

ENCLOSURE 4

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.	- Not applicable - The draft Glenning Valley PP does not affect land within an existing or proposed business or industrial zone.	
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.	- Not applicable - The draft Glenning Valley 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.	- Not applicable. - The Glenning Valley PP will not have the effect of : - Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials; - Restricting the potential development of resources of coal, other minerals, petroleum or extractive materials.	

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 Glenning Valley 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. • Not applicable. • Not proximate to an existing shooting range.
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 inconsistent with this Direction. As the conceptual layout proposes residential development on land currently zoned for environmental protection purposes. However, subclause 6(b) provides that a PP may be inconsistent with the terms of the direction if it is “justified by a study prepared in support of the planning proposal which gives consideration to

	the objectives of this direction". A series of detailed ecological studies have been undertaken and established a framework for a biodiversity conservation strategy.
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 • This component of Glenning Valley 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 places of environmental heritage significance and indigenous heritage significance. • Applies when council prepares a PP (draft LEP).	• Applicable. • There are no heritage items located on the subject land or on land proximate. Further, no cultural landscapes are adversely impacted. • Further indigenous heritage investigations need to occur
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).	• Applicable. • The Glenning Valley PP is consistent with <i>Direction No. 2.4 Recreation Vehicle Areas</i>, as: - The PP does not propose that land be developed for the purpose of a recreation vehicle area.
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.	• Applicable. • The PP seeks to introduce residential development provisions in an area which previously precluded residential development. The relevant residential objectives can be achieved via future LEP and DCP provisions. To this end it would be proposed to declare the area an urban release area and include relevant DCP provisions. Additionally,

• 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.	the land can be appropriately serviced.
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 (draft LEP) 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.
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 • The Glenning Valley PP is consistent with the <i>Direction No. 3.3 Home Occupations</i>, will be permissible without consent.
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 Glenning Valley PP (draft LEP) is consistent with the <i>Direction</i> as: The areas identified for residential development are relatively proximate to bus services and a local service centre approximately 600m distant at Chittaway Bay. A modified subdivisional design focused upon increased permeability and accessibility will underpin future residential development. Provision for alternative movement through the new community will be promoted. The principles of integration will be reinforced in a future DCP.
3.5 Development near Licensed Aerodromes	
• Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development	• Not applicable.

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.	• The Glenning Valley PP does not propose to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.
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 sulfate soils on the Acid Sulfate Soils Planning Maps.	• Not applicable. • The Glenning Valley (PP) does not affect land identified as having a probability of containing acid sulphate soils.
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. • Glenning Valley 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.	• Not applicable. • No land within the Glenning Valley PP is identified as been affected by the 1:100 year flood level.
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. • Draft LEP will be consistent with the <i>Direction</i> as: - 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. - The final layout and extent of residential development (and perimeter hazard interface in particular) nature of connectivity between residential precincts asset protection zone provision, and compliance with Planning for Bushfire Protection (2006) shall be reviewed. In accordance with Clause 5.11 of the Standard Instrument Bushfire Hazard Reduction is permissible without development consent.
5. Regional Planning	
5.1 Implementation of Regional Strategies	
• Aims to give legal effect to the vision, land use strategy, policies, outcomes and	• Applicable.

actions contained within regional strategies. • Applies when council prepares a PP (draft LEP).	• The Glenning Valley 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 residential opportunities that generally satisfy the sustainability criteria for new land releases established by the strategy. • The PP is also generally consistent with the following actions identified in the Strategy: * Action 4.2 – mix of housing types. * Action 4.3 – dwelling capacity targets. * Action 4.4 proximate to centres. * Action 4.6 – existing urban area extension. * Action 4.10 – development supportive of centres. * Action 4.11 – appropriate contributions to regional infrastructure. * Action 4.18 – accessible open space. * Action 4.22 – proximate to employment opportunities. * Action 6.3 – Appropriate zoning of regionally significant vegetation, habitat, and wetlands. * Action 6.4 – Appropriate zoning of land of high landscape value. * Action 6.5 – appropriate landuse buffers around environmentally sensitive lands. * Action 6.6 – Regional conservation plan (pre-emptive partial action). * Action 6.7- action toward biocertification of LEPs. * Action 6.8 – conservation of known aboriginal/non-aboriginal heritage. * Action 6.10 – control off-site impacts pollutants, high flows, etc. * Action 6.13 – implementation state environment impact controls. • The draft LEP will not rezone land that will diminish the ability of future employment generating areas.
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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 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.	• Not applicable. • 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 Glenning valley PP is consistent with the <i>Direction</i> as: - 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.
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 Glenning Valley PP is consistent with the <i>Direction</i> as: - Limited areas of land will be dedicated for open space recreation purposes as local parks.
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 Glenning Valley PP is consistent with the <i>Direction</i> as: - The PP will rezone various parcels of land consistent with standard Instrument Provisions.