Appendix 1 – s.117 Direction Checklist

S117 Direction	Application	Compliance of Planning Proposal
1 Employmen	t and Resources	
1.1 Business and Industrial Zones	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).	Does not apply to planning proposal.
1.2 Rural Zones	 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). Under this direction 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). 	Consistent. The planning proposal does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone, nor contain provisions that will increase the permissible density of land within a rural zone Whilst the planning proposal does include the rezoning of certain rural land to an environmental zone (E2 or E3), this is proposed in accordance with the NSW Government's Northern Councils E Zone Review Final Recommendations Report and associated Ministerial Direction 2.5 (see below). The planning proposal also provides for extensive agriculture as a permissible land use in both the E2 and E3 zones enabling certain agricultural activities on the land.

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1.3 Mining, Petroleum Production and Extractive Industries	 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. 	Inconsistent. The proposal contains seventeen (17) sites where an E2 Environmental Conservation Zone and/or E3 Environmental Management Zone are proposed within a s117 mineral "transition area". One (1) of these sites includes an 'Identified Resource' area. In accordance with the requirements of this direction, Council will consult with the Director-General of Department of Primary Industries (DPI) during exhibition of this planning proposal to clarify the development potential of these resources and DPI's position on the proposed E2 zones on these sites. Further information about these sites is contained in Appendix 2.
1.4 Oyster Aquaculture	 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 Area or a "current oyster aquaculture Area or a a the national parks estate" and other land uses. 	Does not apply to planning proposal.

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1.5 Rural Land	Applies when a relevant planning authority prepares a planning proposal that:	Consistent with the relevant objectives and provisions of this direction.
	viability of this land(i) consider the social, economic and environmental interests of	

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	 the community. A planning proposal to which clause (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) [not applicable] 	
2 Environme	nt and Heritage	
2.1 Environment Protection Zones	A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. 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 <i>"Rural Lands</i> ".	Consistent. The planning proposal involves the application of environmental zones to land which meets the criteria contained within the NSW Government's Northern Councils E Zone Review Final Recommendations Report. This provides for the protection and conservation of environmentally sensitive areas.
2.2 Coastal Protection	 This Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone. 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 	Consistent. The application of environmental zones to certain land that contains wetland and/or littoral rainforest communities, and that meets the criteria contained within the NSW Government's Northern Councils E Zone Review Final Recommendations Report, is consistent with the relevant objectives and provisions of this direction.

S117 Direction	Application	Compliance of Planning Proposal
	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.	
	In addition, 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. 	

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2.3 Heritage Conservation	A planning proposal must contain provisions that facilitate the conservation of:	Does not apply to planning proposal.
	(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 <i>National Parks and Wildlife Act 1974</i> , 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.	
2.4 Recreation Vehicle Areas	A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):	Consistent. The Planning Proposal does not enable land to be developed
	(a) where the land is within an environment protection zone,(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,	for the purpose of a recreation vehicle area.
	(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, 	

S117 Direction	Application	Compliance of Planning Proposal
	September 1985.	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	 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. A planning proposal must 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. 	Consistent. The proposed environmental zones are consistent with the criteria and supporting recommendations contained in the 'Northern Councils E Zone Review Final Recommendations' report.
3 Housing, Ir	frastructure and Urban Development	
3.1 Residential Zones	 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. 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 development on the urban fringe, and (d) be of good design. A planning proposal must, in relation to land to which this direction applies: 	retain the same provisions as the adjoining residential zone.

S117 Direction	Application	Compliance of Planning Proposal
	 (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. 	
3.2 Caravan Parks and Manufactured Home Estates	Applies when a relevant planning authority prepares a planning proposal.	Consistent. The proposal will not result in any reduction in the existing availability of land for caravan parks or manufactured home estates.

S117 Direction	Application	Compliance of Planning Proposal
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling-houses without the need for development consent.	Consistent. The proposal will not affect any existing permissibility or exemptions for home occupations.
3.4 Integrating Land Use and Transport	 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. 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) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). 	Consistent. This proposal will not result in any negative impacts on accessibility or transport movements.
3.5 Development Near Licensed Aerodrome	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. The main requirements of the Direction are that Council considers the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth for residential purposes, and does not increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25.	Does not apply to planning proposal.
3.6 Shooting Ranges	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. A Planning Proposal must not seek to rezone land adjacent to and/or adjoining an existing shooting range that has the effect of permitting more intensive land uses in the area.	Does not apply to planning proposal.

S117 [Direction	Application	Compliance of Planning Proposal
4	Hazard and	Risk	
4.1 Soils	Acid Sulfate	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. A council shall not prepare a draft LEP 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 council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.	Consistent. Some land to which this Planning Proposal is affected by acid sulfate soils. However the Planning Proposal is unlikely lead to intensification of land uses proposed on land identified on the Acid Sulfate Soils Planning Maps. Council will consider acid sulfate soils if it receives a development application for affected land in accordance with existing clause 6.1 of Byron LEP 2014.
	Mine ence and le Land	 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. 	Does not apply to planning proposal.
4.3 Land	Flood Prone	 Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>). A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environment Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. A planning proposal must not contain provisions that apply to the flood planning areas which: 	Does not apply to planning proposal.

S117 Direction	Application	Compliance of Planning Proposal
	 (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 development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. A planning proposal must not impose flood related development on land, unless a relevant planning level for residential development on land, unless of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant 	
4.4 Planning for		Consistent (subject to consultation with the NSW Rural Fire
Bushfire Protection	proposal that will affect, or is in proximity to land mapped as bushfire prone land. 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 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made. A planning proposal must:	Service). The proposal will result in the alteration to some planning provisions affecting bush fire prone land. This results from changes to zoning and associated planning controls, which are intended to reflect the characteristics of the land and current and planned land use. [Note: LEP 2014 cl 5.11 permits bush fire hazard reduction work authorised by the Rural Fires Act 1997 to be carried out on any land without development consent.]

S117 Direction	Application	Compliance of Planning Proposal		
5 Regional Planning				
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	Revoked		
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	Does not apply to Byron Shire.		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project for an urban use.	Consistent.		
		The proposal does not propose the rezoning of identified significant farmland for urban, residential or rural residential purposes.		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	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	Does not apply to planning proposal.		
	distinct centres rather than spread along the highway,(b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway.			
	 (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 80 km/hour. 			
	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			

S117 Direction	Application	Compliance of Planning Proposal
	 highway. (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 80 km/hour or greater. 	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA).		N/A
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)	Revoked.	N/A
5.7 Central Coast (Revoked 10 July 2008)	Revoked.	N/A
5.8 Second Sydney Airport: Badgerys Creek	Applies to a planning proposal that enables the carrying out of development that could hinder the potential for development of a Second Sydney Airport.	Does not apply to Byron Shire.
5.9 North West Rail Link Corridor Strategy	[Only applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.]	Does not apply to Byron Shire.
5.10 Implementation of Regional Plans	All planning proposals must be consistent with the applicable Regional Plan released by the Minister for Planning.	Consistent. The planning proposal is generally consistent with the planning framework set out under the North Coast Regional Plan — in particular, Directions 1 & 2 (and supporting actions) associated with 'Goal 1: The most stunning environment in NSW'.

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6. Local Plan	cal Plan Making			
6.1 Approval and Referral Requirements	 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 and Environment (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 and Environment (or an officer of the Department of Planning and Environment (or an officer of the Department of Planning and Environment (or an officer of the Department of Planning and Environment (or an officer of the Department of Planning and Environment (or an officer of the Department of Planning and Environment (or an officer of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General of the Department 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 and Environment (or an officer of the Department of the Department of Planning and Environment (or an officer of the Department of the Department of Planning and Environment (or an officer of the Department of Planning and Environment (or an officer of the Department of Planning and Environment (or an officer of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. 	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.		

S117 Direction	Application	Compliance of Planning Proposal
6.2 Reserving Land for Public Purposes	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 and Environment (or an officer of the Department nominated by the Director-General).	Does not apply to Byron Shire.
6.3 Site Specific Provisions	 Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. 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. A planning proposal must not contain or refer to drawings that show details of the development proposal. 	Does not apply to Byron Shire.
7. Metropolita	n Planning	
7.1 Implementation of the Metropolitan Strategy	[Only applies to certain Sydney metropolitan local government areas.]	Does not apply to Byron Shire.

S117 Direction	Application	Compliance of Planning Proposal
of Greater	[Only applies to land within the Greater Macarthur Land Release Investigation Area, as identified in the 'Greater Macarthur Land Release Preliminary Strategy and Action Plan'.]	Does not apply to Byron Shire.