

## **APPENDIX 06**

### **Consistency with local planning directions**

Section 117 Direction	Applicable	Consistent	Comment
<b>1.0 Employment and Resources</b>			
1.1 Business and Industrial Zones	No	-	-
1.2 Rural Zones	No	-	-
1.3 Mining, Petroleum Production and Extractive Industries	Yes	-	Subject to consultation with the Director-General of the Department of Primary Industries
1.4 Oyster Aquaculture	No	-	-
1.5 Rural Lands	No	-	-
<b>2.0 Environment and Heritage</b>			
2.1 Environment Protection Zones	Yes	Yes	The planning proposal does not recommend the amendment of existing provisions that facilitate the protection and conservation of environmentally sensitive areas.
2.2 Coastal Protection	No	-	-
2.3 Heritage Conservation	Yes	Yes	The planning proposal does 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	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.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	No	-	-
<b>3.0 Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	Yes	Yes	The planning proposal will enable the delivery of new dwellings close to public transport, broaden the choice of building types, and help to reduce the consumption of land for housing and associated urban development on the urban fringe.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The planning proposal does not recommend the amendment of existing provisions relating to caravan parks and manufactured home estates.
3.3 Home Occupations	Yes	Yes	The planning proposal does not recommend the amendment of existing provisions permitting home occupations to be carried out in dwelling houses without the need for development consent.
3.4 Integrating Land Use and Transport	Yes	Yes	The planning proposal will enable the delivery of new dwellings close to public transport.
3.5 Development Near Licensed Aerodromes	No	-	-

Section 117 Direction	Applicable	Consistent	Comment
3.6 Shooting Ranges	No	-	-
<b>4.0 Hazard and Risk</b>			
4.1 Acid Sulphate Soils	No	-	-
4.2 Mine Subsidence and Unstable Land	No	-	-
4.3 Flood Prone Land	Yes	Yes	<p>Direction 4.3 is applicable because the planning proposal creates, removes and alters provisions that affect flood prone land. Responses to the Direction are presented below.</p> <p><b>4.3(4): A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</b></p> <p><u>Response:</u></p> <p>The planning proposal is supported by detailed flood assessment undertaken by J. Wyndham Prince (September 2016). The flood assessment has been prepared to inform and support the revised Master Plan for the Panthers Precinct and to support future development applications, including the site the subject of the planning proposal. A flood evacuation assessment was completed by J. Wyndham Prince in April 2017 and submitted in response to the Hawkesbury-Nepean Valley Flood Management Taskforce. A further flood evacuation assessment was completed by J. Wyndham Prince in August 2017 and submitted for consideration.</p> <p>These assessments, which inform the planning proposal, have been prepared to conform with the statutory requirements and relevant guidelines associated with flooding, including the NSW Floodplain Development Manual 2005 and Guidelines.</p> <p><b>4.3(5): 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.</b></p> <p><u>Response:</u></p> <p>The planning proposal does not seek to 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>

**4.3(6): A planning proposal must not contain provisions that apply to the flood planning areas which:****(a) permit development in floodway areas,**Response:

The planning proposal does not seek to introduce any new provisions that will permit development in floodway areas beyond those that currently apply to the site. As such, the planning proposal seeks to amend existing height provisions that apply across the site.

Further, provisions establishing permissibility for retail and residential flat buildings will remain unchanged, however specific permissibility for outlet centre is proposed to be removed.

**(b) permit development that will result in significant flood impacts to other properties,**Response:

The planning proposal will not result in significant flood impacts to other properties. The planning proposal is supported by a detailed flood assessment completed by J. Wyndham Prince for the Panthers Precinct (September 2016) which demonstrates that the ultimate Master Plan development (including development outcomes in line with the planning proposal), will result in minor increases in flood levels within the precinct, which can be managed by appropriate design.

The assessment also demonstrates that a development scenario made possible by the planning proposal, will have no off-site flood level impacts in the three (3) modelled events (i.e. 1% Annual Exceedance Probability (AEP) Regional, 1% AEP Regional + 5% AEP Local and 1% AEP Local + 5 % AEP Local). However, several isolated minor increases in flood levels external to the Panther's site (generally in areas that do not impact existing dwellings) will occur during the regional 0.5% AEP event. It should be noted that flood impacts in this event only considers regional flows.

The likelihood of a local storm event occurring in conjunction with or preceding this regional event is quite high, and hence it would be anticipated that the extent of flood impacted properties would be much broader than those mapped. Therefore, the change in flood levels presented would have negligible impact on local flood regime during this extreme event.

It is noted that if a change is made to the proposed development scheme which influences the consideration of flood risk at the site, such as in the raising of internal roads for flood evacuation purposes, then additional flood modelling may be required to determine flood impacts to upstream and downstream properties and roads surrounding the development site. The flood assessment may need to be revised in these circumstances.

**(c) permit a significant increase in the development of that land,**Response:

The planning proposal will not permit a significant increase in the development of the subject land.

## Section 117 Direction

## Applicable Consistent Comment

The planning proposal responds to existing land use permissibility for commercial and residential flat buildings. Further, the planning proposal will not result in an increase to densities and permissible GFA already achievable across the site under existing development standards.

The planning proposal has been amended in accordance with the requirements of the Gateway determination to cap the maximum development capacity potential at the Cabe/ESQ1818 portion of the Penrith Panthers site to 850 dwellings and 80,400sqm of gross floor area.

### **(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or**

#### Response:

The planning proposal will not substantially increase the requirement for government spending on flood mitigation measures, infrastructure or services.

The planning proposal is supported by a flood assessment for the Panthers Precinct, undertaken by J. Wyndham Prince (September 2016), which has modelled future development scenarios on the site. The outcome of this modelling has confirmed that no off-site flood mitigation works are considered necessary to support the future development of the Panthers Precinct.

It is noted that if a change is made to the proposed development scheme which influences the consideration of flood risk at the site, such as in the raising of internal roads for flood evacuation purposes, then additional flood modelling may be required to determine flood impacts to upstream and downstream properties and roads surrounding the development site. The flood assessment may need to be revised in these circumstances.

### **(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.**

#### Response:

The changes sought in the planning proposal would not permit development to be carried out without development consent.

### **4.3(7): A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).**

#### Response:

The planning does not seek to impose flood related development controls above the residential flood planning level for residential development on land.

**Section 117 Direction****Applicable   Consistent   Comment**

All proposed floor levels within the Panthers Precinct will be located at or above the flood planning level.

**4.3(8): For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).**

Response:

The planning proposal is informed by a Flood Assessment Report prepared by J. Wyndham Prince (September 2016) that has been developed having regard to flood planning levels consistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). There is no flood planning level determined to be inconsistent with the Manual.

**4.3(9): A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:**  
**(a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or**  
**(b) the provisions of the planning proposal that are inconsistent are of minor significance.**

Response:

The planning proposal will not result in an inconsistency with this direction. Nevertheless, the proposal is informed by a detailed Flood Assessment Report prepared by J. Wyndham Prince that has been prepared to conform with the statutory requirements and industry best practice for flood management in the catchment.

4.4 Planning for Bushfire Protection	Yes	Yes	Council will consult the Commissioner of the NSW Rural Fire Service on the planning proposal, which will provide the information to demonstrate compliance with the provisions of this direction.
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**5.0 Regional Planning**

5.1 Implementation of Regional Strategies	No	-	-
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5.2 Sydney Drinking Water Catchments	No	-	-
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5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	-	-
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5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	-	-
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5.5 – 5.7	Revoked		
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Section 117 Direction	Applicable	Consistent	Comment
5.8 Second Sydney Airport: Badgerys Creek	No	-	-
5.9 North West Rail Link Corridor Strategy	No	-	-
5.10 Implementation of Regional Plans	No	-	-
<b>6.0 Local Plan Making</b>			
6.1 Approval and Referral Requirements	Yes	Yes	The planning proposal does not recommend provisions requiring additional concurrence, consultation or referral of development applications to a Minister or a public authority.
6.2 Reserving Land for Public Purposes	Yes	Yes	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	The planning proposal does not recommend additional, site specific planning controls.