

APPENDIX 6: MINISTERIAL DIRECTIONS ASSESSMENT

The following table identifies which Ministerial Directions (also known as ‘Local Planning Directions’) are relevant for the draft MidCoast LEP. Where the Ministerial Direction is relevant to the MidCoast, an assessment is provided on the following page.

Section 9.1 Ministerial Direction:	Assessment:
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent
1.2 Development of Aboriginal Land Council land	Consistent
1.3 Approval and Referral Requirements	Justifiably inconsistent
1.4 Site Specific Provisions	Justifiably inconsistent
1.4A Exclusion of Development Standards from Variation	Justifiably inconsistent
Focus area 1: Planning Systems – Place-based	
1.5 to 1.22 Implementation of locational strategies, corridors and plans that all apply to areas outside of the MidCoast	N/A
Focus area 2: Design and Place (no Directions made)	
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Justifiably inconsistent
3.2 Heritage Conservation	Consistent
3.3 Sydney Drinking Water Catchments	N/A
3.4 Application of C2 and C4 Zones and Environmental Overlays in Far North Coast LEPs	N/A
3.5 Recreation Vehicle Areas	Consistent
3.6 Strategic Conservation Planning	N/A
3.7 Public Bushland	N/A
3.8 Willandra Lakes Region	N/A
3.9 Sydney Harbour Foreshores and Waterways Area	N/A
3.10 Water Catchment Protection	N/A
Focus area 4: Resilience and Hazards	
4.1 Flooding	Justifiably inconsistent
4.2 Coastal Management	Consistent
4.3 Planning for Bushfire Protection	Consistent
4.4 Remediation of Contaminated Land	Consistent
4.5 Acid Sulfate Soils	Consistent
4.6 Mine Subsidence and Unstable Land	N/A
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent
5.2 Reserving Land for Public Purposes	Justifiably inconsistent
5.3 Development Near Regulated Airports and Defence Airfields	Consistent
5.4 Shooting Ranges	Consistent
Focus area 6: Housing	
6.1 Residential Zones	Justifiably inconsistent
6.2 Caravan Parks and Manufactured Home Estates	Justifiably inconsistent
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	Justifiably inconsistent
7.2 Reduction in non-hosted short-term rental accommodation period	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Consistent
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Justifiably inconsistent
Focus area 9: Primary Production	
9.1 Rural Zones	Justifiably inconsistent
9.2 Rural Lands	Justifiably inconsistent
9.3 Oyster Aquaculture	Consistent
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A

The following table provides an assessment of the draft MidCoast LEP against the applicable Ministerial Directions.

Section 9.1 Ministerial Direction:	Assessment:
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent
<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal was assessed for consistency against the Hunter Regional Plan 2041 (refer to Appendix 4). The planning proposal was justifiably inconsistent with Strategy 3.1, 5.3 and 9.6 given the analysis of land uses and the extent of villages undertaken in the Housing Strategy (refer to Appendix 8), the MidCoast Rural Strategy – The Way Forward (refer to Appendix 9) and Employment Zones Review (refer to Appendix 12). These strategies and review were undertaken in consultation with the community and relevant NSW Government Departments, and they apply zones and land uses through an evidence-based approach.</p> <p>The Gateway Determination (refer to Appendix 2) conditions required a number of amendments to the land use tables. As a result of these changes, the planning proposal is now considered consistent with this direction.</p>	
1.2 Development of Aboriginal Land Council Land	Consistent
<p>The objective of this direction is to provide for the consideration of development delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</p> <p>Given there are no development delivery plans identified in the MidCoast, the planning proposal is consistent with this direction.</p>	
1.3 Approval and Referral Requirements	Justifiably inconsistent
<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The planning proposal:</p> <ul style="list-style-type: none"> contains no new provisions that would require concurrence, referral or consultation to a Minister or public authority, other than those contained in the existing LEPs. It should be noted that the Stratford Industrial Park was included in the Gloucester Local Environmental Plan 2010 as an additional local provision and has been included in Part 6 Division 3 in the draft MidCoast LEP - it is not a new concurrence provision. In addition, the North Tuncurry Urban Release Area is included in the Great Lakes Local Environmental Plan 2014 does not identify any development as designated development. <p>The inconsistency with this planning proposal is considered minor given the clauses are contained in existing LEPs.</p>	

Section 9.1 Ministerial Direction:	Assessment:
1.4 Site Specific Provisions	Justifiably inconsistent
<p>The objective of this direction is to discourage unnecessary restrictive site specific planning controls.</p> <p>The draft MidCoast LEP brings together the three existing LEPs, in which some site specific controls apply. These controls have been included in the draft MidCoast LEP as the development outcomes have not yet been achieved.</p> <p>There are a number of new clauses in Part 7 which set out requirements for development such as caretakers residence and paper subdivisions, which address current development issues and have merit.</p> <p>The inconsistency with this planning proposal is considered minor given the clauses are contained in existing LEPs or have merit.</p>	
1.4A Exclusion of Development Standards from Variation	Justifiably inconsistent
<p>The objective of this direction is to maintain flexibility in the application of development standards by ensuring that exclusions from the application of clause 4.6 of the LEP are only applied in limited circumstances.</p> <p>As a part of drafting the MidCoast LEP, a review of clause 4.6 exclusions has been conducted. The exclusions have been evaluated against the Department of Planning, Housing and Infrastructure's Guide to Exclusions from Clause 4.6 of the Standard Instrument (November 2023) to determine if the existing clauses are still relevant. As part of this evaluation, the proposed exclusions have been reduced to seven, being the four exceptions in the Standard Instrument LEP and three exceptions (clauses 6.1, 6.2 and 6.6) which address Part 6 of the draft MidCoast LEP.</p> <p>The inconsistency with this planning proposal is considered minor given the clauses are contained in existing LEPs and have merit.</p>	
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Justifiably inconsistent
<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>The MidCoast Rural Strategy – The Way Forward document (refer to Appendix 9) provided the foundations for the application of the conservation zones in the draft MidCoast LEP.</p> <p>The C1 National Park and Nature Reserves zone will be applied to existing national parks, nature reserves and conservation areas established under the <i>National Parks and Wildlife Act 1974</i>.</p> <p>The C2 Environmental Conservation zone has generally been applied to significant environmental lands, including land mapped as littoral rainforest or coastal wetland under State Environmental Planning Policy (Coastal Management) 2018, land identified in local and/or site-specific studies containing Endangered Ecological Communities or Key Threatened Species Habitat, culturally significant land, over-cleared vegetation communities and land subject to a private conservation agreement in perpetuity.</p> <p>The C3 Environmental Management zone is generally proposed for riparian and estuarine vegetation and wetlands, Rare, Endangered and Vulnerable Forest Ecosystems, and native vegetation on coastal foreshores.</p> <p>The C4 Environmental Living zone being applied to areas with a semi-rural lifestyle that are not generally used for agriculture. These areas often adjoin a National Park, have sensitive vegetation or waterways, contain significant bushland and have an outlook over the natural landscape.</p>	

Section 9.1 Ministerial Direction:	Assessment:
<p>Overall, there is proposed to be a 24,303ha increase in the amount of land included in a conservation zones.</p> <p>The planning proposal extends the level of protection and conservation of environmentally sensitive areas and is consistent with the direction.</p>	
3.2 Heritage Conservation	Consistent
<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal consolidates the heritage provisions from the three existing LEPs into the draft MidCoast LEP, and this includes the following:</p> <ul style="list-style-type: none"> Heritage items/Archaeological sites: have been combined from the three existing LEPs into one list (items and sites), renumbered accordingly and the property description and mapping reviewed to ensure the item is accurately identified. To improve consistency the item/site name has been reviewed. For example, heritage houses have been referred to as dwellings, houses, residences, so a consistent term has been provided. Where building names are known, they have been included. <p>The number of heritage items has decreased as a result of:</p> <ul style="list-style-type: none"> a number of items on one site previously being listed individually in the existing LEPs. These heritage items have been grouped into one listing for the site. This does not reduce the importance of any of the heritage items on the site a number of heritage items were re-assessed as archaeological sites and have been moved to the appropriate listing in the LEP the Barrington Bridge (I7 in Gloucester LEP 2010) has been removed from the list given it has been demolished by Transport for NSW <ul style="list-style-type: none"> Heritage conservation areas: have been combined from the three existing LEPs. Currently there are 14 heritage conservation areas, but there are inconsistencies in their application. A review is underway and is a project running in parallel with the draft MidCoast LEP. Community consultation is required prior to inclusion in the draft MidCoast LEP. This process is documented in the planning proposal (Introduction section) and has been discussed with Heritage NSW. <p>The planning proposal is consistent with this direction.</p>	
3.5 Recreation Vehicle Areas	Consistent
<p>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p> <p>The draft MidCoast LEP brings together the three existing LEPs into one LEP. There are a number of recreation vehicle areas which will remain unchanged. The draft MidCoast LEP does not propose any additional recreation vehicle areas.</p> <p>The planning proposal is consistent with this direction.</p>	
Focus area 4: Resilience and Hazards	
4.1 Flooding	Justifiably inconsistent
<p>The objective of this direction is to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and ensure that the provisions of an LEP are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</p>	

Section 9.1 Ministerial Direction:	Assessment:
<p>The draft MidCoast LEP brings together the three existing LEPs into one LEP. Existing urban areas that have been historically developed can be constrained by issues such as flooding. These areas cannot be retrospectively changed to address the current planning requirements, and as a result they are ‘justifiably consistent’ with the Ministerial Direction.</p> <p>Any expansion of the residential footprint has been considered in the context of this direction. The assessment of residential areas (refer to Appendix 3), examines each urban area and identifies where the residential area is being expanded and addresses sites within a flood planning area, outlining how the potential flood risk has been considered.</p> <p>In addition, the draft MidCoast LEP:</p> <ul style="list-style-type: none"> • includes Standard Instrument Clause 5.21 – Flood planning. Current flood mapping has been developed in accordance with the <i>Flood Risk Management Manual 2023</i> or the NSW Government requirements relevant at the time of the flood study preparation • will potentially include Standard Instrument Clause 5.22 – Special Flood Considerations. Probable Maximum Flood (PMF) levels are available in association with existing flood studies in the MidCoast, but further discussions around consistency and implementation are being undertaken with the Biodiversity and Conservation Division. The outcomes of these discussions will be incorporated in the draft MidCoast LEP • includes the initiative from the MidCoast Rural Strategy - The Way Forward (refer to Appendix 9) to include land susceptible to flooding impacts at Bulahdelah, Wingham and Gloucester in the C3 Environmental Management zone. <p>The draft MidCoast LEP is unable to address all aspects of this direction due to the nature of a consolidated LEP in terms of the ‘existing situation’. However, any potential flood impacts from the expansion of urban areas have addressed this direction. As a result, the planning proposal is considered to be justifiably inconsistent.</p>	<p>Consistent</p>
<p>4.2 Coastal Management</p>	<p>Consistent</p>
<p>The objective of this direction is to protect and manage coastal areas of NSW.</p> <p>To address this direction the planning proposal:</p> <ul style="list-style-type: none"> • includes provisions that are consistent to, and give effect to the relevant Coastal Planning Acts, manuals, toolkits and the various Coastal Zone Management Plan that have been prepared under the <i>Coastal Protection Act 1979</i> and <i>Coastal Management Act 2016</i> for the MidCoast • protects areas with significant environmental values, including land mapped as littoral rainforest or coastal wetland under State Environmental Planning Policy (Coastal Management) 2018 by including these sites in the C2 Environmental Conservation zone • includes additional local provisions for stormwater management, riparian land and watercourses, which will support the health of significant waterways and sensitive coastal lakes, and help to protect aquatic ecosystems that sustain local industries • addresses the management of the coastal zone as guided by the Manning Valley and Great Lakes Coastal Zone Management Plans. An additional local provision for coastal risk planning has been included which will ensure development within identified coastal areas considers the potential impacts of coastal processes. This is accompanied by mapping for the coastal risk planning clause • includes an additional local clause to restrict the intensity of development on the Winda Woppa peninsula which adjoins Jimmys Beach. This area has been identified by the NSW Government as one of 16 ‘significant open coastal locations’. <p>While the draft MidCoast LEP brings together the three existing LEPs, there have been some minor changes to urban areas. The assessment of residential areas (refer to Appendix 3) identifies where changes are proposed and demonstrates that there is no coastal risk in these locations.</p>	

Section 9.1 Ministerial Direction:	Assessment:
<p>The draft MidCoast Development Control Plan will include further requirements for water sensitive urban design which will ensure development within sensitive coastal environments are appropriately managed.</p> <p>The planning proposal is consistent with this direction.</p>	
<p>4.3 Planning for Bushfire Protection</p>	<p>Consistent</p>
<p>The objectives of this Direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible uses in bush fire prone areas and ensure the management of bush fire prone areas.</p> <p>The following is provided in response to this direction:</p> <p>(1) Consultation with the NSW Rural Fire Service indicated that any significant density and population increase should be supported by a bushfire risk assessment. The draft MidCoast LEP brings together three LEPs into the draft MidCoast LEP. There are no significant changes proposed to increase the population of the urban areas across the MidCoast. The only increase would be as a result of the Manning Health/Taree CBD Precinct Plan which will occur within the town centre, removed from any significant bush fire hazards. In relation to the population of Taree, the potential increase from this precinct plan would not be considered significant. As such, a bushfire risk assessment is not considered warranted for this planning proposal.</p> <p>(2) The draft MidCoast LEP brings together the three existing LEPs. Some of these existing urban zones may currently be subject to bush fire hazards. The draft MidCoast LEP does not address these current inconsistencies, given the urban zones were lawfully established. The changes proposed focus on providing a consistent approach to zones across the MidCoast. Any future development in these existing urban areas will have regard to Planning for Bushfire Protection 2019.</p> <p>Any expansion of urban areas as a result of the draft MidCoast LEP has been considered in the context of this direction. The assessment of residential areas (refer to Appendix 3) examines each urban area and identifies where the residential footprint is being expanded and addresses sites if subject to bush fire controls.</p> <p>(3) Being a comprehensive LEP, the planning proposal does not apply to a specific development.</p> <p>The planning proposal is consistent with this direction.</p>	
<p>4.4 Remediation of Contaminated Land</p>	<p>Consistent</p>
<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered as part of a planning proposal.</p> <p>The draft MidCoast LEP brings together the three existing LEPs into one plan. Many of the current urban zones apply over land that is known, is suspected to be contaminated or has been remediated. The draft MidCoast LEP does not address these current inconsistencies, given the urban zones were lawfully established and any redevelopment of these sites would need to address land contamination. The changes proposed focus on providing a consistent approach to the application of zones across the MidCoast.</p> <p>Any expansion of the urban footprint as a result of the draft MidCoast LEP has been considered in the context of this direction. The assessment of residential areas (refer to Appendix 3) examines each urban area and identifies where the residential footprint is being expanded and addresses sites which have contamination issues (identified from Council's comprehensive mapping and records).</p> <p>The results of this assessment identified a small number of sites which are proposed to be included in a residential zone and are identified as contaminated. These are predominantly where a service</p>	

Section 9.1 Ministerial Direction:	Assessment:
<p>station existed or is currently on the site. Council is aware of the potential contamination and would require appropriate investigations under both Council’s Contaminated Land Policy and Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 if the sites were to be re-developed for residential purposes.</p> <p>A former Forestry Corporation site in Bulahdelah was proposed to be included in the RU5 Village zone. The Gateway Determination (refer to Appendix 2) identified potential contamination of this site (Condition 1(o)). As a result, the site has been retained in the RU3 Forestry zone.</p> <p>The planning proposal is consistent with this direction.</p>	
4.5 Acid Sulfate Soils	Consistent
<p>The objective of this direction is to avoid significant environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Acid sulfate soil provisions and mapping in the current Great Lakes Local Environmental Plan 2014 and Greater Taree Local Environmental Plan 2010 have been consolidated into the draft MidCoast LEP.</p> <p>The planning proposal is consistent with this direction.</p>	
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent
<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts improve access to housing, jobs and services, provide transport options, reducing travel time and demand, encourage the use of public transport and promote the efficient movement of freight.</p> <p>The draft MidCoast LEP brings together the three existing LEPs into one plan. The Housing Strategy (refer to Appendix 8) reviewed the application of residential zones in our towns and villages. Given the full suite of residential zones is proposed to be used across the MidCoast, the Housing Strategy aimed to have higher density zones located close to town centres and transport options.</p> <p>The Manning Health/Taree CBD Precinct Plan (refer to Appendix 14) provides the most significant changes, encouraging increased employment and residential activities in this precinct, close to the hospital, the CBD and transport options. This plan examined the urban design and infrastructure needs for this precinct.</p> <p>The Infrastructure Zones Review (refer to Appendix 13) reviewed the application of the SP2 Infrastructure zone across the MidCoast to ensure consistency. Significant transport connections including the North Coast Railway, Pacific Highway, The Bucketts Way, The Lakes Way, Failford Road, Wingham Road, Gloucester Road, and Thunderbolts Way will be included in the SP2 Infrastructure zone to reflect the importance of these transport connections to support ongoing freight and logistic movements within and beyond the MidCoast.</p> <p>The strategy and precinct plan, and resultant draft MidCoast LEP are consistent with the aims, objectives, and principles of:</p> <ul style="list-style-type: none"> • Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and • The Right Place for Business and Services – Planning Policy (DUAP 2001). <p>The planning proposal is consistent with this direction.</p>	

Section 9.1 Ministerial Direction:	Assessment:
5.2 Reserving Land for Public Purposes	Justifiably inconsistent
<p>The objectives of this direction are 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 the land is no longer required for acquisition.</p> <p>The Recreation Zones Review (refer to Appendix 11) reviewed the application of the RE1 Public Recreation zone to ensure that it only applied over land owned by Council or public authority or proposed on the Land Reservation Acquisition Map.</p> <p>The Recreation Zones Review examined the application of zones over foreshores, waterways and environmental corridors which in some locations involved changing the zone from RE1 Public Recreation to a conservation zone.</p> <p>The Land Reservation Acquisition Map was reviewed across the three existing LEPs, and the following was undertaken:</p> <ul style="list-style-type: none"> • sites that have been acquired for the prescribed purpose were removed from the draft MidCoast LEP Land Acquisition Reservation Map • clarification was sought from National Parks and Wildlife Service regarding the acquisition sites around Crowdy Bay National Park and the proposed zone. Changes were made as requested by National Parks and Wildlife Service. <p>During engagement with the relevant NSW Government Departments, no additional sites were identified for inclusion on the Land Acquisition Reservation Map.</p> <p>In addition, the draft MidCoast LEP includes in Part 5 Miscellaneous provisions:</p> <ul style="list-style-type: none"> • clause 5.1 Relevant acquisition authority - this is a Standard Instrument clause • clause 5.1A Development on land intended to be acquired for public purposes - a specific clause for land to be acquired by Council. The clause allows Council to consider development proposals on land in the acquisition layer, and where suitable allow the development in a way that does not reasonably increase the cost of acquisition. <p>The inconsistency with this planning proposal is considered minor given the zone being applied over land reflects the characteristics of the land and has merit.</p>	
5.3 Development near regulated Airports and Defence Airfields	Consistent
<p>The objectives of this direction are to ensure the effective and safe operation of regulated airports and defence airfields; ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Taree Regional Airport is the only regulated airport in the MidCoast, which is operated by MidCoast Council. There is no Defence Airfield located in the MidCoast.</p> <p>The additional local provisions for Airspace operations and Development in areas subject to aircraft noise from Greater Taree Local Environmental Plan 2010 have been updated and included in the draft MidCoast LEP.</p> <p>The planning proposal does not propose any changes to zones or planning provisions in proximity to the Taree Regional Airport.</p> <p>The planning proposal is consistent with this direction.</p>	

Section 9.1 Ministerial Direction:	Assessment:
5.4 Shooting Ranges	Consistent
<p>The objectives of this direction are to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range; reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land; and identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>The planning proposal does not seek to permit more intensive uses on lands adjacent to existing shooting ranges or permit land uses incompatible with noise impacts from shooting ranges. A number of shooting ranges exist throughout the MidCoast, and most often they are located in a rural area.</p> <p>The planning proposal is consistent with this direction.</p>	
Focus area 6: Housing	
6.1 Residential Zones	Justifiably inconsistent
<p>The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs; make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and minimise the impact of residential development on the environment and resource lands.</p> <p>The Housing Strategy (refer to Appendix 8) provided the foundations for the draft MidCoast LEP. Given the extent of the MidCoast and the diverse character of the towns and villages, the full suite of residential zones are proposed in the draft MidCoast LEP, offering a diverse range of housing options. For these zones to be effective, there needs to be points of difference between the zones in terms of the types of residential uses permitted. The Housing Strategy outlines these points of difference which results in the range of planning controls and uses permitted in each zone.</p> <p>The Housing Strategy aimed to have higher density zones located close to town centres and transport options to encourage 15-minute neighbourhoods. It needs to be acknowledged that both the R3 Medium Density Residential and R4 High Density Residential zones have limited application across the MidCoast (only 3.4% of the residential land) and are intended for more dense residential development. As a result, low scale residential land uses are prohibited in these zones to encourage the efficient use of this land.</p> <p>The Housing Strategy and MidCoast Urban Release Areas Report also identify the urban release areas for the MidCoast, which will provide for the timely development of housing for residents through future planning proposals.</p> <p>The Manning Health/Taree CBD Precinct Plan (refer to Appendix 14) provides the most significant changes, encouraging increased employment and residential activities in this precinct, close to the hospital, the CBD and transport options. This plan examined the infrastructure needs and included an implementation plan to address infrastructure such as road upgrades, parking options and park improvements. Network upgrades could be undertaken to support the additional growth. Work is being undertaken to prepare the development contribution plans for the MidCoast which will review the infrastructure needs and growth for this location.</p> <p>The character of the rural towns and villages, and urban design requirements will be implemented through the draft MidCoast Development Control Plan.</p> <p>The uses proposed in some residential zones are inconsistent with this direction and are considered minor.</p>	

Section 9.1 Ministerial Direction:	Assessment:
6.2 Caravan Parks and Manufactured Home Estates	Justifiably inconsistent
<p>The objectives of this direction are to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>The direction states that the relevant planning authority must:</p> <ul style="list-style-type: none"> retain provisions that permit development for the purposes of a caravan park to be carried out on land, and 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 <i>Standard Instrument (Local Environmental Plans) Order 2006</i> that would facilitate the retention of the existing caravan park. <p>There are currently 33 caravan parks across the MidCoast. The Housing Strategy (refer to Appendix 8) and Recreation Zones Review (refer to Appendix 11) reviewed the approach for caravan parks in urban areas. For caravan parks under the control of Council or a public authority, it is proposed to retain existing caravan parks in the RE1 Public Recreation zone and apply the RE2 Private Recreation zone to private caravan parks. The development of new caravan parks in residential areas will be permitted with consent in the R1 General Residential and R3 Medium Density Residential zones, which make up 57% of the residential lands. Caravan parks will not be permitted in the R2 Low Density Residential zone given that much of this land is located away from services and facilities. They will also be prohibited in the R4 High Density Residential zone given it has limited application across the MidCoast, being only 0.4% of the 5,708ha of residential zoned land. As such, it is important to retain this land for higher density residential purposes.</p> <p>The RU5 Village zone and SP3 Tourist zone (applied in key locations in Forster, Diamond Beach and Old Bar) also permit caravan parks.</p> <p>The MidCoast Rural Strategy - The Way Forward (refer to Appendix 9) examined the permissibility of caravan parks in rural and conservation zones. The Rural Strategy examined the intensity of development that can be achieved in caravan parks (35+ dwellings/ha) and found that caravan park developments typically do not align with the values of the zones and the environmental and landscape values of the land. As a result, caravan parks are proposed to be prohibited in these zones. Low scale uses like camping grounds and eco-tourist facilities are permitted with consent in these zones.</p> <p>The permissibility of caravan parks in the residential, rural and conservation zones across the three existing LEPs was inconsistent, with the use predominately being prohibited in many of these zones. The draft MidCoast LEP has increased the opportunity for caravan parks to be established in residential zones, included many of the parks in recreation zones, and recognised the limitations in both rural and conservation zones given values of the zone and the landscape.</p> <p>It is acknowledged that there are existing caravan parks in the C3 Environmental Management zone typically along the coast, which will continue to operate as existing uses.</p> <p>Given there are evidence-based reasons for not permitting caravan parks in certain zones, the planning proposal is considered to be justifiably inconsistent with this direction.</p>	
Focus area 7: Industry and Employment	
7.1 Employment Zones	Justifiably inconsistent
<p>The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in employment zones, and support the viability of identified centres.</p> <p>The Employment Zones Review (refer to Appendix 12) and the NSW Government's Employment Zones Reform provided the foundations for the employment zones in the draft MidCoast LEP.</p>	

Section 9.1 Ministerial Direction:	Assessment:
<p>The Employment Zones Review recommended the reduction of the extent of Gloucester town centre to strengthen the employment activities and enable supporting residential in close proximity. The reduced size of the Gloucester centre was in keeping with town centres for similar rural centres, like Wingham. The review also proposed minor changes to employment zones to reflect current uses.</p> <p>The Manning Health/Taree CBD Precinct Plan (refer to Appendix 14) proposed changes encouraging increased employment activities in this precinct, close to the hospital and the CBD. This plan examined the urban design and infrastructure needs for this precinct.</p> <p>Overall, the changes to land included in the employment zones and the associated land use tables, will enhance and strengthen the growth of these centres.</p> <p>The planning proposal is justifiably inconsistent with this direction given the changes were justified by the Employment Zones Review (refer to Appendix 12).</p>	
<p>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</p>	<p>Consistent</p>
<p>The objectives of this direction are for managing commercial and retail development along the Pacific Highway. The objectives seek to protect the Pacific Highway’s function, that is to operate as the North Coast’s primary inter- and intra-regional road traffic route; prevent inappropriate development fronting the highway; protect public expenditure invested in the Pacific Highway; protect and improve highway safety and highway efficiency; provide for the food, vehicle service and rest needs of travellers on the highway; and reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</p> <p>The MidCoast has no ‘within town’ locations where the Pacific Highway passes through a town or village with a speed limit less than 80kph. The ‘out-of-town’ segments of the Pacific Highway include the rural and conservation landscapes and the village of Coolongolook. Coolongolook is to be retained in the RU5 Village zone. There are no proposed changes to planning controls that would increase development potential in this village or in the rural or conservation landscapes.</p> <p>Despite the ‘within town’ and ‘out-of-town’ requirements of the direction, Table 1 of the direction identifies locations where the establishment of highway service centre may be permitted provided that Roads and Maritime Services is satisfied that the highway service centre can be safely and efficiently integrated into the Highway interchange(s) at those localities. Within the MidCoast, there is one location identified in the table, and this is near Taree at the Old Bar Road interchange. In the future a planning proposal could be considered by Council for an Additional Permitted Use at this location.</p> <p>The planning proposal is consistent with the direction in that the definition of “Highway service centres” will continue to be prohibited in every land zone in accordance with current Council policy. As a result, any current or future Highway service centre in the MidCoast will need to be listed as an Additional Permitted Use in Schedule 1 of the draft MidCoast LEP.</p> <p>The planning proposal is consistent with this direction.</p>	
<p>Focus area 8: Resources and Energy</p>	
<p>8.1 Mining, Petroleum Production and Extractive Industries</p>	<p>Justifiably inconsistent</p>
<p>The objective of this direction is 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.</p> <p>The draft MidCoast LEP brings together the three existing LEPs into one plan. The MidCoast Rural Strategy – The Way Forward (refer to Appendix 9) reviewed the application of rural, conservation and waterways zones across the MidCoast, with the aim to apply the zones consistently across the MidCoast.</p>	

Section 9.1 Ministerial Direction:	Assessment:
<p>The most identifiable change is a 25,542ha decrease of the rural zones, which is predominately a result of land being included in a conservation zone. This zone change is a result of the initiatives outlined in the MidCoast Rural Strategy – The Way Forward (refer to Appendix 9) where land is proposed to be included in a conservation zone to recognise flooding and paper subdivisions, and for sites that adjoin National Parks which are proposed to be included in an C4 Environmental Living zone. While the number of hectares is large, it only equates to a 2.5% change of the zones applied across the whole MidCoast.</p> <p>While mining activities are still permitted in some conservation zones, these zone changes may have the potential to reduce the opportunity to extract resources from some of these lands. Given these zone changes are evidence-based and as a result of the MidCoast Rural Strategy – The Way Forward (refer to Appendix 9), the planning proposal is considered to be justifiably inconsistent.</p>	
<p>Focus area 9: Primary Production</p>	
<p>9.1 Rural Zones</p>	<p>Justifiably inconsistent</p>
<p>The objective of this direction is to protect the agricultural production value of rural land. To achieve this direction a planning proposal must not rezone land from a rural zone to a residential (R1, R2, R3, R4, R5), employment (E1, E2, E3, E4, E5), MU1 Mixed Use, W4 Working Waterfront, RU5 Village or SP3 Tourist zone.</p> <p>The draft MidCoast LEP brings together the three existing LEPs into one plan. While the three existing LEPs were developed in 2010 and 2014, they were direct translations of plans developed in the 1990s. As a result, strategies were undertaken to review the appropriate use of land across the MidCoast. The Housing Strategy (refer to Appendix 8) and the MidCoast Rural Strategy – The Way Forward (refer to Appendix 9) provide the foundations for the draft MidCoast LEP, and a consistent approach across the MidCoast.</p> <p>The most identifiable change is a 25,542ha decrease of the rural zones, which is predominately a result of land being included in a conservation zone. This zone change is a result of the initiatives outlined in the strategy where land is proposed to be included in a conservation zone to address flooding and paper subdivisions, and for sites that adjoin National Parks which are proposed to be included in an C4 Environmental Living zone. While the number of hectares is large, it only equates to a 1.2% change of the zones applied across the whole MidCoast.</p> <p>In addition to these larger scale changes the residential footprint was examined in the towns and villages, which also resulted in changes to the rural zone. These changes are outlined in the assessment of residential areas (refer to Appendix 3) and in many cases reflect the use of the land.</p> <p>Given the changes are evidence-based and as a result of the Housing Strategy (refer to Appendix 8) and the MidCoast Rural Strategy – The Way Forward (refer to Appendix 9), the planning proposal is considered to be justifiably inconsistent.</p>	
<p>9.2 Rural Lands</p>	<p>Justifiably inconsistent</p>
<p>The objectives of this direction are to protect the agricultural production value of rural land; facilitate the orderly and economic use and development of rural lands for rural and related purposes; assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State; minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses; encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land; and support the delivery of the actions outlined in the NSW Right to Farm Policy.</p> <p>The draft MidCoast LEP brings together the three existing LEPs into one plan. The Rural Strategy – The Way Forward (refer to Appendix 9) reviewed the application of rural, conservation and waterways zones across the MidCoast, with the aim to apply the zones consistently. This strategy provided the foundations for the draft MidCoast LEP.</p>	

Section 9.1 Ministerial Direction:	Assessment:
<p>The following is pertinent when considering this direction in relation to the planning proposal:</p> <ul style="list-style-type: none"> reduced minimum lot sizes in rural zones are proposed primarily in the Gloucester Basin from 100ha to 60ha. This change has been justified through investigations into existing subdivision fragmentation patterns, landscape and topography limitations and agricultural capability, of which minimal impact on agricultural productivity will occur. The potential subdivision of the Gloucester Basin is minimal when considering the potential subdivision of rural lands across the MidCoast that exists under the existing planning controls. The proposed minimum lot size in the Gloucester Basin is consistent with the neighbouring Dungog provisions and those applied along the coast from the Hunter Region to Northern NSW. It has been demonstrated that potential subdivision would have minimal impact on the draft State Significant Agricultural Land (SSAL) mapping draft background Rural Strategy documents have considered strategically important agricultural industries and agricultural lands at local, regional and state levels and ensured the existing operation and future viability of agricultural industries the planning proposal promotes opportunities for investment in productive, diversified, innovative and sustainable rural economic activities and support farmers 'right to farm' land use zones and associated development standards, including the rationale for lot sizes has considered the extent of the draft State Significant Agricultural Land (SSAL) mapping prepared by NSW Department of Primary Industries (Agriculture) land use conflict will be primarily avoided through a range of development controls, including future provisions and controls in the draft MidCoast Development Control Plan. <p>Given the changes are evidence-based and as a result of the MidCoast Rural Strategy – The Way Forward (refer to Appendix 9), the planning proposal is considered to be justifiably inconsistent.</p>	
9.3 Oyster Aquaculture	Consistent
<p>The objectives of this direction are to ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal; and 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 consequently, on the health of oysters and oyster consumers.</p> <p>In the MidCoast, particularly the lower Manning River and Wallis Lake, contain important aquaculture industries with special regional significance. Wallis Lake is a productive source of Sydney Rock Oysters, generating over \$10M value in 2021-2022.</p> <p>The draft MidCoast LEP brings together the three existing LEPs into one plan. The MidCoast Rural Strategy – The Way Forward (refer to Appendix 9) reviewed the application of rural, conservation and waterways zones across the MidCoast, and provided the foundations for the draft MidCoast LEP.</p> <p>A number of initiatives proposed in the planning proposal contribute towards the protection of aquaculture across the MidCoast, being:</p> <ul style="list-style-type: none"> overall, there is proposed to be a 24,303ha increase in the amount of land included in a conservation zones. As a result, the level of protection for coastal lands that feed into the waterways has increased additional local provisions for stormwater management, riparian land and watercourses, which will support the health of significant waterways and sensitive coastal lakes and act to protect aquatic ecosystems that sustain local industries. <p>The planning proposal is consistent with this direction.</p>	