

## Revised local planning directions

Under section 117(2) of the *Environmental Planning and Assessment Act 1979*

### Overview of key changes

#### Changes to all directions

- Directions grouped into 6 categories; outline numbering to allow new directions to be inserted in appropriate category
- All directions reformatted so that it is clear how inconsistency can be justified.
- 'Standard inconsistency clause' terminology used to provide consistency.
- Strategies that are used to justify inconsistencies must take into consideration the objectives of the direction.
- Environmental studies made pursuant to the Act can be used to justify inconsistency.
- Sub-regional strategies approved by the Director General can be used to justify inconsistency.
- Objectives clearer and more outcome-focused.

#### Changes to specific directions

New Direction	Previous Direction	Effect of change
<b>1.1 Business and Industrial Zones</b>	<b>No.3 – Business Zones</b> <b>No.16 – Industrial Zones</b>	<ul style="list-style-type: none"><li>• Direction now applies to changes to development standards, permitted uses or other clauses that apply to land within a business or industrial zone, not just changes to the zone boundaries or specific business or industrial zone provisions.</li><li>• LEPs need to consider policy objectives for protecting employment land.</li></ul>
<b>1.2 Rural Zones</b>	<b>No.22 – Rural Zones</b>	<ul style="list-style-type: none"><li>• Applies generally to all LEPs affecting land in a rural zone, not just those that change rural zone boundaries or specific rural zone provisions.</li><li>• Strategies to justify inconsistency must consider the objective of the direction.</li><li>• Clarifies that direction applies to rezoning to Village or Tourist zones.</li></ul>

New Direction	Previous Direction	Effect of change
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	<b>No.5 – Coal, Other Minerals, Petroleum and Extractive Resources</b>	<ul style="list-style-type: none"> <li>Revised direction will only apply if the draft LEP would 'have the effect' of prohibiting mining or restricting the development of resources.</li> <li>Direction will now not apply in cases where the Mining SEPP applies to override the LEP and permit mining, extractive industries, etc.</li> </ul>
<b>1.4 Oyster Aquaculture</b>	<b>No.29 – Oyster Aquaculture</b>	<ul style="list-style-type: none"> <li>Minimal change.</li> </ul>
<b>2.1 Environmental Protection Zones</b>	<b>No.13 – Environmental Protection Zones</b>	<ul style="list-style-type: none"> <li>Now requires environmentally sensitive land to be protected in LEPs.</li> <li>Direction now applies to changes to other LEP environmental protection provisions (eg. mapped environmentally sensitive areas etc), not just changes to Environmental Protection zones.</li> <li>A strategy to justify inconsistency must take into consideration the objective of the direction.</li> <li>LEPs are no longer prevented from identifying new environmental protection controls</li> </ul>
<b>2.2 Coastal Protection</b>	<b>No.6 – Coastal Protection</b>	<ul style="list-style-type: none"> <li>Direction now also applies to changes to other LEP coastal protection provisions (eg. mapped environmentally sensitive areas etc), not just changes to Environmental Protection zones.</li> <li>A strategy to justify inconsistency must take into consideration the objective of the direction.</li> <li>Direction no longer applies to all changes to zoning or LEP provisions – LEPs that are consistent with the Coastal Policy will no longer be caught</li> </ul>
<b>2.3 Heritage Conservation</b>	<b>No.9 – Conservation and Management of Environmental and Indigenous Heritage</b>	<ul style="list-style-type: none"> <li>Identification of heritage items, conservation areas, Aboriginal places etc. to be supported by assessment of the heritage significance of the item, place or area.</li> <li>A strategy to justify inconsistency must take into consideration the objective of the direction.</li> <li>LEP may be inconsistent if it is in accordance with a Regional, Sub-Regional Strategy, a Local Strategy or Environmental Study, if it is of minor significance or if heritage is adequately protected under other legislation or planning instruments.</li> </ul>
<b>2.4 Recreation Vehicle Areas</b>	<b>No.20 – Recreation Vehicle Areas</b>	<ul style="list-style-type: none"> <li>A strategy to justify inconsistency must take into consideration the objective of the direction.</li> </ul>

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<b>3.1 Residential Zones</b>	<b>No.21 – Residential Zones</b>	<ul style="list-style-type: none"> <li>• Applies to any LEP, not just those that change residential zones.</li> <li>• LEPs are required to include provisions consistent with broad housing choice objectives when preparing LEPs that zone land for residential purposes (in place of previous requirements to retain dual occupancies).</li> <li>• Strategies to justify inconsistency must consider the objective of the direction.</li> </ul>
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	<b>No.18 – Manufactured Home Estates and Caravan Parks</b>	<ul style="list-style-type: none"> <li>• Now clearly applies when land is rezoned to ‘Village’ or ‘Tourist’.</li> <li>• A strategy to justify inconsistency must take into consideration the objective of the direction.</li> <li>• Councils are required to take into account the aims of SEPP21 when considering caravan parks.</li> <li>• Now allows for existing zones to be changed, only applies if the LEP proposes to prohibit caravan parks or MHEs where they are currently permitted.</li> </ul>
<b>3.3 Home Occupations</b>	<b>No.23 – Savings</b>	<ul style="list-style-type: none"> <li>• No longer covers certain Public Utilities and Crown Development – these are covered by the Standard Instrument and proposed to be covered by the Infrastructure SEPP.</li> <li>• Applies to all LEPs (including those that adopt the Standard Instrument).</li> <li>• Allows for minor inconsistencies.</li> </ul>
<b>3.4 Integrating Land Use and Transport</b>	<b>No.17 – Integrating Land Use and Transport</b>	<ul style="list-style-type: none"> <li>• Now clearly applies when land is rezoned to ‘Village’ or ‘Tourist’.</li> <li>• A strategy to justify inconsistency must take into consideration the objective of the direction.</li> </ul>
<b>3.5 Development Near Licensed Aerodromes</b>	<b>No.12 – Development near Licensed Aerodromes</b>	<ul style="list-style-type: none"> <li>• Direction now applies to land in the vicinity of a licensed aerodrome (not just land affected by aircraft noise), to correct an error in the existing direction.</li> <li>• Direction now only applies to draft LEPs that set controls for development on land within the vicinity of a licensed aerodrome.</li> <li>• This direction is currently under review.</li> </ul>

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<b>4.1 Acid Sulfate Soils</b>	<b>No.1 – Acid Sulfate Soils</b>	<ul style="list-style-type: none"> <li>• Direction will now only capture LEPs that propose an intensification of land uses on land shown on ASS Planning Maps.</li> <li>• Terminology is clearer (eg. reference to any probability of ASS occurrence, not just ‘high or low’).</li> <li>• Director General can provide alternative provisions to the ASS Model LEP.</li> <li>• Direction no longer refers to draft DCPs.</li> <li>• Direction now allows minor inconsistency.</li> </ul>
<b>4.2 Mine Subsidence and Unstable Land</b>	<b>No.11 – Development in a Mine Subsidence District or on Unstable Land</b>	<ul style="list-style-type: none"> <li>• A strategy to justify inconsistency must take into consideration the objective of the direction.</li> <li>• Now only applies to land within a Mine Subsidence District (which is easily definable), rather than any land on which may be subject to mine subsidence.</li> <li>• Direction clarifies what constitutes identification as ‘Unstable land’.</li> </ul>
<b>4.3 Flood Prone Land</b>	<b>No.15 – Flood Prone Land</b>	<ul style="list-style-type: none"> <li>• Amend zone references to align with names of existing LEP zones and Standard Instrument zones.</li> </ul>
<b>4.4 Planning for Bushfire Protection</b>	<b>No.19 – Planning for Bushfire Protection</b>	<ul style="list-style-type: none"> <li>• Reference updated to <i>Planning for Bushfire Protection 2006</i>.</li> </ul>
<b>5.1 Implementation of Regional Strategies</b>	<b>No.30 – Implementation of Regional Strategies</b>	<ul style="list-style-type: none"> <li>• Change to direction number only.</li> </ul>
<b>5.2 Sydney Drinking Water Catchments</b>	<b>No.28 – Water Catchment Areas – Sydney Catchment Authority</b>	<ul style="list-style-type: none"> <li>• Revised Direction prepared by Sydney Catchment Authority following public exhibition in connection with Drinking Water Catchments REP.</li> </ul>
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	<b>No.14 – Farmland of State and Regional Significance on the NSW Far North Coast</b>	<ul style="list-style-type: none"> <li>• Revised direction does not apply to land within a “town and village growth boundary” in the Far North Coast Regional Strategy.</li> <li>• Consistency with the FNC Regional Strategy can be used to justify inconsistency with this direction.</li> </ul>

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<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	<b>No.7 – Commercial and Retail Development along the Pacific Highway, North Coast</b>	<ul style="list-style-type: none"> <li>• Change to direction number</li> <li>• Consistency clause inserted to cover minor inconsistencies only.</li> </ul>
<b>5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</b>	<b>No.31 – Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</b>	<ul style="list-style-type: none"> <li>• Change to direction number only.</li> </ul>
<b>5.6 Sydney to Canberra Corridor</b>	<b>No.27 – Sydney to Canberra Corridor</b>	<ul style="list-style-type: none"> <li>• Draft LEP may be inconsistent if it is in accordance with a Sub-Regional Strategy.</li> <li>• Note that this direction will be replaced when the Sydney-Canberra Corridor Regional Strategy is finalised.</li> </ul>
<b>5.7 Central Coast</b>	<b>No.4 – Central Coast</b>	<ul style="list-style-type: none"> <li>• Revised direction adopts standard direction format.</li> <li>• To be revised when Central Coast Regional Strategy is finalised.</li> </ul>
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	<b>No.24 – Second Sydney Airport: Badgerys Creek</b>	<ul style="list-style-type: none"> <li>• A strategy to justify inconsistency must take into consideration the objective of the direction.</li> </ul>
<b>6.1 Approval and Referral Requirements</b>	<b>No.2 – Approval, Concurrence, and Consultation</b>  <b>No.10 – Designated Development</b>	<ul style="list-style-type: none"> <li>• Minimal change.</li> </ul>

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<b>6.2 Reserving Land for Public Purposes</b>	<b>No.26 – Land Reserved for Public Purposes</b>	<ul style="list-style-type: none"> <li>• Now applies to any LEP that alters land reserved for a public purpose under section 26(1)(c) of the Act, not just LEPs affecting public open space.</li> <li>• Council must include provisions relating to use of reserved land before acquisition, if requested by an agency.</li> <li>• Council must identify acquisition authority for reserved land.</li> <li>• Council must take steps to remove reservations if requested by an agency (reflecting Land Acquisition (Just Terms Compensation) Act).</li> </ul>
<b>6.3 Site Specific Provisions</b>	<b>No.25 – Site Specific Provisions</b>	<ul style="list-style-type: none"> <li>• Minimal change.</li> </ul>
<b>(Revoked)</b>	<b>No.8 – Community Use of Educational Establishments</b>	<p><b>Revoked.</b></p> <ul style="list-style-type: none"> <li>• Covered in Standard Instrument and draft Infrastructure SEPP.</li> </ul>