

Appendix 12

Consistency with Local Planning Directions

Applicable Ministerial Directions	Relevant to draft Planning Proposal	Consistent	Explanation
1. Employment and resources			
1.1 Business and Industrial Zones	Yes	Yes	This direction applies when a Planning Proposal affects land within a business or industrial zone. The direction states that a Planning Proposal must retain these areas and not reduce the floor space for employment uses. The Planning Proposal could provide for opportunities to increase the potential floor space for employment and related public services in the City Centre. The Planning Proposal does not reduce the total floor space area for employment or industrial uses and is consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Consistency with this direction is subject to consultation with the Director General of the Department of Primary Industries. This Planning Proposal is for reclassification only and does not advocate inappropriate development. Mixed use development, multi storey car parking or the construction of new access ramps are the types of development encouraged for the sites as advocated within the Penrith Progression – A Plan for Action.
2. Environment and Heritage			
2.1 Environment Protection Zones	Yes	Yes	This direction applies when a Planning Proposal is prepared. The direction states that a Planning Proposal must include provisions that protect and conserve environmentally sensitive areas and not reduce the environmental protection standards that apply to the land. The Planning Proposal does not recommend the amendment of existing provisions that facilitate the protection and conservation of environmentally sensitive areas.
2.3 Heritage Conservation	Yes	Yes	This direction applies when a Planning Proposal is prepared. A Planning Proposal must contain provisions that facilitate the conservation of heritage items and aboriginal places.

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			The Planning Proposal is consistent with this direction as the proposed reclassification does not do not recommend the deletion of any heritage items or places listed in LEP 2010 or the amendment of existing provisions that facilitate the conservation of heritage items and places.
2.4 Recreation Vehicle Areas	Yes	Yes	This direction applies when a Planning Proposal is prepared. The direction states that a Planning Proposal must not enable land to be developed for the purpose of a recreation vehicle area consistent with the listed criteria. The Planning Proposal does not recommend the amendment of existing provisions that protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles and is therefore is consistent with this direction.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	This direction applies when a Planning Proposal affects land within a residential zone. This direction states that a Planning Proposal must include provisions that encourage various types of housing. The Planning Proposal does not recommend the amendment of existing provisions that encourage various types of housing. All lots are within a Business Zone. The Union Road car park is within the B4 zone which allows multi-unit housing with consent which will broaden housing choices, potentially increase the density of land and make more efficient use of infrastructure and services. Further, a Design Excellence clause applies to the Union Road car park to ensure good quality building design in the City Centre. This proposal is therefore consistent with this direction.

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3.3 Home Occupations	Yes	Yes	This direction applies when a Planning Proposal is prepared. The direction states that Planning Proposals must permit home occupations to be carried out in dwelling houses without the need for development consent. The Planning Proposal does not alter existing provisions which already permit home occupations to be carried out in dwelling houses without the need for development consent, therefore the Planning Proposal is consistent with this direction.
3.4 Integrating Land Use and Transport	Yes	Yes	This direction applies when a Planning Proposal affects urban land, including land zoned for residential, business, industrial, village or tourist purposes. A planning proposal must locate zones that give effect to <i>Improving Transport Choice – Guidelines for planning and development</i> and <i>The Right Place for Business and Services</i>. The longer term strategic plan for the Union Road car park site is to integrate suitable business, office, residential, retail and other development in an accessible location in the City Centre to maximise public transport patronage and encourage walking and cycling. Therefore the Planning Proposal is consistent with this direction. The short term plan for the Welch Place car park site is to develop the land with a dual carriageway ramp that will provide access to the upper level car parking spaces at the site and adjoining site. This Planning Proposal will improve parking infrastructure within the City Centre
4. Hazard and risk			
4.3 Flood Prone Land	Yes	Yes	This direction applies to all councils that contain flood prone land within their LGA. The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. The Penrith CBD Detailed Overland Flow Flood Study (2015) indicates the subject properties are coded as flood affected (FA) because they are affected by the 1% AEP (100 year ARI)

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			local overland flow path from the Penrith CBD catchment. Clause 7.2 Flood Planning of the Penrith LEP 2010 applies to land at or below the flood planning level. Any future development on the subject Land would need to comply with the flood related controls in this clause. Therefore, as this Planning Proposal does not create, remove or alter a zone or a provision that affects flood prone land this Planning Proposal is consistent with this direction.
5. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	This Direction applies when a Planning Proposal is prepared. The Direction states that a Planning Proposal must minimise provisions relating to the concurrence, consultation or referral of development applications to a Minister or public authority and not identify development as designated development unless the development is likely to have a significant impact on the environment. Due to the minor nature of the proposed amendments, the Planning Proposal is not likely to require the concurrence, consultation or referral of development applications to a Minister or public authority and is not considered to have significant impacts on the environment. The Planning Proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	Yes	No	This direction applies when a Planning Proposal is prepared. The direction states that a Planning Proposal must not affect zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department of Planning and Environment. The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site specific Provisions	Yes	Yes	This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

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			The Planning Proposal is for reclassification of land only and does not recommend additional, site specific planning controls.
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney			This direction applies to the Penrith LGA when a Planning Proposal is prepared. The direction states that a Planning Proposal must be consistent with the NSW Government's A Growing Plan for Sydney. The Planning Proposal is consistent with the NSW Government's <i>A Plan for Growing Sydney</i> published in December 2014. Refer to <i>Part 3 – Justification, Section B – Relationship to Strategic Planning Framework</i> of the Planning Proposal for an explanation of the consistency of the Planning Proposal with <i>A Plan for Growing Sydney</i>. The planning proposal achieves the overall intent of the Plan and seeks to implement the achievement of its vision, land use strategy, policies, outcomes or actions. Specifically, Direction 1.7 under <i>A Plan for Growing Sydney</i> seeks to allow strategic centres such as Penrith to grow to its full potential. Action 1.7.1 states that investment in strategic centres will focus on removing the barriers to investment and economic activity. Most relevant to this planning proposal is the objective of unlocking developable land by consolidating fragmented sites for redevelopment and improving planning policies and regulations will encourage flexibility, higher density and a more diverse range of activities. In addition, delivering transport improvements, including public transport, traffic management and car parking will improve the business environment of strategic centres.