

# Planning Proposal

## CHANGES TO LISMORE LEP 2012 TO FACILITATE AGRITOURISM REFORMS

27 March 2023



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## EXECUTIVE SUMMARY

This planning proposal has been prepared in order to amend the Lismore LEP 2012 in response to the NSW Government's agritourism reforms, which provide exempt and complying development pathways for farm experience premises, farm gate premises, farm stay accommodation and roadside stalls. The NSW Government's agritourism reforms will also, by way of an amending SEPP, amend Council's LEP such that 'agritourism' is permissible with consent in the RU1 and RU2 zones, and optional clauses *5.24 Farm Stay Accommodation* and *5.25 Farm gate premises* are adopted.

This planning proposal amends *Clause 5.4 Controls relating to miscellaneous permissible uses* to better align controls for farm stay accommodation with those of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

It also amends *Clause 6.11 Rural and nature-based tourism development* to:

- allow development consent to be granted where vehicular access is from a classified road,
- clarify considerations needing to be taken into account in relation to amenity,
- add farm experience premises as a development type to which Clause 6.11 applies, and
- remove farm stay accommodation as a development type to which Clause 6.11 applies due to farm stay accommodation having separate controls under Clause 5.24.

It should be noted that farm experience premises will not be permissible with consent in any zone, and Clause 5.24 will not be adopted, until the amending SEPP is made by the NSW Government. This is expected to occur prior to the finalisation of this planning proposal.

Finally, the planning proposal removes *Schedule 2 Exempt development – Roadside stalls*, as roadside stalls are now prescribed under the Codes SEPP as exempt development.

The aim of the planning proposal is to ensure Council's LEP responds to the NSW Government's agritourism reforms by ensuring planning controls provide suitable flexibility and are better aligned with exempt and complying development pathways, while protecting amenity and existing agricultural uses.

The planning proposal is consistent with the North Coast Regional Plan 2041 and the relevant State Environmental Planning Policies. The proposal is also consistent with relevant section 9.1 Ministerial Directions.

This report assesses the merits of the planning proposal in accordance with the Department of Planning and Environment's *Local Environmental Plan Making Guideline* (September 2022). A Gateway determination is sought pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

## PART 1 – OBJECTIVES AND INTENDED OUTCOMES

### Objective

To amend the Lismore LEP 2012 to ensure there is suitable flexibility for rural and nature-based tourism, while protecting amenity and existing agricultural uses.

### Intended outcomes

- Increasing the maximum number of bedrooms permissible for farm stay accommodation,
- Allowing development consent to be granted where rural and nature-based tourism development is accessed from a classified road,
- Ensuring amenity concerns related to rural and nature-based tourism development are adequately addressed and considered,
- Ensuring farm experience premises are of a suitable scale and do not adversely impact on agricultural production, scenic or environmental values, and
- Removing inconsistencies between the LEP and Codes SEPP.

## PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome of the planning proposal will be achieved by:

- Amending Clause 5.4(5) of the Lismore LEP 2012 to increase the number of bedrooms permissible for farm stay accommodation from 5 to 12;
- Amending Clause 6.11(3) of the Lismore LEP 2012 to:
  - Remove 'other than a classified road' at (3)(a) so that development consent may be granted to tourism development that has entry from a classified road,
  - Remove 'amenity' from (3)(d) and adding the following new clauses to better define amenity and ensure adequate consideration of surrounding agricultural uses and sewage management:
    - (e) the development will not generate noise, traffic, parking or light spill that will significantly impact upon surrounding residents, and
    - (f) the development will not significantly impair the use of the surrounding land for agriculture or rural industries, and
    - (g) the land is capable of accommodating the on-site disposal and management of sewage for the development,
- Moving the definition of 'small scale' from Clause 6.11(5) to Clause 6.11(3) to improve clarity,
- Amending Clause 6.11(6)(f) to replace 'farm stay accommodation' with 'farm experience premises',
- Removing Schedule 2 Exempt development – Roadside stalls.

New complying development pathways allow for up to six farm stay accommodation dwellings on a site. Council's current LEP limits farm stay accommodation to five bedrooms under Clause 5.4(5). Increasing the maximum number of bedrooms from 5 to 12 better aligns with permissibility under a complying development pathway and is also more consistent with maximum farm stay accommodation bedrooms of adjoining local government areas.

Council's current LEP Clause 6.11 is currently worded in such a way that rural and nature-based tourism cannot be granted consent if the property has proposed vehicular access to a classified road. Amending the clause will allow for a merit-based assessment of vehicular access rather than a blanket prohibition.

The proposed change to Clause 6.11(3)(d) removes the word 'amenity' to better define what is meant by amenity at Clause 6.11(3)(e), by specifically identifying the impact of noise, traffic, parking and light spill on surrounding residents. The additional subclauses 6.11(3)(f) and (g) ensure adequate consideration of agriculture and rural industries on the site and on adjoining land, and that on-site sewage management is consistent with Council requirements. The definition of 'small-scale' has not been changed. It has simply been moved from Clause 6.11(6) to Clause 6.11(3) for the purpose of clarity.

It is proposed that 'farm stay accommodation' is removed from Clause 6.11(6), as Clause 5.24 of the Standard Instrument LEP now provides controls for this land use. As the LEP practice note *'Preparing LEPs using the Standard Instrument: standard clauses'* indicates, "Councils should not add local clauses that can be addressed using the optional clauses."

It is also proposed that 'farm experience premises' is added to Clause 6.11(6). This is a new type of rural and nature-based tourism use that does not have optional clauses available to control for its use, such as with 'farm stay accommodation' and 'farm gate premises'. The application of Clause 6.11 to this land use is considered appropriate to ensure development is of a small scale and amenity and agricultural impacts are suitably managed.

In regards to the previous two proposed changes, it should be noted that farm experience premises will not be permissible with consent in any zone, and Clause 5.24 will not be adopted, until the amending SEPP is made by the NSW Government. This is expected to occur prior to the finalisation of this planning proposal.

Finally, it is proposed that the clause relating to roadside stalls is removed from Schedule 2 Exempt development. Roadside stalls are now prescribed under the Codes SEPP as exempt development.

Proposed changes to the Lismore LEP 2012 are provided at **Appendix 1**.

## PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

### Section A – Need for the planning proposal

#### 1. ***Is the planning proposal a result of an endorsed LSPS, strategic study or report?***

The planning proposal is not a result of an endorsed LSPS, strategic study or report. It has been made in response to agritourism reforms progressed by the NSW Government.

#### 2. ***Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

The planning proposal is the best way of achieving the objectives and intended outcomes. Council is also making changes to its development control plan (DCP) where appropriate, but there are elements of the LEP that must be amended to meet the objectives and intended outcomes.

### Section B – Relationship to the strategic planning framework

#### 3. ***Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?***

Yes. The planning proposal gives effect to the objectives of the North Coast Regional Plan 2041. See **Appendix 2** for detail on how the proposal gives effect to the Plan.

#### 4. ***Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?***

The planning proposal is consistent with Council's LSPS – Inspire Lismore 2040. The relevant planning priorities are addressed in **Table 1**.

**Table 1: Consistency with LSPS**

#	Planning Priority	Consistency
3	Rural and natural landscapes will be identified & protected.	The proposal will ensure development better considers amenity issues related to development.
6	Expand agriculture & agribusiness while protecting productive agricultural land.	The proposal will ensure agricultural land can be better utilised for agritourism purposes while protecting viable agricultural land.
14	Build community resilience and adapt to climate changes.	Allowing greater diversification of rural land will support resilience and allow farmers to pursue secondary income sources, which will support primary agricultural activities.

#### 5. ***Is the planning proposal consistent with any other applicable State and regional studies or strategies?***

The planning proposal is not inconsistent with any State and regional study or strategy.

**6. *Is the planning proposal consistent with applicable SEPPs?***

The planning proposal only makes minor amendments to clauses, and does not include any specific land parcels. As such, the planning proposal does not preclude the application of, and is consistent with, relevant State Environmental Planning Policies.

**7. *Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?***

The planning proposal is consistent with the applicable section 9.1 Ministerial Directions. Refer to **Appendix 3** for s9.1 compliance table.

**Section C – Environmental, social and economic impact**

**8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?***

The planning proposal does not apply to any specific parcel of land. Increasing allowable bedrooms of farm stay accommodation could have impacts on rural land, however it is considered that other provisions of the LEP, DCP and SEPPs will appropriately manage any impacts as part of any development application assessment. Any potential impacts will also need to satisfactorily address any relevant sections of the *Biodiversity Conservation Act 2016*.

**9. *Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?***

The proposal is only of a small scale to align Council's LEP with new agritourism provisions introduced by the State Government. There are no other likely environmental effects that cannot be managed appropriately through existing provisions of the LEP, DCP and relevant SEPPs as part of any development application assessment.

**10. *How has the planning proposal adequately addressed any social and economic effects?***

The planning proposal does not apply to any specific parcel of land. The planning proposal allows an increase in bedrooms for farm stay accommodation, but only in line with what could be pursued through an exempt or complying development pathway. This could improve economic use of land. Social issues are addressed by the addition of matters of consideration to Clause 6.11(3) that require consent authorities to consider noise, traffic, parking, light spill, the use of surrounding land for agriculture or rural industries, and sewage management, for any development application for rural and nature-based tourism development. The planning proposal also adds 'farm experience premises' to Clause 6.11 to ensure development is small scale and considers a range of economic, social and environmental matters.

**Section D – Infrastructure (Local, State and Commonwealth)**

**11. *Is there adequate public infrastructure for the planning proposal?***

The planning proposal will not increase demand for local, State or Commonwealth infrastructure.

## Section E – State and Commonwealth Interests

### **12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

No consultation has been conducted pre-Gateway given the minor nature of the planning proposal. State and federal public authorities and government agencies will be consulted in line with any Gateway condition.

## PART 4 - MAPPING

The planning proposal does not include changes to any mapping. It only involves small changes to existing clauses under Part 5 Miscellaneous Provisions and Part 6 Additional Local Provisions, which are provided at **Appendix 1**.

## PART 5 – COMMUNITY CONSULTATION

Council will conduct community consultation in accordance with any Gateway determination. Public exhibition will be undertaken in accordance with the DPE *Local Environmental Plan Making Guideline* – September 2022 and Council's Community Participation Plan.

## PART 6 – PROJECT TIMELINE

The proposed timeline for the completion of the planning proposal is as follows:

Estimated Completion	Plan Making Steps
February 2023	Report planning proposal to Council
March 2023	Gateway determination issued by DPE
March 2023	Amend planning proposal report in accordance with Gateway
April 2023	Commence agency consultation
May 2023	Commence public exhibition
June 2023	Consideration of submissions
July 2023	Report to Council – consultation and submissions analysis
July 2023	Submission to Department for finalisation (where applicable)
August 2023	Gazettal of LEP amendment



## APPENDIX 1

### PROPOSED LEP CHANGES

#### 5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.

(2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 60 square metres of floor area.

(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—

- (a) 30% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than **5** **12** bedrooms.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 200 square metres.

(7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 15 square metres.

(9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 25% of the total floor area of the principal dwelling.

(10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—

- (a) 30% of the gross floor area of the industry, or

- (b) 400 square metres,  
whichever is the lesser.

#### 6.11 Rural and nature-based tourism development

- (1) The objective of this clause is to ensure that tourism development in rural and natural areas is small scale and does not adversely impact on the agricultural production, scenic or environmental values of the land.
- (2) This clause applies to land in Zone RU1 Primary Production.
- (3) Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) there is, or will be, adequate vehicular access to and from a road, ~~other than a classified road,~~ taking into account the scale of the development proposed, and
  - (b) the development is small scale and low impact, and
  - (c) the development is complementary to the rural or environmental attributes of the land and its surrounds, and
  - (d) the development will not have a significant adverse impact on agricultural production, ~~amenity~~ or the natural environment, and
  - (e) the development will not generate noise, traffic, parking or light spill that will significantly impact upon surrounding residents, and
  - (f) the development will not significantly impair the use of the surrounding land for agriculture or rural industries, and
  - (g) the land is capable of accommodating the on-site disposal and management of sewage for the development.

In this clause—

**small scale** means a scale that is small enough to be generally managed and operated by the principal owner living on the property.

- (4) Development consent must not be granted to development for the purposes of tourism development on land to which this clause applies unless—
  - (a) a lawfully erected dwelling house or dual occupancy is situated on the land, or
  - (b) a dwelling house may be erected on the land under this Plan.
- (5) Development consent must not be granted to development under subclause (4) if the development—
  - (a) includes an ancillary caretaker's or manager's residence, or
  - (b) is for the purpose of more than 1 bed and breakfast accommodation.

(6)

~~In this clause—~~

~~**small scale** means a scale that is small enough to be generally managed and operated by the principal owner living on the property.~~

**tourism development** includes, but is not necessarily limited to, development for any of the following purposes—

- (a) bed and breakfast accommodation,
- (b) camping grounds,
- (c) caravan parks,
- (d) cellar door premises,
- (e) eco-tourist facilities,
- (f) ~~farm stay accommodation~~ farm experience premises,
- (g) home industries that provide services, or the sale of goods, on site to visitors,
- (h) information and education facilities,
- (i) kiosks,
- (j) restaurants or cafes,

- (k) rural industries that provide services, or the sale of goods, on site to visitors.

## Schedule 2 Exempt development

### Note 1—

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

### Note 2—

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

### **Roadside stalls**

~~(1) This clause applies to the use of land for a roadside stall for the sale of only agricultural produce.~~

~~(2) The roadside stall—~~

~~(a) must be located on land within Zone RU1 Primary Production, and~~

~~(b) must be located wholly on private property, and~~

~~(c) must not be located on land that is adjacent to Bruxner Highway or Bangalow Road, and~~

~~(d) must not have a footprint greater than 4m<sup>2</sup>.~~

~~(3) No more than 1 roadside stall may be used on a landholding.~~

### **Signage—portable weighted, A-frame and retractable business identification signs in business and industrial zones and Zone RU5 Village**

Must comply with all of the following—

- (a) must not be located on public land, a road reserve or a public footpath,
- (b) must not be illuminated,
- (c) only 1 sign per occupancy,
- (d) maximum advertising area on each side—0.6m<sup>2</sup>,
- (e) if erected on land in an industrial zone, maximum advertising area on each side—4m<sup>2</sup>,
- (f) must have the written consent of the owner of the land on which the sign is located,
- (g) if the sign or part of the sign projects over adjoining land, must have the written consent of the owner of that land,
- (h) must not relate to a building being used as restricted premises,
- (i) must not result in more than 3 business identification signs being constructed or installed in relation to a building if the building houses only one commercial tenant,
- (j) must not result in more than 6 business identification signs being constructed or installed in relation to any building.

### Note—

*The Summary Offences Act 1988* regulates or prohibits certain business signs.

### **Special events and temporary use of land owned or managed by Council**

- (1) Must not involve the use of a loudspeaker or sound amplifying device after midnight, unless it is used within a building or place that is an entertainment facility, pub or registered club.
- (2) Must not involve the provision of overnight camping or accommodation.
- (3) Must comply with any relevant Council policy.

### Note—

Other approvals may be required, and must be obtained, under other Acts, including the *Local Government Act 1993*, the *Roads Act 1993* and the *Crown Land Management Act 2016*.

## APPENDIX 2

### NORTH COAST REGIONAL PLAN 2041 - COMPLIANCE TABLE

Objective	Consistency
1. Provide well located homes to meet demand	N/A
2. Provide for more affordable and low cost housing	N/A
3. Protect regional biodiversity and areas of high environmental value	The planning proposal is accompanied by revised DCP controls that protect and enhance biodiversity values where rural and nature-based tourism development is proposed.
4. Understand, celebrate and integrate Aboriginal culture	N/A
5. Manage and improve resilience to shocks and stresses, natural hazards and climate change	Improving the ability of farmers to pursue secondary income sources will improve resilience where agricultural productivity is affected by weather events.
6. Create a circular economy	N/A
7. Promote renewable energy opportunities	N/A
8. Support the productivity of agricultural land	The planning proposal contains a clause that ensures development consent cannot be granted unless the consent authority is satisfied that development will not significantly impair the use of the surrounding land for agriculture or rural industries.
9. Sustainably manage and conserve water resources	N/A
10. Sustainably manage the productivity of our natural resources	N/A
11. Support cities and centres and coordinate the supply of well-located employment land	N/A
12. Create a diverse visitor economy	N/A
13. Champion Aboriginal self-determination	N/A
14. Deliver new industries of the future	N/A
15. Improve state and regional connectivity	N/A
16. Increase active and public transport usage	N/A
17. Utilise new transport technology	N/A
18. Plan for sustainable communities	N/A
19. Public spaces and green infrastructure support connected and healthy communities	N/A
20. Celebrate local character	N/A

## APPENDIX 3

### SECTION 9.1 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Consistency
<b>1. Planning Systems</b>		
1.1 Implementation of Regional Plans	(1) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	Consistent. See Appendix 2
1.2 Development of Aboriginal Land Council land	(1) When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:  (a) any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or  (b) if no applicable development delivery plan has been published, the interim development delivery plan published on the Department's website on the making of this direction.	N/A
1.3 Approval and Referral Requirements	(1) A planning proposal to which this direction applies must:  (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and  (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:  i. the appropriate Minister or public authority, and  ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and  (c) not identify development as designated development unless the relevant planning authority:  i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and  ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.	Consistent
1.4 Site Specific	(1) A planning proposal that will amend another environmental planning instrument	N/A

Ministerial Directions	Requirements	Consistency
Provisions	<p>in order to allow particular development to be carried out must either:</p> <ul style="list-style-type: none"> <li>(a) allow that land use to be carried out in the zone the land is situated on, or</li> <li>(b) rezone the site to an existing zone already 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</li> <li>(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.</li> </ul> <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	
<b>3. Biodiversity and Conservation</b>		
3.1 Conservation Zones	<ul style="list-style-type: none"> <li>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</li> <li>(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".</li> </ul>	N/A
3.2 Heritage Conservation	<ul style="list-style-type: none"> <li>(1) A planning proposal must contain provisions that facilitate the conservation of: <ul style="list-style-type: none"> <li>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</li> <li>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</li> <li>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority,</li> </ul> </li> </ul>	N/A

Ministerial Directions	Requirements	Consistency
	which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	(1) 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.	N/A
3.5 Recreation Vehicle Areas	<p>(1) A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</p> <p>(a) where the land is within a conservation zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</p> <p>i. the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and</p> <p>ii. the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation</p>	N/A
3.6 Strategic Conservation Planning	<p>(1) A planning proposal authority must be satisfied that a planning proposal that applies to avoided land identified under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 demonstrates that it is consistent with:</p> <p>(a) the protection or enhancement of native vegetation,</p> <p>(b) the protection or enhancement of riparian corridors, including native vegetation and water quality,</p> <p>(c) the protection of threatened ecological communities, threatened species and their habitats,</p> <p>(d) the protection or enhancement of koala habitat and corridors, and</p> <p>(e) the protection of matters of national environmental significance.</p> <p>(2) A planning proposal authority must be satisfied that a planning proposal that applies to a strategic conservation area</p>	N/A

Ministerial Directions	Requirements	Consistency
	<p>identified under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 demonstrates that it is consistent with:</p> <ul style="list-style-type: none"> <li>(a) the protection or enhancement of native vegetation,</li> <li>(b) the minimisation of impacts on areas of regionally significant biodiversity, including threatened ecological communities, threatened species and their habitats,</li> <li>(c) the protection or enhancement of koala habitat and corridors, including habitat connectivity and fauna movement, and links to ecological restoration areas, and</li> <li>(d) the maintenance or enhancement of ecological function.</li> </ul> <p>(3) A planning proposal must not rezone land identified as avoided land in the State Environmental Planning Policy (Biodiversity and Conservation) 2021 to:</p> <ul style="list-style-type: none"> <li>(a) a rural, residential, business, industrial, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE2 Private Recreation, or equivalent zone.</li> </ul> <p>(4) A planning proposal must not rezone land identified as a strategic conservation area in the State Environmental Planning Policy (Biodiversity and Conservation) 2021 to:</p> <ul style="list-style-type: none"> <li>(a) RU4, RU5, RU6, residential, business, industrial, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE2 Private Recreation, or equivalent zone.</li> </ul>	
3.10 Water Catchment Protection	<p>(1) When preparing a planning proposal, the planning proposal authority must be satisfied that the planning proposal achieves the following:</p> <ul style="list-style-type: none"> <li>(a) is consistent with the objectives of this direction,</li> <li>(b) is consistent with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, as published by Water Quality Australia, and any water quality management plan prepared in accordance with those guidelines,</li> <li>(c) includes documentation, prepared by a suitably qualified person(s), indicating whether the planning proposal: <ul style="list-style-type: none"> <li>i. is likely to have an adverse direct, indirect or cumulative impact on terrestrial, aquatic or migratory animals or vegetation, and any steps taken to minimise such impacts</li> <li>ii. is likely to have an impact on periodic flooding that may affect wetlands and other riverine ecosystems</li> </ul> </li> </ul>	N/A



Ministerial Directions	Requirements	Consistency
	<ul style="list-style-type: none"> <li>iii. is likely to have an adverse impact on recreational land uses within the regulated catchment</li> <li>(d) identifies and considers the cumulative impact of the planning proposal on water quality (including groundwater) and flows of natural waterbodies and on the environment more generally, including on land adjacent to or downstream of the area to which this direction applies,</li> <li>(e) identifies how the planning proposal will:               <ul style="list-style-type: none"> <li>i. protect and improve environmental values, having regard to maintaining biodiversity, and protecting native vegetation, cultural heritage and water resources (including groundwater),</li> <li>ii. impact the scenic quality of the natural waterbodies and the social, economic and environmental interests of the community,</li> <li>iii. protect and rehabilitate land from current and future urban salinity, and prevent or restore land degradation,</li> </ul> </li> <li>(f) considers any feasible alternatives to the planning proposal.</li> <li>(2) When preparing a planning proposal, the planning proposal authority must:               <ul style="list-style-type: none"> <li>(a) consult with the councils of adjacent or downstream local government areas where the planning proposal is likely to have an adverse environmental impact on land in that local government area, and</li> <li>(b) as far as is practicable, give effect to any requests of the adjacent or downstream council.</li> </ul> </li> </ul>	
<b>4. Resilience and Hazards</b>		
4.1 Flooding	<ul style="list-style-type: none"> <li>(1) A planning proposal must include provisions that give effect to and are consistent with:               <ul style="list-style-type: none"> <li>(a) the NSW Flood Prone Land Policy,</li> <li>(b) the principles of the Floodplain Development Manual 2005,</li> <li>(c) the Considering flooding in land use planning guideline 2021, and</li> <li>(d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</li> </ul> </li> <li>(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or</li> </ul>	N/A

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	<p>Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.</p> <p>(3) A planning proposal must not contain provisions that apply to the flood planning area which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit development for the purposes of residential accommodation in high hazard areas,</li> <li>(d) permit a significant increase in the development and/or dwelling density of that land,</li> <li>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</li> <li>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</li> <li>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</li> <li>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</li> </ul> <p>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit a significant increase in the dwelling density of that land,</li> <li>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants</li> </ul>	

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	<p>of the development cannot effectively evacuate,</p> <p>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p> <p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p> <p>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p>	
4.2 Coastal Management	<p>(1) A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</p> <p>(b) the NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003; and</p> <p>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</p> <p>(2) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <p>(a) within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021; or</p> <p>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</p> <p>i. by or on behalf of the relevant planning authority and the planning proposal authority, or</p> <p>ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</p> <p>(3) A planning proposal must not rezone land which would enable increased</p>	N/A

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	<p>development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>(4) A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021:</p> <ul style="list-style-type: none"> <li>(a) Coastal wetlands and littoral rainforests area map;</li> <li>(b) Coastal vulnerability area map;</li> <li>(c) Coastal environment area map; and</li> <li>(d) Coastal use area map.</li> </ul> <p>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.</p>	
4.3 Planning for Bushfire Protection	<p>(1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&amp;A Act, and take into account any comments so made.</p> <p>(2) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) have regard to Planning for Bushfire Protection 2019,</li> <li>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</li> <li>(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</li> </ul> <p>(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> <li>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> <li>i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</li> <li>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</li> </ul> </li> </ul>	N/A

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	<p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area</p>	
4.4 Remediation of Contaminated Land	<p>(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p>	N/A
4.5 Acid Sulfate Soils	(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning	N/A

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	<p>proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</p> <p>(b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p> <p>(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).</p>	
4.5 Mine Subsidence and Unstable Land	<p>(1) When preparing a planning proposal that would permit development on land that is within a declared mine subsidence district, a relevant planning authority must:</p> <p>(a) consult Subsidence Advisory NSW to ascertain:</p> <p>i. if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and</p> <p>ii. the scale, density and type of development that is appropriate for the potential level of subsidence, and</p> <p>(b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under 1(a)(ii), and</p> <p>(c) include a copy of any information</p>	N/A

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	<p>received from Subsidence Advisory NSW with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary prior to undertaking community consultation in satisfaction of Schedule 1 to the Act.</p> <p>(2) A planning proposal must not permit development on land that has been identified as unstable as referred to in the application section of this direction.</p>	
<b>5. Transport and Infrastructure</b>		
5.1 Integrating Land Use and Transport	<p>(1) 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) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	N/A
5.2 Reserving Land for Public Purposes	<p>(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p> <p>(2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of</p>	N/A

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	<p>the land before it is acquired.</p> <p>(4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>	
<p>5.3 Development Near Regulated Airports and Defence Airfields</p>	<p>(1) In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) consult with the lessee/operator of that airport;</li> <li>(b) take into consideration the operational airspace and any advice from the lessee/operator of that airport;</li> <li>(c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</li> <li>(d) not allow development types that are incompatible with the current and future operation of that airport.</li> </ul> <p>(2) In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</li> <li>(b) for land affected by the prescribed airspace (as defined in clause 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.</li> <li>(c) not allow development types that are incompatible with the current and future operation of that airport.</li> <li>(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</li> </ul> <p>(3) In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) consult with the Department of Defence</li> </ul>	<p>N/A</p>



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	<p>if:</p> <ul style="list-style-type: none"> <li>i. the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or</li> <li>ii. no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.</li> </ul> <p>(b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(c) not allow development types that are incompatible with the current and future operation of that airfield.</p> <p>(4) A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic- Aircraft Noise Intrusion – Building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land:</p> <ul style="list-style-type: none"> <li>(a) for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or</li> <li>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</li> <li>(c) for commercial or industrial purposes where the ANEF is above 30.</li> </ul> <p>(5) A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.</p>	
5.4 Shooting Ranges	<p>(1) A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:</p> <ul style="list-style-type: none"> <li>(a) permitting more intensive land uses than those which are permitted under the existing zone; or</li> <li>(b) permitting land uses that are incompatible with the noise emitted by the existing shooting range</li> </ul>	N/A
<b>6. Housing</b>		
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"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> </ul>	N/A

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	<ul style="list-style-type: none"> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul> <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) not contain provisions which will reduce the permissible residential density of land.</li> </ul>	
6.2 Caravan Parks and Manufactured Home Estates	<p>(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</li> <li>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</li> </ul> <p>(2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) 2021 as to where MHEs should not be located,</li> <li>(b) take into account the principles listed in clause 125 of State Environmental Planning Policy (Housing) 2021 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</li> <li>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.</li> </ul>	N/A
<b>7: Industry and Employment</b>		
7.1 Business and Industrial Zones	<p>(1) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this</li> </ul>	N/A

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	<p>direction,</p> <ul style="list-style-type: none"> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</li> </ul>	
<b>8: Resources and Energy</b>		
<p>8.1 Mining, Petroleum Production and Extractive Industries</p>	<ul style="list-style-type: none"> <li>(1) In the preparation of a planning proposal affected by this direction, the relevant planning authority must: <ul style="list-style-type: none"> <li>(a) consult the Secretary of the Department of Primary Industries (DPI) to identify any: <ul style="list-style-type: none"> <li>i. resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and</li> <li>ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and</li> </ul> </li> <li>(b) seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and</li> <li>(c) identify and take into consideration issues likely to lead to land use conflict between other land uses and: <ul style="list-style-type: none"> <li>i. development of resources identified under (1)(a)(i), or</li> <li>ii. existing development identified under (1)(a)(ii).</li> </ul> </li> </ul> </li> <li>(2) Where a planning proposal prohibits or restricts development of resources identified under (1)(a)(i), or proposes land uses that may create land use conflicts identified under (1)(c), the relevant planning authority must: <ul style="list-style-type: none"> <li>(a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</li> <li>(b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</li> <li>(c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary (or an officer of the Department nominated by the</li> </ul> </li> </ul>	<p>N/A</p>

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	Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act.	
<b>9: Primary Production</b>		
9.1 Rural Zones	(1) A planning proposal must: <ul style="list-style-type: none"> <li>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</li> </ul>	N/A
9.2 Rural Lands	(1) A planning proposal must: <ul style="list-style-type: none"> <li>(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</li> <li>(b) consider the significance of agriculture and primary production to the State and rural communities</li> <li>(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</li> <li>(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</li> <li>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</li> <li>(f) support farmers in exercising their right to farm</li> <li>(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</li> <li>(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</li> <li>(i) consider the social, economic and environmental interests of the community.</li> </ul> (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"> <li>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</li> <li>(b) will not adversely affect the operation and viability of existing and future rural</li> </ul>	<p>While the planning proposal does not apply to any specific parcel of land, it will enable an increase in farm stay accommodation development. However, the planning proposal aligns with changes to State Environmental Planning Policies that would allow for a similar increase in farm stay accommodation density through an exempt or complying development pathway.</p> <p>The planning proposal also provides controls to ensure that farm experience premises are of suitable scale, and that consent authorities consider a range of amenity and agricultural productivity concerns before development consent is granted to rural tourism development.</p> <p>It is therefore considered that the planning proposal is consistent with this Direction.</p>

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	<p>land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p> <p><b>Note:</b> where a planning authority seeks to vary an existing minimum lot size within a rural or conservation zone, it must also do so in accordance with the Rural Subdivision Principles in clause 5.16 of the relevant Local Environmental Plan.</p>	
9.3 Oyster Aquaculture	<p>(1) In the preparation of a planning proposal the relevant planning authority must:</p> <p>(a) identify any 'Priority Oyster Aquaculture Areas' and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply,</p> <p>(b) identify any proposed land uses which could result in any adverse impact on a 'Priority Oyster Aquaculture Area' or oyster aquaculture leases outside such an area,</p> <p>(c) identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use in compatibility,</p> <p>(d) consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and</p> <p>(e) ensure the planning proposal is consistent with the Strategy.</p> <p>(2) Where a planning proposal proposes land uses that may result in adverse impacts identified under (1)(b) and (1)(c), relevant planning authority must:</p> <p>(a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</p> <p>(b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</p> <p>(c) include a copy of any objection and supporting information received from</p>	N/A

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	the Secretary of DPI with the statement to the Planning Secretary before undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.	
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	(1) A planning proposal must not: <ul style="list-style-type: none"> <li>(a) rezone land identified as “State Significant Farmland” for urban or rural residential purposes.</li> <li>(b) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes.</li> <li>(c) rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes.</li> </ul>	N/A. The planning proposal does not rezone any land.