

Appendix 6

Extracts of Penrith LEP 2010

Penrith Local Environmental Plan 2010

Current version for 20 April 2018 to date (accessed 7 June 2018 at 15:23)

Land Use Table ➤ Zone B4

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To create opportunities to improve public amenity.
- To provide a wide range of retail, business, office, residential, community and other suitable land uses.

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Home-based child care; Home businesses; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Veterinary hospitals

4 Prohibited

Rural workers' dwellings; Any other development not specified in item 2 or 3

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Part 4 ➤ Clause 4.4

4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
 - (a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
 - (b) to minimise the adverse impact of development on heritage conservation areas and heritage items,
 - (c) to regulate density of development and generation of vehicular and pedestrian traffic,
 - (d) to provide sufficient floor space for high quality development.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

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Part 8 ➤ Clause 8.4

8.4 Design excellence

- (1) Development consent must not be granted for development involving the construction of a new building, or external alterations to an existing building, on land to which this Part applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (2) In deciding whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development will detrimentally impact on view corridors,
 - (d) whether the development will detrimentally impact on any land identified as “Area 4” on the Height of Buildings Map,
 - (e) how the development will address the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the relationship of the development with other buildings (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) the impact on, and any proposed improvements to, the public domain.
- (3) Development consent must not be granted for any of the following development on land to which this Part applies unless an architectural design competition has been held in relation to the development:
 - (a) development in respect of a building that is, or will be, greater than 24 metres or 6 storeys (or both) in height,

- (b) development that has a capital value of more than \$1,000,000 on a key site identified on the Key Sites Map,
 - (c) development for which the applicant has chosen to have an architectural design competition.
- (4) Subclause (3) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.
- (5) Development consent may not be granted for the erection or alteration of a building to which this clause applies that has a floor space ratio of up to 10% greater than that allowed by clause 4.4 or a height of up to 10% greater than that allowed by clause 4.3, unless:
- (a) the design of the building or alteration is the result of an architectural design competition, and
 - (b) the concurrence of the Director-General has been obtained to the development application.
- (6) In deciding whether to give concurrence to the development application, the Director-General must take into account the matters set out in subclause (3) and the results of the architectural design competition.
- (7) In this clause:

architectural design competition means a competitive process conducted in accordance with procedures approved by the Director-General from time to time.

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Part 8 ➤ Clause 8.7

8.7 Community infrastructure on certain key sites

- (1) The objectives of this clause are:
 - (a) to allow higher density development on certain land in the City Centre where the development includes community infrastructure, and
 - (b) to ensure that the greater densities reflect the desired character of the localities in which they are allowed and minimise adverse impacts on those localities.
- (2) This clause applies to land identified as “Key Site 4”, “Key Site 6”, “Key Site 7”, “Key Site 8” or “Key Site 11” on the Key Sites Map.
- (3) Despite clauses 4.3, 4.4 and 8.4 (5), the consent authority may consent to development on land to which this clause applies (including the erection of a new building or external alteration to an existing building) that exceeds the maximum height shown for the land on the Height of Buildings Map or the floor space ratio for the land shown on the Floor Space Ratio Map, or both, if the proposed development includes community infrastructure.
- (4) The consent authority must not consent to the erection of a building on land to which this clause applies if the floor space ratio for the building exceeds the following floor space ratio:
 - (a) in relation to development on any land identified as “Key Site 4” on the Key Sites Map—5:1,
 - (b) in relation to development on any land identified as “Key Site 6” on the Key Sites Map—2.5:1,
 - (c) in relation to development on any land identified as “Key Site 7” on the Key Sites Map—5:1,
 - (d) in relation to development on any land identified as “Key Site 8” on the Key Sites Map—5.5:1,
 - (e) in relation to development on any land identified as “Key Site 11” on the Key Sites Map—5:1.
- (5) In deciding whether to grant development consent under this clause, the consent authority must have regard to the following:
 - (a) the objectives of this clause,
 - (b) whether the development exhibits design excellence,
 - (c) the nature and value of the community infrastructure to the City Centre.
- (6) In this clause, **community infrastructure** means development for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), recreation facilities (major), public car parks or public roads.

