

# Reclassification of Public Land – Central Darling Shire Council – Planning Proposal

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May 2023

Central Darling Shire Council

**CENTRAL DARLING  
SHIRE COUNCIL**

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# 1 Objectives and Outcomes

## 1.1 Introduction

In 2012 the Central Darling Local Environmental Plan (2012) (LEP) was made. At the time, several Council owned lands were erroneously classified as community land. Also, over the years Central Darling Shire Council has acquired hundreds of properties through failed payment of rates. Each of these acquired sites were never deemed to be operational land through a Council resolution and therefore defaulted to community land.

Like many Councils in NSW, Central Darling Shire Council (Council) lacks affordable housing or land readily available to be used to house staff of major projects. The purpose of this planning proposal is to reclassify 232 Council owned properties from community to operational under the *Local Government Act 1993* (LG Act) and to permit dealings with the land to occur. The planning proposal does not request any alteration to the development controls contained in the LEP including land zoning and minimum lot size.

The planning proposal has been drafted to meet the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning and Environment's (DPE) 'Local Environment Plan Making Guideline (December 2021)'.

The lots which are proposed to be classified from community land to operational land are identified in the Maps at Appendix 1 and described in detail in the Assessment Table at Appendix 2.

## 1.2 Overview of Proposal

Public land in NSW is defined in the *Local Government Act 1993* (LG Act) as *any land (including a public reserve) vested in or under the control of the council*. All public land must be classified by Council as either 'community' or 'operational'. The LG Act describes public land as follows:

*Community land would ordinarily comprise land such as a public park. Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage*

Public land is initially classified through one of three means:

1. by resolution of council, prior to or when the land is acquired; or
2. by a Local Environmental Plan ("LEP") prepared under the EP&A Act 1979; or
3. by operation of the LG Act

- a. applies to certain land controlled by council at 1 July 1993, or where council has since acquired land and there is no resolution to classify the land;

Classification and reclassification of public land through an LEP is subject to both the local plan making process in the EP&A Act and the public land management requirements of the LG Act.

Initial classification is usually initiated by a resolution of Council within three months of acquiring the land. Should a resolution of Council not occur, the land is automatically classified as community land.

The classification of land as community land reflects the importance of the land to the community because of its use or special features. Community land is classified as such because it is intended for public access and use (Department of Local Government, 2000). The LG Act heavily restricts Council's from dealing with community land including it cannot be sold, leased or licenced and there is a requirement that a Plan of Management be prepared for it.

In contrast, operational land has no special restrictions other than those that may ordinarily apply to any parcel of land and is considered unfettered land. Operational land would ordinarily comprise land that facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as council offices, a works depot, sewer or water pump station or a council quarry. It also includes land held by Council as a temporary asset or as an investment.

Central Darling Shire Council owns several portions of land which have been classified as community land due to a lack of Council resolution to classify the land as operational land after the land was acquired. Several portions of land in Central Darling were acquired by Council over the years due to non-payment of rates. These sites are generally vacant residential allotments in Wilcannia, Ivanhoe, Menindee and White Cliffs. These sites include vacant residential zoned land, depots, water treatment plants, dwellings, outdoor recreational facilities, the Shire Office and staff accommodation.

It is important that Council owned land which does not meet the definition of community land in the LG Act is classified as operational Land to permit Council to lease, licence, gift or sell the land if it is surplus to the needs of the Shire or continue to operate the asset without the need to prepare a Plan of Management.

### **1.3 Intended Outcome**

The intended outcome of the planning proposal is to reclassify Council owned land from community land to operational land.

The lots which are proposed to be classified from community land to operational land are listed in Appendix 2 and shown in the maps at Appendix 1. As previously stated, the planning

proposal does not propose to amend the zoning of any land or any development controls or protections for each site.

## 2 Explanation of Provisions

DPE issued a LEP Practice Note in 2016 (Ref No. PN 16-001) which guides the classification or reclassification of public land:

*The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with A guide to preparing local environmental plans and A guide to preparing planning proposals.*

All planning proposals which seek to classifying or reclassifying public land must address the following matters for Gateway consideration which is provided as a list in Attachment 1 of the Practice Note.

- the current and proposed classification of the land;
- whether the land is a 'public reserve' (defined in the LG Act);
- the strategic and site specific merits of the reclassification and evidence to support this;
- whether the planning proposal is the result of a strategic study or report;
- whether the planning proposal is consistent with council's community plan or other local strategic plan;
- a summary of council's interests in the land, including: - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution) - - if council does not own the land, the land owner's consent; the nature of any trusts, dedications etc;
- whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);
- evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);
- current use(s) of the land, and whether uses are authorised or unauthorised;
- current or proposed lease or agreements applying to the land, together with their duration, terms and controls;

- current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);
- any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- how council may or will benefit financially, and how these funds will be used;
- how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;
- a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and
- preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

## 2.1 Assessment of sites against Attachment 1 of the Practice Note

There are 232 sites which are proposed to be classified as operational land in this Planning Proposal. An assessment and review table has been prepared and is provided in Appendix 2. The table addresses the site-specific requirements as detailed in Attachment 1 of the Practice Note.

To avoid repetition there are several of the requirements in the checklist which can be answered equally for all sites:

- the current and proposed classification of the land;
  - current classification of all sites is community land and the proposed classification is operational land
- whether the land is a 'public reserve' (defined in the LG Act);
  - none of the sites are public reserves. The sites are either vacant land which has been obtained by Council for non-payment of rates or land which is considered Council operational lands including depots, sewerage and water treatment plants, water storage, multi dwelling housing, Council offices, a solar power station, community buildings and a caravan park,
- whether the planning proposal is the result of a strategic study or report;
  - the planning proposal is not the result any strategy or report.
- whether the planning proposal is consistent with council's community plan or other local strategic plan;

- the planning proposal is considered consistent with the Central Darling Strategic Plan for the following reasons:
  - the sites are not considered community land as described in the LG Act which should be protected from further dealings and reserved for public purposes
  - the reclassification would allow Council to deal with the sites including by way of sale, lease or licence and avoid the economic impacts of maintenance and the preparation of a Plan of Management which would help achieve Goal 2 of the Plan – Strong Economy.
  - several of the sites are located on serviced residential zoned land which could be developed for housing which would support Goal 1 and 2.
- a summary of council's interests in the land, including: - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution).
  - refer to Appendix 2
- whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
  - there are no interests in any of the sites that would be discharged. All existing interests in the land including right of carriageways and other easements would be retained.
- the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);
  - there would be no effect of the reclassification. The proposed sites to be reclassified are not considered to meet the definition or intent of community land in the LG Act. No public interests are proposed to be discharged in any of the sites and none of the sites are public reserves.
- evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);
  - none of the sites are on the Crown Reserve list or are considered public reserves.
- current use(s) of the land, and whether uses are authorised or unauthorised;
  - refer to Appendix 2



- current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
  - none of the sites are currently leased. The residential land is vacant, the council operational land is used for council operations. There has been some interest from the Aboriginal Housing Office to utilise some of the residential sites for future housing, but no agreement has been reached. Some of the sites are utilised by government agencies including the SES and the RFS, however no formal lease is in place for this use.
- current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);
  - there are no business dealings for the sites. As previously explained, some of the residential sites may be of interest to the Aboriginal Housing Office, but no business dealings have occurred.
- any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
  - none of the sites are proposed to be rezoned.
- how council may or will benefit financially, and how these funds will be used;
  - Council would not benefit financially from the reclassification of the sites. Several of the residential zoned sites contain derelict housing which will need to be removed at Council costs. Other vacant residential sites must be sprayed for weeds and maintained. Should the lands be gifted to a third party for development, Council would not be responsible for the upkeep of the sites which would remove an existing burden on rate payers.
- how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;
  - Council is not expected to receive any funds due to the reclassification of land. The operational Council asset sites would continue to be utilised for the present purpose. Council has an urgent need for additional housing. It is expected some of the reclassified lots would be gifted to community or social housing providers. No funds would be gained from the transfer of land. Council would most likely need to utilise the ordinary fund to pay for conveyancing costs. As such, no funds can be retained for open space sites. It should be noted that none of these sites are community open spaces sites or parks.

The intended outcomes of the planning proposal would be achieved by amending Schedule 4 of the Central Darling Local Environmental Plan 2012 to include the sites identified in the Maps at Appendix 1 and the Site Assessment at Table 2.

## 3 Justification

### 3.1 Section A - Need for the Planning Proposal

#### **Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

The Planning Proposal is not the result of a strategy or local strategic planning statement. However, the planning proposal is a direct result of the Far West Council Assistance Project which recommended Council prioritise the reclassification of land.

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

Yes. A Planning Proposal is the only way of achieving the objectives or intended outcomes. Further, all other potential reclassification avenues under the LG Act have been considered and are not feasible.

### 3.2 Section B – Relationship to the Strategic Planning Framework

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

##### **Far West Regional Plan 2036**

The key directions in the Far West Regional Plan 2036 (Regional Plan) relevant to the proposed amendments are outlined below with a detailed discussion where necessary. In general, the Planning Proposal is consistent with the Regional Plan.

##### *Direction 11: Support new planning and land management arrangements*

The proposal would permit Council to deal with lands which would appropriately be classed operational. This would unlock the development potential of village and industrial zoned land and relieve the burden of preparing hundreds of Plan of Management's.

##### *Direction 20: Manage change in settlements*

The proposal would support this direction providing Council with land which can be transferred to housing providers to provide much needed affordable housing options in existing village settings.

##### *Direction 22: Collaborate and partner with Aboriginal communities*

The proposal would provide operational land which can be utilised to provide housing for Aboriginal communities in accordance with Action 22.3:

*Work with stakeholders, including Aboriginal housing providers and prescribed body corporates, to identify opportunities for social and affordable housing options to meet the distinct cultural needs of Aboriginal communities.*

## **Is the planning proposal consistent with applicable State Environmental Planning Policies?**

### **State Environmental Planning Policies**

**Table 1:** State Environmental Planning Policies

<b>SEPP</b>	<b>Overview</b>	<b>Applicable?</b>
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<p>This SEPP contains:</p> <ul style="list-style-type: none"> <li>• planning rules and controls for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.</li> <li>• the land use planning and assessment framework for koala habitat.</li> <li>• provisions which establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray.</li> <li>• provisions seeking to protect and preserve bushland within public open space zones and reservations.</li> <li>• provisions which aim to prohibit canal estate development.</li> <li>• provisions to support the water quality objectives for the Sydney drinking water catchment.</li> <li>• provisions to protect the environment of the Hawkesbury-Nepean River system.</li> <li>• provisions to manage and improve environmental outcomes for Sydney Harbour and its tributaries.</li> <li>• provisions to manage and promote integrated catchment management policies along the Georges River and its tributaries.</li> <li>• provisions which seek to protect, conserve and manage the World Heritage listed Willandra Lakes property.</li> </ul>	<ul style="list-style-type: none"> <li>• None of the land to which the planning proposal applies is zoned for conservation. Some of the land contains native vegetation, however the effect of the planning proposal would not directly impact the vegetation.</li> <li>• The planning proposal is not considered to be contrary to the aims or objectives of the SEPP.</li> </ul>

SEPP	Overview	Applicable?
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	BASIX is short for Building Sustainability Index. It's a requirement of sustainability created by the NSW Government to ensure water and energy efficiency in residential buildings. BASIX has been around since 2004 and implements environmentally friendly solutions to create sustainable living.	Not Relevant.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The SEPP contains requirements for development to be considered exempt or complying, planning pathways to achieve construction and occupation where relevant and conditions to guide development.	Not Relevant.
State Environmental Planning Policy (Industry and Employment) 2021	This SEPP contains planning provisions: <ul style="list-style-type: none"> <li>• applying to employment land in western Sydney.</li> <li>• for advertising and signage in NSW.</li> </ul>	Not Relevant
State Environmental Planning Policy (Housing) 2021	The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) incentivises the supply of affordable and diverse housing in the right places and for every stage of life.  The Housing SEPP helps support the economic recovery of the home building sector in NSW following the COVID-19 pandemic.	Not Relevant
State Environmental Planning Policy (Planning Systems) 2021	The Planning systems SEPP <ul style="list-style-type: none"> <li>• identifies State or regionally significant development, State significant Infrastructure, and critical State significant infrastructure.</li> <li>• provides for consideration of development delivery plans by local Aboriginal land councils in planning assessment.</li> <li>• allows the Planning Secretary to elect to be the concurrence authority for certain development that requires concurrence under nominated State environmental planning policies.</li> </ul>	Not Relevant.

SEPP	Overview	Applicable?
State Environmental Planning Policy (Precincts—Central River City) 2021	This SEPP contains planning provisions for precinct planning, which is a form of strategic planning applied to a specified geographic area. The precincts in this SEPP are located in the Central River City. This city is based the strategic planning vision of the ‘three cities’ regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities.	Not Relevant.
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	This SEPP contains planning provisions for precinct planning, which is a form of strategic planning applied to a specified geographic area. The precincts in this SEPP are located in the Eastern Harbour City. This city is based the strategic planning vision of the ‘three cities’ regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities.	Not Relevant.
State Environmental Planning Policy (Precincts—Regional) 2021	This SEPP contains planning provisions for precinct planning, which is a form of strategic planning applied to a specified geographic area. The precincts in this SEPP are located in Regional NSW outside the Greater Sydney Region Plan.	Not Relevant.
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	This SEPP contains planning provisions for precinct planning, which is a form of strategic planning applied to a specified geographic area. The precincts in this SEPP are located in the Wester Parkland City. This city is based the strategic planning vision of the ‘three cities’ regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities.	Not Relevant.
State Environmental Planning Policy (Primary Production) 2021	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> <li>a) to manage primary production and rural development including supporting sustainable agriculture.</li> <li>b) for the protection of prime agricultural land of state and regional significance as well as regionally significant mining and extractive resources.</li> </ul>	<ul style="list-style-type: none"> <li>• Some of the sites are zoned RU1 – Primary Production. However, the reclassification of the land would not alter the potential for these sites to be used for rural uses such as primary production. The</li> <li>• Planning Proposal does not include the rezoning of any land.</li> </ul>

SEPP	Overview	Applicable?
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>This SEPP contains planning provisions:</p> <ol style="list-style-type: none"> <li>1 for land use planning within the coastal zone, in a manner consistent with the objects of the Coastal Management Act 2016.</li> <li>2 to manage hazardous and offensive development.</li> <li>3 which provides a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.</li> </ol>	Not relevant
State Environmental Planning Policy (Resources and Energy) 2021	<p>This SEPP contains planning provisions:</p> <ol style="list-style-type: none"> <li>a) for the assessment and development of mining, petroleum production and extractive material resource proposals in NSW.</li> <li>b) which aim to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance.</li> </ol>	Not Relevant.
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> <li>• for infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.</li> <li>• for child-care centres, schools, TAFEs and Universities.</li> <li>• planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line).</li> <li>• the land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle.</li> </ul>	Not Relevant

## **Central Darling Local Environmental Plan 2012 (CDLEP)**

The classification and reclassification of public land is covered and guided by Clause 5.2 of the CDLEP:

### 5.2 Classification and reclassification of public land

*(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.*

*Note—*

*Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the Local Government Act 1993. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.*

*(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.*

*(3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.*

*(4) The public land described in Part 1 of Schedule 4—*

*(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and*

*(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.*

*(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—*

*(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and*

*(b) any reservations that except land out of the Crown grant relating to the land, and*

*(c) reservations of minerals (within the meaning of the Crown Land Management Act 2016).*

### **Commentary:**

The purpose of this Planning Proposal is to give effect to the provisions of Clause 5.2 and reclassify Council owned land which is not considered to be public land as described in the *Local Government Act 1993*. The Planning Proposal seeks to amend Schedule 4 Part 1 by providing a locality and a description for each site to be reclassified. The drafting of the amendments to the Schedule would be carried out by Parliamentary Counsel prior to the making of the plan.

As per Clause 5.2(4)(b) of the CDLEP, each of the sites continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification,



or reclassification, as operational land. It is not proposed to utilise Part 2 of Schedule 4 of the CDLEP to reclassify any of the sites and remove interests in the land.

## Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following table assesses the compliance of the general amendments (GA1 etc.) and site-specific amendments (SSA1 etc.) and provides commentary, evidence and supporting information where necessary.

Ministerial Direction	Requirements	Compliance / Comments
1.1 Implementation of the Minister's Planning Principles	<p><b>Objective</b></p> <p>The objectives of this direction are to:</p> <p>(a) give legal effect to the Minister's Planning Principles and ensure the document, including the concept of sustainable development, is given regard in the assessment of planning proposals, and</p> <p>(b) support improved outcomes through consideration of planning principles that are relevant to the particular planning proposal.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning proposal authorities when preparing a planning proposal.</p>	<ul style="list-style-type: none"> <li>The Ministerial Directions were considered in preparing the Planning Proposal where relevant.</li> </ul>
1.2 Implementation of Regional Plans	<p><b>Objective</b></p> <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><b>Application</b></p> <p>This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning and Public Spaces.</p>	<ul style="list-style-type: none"> <li>A review of the Planning Proposal against the Far West Regional Plan is provided at <b>Section 2</b> of this Planning Proposal. The Planning Proposal is consistent with the Regional Plan.</li> </ul>
1.3 Development of Aboriginal Land Council land	<p><b>Objective</b></p> <p>The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> when planning proposals are prepared by a planning proposal authority.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning proposal authorities when preparing a planning proposal for land shown on the Land Application Map of chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i>.</p> <p><b>Note:</b> When this direction was made, chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> applied only to land in the Central Coast local government area.</p>	N/A. The lands are not located on the Land Application Map
1.4 Approval and Referral Requirements	<p><b>Objective</b></p> <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	<ul style="list-style-type: none"> <li>The Planning Proposal does not include additional clauses which require concurrence from government agencies.</li> <li>The Planning Proposal does not identify additional development as designated development.</li> </ul>
1.5 Site Specific Provisions	<p><b>Objective</b></p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.</p>	N/A
1.6 Parramatta Road Corridor Urban Transformation Strategy	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <p>(a) facilitate development within the Parramatta Road Corridor that is consistent with the <i>Parramatta Road Corridor Urban Transformation Strategy</i> (November, 2016), the <i>Parramatta Road Corridor Implementation Tool Kit</i>, and the <i>Parramatta Road Corridor Urban Transformation Implementation Update 2021</i>,</p>	N/A

Ministerial Direction	Requirements	Compliance / Comments
	<p>(b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and</p> <p>(c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.</p> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land in the City of Parramatta, Cumberland, Strathfield, Burwood, Canada Bay and Inner West local government areas, that applies to land within the Parramatta Road Corridor as identified on the Map titled Parramatta Road Corridor on pages 14 and 15 of the <i>Parramatta Road Corridor Urban Transformation Strategy</i> (November, 2016).</p>	
1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	<p><b>Objective</b></p> <p>The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the <i>North West Priority Growth Area Land Use and Infrastructure Strategy</i> (the Strategy).</p> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land in the Blacktown, The Hills or Hawkesbury local government areas that applies to land within the North West Priority Growth Area.</p>	N/A
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<p><b>Objective</b></p> <p>The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the <i>Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</i> dated July 2017 (the Interim Plan).</p> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land contained within the Greater Parramatta Priority Growth Area as indicated in the map attached.</p>	N/A
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<p><b>Objective</b></p> <p>The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the <i>Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis</i>.</p> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land in the Wollondilly local government area that applies to land within the Wilton Priority Growth Area (being the Wilton Priority Growth Area within the meaning of chapter 3 of the <i>State Environmental Planning Policy (Precincts - Western Parkland City) 2021</i>).</p>	N/A
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor	<p><b>Objective</b></p> <p>The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.</p> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land in the Campbelltown local government area that applies to land within the precincts between Glenfield and Macarthur.</p>	N/A
1.11 Implementation of the Western Sydney Aerotropolis Plan	<p><b>Objective</b></p> <p>The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the <i>Western Sydney Aerotropolis Plan</i> dated September 2020.</p> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land in the Blacktown, Blue Mountains, Camden, Campbelltown, Fairfield, Liverpool, Penrith and Wollondilly local government areas that applies to land that is the subject of the chapter 4 of the <i>State Environmental Planning Policy (Precincts - Western Parkland City) 2021</i>.</p>	N/A
1.12 Implementation of Bayside West Precincts 2036 Plan	<p><b>Objective</b></p> <p>The objective of this direction is to ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the <i>Bayside West Precincts 2036 Plan</i> (the Plan).</p> <p><b>Application</b></p> <p>This direction applies when a planning proposal authority prepares a planning proposal for land in the Bayside local government area that applies to land within the Bayside West Precincts in the Arncliffe, Banksia and Cooks Cove Bayside.</p>	N/A

Ministerial Direction	Requirements	Compliance / Comments
1.13 Implementation of Planning Principles for the Cooks Cove Precinct	<p><b>Objective</b></p> <p>The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.</p> <p><b>Application</b></p> <p>This direction applies when a planning proposal authority prepares a planning proposal for land within the Cooks Cove Precinct in the Bayside local government area, as shown on Map Sheet LAP_001 Cooks Cove Precinct Section 9.1 Direction.</p>	N/A
1.14 Implementation of St Leonards and Crows Nest 2036 Plan	<p><b>Objective</b></p> <p>The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the <i>St Leonards and Crows Nest 2036 Plan</i> (the Plan).</p> <p><b>Application</b></p> <p>This direction applies when a planning proposal authority prepares a planning proposal for land within the St Leonards and Crows Nest Precinct in the North Sydney, Lane Cove, and Willoughby local government areas as shown on Map LAP_001 <i>St Leonards and Crows Nest 2036 Plan</i> Ministerial direction published on the Department of Planning, Industry and Environment website on 29 August 2020.</p>	N/A
1.15 Implementation of Greater Macarthur 2040	<p><b>Objective</b></p> <p>The objective of this direction is to ensure that development within the Greater Macarthur Growth Areas is consistent with <i>Greater Macarthur 2040</i> dated November 2018.</p> <p><b>Application</b></p> <p>This direction applies to when a planning proposal authority prepares a planning proposal for land in the Camden, Campbelltown and Wollondilly local government areas that applies to land identified within <i>Greater Macarthur 2040</i> dated November 2018.</p>	N/A
1.16 Implementation of the Pyrmont Peninsula Place Strategy	<p><b>Objective</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) facilitate development within the Pyrmont Peninsula that is consistent with the <i>Pyrmont Peninsula Place Strategy</i> (Place Strategy) and the <i>Economic Development Strategy</i>,</li> <li>(b) align the planning framework with the <i>Eastern City District Plan</i> Planning Priority E7 Growing a Stronger and More Competitive Harbour CBD and actively support the consistent delivery of objectives in the <i>Eastern City District Plan</i> and <i>Greater Sydney Region Plan</i>, and</li> <li>(c) guide growth and change balanced with character, heritage and infrastructure considerations (amongst others) across the Peninsula under the Place Strategy.</li> </ul> <p><b>Application</b></p> <p>This direction applies when a planning proposal authority prepares a planning proposal within land subject to the <i>Pyrmont Peninsula Place Strategy</i> in the City of Sydney local government area as shown on Map LAP_001 Pyrmont Peninsula Place Strategy Ministerial Direction published on the Department of Planning, Industry and Environment website on 11 December 2020.</p>	N/A
1.17 North West Rail Link Corridor Strategy	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and</li> <li>(b) ensure development within the NWRL corridor is consistent with the proposals set out in the <i>NWRL Corridor Strategy</i> and precinct Structure Plans.</li> </ul> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land in the Hornsby, The Hills and Blacktown local government areas that applies to land within the North West Rail Link Corridor, as identified in the <i>NWRL Corridor Strategy</i> and Structure Plans.</p>	N/A
3.1 Conservation Zones	<p><b>Objective</b></p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	The Planning Proposal does relate to any lands zoned for conservation purposes.

Ministerial Direction	Requirements	Compliance / Comments															
3.2 Heritage Conservation	<p><b>Objective</b></p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	N/A															
3.3 Sydney Drinking Water Catchments	<p><b>Objective</b></p> <p>The objective of this direction is to protect water quality in the Sydney drinking water catchment.</p> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land in the following local government areas, that applies to land located within the Sydney drinking water catchment:</p> <table border="0"> <tr> <td>Blue Mountains</td> <td>Kiama</td> <td>Sutherland</td> </tr> <tr> <td>Campbelltown</td> <td>Lithgow</td> <td>Upper Lachlan</td> </tr> <tr> <td>Cooma Monaro</td> <td>Oberon</td> <td>Wingecarribee</td> </tr> <tr> <td>Eurobodalla</td> <td>Palerang</td> <td>Wollondilly</td> </tr> <tr> <td>Goulburn Mulwaree</td> <td>Shoalhaven</td> <td>Wollongong.</td> </tr> </table>	Blue Mountains	Kiama	Sutherland	Campbelltown	Lithgow	Upper Lachlan	Cooma Monaro	Oberon	Wingecarribee	Eurobodalla	Palerang	Wollondilly	Goulburn Mulwaree	Shoalhaven	Wollongong.	N/A
Blue Mountains	Kiama	Sutherland															
Campbelltown	Lithgow	Upper Lachlan															
Cooma Monaro	Oberon	Wingecarribee															
Eurobodalla	Palerang	Wollondilly															
Goulburn Mulwaree	Shoalhaven	Wollongong.															
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	<p><b>Objective</b></p> <p>The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.</p> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal within the Ballina, Byron, Kyogle, Lismore and Tweed local government areas that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or introduces or alters an overlay and associated clause.</p>	N/A															
3.5 Recreation Vehicle Areas	<p><b>Objective</b></p> <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><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	N/A															
4.1 Flooding	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) ensure that development of flood prone land is consistent with the NSW Government's FloodProne Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and</li> <li>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</li> </ul> <p><b>Application</b></p> <p>A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:</p>	N/A															
4.2 Coastal Management	<p><b>Objective</b></p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p> <p><b>Application</b></p>	N/A															

Ministerial Direction	Requirements	Compliance / Comments
	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the <i>Coastal Management Act 2016</i> - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 3 of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>.</p>	
<p>4.3 Planning for Bushfire Protection</p>	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(C) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</li> <li>(d) encourage sound management of bush fire prone areas.</li> </ul> <p><b>Application</b></p> <p>This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.</p> <p>This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&amp;A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p>	<p>Some of the land to which this planning proposal applies is considered Bushfire Prone Land. However, the reclassification of the land would not increase risks associated with bushfires. As part of any future development of the sites which are considered bushfire prone, PBP 2019 and the relevant legislation would need to be considered.</p>
<p>4.4 Remediation of Contaminated Land</p>	<p><b>Objective</b></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 by planning proposal authorities.</p> <p><b>Application</b></p> <p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <ul style="list-style-type: none"> <li>▪ land that is within an investigation area within the meaning of the <i>Contaminated Land Management Act 1997</i>,</li> <li>▪ land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</li> <li>▪ the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: <ul style="list-style-type: none"> <li>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</li> <li>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</li> </ul> </li> </ul>	<p>There is potential that some of the sites are potentially contaminated. However, the reclassification of the land would not increase risks associated with contamination. As part of any future development application of the relevant sites, an assessment of contamination would be required.</p>
<p>4.5 Acid Sulfate Soils</p>	<p><b>Objective</b></p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Map held by the Department of Planning, Industry and Environment.</p>	<p>N/A</p>
<p>4.6 Mine Subsidence and Unstable Land</p>	<p><b>Objective</b></p> <p>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that is within a declared mine subsidence district in the <i>Coal Mine Subsidence Compensation Regulation 2017</i> pursuant to section 20 of the <i>Coal Mine Subsidence Compensation Act 2017</i>, or has been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.</p>	<p>N/A</p>
<p>5.1 Integrating Land Use and Transport</p>	<p><b>Objectives</b></p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> <li>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</li> <li>(b) increasing the choice of available transport and reducing dependence on cars, and</li> </ul>	<p>Direction 5.1 and Improving <i>Transport Choice – Guidelines for planning and development (DUAP 2001)</i> were considered in the drafting of the Planning Proposal and the strategies and plans which provide the strategic merit for the</p>

Ministerial Direction	Requirements	Compliance / Comments
	<p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p><b>Direction 5.1</b></p> <p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	<p>rezonings. The proposal does not relate to the rezoning of land and therefore no further consideration is required.</p>
<p>5.2 Reserving Land for Public Purposes</p>	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <p>(a) facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p><b>Direction 5.2</b></p> <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 <i>Land Acquisition (Just Terms Compensation) Act 1991</i>, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</p> <p>(4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p> <p><b>Consistency</b></p> <p>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:</p> <p>(a) with respect to a request referred to in paragraph (4), further information is required before appropriate planning controls for the land can be determined, or</p> <p>(b) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.</p>	<p>The planning proposal is directly related to this Ministerial Direction.</p> <ul style="list-style-type: none"> <li>The Planning proposal seeks the reclassification of Council owned land to operational land and seeks the Planning Secretary's approval.</li> <li>The land does not require acquisition under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i></li> </ul>
<p>5.3 Development Near Regulated Airports and Defence Airfields</p>	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <p>(a) ensure the effective and safe operation of regulated airports and defence airfields;</p> <p>(b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</p>	<p>N/A</p>

Ministerial Direction	Requirements	Compliance / Comments
	<p>(c) 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><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p>	
5.4 Shooting Ranges	<p><b>Objectives</b></p> <p>The objectives are to:</p> <ul style="list-style-type: none"> <li>▪ maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</li> <li>▪ reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</li> <li>▪ identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</li> </ul> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.</p>	It does not appear that any other the sites are in proximity to a shooting range.
6.1 Residential Zones	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>(c) minimise the impact of residential development on the environment and resource lands.</li> </ul> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p><b>Direction 6.1</b></p> <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> <p><b>Consistency</b></p> <p>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 the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> <li>(a) justified by a strategy approved by the Planning Secretary which: <ul style="list-style-type: none"> <li>i. gives consideration to the objective of this direction, and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ul> </li> <li>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</li> <li>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Industry and Environment which gives consideration to the objective of this direction, or</li> <li>(d) of minor significance.</li> </ul>	The planning proposal includes the reclassification of land which is zoned for residential purposes. The reclassification of the proposed land would facilitate the objectives of the Direction by providing additional Council owned operational land which can be used for housing within existing village settings.



Ministerial Direction	Requirements	Compliance / Comments
6.2 Caravan Parks and Manufactured Home Estates	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(d) provide for a variety of housing types, and</li> <li>(e) provide opportunities for caravan parks and manufactured home estates.</li> </ul> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>This direction does not apply to Crown land reserved or dedicated for any purposes under the <i>CrownLand Management Act 2016</i>, except Crown land reserved for accommodation purposes, or land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i>.</p>	The Planning Proposal does not propose to increase or decrease the zones or locations in which caravan parks and manufactured home estates are permissible.
7.1 Business and Industrial Zones	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) encourage employment growth in suitable locations,</li> <li>(b) protect employment land in business and industrial zones, and</li> <li>(c) support the viability of identified centres.</li> </ul> <p><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p><b>Direction 7.1</b></p> <p>(1) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction,</li> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</li> </ul> <p><b>Consistency</b></p> <p>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 the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> <li>(a) justified by a strategy approved by the Planning Secretary, which: <ul style="list-style-type: none"> <li>i. gives consideration to the objective of this direction, and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ul> </li> <li>(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or</li> <li>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Industry and Environment which gives consideration to the objective of this direction, or</li> <li>(d) of minor significance.</li> </ul>	The planning proposal includes some lands which are zoned E4 – General Industrial. Should the land be classified as operational land, there is a better likelihood the sites can be used for employment generating purposes and give effect to the objectives of the direction.
7.2 Reduction in non-hosted short-term rental accommodation period	<p><b>Objective</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(d) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation periods are to be reduced, and</li> <li>(e) ensure the impacts of short-term rental accommodation and views of the community are considered.</li> </ul> <p><b>Application</b></p>	N/A

Ministerial Direction	Requirements	Compliance / Comments																												
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	<p>This direction applies to Byron Shire Council when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.</p> <p><b>Objectives</b></p> <p>The objectives for managing commercial and retail development along the Pacific Highway are to:</p> <ul style="list-style-type: none"> <li>(f) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route,</li> <li>(g) prevent inappropriate development fronting the highway,</li> <li>(h) protect public expenditure invested in the Pacific Highway,</li> <li>(i) protect and improve highway safety and highway efficiency,</li> <li>(j) provide for the food, vehicle service and rest needs of travellers on the highway, and</li> <li>(k) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</li> </ul> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land within those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive, and that applies to land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p>	N/A																												
8.1 Mining, Petroleum Production and Extractive Industries	<p><b>Objective</b></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><b>Application</b></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> <li>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</li> <li>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</li> </ul>	N/A																												
9.1 Rural Zones	<p><b>Objective</b></p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Direction (1)(a) applies to all relevant planning authorities.</p> <p>Direction (1)(b) only applies in the following local government areas:</p> <table border="0" data-bbox="557 1457 1549 1856"> <tbody> <tr> <td>Ashfield</td> <td>Campbelltown</td> <td>Hurstville</td> <td>Mosman</td> </tr> <tr> <td>Auburn</td> <td>Canada Bay</td> <td>Kogarah</td> <td>Newcastle</td> </tr> <tr> <td>Bankstown</td> <td>Canterbury</td> <td>Ku-ring-gai</td> <td>North Sydney</td> </tr> <tr> <td>Baulkham Hills</td> <td>City of Sydney</td> <td>Lake Macquarie</td> <td>Parramatta</td> </tr> <tr> <td>Blacktown</td> <td>Fairfield</td> <td>Lane Cove</td> <td>Willoughby</td> </tr> <tr> <td>Blue Mountains</td> <td>Gosford</td> <td>Leichhardt</td> <td>Wollondilly</td> </tr> <tr> <td>Botany Bay</td> <td>Hawkesbury</td> <td>Liverpool</td> <td>Woollahra</td> </tr> </tbody> </table>	Ashfield	Campbelltown	Hurstville	Mosman	Auburn	Canada Bay	Kogarah	Newcastle	Bankstown	Canterbury	Ku-ring-gai	North Sydney	Baulkham Hills	City of Sydney	Lake Macquarie	Parramatta	Blacktown	Fairfield	Lane Cove	Willoughby	Blue Mountains	Gosford	Leichhardt	Wollondilly	Botany Bay	Hawkesbury	Liverpool	Woollahra	The planning proposal does not include the reclassification of any rural zoned lands.
Ashfield	Campbelltown	Hurstville	Mosman																											
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Ministerial Direction	Requirements	Compliance / Comments
	<p>Burwood                      Holroyd                      Manly                      Wollongong</p> <p>Camden                      Hornsby                      Marrickville                      Wyong</p> <p style="padding-left: 100px;">Hunters Hill</p>	
9.2 Rural Lands	<p><b>Objective</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) protect the agricultural production value of rural land,</li> <li>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</li> <li>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</li> <li>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</li> <li>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</li> <li>(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</li> </ul> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the <i>Greater Sydney Commission Act 2015</i>) other than Wollondilly and Hawkesbury, that:</p> <ul style="list-style-type: none"> <li>(a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or</li> <li>(b) changes the existing minimum lot size on land within a rural or conservation zone.</li> </ul>	The planning proposal includes the reclassification of some rural zones lands. The planning proposal does not propose any rezoning or alterations to minimum lot sizes. The planning proposal is not considered to be contrary to the objectives of the zone.
9.3 Oyster Aquaculture	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(g) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and</li> <li>(h) 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.</li> </ul> <p><b>Application</b></p> <p>This direction applies to any relevant planning authority when preparing a planning proposal in 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i> ("the Strategy"), when proposing a change in land use which could result in:</p> <ul style="list-style-type: none"> <li>(a) adverse impacts on a 'Priority Oyster Aquaculture Area' or a "current oyster aquaculture lease in the national parks estate", or</li> <li>(b) incompatible use of land between oyster aquaculture in a 'Priority Oyster Aquaculture Area' or a "current oyster aquaculture lease in the national parks estate" and other land uses.</li> </ul>	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	<p><b>Objectives</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(i) ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</li> <li>(j) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</li> <li>(k) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</li> </ul> <p><b>Application</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land within Ballina Shire, Byron Shire, Kyogle Shire, Lismore City, Richmond Valley and Tweed Shire local government areas, except land identified as "urban growth areas" mapped in the <i>North Coast Regional Plan 2036</i> when preparing a planning proposal, that applies to land:</p> <ul style="list-style-type: none"> <li>(a) mapped as <ul style="list-style-type: none"> <li>i. State significant farmland, or</li> <li>ii. regionally significant farmland, or</li> <li>iii. significant non-contiguous farmland,</li> </ul> </li> <li>(b) on the set of four maps held in the Department of Planning, Industry and Environment marked "Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)"; and</li> </ul>	N/A

### **3.3 Section C – Environmental, Social and Economic Impact**

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

The Planning Proposal does not pose any adverse impact on the critical habitat or threatened species, populations or ecological communities or their habitats.

**Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The Planning Proposal does not intentionally pose any environmental impacts.

**Has the planning proposal adequately addressed any social and economic effects?**

It is envisaged that the amendments proposed as part of this Planning Proposal will have a positive impact on the overall social and economic wellbeing of the Central Darling LGA by ensuring Council owned lands are appropriately classified.

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

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

The Planning Proposal will not make any changes to development potential and will not lead to the need for an increase in public infrastructure.

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

State authorities will be consulted with as part of the gateway process, however, the Planning Proposal is not expected to impact the functioning of these authorities or their infrastructure.

## 4 Maps

See Appendix 1

## 5 Community Consultation

As the planning proposal involves the reclassification of public land it is considered by DPEs "Local Environmental Plan Making Guideline (December 2021)" to be a 'basic' planning proposal.

Due to the nature of the proposal and the number of parcels to be reclassified is intended that the proposal be exhibited for a minimum of 28 days in accordance with the above guideline.

The planning proposal will also be exhibited in accordance with DPEs PN 16-001 a copy of which is included as Appendix 3. Written statements addressing the information checklist requirements for planning proposals or draft LEPs to reclassify public land, as required by Attachment 1 to PN 16-001 are provided as part of Appendix 2.

In accordance with Section 29 of the LG Act a public hearing will be conducted under section 3.34(2)(e) of the EP&A Act following the exhibition of the planning proposal. Separate public notice of the public hearing will be given after the conclusion of the public exhibition period..

## 6 Project Timeline

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

Estimated Completion	Plan Making Steps
May 2023	Report Planning Proposal to Council to endorse sending it to the Department for Gateway Determination
June 2023	Gateway determination issued by Department of Planning, Industry and Environment
June 2023	Government agency and public consultation
July 2023	Notice of Public Hearing
August 2023	Public Hearing
September 2023	Ordinary Council Meeting – consider report on submissions & public hearing
September 2023	Referral to DPE with request to arrange making of final plan (exact date TBA)
November 2023	Notification of LEP Amendment (exact date TBA)

# Appendix 1 – Maps



## **Appendix 2 – Site Assessments**

## **Appendix 3 – LEP Practice Note 16-001**