

Appendix 4. Consistency with Section 9.1 Ministerial Directions

Direction	Applicability / Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
2. Environment and Heritage	
2.1 Environment Protection Zones	<p>Consistent</p> <p>The Planning Proposal does not reduce the environmental protection standards that apply to the land.</p> <p>However, certain lands in R2 Low Density Residential and R3 Medium Density Residential zones are identified in areas with high salinity potential and contaminated land.</p> <p>Council is undertaking a separate study in relation to this issue and anticipated to prepare a separate Planning Proposal to exclude these identified lands from the <i>Low Rise Medium Density Housing Code's</i> complying development so that development on these lands would be assessed based on the usual DA merit assessment process.</p>
<p>2.2 Coastal Protection</p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p> <p>This direction applies to land that is within the coastal zone, as defined under the <i>Coastal Management Act 2016</i> – comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area – and as identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>.</p>	<p>Consistent</p> <p>Certain lands in R2 and R3 zones are identified as part of the coastal zone, mapped as coastal wetlands and proximity area for coastal wetlands.</p> <p>Clause 1.19 of <i>SEPP (Exempt and Complying Codes) 2008</i> identifies coastal wetlands and lands within 100m of these wetlands as land within an 'environmentally sensitive area'. To protect these areas consistent with the Coastal Management SEPP, the Codes SEPP does not permit complying development on this land.</p>
2.3 Heritage Conservation	<p>Consistent</p> <p>The <i>Low Rise Medium Density Housing Code</i> does not enable these forms of housing as complying development on heritage sites or heritage conservation</p>

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	areas.
2.4 Recreation Vehicle Areas	N/A
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
3. Housing, Infrastructure and Urban Development	
<p>3.1 Residential Zones</p> <p><i>What a relevant planning authority must do if this direction applies:</i></p> <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (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. <p><i>Consistency</i></p> <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (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 	<p>Justifiably Inconsistent</p> <p>The Planning Proposal seeks to introduce minimum lot size requirement of 600m² for dual occupancy development under the Auburn and Holroyd LEPs. Currently lot size requirements are specified within Council's DCPs for the controls applicable on the former Auburn and Holroyd LGA's. The Parramatta LEP already specifies the minimum lot size of 600m² requirement which applies former Woodville Ward area within the Cumberland LGA.</p> <p>The Planning Proposal delivers a uniform approach to lot sizes for dual occupancy development across Cumberland LGA. The proposed minimum lot size of 600m² provides better opportunities for good design and ensures that the sufficient areas are available for adequate landscaping, setbacks and a built form that does not detract from the local residential character.</p> <p>The introduction of lot size requirement for dual occupancy development across Cumberland LGA would minimise the adverse impact to the capacity of existing local infrastructure.</p> <p>Merit assessment under DA is more appropriate to ensure design that takes into account the constraints of these sites or their context, consistent of 3.1(d) of this Direction, and as outlined in the main body of this Planning Proposal.</p> <p>Council is to prepare a Residential Housing Strategy that will support and inform the future Cumberland LEP.</p>
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
<p>3.4 Integrating Land Use and Transport</p> <p><i>What a relevant planning authority must do if this direction applies</i></p> <p>A planning proposal must locate zones for urban</p>	<p>Consistent</p> <p>The Planning Proposal seeks to minimise the disconnect between increased density as provided through the Code and the</p>

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<p>purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). <p><i>Consistency</i></p> <p>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:</p> <ul style="list-style-type: none"> (a) justified by a strategy which: <ul style="list-style-type: none"> (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 or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance. 	<p>location of existing transport infrastructure. This disconnect may result in increased dependence on cars, and distances travelled by car, contrary to the objectives of the Direction and the associated Guidelines.</p> <p>It is recognised that the types of development permitted by the Code are already permitted in the relevant zones, in this urban infill area, and that parts of these zones have reasonable transport choice. However, requiring larger minimum lot sizes and widths will reduce the overall increase in new dwellings located away from rail stations, especially in the Greystanes area, which has the poorest public transport access in the LGA.</p>
3.5 Development Near Licensed Aerodromes	N/A
4. Hazard and Risk	
<p>4.1 Acid Sulfate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>Consistent</p> <p>The <i>Low Rise Medium Density Housing Code</i> does not enable these forms of housing as complying development on lands affected by Class 1 or Class 2 Acid Sulfate Soils that is the most sensitive sites.</p> <p>Accordingly, the Planning Proposal does not seek any changes in regard to this matter.</p>
4.2 Mine Subsidence and Unstable Land	N/A
<p>4.3 Flood Prone Land</p>	<p>Consistent</p> <p>The <i>Low Rise Medium Density Housing Code</i> does not enable these forms of housing on high risk flood prone land or certain other flood prone sites.</p> <p>Accordingly, the Planning Proposal does not seek any changes in regard to this matter.</p>

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4.4 Planning for Bushfire Protection	N/A
5. Regional Planning	
5.1 Implementation of Regional Strategies	N/A
5.2 Sydney Drinking Water Catchments	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A
5.9 North West Rail Link Corridor Strategy	N/A
5.10 Implementation of Regional Plans	Consistent Consistency with the <i>Greater Sydney Region Plan - A Metropolis of Three Cities</i> is discussed in the main body of this Planning Proposal and in Appendix 2.
6. Local Plan Making	
6.1 Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development, and minimise the inclusion of concurrence, consultation or referral requirements to other agencies.	Consistent The Planning Proposal does not seek any concurrence or referrals to other agencies, nor nominate any development as 'designated development'.
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. <i>When this direction applies</i> (3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.	Not applicable This Planning Proposal does not seek to allow a particular development to be carried out that is not already permitted.
7. Metropolitan Planning	
6.1 Implementation of A Plan for Growing Sydney The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in <i>A Plan for Growing Sydney</i> . Note. The Greater Sydney Region Plan is now the Metropolitan Plan, effective from March 2018.	Consistent The <i>Greater Sydney Region Plan – A Metropolis of Three Cities (2018)</i> states that: <i>'In line with legislative requirements, a review of the current regional plan for Greater Sydney, A Plan for Growing Sydney (2014) identified that while most of the directions in A Plan for Growing Sydney were still relevant, they required updating or strengthening to respond to new challenges for planning Greater Sydney to 2056.'</i> The <i>Greater Sydney Region Plan</i> has now been made, and incorporates, updates or

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	<p>strengthens the requirements of the earlier plan.</p> <p>Consistency with the subsequent <i>Greater Sydney Regional Plan</i> is discussed above (at Direction 5.10) and in the main body of this report and in Appendix 2.</p>
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A
<p>7.3 Parramatta Road Corridor Urban Transformation Strategy</p> <p>The objectives of this Direction are to:</p> <ul style="list-style-type: none"> (a) facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016) and the Parramatta Road Corridor Implementation Tool Kit, (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. 	<p>Consistent</p> <p>Though the majority of the land within Cumberland that is affected by the <i>Parramatta Road Corridor Urban Transformation Strategy</i> are business/enterprise or industrial zoned lands at present, there are also R2 and R3 zoned lands within the Auburn precinct (designated for release now) and R2 zoned lands in the Granville Western Frame area (designated for release after 2023).</p> <p>Council is working with the City of Parramatta and the Department of Planning to prepare a transport study, required to enable this Strategy. Following this, a Planning Proposal will be prepared to implement the Strategy. Landowners are aware of the Strategy, and some landholders are already keen for it to be implemented. Where the Strategy will result in greater development potential, it is unlikely landholders would develop using the Code, which would then make further redevelopment more expensive.</p> <p>The Planning Proposal, the subject of this report, will not prevent the achievement of the objectives of the Strategy, or prevent consistency with the various requirements of the Implementation Toolkit.</p>
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
<p>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</p> <p>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)</p>	<p>Consistent</p> <p>Residential land in the Parramatta Road corridor is located within the area identified in this Plan. This has been discussed above.</p> <p>R2 and R3 zoned land in Westmead is also located within the area identified under this plan. This area is being progressed as a Planned Precinct by the Department of Planning & Environment.</p>
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A