



Planning Proposal

Annual Update Amendment

April 2019

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Appendices

- 1 Proposed Penrith Local Environment Plan 2010 map tiles
- 2 Council Report and Minutes of Meeting 4 June 2018
- 3 Gateway Determination 17 December 2018

Introduction

1. Purpose of Planning Proposal

An amendment to *Penrith Local Environmental Plan 2010* (LEP 2010) is proposed to resolve several policy changes, contemporise certain elements and undertake “housekeeping” changes which are minor in nature. The Department of Planning and Environment’s (DP&E) Gateway Process is the current process for making or amending Local Environmental Plans (LEPs). The process has a number of steps which are outlined in Table 1. The preparation of a Planning Proposal is the first step in DP&E’s Gateway Process for amending LEP 2010.

Table 1: Gateway Process

No.	Step	Explanation
1	Planning Proposal	Council prepares a Planning Proposal explaining the intended effect of a proposed LEP and sets out the justification for making the LEP.
2	Gateway Determination	The Department of Planning and Environment, as a delegate of the Minister for Planning, determines whether a Planning Proposal should proceed.
3	Community Consultation	The Planning Proposal is placed on public exhibition for the period identified in the Gateway Determination.
4	Assessment	Council considers the submissions received in response to the public exhibition, and varies the planning proposal if required.
5	Drafting	Parliamentary Counsel prepares a draft local environmental plan.
6	Decision	The relevant planning authority approves the local environmental plan, making it law.

2. Background

Penrith City Council (Council) has undertaken a review of LEP 2010 which has identified various items that require amendment. It is proposed to resolve several policy changes, contemporise certain elements and undertake “housekeeping” changes which are minor in nature.

These matters are proposed to be consolidated as a single set of proposed changes to LEP 2010, known as an “Annual Update Amendment”. There are 16 items in total proposed to be changed.

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to resolve several policy changes, contemporise certain elements and undertake “housekeeping” changes which are minor in nature, identified in LEP 2010.

This Planning Proposal recommends changes to the LEP 2010 written instrument and the LEP 2010 map tiles.

Resolving these matters will provide a more accurate planning instrument and reduce the potential for delays, should development be proposed where the identified matters exist.

The consolidation of these matters as a single set of proposed changes to LEP 2010, known as an “Annual Update Amendment”, provides for a more efficient use of time and resources to amend LEP 2010 compared to proceeding with individual planning proposals for each individual change.

Part 2 – Explanation of Provisions

The objectives and intended outcomes of the planning proposal will be achieved by amending LEP 2010. The proposed changes are presented in this Part of the Planning Proposal. Changes are proposed to the written instrument and maps.

The Legends for the current Land Zoning Map, Lot Size Map, and Height of Buildings Map are provided below to assist in the review of the proposed map changes.

Zone	Maximum Building Height (m)	Minimum Lot Size (sq m)
B1 Neighbourhood Centre	A 0	F 400
B2 Local Centre	C 5	G 450
B3 Commercial Core	I 8.5	K1 550
B4 Mixed Use	J 9	K2 560
B5 Business development	K 10	M 600
B6 Enterprise Corridor	M1 12	R 750
B7 Business Park	M2 12.5	S 800
E1 National Parks and Nature Reserves	O 15	U1 1000
E2 Environmental Conservation	P 18	U2 1200
E3 Environmental Management	Q1 19	V 2000
E4 Environmental Living	Q2 20	W 4000
IN1 General Industrial	R 21	X 6000
IN2 Light Industrial	S 24	Y1 10000 (1 ha)
R1 General Residential	T 27	Y2 12500 (1.25 ha)
R2 Low Density Residential	U 32	Z 20000 (2 ha)
R3 Medium Density Residential	Z 56	AB1 100000 (10 ha)
R4 High Density Residential	AB 80	AB2 200000 (20 ha)
R5 Large Lot Residential	Refer to Clause 7.16, 8.2 & 8.4	AB3 400000 (40 ha)
RE1 Public Recreation		AJ 10000000 (1000 ha+)
RE2 Private Recreation		Refer to Clause 7.16, 7.19 & 7.21
RU1 Primary Production		
RU2 Rural Landscape		
RU4 Primary Production Small Lots		
RU5 Village		
SP1 Special Activities		
SP2 Infrastructure		
SP3 Tourist		
W1 Natural Waterways		
W2 Recreational Waterways		
DM Deferred Matter		
WSEA SEPP (Western Sydney Employment Area) 20		
SM SREP No. 30 - St Marys		

The proposed LEP 2010 map tiles are provided at Appendix 1.

A summary of the nature of each proposed changes is presented in the table below.

SUMMARY TABLE OF PROPOSED CHANGES

Item No.	Title	Nature of Change
1	Bus shelter advertising – introduce exempt development provisions	Policy
2	Penrith Panthers site - Minimum lot size control mapping anomaly	Housekeeping
3	Captains Road, Nepean Avenue and Ladbury Avenue, Penrith – anomalies in mapped planning controls	Housekeeping
4	Removal of 'Canine council dwelling' local heritage item 846, Orchard Hills – item no longer exists	Policy
5	Removal of 'brick cottage' local heritage item 830, Luddenham – item no longer exists	Policy
6	Local heritage item 878 (scarred tree and Aboriginal artefact scatter) at Bradley Street, Glenmore Park - anomaly in mapped heritage controls	Housekeeping
7	Extension of the serviced apartments clause 8.6 to apply to land outside the Penrith City Centre	Policy
8	Update to land covered by Thornton Hall local heritage item 166, Penrith to correct an anomaly	Housekeeping
9	Alignment of mapped planning controls with property boundaries at Bluestone Drive, Glenmore Park to correct an anomaly	Housekeeping
10	Rezoning of part of Princess Mary Street, St Marys that has a zoning anomaly	Housekeeping
11	Update land descriptions in Schedule 5 environmental heritage to address anomalies	Housekeeping
12	119 Station Street, Penrith (Penrith swimming pool site) – anomaly in zoning controls	Housekeeping
13	Expansion of additional permitted uses at 32-52 Harris Street, North St Marys	Policy
14	Land in the vicinity of Victoria Street, Werrington - anomaly in mapped planning controls	Housekeeping
15	Western end of Glenmore Park Stage 2 - anomaly in mapped planning controls	Housekeeping
16	Number 2-8 & 10 Twin Creeks Drive, Luddenham – amendment to land zoning, lot size controls and additional permitted use provisions	Policy

1. BUS SHELTER ADVERTISING – INTRODUCE EXEMPT DEVELOPMENT PROVISIONS

It is proposed to introduce exempt development provisions into LEP 2010 relating to bus shelter advertising in order to allow such advertising to be displayed without the requirement to obtain development consent, providing that the advertising meets certain criteria specified in the new provisions. The new exempt development provisions would permit bus shelter advertising to be carried out in Residential, Business, Industrial and Special Use zones under LEP 2010.

Currently, proposals for bus shelter advertising in the Penrith LGA require the lodgement of a development application with Council for assessment and approval. Under LEP 2010, advertising on bus shelters comes under the definition of “Signage”. “Signage” is permissible with development consent in the B3, B4, B5, B6, B7, IN1, IN2, and SP3 land use zones. The planning controls governing bus shelter advertising are prescribed by State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64), which applies to all signage that can be displayed with or without development consent under another environmental planning instrument and is visible from any public place or public reserve.

The Penrith Development Control Plan 2014 (DCP), contains controls relating to Advertising and Signage (Chapter C9 Advertising and Signage). The DCP applies to land within the local government area where an advertisement requires Council’s consent. Current controls prohibit advertising signs promoting products and services not related to the approved use of the premises, and, state that signs must relate to business signs rather than product advertising. The proposed changes would identify ‘bus shelter advertising’ as exempt development (not requiring development consent) and the DCP controls being not applicable.

SEPP 64 does not apply to signage which is exempt development under an environmental planning instrument, such as LEP 2010. Exempt development may be carried out without the need for development consent. Bus shelter advertising is not currently exempt development under LEP 2010. It is therefore proposed that exempt development provisions for bus shelter advertising are introduced to Schedule 2 (Exempt development) of LEP 2010.

The proposed provisions are presented below:

1. *Signage – Bus Shelter Advertising*

- (1) Bus shelter advertising may only be located in Residential, Business, Industrial or Special Use zones.*
- (2) Must not extend beyond the perimeter of the bus shelter.*
- (3) A maximum of 2 advertising panels per bus shelter that may comprise an advertisement on 2 sides.*
- (4) Must not contain flashing or neon signage.*
- (5) Must not obscure pedestrian paths of travel.*
- (6) Bus shelter advertising located on land that comprises a heritage item or is within a heritage conservation area is not exempt.*
- (7) Any illumination of the signage must be adjustable so that the light intensity can be managed.*
- (8) Illumination must not adversely impact on the amenity of residential dwellings, serviced apartments or other tourist and visitor accommodation.*
- (9) Illumination must not adversely impact upon the safety of pedestrians, cyclists or the safe passage of motor vehicles.*

Note: The above proposed clause is subject to legal drafting and the wording may alter during that process.

The title of the existing Schedule 2 provision for truck parking areas (in Zones RU1, RU2, RU4, E3 and E4) is to be numbered, and presented below. No other changes are proposed to this existing provision.

2. *Truck parking areas (in Zones RU1, RU2, RU4, E3 and E4)*

The proposed amendment will allow bus shelter advertising in Residential, Business, Industrial and Special Use zones provided that the advertising meets certain criteria specified in the new provisions. Any proposals for bus shelter advertising that fall outside the proposed exempt development provisions, would require development consent and need to comply with the controls specified in SEPP 64. The new exempt development provisions specify the number of signs per bus shelter and restrict flashing or illuminated signs. This will ensure that signage will not impact the visual character and amenity of areas and distract traffic users. It is noted that any proposal for new or upgraded bus shelters would require the necessary development approvals.

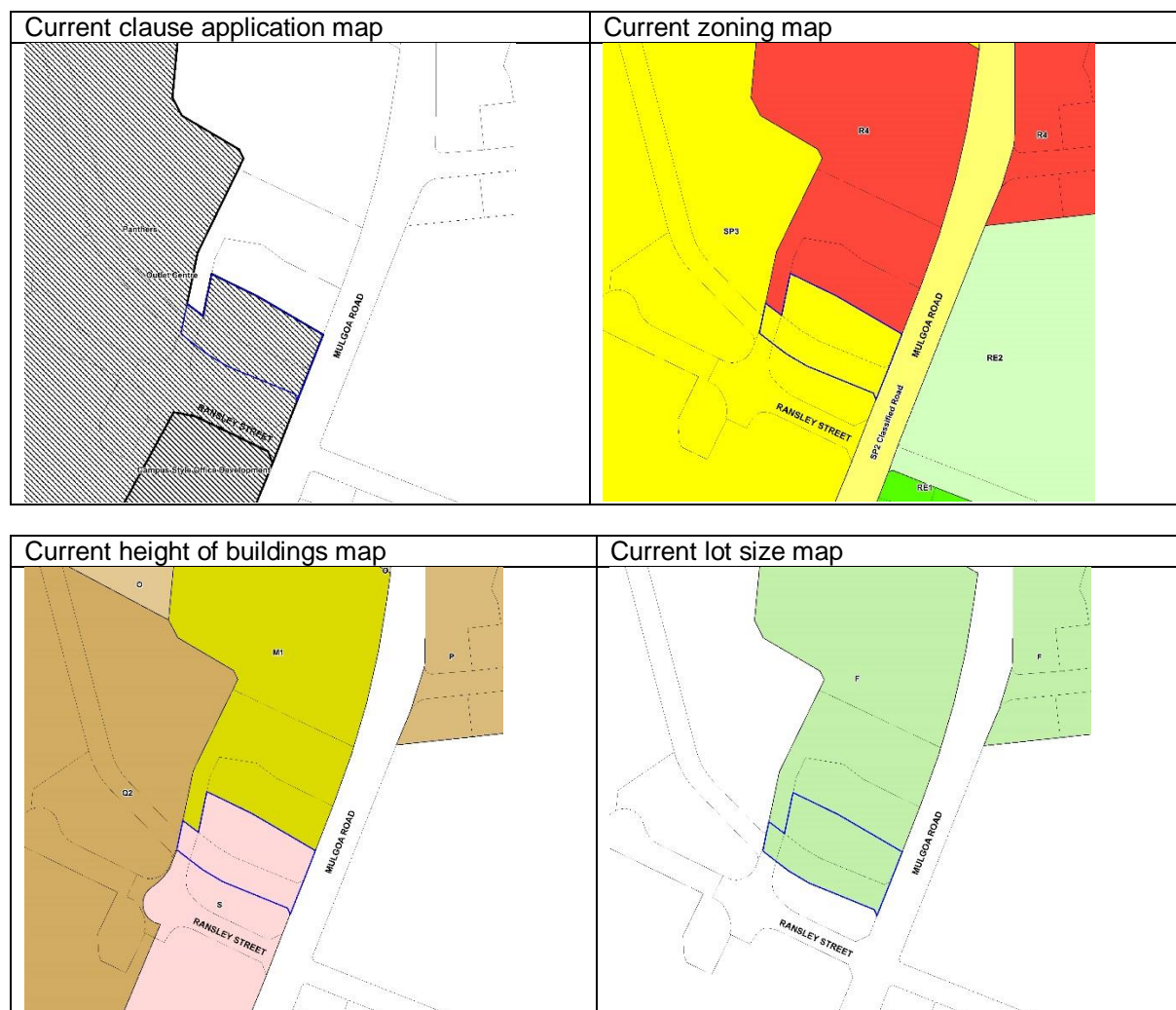
2. PENRITH PANTHERS SITE - MINIMUM LOT SIZE CONTROL MAPPING ANOMALY

It is proposed to make a correction to the mapped minimum lot size control which applies to part of the Penrith Panthers Site at Mulgoa Road, Penrith.

There are three properties located within the Penrith Panthers Site which have been incorrectly prescribed with a minimum lot size control of 400sqm. The sites are: part of Retreat Drive; Lot 1 Retreat Drive (Lot 1 DP 1064526), and; 65 Mulgoa Road (Lot 1021 DP 812335).

All land within the Penrith Panthers Site is not intended to be prescribed with a minimum lot size control. It is therefore proposed that the minimum lot size control prescribed to the three properties is removed. This change will provide consistency between the lot size map, clause application map, zoning map and height of buildings map, where all these prescribed controls would be delineated at the same extents.

The current LEP 2010 clause application map, zoning map, height of buildings map and lot size map in this location are presented below to assist in an understanding of the matter.



Legend

Clause Application

- Clauses of LEP apply
- Subject Site

Legend

Maximum Building Height (m)

- M1 12m
- O 15m
- P 18m
- Q2 20m
- S 24m
- Subject Site

Legend

Minimum Lot Size (sq m)

- F 400m2
- Subject Site

Legend

Zone



- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP2 Infrastructure
- SP3 Tourist
- Subject Site

The Lot Size Map is to be amended as follows:



Legend

Minimum Lot Size (sq m)

-  F 400m²
-  Subject Site

Properties affected by amendment:

- Part of Retreat Drive, Penrith
- Lot 1 Retreat Drive, Penrith (Lot 1 DP 1064526)
- 65 Mulgoa Road, Penrith (Lot 1021 DP 812335)

Map tiles to be amended:

- Lot Size Map – Tile 006

3. CAPTAINS ROAD, NEPEAN AVENUE AND LADBURY AVENUE, PENRITH – ANOMALIES IN MAPPED PLANNING CONTROLS

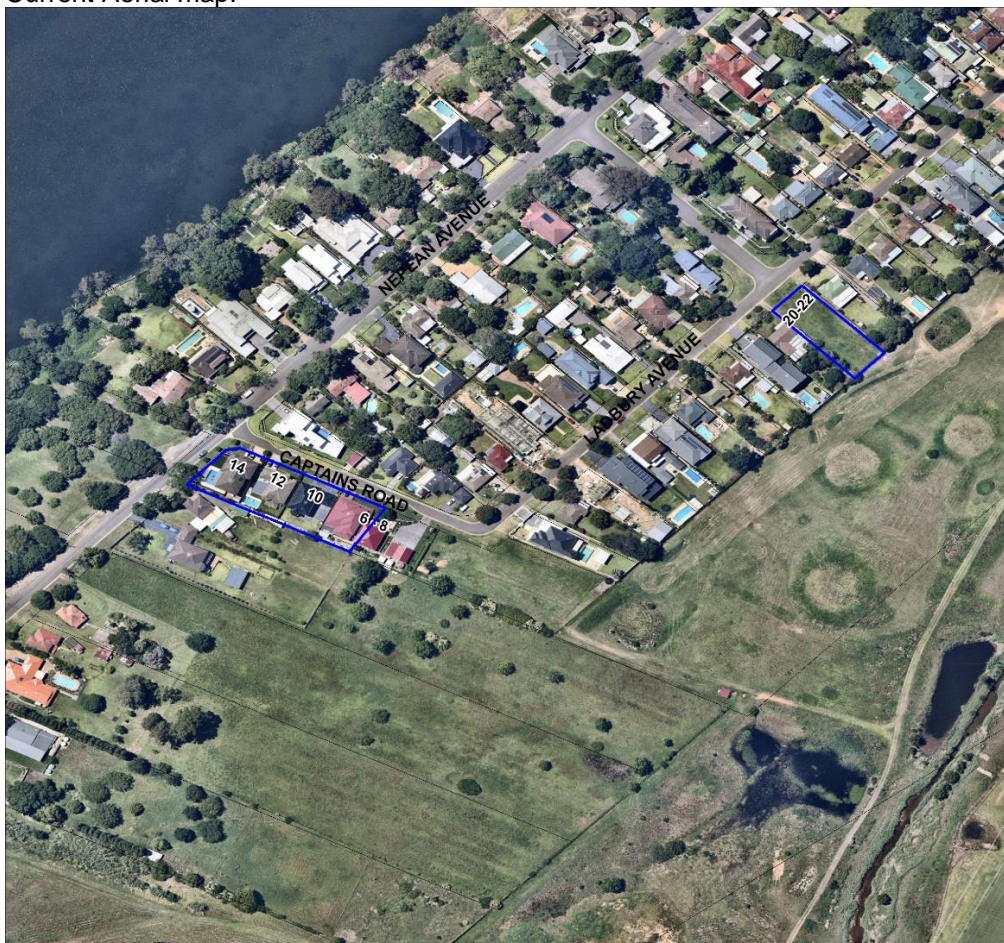
It is proposed to amend the mapped planning controls for the properties 10, 12 and 14 Captains Road as well as the western portion of 6-8 Captains Road, part of Nepean Avenue and part of 20-22 Ladbury Avenue in Penrith.

For the properties 10, 12 and 14 Captains Road as well as the western portion of 6-8 Captains Road and an adjacent portion of Nepean Avenue, a 600sqm minimum lot control is proposed to be applied as there is currently no minimum lot size control applying to these sites. These sites are zoned R2 Low Density Residential and require a minimum lot size control. The 600sqm lot size control proposed to be applied is the same applied to the surrounding R2 Low Density Residential zoned lands. It is noted that a maximum building height control of 8.5m currently applies to 10, 12 and 14 as well as the western portion of 6-8 Captains Road, and the adjacent portion of Nepean Avenue, aligning with the R2 zoning of this neighbourhood. The additional lot size controls will also align with the existing building height control.

It is noted that 6-8 Captains Road is zoned part R2 Low Density Residential and part RE2 Private Recreation. Research indicates that the dual zoning is intentional and is therefore to remain unchanged. The proposed application of a minimum lot size control of 600sqm to the western portion of 6-8 Captains Road is appropriate and aligns with the zoning control and building height control applied to this neighbourhood.

Further, it is proposed to remove the mapped building height control from a portion of the property 20-22 Ladbury Avenue (Lot 2 DP 1154043). This portion is zoned RE2 Private Recreation and is not required to contain a building height control. The removal of the height control will align with the same mapped boundaries for zoning and lot size in this area.

Current Aerial map:



Current Zoning map:

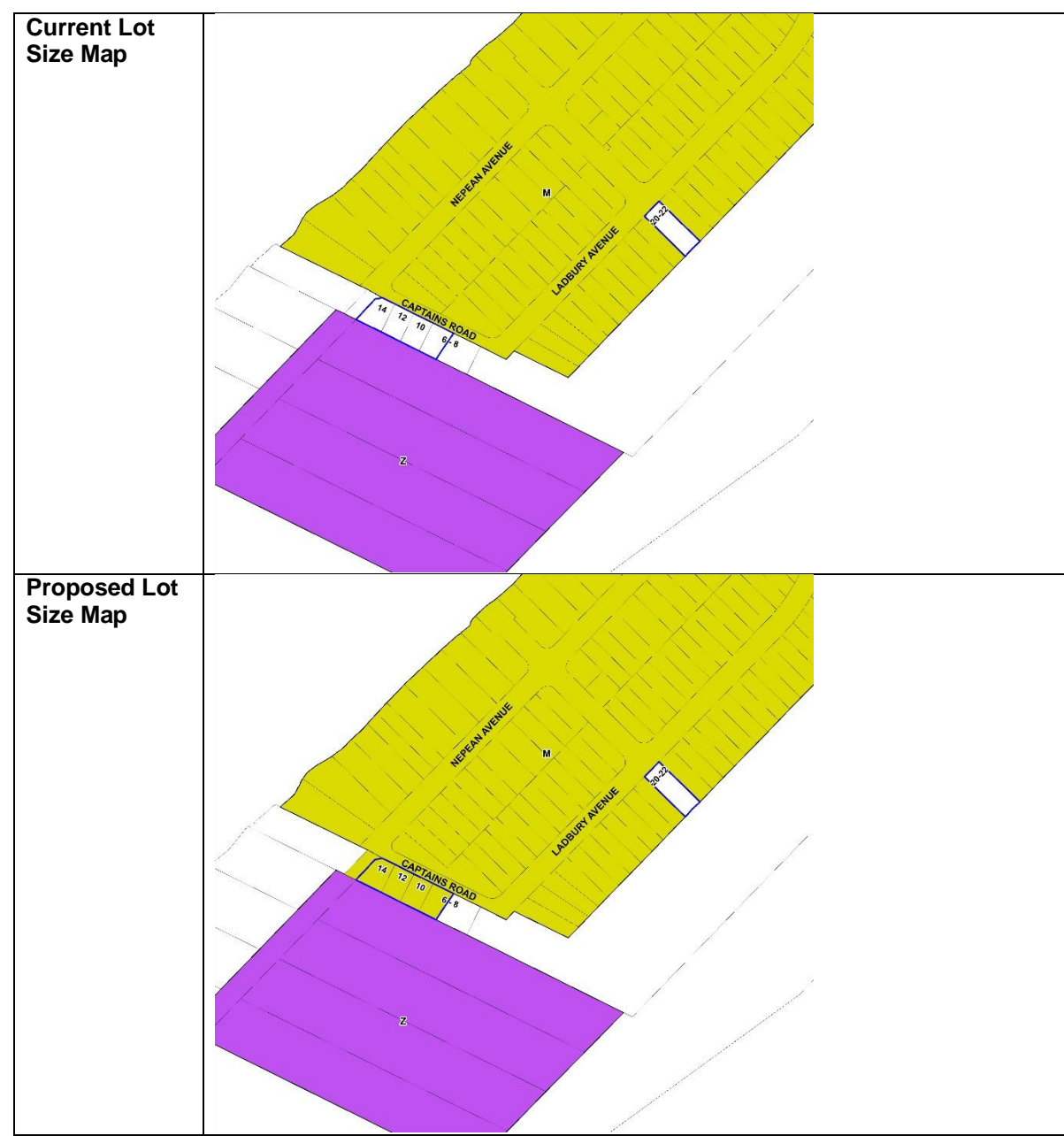


Legend

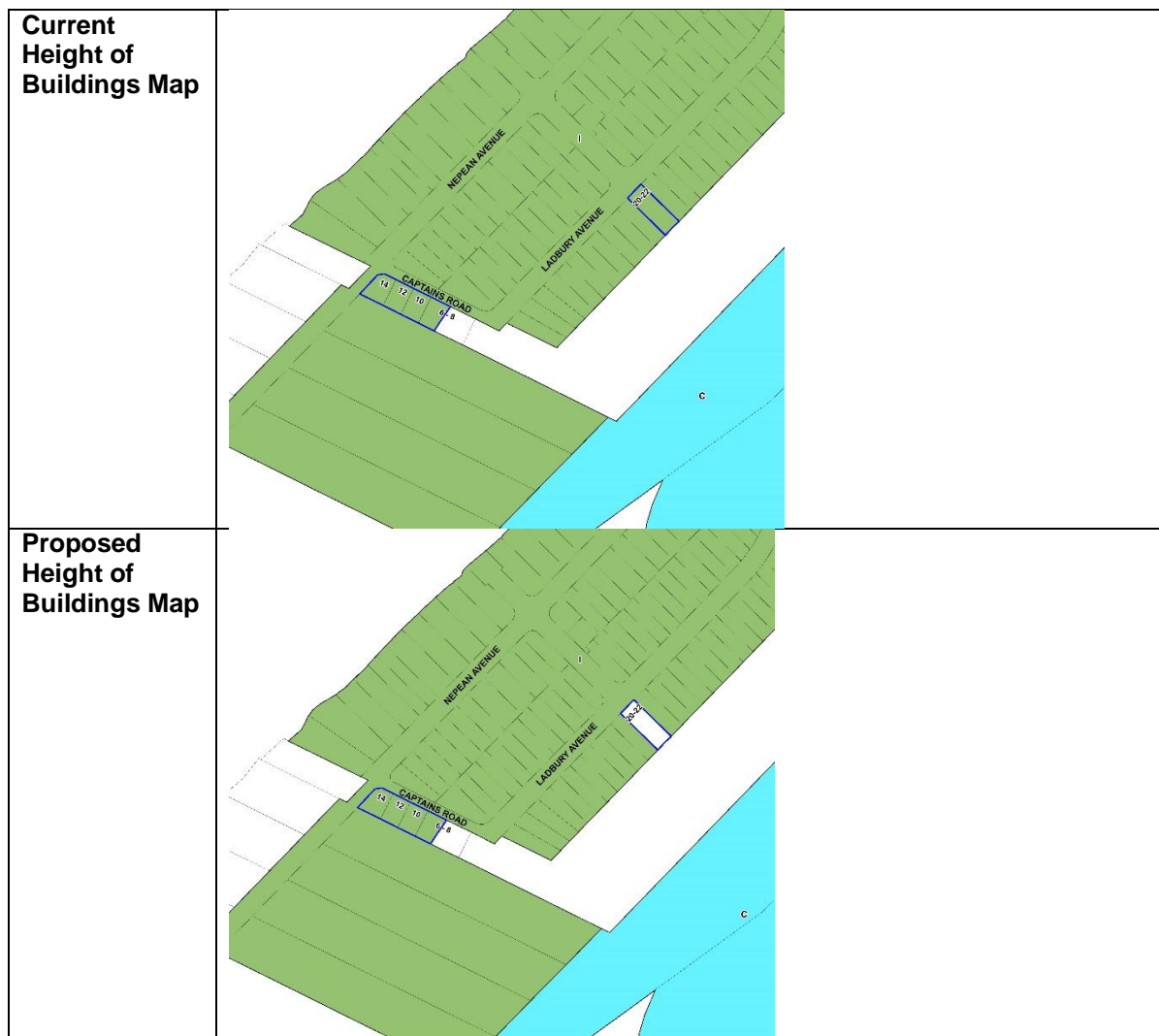
Zone

- R2 Low Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP3 Tourist
- W2 Recreational Waterways
- Subject Site

The Lot Size Map is to be amended as follows:



The Height of Buildings Map is to be amended as follows:



Legend

Maximum Building Height (m)

- C 5m
- I 8.5m
- Subject Site

Properties affected by amendment:

- Part of 6-8 Captains Road, Penrith
- Part of Nepean Avenue, Penrith
- 10 Captains Road, Penrith
- 12 Captains Road, Penrith
- 14 Captains Road, Penrith
- 20-22 Labbury Avenue, Penrith

Map tiles to be amended:

- Lot Size Map – Tile 006
- Height of Buildings Map – Tile 006

4. REMOVAL OF 'CANINE COUNCIL DWELLING' LOCAL HERITAGE ITEM 846, ORCHARD HILLS – ITEM NO LONGER EXISTS

It is proposed to remove local heritage item 846 'Canine Council dwelling' from Schedule 5 and from the Heritage map of LEP 2010, as the item no longer exists. The item was an inter-war twentieth century farmhouse cottage, situated next to the Leeholme sales ring.

Council officers have investigated this matter and held discussions with the site's ground supervisor. It has been identified that the Canine Council dwelling was demolished in approximately 2007 and at that time the building was not adequately maintained, was structurally unsound and contained substantial termite damage.

Prior to the demolition of the item there was some correspondence between Penrith City Council and the NSW Canine Council in respect to the NSW Canine Council's proposed demolition of the item. In correspondence to the NSW Canine Council dated 17 March 2006 Council provided support to a proposed demolition without requiring submission of a development application, subject to conditions outlined in the letter which required that the item first be documented for its heritage significance and that the demolition is carried out in accordance with applicable standards. The Council letter requested the NSW Canine Council's response to accept the conditions outlined in the letter.

In correspondence to Council dated 27 June 2006 the NSW Canine Council responded to Council's correspondence with a request to removed one of the conditions outlined in Council's letter, being the requirement to prepare measured drawings as part of the archival recording of the item. This was again requested in further correspondence to Council dated 17 August 2006. A search of Council's records indicates that no response was provided by Council at this time.

Council's compliance team has indicated that it will take no further action in relation to this matter.

Council's heritage advisor has advised that the item should be removed from LEP 2010 because it no longer exists.

Schedule 5 Environmental heritage, Part 1 Heritage items is to be amended as follows:

Current listing for item 846

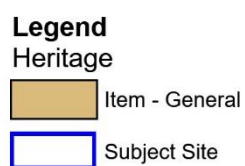
Suburb	Item name	Address	Property description	Significance	Item no
Orchard Hills	Canine Council dwelling	391–395 Mamre Road	Lot 2, DP 547057	Local	846

Changes to item 846

Suburb	Item name	Address	Property description	Significance	Item no
Orchard Hills	Canine Council dwelling	391–395 Mamre Road	Lot 2, DP 547057	Local	846

Proposed listing for item 846: No listing

The Heritage Map is to be amended as follows:



Properties affected by amendment:

- 391–395 Mamre Road, Orchard Hills

Map tiles to be amended:

- Heritage Map – Tiles 014 and 020.

5. REMOVAL OF 'BRICK COTTAGE' LOCAL HERITAGE ITEM 830, LUDDENHAM – ITEM NO LONGER EXISTS

It is proposed to remove local heritage item 830 'Brick cottage' from Schedule 5 and the Heritage map of LEP 2010.

The brick cottage was extensively fire damaged in 2009. Council officers visited the site in March 2010 to confirm the damage. Correspondence was provided by Council to the land owner in March 2010 which indicated Council's support for any application lodged for demolition of the item. Council's correspondence also recommended that the remains of the item be archival recorded prior to demolition. It is understood that the land owner subsequently demolished the item without first obtaining development consent. The heritage item remains identified in LEP 2010.

Council's heritage advisor has recommended that Council accepts the demolition of the structure, as it was substantially damaged. Council's compliance team has visited the site and has confirmed that the heritage item does not exist on the premises. The compliance team advise that no further actions is to be taken. It is appropriate that the heritage item is removed from LEP 2010.

Schedule 5 Environmental heritage, Part 1 Heritage items is to be amended as follows:

Current listing for item 830

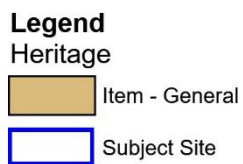
Suburb	Item name	Address	Property description	Significance	Item no
<i>Luddenham</i>	<i>Brick cottage</i>	<i>406 Park Road</i>	<i>Part Lot 2, Section A, DP 1452</i>	<i>Local</i>	<i>830</i>

Changes to item 830

Suburb	Item name	Address	Property description	Significance	Item no
<i>Luddenham</i>	<i>Brick cottage</i>	<i>406 Park Road</i>	<i>Part Lot 2, Section A, DP 1452</i>	<i>Local</i>	<i>830</i>

Proposed listing for item 830: No listing

The Heritage Map is to be amended as follows:



Properties affected by amendment:

- 406 Park Road, Luddenham

Map tiles to be amended:

- Heritage Map – Tile 008

6. LOCAL HERITAGE ITEM 878 (SCARRED TREE AND ABORIGINAL ARTEFACT SCATTER) AT BRADLEY STREET, GLENMORE PARK - ANOMALY IN MAPPED HERITAGE CONTROLS

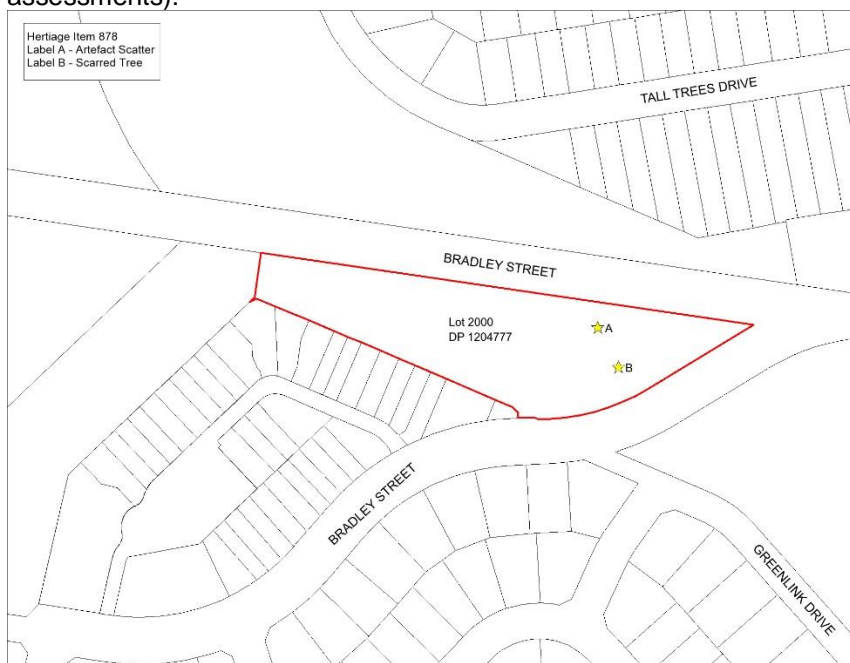
Heritage item 878 is a scarred tree and Aboriginal artefact scatter at Bradley Street, Glenmore Park near Surveyors Creek. The property description and mapped area for this item in LEP 2010 is proposed to be amended to reflect the approved subdivision layout in the vicinity of this heritage item.

Currently under LEP 2010 the mapped area for this heritage item applies to a number of lots zoned either R1 General Residential or E2 Environmental Conservation in the vicinity of Bradley Street. A development consent for DA10/1012 was issued in 2011 for the subdivision of this area, including the site occupied by the heritage item.

Investigations into heritage item 878 as part of DA10/1012 included the following:

- A Cultural Heritage Assessment (Navin Officer, July 2003) that identified the location of the artefact scatter (AMG 0285796 and 6256906) and the scarred tree (AMG Reference 0285805 and 6256889). These are shown in the figure below. The artefact scatter was described as being located at the bank of a drainage line adjacent to Bradley Street, directly opposite the entrance to the Mulgoa Quarry site office. The tree is located in the drainage line approximately 20 metres south of the artefact scatter. The report concluded that there are no long-term Aboriginal archaeological constraints to the proposed urban development in the Glenmore Park Release Area.
- An Arboriculture Assessment of a Scarred Tree in Glenmore Park (Gary Leonard, October 2004) identified and inspected the scarred tree in the arboriculture context, and among other things, the location of the scarred tree was confirmed with a GPS reading taken beside the tree and AMG References of 0285809 and 6256896 were recorded. These are shown in the figure below.
- The 'Bradley Ridge Estate Aboriginal Heritage Advice for Development Applications (Kelleher Nightingale, June 2010) provided requirements to avoid the impact to the heritage item and manage against inadvertent impacts for the current and future development application works. These requirements formed part of the development consent for DA10/1012. This advice also relied on the location of the artefact scatter and scarred tree as provided by the Cultural Heritage Assessment.
- The Statement of Environmental Effects for DA10/1012 identified that heritage item 878 is located in the future riparian corridor (at the east of the development site) and that the proposed works would not impact the heritage item.

Map of location of artefact scatter and scarred tree (as per the Navin Officer and Gary Leonard assessments):



As shown in the above figure heritage item 878 is located wholly within Lot 2000, DP 1204777.

Adjoining lots to the south of Lot 2000, DP 1204777, that are currently identified as affected by the heritage item (being the area zoned as R1 General Residential) are currently the subject of a residential development consent (DA14/1215) which is under construction. These adjoining lots are not in the vicinity of heritage item 878.

It is therefore proposed that the property description and mapped area for heritage item 878 is amended so that the item applies only to Lot 2000 Bradley Street, Glenmore Park (Lot 2000 DP 1204777).

Schedule 5 Environmental heritage, Part 1 Heritage items is to be amended as follows:

Current listing for item 878

Suburb	Item name	Address	Property description	Significance	Item no
Glenmore Park	Scarred tree and Aboriginal artefact scatter	Lot 200 Bradley Street	Lot 200, DP 1162982	Local	878

Changes to item 878

Suburb	Item name	Address	Property description	Significance	Item no
Glenmore Park	Scarred tree and Aboriginal artefact scatter	Lot 200 Bradley Street <u>Lot</u> <u>2000 Bradley</u> <u>Street</u>	Lot 200, DP 1162982 <u>Lot</u> <u>2000, DP</u> <u>1204777</u>	Local	878

Proposed listing for item 878

Suburb	Item name	Address	Property description	Significance	Item no
Glenmore Park	Scarred tree and Aboriginal artefact scatter	Lot 2000 Bradley Street	Lot 2000, DP 1204777	Local	878

The Heritage Map is to be amended as follows:



Legend

Heritage

 Item - General

 Subject Site

Properties affected by amendment:

- Lot 2000 Bradley Street, Glenmore Park (Lot 2000, DP 1204777)
- Lot 1 & 5-41 DP 270893

Map tiles to be amended:

- Heritage Map – Tile 007.

7. EXTENSION OF THE SERVICED APARTMENTS CLAUSE 8.6 TO APPLY TO LAND OUTSIDE THE PENRITH CITY CENTRE

Clause 8.6 (Serviced apartments) applies to development proposed in the Penrith City Centre for the purpose of the strata subdivision of a building or part of a building that is or has been used for serviced apartments. The intention of this clause is to prevent substandard residential accommodation occurring through the conversion of serviced apartments to a residential flat building.

It is proposed to extend these provisions to such development that is located outside the Penrith City Centre so as to ensure consistency in the application of the LEP 2010 provisions across the Penrith local government area.

To enable the change, the provisions under Clause 8.6 are proposed to be moved from Part 8 (Local provisions – Penrith City Centre) to Part 7 (Additional local provisions).

Serviced Apartments are a type of Tourist and Visitor Accommodation. Tourist and Visitor Accommodation or Serviced Apartments are a permissible land use in the following LEP 2010 zones:

- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU5 Village
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- SP3 Tourist
- E3 Environmental Management

Clause 8.6 Serviced apartments of Part 8 Local provisions – Penrith City Centre is to be amended as follows:

Current Clause	<p>8.6 Serviced apartments</p> <p><i>Development consent must not be granted for development for the purpose of the strata subdivision of a building or part of a building that is or has been used for serviced apartments, unless the consent authority is satisfied that the design quality principles set out in Schedule 1 to State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the design principles of the Apartment Design Guide (within the meaning of that Policy) are achieved for the development as if it were a residential apartment development within the meaning of that Policy.</i></p>
Changes	<p>8.6 (Repealed)Serviced apartments</p> <p><i>Development consent must not be granted for development for the purpose of the strata subdivision of a building or part of a building that is or has been used for serviced apartments, unless the consent authority is satisfied that the design quality principles set out in Schedule 1 to State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the design principles of the Apartment Design Guide (within the meaning of that Policy) are achieved for the development as if it were a residential apartment development within the meaning of that Policy.</i></p>
Proposed Clause	<p>8.6 (Repealed)</p>

Clause 7.26 Serviced apartments is to be created in Part 7 Additional local provisions as follows:

Current Clause	N/A
Changes	<p><u>7.26 Serviced apartments</u></p> <p><u>Development consent must not be granted for development for the purpose of the strata subdivision of a building or part of a building that is or has been used for serviced apartments, unless the consent authority is satisfied that the design quality principles set out in Schedule 1 to State Environmental Planning Policy No 65— Design Quality of Residential Apartment Development and the design principles of the Apartment Design Guide (within the meaning of that Policy) are achieved for the development as if it were a residential apartment development within the meaning of that Policy.</u></p>
Proposed Clause	<p>7.26 Serviced apartments</p> <p>Development consent must not be granted for development for the purpose of the strata subdivision of a building or part of a building that is or has been used for serviced apartments, unless the consent authority is satisfied that the design quality principles set out in Schedule 1 to State Environmental Planning Policy No 65— Design Quality of Residential Apartment Development and the design principles of the Apartment Design Guide (within the meaning of that Policy) are achieved for the development as if it were a residential apartment development within the meaning of that Policy.</p>

8. UPDATE TO LAND COVERED BY THORNTON HALL LOCAL HERITAGE ITEM 166, PENRITH TO CORRECT AN ANOMALY

Thornton Hall is a local heritage item listed in Schedule 5 and identified on the heritage map of LEP 2010. The land to which this heritage item applies is proposed to be updated to reflect the approved subdivision layout in the vicinity of the heritage item.

The then Minister for Planning and Infrastructure approved the North Penrith Concept Plan (MP 10-0075) and Stage 1 Project Application on 9 November 2011. The site was subsequently rezoned via an amendment to Penrith City Centre LEP 2008. MP 10-0075 was granted approval subject to conditions (see Schedule 2 of MP 10-0075) and Statement of Commitments (see Schedule 3 of MP 10-0075). The Statement of Commitment states that the future project application will implement the design, layout and landscape values which recognise the identified heritage values on the site.

SSD 5243 Stage 2A Infrastructure, landscaping and subdivision works was approved on 16 January 2013. SSD 5243 primarily related to the second subdivision phase of the overall North Penrith site and included the creation of one heritage lot (Lot 2032) comprising of the Thornton Hall and its curtilage. The stamped approved plan for SSD 5243 identifies Lot 2032 (that contains Thornton Hall and its curtilage) in the subdivision layout.

The Statement of Heritage Impact (prepared for the Environmental Impact Statement for SSD 5243) concluded that the Stage 2A Infrastructure, landscaping and subdivision works will have no impact on the heritage significance of Thornton Hall and will enhance the building because of the establishment of view corridors, upgrading of its overall setting by landscaping in Thornton Park and the alignment and reservation of Mountain View Crescent West.

It is now appropriate to update the LEP 2010 heritage map and Schedule 5 to reflect the existence of the heritage item over Lot 2032 only (being the heritage lot created by SSD 5243). The heritage lot is known as Lot 2032 DP 1181618, with an area of 1.033 hectares.

Schedule 5 Environmental heritage, Part 1 Heritage items is to be amended as follows:

Current listing for item 166

Suburb	Item name	Address	Property description	Significance	Item no
Penrith	Thornton Hall	Lot 11, The Crescent	Lot 1, DP 33753	Local	166

Changes to item 166

Suburb	Item name	Address	Property description	Significance	Item no
Penrith	Thornton Hall	Lot 11, The Crescent Thornton House 33 Mountain View Crescent, Penrith	Lot 1, DP 33753 Lot 2032, DP 1181618	Local	166

Proposed listing for item 166

Suburb	Item name	Address	Property description	Significance	Item no
Penrith	Thornton Hall	Thornton House 33 Mountain View Crescent, Penrith	Lot 2032, DP 1181618	Local	166

The Heritage Map is to be amended as follows:



Legend

Heritage

 Item - General

 Subject Site

Properties affected by amendment:

- Lot 2015 DP 1181618, 36 The Crescent, PENRITH
- Lot 2016 DP 1181618, 1 Mountain View Crescent, PENRITH
- Lot 2017 DP 1181618, 3 Mountain View Crescent, PENRITH
- Lot 2018 DP 1181618, 5 Mountain View Crescent, PENRITH
- Lot 2019 DP 1181618, 7 Mountain View Crescent, PENRITH
- Lot 2020 DP 1181618, 9 Mountain View Crescent, PENRITH
- Lot 2021 DP 1181618, 11 Mountain View Crescent, PENRITH
- Lot 2022 DP 1181618, 13 Mountain View Crescent, PENRITH
- Lot 2023 DP 1181618, 15 Mountain View Crescent, PENRITH

- Lot 2024 DP 1181618, 17 Mountain View Crescent, PENRITH
- Lot 2025 DP 1181618, 19 Mountain View Crescent, PENRITH
- Lot 2026 DP 1181618, 1 Mountain View Crescent, PENRITH
- Lot 2023 DP 1181618, 23 Mountain View Crescent, PENRITH
- Lot 2025 DP 1181618, 25 Mountain View Crescent, PENRITH
- Lot 2027 DP 1181618, 27 Mountain View Crescent, PENRITH
- Lot 2030 DP 1181618, 29 Mountain View Crescent, PENRITH
- Lot 2031 DP 1181618, 31 Mountain View Crescent, PENRITH
- Lot 2032 DP 1181618, 33 Mountain View Crescent, PENRITH
- Lot 2034 DP 1181618, 72-84 Empire Circuit, PENRITH
- Lot 2035 DP 1181618, 86-94 Empire Circuit, PENRITH

Map tiles to be amended:

- Heritage Map – Tile 012 and 013.

9. ALIGNMENT OF MAPPED PLANNING CONTROLS WITH PROPERTY BOUNDARIES AT BLUESTONE DRIVE, GLENMORE PARK TO CORRECT AN ANOMALY

The mapped planning control applying to a number of properties at Bluestone Drive and Bradley Street, Glenmore Park are to be corrected so as to align the controls with property boundaries. The changes relate to aligning to the property boundary the mapped zoning, lot size and building height controls, as well as the 'area' boundary, so as to remove the occurrence of overlapping.

The changes relate to the following properties:

- 156 Bradley Street
- 89 Bluestone Drive
- 87 Bluestone Drive
- 85 Bluestone Drive
- 83 Bluestone Drive
- 81 Bluestone Drive
- 79 Bluestone Drive
- 77 Bluestone Drive



Legend

Zone

- R1 General Residential
- R2 Low Density Residential
- Subject Site



Legend

Maximum Building Height (m)

 M2 12.5m

 O 15m





 Refer to Clause 7.16, 8.2 & 8.4

 Subject Site



Legend

Minimum Lot Size (sq m)

-  G 450m²
-  M 600m²
-  Refer to Clause 7.16, 7.19 & 7.21
-  Subject Site

Properties affected by amendment

- 156 Bradley Street
- 89 Bluestone Drive
- 87 Bluestone Drive
- 85 Bluestone Drive
- 83 Bluestone Drive
- 81 Bluestone Drive
- 79 Bluestone Drive
- 77 Bluestone Drive

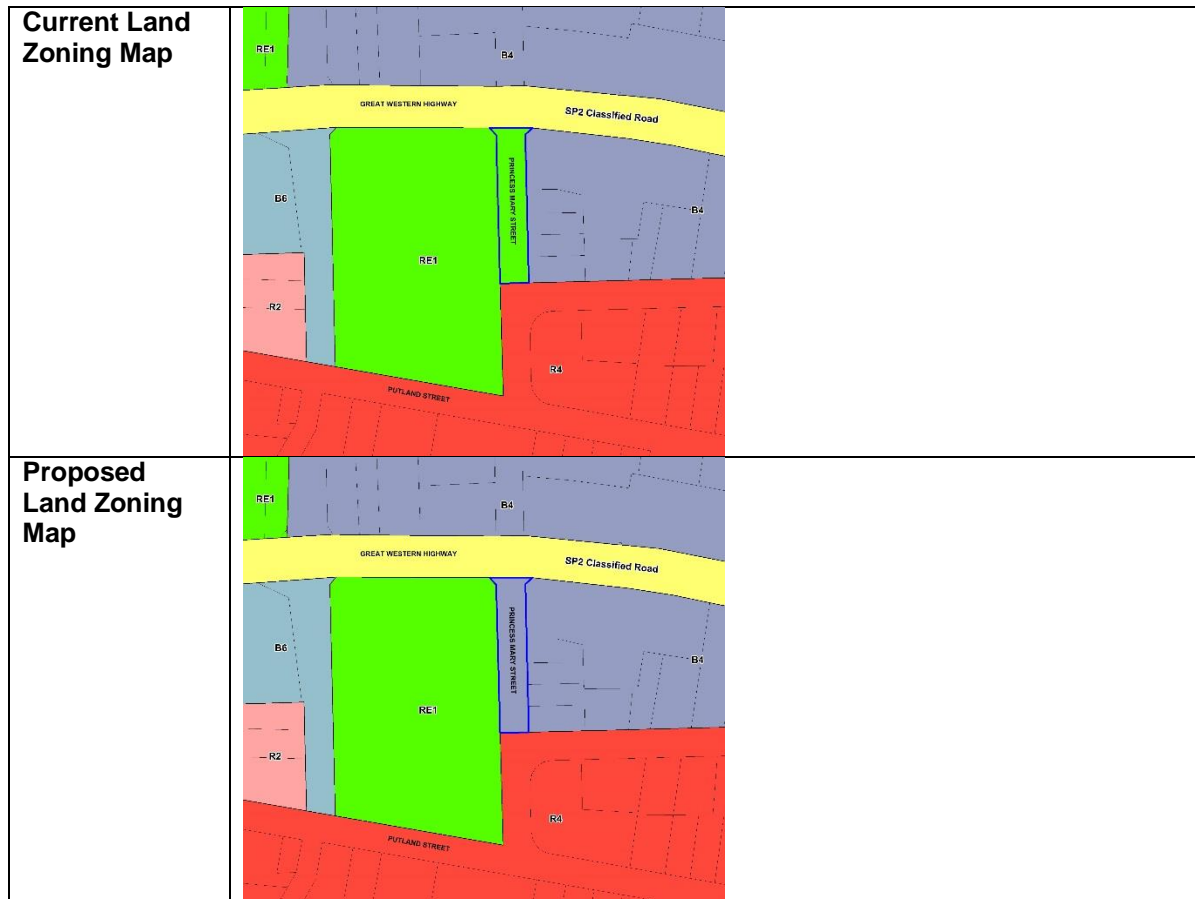
Map Tiles to be amended

- Height of Building Map - Tile 007
- Land Zoning Map - Tile 007
- Lot Size Map - Tile 007

10. REZONING OF PART OF PRINCESS MARY STREET, ST MARYS THAT HAS A ZONING ANOMALY

Part of Princess Mary Street (adjacent to Victoria Park, Great Western Highway, being Lot 1 DP 1142771) is proposed to be rezoned from RE1 Public Recreation to B4 Mixed Use. As this area is a roadway it does not warrant an RE1 zoning and has been mapped in error. A 15 metre building height control and a 1,200 square metre minimum lot size are also proposed to applied to the subject area. The proposed zoning, height and lot size controls are consistent with the control which exist in this locality and are considered appropriate.

The Land Zoning Map is to be amended as follows:

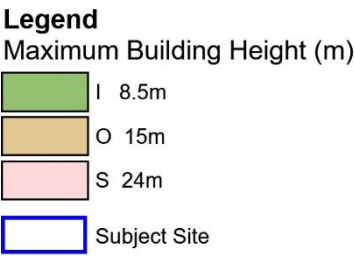


Legend

Zone

- B4 Mixed Use
- B6 Enterprise Corridor
- R2 Low Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- SP2 Infrastructure
- Subject Site

The Height of Buildings Map is to be amended as follows:








The Lot Size Map is to be amended as follows:



Legend

Minimum Lot Size (sq m)

-  M 600m²
-  S 800m²
-  U2 1,200m²
-  AB2 200,000m² (20ha)
-  Subject Site

Properties affected by amendment:

- Part of Princess Mary Street (adjacent to Victoria Park, Great Western Highway, being Lot 1 DP 1142771).

Map tiles to be amended:

- Land Zoning Map – Tile 019
- Height of Buildings Map – Tile 019
- Lot Size Map – Tile 019

11. UPDATE LAND DESCRIPTIONS IN SCHEDULE 5 ENVIRONMENTAL HERITAGE TO ADDRESS ANOMALIES

The land descriptions for some heritage items within Schedule 5 Environmental Heritage are proposed to be corrected and contemporised. The proposed changes are presented below.

Current

Suburb	Item name	Address	Property description	Significance	Item no
Cranebrook	"Kenilworth", dwelling and trees	6–9 Tallwood Road	Lot 26, DP 855247	Local	36
Emu Plains	Emu Plains Public School (former) and trees	207–219 Great Western Highway	Part 1, Lot 1, DP 650753	Local	76
Luddenham	Showground	428–452 Park Road	Lot 1, DP 931531; Lot 2, DP 972057	Local	679
Penrith	Lemongrove Lodge	22–24 Lemongrove Avenue	Lot C1, DP 162091	Local	172
Penrith	Penrith Power Station (former)	1 Museum Drive	Lot 1, DP 1010950	Local	259

Changes

Suburb	Item name	Address	Property description	Significance	Item no
Cranebrook	"Kenilworth", dwelling and trees	6–9 Tallwood Tallowood RoadPlace	Lot 26, DP 855247	Local	36
Emu Plains	Emu Plains Public School (former) and trees	207–219 Great Western Highway	Part 4, Lot 1, DP 650753	Local	76
Luddenham	Showground	428–452 Park Road	Lot 1, DP 931 56 31; Lot 2, DP 972057	Local	679
Penrith	Lemongrove Lodge	22–24 Lemongrove Avenue Road	Lot C41C, DP 162091	Local	172
Penrith	Penrith Power Station (former)	1 Museum Drive	Lot 1, DP 1010950 Lot 1306, DP 1234327	Local	259

Proposed

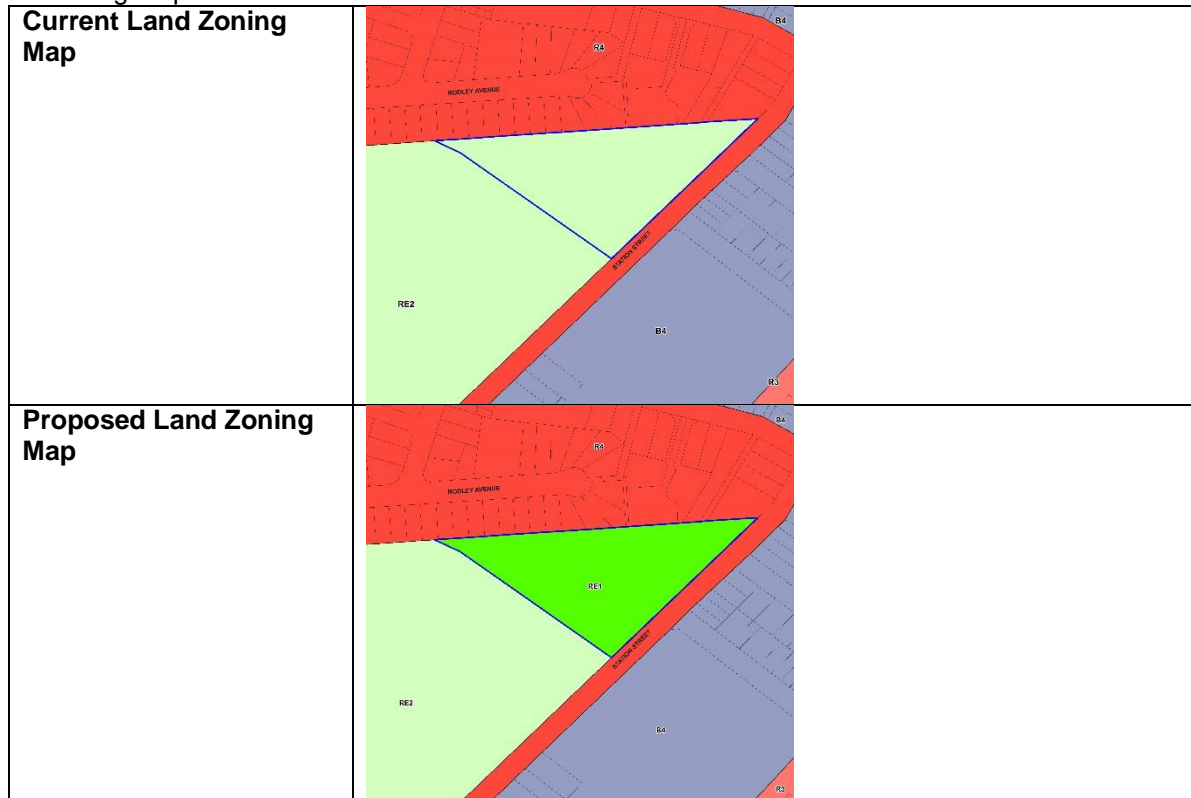
Suburb	Item name	Address	Property description	Significance	Item no
Cranebrook	"Kenilworth", dwelling and trees	6–9 Tallowood Place	Lot 26, DP 855247	Local	36
Emu Plains	Emu Plains Public School (former) and trees	207–219 Great Western Highway	Part Lot 1, DP 650753	Local	76
Luddenham	Showground	428–452 Park Road	Lot 1, DP 931631; Lot 2, DP 972057	Local	679
Penrith	Lemongrove Lodge	22–24 Lemongrove Road	Lot 1C, DP 162091	Local	172
Penrith	Penrith Power Station (former)	1 Museum Drive	Lot 1306, DP 1234327	Local	259

12. 119 STATION STREET, PENRITH (PENRITH SWIMMING POOL SITE) – ANOMALY IN ZONING CONTROLS







The Penrith Swimming Pool site at 119 Station Street, Penrith (Lot 11, DP 1176987) is owned by Penrith City Council and is zoned RE2 Private Recreation. As the site is used as a public recreation facility, and is owned by Council, it is proposed that the site be rezoned to RE1 Public Recreation. The current RE2 zoning is not appropriate as this zone should apply to privately owned land. The swimming pool site was acquired by Council in February 2013. Prior to Council's purchase, the site was privately-owned by the same land owners as the adjacent Penrith Showground site (127-141 Station Street, being Lot 12 DP 1176987). The privately-owned Penrith Showground site is zoned RE2 Private Recreation. The current RE2 zoning of the Penrith Swimming Pool site is a legacy of the site's previous private ownership and association with the Penrith Showground site.

The RE2 zoning of the pool and showground sites was applied in February 2015 through the making of Amendment 4 to LEP 2010. Prior to this, the pool and showground sites were zoned 6(c) Private Recreation under Penrith Local Environmental Plan 1998 (Urban Land). The pool site (lot 11) and showground site (lot 12) were originally the one lot, being Lot 1 DP 998482. This lot was subdivided in January 2013 into the two parts (lots 11 and 12). Council then acquired the pool site (lot 11) in February 2013.

The Zoning Map is to be amended as follows:



Legend

	B4 Mixed Use
	R3 Medium Density Residential
	R4 High Density Residential
	RE1 Public Recreation
	RE2 Private Recreation
	Subject Site

Properties affected by amendment:

- 119 Station Street, Penrith (Lot 11, DP 1176987)

Map tiles to be amended:

- Land Zoning Map – Tile 006

13. EXPANSION OF ADDITIONAL PERMITTED USES AT 32-52 HARRIS STREET, NORTH ST MARYS

It is proposed to amend the list of additional permitted land uses which apply to 32-52 Harris Street, North St Marys (Lot A, DP 152452), located adjacent to St Marys Railway Station, so as to allow "Recreation facilities (indoor)" as a permissible land use at the site with development consent. The site is owned by Penrith City Council and contains a multi-level car park with three ground level shop tenant spaces.

The site is zoned IN1 General Industrial in which a range of industrial and warehouse land uses are permitted with development consent. Further, under Schedule 1, Clause 29 additional land uses are permitted at the site with development consent, being business premises and community facilities.

The three ground level shop tenant spaces are not designed to accommodate the range of uses permitted in IN1 zones. Instead, the shops are configured with an intention to accommodate a range of uses best suited to provide complementary services to rail passengers and workers in the nearby industrial area to the north. The purpose of Schedule 1, Clause 29 is to allow additional permitted uses of business premises and community facilities, so as to provide additional land use options and facilitate occupation of the shops. It is also intended that the tenant shops generate revenue that will contribute to the maintenance of the carpark. The maintenance responsibility rests with Penrith City Council. The shops, if occupied, would improve pedestrian activation in this location and improve security through providing for passive surveillance from the tenancies.

The shop tenant spaces have for extended periods been vacant. To facilitate occupation it is proposed to add "Recreation facilities (indoor)" as an additional permitted use allowed at the site under Schedule 1, Clause 29. This additional use would allow facilities such as gym or fitness centres.

On 23 October 2017 Council's Committee of the Whole considered a report on a proposed lease of the shop tenant spaces and resolved to support the proposal. The lease will not be entered into until a development application for the proposed use is lodged and approved by Council. The approved lease seeks a land use which may fit within the definition of "Recreation facilities (indoor)" under LEP 2010. At this current stage "Recreation facilities (indoor)" is a prohibited land use at the site in the IN1 zone and under Schedule 1 additional permitted uses of LEP 2010.

It is considered that "Recreation facilities (indoor)" is an appropriate land use to permit with development consent at the site. Such land uses would complement the St Marys town centre and provide pedestrian activation in the vicinity of the St Marys Railway Station. It is therefore proposed to amend Schedule 1, Clause 29 to add "Recreation facilities (indoor)" as a permitted use at the site.

Schedule 1 Additional permitted uses, Clause 29 is to be amended as follows:

Current Clause	<p>29 Use of certain land at 32–52 Harris Street, St Marys</p> <p>(1) This clause applies to land at 32–52 Harris Street, St Marys, being Lot A, DP 152452 that is identified as "28" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purposes of business premises and community facilities is permitted with development consent.</p>
Changes	<p>29 Use of certain land at 32–52 Harris Street, St Marys</p> <p>(1) This clause applies to land at 32–52 Harris Street, St Marys, being Lot A, DP 152452 that is identified as "28" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purposes of <u>recreation facilities (indoor)</u>, business premises and community facilities is permitted with development consent.</p>

Proposed Clause	<p>29 <i>Use of certain land at 32–52 Harris Street, St Marys</i></p> <p><i>(1) This clause applies to land at 32–52 Harris Street, St Marys, being Lot A, DP 152452 that is identified as “28” on the Additional Permitted Uses Map.</i></p> <p><i>(2) Development for the purposes of recreation facilities (indoor), business premises and community facilities is permitted with development consent.</i></p>
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14. LAND IN THE VICINITY OF VICTORIA STREET, WERRINGTON - ANOMALY IN MAPPED PLANNING CONTROLS

It is proposed to make corrections to the mapped planning controls for zoning, height and lot size applying to properties in the vicinity of Victoria Street, Werrington so as to align the mapped controls with property boundaries and/or apply these to these correctly to that locality.

Zoning map changes

- Remove RE1 zoning from Cottage Street, as this is not appropriate.
- Remove overlapping of RE1 zoning from 265 Victoria Street

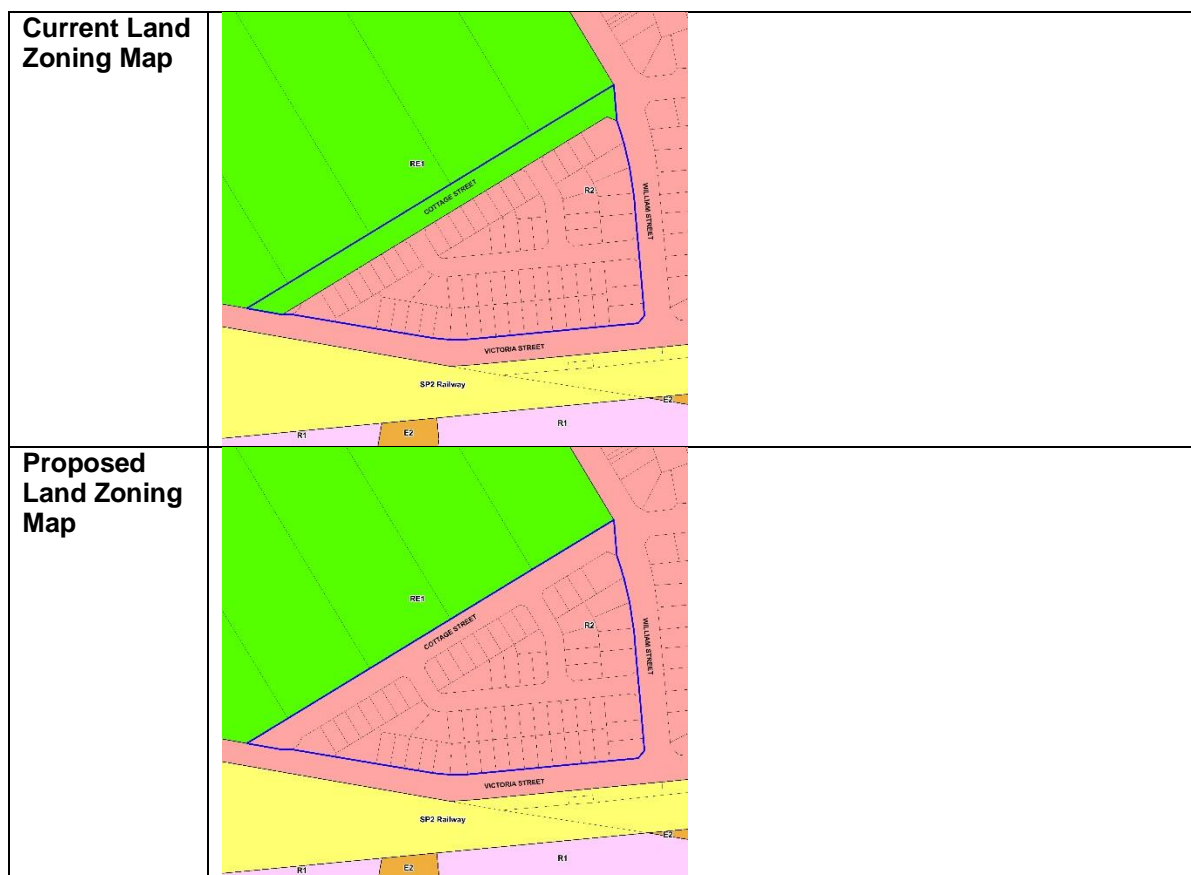
Height map changes

- Align the mapped height control correctly to the property boundaries along Victoria Street, Cottage Street and William Street.

Lot size map changes

- Align the mapped lot size control correctly to the property boundaries along William Street.

The Zoning Map is to be amended as follows:

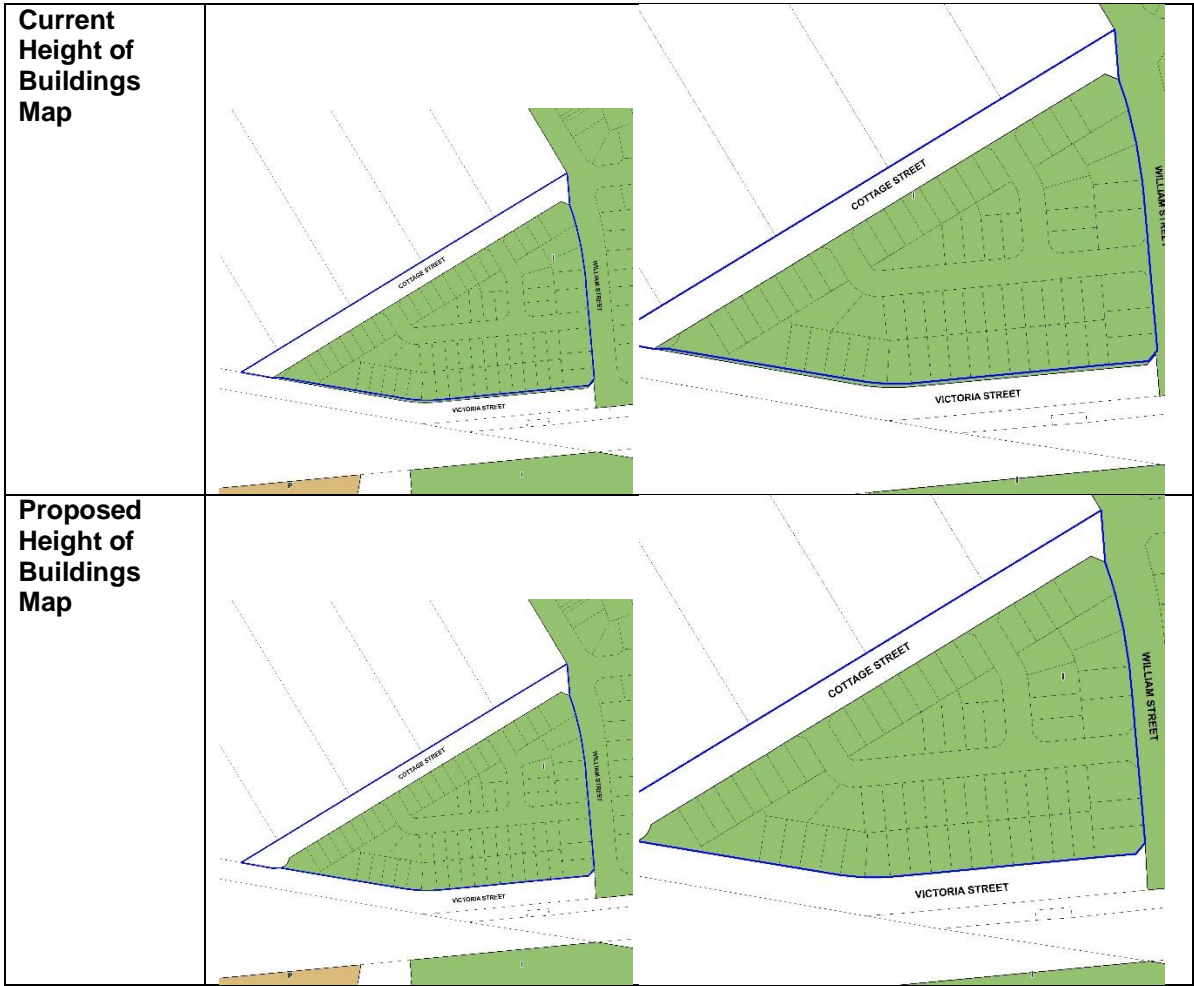


Legend

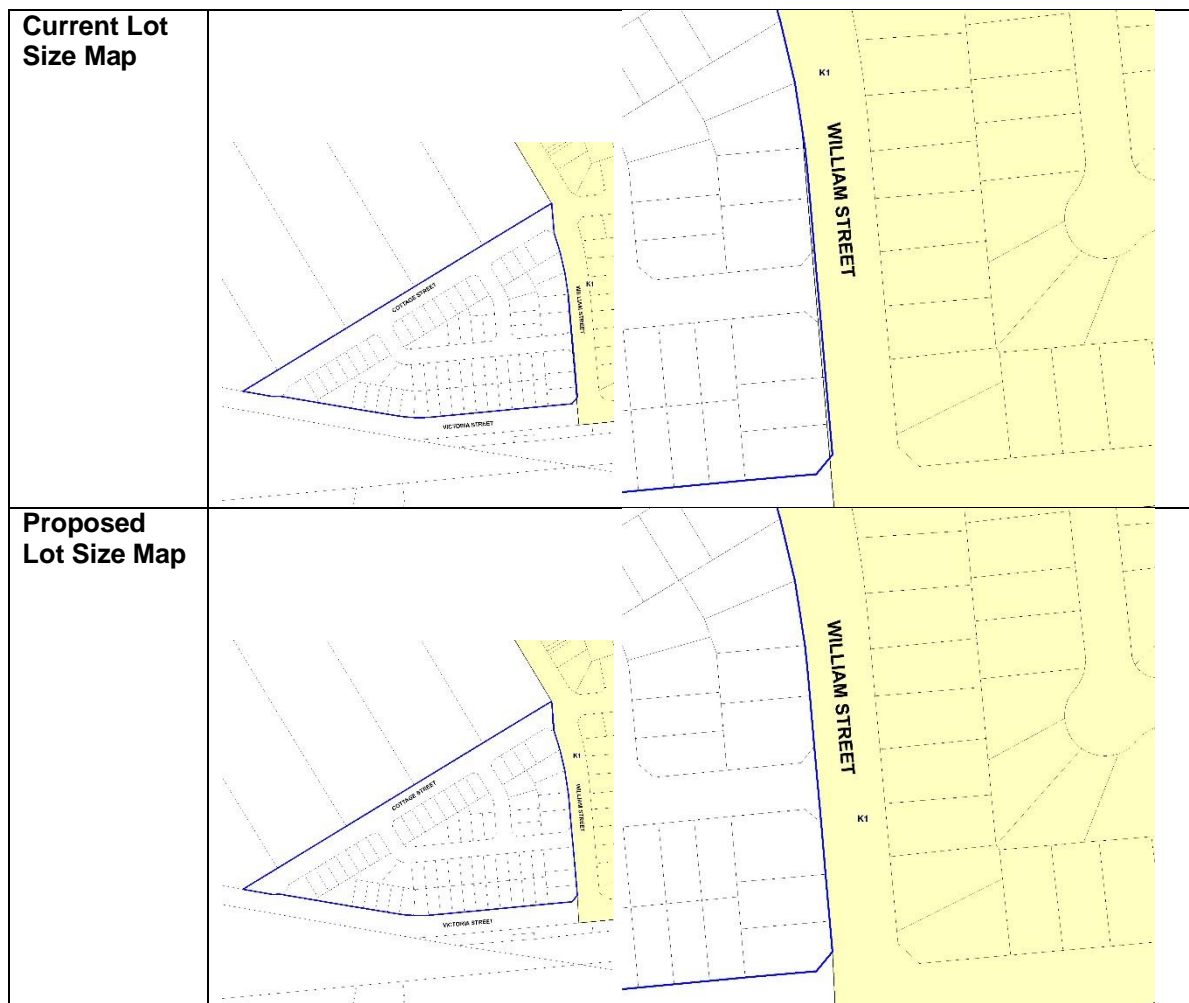
Zone

- E2 Environmental Conservation
- R1 General Residential
- R2 Low Density Residential
- RE1 Public Recreation
- SP2 Infrastructure
- Subject Site

The Height of Buildings Map is to be amended as follows:



The Lot Size Map is to be amended as follows:



Legend

Minimum Lot Size (sq m)

- K1 550m2
- Subject Site

Properties affected by amendment:

- Part of Cottage Street, Werrington
- 265 Victoria Street, Werrington
- Part of Victoria Street, Werrington
- Part of William Street, Werrington
- 74, 76, 78, 80, 82 and 84 William Street, Werrington

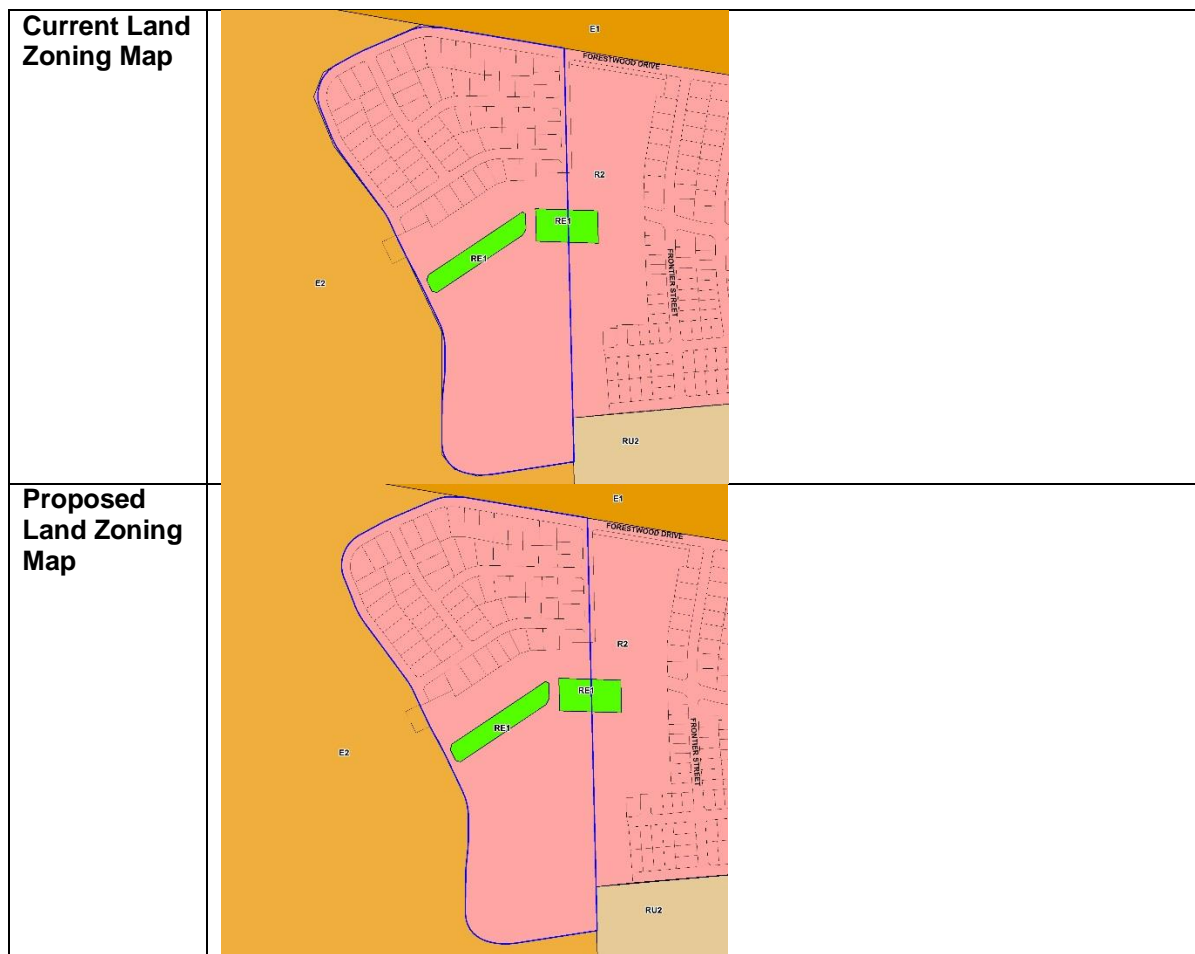
Map tiles to be amended:

- Land Zoning Map – Tile 013
- Height of Buildings Map – Tile 013
- Lot Size Map – Tile 013

15. WESTERN END OF GLENMORE PARK STAGE 2 - ANOMALY IN MAPPED PLANNING CONTROLS

The mapped plan planning controls for zoning, lot size and building height on the western boundary of Glenmore Park Stage 2, at the junction of the R2 zone and E2 zone, do not correctly align with the property boundaries. It is proposed to realign the mapped planning controls to the property boundaries in the location.

The Zoning Map is to be amended as follows:


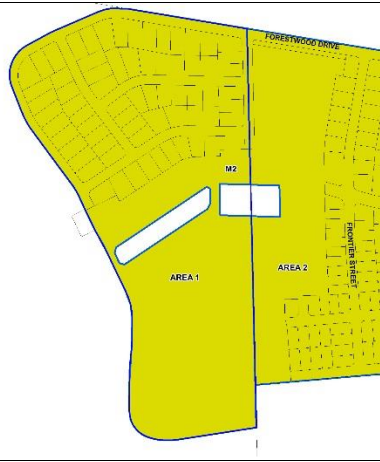


Legend

Zone

- E1 National Parks & Nature Reserves
- E2 Environmental Conservation
- R2 Low Density Residential
- RE1 Public Recreation
- Subject Site

The Height of Buildings Map is to be amended as follows:

Current Height of Buildings Map	 The map shows a residential area with a yellow-shaded region labeled 'M2'. Within this region, there are two white-outlined areas labeled 'AREA 1' and 'AREA 2'. 'AREA 1' is a long, narrow, horizontal shape, and 'AREA 2' is a smaller, more rectangular shape. The map also shows 'FORESTWOOD DRIVE' at the top and 'HUNTERS STREET' on the right side.
Proposed Height of Buildings Map	 This map is identical to the current map, showing the same yellow-shaded 'M2' region, white-outlined 'AREA 1' and 'AREA 2', and surrounding streets 'FORESTWOOD DRIVE' and 'HUNTERS STREET'.

Legend
Maximum Building Height (m)






	M2 12.5m
	Refer to Clause 7.16, 8.2 & 8.4
	Subject Site

The Lot Size Map is to be amended as follows:



Legend

Minimum Lot Size (sq m)

-  R 750m²
-  U2 1,200m²
-  AB3 400,000m² (40ha)
-  Refer to Clause 7.16, 7.19 & 7.21
-  Subject Site

Properties affected by amendment:

- 90b Forestwood Drive, Mulgoa (Lot 6401 DP 1231223)
- 90a Forestwood Drive, Mulgoa (Lot 6400 DP 1231223)
- Lot 641 Forestwood Drive, Glenmore Park (Lot 641 DP 1222236)

Map tiles to be amended:

- Land Zoning Map – Tile 007
- Height of Buildings Map – Tile 007
- Lot Size Map – Tile 007

16. NUMBER 2-8 & 10 TWIN CREEKS DRIVE, LUDDENHAM – AMENDMENT TO LAND ZONING, LOT SIZE CONTROLS AND ADDITIONAL PERMITTED USE PROVISIONS

The properties known as 2-8 Twin Creeks Drive (Lot 47 DP 270417) and 10 Twin Creeks Drive (Lot 221, DP 270417) in Luddenham are proposed to have their applicable planning controls amended. The purpose of the changes is to recognise and formalise the existing golf course and ancillary clubhouse with associated function centre, restaurant and bar area. The golf course and clubhouse are currently not permissible land uses within the E4 Environmental Living zone that applies to 2-8 and 10 Twin Creeks Drive. The facility currently operates under the planning provision of existing use rights, defined under Clause 4.65 of the *Environmental Planning and Assessment Act 1979*.

The property 2-8 Twin Creeks Drive (Lot 47 DP 270417) contains the golf course and ancillary clubhouse. The parcel is 141.2 hectares in size and is zoned part E4 Environmental Living and part E2 Environmental Conservation. The existing golf course and clubhouse are located within the E4 zone. Under LEP 2010 the E4 zone prohibits the golf course and clubhouse, which are defined as “recreation facilities (outdoor)”. It is proposed to rezone the E4-zoned land within this lot to RE2 Private Recreation. The objectives of the RE2 zone are to enable land to be used for private open space or recreational purposes, provide a range of recreational settings and activities and compatible land uses, and to protect and enhance the natural environment for recreational purposes. The RE2 zone permits “recreation facilities (outdoor)” and would therefore allow the golf course and clubhouse as a permissible use on the land.

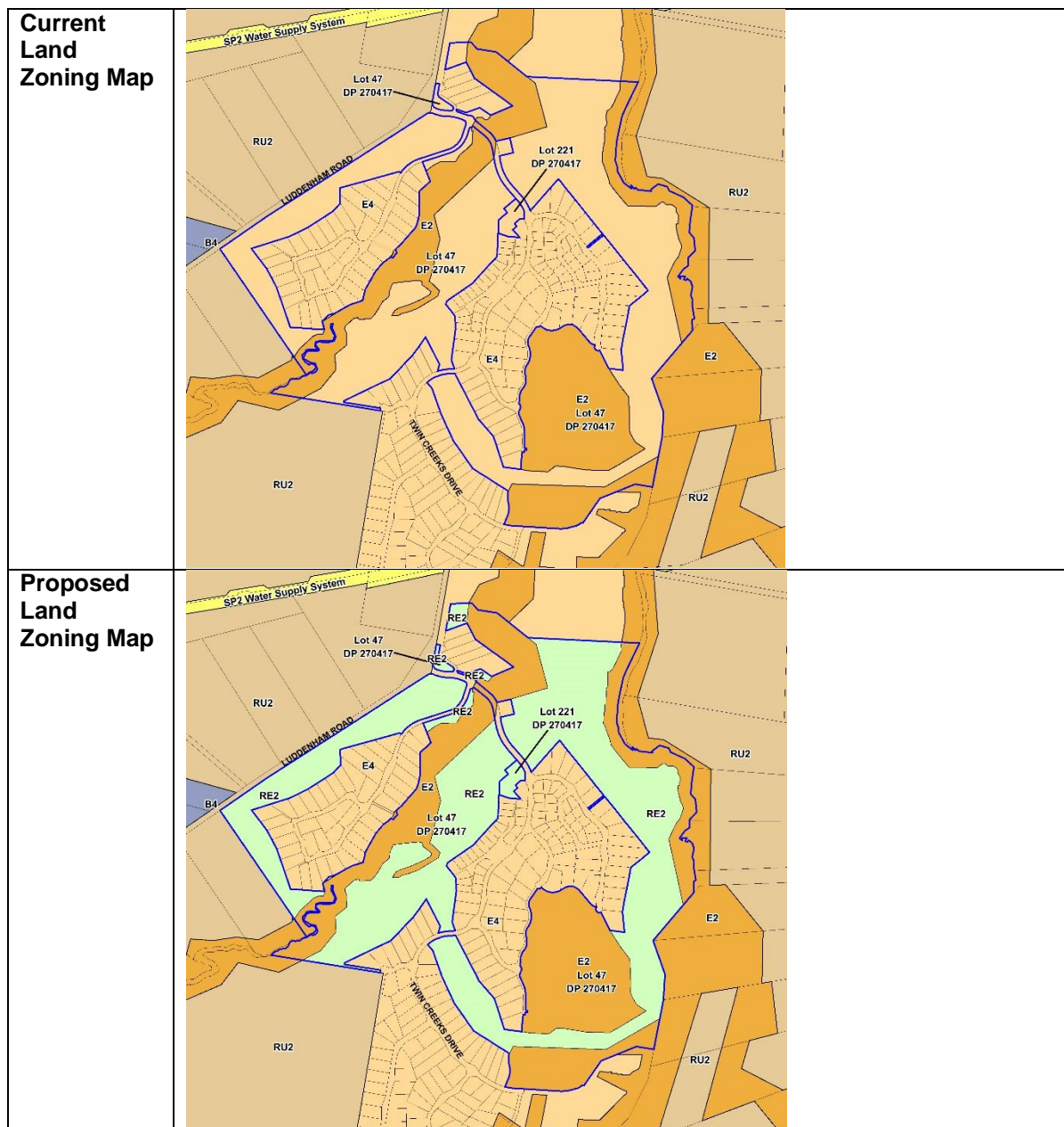
A further change proposed is to remove the minimum lot size control of 4,000sqm which applies to the E4-zoned land within this 2-8 Twin Creeks Drive, as there is no requirement to apply a lot size control on RE2-zoned land.

The property 10 Twin Creeks Drive, Luddenham (Lot 221, DP 270417) is a vacant site located adjacent to Lot 47 DP 270417. The land is 9,364sqm in size and is zoned E4 Environmental Living. Under Clause 16 of Schedule 1 additional permitted uses are allowed with development consent at this site, being “hotel or motel accommodation”, “neighbourhood shops” and “recreation facilities (outdoor)”. Given the opportunity to recognise and formalise the existing use rights of the adjacent golf course and clubhouse through rezoning of the E4 lands to RE2 on that site, and the proximity of 10 Twin Creeks Drive to golf course land, and the intention to maintain consistency with other proposed changes to the zoning in this area, it is proposed to rezone 10 Twin Creeks Drive from E4 to RE2. The RE2 zone permits “hotel or motel accommodation” and “recreation facilities (outdoor)” with development consent, which are land uses already permitted under the additional permitted use provisions applying to this land.

A further change proposed is to remove the additional permitted use provisions which apply to 10 Twin Creeks Drive under Clause 16 of Schedule 1 of LEP 2010, given that “hotel or motel accommodation” and “recreation facilities (outdoor)” are permitted uses in the RE2 zone. The implication is that “neighbourhood shops” is not a permitted use within the RE2 zone and would therefore become a prohibited land use on the site if the additional permitted use provisions were removed. This is considered appropriate, as the RE2 zone permits a range of alternative land use opportunities which a developer could pursue on the land.









The proposed changes to 2-8 Twin Creeks Drive and 10 Twin Creeks Drive would resolve the matter of existing use rights for the golf course and clubhouse whilst also providing additional development opportunities which would be managed through a development assessment process.

The Zoning Map is to be amended as follows:

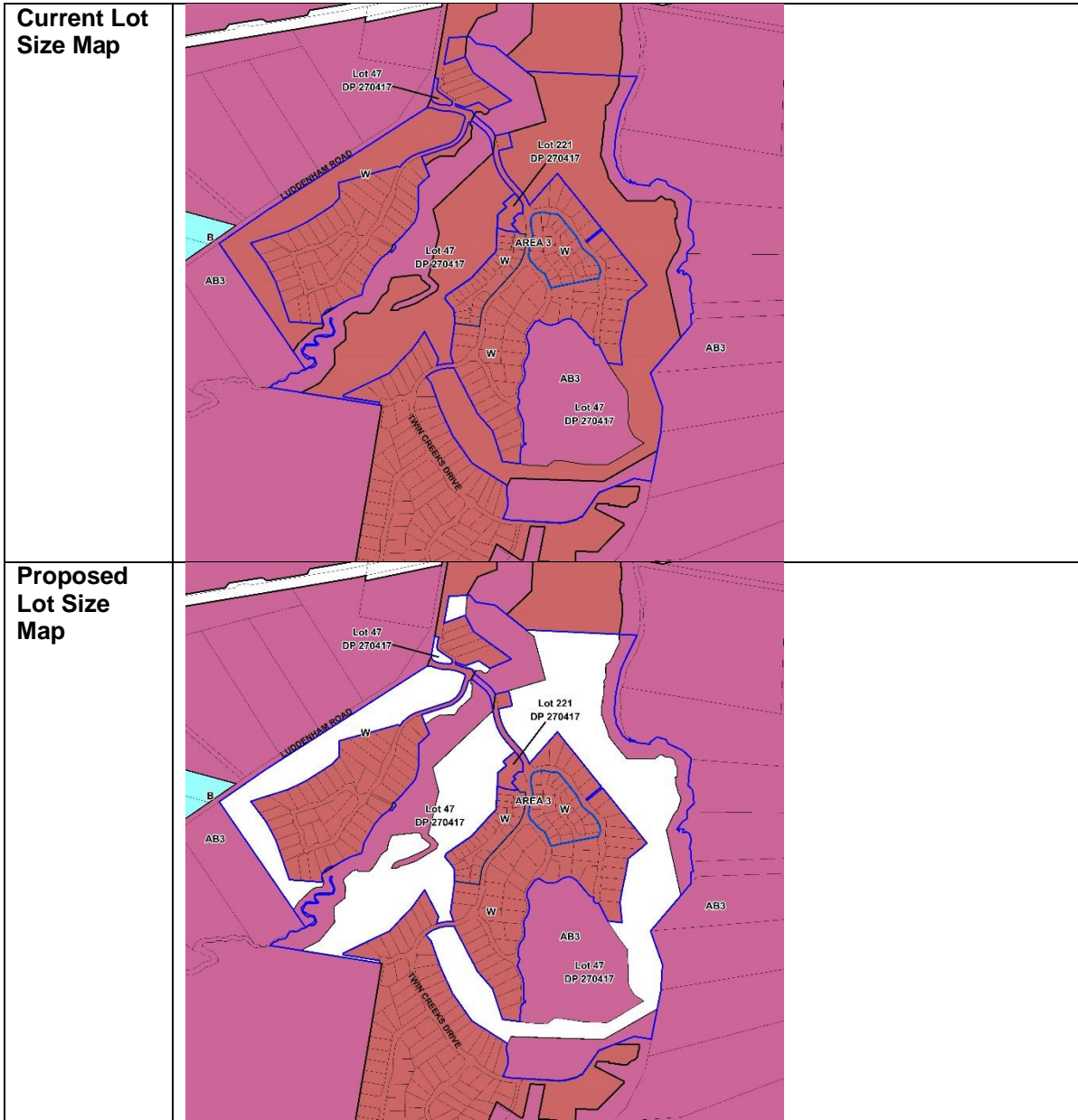


Legend

Zone

-  B4 Mixed Use
-  E2 Environmental Conservation
-  E4 Environmental Living
-  RE1 Public Recreation
-  RE2 Private Recreation
-  RU2 Rural Landscape
-  SP2 Infrastructure
-  Subject Site

The Lot Size Map is to be amended as follows:



The Additional Permitted Uses Map is to be amended as follows:

Current Additional Permitted Uses Map	
Proposed Additional Permitted Uses Map	

Legend

Additional Permitted Uses

Refer to Schedule 1

 Subject Site

Schedule 1 Additional permitted uses, Clause 16 is to be amended as follows:

Current Clause	<p>16 <i>Use of certain land at 10 Twin Creeks Drive, Luddenham</i></p> <p>(1) <i>This clause applies to land at 10 Twin Creeks Drive, Luddenham, being Lot 221, DP 270417 that is identified as "15" on the Additional Permitted Uses Map.</i></p> <p>(2) <i>Development for the purposes of hotel or motel accommodation, neighbourhood shops and recreation facilities (outdoor) is permitted with development consent.</i></p> <p>(3) <i>Strata subdivision of the development referred to in subclause (2) (the approved resort development) is also permitted with development consent.</i></p>
Changes	<p>16 <i>(Repealed) Use of certain land at 10 Twin Creeks Drive, Luddenham</i></p> <p><i>(1) This clause applies to land at 10 Twin Creeks Drive, Luddenham, being Lot 221, DP 270417 that is identified as "15" on the Additional Permitted Uses Map.</i></p> <p><i>(2) Development for the purposes of hotel or motel accommodation, neighbourhood shops and recreation facilities (outdoor) is permitted with development consent.</i></p> <p><i>(3) Strata subdivision of the development referred to in subclause (2) (the approved resort development) is also permitted with development consent.</i></p>
Proposed Clause	16 <i>(Repealed)</i>

Properties affected by amendment:

- 2-8 Twin Creeks Drive (Lot 47 DP 270417)
- 10 Twin Creeks Drive (Lot 221, DP 270417)

Map tiles to be amended:

- Land Zoning Map – Tile 014, 015, 020, 021
- Lot Size Map – Tile 014, 015, 020, 021
- Additional Permitted Uses – Tile 014 and 020

Part 3 – Justification

This part of the Planning Proposal presents the need for the proposed amendments to LEP 2010, the relationship with the strategic planning framework, the impacts of the proposed changes, and State and Commonwealth interests.

Section A – Need for the Planning Proposal

The Planning Proposal is not the result of any strategic study or report. The proposed items within this Planning Proposal have been identified from a review of LEP 2010.

A Planning Proposal is the best way to achieve the objectives and intended outcomes. An amendment to LEP 2010 is required to resolve several policy changes and contemporise certain elements identified in LEP 2010.

Section B – Relationship to Strategic Planning Framework

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission published the *Greater Sydney Region Plan – A Metropolis of Three Cities*. The Plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters, and, guides the delivery of infrastructure. The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The Planning Proposal is consistent with the Greater Sydney Region Plan, as it gives effect to achievement to the Plan's vision and/or the changes are of minor significance.

Western City District Plan

In March 2018, the Greater Sydney Commission published the *Western City District Plan* (WCDP). It is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The WCDP informs the assessment of planning proposals and provides the link between regional and local planning.

The Planning Proposal is consistent with the West City District Plan, as it gives effect to achievement to the Plan's vision and/or the changes are of minor significance.

A Plan for Growing Sydney

In December 2014, the NSW Government published A Plan for Growing Sydney setting out its vision for Sydney to be a strong global city and a great place to live. It also identifies key challenges facing Sydney, including the provision of housing for a significant population increase.

This plan also sets a number of goals for the economy, housing choice, healthy communities, a sustainable and resilient city, and the protection of the natural environment. The plan also sets directions and actions to deliver these goals; relevant directions for this Planning Proposal include:

- Grow strategic centres - providing more jobs closer to home.
- Accelerating housing supply across Sydney.
- Improving housing choice to suit different needs and lifestyles.

The Planning Proposal is consistent with A Plan for Growing Sydney, as it gives effect to achievement to the Plan's vision and/or the changes are of minor significance.

Penrith Community Plan

The Penrith Community Plan was adopted by Council on 24 June 2013 and represents the community's vision for the Penrith LGA over the next 20 years.

The Plan outlines the priorities for the community and includes the following outcomes:

1. We can work close to home.
2. We plan for future growth.
3. We can get around the city.
4. We have safe, vibrant places.
5. We care for our environment.
6. We are healthy and share strong community spirit.
7. We have confidence in our Council.

The Planning Proposal is consistent with the Penrith Community Plan, as it gives effect to achievement to the Plan's vision and/or the changes are of minor significance.

State Environmental Planning Policies

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs or deemed SEPPs). These documents deal with matters of State or regional planning significance.

The Planning Proposal is generally consistent with the SEPPs. Comments in relation to each SEPP are presented in the table below.

SEPP Title	Applicable	Consistent
SEPP No 1—Development standards	No	N/A
SEPP No 19—Bushland in Urban Areas	Yes	Yes
SEPP No 21—Caravan Parks	No	N/A
SEPP No 30—Intensive Agriculture	No	N/A
SEPP No 33—Hazardous and Offensive Development	No	N/A
SEPP No 36—Manufactured Home Estates	No	N/A
SEPP No 44—Koala Habitat Protection	No	N/A
SEPP No 47—Moore Park Showground	No	N/A
SEPP No 50—Canal Estate Development	No	N/A
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	N/A
SEPP No 55—Remediation of Land	No	N/A
SEPP No 62—Sustainable Aquaculture	No	N/A
SEPP No 64—Advertising and Signage	Yes	Yes

SEPP Title	Applicable	Consistent
SEPP No 65—Design Quality of Residential Flat Development	Yes	Yes
SEPP No 70—Affordable Housing (Revised Schemes)	No	N/A
SEPP (Affordable Rental Housing) 2009	Yes	Yes
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Yes
SEPP (Coastal Management) 2018	No	N/A
SEPP (Educational Establishments and Child Care Facilities) 2017	No	N/A
SEPP (Exempt and Complying Development Codes) 2008	Yes	Yes
SEPP (Housing for Seniors or People with a Disability) 2004	No	N/A
SEPP (Infrastructure) 2007	Yes	Yes
SEPP (Integration and Repeals) 2016	No	N/A
SEPP (Kosciuszko National Park— Alpine Resorts) 2007	No	N/A
SEPP (Kurnell Peninsula) 1989	No	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A
SEPP (Rural Lands) 2008	Yes	Yes
State Environmental Planning Policy (State and Regional Development) 2011	Yes	Yes
SEPP (State Significant Precincts) 2005	No	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A
SEPP (Sydney Region Growth Centres) 2006	No	N/A
State Environmental Planning Policy (Three Ports) 2013	No	N/A
State Environmental Planning Policy (Urban Renewal) 2010	No	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	No	N/A
SEPP (Western Sydney Employment Area) 2009	No	N/A

SEPP Title	Applicable	Consistent
SEPP (Western Sydney Parklands) 2009	No	N/A

Section 9.1 Local Planning Directions

The Minister for Planning and Environment issues Local Planning Directions that councils must follow when preparing a planning proposal. The directions cover the following broad categories:

- employment and resources,
- environment and heritage,
- housing, infrastructure, and urban development,
- hazard and risk.

The Planning Proposal is generally consistent with the Local Planning Directions. Comments in relation to each Direction are presented in the table below.

Section 9.1 Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	The Planning Proposal is consistent with this direction, as the changes give effect to the objectives of this direction and/or the changes are of minor significance.
1.2 Rural Zones	The Planning Proposal is consistent with this directions, as the changes give effect to the objectives of this direction and/or the changes are of minor significance.
1.3 Mining, Petroleum Production and Extractive Industries	The Planning Proposal is consistent with this direction, as it does not compromise the future extraction of extractive materials by allowing for inappropriate development.
1.4 Oyster Aquaculture	The Planning Proposal is consistent with this direction, as it does not impact on any priority oyster aquaculture areas.
1.5 Rural Lands	The Planning Proposal is consistent with this directions, as the changes give effect to the objectives of this direction and/or the changes are of minor significance.
2. Environment and Heritage	
2.1 Environment Protection Zones	The Planning Proposal is not consistent with this direction, as the proposed changes in relation to Item 16 (Twin Creek Drive, Luddenham) seek to change the zoning of the existing golf course from E4 Environmental Living to RE2 Private Recreation. This change is not supported by a strategy, however it is noted that the purpose of this change is to recognise and formalise the existing golf course and clubhouse which are currently not permissible land uses within the E4 zone. Therefore it is considered that the proposed change is justified.
2.2 Coastal Management	The Planning Proposal is consistent with this direction, as it is not located within a coastal zone.
2.3 Heritage Conservation	The Planning Proposal is not consistent with this direction, as it seeks the removal and/or alteration of heritage items listed in LEP 2010. The Planning Proposal presents the supporting justification for these proposed changes, which is based primarily on the fact that heritage investigations have been carried out to support these changes, and that development approvals have been issued accordingly to support the changes/removal to the heritage items. Therefore it is considered that the proposed changes are justified.

Section 9.1 Direction	Comment
2.4 Recreation Vehicle Areas	The Planning Proposal is consistent with this direction, as it does not enable land to be developed for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	This direction does not apply to the Penrith Local Government Area.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The Planning Proposal is consistent with this direction, as the changes give effect to the objectives of this direction and/or the changes are of minor significance.
3.2 Caravan Parks and Manufactured Home Estates	The Planning Proposal is consistent with this direction, as the changes do not seek to amend the provisions regarding the carrying out of caravan parks and manufactured home estates.
3.3 Home Occupations	The Planning Proposal is consistent with this direction, as the changes do not seek to amend the provisions relating to home occupations.
3.4 Integrating Land Use and Transport	The Planning Proposal is consistent with this direction, as the changes give effect to the objectives of this direction and/or the changes are of minor significance.
3.5 Development Near Licensed Aerodromes	The Planning Proposal is consistent with this direction, as the changes are not located within the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	The Planning Proposal is consistent with this direction, as the changes are not located within the vicinity of a shooting range.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The Planning Proposal is consistent with this direction, as the changes give effect to the objectives of this direction and/or the changes are of minor significance.
4.2 Mine Subsidence and Unstable Land	The Planning Proposal is consistent with this direction, as the changes are not located within a mine subsidence district.
4.3 Flood Prone Land	The Planning Proposal is consistent with this direction, as no changes are sought to existing Council controls relating to flooding.
4.4 Planning for Bushfire Protection	The Planning Proposal is consistent with this direction, as the changes give effect to the objectives of this direction and/or the changes are of minor significance.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable (revoked)
5.2 Sydney Drinking Water Catchments	This direction does not apply to the Penrith Local Government Area.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	This direction does not apply to the Penrith Local Government Area.
5.4 Commercial and Retail Development along the	This direction does not apply to the Penrith Local Government Area.

Section 9.1 Direction	Comment
Pacific Highway, North Coast	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not applicable (revoked)
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)	Not applicable (revoked)
5.7 Central Coast (Revoked 10 July 2008)	Not applicable (revoked)
5.8 Second Sydney Airport: Badgerys Creek	The Planning Proposal is consistent with this direction, as the changes do not hinder the potential for development of a Second Sydney Airport.
5.9 North West Rail Link Corridor Strategy	This direction does not apply to the Penrith Local Government Area.
5.10 Implementation of Regional Plans	The Planning Proposal is consistent with this direction, as the changes give effect to the objectives of this direction and/or the changes are of minor significance.
6. Local Plan Making	
6.1 Approval and Referral Requirements	The Planning Proposal is consistent with this direction, as the changes would not result in additional approval and referral requirements.
6.2 Reserving Land for Public Purposes	The Planning Proposal is consistent with this direction, as the changes give effect to the objectives of this direction and/or the changes are of minor significance.
6.3 Site Specific Provisions	The Planning Proposal is consistent with this direction, as the changes would not result in additional restrictive site specific planning controls.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The Planning Proposal is consistent with this direction, as the changes give effect to the objectives of this direction and/or the changes are of minor significance.
7.2 Implementation of Greater Macarthur Land Release Investigation	This direction does not apply to the Penrith Local Government Area.
7.3 Parramatta Road Corridor Urban Transformation Strategy	This direction does not apply to the Penrith Local Government Area.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	This direction does not apply to the Penrith Local Government Area.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This direction does not apply to the Penrith Local Government Area.

Section 9.1 Direction	Comment
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This direction does not apply to the Penrith Local Government Area.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	This direction does not apply to the Penrith Local Government Area.

Penrith Local Environment Plan 2010

LEP 2010 prescribes the written provisions and mapped planning controls that are proposed to be amended by this Planning Proposal.

Penrith Development Control Plan 2014

DCP 2014 applies to the area proposed to be amended by this Planning Proposal.

Section C – Environmental, Social and Economic Impacts

The changes sought by the Planning Proposal will not adversely affect critical habitats, threatened species, populations, ecological communities or their habitats, nor are there likely to be any other environmental effects as a result of the Planning Proposal.

The Planning Proposal is also unlikely to result in any adverse social or economic effects.

Section D – State and Commonwealth Interests

The Planning Proposal seeks changes to LEP 2010 that are generally aligned with the existing planning controls on nearby land.

The Gateway Determination provided at Appendix 3 provides detail of the consultation to be undertaken with public authorities.

Part 4 – Mapping

The following map tiles are proposed to be amended as part of the Planning Proposal.

Map	Tile Number
Lot Size Map	006, 007, 013, 014, 015, 019, 020, 021
Height of Buildings Map	006, 007, 013, 019
Heritage Map	007, 008, 012, 013, 014, 020
Land Zoning Map	006, 007, 013, 014, 015, 019, 020, 021
Additional Permitted Uses Map	014, 020

The proposed LEP 2010 map tiles are provided at Appendix 1.

Part 5 – Community Consultation

The Gateway Determination provided at Appendix 3 outlines the community consultation to be undertaken.

The planning proposal will be publicly exhibited at the Penrith Council Civic Centre, Penrith Library, St Marys Business Office and St Marys Library. All exhibition material will be available on Council's website.

Notice of the public exhibition will be given in the local newspaper and on Council's website.

Consultation with public authorities will be undertaken in accordance with the requirements of the Gateway Determination.

Part 6 - Project Timeline

Milestone	Timeframe
Council's sponsor of the Planning Proposal	June 2018
Submission to NSW Planning and Environment	June 2018
Gateway Determination issued	December 2018
Public exhibition and public authority consultation	April & May 2019
Consideration of submissions	May & June 2019
Reporting of the Planning Proposal to Council	July 2019
Submission to NSW Planning and Environment	July 2019
Publication of LEP amendment	September 2019

Appendices

APPENDIX 1

Proposed Penrith LEP 2010 Map Tiles

APPENDIX 2

Council Report and Minutes of Meeting 4 June 2018

APPENDIX 3

Gateway Determination 17 Dec 2018