

# **Environmental Planning and Assessment (Housing, Infrastructure and Urban Development – Dual and shared use of open space and public facilities) Direction 2022**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Public Spaces, in pursuance of section 9.1 of the Environmental Planning and Assessment Act 1979, give the following direction.

Minister for Planning and Public Spaces

Dated:

## **1 Name of Direction**

This Direction is the *Environmental Planning & Assessment (Housing, Infrastructure and Urban Development - Dual and shared use of open space and public facilities) Direction 2022*.

## **2 Objectives**

(1) The objectives of this direction are:

- (a) to encourage the efficient use of public open space, drainage and public facilities land to support new residential development and renewal areas, by incorporating opportunities for the shared use of such land for a variety of public amenities and public services; and
- (b) to ensure that new housing, including in a mixed use zone and new commercial development have appropriate access to public amenities and services.

(2) This direction does not seek to reduce the totality or types of public amenities and public services to be provided in connection with residential development and instead encourages the consideration, as part of a planning proposal, of opportunities for the sharing of public open space, drainage purposes and public facilities land for a variety of public purposes.

## **3 Where this direction applies**

This direction applies to all planning proposals authorities.

## **4 When this direction applies**

This direction applies when a planning proposal authority prepares a planning proposal that will affect land within:

- (a) an existing or proposed residential zone or business zone (including the alteration of any existing residential zone or business zone boundary); and

- (b) any other zone in which significant residential development is permitted or proposed to be permitted,

but does not apply to a planning proposal which only proposes to rezone land for rural residential purposes.

## **5 What a planning proposal authority must do if this direction applies**

A planning proposal must demonstrate the efficient use of land used, or proposed to be used, for public open space, drainage purposes or public facilities. This includes considering measures to share use of publicly owned land and facilities to enable more than one public amenity or public service (whether local or State) to be provided on that land or in that facility.

**Note.** Measures to facilitate the efficient use of land proposed for public open space need also to be considered in the context of any other guidance provided by the Minister or the Department relating to the provision of local and State public open space in accordance with principles, objectives and performance indicators for the relevant type of development.

## **6 Consistency**

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 an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent:

- (a) are justified by a strategy which:
  - (i) gives consideration to the objective of this direction,
  - (ii) identifies the land, which is the subject of the planning proposal, and
  - (iii) is approved by the Secretary of the Department of Planning, Industry and Environment (or their nominee), or
- (b) are justified by a study prepared in support of the planning proposal that demonstrates consideration has been given to the objective of this direction, or
- (c) are in accordance with the relevant Regional or District Plan, prepared by the Department of Planning, Industry and Environment or the Greater Sydney Commission, which gives consideration to the objective of this direction, or
- (d) are of minor significance, or
- (e) result from the terms of any reservation, covenant or restriction applying to the relevant land used or proposed to be used for public open space, drainage purposes or public facilities.

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