

Section 9.1 Directions

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* - previously section 117(2). These directions apply to planning proposals lodged with the Department of Planning, Industry and Environment on or after the date the particular direction was issued:

| Direction | Issue date / Date effective |
|--|--------------------------------|
| 1. Employment and Resources | 1 July 2009 (Except for |
| 1.1 Business and Industrial Zones | New Direction 1.2 |
| 1.2 Rural Zones | effective 14 April 2016; |
| 1.3 Mining, Petroleum Production and Extractive Industries | Direction 1.1 effective 1 |
| 1.4 Oyster Aquaculture | May 2017; |
| 1.5 Rural Lands | New Direction 1.5 |
| | effective 28 February |
| | 2019) |
| 2. Environment and Heritage | 1 July 2009 (Except for |
| 2.1 Environment Protection Zones | New Direction 2.6 |
| 2.2 Coastal Management | effective 17 April 2020; |
| 2.3 Heritage Conservation | Direction 2.5 effective 2 |
| 2.4 Recreation Vehicle Areas | March 2016; |
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in | Direction 2.1 and 2.4 |
| Far North Coast LEPs | effective 14 April 2016; |
| 2.6 Remediation of Contaminated Land | Direction 2.2 effective 3 |
| | April 2018) |
| 3. Housing, Infrastructure and Urban Development | 1 July 2009 (Except |
| 3.1 Residential Zones | for |
| 3.2 Caravan Parks and Manufactured Home Estates | New Direction 3.6 |
| 3.3 Home Occupations (Revoked 9 November 2020) | effective 16 February |
| 3.4 Integrating Land Use and Transport | 2011; |
| 3.5 Development Near Regulated Airports and Defence Airfields | Direction 3.1, 3.2, 3.4 |
| 3.6 Shooting Ranges | and 3.5 effective 14 April |
| 3.7 Reduction in non-hosted short term rental accommodation period | 2016; Direction 3.7 |
| | effective 15 February |
| | 2019) |
| 4. Hazard and Risk | 1 July 2009 (Except |
| 4.1 Acid Sulfate Soils | for |
| 4.2 Mine Subsidence and Unstable Land | New Direction 4.2 |
| 4.3 Flooding | effective 14 April 2016; |
| 4.4 Planning for Bushfire Protection | Direction 4.3 effective |
| | 14 July 2021; Direction |
| | 4.4 effective 19 |
| | February 2020 |
| 5. Regional Planning | 1 July 2009 (Except |
| 5.1 Implementation of Regional Strategies (Revoked 17 October 2017) | for |
| 5.2 Sydney Drinking Water Catchments | New Direction 5.2 |
| 5.3 Farmland of State and Regional Significance on the NSW Far North | effective 3 March 2011; |
| Coast | Direction 5.4 effective 21 |
| 5.4 Commercial and Retail Development along the Pacific Highway, | August 2015; |
| | Direction 5.9 effective 30 |

| Direction | Issue date / Date effective |
|---|--------------------------------|
| (Cessnock LGA) (Revoked 18 June 2010) | 14 April 2016; |
| 5.6 Sydney to Canberra Corridor (Revoked 10 July 2008) | Direction 5.3 effective 1 |
| 5.7 Central Coast (Revoked 10 July 2008) | May 2017; |
| 5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018) | Direction 5.11 effective 6 |
| 5.9 North West Rail Link Corridor Strategy | February 2019) |
| 5.10 Implementation of Regional Plans | |
| 5.11 Development of Aboriginal Land Council land | |
| 6. Local Plan Making | 1 July 2009 |
| 6.1 Approval and Referral Requirements | |
| 6.2 Reserving Land for Public Purposes | |
| 6.3 Site Specific Provisions | |
| 7. Metropolitan Planning | 14 January 2015 |
| 7.1 Implementation of A Plan for Growing Sydney (Revoked 9 November 2020) | Except for |
| 7.2 Implementation of Greater Macarthur Land Release Investigation (Revoked 28 November 2019) | Direction 7.3: effective |
| 7.3 Parramatta Road Corridor Urban Transformation Strategy | 5 August 2021; |
| 7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | Direction 7.4: effective |
| 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | 15 May 2017; Direction |
| 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | 7.5: effective 25 July |
| 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor | 2017; Direction 7.6: |
| 7.8 Implementation of the Western Sydney Aerotropolis Plan | effective 5 August |
| 7.9 Implementation of Bayside West Precincts 2036 Plan | 2017; Direction 7.7: |
| 7.10 Implementation of Planning Principles for the Cooks Cove Precinct | effective 22 December |
| 7.11 Implementation of St Leonards and Crows Nest 2036 Plan | 2017; Direction 7.8: |
| 7.12 Implementation of Greater Macarthur 2040 | effective 13 September |
| 7.13 Implementation of the Pyrmont Peninsula Place Strategy | 2020; Direction 7.9: |
| | effective: 25 |
| | September 2018; |
| | Direction 7.10: |
| | effective 25 September |
| | 2018; Direction 7.11: |
| | effective 27 August |
| | 2020; Direction 7.12 |
| | effective 28 November |
| | 2019 Direction 7.13 |
| | effective 11 December |
| | 2020 |

1. Employment and Resources

1.1 Business and Industrial Zones

Objectives

- (1) The objectives of this direction are to:
- (a) encourage employment growth in suitable locations,
 - (b) protect employment land in business and industrial zones, and
 - (c) support the viability of identified centres.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares 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).

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must:
- (a) give effect to the objectives of this direction,
 - (b) retain the areas and locations of existing business and industrial zones,
 - (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
 - (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
 - (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Secretary of the Department of Planning and Environment, or
 - (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or
 - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or
 - (d) of minor significance.

Note: In this direction, “identified centre” means a centre that has been identified as a strategic centre, regional city or centre in a regional strategy, regional plan, sub-regional strategy, or another strategy approved by the Secretary.

1.2 Rural Zones

Objective

- (1) The objective of this direction is to protect the agricultural production value of rural land.

Where this direction applies

- (2) (a) Clause 4(a) of this direction applies to all relevant planning authorities.
 (b) Clause 4(b) of this direction applies in the following local government areas:

| | | |
|----------------|----------------|-------------|
| Ashfield | Holroyd | Sutherland |
| Auburn | Hornsby | Warringah |
| Bankstown | Hunters Hill | Waverley |
| Baulkham Hills | Hurstville | Willoughby |
| Blacktown | Kogarah | Wollondilly |
| Blue Mountains | Ku-ring-gai | Woollahra |
| Botany Bay | Lake Macquarie | Wollongong |
| Burwood | Lane Cove | Wyong |
| Camden | Leichhardt | |
| Campbelltown | Liverpool | |
| Canada Bay | Manly | |
| Canterbury | Marrickville | |
| City of Sydney | Mosman | |
| Fairfield | Newcastle | |
| Gosford | North Sydney | |
| Hawkesbury | Parramatta | |

When this direction applies

- (3) 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).

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must:
- (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
 - (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
 - (i) gives consideration to the objectives of this direction,
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
 - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) is of minor significance.

1.3 Mining, Petroleum Production and Extractive Industries

Objective

- (1) 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.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:
- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
 - (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.

What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:
- (a) consult the Director-General of the Department of Primary Industries (DPI) to identify any:
 - (i) resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and
 - (ii) existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and
 - (b) seek advice from the Director-General of DPI on the development potential of resources identified under (4)(a)(i), and
 - (c) identify and take into consideration issues likely to lead to land use conflict between other land uses and:
 - (i) development of resources identified under (4)(a)(i), or
 - (ii) existing development identified under (4)(a)(ii).
- (5) Where a planning proposal prohibits or restricts development of resources identified under (4)(a)(i), or proposes land uses that may create land use conflicts identified under (4)(c), the relevant planning authority must:
- (a) provide the Director-General of DPI with a copy of the planning proposal and notification of the relevant provisions,
 - (b) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and
 - (c) include a copy of any objection and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) before undertaking community consultation in satisfaction of section 57 of the Act.

Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the provisions of the planning proposal that are inconsistent are of minor significance.

1.4 Oyster Aquaculture

Objectives

- (1) The objectives of this direction are:
 - (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,
 - (b) 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 consequently, on the health of oysters and oyster consumers.

Where this direction applies

- (2) This direction applies to Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the *NSW Oyster Industry Sustainable Aquaculture Strategy* (2006) ("the Strategy").

When this direction applies

- (3) This direction applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:
 - (a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or
 - (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.

What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:
 - (a) identify any Priority Oyster Aquaculture Areas and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply,
 - (b) identify any proposed land uses which could result in any adverse impact on a Priority Oyster Aquaculture Area or oyster aquaculture leases outside such an area,
 - (c) identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use in compatibility,
 - (d) consult with the Director-General of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and
 - (e) ensure the planning proposal is consistent with the Strategy.
- (5) Where a planning proposal proposes land uses that may result in adverse impacts identified under (4)(b) and (c), relevant planning authority must:
 - (a) provide the Director-General of DPI with a copy of the planning proposal and notification of the relevant provisions,
 - (b) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and
 - (c) include a copy of any objection and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning before undertaking community consultation in satisfaction of section 57 of the Act.

Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

Note: In this direction:

- (a) "Priority Oyster Aquaculture Areas" has the same meaning as in the *NSW Oyster Industry Sustainable Aquaculture Strategy*; and
- (b) an "incompatible use of land" includes access to oyster leases being limited by the change in land use or the risk of adverse impacts as a result of that change in land use on water quality and, consequently, on the health of oysters and on the health of consumers of those oysters.

1.5 Rural Lands

Objective

(1) The objectives of this direction are to:

- (a) protect the agricultural production value of rural land,
- (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,
- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land
- (f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy.

Where this direction applies

(2) This direction applies to all local government areas in the State except for:

- (a) Lake Macquarie,
- (b) Newcastle,
- (c) Wollongong, and
- (d) local government areas in the Greater Sydney Region (as defined in the *Greater Sydney Commission Act 2015*) other than Wollondilly and Hawkesbury.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that:

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or environment protection zone.

Note: Reference to a rural or environment protection zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, E1, E2, E3, E4.

What a relevant planning authority must do if this direction applies

(4) A planning proposal to which clauses 3(a) or 3(b) apply must:

- (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement
- (b) consider the significance of agriculture and primary production to the State and rural communities
- (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
- (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
- (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
- (f) support farmers in exercising their right to farm
- (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses

- (h) consider State significant agricultural land identified in *State Environmental Planning Policy (Primary Production and Rural Development) 2019* for the purpose of ensuring the ongoing viability of this land
 - (i) consider the social, economic and environmental interests of the community.
- (5) A planning proposal to which clause 3(b) applies must demonstrate that it:
- (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
 - (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains
 - (c) where it is for rural residential purposes:
 - i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres
 - ii. is necessary taking account of existing and future demand and supply of rural residential land.

Note: where a planning authority seeks to vary an existing minimum lot size within a rural or environment protection zone, it must also do so in accordance with the Rural Subdivision Principles in clause 5.16 of the relevant Local Environmental Plan.

Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
 - i. gives consideration to the objectives of this direction,
 - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - iii. is approved by the Secretary of the Department of Planning & Environment and is in force, or
 - (b) is of minor significance.

2. Environment and Heritage

2.1 Environment Protection Zones

Objective

- (1) The objective of this direction is to protect and conserve environmentally sensitive areas.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- (5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "*Rural Lands*".

Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
 - (i) gives consideration to the objectives of this direction,
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
 - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) is of minor significance.

2.2 Coastal Management

Objective

- (1) The objective of this direction is to protect and manage coastal areas of NSW.

Where this direction applies

- (2) This direction applies to land that is within the coastal zone, as defined under the *Coastal Management Act 2016* - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by the *State Environmental Planning Policy (Coastal Management) 2018*.

When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal that applies to land identified in (2) above.

What a planning proposal authority must do if this direction applies

- (4) A planning proposal must include provisions that give effect to and are consistent with:
- (a) the objects of the *Coastal Management Act 2016* and the objectives of the relevant coastal management areas;
 - (b) the NSW Coastal Management Manual and associated Toolkit;
 - (c) NSW Coastal Design Guidelines 2003; and
 - (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the *Coastal Protection Act 1979* that continues to have effect under clause 4 of Schedule 3 to the *Coastal Management Act 2016*, that applies to the land.
- (5) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:
- (a) within a coastal vulnerability area identified by the *State Environmental Planning Policy (Coastal Management) 2018*; or
 - (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:
 - (i) by or on behalf of the relevant planning authority and the planning proposal authority, or
 - (ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.
- (6) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the *State Environmental Planning Policy (Coastal Management) 2018*.
- (7) A planning proposal for a Local Environmental Plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the *State Environmental Planning Policy (Coastal Management) 2018*:
- (a) Coastal wetlands and littoral rainforests area map;
 - (b) Coastal vulnerability area map;
 - (c) Coastal environment area map; and
 - (d) Coastal use area map.

Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the *Coastal Protection Act 1979* that continues to have effect under clause 4 of Schedule 3 to the *Coastal Management Act 2016*.

Note: Under section 10(2) of the *Coastal Management Act 2016*, any provision of an LEP that identifies a coastal management area (or part of such an area) must not be made without the recommendation of the Minister administering the *Coastal Management Act 2016*.

Consistency

- (8) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning and Environment (or their nominee) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a study or strategy prepared in support of the planning proposal which gives consideration to the objective of this direction, or

- (b) in accordance with any relevant Regional Strategic Plan or District Strategic Plan, prepared under Division 3.1 of the *Environmental Planning and Assessment Act 1979* by the relevant strategic planning authority, which gives consideration to the objective of this direction, or
- (c) of minor significance.

“Coastal hazard” and “Coastal Management Program” are defined in the *Coastal Management Act 2016*.

Direction 2.2 – issued 3 April 2018

2.3 Heritage Conservation

Objective

- (1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must contain provisions that facilitate the conservation of:
- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
 - (b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
 - (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:
- (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
 - (b) the provisions of the planning proposal that are inconsistent are of minor significance.

Note: In this direction:

“conservation”, “environmental heritage”, “item”, “place” and “relic” have the same meaning as in the *Heritage Act 1977*.

“Aboriginal object”, “Aboriginal area” and “Aboriginal place” have the same meaning as in the *National Parks and Wildlife Act 1974*.

Heritage conservation is covered by a compulsory clause in the Standard Instrument (Local Environmental Plans) Order 2006. A LEP that adopts the Standard Instrument should identify such items, areas, objects or places of environmental heritage significance or indigenous heritage significance as are relevant to the terms of this direction on the Heritage Map and relevant Schedule of the LEP.

2.4 Recreation Vehicle Areas

Objective

- (1) The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the *Recreation Vehicles Act 1983*):
- (a) where the land is within an environmental protection zone,
 - (b) where the land comprises a beach or a dune adjacent to or adjoining a beach,
 - (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:
 - (i) the provisions of the guidelines entitled *Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas*, Soil Conservation Service of New South Wales, September, 1985, and
 - (ii) the provisions of the guidelines entitled *Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas*, State Pollution Control Commission, September 1985.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) of minor significance.

2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs

Objective

- (1) The objective of this direction is 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.

Where this direction applies

- (2) This direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal:
 - (a) that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone;
 - (b) that introduces or alters an overlay and associated clause.

What a relevant planning authority or council must do if this direction applies

- (4) A planning proposal that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone or an overlay and associated clause must:
 - (a) apply the proposed E2 Environmental Conservation or E3 Environmental Management zones, or the overlay and associated clause, consistent with the Northern Councils E Zone Review Final Recommendations.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary, Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.

2.6 Remediation of Contaminated Land

Objective

- (1) 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.

Where this direction applies

- (2) This direction applies to:
- (a) land that is within an investigation area within the meaning of the *Contaminated Land Management Act 1997*,
 - (b) 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,
 - (c) 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:
 - (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
 - (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).

When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal applying to land specified in paragraph (2).

What a planning proposal authority must do if this direction applies

- (4) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:
- (a) the planning proposal authority has considered whether the land is contaminated, and
 - (b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
 - (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.

- (5) Before including any land specified in paragraph (2) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Note: In this direction, **contaminated land planning guidelines** means guidelines under clause 3 of Schedule 6 to the *Environmental Planning and Assessment Act 1979*.

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

Objectives

- (1) The objectives of this direction are:
 - (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
 - (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
 - (c) to minimise the impact of residential development on the environment and resource lands.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:
 - (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
 - (b) any other zone in which significant residential development is permitted or proposed to be permitted.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must include provisions that encourage the provision of housing that will:
 - (a) broaden the choice of building types and locations available in the housing market, and
 - (b) make more efficient use of existing infrastructure and services, and
 - (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
 - (d) be of good design.
- (5) A planning proposal must, in relation to land to which this direction applies:
 - (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
 - (b) not contain provisions which will reduce the permissible residential density of land.

Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) of minor significance.

3.2 Caravan Parks and Manufactured Home Estates

Objectives

- (1) The objectives of this direction are:
 - (a) to provide for a variety of housing types, and
 - (b) to provide opportunities for caravan parks and manufactured home estates.

Where this direction applies

- (2) This direction applies to all relevant planning authorities. This direction does not apply to:
 - (a) Crown land reserved or dedicated for any purposes under the *Crown Lands Act 1989*, except Crown land reserved for accommodation purposes, or
 - (b) land dedicated or reserved under the *National Parks and Wildlife Act 1974*.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

- (4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:
 - (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and
 - (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.
- (5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:
 - (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,
 - (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and
 - (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the *Community Land Development Act 1989* be permissible with consent.

Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) of minor significance.

3.3 Home Occupations (Revoked 9 November 2020)

3.4 Integrating Land Use and Transport

Objectives

- (1) 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:
 - (a) improving access to housing, jobs and services by walking, cycling and public transport, and
 - (b) increasing the choice of available transport and reducing dependence on cars, and
 - (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
 - (d) supporting the efficient and viable operation of public transport services, and
 - (e) providing for the efficient movement of freight.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares 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.

What a relevant planning authority must do if this direction applies

- (4) 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:
 - (a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
 - (b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) of minor significance.

3.5 Development Near Regulated Airports and Defence Airfields

Objectives

- (1) The objectives of this direction are:
 - (a) to ensure the effective and safe operation of regulated airports and defence airfields;
 - (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and
 - (c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares 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.

What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:
 - (a) consult with the lessee/operator of that airport;
 - (b) take into consideration the operational airspace and any advice from the lessee/operator of that airport;
 - (c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.
 - (d) not allow development types that are incompatible with the current and future operation of that airport.
- (5) In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:
 - (a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;
 - (b) for land affected by the prescribed airspace (as defined in Regulation 6(1) of the *Airports (Protection of Airspace) Regulation 1996*, prepare appropriate development standards, such as height controls.
 - (c) not allow development types that are incompatible with the current and future operation of that airport.
 - (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the *Airports Act 1996*. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the *Environmental Planning and Assessment Act 1979*.
- (6) In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:
 - (a) consult with the Department of Defence if:
 - (i) the planning proposal seeks to exceed the height provisions contained in the *Defence Regulations 2016 – Defence Aviation Areas* for that airfield; or
 - (ii) no height provisions exist in the *Defence Regulations 2016 – Defence Aviation Areas* for the airfield and the proposal is within 15km of the airfield.
 - (b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.
 - (c) not allow development types that are incompatible with the current and future operation of that airfield.

- (7) A planning proposal must include a provision to ensure that development meets *Australian Standard 2021 – 2015, Acoustic- Aircraft Noise Intrusion – Building siting and construction* with respect to interior noise levels, if the proposal seeks to rezone land:
 - (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25; or
 - (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or
 - (c) for commercial or industrial purposes where the ANEF is above 30.
- (8) A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 ANEC/ANEF contour for Western Sydney Airport.

Consistency

- (9) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:
 - a) justified by a strategy which:
 - (i) gives consideration to the objectives of this direction; and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites); and
 - (iii) is approved by the Secretary of the Department of Planning and Environment; or
 - b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction; or
 - c) in accordance with the relevant Regional Plan prepared by the Department of Planning and Environment which gives consideration to the objectives of this direction; or is of minor significance.

Direction 3.5 – issued 14 April 2016 (amended 20 August 2018)

3.6 Shooting Ranges

Objectives

- (1) The objectives are:
 - (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,
 - (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,
 - (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction 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.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:
 - (a) permitting more intensive land uses than those which are permitted under the existing zone; or
 - (b) permitting land uses that are incompatible with the noise emitted by the existing shooting range.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a strategy which:
 - i. gives consideration to the objectives of this direction, and
 - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites) and
 - iii. is approved by the Director-General of the Department of Planning and is in force, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (c) is of minor significance.

Note: In this direction, an “existing shooting range” means a shooting range the subject of a valid approval issued under the *Firearms Act 1996* and *Firearms Regulation 2006*, and includes the Range Danger Area of that shooting range.

3.7 Reduction in non-hosted short term rental accommodation period

Objective

- (1) The objectives of this direction are to:
 - (a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and
 - (b) ensure the impacts of short-term rental accommodation and views of the community are considered.

Where this direction applies

- (2) This direction applies to Byron Shire Council.

When this direction applies

- (3) This direction applies 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.

What a planning proposal authority must do if this direction applies

- (4) The council must include provisions which give effect to the following principles in a planning proposal to which this direction applies:
 - non-hosted short term rental accommodation periods must not be reduced to be less than 90 days
 - the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated
 - there should be a sound evidence base for the proposed change, including evidence of the availability of short-term rental accommodation in the area (or parts of the area) in the 12 months preceding the proposal, relative to the amount of housing in the area, and trend data on the availability of short-term rental accommodation over the past 5 years.
 - the impact of reducing the non-hosted short-term rental accommodation period should be analysed and explained, including social and economic impacts for the community in general, and impacted property owners specifically.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

Note: In this direction:

short-term rental accommodation means an existing dwelling:

- (a) in which accommodation is lawfully provided on a commercial basis by the owner or tenant of the dwelling (the **host**) for a temporary or short-term period, with or without the host residing on the premises during that period, and
- (b) that, if it were used predominantly as a place of residence, would be one of the following types of residential accommodation:
 - (i) an attached dwelling,
 - (ii) a dual occupancy,
 - (iii) a dwelling house,
 - (iv) multi dwelling housing,
 - (v) a residential flat building,
 - (vi) a rural workers' dwelling,
 - (vii) a secondary dwelling,
 - (viii) a semi-detached dwelling,
 - (ix) shop top housing.

Note. Section 137A of the *Strata Schemes Management Act 2015* provides that a by-law made by a special resolution of an owners corporation may prohibit a lot being used for the purposes of a short-term rental

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accommodation arrangement (within the meaning of section 54A of the *Fair Trading Act 1987*) if the lot is not the principal place of residence of the person who, pursuant to the arrangement, is giving another person the right to occupy the lot.

tenant has the same meaning as in the *Residential Tenancies Act 2010*.

non-hosted short-term rental accommodation means short-term rental accommodation provided where the host does not reside on the premises during the provision of the accommodation.

Direction 3.7 – issued 15 February 2019

4. Hazard and Risk

4.1 Acid Sulfate Soils

Objective

- (1) 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.

Where this direction applies

- (2) This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

What a relevant planning authority must do if this direction applies

- (4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.
- (5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:
 - (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or
 - (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.
- (6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.
- (7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).

Consistency

- (8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (b) of minor significance.

4.2 Mine Subsidence and Unstable Land

Objective

- (1) 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.

Where this direction applies

- (2) This direction applies to land that:
 - (a) is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or
 - (b) has been identified as unstable land.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that:
 - (a) is within a mine subsidence district, or
 - (b) has been identified as unstable in a study, strategy or other assessment undertaken:
 - (i) by or on behalf of the relevant planning authority, or
 - (ii) by or on behalf of a public authority and provided to the relevant planning authority.

What a relevant planning authority must do if this direction applies

- (4) When preparing a planning proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must:
 - (a) consult the Mine Subsidence Board to ascertain:
 - (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and
 - (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and
 - (b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and
 - (c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.
- (5) A planning proposal must not permit development on unstable land referred to in paragraph 3(b).

Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) of minor significance.

Note: With regard to development applications, section 15 of the *Mine Subsidence Compensation Act 1961* requires approval from the Mine Subsidence Board to alter or erect improvements within a mine subsidence district or to subdivide land therein.

Section 91 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) provides that approval under section 15 of the *Mine Subsidence Compensation Act 1961* is integrated development. Section 91A of

the EP&A Act provides that the consent authority must obtain from the relevant approval body (Mine Subsidence Board) the general terms of any approval proposed to be granted by the approval body in relation to the development. A consent granted by the consent authority must be consistent with the general terms of any approval proposed to be granted by the approval body.

Direction 4.2 – issued 14 April 2016

4.3 Flooding

Objectives

- (1) The objectives of this direction are:
 - (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.
 - (b) to ensure that the provisions of a local environmental plan that apply to flood prone land are commensurate with flood behaviour and include consideration of the potential flood impacts on and off the subject land.

Where this direction applies

- (2) This direction applies to all relevant planning authorities that are responsible for flood prone land.

When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

What a planning proposal authority must do if this direction applies

- (4) A planning proposal must include provisions that give effect to and are consistent with:
 - (a) the NSW Flood Prone Land Policy,
 - (b) the principles of the Floodplain Development Manual 2005,
 - (c) the *Considering flooding in land use planning guideline 2021*, and
 - (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.
- (5) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Environmental Protection Zones to a Residential, Business, Industrial or Special Purpose Zones.
- (6) A planning proposal must not contain provisions that apply to the flood planning area which:
 - (a) permit development in floodway areas,
 - (b) permit development that will result in significant flood impacts to other properties,
 - (c) permit development for the purposes of residential accommodation in high hazard areas,
 - (d) permit a significant increase in the development and/or dwelling density of that land,
 - (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
 - (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,
 - (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or
 - (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.
- (7) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:
 - (a) permit development in floodway areas,
 - (b) permit development that will result in significant flood impacts to other properties,
 - (c) permit a significant increase in the dwelling density of that land,
 - (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
 - (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or
 - (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.

- (8) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.

Consistency

- (9) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning, Industry and Environment (or their nominee) that:
- (a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant Council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or
 - (b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or
 - (c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or
 - (d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.

Note: In this direction:

- (a) "flood prone land" "flood storage" "floodway" and "high hazard" have the same meaning as in the Floodplain Development Manual 2005.
- (b) "flood planning level" "flood behaviour" and "flood planning area" has the same meaning as in the Considering flooding in land use planning guideline 2021.
- (c) Special flood considerations are outlined in the Considering flooding in land use planning guideline 2021 and an optional clause in the Standard Instrument (Local Environmental Plans) Order 2006.
- (d) Under the floodplain risk management process outlined in the NSW Government's *Floodplain Development Manual 2005*, councils may produce a flood study followed by a floodplain risk management study and floodplain risk management plan.

Direction 4.3 – issued 14 July 2021

4.4 Planning for Bushfire Protection

Objectives

- (1) The objectives of this direction are:
 - (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
 - (b) to encourage sound management of bush fire prone areas.

Where this direction applies

- (2) This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 10.3 of the *Environmental Planning and Assessment Act 1979* (the EP&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.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of Schedule 1, clause 4 of the Act, and take into account any comments so made,
- (5) A planning proposal must:
 - (a) have regard to *Planning for Bushfire Protection 2019*,
 - (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
 - (c) ensure that bushfire hazard reduction is not prohibited within the APZ.
- (6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
 - (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
 - (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the *Rural Fires Act 1997*), the APZ provisions must be complied with,
 - (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
 - (d) contain provisions for adequate water supply for firefighting purposes,
 - (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
 - (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

Consistency

- (7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

5. Regional Planning

5.1 Implementation of Regional Strategies (Revoked 17 October 2017)

5.2 Sydney Drinking Water Catchment

Objective

- (1) The objective of this Direction is to protect water quality in the Sydney drinking water catchment.

Where this Direction applies

- (2) This Direction applies to the Sydney drinking water catchment in the following local government areas:

| | | |
|-------------------|------------|---------------|
| Blue Mountains | Kiama | Sutherland |
| Campbelltown | Lithgow | Upper Lachlan |
| Cooma Monaro | Oberon | Wingecarribee |
| Eurobodalla | Palerang | Wollondilly |
| Goulburn Mulwaree | Shoalhaven | Wollongong. |

When this Direction applies

- (3) This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.

What a relevant planning authority must do if this Direction applies

- (4) A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:
- (a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and
 - (b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and
 - (c) the ecological values of land within a Special Area that is:
 - (i) reserved as national park, nature reserve or state conservation area under the *National Parks and Wildlife Act 1974*, or
 - (ii) declared as a wilderness area under the *Wilderness Act 1987*, or
 - (iii) owned or under the care control and management of the Sydney Catchment Authority,
 should be maintained.
- (5) When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:
- (a) ensure that the proposal is consistent with *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, and
 - (b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and
 - (c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:

| Land | Zone under Standard Instrument (Local Environmental Plans) Order 2006 |
|---|---|
| Land reserved under the <i>National Parks and Wildlife Act 1974</i> | E1 National Parks and Nature Reserves |
| Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level | E2 Environmental Conservation |
| Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc. | SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map) |

and

- (d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and
- (e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979*.

Consistency

- (6) A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

Note: In this Direction:

"Sydney drinking water catchment" has the same meaning as in the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*.

"Special Area" has the same meaning as in the *Sydney Water Catchment Management Act 1998*.

"Strategic Land and Water Capability Assessment" means the series of land use capability maps and GIS data of this title, prepared by the Sydney Catchment Authority and as provided to councils in June 2009. The maps resulted from the Sydney Catchment Authority's assessment of the physical capability of natural features of land and waterways to identify appropriate types and intensities of land use that will not adversely impact on water quality and catchment health.

Direction 5.2 – issued 3 March 2011

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Objectives

- (1) The objectives of this direction are:
 - (a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,
 - (b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and
 - (c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.

Where this direction applies

- (2) This direction applies to:
 - (a) Ballina Shire Council,
 - (b) Byron Shire Council,
 - (c) Kyogle Shire Council,
 - (d) Lismore City Council,
 - (e) Richmond Valley Council, and
 - (f) Tweed Shire Council,
 except within areas contained within the “urban growth areas” mapped in the North Coast Regional Plan 2036.

When this direction applies

- (3) This Direction will apply when a relevant planning authority prepares a planning proposal for land mapped as:
 - (a) State significant farmland, or
 - (b) regionally significant farmland, or
 - (c) significant non-contiguous farmland,
 on the set of four maps held in the Department of Planning and Environment marked “Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)”.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must not:
 - (a) rezone land identified as “State Significant Farmland” for urban or rural residential purposes.
 - (b) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes.
 - (c) rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if council can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the planning proposal is consistent with:
 - (a) the North Coast Regional Plan 2036, or
 - (b) Section 4 of the report titled *Northern Rivers Farmland Protection Project - Final Recommendations, February 2005*, held by the Department of Planning and Environment.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

Objectives

- (1) The objectives for managing commercial and retail development along the Pacific Highway are:
 - (a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;
 - (b) to prevent inappropriate development fronting the highway;
 - (c) to protect public expenditure invested in the Pacific Highway;
 - (d) to protect and improve highway safety and highway efficiency;
 - (e) to provide for the food, vehicle service and rest needs of travellers on the highway; and
 - (f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.

Where this Direction applies

- (2) This Direction applies to 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.

When this Direction applies

- (3) This Direction applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.

What a relevant planning authority must do if this Direction applies

- (4) A planning proposal that applies to land located on "within town" segments of the Pacific Highway must provide that:
 - (a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway;
 - (b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and
 - (c) for the purposes of this paragraph, "within town" means areas which, prior to the draft local environmental plan, have an urban zone (eg: "village", "residential", "tourist", "commercial", "industrial", etc) and where the Pacific Highway speed limit is less than 80km/hour.
- (5) A planning proposal that applies to land located on "out-of-town" segments of the Pacific Highway must provide that:
 - (a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction;
 - (b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and
 - (c) for the purposes of this paragraph, "out-of-town" means areas which, prior to the draft local environmental plan, do not have an urban zone (eg: "village", "residential", "tourist", "commercial", "industrial", etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.
- (6) Notwithstanding the requirements of paragraphs (4) and (5), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that Roads and Maritime Services is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the purposes of this paragraph, a highway service centre has the same meaning as is contained in the Standard Instrument (Local Environmental Plans) Order 2006.

Table 1: Highway service centres that can proceed

| Town | Locality |
|-----------|---|
| Chinderah | <ul style="list-style-type: none"> Chinderah Bay Road interchange (southbound) Western side of highway at Tweed Valley Way interchange (northbound) |
| Ballina | <ul style="list-style-type: none"> Teven Road interchange |

| Town | Locality |
|----------------|---|
| Macleean | <ul style="list-style-type: none"> • Southern interchange. |
| Woolgoolga | <ul style="list-style-type: none"> • Northern interchange at Arrawarra. |
| Nambucca Heads | <ul style="list-style-type: none"> • Nambucca Heads interchange |
| Kempsey | <ul style="list-style-type: none"> • South Kempsey interchange |
| Port Macquarie | <ul style="list-style-type: none"> • Oxley Highway interchange (both sides of the Pacific Highway) |
| Taree | <ul style="list-style-type: none"> • Old Bar Road interchange |
| Tomago | <ul style="list-style-type: none"> • In the vicinity of Tomago Road / South Heatherbrae |

Consistency

- (7) A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.

Direction 5.4 – issued 21 August 2015

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)

5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)

5.7 Central Coast (Revoked 10 July 2008)

5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)

5.9 North West Rail Link Corridor Strategy

Objectives

- (1) The objectives of this direction are to:
 - (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL)
 - (b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.

Where this direction applies

- (2) This Direction applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.

When this Direction applies

- (3) This Direction applies when a relevant planning authority prepares a planning proposal for land within the North West Rail Link Corridor, as identified in the NWRL Corridor Strategy and Structure Plans.

What a relevant planning authority must do if this Direction applies

- (4) A planning proposal that applies to land located within the NWRL Corridor must:
 - (a) give effect to the objectives of this direction
 - (b) be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts
 - (c) promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning & Infrastructure, or
 - (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or
 - (c) in accordance with the relevant Sub-Regional Delivery Plan prepared by the Department of Planning & Infrastructure which gives consideration to the objective of this direction, or
 - (d) of minor significance.

5.10 Implementation of Regional Plans

Objective

- (1) The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

Where this direction applies

- (2) This direction applies to land to which a Regional Plan has been released by the Minister for Planning.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

- (4) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:
 - (a) is of minor significance, and
 - (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.

Direction 5.10 – issued 14 April 2016

5.11 Development of Aboriginal Land Council land

Objective

- (1) 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.

Where this direction applies

- (2) This direction applies to all relevant planning proposal authorities.

When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal for land shown on the Land Application Map of *State Environmental Planning Policy (Aboriginal Land) 2019*.

Note: When this direction was made, *State Environmental Planning Policy (Aboriginal Land) 2019* applied only to land in the Central Coast local government area.

What a planning proposal authority must do if this direction applies

- (4) When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:
- (a) any applicable development delivery plan made under *State Environmental Planning Policy (Aboriginal Land) 2019*; or
 - (b) if no applicable development delivery plan has been published, the interim development delivery plan published on the Department's website on the making of this direction.

Note: Development delivery plans must be published in the Gazette or the NSW planning portal.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.

6. Local Plan Making

6.1 Approval and Referral Requirements

Objective

- (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must:
- (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
 - (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
 - (i) the appropriate Minister or public authority, and
 - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),prior to undertaking community consultation in satisfaction of section 57 of the Act, and
 - (c) not identify development as designated development unless the relevant planning authority:
 - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and
 - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

Consistency

- (5) A planning proposal must be substantially consistent with the terms of this direction.

Note: In this direction “public authority” has the same meaning as section 4 of the Environmental Planning and Assessment Act 1979.

6.2 Reserving Land for Public Purposes

Objectives

- (1) The objectives of this direction are:
 - (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and
 - (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

- (4) 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 Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).
- (5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*, the relevant planning authority must:
 - (a) reserve the land in accordance with the request, and
 - (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and
 - (c) identify the relevant acquiring authority for the land.
- (6) 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:
 - (a) include the requested provisions, or
 - (b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.
- (7) 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.

Consistency

- (8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:
 - (a) with respect to a request referred to in paragraph (7), that further information is required before appropriate planning controls for the land can be determined, or
 - (b) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.

Note: Clause 12 of the EP&A Reg 2000 provides that a planning proposal for a proposed local environmental plan:

- (a) may not contain a provision reserving land for a purpose referred to in section 26 (1) (c) of the EP&A Act, and
- (b) may not contain a provision in respect of that reservation as required by section 27 of the EP&A Act, unless the public authority responsible for the acquisition of the land has notified the relevant planning authority of its concurrence to the inclusion of such a provision in the planning proposal.

“public authority” has the same meaning as section 4 of the EP&A Act.

the use or reservation of land for a public purpose has the same meaning as in section 26(1)(c) of the EP&A Act.

Direction 6.2 – issued 1 July 2009

6.3 Site Specific Provisions

Objective

- (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:
 - (a) allow that land use to be carried out in the zone the land is situated on, or
 - (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
 - (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
- (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

Direction 6.3 – issued 1 July 2009

7. Metropolitan Planning

7.1 Implementation of A Plan for Growing Sydney (Revoked 9 November 2020)

7.2 Implementation of Greater Macarthur Land Release Investigation

(Revoked 28 November 2019)

7.3 Parramatta Road Corridor Urban Transformation Strategy

Objectives

(1) The objectives of this Direction are to:

- (a) facilitate development within the Parramatta Road Corridor that is consistent with the *Parramatta Road Corridor Urban Transformation Strategy (November, 2016)*, the *Parramatta Road Corridor Implementation Tool Kit* and the *Parramatta Road Corridor Urban Transformation Implementation Update 2021*,
- (b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and
- (c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.

Where this Direction applies

(2) This Direction applies to the following Local Government Areas:

- (a) City of Parramatta Council,
- (b) Cumberland Council,
- (c) Strathfield Council,
- (d) Burwood Council,
- (e) Canada Bay Council, and
- (f) Inner West Council.

When this Direction applies

(3) This Direction applies when a relevant planning authority prepares a planning proposal for land within the Parramatta Road Corridor as identified on the Map titled Parramatta Road Corridor on pages 14 and 15 of the *Parramatta Road Corridor Urban Transformation Strategy (November, 2016)*.

What a relevant planning authority must do if this Direction applies

(4) A planning proposal that applies to land within the Parramatta Road Corridor must:

- (a) give effect to the objectives of this Direction,
- (b) be consistent with the Strategic Actions within the *Parramatta Road Corridor Urban Transformation Strategy (November, 2016)*,
- (c) be consistent with the *Parramatta Road Corridor Planning and Design Guidelines (November, 2016)* and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines,
- (d) be consistent with the staging and other identified thresholds for land use change identified in the *Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016)* and the *Parramatta Road Corridor Urban Transformation Implementation Update 2021*, as applicable,
- (e) contain a requirement that development is not permitted until land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the *Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016)*,
- (f) be consistent with the relevant District Plan.

Consistency

(5) A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the

Department nominated by the Secretary) that the planning proposal is:

- (a) consistent with the *Out of Sequence Checklist in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016)*, or
- (b) justified by a study that clearly demonstrates better outcomes are delivered than identified in the *Parramatta Road Corridor Urban Transformation Strategy (November, 2016)* and *Parramatta Road Corridor Implementation Plan 2016-2023 (November, 2016)* having regard to the vision and objectives, or
- (c) of minor significance.

Note:

In this Direction the following documents are defined as:

Parramatta Road Corridor - the land adjoining and at least one block back from Parramatta Road, as well as Precincts that have been identified as a focus for future growth based on their different functions and character as identified on the *Parramatta Road Corridor Map*, with the exception of the land within the City of Sydney. The Map is on pages 14 and 15 of the *Parramatta Road Corridor Urban Transformation Strategy (November, 2016)*.

Parramatta Road Corridor Urban Transformation Strategy (November, 2016) – the NSW Government's 30-year plan setting out how the Parramatta Road Corridor will grow and bring new life to local communities living and working along the Corridor.

Parramatta Road Corridor Implementation Tool Kit – a suite of supporting documents to be used by councils, proponents and State agencies when making land use decisions in the Parramatta Road Corridor and comprising:

- *Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016)*
- *Parramatta Road Corridor Infrastructure Schedule (November, 2016)*
- *Parramatta Road Corridor Planning and Design Guidelines (November, 2016)*
- *Parramatta Road Corridor Urban Amenity Improvement Program Report (November, 2016)*

Parramatta Road Corridor Urban Transformation Strategy Implementation Update 2021 (July 2021) – supplements the *Parramatta Road Corridor Implementation Plan 2016-2023* with additional implementation actions.

Direction 7.3 – issued 5 August 2021

7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan

Objective

- (1) The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).

Where this direction applies

- (2) This direction applies to Blacktown City Council, The Hills Shire Council and Hawkesbury City Council.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal for land within the North West Priority Growth Area.

What a Relevant Planning Authority must do if this direction applies

- (4) Planning proposals shall be consistent with the North West Land Use and Infrastructure Strategy.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary), that:
 - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
 - (b) the planning proposal achieves the overall intent of the Strategy and does not undermine the achievement of its objectives, planning principles and priorities for the North West Priority Growth Area.

Direction 7.4 – issued 15 May 2017

7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

Objective

- (1) The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan).

Where this direction applies

- (2) This direction applies to land contained within Greater Parramatta Priority Growth Area and as indicated in the map attached.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal for land within the Greater Parramatta Priority Growth Area, as identified in the map attached.

What a Relevant Planning Authority must do if this direction applies

- (4) Planning proposals shall be consistent with the interim Plan published in July 2017.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary), that:
 - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
 - (b) the planning proposal achieves the overall intent of the interim Plan and does not undermine the achievement of its objectives, planning principles and priorities for the Greater Parramatta Priority Growth Area.

Direction 7.5 – issued 25 July 2017

7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

Objective

- (1) The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.

Where this direction applies

- (2) This direction applies to Wollondilly Shire Council.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal for land within the Wilton Priority Growth Area (being the Wilton Priority Growth Area within the meaning of State Environmental Planning Policy (Sydney Region Growth Centres) 2006).

What a Relevant Planning Authority must do if this direction applies

- (4) A planning proposal is to be consistent with the Interim Land Use and Infrastructure Implementation Plan and Background Analysis, approved by the Minister for Planning and as published on 5 August 2017 on the website of the Department of Planning and Environment (Implementation Plan).

Consistency

- (5) A planning proposal may be inconsistent with the Implementation Plan only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary) that:
 - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
 - (b) the planning proposal achieves the overall intent of the Implementation Plan and does not undermine the achievement of its objectives, planning principles and priorities for the Wilton Priority Growth Area.

Direction 7.6 – issued 5 August 2017

7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor

Objective

- (1) The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.

Where this direction applies

- (2) This direction applies to Campbelltown City Council.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal for land within the precincts between Glenfield and Macarthur.

What a Relevant Planning Authority must do if this direction applies

- (4) A planning proposal is to be consistent with the precinct plans approved by the Minister for Planning and published on the Department's website on 22 December 2017.

Consistency

- (5) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary), that:
 - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
 - (b) the planning proposal achieves the overall intent of the precinct plans and does not undermine the achievement of its objectives, planning principles and priorities for the urban renewal corridor.

Direction 7.7 – issued 22 December 2017

7.8 Implementation of the Western Sydney Aerotropolis Plan

Objective

- (1) The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020.

Where this direction applies

- (2) This direction applies to Blacktown City Council, Blue Mountains City Council, Camden Council, Campbelltown City Council, Fairfield City Council, Liverpool City Council, Penrith City Council and Wollondilly Shire Council.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal for land the subject of the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (SEPP)*. This includes any land to which clause 5 of the SEPP applies.

What a Relevant Planning Authority must do if this direction applies

- (4) A planning proposal is to be consistent with the Western Sydney Aerotropolis Plan approved by the Minister for Planning and as published on 10 September 2020 on the website of the Department of Planning, Industry and Environment.

Consistency

- (5) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning, Industry & Environment (or an officer of the Department nominated by the Secretary), that:
 - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
 - (b) the planning proposal achieves the overall intent of the Western Sydney Aerotropolis Plan and does not undermine the achievement of its objectives, planning principles and priorities for the Western Sydney Aerotropolis.

Direction 7.8 – issued 13 September 2020

7.9 Implementation of Bayside West Precincts 2036 Plan

Objective

- (1) The objective of this direction is to ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan).

Where this direction applies

- (2) This direction applies to land within the Bayside local government area.

When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal for land within the Bayside West Precincts of Arncliffe, Banksia and Cooks Cove.

What a planning proposal authority must do if this direction applies

- (4) A planning proposal authority must ensure that a planning proposal is consistent with the Bayside West Precincts 2036 Plan, approved by the Minister for Planning and published on the Department of Planning and Environment website in September 2018.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning & Environment (or their nominee), that:
 - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
 - (b) the planning proposal achieves the overall intent of the plan and does not undermine the achievement of its vision, objectives and planning principles for the Bayside West Precincts.

Direction 7.9 – issued 25 September 2018

7.10 Implementation of Planning Principles for the Cooks Cove Precinct

Objective

- (1) The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.

Where this direction applies

- (2) This direction applies to 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.

When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal for land within the Cooks Cove Precinct.

What a planning proposal authority must do if this direction applies

- (4) A planning proposal authority must ensure that a planning proposal is consistent with the following principles:
 - (a) Enable the environmental repair of the site and provide for new recreation opportunities;
 - (b) Not compromise future transport links (such as the South-East Mass Transit link identified in Future Transport 2056 and the Greater Sydney Region Plan) that will include the consideration of the preserved surface infrastructure corridor, noting constraints, including the Cooks River, geology, Sydney airport and existing infrastructure will likely necessitate consideration of future sub-surface solutions and potential surface support uses;
 - (c) Create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove;
 - (d) Ensure best practice design and a high-quality amenity with reference to the NSW design policy Better Placed;
 - (e) Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden;
 - (f) Safeguard the ongoing operation of Sydney Airport;
 - (g) Enhance walking and cycling connectivity and the use of public transport to encourage and support a healthy and diverse community and help deliver a 30-minute city;
 - (h) Deliver a safe road network that balances movement and place, provides connections to the immediate and surrounding areas, and is cognisant of the traffic conditions in this area; and
 - (i) Enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning & Environment (or their nominee), that:
 - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
 - (b) the planning proposal achieves the overall intent of the plan and does not undermine the achievement of the planning principles for the Cooks Cove Precinct.

Note: Map Sheet LAP_001 Cooks Cove Precinct Section 9.1 Direction can be available on the Department of Planning and Environment website

Direction 7.10 – issued 25 September 2018

7.11 Implementation of St Leonards and Crows Nest 2036 Plan

Objective

- (1) The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).

Where this direction applies

- (2) This direction applies to 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 St Leonards and Crows Nest 2036 Plan Ministerial Direction published on the Department of Planning, Industry and Environment website on 29 August 2020.

When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal for land within the St Leonards and Crows Nest Precinct.

What a planning proposal authority must do if this direction applies

- (4) A planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 29 August 2020.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning, Industry and Environment (or their nominee), that:
 - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
 - (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of the Plan's vision, objectives and actions.

Note: Map Sheet LAP_001 St Leonards and Crows Nest 2036 Plan Ministerial Direction Map is available on the Department of Planning, Industry and Environment website.

Direction 7.11 – issued 27 August 2020

7.12 Implementation of Greater Macarthur 2040

Objective

- (1) The objective of this direction is to ensure that development within the Greater Macarthur Growth Area is consistent with the Greater Macarthur 2040 dated November 2018.

Where this direction applies

- (2) This direction applies to Camden Council, Campbelltown City Council, and Wollondilly Shire Council.

When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal for land identified within the Greater Macarthur 2040 dated November 2018.

What a planning proposal authority must do if this direction applies

- (4) A planning proposal authority must ensure that a planning proposal is consistent with the Greater Macarthur 2040, approved by the Minister for Planning, Industry and Environment and as published on 19 November 2018 on the website of the Department of Planning, Industry and Environment.

Consistency

- (5) A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning, Industry and Environment (or their nominee), that:
 - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
 - (b) the planning proposal achieves the overall intent of the Greater Macarthur 2040 and does not undermine the achievement of its objectives, planning principles and priorities for the Greater Macarthur Growth Area.

Direction 7.12 – issued 28 November 2019

7.13 Implementation of the Pyrmont Peninsula Place Strategy

Objective

- (1) The objectives of this direction are to:
 - (a) facilitate development within the Pyrmont Peninsula that is consistent with the Pyrmont Peninsula Place Strategy (**Place Strategy**) and the Economic Development Strategy,
 - (b) align the planning framework with the Eastern City District Plan Planning Priority E7 Growing a Stronger and More Competitive Harbour CBD and actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and
 - (c) guide growth and change balanced with character, heritage and infrastructure considerations (amongst others) across the Peninsula under the Place Strategy.

Where this direction applies

- (2) This direction applies to land subject to the Pyrmont Peninsula Place Strategy 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.

When this direction applies

- (3) This direction applies when a planning proposal authority prepares a planning proposal within land subject to the Pyrmont Peninsula Place Strategy.

What a planning proposal authority must do if this direction applies

- (4) A planning proposal authority must ensure that a planning proposal is consistent with the Pyrmont Peninsula Place Strategy, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 11 December 2020, including that it:
 - (a) gives effect to the objectives of this Direction and the Vision (Part 5) of the *Pyrmont Peninsula Place Strategy*,
 - (b) is consistent with the 10 Directions (Part 6) and Structure Plan (Part 8) in the *Pyrmont Peninsula Place Strategy*,
 - (c) delivers on envisaged future character for sub-precincts (Part 9), including relevant place priorities in the *Pyrmont Peninsula Place Strategy*, and
 - (d) supports the delivery of the Big Moves (Part 7) in the *Pyrmont Peninsula Place Strategy*.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning, Industry and Environment (or their nominee), that:
 - (a) the provisions of the planning proposal that are inconsistent are of minor significance, and
 - (b) the planning proposal achieves the overall intent of the Pyrmont Peninsula Place Strategy and does not undermine the achievement of the Plan's Vision, Directions, Big Moves, sub-precinct Place Priorities, Framework for Key Sites and Key Infrastructure Opportunities.

Note: Map Sheet LAP_001 Pyrmont Peninsula Place Strategy Ministerial Direction Map is available on the Department of Planning, Industry and Environment website.