

Appendix H

Consistency of Planning Proposal with Statutory Planning Policies

Assessment against Section 117 directions

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
1. Employment and Resources				
1.1 Business and Industrial Zones			✓	The proposal does not relate to business or industrial zones.
1.2 Rural Zones			✓	The proposal does not relate to rural zoned land.
1.3 Mining, Petroleum Production and Extractive Industries			✓	The proposal does not relate to Mining, Petroleum Production and Extractive Industries.
1.4 Oyster Aquaculture			✓	The proposal does not relate to Oyster Aquaculture.
1.5 Rural Lands			✓	The proposal does not relate to rural lands.
2. Environment and Heritage				
2.1 Environment Protection Zones			✓	The proposal does not relate to land zoned as environmentally sensitive land or a conservation area.
2.2 Coastal Protection			✓	The proposal does not relate to coastal land.
2.3 Heritage Conservation	✓			The proposal does not relate to land identified as a heritage item.
2.4 Recreation Vehicle Areas			✓	The proposal does not relate to sensitive land or land with significant conservation values, and no recreational vehicles are relevant to the proposal.
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones			✓	The proposed amendments to the Penrith LEP 2010 are intended to allow Council to divest parcels of recreational land for the purpose of providing increased housing choice within the LGA. It is anticipated that this will make efficient use of existing infrastructure and services within the Erskine Park and St Clair area by allowing Council to invest in upgrade woks to existing parks.
3.2 Caravan Parks and Manufactured Home Estates			✓	The proposal does not relate to Caravan Parks and Manufactured Home Estates.

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
3.3 Home Occupations			✓	It is intended to rezone the subject sites to R2, which under the Penrith LEP 2010 permits home businesses and home industries.
3.4 Integrating Land Use and Transport	✓			The proposal is consistent with this objective as it will facilitate redevelopment of the subject sites in a manner which integrates land use and transport. The subject sites are located in close proximity to an existing bus route as well as to the Erskine Park Precinct of the Western Sydney Employment Area, which is to be.
3.5 Development Near Licensed Aerodromes			✓	The proposal is not in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges			✓	The proposal is not located in close proximity to any shooting ranges.
4. Hazard and Risk				
4.1 Acid Sulphate Soils	✓			The subject sites are not affected by acid sulphate soils.
4.2 Mine Subsidence and Unstable Land			✓	The subject sites are unlikely to be affected by unstable land or mine subsidence.
4.3 Flood Prone Land			✓	The subject sites are not identified as flood prone land.
4.4 Planning for Bushfire Protection			✓	The subject sites are not identified as bush fire prone land.
5. Regional Planning				
5.1 Implementation of Regional Strategies			✓	The subject sites are not affected by any of the relevant regional strategies.
5.2 Sydney Drinking Water Catchments			✓	The proposal will not result in any adverse impacts to the water quality of the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast			✓	The proposal does not relate to land identified as farmland of State and Regional significance on the NSW Far North Coast.
5.4 Commercial and Retail Development along the Pacific Highway, North			✓	The proposal does not relate to land on the Pacific Highway.

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
Coast				
5.8 Second Sydney Airport: Badgerys Creek			✓	The proposal does not relate to land in the immediate vicinity of Sydney's second airport at Badgerys Creek.
5.9 North West Rail Link Corridor Strategy				The proposal does not relate to land in the vicinity of the North West Rail Link Corridor.
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			No new concurrence provisions are proposed.
6.2 Reserving Land for Public Purposes	✓			The proposal seeks to reduce the amount of land for public purposes. Council are the relevant public authority and have resolved to divest the areas of public open space to generate revenue to be used for improving and upgrading existing parks. The proposal is consistent with this direction as it seeks approval from the relevant authority to rezone the land and it is considered that rezoning the land will not impact on the availability of land zoned for public purposes in the Penrith LGA.
6.3 Site Specific Provisions	✓			The proposal does not seek to impose any unnecessarily restrictive site specific planning controls.
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Plan for Sydney 2036	✓			This proposal is consistent with the objectives and strategies of A Plan for Growing Sydney as outlined in the Planning Proposal report.
7.2 Implementation of Greater Macarthur Land Release Investigation			✓	The proposal does not relate to land within the Greater Macarthur Land Release Investigation Area.

Compliance with State Environmental Planning Policy's

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 1 Development Standards			✓	SEPP 1 does not apply to the proposal.
SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development			✓	SEPP (Exempt and Complying Development Codes) 2008 applies to the site however is not relevant to the Planning Proposal.
SEPP No 6 Number of Storeys			✓	The Standard instrument definition for the number of storeys applies.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	✓			The planning proposal is consistent with SEPP 32 in providing for the opportunity for the development of additional housing in an area where there is existing public infrastructure, transport, and community facilities, and is close to employment, leisure and other opportunities.
SEPP No 55 Remediation of Land			✓	The sites have been used for open space reserves for a number of years. This type of use is not listed in Table 1 to the Contaminated Land Planning Guidelines. Therefore the sites are unlikely to be contaminated. Notwithstanding this, contamination will be further addressed at the DA stage.
SEPP No 60 Exempt and Complying Development			✓	SEPP (Exempt and Complying Development Codes) 2008 applies to the sites however is not relevant to the Planning Proposal.
SEPP No 64 Advertising and signage			✓	SEPP 64 is not relevant to the Planning Proposal. The SEPP may be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development			✓	Residential flat buildings are not permitted in the R2 zone under the Penrith LEP and accordingly SEPP 65 will not apply to the future development of the site.
SEPP No.70 Affordable Housing (Revised Schemes)			✓	SEPP 70 is not relevant to the proposed amendment.
SEPP (Affordable Rental Housing) 2009			✓	SEPP (Affordable Rental Housing) is not relevant to

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
				proposed amendment.
SEPP (BASIX) 2004	✓			Detailed compliance with SEPP (BASIX) will be demonstrated in a future development application for the scheme facilitated under this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓			SEPP (Exempt and Complying Development Codes) may apply to the future development of the site.
SEPP (Infrastructure) 2007	✓			SEPP (infrastructure) may apply to the future development of the site.
SEPP (State and Regional Development) 2011	✓			The future development of the site is not likely to be deemed as 'regional development' and Council will likely act as the determining authority.
Sydney Regional Environmental Plan No 18– Public Transport Corridors			✓	This SREP does not apply to the Penrith LGA.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	✓			This SREP does not apply to the site.

Compliance with practice note – classification of public land

Circular Requirement	Planning Proposal
The reasons why the draft LEP is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, Council's intention to dispose of the land, provision of open space in a town centre	Council has determined that the reclassification and rezoning of the land will facilitate the improvement of other reserved in the locality and will reduce Council's maintenance expenditure. The residential development of the sites will facilitate improved security and will permit a higher and better use of the sites that no longer serve the recreational needs of the community. In order for the sites to be developed as envisaged by Council and the community the sites are required to be rezoned for residential and/or community uses and reclassified from Community to Operational land. This planning proposal proposes to do this by: ▪ rezoning the sites from RE1 Public Recreation to R2 Low Density Residential; ▪ permitting a maximum height of 8.5m across the sites; and ▪ permitting a minimum lot size of 550m² across the sites. The Local Government Act, 1993 requires that all Council-owned land be classified as either "Community" or "Operational" land. Community land is generally accessible to the public, such as parks, bushland, playgrounds and so forth. Operational land is generally used for operational purposes, such as depots, or land leased/used to make a commercial return for Council. Operational land can be sold by Council or leased on a commercial basis. A planning proposal is therefore required in order to reclassify the site from Community to Operational land. In rezoning and reclassifying the site, Council will be released from the terms of the trust currently applicable thereto.
The current and proposed classification of the land;	The site is classified Community Land and is proposed to be reclassified to Operational under the local Government Act, 1993.
The reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification;	The reasons for the reclassification including how this relates to Council's strategic framework, Council's proposed future use of the land, proposed zones, site specific requirements are addressed in the Planning Proposal report.
Council's ownership of the land, if this applies;	Council's ownership of the land including the acquisition of the sites and the reasons for acquisition are provided in Appendix C
The nature of council's interest in the	Council owns the sites in freehold title.

Circular Requirement	Planning Proposal
land, e.g. council has a 50 year lease over the site;	
How and when the interest was first acquired;	Refer to Appendix C.
The reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency;	Refer to Appendix C.
Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement;	Refer to Appendix C
An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre;	The value of the land will be increased it is intended to be used for residential purposes. The financial gain incurred as a result of the proposal will be returned to improving existing infrastructure.
The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially;	The asset management objective is the avoidance of continuing resource allocation to an asset that is no longer fit for purpose for the recreational needs of the community. Successful achievement by Council of its aims for the sites will result in the avoidance of continuing expense for their upkeep and the ability to capitalise on the development potential of the land. This in turn will enable Council to use any funds thereby yielded for more important and relevant community facilities.
Whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time;	The planning proposal represents the first step in releasing the land to the market.
Relevant matters required in plan making under the EP&A Act;	The planning proposal report in its entirety addresses the relevant matters of the EP&A Act. .