

ATTACHMENT 4

Assessment against Section 9.1 Ministerial Directions

Ministerial Direction	Requirements	Compliance
1. Planning Systems		
1.1 Implementation of Regional Plans	Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.	Consistent.
1.2 Development of Aboriginal Land Council land	Not applicable	Not applicable.
1.3 Approval and Referral Requirements	A Planning Proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning. It must not identify development as designated development unless justified.	Not applicable. No such provisions are proposed.
1.4 Site Specific Provisions	A Planning Proposal to allow a particular land use to be carried out must either; (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	Not applicable.
1. Planning Systems – Place Based		
1.5 – 1.22	Not applicable	Not applicable.
3. Biodiversity and Conservation		
3.1 Conservation Zones	(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	Not applicable.

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	(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/ protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands".	
3.2 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Not applicable.
3.3 Sydney Drinking Water Catchments	Not applicable	Not applicable.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental Management zone, or the overlay and associated clause, in line with the Northern Councils E Zone Review Final Recommendations	Not applicable.
3.5 Recreation Vehicle Areas	Not applicable	Not applicable.
3.6 – 3.10	Not applicable	Not applicable.
4. Resilience and Hazards		
4.1 Flooding	This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	Not applicable.
4.2 Coastal Management	This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.	Complies. In respect to Division 5, Clause 2.12, Development in the coastal zone generally, the proposal is not likely to cause an increased risk of coastal hazards on the subject or adjoining sites.

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		In respect to Division 5, Clause 2.13, there are no certified coastal management programs applying to the site.
4.3 Planning for Bushfire	<p>A Planning Proposal in bush fire prone land:</p> <ul style="list-style-type: none"> (a) Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to community consultation. (b) Have regard to Planning for Bush Fire Protection 2019. (c) Restrict inappropriate development from hazardous areas. <p>Ensure bush fire hazard reduction is not prohibited within the APZ.</p>	The NSW Rural Fire Service provided comment on the Planning Proposal on 10 May 2024 and raised no concerns or issues in relation to bush fire.
4.4 Remediation of Contaminated Land	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <ul style="list-style-type: none"> (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: <ul style="list-style-type: none"> i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). 	<p>Not applicable.</p> <p>A Preliminary Contaminated Land Assessment is not required by virtue of the development occupying the existing Salt Surf Club building.</p>
4.5 Acid Sulfate Soils	<p>This direction applies when a planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.</p>	<p>Not applicable.</p> <p>An Acid Sulfate Soil Management Plan is not required by virtue of the development occupying the existing Salt Surf Club building.</p>

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4.6 Mine Subsidence and Unstable Land	Applies to mine subsidence areas. Applies to areas identified as unstable.	Not applicable. No detailed assessment required.
5. Transport and Infrastructure		
5.1 Integrating Land Use and Transport	<p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> <p><i>Improving Transport Choice</i> (p34) states “New residential areas should:</p> <ul style="list-style-type: none"> • adjoin or be within the existing urban footprint or located on new public transport corridors — pockets of development should not be isolated, except in the short-term — this includes staged release areas ‘ • be substantially within five kilometres of an existing or programmed railway station or equivalent mass transit node, such as a transitway stop, served at least every 15 minutes in the peak hour, and conform to the accessibility criteria outlined above.” 	<p>Consistent.</p> <p>The site is readily serviced by the existing local road network and associated car parking.</p> <p>A detailed Parking Assessment is attached to this Planning Proposal.</p>
5.2 Reserving Land for Public Purposes	A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of the Department of Planning.	Not applicable.
5.3 Development Near Regulated Airports and Defence Airfields	This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	Not applicable.
5.4 Shooting Ranges	This direction applies to all relevant planning authorities when preparing a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Not applicable.

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6. Housing		
6.1 Residential Zones	<p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land. 	Not applicable.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable	Not applicable.
7. Industry and Employment		
7.1 Business and Industrial Zones	Not applicable	Not applicable.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable	Not applicable.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	Not applicable.

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8. Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable	Not applicable.
9. Primary Production		
9.1 Rural Zones	A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	Not applicable.
9.2 Rural Lands	<ol style="list-style-type: none"> 1. A planning proposal must: <ol style="list-style-type: none"> (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement (b) consider the significance of agriculture and primary production to the State and rural communities (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities (f) support farmers in exercising their right to farm (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use 	Not applicable.

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	<ul style="list-style-type: none"> (h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land (i) consider the social, economic and environmental interests of the community. (2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it: <ul style="list-style-type: none"> (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains (c) where it is for rural residential purposes: <ul style="list-style-type: none"> i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres ii. is necessary taking account of existing and future demand and supply of rural residential land 	
9.3 Oyster Aquaculture	Not applicable.	Not applicable.
9.4 Farmland or State and Regional Significance on the NSW Far North Coast	<p>A planning proposal may be inconsistent with the terms of this direction only if council can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the planning proposal is consistent with:</p> <ul style="list-style-type: none"> (a) the North Coast Regional Plan 2036, or (b) Section 4 of the report titled Northern Rivers Farmland Protection Project - Final Recommendations, February 2005, held by the Department of Planning and Environment. 	Not applicable.