



# **Attachment 6 to Item 153**

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## **Assessment Against Local Planning Direction**

Date of meeting: 13 September 2022  
Location: Council Chambers  
Time: 6:30 p.m.



Focus Area	Direction	Planning Proposal	Comply
<b>1. Planning Systems</b>			
1.1 Implementation of Regional Plans	Planning proposals must be consistent with a Regional Plan released by the Minister for Planning	The planning proposal was assessed against regional plans, giving effect to the vision of these strategies.	Yes
1.2 Development of Aboriginal Land Council land	<p>When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:</p> <p>(a) any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or</p> <p>(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.</p> <p>Note: Development delivery plans must be published in the Gazette or the NSW planning portal.</p>	N/A	N/A
1.3 Approval and referral requirements	<p>A planning proposal to which this direction applies must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(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:</p> <ol style="list-style-type: none"> <li>the appropriate Minister or public authority, and</li> <li>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&amp;A Act, and</li> </ol> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <ol style="list-style-type: none"> <li>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</li> <li>has obtained the approval of the Planning Secretary (or an officer of the</li> </ol>	The planning proposal does not require the concurrence from the minister.	Yes

	Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.		
1.4 Site Specific Provisions	<p>(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(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</p> <p>(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.</p> <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	The planning proposal does not require site specific provisions.	Yes
1.5 Planning System – Place Based	<ul style="list-style-type: none"> <li>• A planning proposal that applies to land in the nominated local government areas within the Parramatta Road Corridor must:</li> <li>• (a) give effect to the objectives of this direction,</li> <li>• (b) be consistent with the Strategic Actions within the Parramatta Road Corridor Urban Transformation Strategy (November, 2016),</li> <li>• (c) be consistent with the Parramatta Road Corridor Planning and Design Guidelines (November, 2016) and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines,</li> <li>• (d) be consistent with the staging and other identified thresholds for land use change identified in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, as applicable,</li> <li>• (e) contain a requirement that development is not permitted until land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016),</li> </ul>	N/A	N/A

	<ul style="list-style-type: none"> <li>• (f) be consistent with the relevant District Plan.</li> </ul>		
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	<ul style="list-style-type: none"> <li>• Planning proposals to which this direction applies shall be consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that: <ul style="list-style-type: none"> <li>• (a) the provisions of the planning proposal that are inconsistent are of minor significance, and</li> <li>• (b) the planning proposal achieves the overall intent of the Strategy and does not undermine the achievement of its objectives, planning principles and priorities for the North West Priority Growth Area. Issued to commence 1 March 2022 (replaces previous Direction 7.4)</li> </ul> </li> </ul>	N/A	N/A
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land use and Implementation Plan	<ul style="list-style-type: none"> <li>• Planning proposals shall be consistent with the interim Plan published in July 2017</li> </ul>	N/A	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.	<ul style="list-style-type: none"> <li>• A planning proposal is to be consistent with the Interim Land Use and Infrastructure Implementation Plan and Background Analysis, approved by the Minister for Planning and as published on 5 August 2017 on the website of the Department of Planning and Environment (Implementation Plan).</li> </ul>	N/A	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	<ul style="list-style-type: none"> <li>• A planning proposal is to be consistent with the precinct plans approved by the Minister for Planning and published on the Department's website on 22 December 2017.</li> </ul>	N/A	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	<ul style="list-style-type: none"> <li>• A planning proposal is to be consistent with the Western Sydney Aerotropolis Plan approved by the Minister for Planning and as published on 10 September 2020 on the website of the Department of Planning and Environment.</li> </ul>	N/A	N/A
1.11 Implementation of Bayside West Precincts Plan	<ul style="list-style-type: none"> <li>• A planning proposal authority must ensure that a planning proposal is consistent with the Bayside West Precincts 2036 Plan, approved by the Minister for Planning and published on the Department of Planning and Environment website in September 2018.</li> </ul>	N/A	N/A

1.12 Implementation of Planning Principles for the Cooks Cove Precinct	<ul style="list-style-type: none"> <li>• A planning proposal authority must ensure that a planning proposal is consistent with the following principles:</li> <li>• (a) Enable the environmental repair of the site and provide for new recreation opportunities;</li> <li>• (b) Not compromise future transport links (such as the South-East Mass Transit link identified in Future Transport 2056 and the Greater Sydney Region Plan) that will include the consideration of the preserved surface infrastructure corridor, noting constraints, including the Cooks River, geology, Sydney Airport and existing infrastructure will likely necessitate consideration of future sub-surface solutions and potential surface support uses;</li> <li>• (c) Create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove;</li> <li>• (d) Ensure best practice design and a high quality amenity with reference to the NSW design policy Better Placed;</li> <li>• (e) Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden;</li> <li>• (f) Safeguard the ongoing operation of Sydney Airport;</li> <li>• (g) Enhance walking and cycling connectivity and the use of public transport to encourage and support a healthy and diverse community and help deliver a 30-minute city;</li> <li>• (h) Deliver a safe road network that balances movement and place, provides connections to the immediate and surrounding areas, and is cognisant of the traffic conditions in this area; and</li> <li>• (i) Enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage.</li> </ul>	N/A	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	A planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, approved by the Minister for Planning and published on the Department of Planning and Environment website on 29 August 2020.	N/A	N/A
1.14 Implementation of Greater Macarthur 2040	A planning proposal authority must ensure that a planning proposal is consistent with Greater Macarthur 2040, approved by the Minister for Planning and as published on 19 November 2018 on the website of the Department of Planning and Environment. Consistency A planning proposal may be inconsistent with this direction only if the planning proposal authority	N/A	N/A

	<p>can satisfy the Planning Secretary(or their nominee), that:</p> <ul style="list-style-type: none"> <li>• (a) the provisions of the planning proposal that are inconsistent are of minor significance, and</li> <li>• (b) the planning proposal achieves the overall intent of the Greater Macarthur 2040 and does not undermine the achievement of its objectives, planning principles and priorities for the Greater Macarthur Growth Area.</li> </ul> <p>Issued to commence 1 March 2022 (replaces previous Direction 7.12)</p>		
1.15 Implementation of the Pymont Peninsula Place Strategy	<ul style="list-style-type: none"> <li>• A planning proposal authority must ensure that a planning proposal is consistent with the Pymont Peninsula Place Strategy, approved by the Minister for Planning and published on the Department of Planning and Environment website on 11 December 2020, including that it:</li> <li>• (a) gives effect to the objectives of this direction and the Vision (Part 5) of the Pymont Peninsula Place Strategy,</li> <li>• (b) is consistent with the 10 directions (Part 6) and Structure Plan (Part 8) in the Pymont Peninsula Place Strategy,</li> <li>• (c) delivers on envisaged future character for sub-precincts (Part 9), including relevant place priorities in the Pymont Peninsula Place Strategy, and</li> <li>• (d) supports the delivery of the Big Moves (Part 7) in the Pymont Peninsula Place Strategy.</li> </ul>	N/A	N/A
1.16 North West Rail Link Corridor Strategy	<p>A planning proposal that applies to land located within the NWRL Corridor must:</p> <ul style="list-style-type: none"> <li>• (a) give effect to the objectives of this direction</li> <li>• (b) be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts</li> <li>• (c) promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.</li> </ul>	N/A	N/A
1.17 Implementation of the Bays West Place Strategy	<p>A planning proposal authority must ensure that a planning proposal is consistent with the Bays West Place Strategy, approved by the Minister for Planning and published on the Department of Planning and Environment website on 15 November 2021, including that it:</p> <ul style="list-style-type: none"> <li>• (a) gives effect to the objectives of this Direction and the Vision of the Bays West Place Strategy,</li> <li>• (b) is consistent with the 14 Directions and Structure Plan(s) in the Bays West Place Strategy,</li> <li>• (c) delivers on envisaged future character for sub-precincts, and</li> <li>• (d) supports the delivery of the Big Moves in the Bays West Place Strategy.</li> </ul>	N/A	N/A

2. Design and Place			
3. Biodiversity and Conservation			
3.1 Conservation Zones	<p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <ul style="list-style-type: none"> <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	N/A
3.2 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <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, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</li> </ul>	The conversion of zoning on the subject site is consistent with the Pitt Town Conservation Area. Heritage impacts of future development is unlikely but will be appropriately managed upon submission of development application	Yes
3.3 Sydney Drinking Water Catchments	<p>(1) A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:</p> <ul style="list-style-type: none"> <li>(a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and</li> <li>(b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and</li> <li>(c) the ecological values of land within a Special Area that is: i. reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or ii. declared as a wilderness</li> </ul>	N/A	N/A



	<p>area under the Wilderness Act 1987, or iii. owned or under the care control and management of the Sydney Catchment Authority, should be maintained.</p> <p>(2) When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:</p> <ul style="list-style-type: none"><li>• (a) ensure that the proposal is consistent with chapter 8 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and</li><li>• (b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and<ul style="list-style-type: none"><li>• (c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:</li></ul></li></ul> <table><tr><th>Land</th><th>Zone under Standard Instrument (Local Environmental Plans) Order 2006</th></tr><tr><td>Land reserved under the <i>National Parks and Wildlife Act 1974</i></td><td>C1 National Parks and Nature Reserves</td></tr><tr><td>Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level</td><td>C2 Environmental Conservation</td></tr><tr><td>Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.</td><td>SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)</td></tr></table> <ul style="list-style-type: none"><li>• (d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and</li><li>• (e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal.</li></ul>	Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006	Land reserved under the <i>National Parks and Wildlife Act 1974</i>	C1 National Parks and Nature Reserves	Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation	Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)		
Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006										
Land reserved under the <i>National Parks and Wildlife Act 1974</i>	C1 National Parks and Nature Reserves										
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation										
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)										
3.4 Application of C2 and C3 zones and Environmental Overlays in Far North Coast LEPs.	A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental Management zone, or the overlay and associated clause, in line with the Northern Councils E Zone Review Final Recommendations.	N/A	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> <ul style="list-style-type: none"><li>• (a) where the land is within a conservation zone,</li><li>• (b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</li><li>• (c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless</li></ul>	N/A	N/A								

	<p>the relevant planning authority has taken into consideration:</p> <ul style="list-style-type: none"> <li>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</li> <li>ii. the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</li> </ul>		
<b>4. Resilience and Hazards</b>			
<b>4.1 Flooding</b>	<p>(1) A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> <li>(a) the NSW Flood Prone Land Policy, (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> <p>(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.</p> <ul style="list-style-type: none"> <li>(3) A planning proposal must not contain provisions that apply to the flood planning area which: <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</li> </ul> </li> </ul>	<p>The subject site for the planning proposal is above the 1:100 ARI flood planning area, allowing for rezoning from a Special Purpose to Residential Zoning. In consideration that the subject site is partially inundated by the PMF event, the Planning Proposal is consistent with this direction as it doesn't propose significant increase of dwelling density, result in flood impacts on other properties or result in significant increased requirements for flood evacuation infrastructure or emergency services.</p>	Yes

	<p>measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</p> <ul style="list-style-type: none"> <li>• (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event. Local Planning Directions NSW Department of Planning and Environment   29</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 of the development cannot effectively evacuate,</li> <li>• (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</li> <li>• (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.</li> </ul> <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> <ul style="list-style-type: none"> <li>• (a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</li> <li>• (b) the NSW Coastal Management Manual and associated Toolkit;</li> <li>• (c) NSW Coastal Design Guidelines 2003; and</li> <li>• (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.</li> </ul>	N/A	N/A

	<p>(2) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <ul style="list-style-type: none"> <li>• (a) within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021; or</li> <li>• (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: <ul style="list-style-type: none"> <li>• i. by or on behalf of the relevant planning authority and the planning proposal authority, or</li> <li>• ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</li> </ul> </li> </ul> <p>(3) A planning proposal must not rezone land which would enable increased 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 (d) Coastal use area map. 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. Local Planning Directions NSW Department of Planning and Environment   31</li> </ul> <p>Note: Under section 10(2) of the Coastal Management Act 2016, any provision of an LEP that identifies a coastal management area (or part of such an area) must not be made without the recommendation of the Minister administering the Coastal Management Act 2016</p>		
4.3 Planning for Bushfire Protection	(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	N/A	N/A

	<p>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> <li>•</li> <li>• (3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: 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 ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</li> <li>• (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, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</li> <li>• (d) contain provisions for adequate water supply for firefighting purposes,</li> <li>• (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</li> <li>• (f) introduce controls on the placement of combustible materials in the Inner Protection Area.</li> </ul>		
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> <ul style="list-style-type: none"> <li>• (a) the planning proposal authority has considered whether the land is contaminated, and</li> <li>• (b) if the land is contaminated, the planning</li> </ul>	Detailed Site Investigation report submitted alongside planning. This report finds that low concentration of contaminants was found on site. The source of this contamination is likely as a result of paint flakes. Of importance, the Detailed Site Investigation reports	Yes

	<p>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> <ul style="list-style-type: none"> <li>• (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.</li> <li>• (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.</li> </ul>	<p>that ACM (Asbestos Containing Material) was identified in 2 locations. This material was removed during the investigation. Despite these contaminants, the report concludes that the site meets screening levels for residential development, though recommends 'that an emu pick of the surface be undertaken before the site is divested to clear the site surface of ACM fragments'</p>	
4.5 Acid Sulfate Soil	<p>(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning 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> <ul style="list-style-type: none"> <li>• (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</li> <li>• (b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</li> </ul> <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</p>	<p>The subject site contains category 5 acid sulfate soils and as such, ensuing development will be subject to the requirements of clause 6.1 of the <i>Hawkesbury Local Environment Plan 2012</i>, which may require an acid sulfate soil management plan depending on proposed development within a development application.</p>	Yes

	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).		
4.6 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> <ul style="list-style-type: none"> <li>• (a) consult Subsidence Advisory NSW to ascertain: i. if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and ii. the scale, density and type of development that is appropriate for the potential level of subsidence, and</li> <li>• (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</li> <li>• (c) include a copy of any information 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.</li> <li>•</li> </ul> <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>	N/A	N/A
<b>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> <ul style="list-style-type: none"> <li>• (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>• (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</li> </ul>	N/A	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>	N/A	N/A

	<ul style="list-style-type: none"> <li>• (a) reserve the land in accordance with the request, and</li> <li>• (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</li> <li>• (c) identify the relevant acquiring authority for the land.</li> </ul> <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> <ul style="list-style-type: none"> <li>• (a) include the requested provisions, or (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 the land before it is acquired.</li> </ul> <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>		
5.3 Development Near Regulated Airports and Defence Airfields	<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; (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; (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</li> </ul>	N/A	N/A



	<p>incompatible with the current and future operation of that airport.</p> <ul style="list-style-type: none"> <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 if: i. the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or 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> <li>• (b) for land affected by the operational airspace, 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 airfield. Local Planning Directions NSW Department of Planning and Environment   42</li> </ul> <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. (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.</li> </ul>		
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</li> </ul>	N/A	N/A

	incompatible with the noise emitted by the existing shooting range.		
<b>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> <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>	The planning proposal is infill development, and able to utilise existing services and infrastructure. The subject site currently is not serviced by a reticulated sewer system; however Sydney Water has provided Council with an email from CJ Boyd Solicitors, on behalf of Johnson Property Group, that they are willing to provide connection to the subject site and secure capacity.	Yes
6.2 Caravan Park 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	N/A
<b>Industry and Employment</b>			
7.1 Business and	(1) A planning proposal must:	N/A	N/A

Industrial Zones	<p>(a) give effect to the objectives of this direction,</p> <ul style="list-style-type: none"> <li>• (b) retain the areas and locations of existing business and industrial zones, (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>		
7.2 Reduction in non-hosted short-term rental accommodation period	<p>(1) The council must include provisions which give effect to the following principles in a planning proposal to which this direction applies:</p> <ul style="list-style-type: none"> <li>• (a) non-hosted short term rental accommodation periods must not be reduced to be less than 90 days</li> <li>• (b) the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated</li> <li>• (c) there should be a sound evidence base for the proposed change, including evidence of the availability of short-term rental accommodation in the area (or parts of the area) in the 12 months preceding the proposal, relative to the amount of housing in the area, and trend data on the availability of short-term rental accommodation over the past 5 years.</li> <li>• (d) the impact of reducing the non-hosted short-term rental accommodation period should be analysed and explained, including social and economic impacts for the community in general, and impacted property owners specifically.</li> </ul>	N/A	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	<p>(1) A planning proposal that applies to land located on “within town” segments of the Pacific Highway must provide that: (a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway;</p> <ul style="list-style-type: none"> <li>• (b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and</li> <li>• (c) for the purposes of this paragraph, “within town” means areas which, prior to the draft local environmental plan, have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) and where the Pacific Highway speed limit is less than 80km/hour.</li> </ul> <p>•</p> <p>(2) A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that: (a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the</p>	N/A	N/A

	<p>objectives of this direction;</p> <ul style="list-style-type: none"> <li>• (b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and (c) for the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.</li> </ul> <p>(2) Notwithstanding the requirements of paragraphs (1) and (2), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that Roads and Maritime Services is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the purposes of this paragraph, a highway service centre has the same meaning as is contained in the Standard Instrument (Local Environmental Plans) Order 2006.</p>		
<b>8. Resources and Energy</b>			
8.1 Mining, Petroleum Production and Energy	<p>(1) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>• (a) consult the Secretary of the Department of Primary Industries (DPI) to identify any: i. resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and</li> <li>• (b) seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and (c) identify and take into consideration issues likely to lead to land use conflict between other land uses and: i. development of resources identified under (1)(a)(i), or ii. existing development identified under (1)(a)(ii).</li> </ul> <p>(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:</p> <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</li> </ul>	N/A	N/A

	Secretary of DPI with the statement to the Planning Secretary (or an officer of the Department nominated by the 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: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	N/A	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: Local Planning Directions NSW Department of Planning and Environment   55 <ul style="list-style-type: none"> <li>• (a) is consistent with the priority of</li> </ul>	N/A	N/A

	<p>minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <ul style="list-style-type: none"> <li>• (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</li> <li>• (c) where it is for rural residential purposes: <ul style="list-style-type: none"> <li>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</li> <li>ii. is necessary taking account of existing and future demand and supply of rural residential land.</li> </ul> </li> </ul>		
9.3 Oyster Aquaculture	<p>(1) In the preparation of a planning proposal the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>• (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,</li> <li>• (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,</li> <li>• (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,</li> <li>• (d) consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and</li> <li>• (e) ensure the planning proposal is consistent with the Strategy.</li> </ul> <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> <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 before undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</li> </ul>	N/A	N/A
9.4 Farmland of State and	<p>(1) A planning proposal must not:</p> <ul style="list-style-type: none"> <li>• (a) rezone land identified as "State</li> </ul>	N/A	N/A

Regional Significance on the NSW Far North Coast.	Significant Farmland” for urban or rural residential purposes. • (b) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes. • (c) rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes.		
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