badgee URA (gazetted May 2013) considered The Rural Planning Principles of SEPP (Rural Lands) and site specific responses which are addressed in Section 4.3.6 of the Badgee Lagoon Area Environmental Study Report 2011 (ES) and subsequently the rezoning for the overall area. The SEPP does not otherwise apply to the site.
<b>2</b>	<b>Environment and Heritage</b>				
2.1	Environmental Protection Zones	Y	Y	N	Inconsistent – as noted at the pre-lodgement meeting (see attached meeting minutes), further detailed ecological surveys of the northern deferred area will be required to adequately address the environmental sensitivity of the area. Particularly HCV areas and any area that require protection and conservation. The Minister may determine this is a minor inconsistency
2.2	Coastal Protection	Y	Y	Y	Consistent - The initial LEP for the rezoning of Badgee URA (gazetted May 2013) considered the NSW Coastal Policy 1997 and Design Guidelines 2003. Policies relating to the NSW coastal zone were addressed / considered in Section 3.1 of the ES and subsequently the rezoning for the overall area.
2.3	Heritage Conservation	Y	Y	Y	Consistent - The initial LEP for the rezoning of Badgee URA (gazetted May 2013) considered the conservation of identified indigenous and non-indigenous Heritage. Heritage of the site was addressed in Section 6.1 of the ES and subsequently the rezoning for the overall area.
2.4	Recreation Vehicle Areas	N			
<b>3</b>	<b>Housing, Infrastructure and Urban Development</b>				
3.1	Residential Zones	Y	Y	Y	
3.2	Caravan Parks and Manufactured Home Estates	Y			
3.3	Home Occupations	N			
3.4	Integrating Land Use and Transport	N			
3.5	Development Near Licensed Aerodromes	N			
<b>4</b>	<b>Hazard and Risk</b>				
4.1	Acid Sulfate Soils	Y	Y	N	While the initial LEP for the rezoning of Badgee URA (gazetted May

					2013) considered the Acid Sulfate Soils Planning guidelines on land identified as having Acid Sulfate Soil Potential (see Section 5.4 of the ES) The ASS assessment conducted in 2008 for the initial LEP indicates that ASS occurrence in the Southern deferred area may need further investigation to consider this direction or conclude it is of minor significance.
4.2	Mine Subsidence and Unstable Land	N			
4.3	Flood Prone Land	Y	Y	N	While the initial LEP for the rezoning of Badgee URA (gazetted May 2013) considered the NSW Government's Flood Prone land Policy and the principles of the Floodplain Development Manual 2005 (see Section 5.6 of the ES). As noted at the pre-lodgement meeting, the Planning Proposal will need to ensure consistency with this direction, particularly in relation to existing fill or potential to fill land to meet the 3.1m flood planning level.  Specifically, consistency with various planning documents including the Floodplain development Manual (2005), SCRS, SISS, St Georges Basin Floodplain Risk Management Plan and the recent Floodplain Risk Management Plan – Climate Change Assessment for St Georges Basin.
4.4	Planning for Bushfire Protection	Y	Y	Y	Consistent - The initial LEP for the rezoning of Badgee URA (gazetted May 2013) involved consultation with the NSW Rural Fire Service and consideration of the requirements of Planning for Bushfire Protection 2006. Section 62 consultations, including with the NSW Rural Fire Service were discussed in Section 8.1.1 of the ES. Bushfire considerations for the Site are considered in Section 5.7.
<b>5</b>	<b>Regional Planning</b>				
5.1	Implementation of Regional Strategies	Y	Y	N	Considering the Planning Proposal was part of the initial LEP for the rezoning of Badgee URA (gazetted May 2013), it is consistent with the South Coast Regional Strategy and associated documents (see Section 3.2 of the ES), as the site was identified for investigation into future urban development. However, the Planning Proposal over the deferred areas will need to demonstrate or ensure consistency with conserving and protecting biodiversity in particular protection of high conservation value lands (in the Northern deferred area). And in the Southern deferred area minimising impact in flood prone areas specifically taking into consideration sea level rise and possible filling of land, and protection of water quality in Badgee Lagoon.
5.2	Sydney Drinking Water Catchments	N			
5.3	Farmland of State & Regional Significance on Far North Coast	N			
5.4	Commercial & Retail Development, Pacific Hwy	N			
5.5	Development in the vicinity of Ellalong, Paxton & Millfield	N			
5.6	Sydney to Canberra Corridor	N			
5.7	Central Coast	N			
5.8	2 <sup>nd</sup> Sydney Airport: Badgerys Creek	N			

<b>6</b>		<b>Local Plan Making</b>				
6.1	Approval and Referral Requirements	<b>Y</b>	<b>N</b>			
6.2	Reserving Land for Public Purposes	<b>N</b>	<b>N</b>			
6.3	Site Specific Provisions	<b>Y</b>	<b>Y</b>	<b>N</b>		<p>In the event of the proposed rezoning of the Northern deferred area, it may be a consideration to identify the land proposed for golf course design as to protect the environmental sensitivity of the site and any other potential uses.</p> <p>In the event of the proposed rezoning of the Southern Deferred area, site specific provisions as per the initial rezoning (LEP 242) may apply.</p>