

## Ministerial Section 117 Directions Assessment

Direction	Comment
<b>Employment &amp; Resources</b>	
<b>1.1 Business &amp; Industrial Zones</b>	
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic centres.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p>Not applicable. Commercial zoning is not proposed.</p>
<b>1.2 Rural Zones</b>	
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<p>Applicable Consistent</p> <p>The planning proposal will affect land that is currently zoned RU6 Transition by rezoning it to facilitate residential uses.</p> <p>Investigations undertaken to support the previous rezoning of 'Precinct 7A' including this location determined that land within this precinct had limited agricultural potential. The primary objective of the RU6 transition zone is to protect its future development potential whilst allowing appropriate uses such as agriculture.</p> <p>The precinct is identified in the North Wyong Shire Structure Plan (NWSSP) for future development.</p> <p>On the basis of the above the rezoning is considered consistent with this direction.</p>
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are</p>	<p>Applicable Consistent</p> <p>The mining SEPP permits underground mining, with consent. In this context the proposal is considered consistent with this direction.</p>

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of State or regional significance by permitting a land use that is likely to be incompatible with such development.	
<b>1.4 Oyster Aquaculture</b>	
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p>	<p>Not Applicable</p> <p>The proposal does not affect land within a Priority Oyster Aquaculture Area.</p>
<b>1.5 Rural Lands</b>	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	<p>Not Applicable</p> <p>This Direction does not apply to this part of the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>Environment &amp; Heritage</b>	
<b>2.1 Environmental Protection Zones</b>	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The proposal protects and conserves environmentally sensitive areas by concentrating development away from environmentally sensitive land. Land is proposed to be rezoned from RU6 Transition to E3 Environmental Management and the development footprint of the residential component has been reduced to lessen the impact on the flood plain.</p>
<b>2.2 Coastal Protection</b>	
<p>Aims to implement the principles in the NSW Coastal Policy.</p>	<p>Not Applicable</p>

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Applies when a planning proposal applies to land in the <i>Coastal Zone</i> .	The area proposed for the rezoning is not located within the coastal zone.
<b>2.3 Heritage Conservation</b>	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>There are no identified European Heritage items or areas in the vicinity of the site.</p> <p>In 2008 Archaeological Surveys and Reports Pty Ltd (ACR) were appointed to prepare an Aboriginal and European Archaeological Study as part of the Precinct 7A rezoning. No items of European Cultural Heritage have been identified on the land proposed to be rezoned.</p> <p>Warnies Railway Café and General Store is listed as a Heritage Item in Schedule 5 of WLEP 2013 and is located to the west of the site.</p> <p>The area currently zoned RE1 contains 11 aboriginal artefacts. An Aboriginal Cultural Heritage Assessment Report was prepared by Extent Heritage in March 2018 in consultation with the relevant stakeholders. The assessment has been undertaken in accordance with the NSW Office of Environment and Heritage investigation, assessment and reporting guidelines, inclusive of relevant consultation with indigenous groups. The recommendations have concluded that an Aboriginal Heritage Impact Permit would be required during the Development Application stage. Development of the site has commenced in the northern parts of the site.</p>
<b>2.4 Recreational Vehicle Areas</b>	
<p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The proposal does not seek land to be developed for the purpose of a recreation vehicle area.</p> <p>The proposal is consistent with this Direction.</p>
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	
<p>Aims to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

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<b>2.6 Remediation of Contaminated Land</b>	
<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 by planning proposal authorities.</p>	<p>Consistent</p> <p>Detailed land contamination investigations were undertaken by Douglas Partners as part of the recent Precinct 7A rezoning process, where it was established that the subject site contained no "areas of concern". A letter received from the current owners has confirmed that no illegal dumping or other contamination has occurred since the Douglas Partners Study was undertaken in 2009.</p>
<b>Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>Applicable</p> <p>Consistent.</p> <p>The Proposal is consistent with this direction as it the future residential land will encourage a variety of housing types to provide for existing and future housing needs, provide access to appropriate infrastructure and services while minimising impact on environmental land.</p> <p>The provisions of <i>WLEP 2013</i> and the conditions of any development consent issued will ensure that the land is adequately serviced for residential development.</p>
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	
<p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The proposal is consistent with this Direction.</p>
<b>3.3 Home Occupations</b>	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>Consistent</p> <p>The proposal does not impact on the permissibility of home occupations.</p>

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<b>3.4 Integrating Land Use &amp; Transport</b>	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>Applicable</p> <p>The proposal is consistent with this Direction as it provides residential development within close proximity of public transport (Warnervale Train Station and local buses).</p>
<b>3.5 Development Near Licensed Aerodromes</b>	
<p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 &amp; 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>Applicable</p> <p>Consistent.</p> <p>The proposal is located within 2 kilometres of the Central Coast Airport; however the land subject of the proposed rezoning is not affected by the (Annual Noise Exceedance Frequency) ANEF and Obstacle Limitation Surface.</p> <p>Therefore the planning proposal is consistent with this direction.</p>
<b>3.6 Shooting Ranges</b>	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p>Not Applicable</p> <p>The proposal is not located in the vicinity of a shooting range.</p>
<b>3.7 Reduction in non-hosted short term rental accommodation period</b>	

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<p>The objectives of this direction are to:</p> <p>(a) mitigate significant impacts of short-term rental accommodation where non-hosted short term rental accommodation period are to be reduced, and</p> <p>(b) ensure the impacts of short-term rental accommodation and views of the community are considered.</p>	<p>This direction applies to Byron Bay and therefore is not application to the Central Coast LGA.</p>
<b>Hazard &amp; Risk</b>	
<b>4.1 Acid Sulfate Soils</b>	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Applicable Consistent</p> <p>The area contains Class 3 and 5 soils and as such any future DA will be required to address existing provisions under Clause 7.1 of the WLEP 2013. It is noted that the planning proposal proposes that filling will be occurring within these areas for flooding purposes; therefore exposure of ASS is unlikely.</p>
<b>4.2 Mine Subsidence &amp; Unstable Land</b>	
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p>Not Applicable</p>
<b>4.3 Flood Prone Land</b>	
<p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p>	<p>Applicable</p> <p>The land is affected by the 1 in 100 year flood event (1% AEP). Initial flood modelling has been undertaken by Cardno which has informed the proposed zone boundary based upon some filling of the edge of the flood plain.</p> <p>Following consultation with the former Office of Environment and Heritage, the development footprint has been reduced to lessen the impact on</p>

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<p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p>the flood plain and on down stream properties. Further consultation will be undertaken with the Department of Planning, Industry and Environment through the exhibition of the Planning Proposal.</p>
<p><b>4.4 Planning for Bushfire Protection</b></p>	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>Applicable</p> <p>The land proposed to be rezoned comprises Category 1 bushfire prone vegetation and bushfire buffer areas. Preliminary bushfire information submitted with the planning proposal made key recommendations in relation to Asset Protection Zones and road design. The assessment concluded that if the recommendations in the Bushfire Threat Assessment are incorporated into the future design the bushfire hazard present should be reduced to a level considered necessary to provide an adequate level of protection to life and property on the site. Therefore, the proposal is consistent with the Direction.</p>
<p><b>Regional Planning</b></p>	
<p><b>5.1 Implementation of Regional Strategies</b></p>	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy &amp; South Coast Regional Strategy.</p>	<p>Not Applicable – does not apply to land in the Central Coast LGA.</p>
<p><b>5.2 Sydney Drinking Water Catchments</b></p>	
<p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<p><b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b></p>	
<p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

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<p>reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>	
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	
<p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.9 North West Rail Link Corridor Strategy</b>	
<p>Aims to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) and ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</p> <p>Applies to the This Direction applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.10 Implementation of Regional Plans</b>	
<p>Aims to give legal effect to the vision, land use strategy, goals, directions and actions contained within Regional Plans.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable Consistent</p> <p>The Central Coast Regional Plan identifies this location as part of the Northern Growth Corridor and is identified for residential development. The planning proposal will facilitate the achievement of Goal 4 by planning for 'a variety of housing choices to suit needs and lifestyles'. Direction 22 seeks to 'deliver housing in new release areas that are best suited to</p>

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	<p><i>building new communities'</i>. Action 22.1 requires the coordination of infrastructure delivery to support the North Wyong Shire Structure Plan release areas. In this regard the proposed development can be suitably serviced.</p> <p>the planning proposal is consistent with this direction.</p>
<b>5.11 Development of Aboriginal Land Council Land</b>	
<p>The objective of this direction is to provide for the consideration of development delivery plans prepared under State Environmental Planning Policy (Aboriginal Land) 2019 when planning proposals are prepared by a planning proposal authority.</p>	<p>This Direction is not applicable to this proposal.</p>
<b>Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable Consistent</p> <p>The planning proposal will not increase the need for referrals for development applications.</p> <p>Referral requirements will be similar to those that would currently apply to development being generally in accordance with <i>Section 91 of the Environmental Planning and Assessment Act 1979</i>.</p>
<b>6.2 Reserving Land for Public Purposes</b>	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Not applicable</p>
<b>6.3 Site Specific Provisions</b>	
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Applicable Consistent</p> <p>The site currently has a site specific DCP which was adopted with the Precinct 7A rezoning. Only minor amendments to the DCP are proposed which will not place unnecessarily restrictive planning controls on the site.</p>

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<b>Metropolitan Planning</b>	
<b>7.1 Implementation of A Plan for Growing Sydney</b>	Not Applicable
<b>7.2 Implementation of Greater Macarthur Land Release Investigation</b>	Not Applicable
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	Not Applicable
<b>7.4 Implementation of North West Priority Growth Area</b>	Not Applicable
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	Not Applicable
<b>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Plan</b>	Not Applicable
<b>7.7 Implantation of Glenfield to Macarthur Urban Renewal Corridor</b>	Not Applicable
<b>7.8 Implantation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan</b>	Not Applicable
<b>7.9 Implementation of Bayside West Precincts 2036 Plan</b>	Not Applicable
<b>7.10 Implementation of Planning Principles for the Cooks Cove Precinct</b>	Not Applicable