

THE PLANNINGHUB

*by Hawes & Swan*

## APPENDIX C

# PLANNING PROPOSAL CONSISTENCY WITH SECTION 9.1 MINISTERIAL DIRECTIONS

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**Consistency with Relevant Section 9.1 Ministerial Directions**  
**Chittick Lane, Cobbitty**


Direction	Requirement	Comment	Complies
<b>1 - Employment and Resources</b>			
<b>1.1 - Business and Industrial Zones</b>	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.	The proposal is consistent with this direction in that it provides additional Business zoned land that will provide the opportunity for employment uses.	✓
<b>1.2 – Rural Zones</b>	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	The proposal is inconsistent with this direction as it will result in the rezoning of existing rural land to residential and business zones and will increase the permissible density of that land.  The inconsistency is deemed to be reasonable and justified as the proposal has considered the objective of this direction being the protection of the agricultural production value of rural land. The agricultural land production value of the subject site and its contribution to the rural economy of Camden have been key considerations of the proposal. The existing farm use and agricultural land has been	✓

		<p>demonstrated to not be economically viable and therefore does not contribute to Camden's rural economy.</p> <p>The land is currently zoned RU1 Primary Production under the Camden LEP. The current land use does not meet the relevant objectives of the zone in that it does not encourage sustainable primary industry production. Based on the size of the subject site and the South West Growth Area located directly adjacent the site to the east and the Outer Sydney Orbital to the west the site is not deemed to be of a size or able to achieve a land size that would be economically viable for any form of primary production that would not impact the surrounding locality.</p> <p>The proposal would eliminate existing rural land use conflicts and fragmentation within the existing site and the surrounding residential development and would provide a logical definition of the urban boundary.</p>	
<b>1.5 – Rural Lands</b>	<p>This direction applies when a relevant planning authority prepares a planning proposal that:</p> <p>(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</p> <p>(b) changes the existing minimum lot size on land within a rural or environment protection zone.</p>	<p>The proposal is inconsistent with this direction as it will result in the rezoning of existing rural land to residential and business zones and will change the existing minimum lot size.</p> <p>As detailed above the agricultural production value of the site and its contribution to the rural economy have been a key focus of the proposal. In addition, the proposal is consistent with the priority of minimising rural land fragmentation and land use conflict currently experienced onsite by extending the urban boundary. The proposal also identifies and protects the environmental and cultural values of the property.</p>	✓
<b>2 – Environment and Heritage</b>			

<b>2.1 – Environment Protection Zones</b>	A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	The proposal is consistent with this direction as it will provide zonings that facilitate the protection and conservation of environmentally sensitive areas.	✓
<b>2.3 – Heritage Conservation</b>	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(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,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(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.</p>	The proposal is consistent with this direction as it has been designed in accordance with the Heritage Impact Statement ( <b>Appendix K</b> ) and Aboriginal Due Diligence Assessment ( <b>Appendix J</b> ) which identify the heritage significance of the property and surrounding area to ensure its protection.	✓
<b>2.6 – Remediation of Contaminated Land</b>	<p>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:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(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</p> <p>(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</p>	<p>The proposal is currently inconsistent with this direction as no contamination investigation has taken place on the site to date.</p> <p>The site is currently used for grazing purposes. It is not identified as a contaminated site on any register or located within an investigation area. Accordingly, a Contamination Investigation has not been prepared in support of the Planning Proposal.</p>	✓

	proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.		
<b>3 – Housing, Infrastructure and Urban Development</b>			
<b>3.1 – Residential Zones</b>	<p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p>	The proposal is consistent with this direction as it will provide zoning and minimum lot sizes that encourages the provision of housing and broaden the choice of residential land in the market.	✓
<b>3.4 – Integrating Land Use and Transport</b>	<p>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:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	<p>The proposal is consistent with this direction in that it has been designed to provide accessibility for resident and alternative transport options.</p> <p>A Traffic Report (<b>Appendix M</b>) has been prepared by JMT Consulting in support of the proposal. As detailed in the Traffic Report the proposal incorporates an internal road network that has been designed to best respond to the natural characteristics of the site and provides larger road cross sections to facilitate further planting within the road reserve to better integrate the proposal into the surrounding landscape. In addition, the internal street design will facilitate good quality connections for pedestrians and cyclists. All streets will include footpaths on at least one side and potentially provide the opportunity for the introduction of shared user paths (bicycles and pedestrians).</p> <p>As detailed in the traffic modelling the closest intersection to the site along The Northern Road (at Dick Johnson Drive)</p>	✓

		continues to perform at acceptable levels with the additional traffic flows associated with the rezoning and Peak traffic demands along the internal collector road will be well below the operational capacity of up to 900 vehicles per hour. The proposal 's impact on the existing and future transport network is considered to be acceptable.	
<b>4 – Hazard and Risk</b>			
<b>4.3 – Flood Prone Land</b>	A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.	<p>The proposal is inconsistent with this direction as it will result in the rezoning of a small portion of flood prone land to a residential zone.</p> <p>The inconsistency is deemed reasonable as it only forms a small portion of residential land with the remainder of the flood prone land being rezoned to E2 Environmental Conservation and RE1 Public Recreation. The majority of the flood prone land will form part of a riparian corridor and will not be developable land once the site is rezoned.</p> <p>The land is only subject to the Probable Maximum Flood level and appropriate provisions relating to the flood hazard will be incorporated for residential land once rezoned.</p>	<b>On Merit</b>
<b>4.4 – Planning for Bushfire Protection</b>	A planning proposal must: (a) have regard to Planning for Bushfire Protection 2006, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ.	The proposal is consistent with this direction in that it has been designed in accordance with the findings and recommendations of the Bushfire Report ( <b>Appendix I</b> ) prepared in support of the proposal.	✓
<b>5 - Regional Planning</b>			

<b>5.10</b> <b>Implementation</b> <b>Regional Plans</b>	– of Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	The proposal is generally consistent with this direction as it is consistent with the Greater Sydney Region Plan as detailed in section 6.2 of the planning report.	
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