



Planning Proposal

LEP Review Phase 1

March 2020

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Appendices

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Introduction

1. Purpose of Planning Proposal

An amendment to *Penrith Local Environmental Plan 2010* (LEP 2010) is proposed to align LEP 2010 with the planning priorities set in the Greater Sydney Commission's (GSC) *Greater Sydney Region Plan – A Metropolis of Three Cities* and *Western City District Plan*.

The Department of Planning, Industry and Environment's (DPIE) 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 DPIE'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, Industry and Environment, as a delegate of the Minister for Planning and Public Spaces, 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 LEP.
6	Decision	The relevant planning authority approves the LEP, making it law.

2. Background

Amendments to the *Environmental Planning and Assessment Act 1979* (the Act), which commenced in March 2018, require councils to prepare a Local Strategic Planning Statement (LSPS). A LSPS is a document that sets out Council's 20 year vision for land use in the local area, the special character and values that are to be preserved, and how change will be managed into the future. Penrith City Council (Council) prepared a LSPS, which was publicly exhibited between 30 September and 11 November 2019. At its meeting of 23 March 2020, Council adopted the final LSPS following consideration of feedback received and advice from the Greater Sydney Commission (GSC) that the LSPS could be made.

Section 3.8(4) of the Act requires councils to review their LEPs to give effect to the planning priorities and actions in the relevant district plan within two years of the district plan being made final (i.e. before March 2020). Accordingly, Council is required to prepare a Planning Proposal to align LEP 2010 with the planning priorities set in the GSC's *Greater Sydney Region Plan – A Metropolis of Three Cities* and *Western City District Plan*.

In October 2018, Council completed a 'health check' of LEP 2010 which confirmed Council's local environmental plan is, for the short term, generally consistent with the Region and District Plans.

The preparation of the Planning Proposal is to be informed by a series of studies and strategies that respond to the forecast growth for the Western City District and Penrith Local Government Area. These studies and strategies are to provide the evidence base to inform recommendations about how Council can respond to the new strategic direction.

The Western Sydney City Deal provides funding for up to \$2.5 million for Council to review the LEP on an accelerated timeframe. This funding has been used towards the preparation of contemporary and updated studies and strategies that can be used to inform the LEP Review.

The first phase of completed studies and strategies has encompassed preparation of the following documentation:

- Draft Local Housing Strategy
- Draft Rural Lands and Villages Study
- Draft Rural Lands and Villages Strategy
- Draft Scenic and Cultural Landscapes Study
- Draft St Marys Economic Activity Study
- Draft St Marys Economic Development Strategy

Council also intends to prepare studies and strategies in relation to the following:

- Penrith City Centre
- Industrial Lands
- The Northern Road Corridor
- Employment
- Centres
- Green Grid

Given LEP 2010 is generally consistent with the Region and District Plans, Council proposes to carry out the LEP Review in phases to better align with the outcomes from further strategy work and actions from the LSPS. The following phases are proposed:

- LEP Review Phase 1: Immediate outcomes from the draft Local Housing Strategy, draft Rural Lands and Villages Strategy and minor housekeeping amendments.
- LEP Review Phase 2: Outcomes of the remaining strategies as outlined above.
- LEP Review Phase 3: LEP-related outcomes from short-medium term actions within the LSPS.

This Phase 1 LEP Review Planning Proposal primarily responds to the immediate actions arising from the draft Local Housing Strategy, draft Rural Lands and Villages Strategy and draft St Marys Economic Development Strategy, as well as addresses minor housekeeping amendments.

The Phase 2 and Phase 3 Planning Proposals will be progressed separately at a future time upon completion of further supporting studies and strategies.

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to align LEP 2010 with:

- The GSC's *Greater Sydney Region Plan – A Metropolis of Three Cities*
- The GSC's *Western City District Plan*
- The outcomes from the strategy work completed as part of the LEP Review.

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

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.

A summary of the nature of each proposed change is presented in Table 2 below.

Table 2: Summary of proposed changes

Item No.	Title
1	Increase lot size control for multi-dwelling housing in medium and high density zones
2	Apply a minimum lot size control for dual occupancy development in the RU5 Village zone for Londonderry and Luddenham
3	Permit eco-tourist facilities in environmental living zones
4	Strengthen the role of Castlereagh's 'centre'
5	Dwelling houses on certain land in Llandilo
6	Requirement for non-residential uses in St Marys Town Centre mixed use zones
7	Extend additional permitted uses provisions for 164 Station Street, Penrith
8	Rezoning of Triangle Park, Penrith
9	Housekeeping matters

1. Increase lot size control for multi-dwelling housing in medium and high density zones

Objective or Intended outcome

To amend Penrith LEP 2010 to increase the minimum lot size controls for multi dwelling housing (on standard lots and battle-axe lots) in *R3 Medium Density Residential* and *R4 High Density Residential* zones to 1200m².

The intention of this amendment is to:

- Deliver better amenity and design outcomes,
- Ensure appropriate size and dimensions are provided for medium density housing, and,
- Elevate existing controls in the DCP to the LEP to strengthen their implementation.

The proposed outcome will be achieved by amending Penrith LEP *Clause 4.1A (2) Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings* to:

- increase the minimum lot size for multi-dwelling housing from 800m² to 1200m² in the *R3 Medium Density Residential* and *R4 High Density Residential* zones for a standard lot, and
- to increase the minimum lot size for multi dwelling housing from 900m² to 1200m² in the *R3 Medium Density Residential* and *R4 High Density Residential* zones for a battle-axe lot.

It is also intended to introduce a new savings and transitional clause to ensure that the proposed amendment does not affect any current development applications or appeal processes.

Note: The proposed clauses will be subject to legal drafting and may alter under this process.

This amendment would affect all R3 Medium Density Residential and R4 High Density Residential zoned land in the Penrith Local Government Area as shown in Figure 1 below. Controls for *Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings* are not mapped in the current LEP, therefore no maps will be amended as a result of Item 1 of this Planning Proposal.

To provide some context, Table 3 identifies the number of dual occupancy and multi dwelling housing developments approved in the R3 and R4 zones in the past five years (January 2015 – December 2019).

Table 3: Dual occupancy and multi dwelling housing developments approved in the past five years

	R3 Medium Density Residential	R4 High Density Residential
Dual occupancy developments		
Number of applications	33	0
Number of dwellings	66	0
Multi dwelling housing developments		
Number of applications	225	0
Number of dwellings	1644	0

Note: Numbers are approximate.



Figure 1: R3 Medium Density Residential and R4 High Density Residential zoned land

As described in the draft Local Housing Strategy, medium density housing delivery has occurred 'haphazardly' throughout the established residential areas of Penrith. Existing LEP and Development Control Plan (DCP) controls have resulted in medium density housing that is characterised by larger, narrow lots, older and poorer quality housing stock, lower medium housing prices and high availability of unconstrained medium density zoned land (such as Oxley Park). The resulting built form has seen areas with rows of townhouses that are not in keeping with the surrounding local neighbourhood character and streetscape amenity.

This amendment builds on the initiatives Council has undertaken to date to address built form outcomes and preserve local character values in relation to multi dwelling housing (defined as three or more dwellings on one lot of land, each with access at ground level). These initiatives include the Oxley Park Place Plan and amendments to Penrith Development Control Plan (DCP) 2014 undertaken in December 2018. The intention of the city wide DCP amendment as it relates to multi dwelling housing was to increase amenity by increasing lot frontage sizes and ensure stacked spaces are used for car parking to reduce on-street parking. This LEP amendment in combination with recently updated DCP controls will contribute to a more attractive, liveable and better functioning built form and result in improvements to amenity.

The draft Local Housing Strategy recommends ensuring there is a diversity of housing types, sizes and tenure that are flexible, adaptable and appropriate to the changing needs of current and future residents and that make a more positive contribution to local character. Specific recommendations include:

- *Retain the application of the low-rise medium density housing code to areas zoned R3 Medium Density Residential and R4 High Density Residential, which already permit this form of housing (B3), and*
- *Increase minimum lot size controls for multi-dwelling housing in the R3 Medium Density Residential and R4 High Density Residential to 1,200sqm under Clause 4.1A of the Penrith LEP 2010. This aims to ensure appropriate size and dimensions are provided for medium density housing (B5).*

In July 2018, the Low-Rise Medium Density Housing Code (the Code) was introduced to encourage well designed dual occupancies, manor houses and terraces (multi dwelling housing). Penrith Council is currently deferred from the application of the Code until 1 July 2020. The Code applies in areas zoned R3 Medium Density Residential where councils already permit multi dwelling housing under their LEP. (The Code does not apply in areas zoned R4 High Density Residential). The Code's minimum lot size provision for multi dwelling housing refers to the minimum lot size provided in the LEP. Our current minimum lot size for multi dwelling housing in the R3 zone for a standard lot and battle-axe lot is 800m² and 900m² respectively. This amendment to increase the minimum lot size to 1200m² prepares our LEP for the application of the Code from 1 July 2020.

Table 4 provides estimates of the number of potential lots that could achieve the current minimum lot size for multi dwelling housing (800m²) compared with the minimum lot size proposed under the amendment (1200m²). Potential lots do not include those lots that have already been developed for medium or high-density housing or have a current approval for these types of housing. Further, the estimates of potential lots do not take into account minimum lot widths required by the Code (18m) or Penrith DCP 2014 (22m or assessed on a merit basis if the lot is isolated by adjacent development); therefore, the estimated lots in Table 4 may indicate a higher dwelling yield than what is practically possible.

Table 4 also provides estimates of the number of potential lots that could be considered for multi dwelling housing taking into account Code exclusions. The Code excludes certain land on which multi dwelling housing proposals cannot be considered as complying development. These exclusions are lots within a heritage conservation area or containing a heritage item, lots reserved for a public purpose, and lots that are located on bush fire prone land or affected by flood related development controls.

Table 4: Comparison of potential multi dwelling housing lots under current and proposed development standards

	Lot Size	R3 Medium Density Residential	R4 High Density Residential
Estimated number of potential lots	800m ² +	950 lots*	180 lots*
	1200m ² +	270 lots	85 lots
Estimated number of potential lots taking into account Code exclusions**	800m ² +	525 lots*	45 lots* - if Code applied, noting that Code does not apply to R4
	1200m ² +	115 lots	5 lots - if Code applied, noting that Code does not apply to R4

Note 1: *These numbers are approximate as battle-axe lots with an area of between 800m² and 900m² have not been excluded.

Note 2: **Multi dwelling housing proposals on lots excluded from the Code may still be able to be considered as local development, which requires submission of a development application to Council.

The table indicates that the number of potential lots for multi dwelling housing will be reduced by increasing the minimum lot size from 800m² to 1200m², particularly in the R3 zone. While existing capacity will be reduced, the draft Local Housing Strategy indicates that our City has ample supply of land for housing generally in the short, medium and long term. In terms of medium density housing, there is future capacity in Penrith's urban investigation areas and other strategic locations, such as around new train stations.

While providing an adequate supply of medium density housing is important, it is equally important that this type of housing is of high-quality design, functions effectively and delivers

better environmental outcomes. The draft Local Housing Strategy describes medium density housing in the City as dominated by “gun-barrel multi dwelling housing forms” where development involves long narrow lots with long narrow driveways. These site layouts are particularly prevalent in certain residential neighbourhoods, such as Oxley Park, where lot width to depth ratios approach 1:5, limiting design options. Further, the need to accommodate on-site carparking and the adverse impact of underground carparking on the feasibility of development are also factors that contribute to this “gun barrel” housing form.

This amendment, in combination with recently updated DCP controls relating to increased lot frontages, incentives for basement car parking and the management of waste, is focused on improving the design outcomes of new multi dwelling housing developments so they are more attractive, liveable and functional. The amendment will also provide opportunities to achieve better environmental outcomes such as reducing the effects of urban heat through increased landscaping and tree planting, and improving on-site water management. Further, the amendment will help to improve local amenity for both new and existing residents and preserve neighbourhood character.

It is also noted that the draft Local Housing Strategy identifies an action (B4) to “*Review the application of the R3 Medium Density Residential zone to prioritise in well serviced locations within walking distance to identified centres as follows:*”

- *Within 1,000 metres of Metropolitan, Strategic and key centres*
- *Within 400 metres of local and neighbourhood centres.”*

The outcome of these investigations may result in additional lands being considered as suitable for multi dwelling housing, increasing the availability of this type of housing.

It is intended that a new savings and transitional clause will be included as part of this amendment to ensure that it does not affect any current development applications or appeal processes.

Consistency with Local Strategic Planning Statement

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP3 Provide new homes to meet the diverse needs of our growing community
- PP4 Improve the affordability of housing
- PP5 Facilitate sustainable housing
- PP7 Enrich our places

*Planning Priority 3 – Provide new homes to meet the diverse needs of our growing community.
Action – Prepare a Local Housing Strategy.*

One of the methods new housing will be delivered in our City is through a change of house types in existing neighbourhoods from single dwellings to increased numbers of townhouses, villas and dual occupancies in the right locations. Our LSPS acknowledges the importance of delivering the right mix of housing types and lots to cater for Penrith’s diverse and changing population. This amendment is supported by a recommendation in Council’s draft Local Housing Strategy.

Planning Priority 4 – Improve the affordability of housing.

Whilst this amendment will reduce the number of potential lots for multi dwelling housing in R3 and R4 zones, the draft Local Housing Strategy indicates that our City has ample supply of land for housing generally and there is future capacity in Penrith’s urban investigation areas and other strategic locations for multi dwelling housing. Further, following the completion of the Local Housing Strategy, Council will develop an Affordable Housing Policy.

A review of the application of the R3 Medium Density Residential zone (as recommended by action B4 of the draft Local Housing Strategy), may result in an increase of multi dwelling housing, therefore increasing the availability of more affordable housing options.

Planning Priority 5 – Facilitate sustainable housing.

Action – Update planning and development controls to improve the design, durability and sustainability of new dwellings and release areas

Planning Priority 7 – Enrich our places

Action – Investigate ways to better encourage, support and enable innovative design and architectural excellence

The way we plan our housing is important to achieving a sustainable City. Growth must be balanced to ensure new development is well planned, uses land efficiently while protecting our environment. In areas where increased densities exist or are permitted, it is important to ensure developments for increased densities are compatible to the character of the area and both physical and environmental constraints.

The built form in combination with local people, history, public places and natural features all contribute to the distinctive character of our established residential areas. Preserving and enhancing the distinctive character of the places we live in is a priority for our Council. One way to make sure our neighbourhoods are great places is ensuring they are well designed with an attractive built environment.

This amendment will require an increased minimum area for multi dwelling housing. The intended outcome is the delivery of better amenity and design outcomes and for developments to make a more positive contribution to local character.

2. Apply a minimum lot size control for dual occupancy development in the RU5 Village zone for Londonderry and Luddenham

Objective or Intended outcome

It is proposed that Penrith LEP 2010 be amended to provide a minimum lot size control for dual occupancy development in the *RU5 Village* zone for Londonderry and Luddenham villages.

The intention of this amendment is to:

- Apply a consistent minimum lot size control for dual occupancy development in all rural villages,
- Protect the character and amenity of rural villages,
- Ensure lot sizes and dual occupancy development are compatible with the environmental capabilities of land within the RU5 zone; and
- Ensure dual occupancy development is compatible with available infrastructure and services.

The proposed outcome will be achieved by amending Penrith LEP *Clause 7.19 Villages of Mulgoa and Wallacia* to include Londonderry and Luddenham villages to set a minimum area for attached dual occupancies of 650m² and a minimum area for detached dual occupancies of 750m².

The Clause Application Map will also be amended to identify clause 7.19 as applying to the area of land zoned RU5 in the villages of Londonderry and Luddenham. The title of Clause 7.19 in the LEP written instrument will need to be amended and shown on the Clause Application Map, similar to that shown in Figure 2 below.



Luddenham



Mulgoa & Wallacia



Figure 2: Proposed changes to Clause Application Map

Note: The proposed clauses will be subject to legal drafting and may alter under this process.

Penrith rural villages are an important part of the City's rural areas and contribute to the wider Metropolitan Rural Area of Greater Sydney, which provides social, scenic, recreational and environmental benefits to the community. The rural villages, including Londonderry and Luddenham, are distinctly separate from Penrith's urban areas, and importantly, have a different character to these urban areas. While there has been some expansion of the Mulgoa and Wallacia villages, Londonderry and Luddenham villages have not expanded due, in part, to the limited availability or capacity of infrastructure including reticulated sewerage and physical constraints such as flooding.

This amendment will affect RU5 zoned land in Londonderry and Luddenham in the Penrith Local Government Area. The amendment is in response to the Low-Rise Medium Density Housing Code (the Code). Penrith Council is currently deferred from the Code until 1 July 2020. When it comes into effect, the Code will allow dual occupancy development to be considered as complying development in the RU5 zones subject to meeting the Code's development standards. The Code's minimum lot size provision for dual occupancy development refers to either 400m² or the minimum lot size provided in the LEP.

Penrith LEP 2010 currently sets a minimum lot size for dual occupancy development in the RU5 zones for Mulgoa and Wallacia villages of 650m² for attached dual occupancies and 750m² for detached dual occupancies. Luddenham and Londonderry villages do not have any minimum lot size provision. With the introduction of the Code's 400m² minimum lot size, there is the potential for the character of the villages of Londonderry and Luddenham to be compromised and pressure placed on the capacity of services.

Currently, development applications for dual occupancy development on RU5 zoned land in Londonderry and Luddenham villages are assessed on their merits to ensure zone objectives and other LEP 2010 provisions are met, including Clause 7.7 Servicing. The objective of this clause is to ensure that development reflects the availability of services, including requiring development to have adequate facilities for the removal and disposal of sewage.

Luddenham village is currently not serviced by reticulated sewerage and many lots rely on pump out services as they are not large enough to accommodate onsite disposal. Expanding existing pump out services at this time is not supported, limiting the potential for dual occupancy development until reticulated sewerage becomes available. Londonderry village is serviced by reticulated sewerage, however, Sydney Water has advised that there is limited capacity within the system.

It is proposed to apply a minimum lot size control for dual occupancy development in these villages in LEP 2010 so the Code will stipulate a larger lot size than 400m². This will ensure additional housing opportunities will continue to be available, but development is more compatible with existing services and infrastructure.

Figure 3 shows the range of lot sizes in Londonderry and Luddenham villages. There are 67 lots in Londonderry and Luddenham below 650m² (some of which have been recently developed) and 164 lots with an area of 650m² or above.

The amendment will help to retain the character of Londonderry and Luddenham villages and ensure parking, landscaping, greater setbacks and improved design outcomes are achieved. It will also ensure a consistent approach across all rural villages. This amendment prepares our LEP for the application of the Code from 1 July 2020.

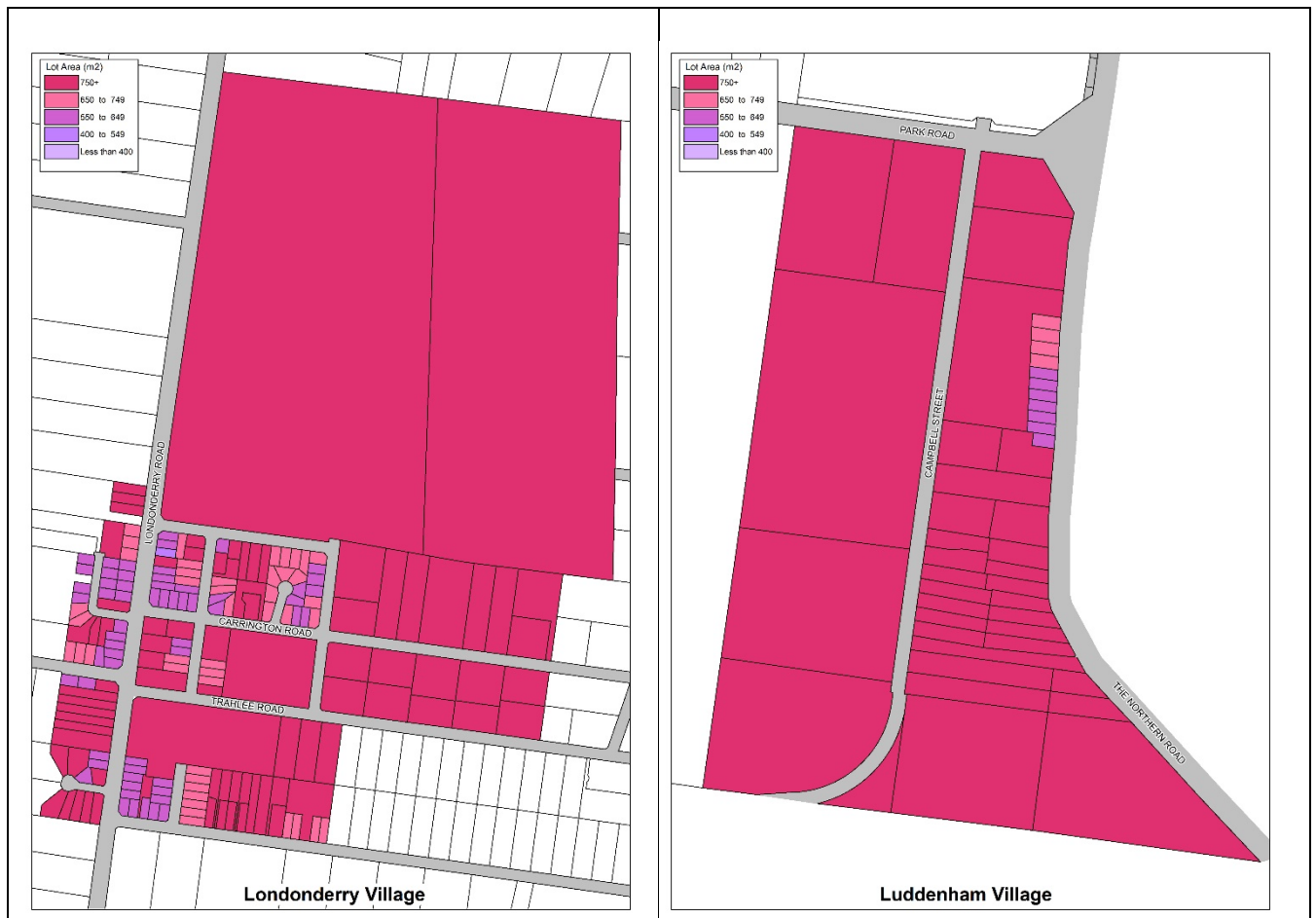


Figure 3: Current lot sizes in Londonderry and Luddenham villages

Consistency with Local Strategic Planning Statement

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP4 Improve the affordability of housing
- PP7 Enrich our places
- PP17 Define and protect the values and opportunities within the metropolitan rural area

Planning Priority 4 – Improve the affordability of housing

This amendment will assist in providing an affordable housing option for existing and new residents, including seniors and retirees wishing to maintain a rural lifestyle and stay close to family and friends. The proposed amendment ensures an alternative housing option continues to be available in the rural villages to cater for Penrith's diverse and changing population.

Planning Priority 7 – Enrich our places

This amendment is consistent with Planning Priority 7 as it will preserve and enhance the existing character of Penrith's villages. This amendment provides an appropriate control to ensure the character of Londonderry and Luddenham villages is retained and parking, landscaping, greater setbacks and improved design outcomes are achieved consistent with the already in place controls for the villages of Mulgoa and Wallacia.

Planning Priority 17 – Define and protect the values and opportunities within the metropolitan rural area

Penrith's rural areas and villages form part of Greater Sydney's Metropolitan Rural Area and significantly contribute to the City's rural and urban harmony. This amendment is consistent with Planning Priority 17 as it will help to protect rural village character, ensure lot sizes and dual occupancy development are compatible with the environmental capabilities of RU5 zoned land and ensure dual occupancy development is compatible with available infrastructure and services.

3. Permit eco-tourist facilities in environmental living zones

Objective or Intended outcome

It is proposed that Penrith LEP 2010 be amended to permit with development consent 'eco-tourist facilities' in the E4 Environmental Living zone.

Note: The proposed amendment will be subject to legal drafting and may alter under this process.

A planning outcome of the draft Rural Lands and Villages Strategy is to “support a diverse rural economy”. One of the strategies to help achieve this planning outcome is to “grow rural tourism”. The draft Rural Lands and Villages Strategy recommends reviewing the permissibility of accommodation suitable for visitors in rural and environmental protection zones.

The types of short-term accommodation for tourists and visitors that are appropriate in the City's rural areas are bed and breakfast accommodation, farm stay accommodation and eco-tourist facilities. Hotel or motel accommodation, like the Wallacia Hotel, is also considered appropriate in rural villages where it is supported by suitable infrastructure and services. Table 5 identifies the current permissibility of these uses in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, RU5 Village, E3 Environmental Management and E4 Environmental Living zones under LEP 2010.

Table 5: Current permissibility of short-term accommodation for tourists and visitors in rural areas

	RU1	RU2	RU4	RU5	E3	E4
Bed and breakfast accommodation	✓	✓	✓	✓	✓	✓
Farm stay accommodation	✓	✓	✓	✓	✓	
Hotel or motel accommodation				✓		
Eco-tourist facilities					✓	

Note: Although environmental protection zones, the E1 National Parks and Nature Reserves zone and E2 Environmental Conservation zone have not been included given the objectives of these zones.

The table indicates that bed and breakfast accommodation is permissible with consent in all identified rural and environmental protection zones. Farm stay accommodation is also permissible with consent in all identified zones, except for the E4 zone. Given agriculture is generally not permitted within the E4 zone, it is not necessary to permit farm stay accommodation within this zone, as the definition of farm stay accommodation requires a working farm. Hotel or motel accommodation is only permissible with consent in the RU5 zone where there is likely to be suitable infrastructure and services to support this type of accommodation.

Eco-tourist facilities are currently permissible with consent in the E3 zone. The definition of an eco-tourist facility states that it must be “located in or adjacent to an area with special ecological or cultural features”. Clause 5.13 of LEP 2010 also requires an eco-tourist facility to satisfy other requirements including demonstrating a connection between the development and the ecological, environmental and cultural values of the site or area; enhancing an appreciation of these values; and not adversely affecting the agricultural productivity of adjoining land. Considering these

requirements and the objectives of each of the identified rural and environmental zones, it is appropriate that eco-tourist facilities be permitted in both the E3 and E4 zones.

The draft Rural Lands and Villages Strategy recognises that there are opportunities to leverage existing natural areas, rural heritage properties and rural event spaces to grow rural tourism. It also recognises that rural tourism relies on increasing accommodation for visitors in the City's rural areas and recommends completing further studies to better understand the supply and demand for visitor accommodation in rural areas. This amendment will provide further opportunities for eco-tourist facilities in the E4 zone. Together with other types of short-term visitor accommodation already permitted in the City's rural areas, this amendment will support Penrith's role as a visitor 'destination in its own right', while protecting important environmental values of Penrith's rural areas.

E4 zones apply to areas in Agnes Banks, Castlereagh, Cranebrook, Glenmore Park, Luddenham, Mount Vernon and Mulgoa.

Consistency with Local Strategic Planning Statement

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP14: Grow our tourism, arts and cultural industries
- PP17: Define and protect the values and opportunities within the Metropolitan Rural Area

Planning Priority 14 – Grow our tourism, arts and cultural industries

Action – Review planning controls to ensure there are opportunities for tourism, arts and culture.

The amendment supports Planning Priority 14 and the action to review planning controls to grow tourism opportunities within the City, as it will permit eco-tourist facilities, with consent, in an additional environmental zone.

Planning Priority 17 – Define and protect the values and opportunities within the Metropolitan Rural Area

Action – Investigate expansion of appropriate forms of rural tourism and visitor accommodation

Penrith's rural areas form part of Greater Sydney's Metropolitan Rural Area and are an important resource for the City. They include agricultural lands, native vegetation and biodiversity corridors, and scenic and cultural landscapes that are valued by the community. They also provide opportunities for rural tourism and visitor accommodation. While Council will investigate the potential for more rural tourism and visitor accommodation, this amendment is a first step towards expanding these opportunities.

4. Strengthen the role of Castlereagh's 'centre'

Objective or Intended outcome

It is proposed that Penrith LEP 2010 Schedule 1 additional permitted use provisions be amended to allow the following land uses to be permitted with consent for the area identified in red in Figure 4:

- **centre-based child care facilities**
- **kiosks**
- **markets**
- **neighbourhood shops**
- **recreation facilities (indoor); and**
- **restaurants or cafes.**

Note: The proposed amendment will be subject to legal drafting and may alter under this process.

A planning outcome of the draft Rural Lands and Villages Strategy is to “provide for housing and services that support (rural) communities’ changing needs”. One of the strategies to help achieve this planning outcome is to “reinforce the network of rural centres”. Rural centres provide an important focus for commercial and social activities for surrounding communities.

The draft Rural Lands and Villages Strategy recommends Council partner with local communities to develop a common vision for each centre to provide a more detailed basis for long-term planning. In particular, the draft Strategy recommends that the role of Castlereagh's centre be strengthened by permitting additional uses with consent to enable incremental growth to occur and ensure the centre remains relevant to surrounding community needs over time.

The draft Strategy recommends new development be focused around the intersection of Castlereagh Road and Hinxman Road/Post Office Road. This location already includes several community uses such as a public school, community hall, local park and rural fire station, as well as a service centre providing day-to-day goods. The draft Strategy also recommends that the potential for new development be subject to future sewer management capabilities.

The boundary of the area identified to be the Castlereagh 'centre' is outlined in blue in Figure 4 below.

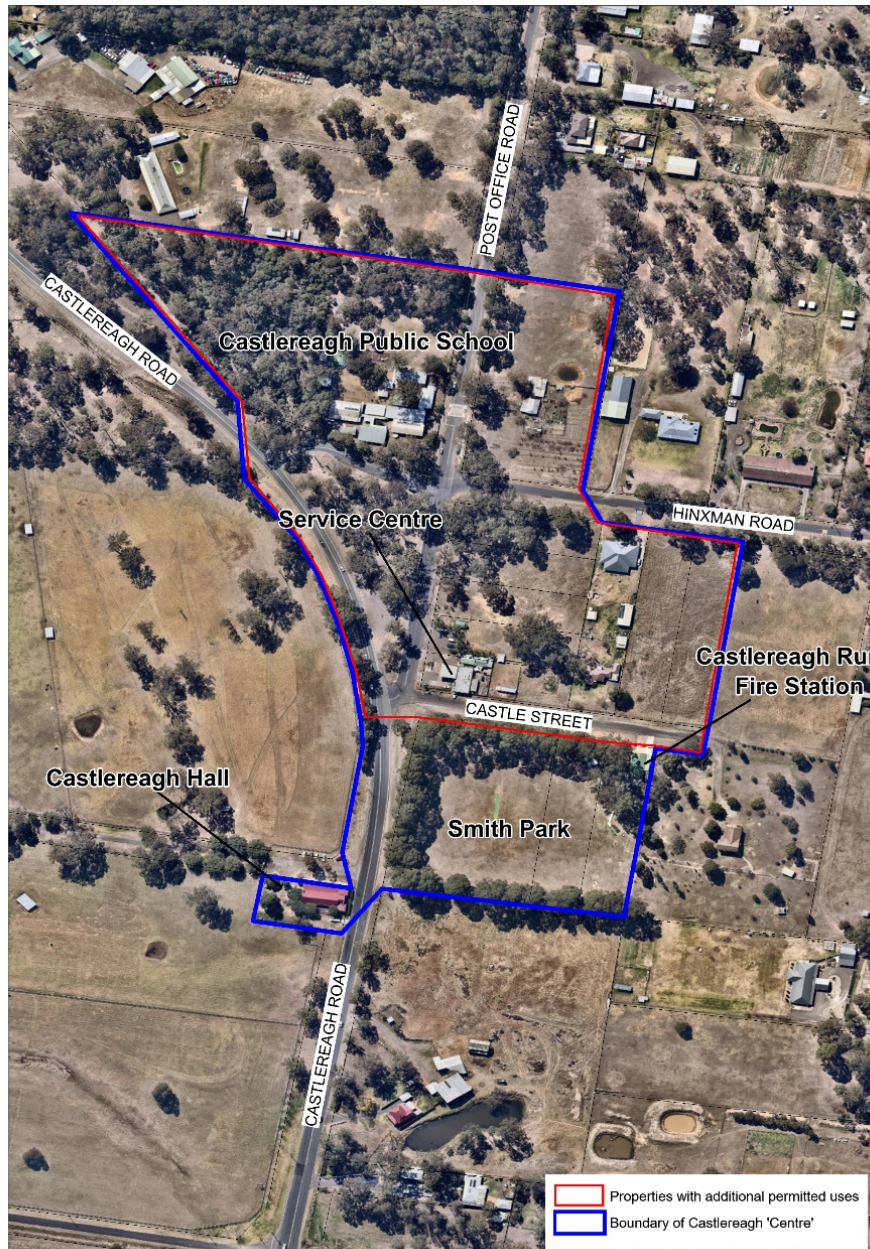


Figure 4: Castlereagh 'Centre' and Land with Additional Permitted Uses

Although part of the Castlereagh 'centre', land containing the Castlereagh Hall (the former chambers of Castlereagh Council), Smith Park (and memorials) and Castlereagh Rural Fire Station is excluded from the proposed additional permitted use provisions to ensure these uses continue to be provided for the local community.

It is noted that the existing controls in Clause 5.4 of LEP 2010 which limit the scale of kiosks (gross floor area to no more than 50 square metres) and neighbourhood shops (retail floor area to no more than 200 square metres) would continue to apply.

Consistency with Local Strategic Planning Statement

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP7: Enrich our places
- PP17: Define and protect the values and opportunities of the Metropolitan Rural Area

Planning Priority 7 – Enrich our places

Enriching our places or neighbourhoods involves, among other things, providing a mix of land uses with local shops and services at the heart of local communities. This amendment will help to enhance the Castlereagh rural centre by providing opportunities for additional uses to be established to service the day-to-day needs of the surrounding rural community. These additional uses will be permitted on properties within close proximity to existing community uses, such as the public school, to help enrich the centre.

Planning Priority 17 – Define and protect the values and opportunities within the Metropolitan Rural Area

This amendment will permit a limited number of additional uses on properties within close proximity to existing community uses in Castlereagh to provide for the day-to-day needs of the surrounding rural community. While helping to strengthen the existing rural centre, the amendment applies to a confined area to protect the values of the Metropolitan Rural Area, including Castlereagh's agricultural lands, native vegetation and biodiversity corridors, scenic landscapes and rural living areas.

5. Dwelling houses on certain land in Llandilo

Objective or Intended outcome

There are 11 lots which are proposed to be included in subclause 7.17(4) of Penrith LEP 2010, thereby permitting a dwelling house on those lots. These 11 lots are shown in Figure 5 below (refer to lots identified with a red dot), and are as follows:

- Lot 280 DP 2147, 280 Eighth Avenue
- Lots 310 & 310A DP 2147, 310 Eighth Avenue
- Lot 323 DP 2147, 323 Eighth Avenue
- Lot 111A DP 2147, 111A Fifth Avenue
- Lot 27A DP 2147, 27 Fourth Avenue
- Lot 45 DP 2147, 45 Fourth Avenue
- Lot 251A DP 2147, 251A Seventh Avenue
- Lot 157 DP 2147, 157 Sixth Avenue
- Lot 173A DP 2147, 173A Sixth Avenue
- Lot 182A DP 2147, 182A Sixth Avenue

Note: The proposed amendment will be subject to legal drafting and may alter under this process.

The draft Rural Lands and Villages Strategy considers the existing planning controls for dwelling houses on certain land at Llandilo, which are prescribed by LEP 2010 Clause 7.17. These provisions require that development consent must not be granted for dwelling houses unless the land has an area of at least two hectares. Applications for dwelling houses are to submit a consolidation plan where two or more lots need to be consolidated to achieve a minimum area of two hectares.

The draft Rural Lands and Villages Strategy acknowledges that the current two hectare requirement for a dwelling house has a role in preserving the rural character of Llandilo. The draft Strategy recommends that:

- The rural feel of Llandilo be maintained and enhanced
- Opportunities for small-lot agricultural activities such as poultry farming and market gardening be protected
- Further intensification of residential development be discouraged, given flooding constraints and increasing density threatens the potential for sustaining viable agricultural activities
- A minimum lot size of two hectares for a dwelling house be maintained, recognising there is no reticulated sewer and this would strongly assist in preserving rural character.

The land at Llandilo subject to clause 7.17 is generally bounded by Terrybrook Road, Mayo Road, Second Avenue and Ninth Avenue. It contains 353 lots, many of which are one hectare in size and were created in 1890.

The requirement for a minimum of two hectares of land for the erection of a dwelling house has been in place since 1977, when *Interim Development Order No.73 – City of Penrith* was gazetted, and has consistently been applied since that time. Over time, although adjoining lots have been held in the same ownership, consolidation of those lots has not occurred in all cases.

There are six properties in Llandilo that are excluded from the operation of clause 7.17; thereby providing a dwelling house entitlement for each of those properties. These lots had no capacity to consolidate with adjoining lots to achieve the two hectare minimum prior to 1977 (four lots) or are lots resulting from the sale of unconsolidated lots, originally held in the same ownership (two lots as at 2010).

A review of one hectare lots in Llandilo affected by clause 7.17 identified that, under current requirements:

- There is capacity for seven more dwelling houses to be constructed. This is where there are two vacant and adjoining one hectare lots under the same ownership.
- There are 11 lots where dwelling houses are unable to be constructed. These lots have no capacity to consolidate with adjoining lots to achieve the two hectare minimum, as adjoining lots are under different ownerships.
- There are 57 lots that are vacant but adjoin lots with an existing dwelling house. In these cases, both lots are in the same ownership and have not been consolidated. There is the potential for these vacant lots to be sold individually, if not consolidated, and any new owner would be unable to construct a dwelling house.

It is generally proposed to retain the current requirement for a minimum of two hectares for the erection of a dwelling house. However, it is proposed to amend clause 7.17(4) to include the identified 11 lots where dwelling houses are unable to be constructed, thereby permitting a dwelling house on these 11 lots. Dwelling houses on these 11 lots are not likely to diminish the rural character of Llandilo or threaten the potential for sustaining viable agricultural activities. All applications for dwelling houses will need to be considered on their individual merits, including consideration of on-site sewage management and flooding constraints.

At a future time, Council will undertake further work to consider the planning controls for dwelling houses in Llandilo and review the relevance of the minimum two hectare requirement.

Consistency with Local Strategic Planning Statement

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP17: Define and protect the values and opportunities of the Metropolitan Rural Area

Planning Priority 17 – Define and protect the values and opportunities within the Metropolitan Rural Area

Action – Apply Council's planning framework to define and protect the MRA shown in Map 8 and described in the Rural Lands and Villages Strategy

This amendment is consistent with Planning Priority 17 as it will protect the rural character and values of Llandilo, as part of the Metropolitan Rural Area, by only changing the current requirement for a minimum of two hectares for the erection of a dwelling house for 11 additional lots. Council will continue to apply the two hectare minimum requirement for a dwelling house to the majority of lots in Llandilo to preserve rural character and the potential for viable agricultural activities.



Figure 5: Potential for Dwelling Houses in Llandilo

6. Requirement for non-residential uses in St Marys Town Centre mixed use zones

Objective or Intended outcome

To amend Penrith LEP 2010 to include a new control that will result in the ground and first floor levels of any development in the St Marys Town Centre core to be used exclusively for non-residential uses.

The intention of this amendment is:

- to protect the retail and commercial core of the St Marys Town Centre for future non-residential use,
- to ensure retail and commercial floorspace demand can be met into the future as St Marys transitions to a strategic centre as identified in the Western City District Plan,
- to be applied alongside a suite of other DCP controls for the St Marys Town Centre that seek to protect the character and commercial potential of Queen Street.

Further work will be undertaken throughout the Gateway process to determine the most appropriate mechanism to achieve this amendment, including seeking feedback from the community and stakeholders through the exhibition.

Note: The proposed amendment will be subject to legal drafting and wording may alter under that process.

This amendment will affect the area as shown in Figure 6 below. This area is currently zoned B4 Mixed Use.

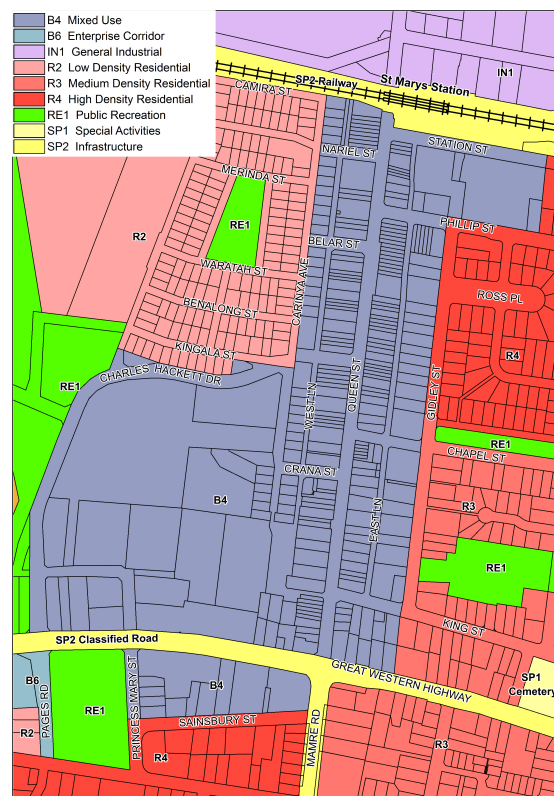


Figure 6: St Marys Town Centre Land zonings and subject land for this amendment (blue outline)

The relevant LEP controls applicable to this area include Floor Space Ratio controls and Height of Building controls as shown in Figure 7 below. The relevant DCP controls are found in Part E15 of Penrith DCP 2014.

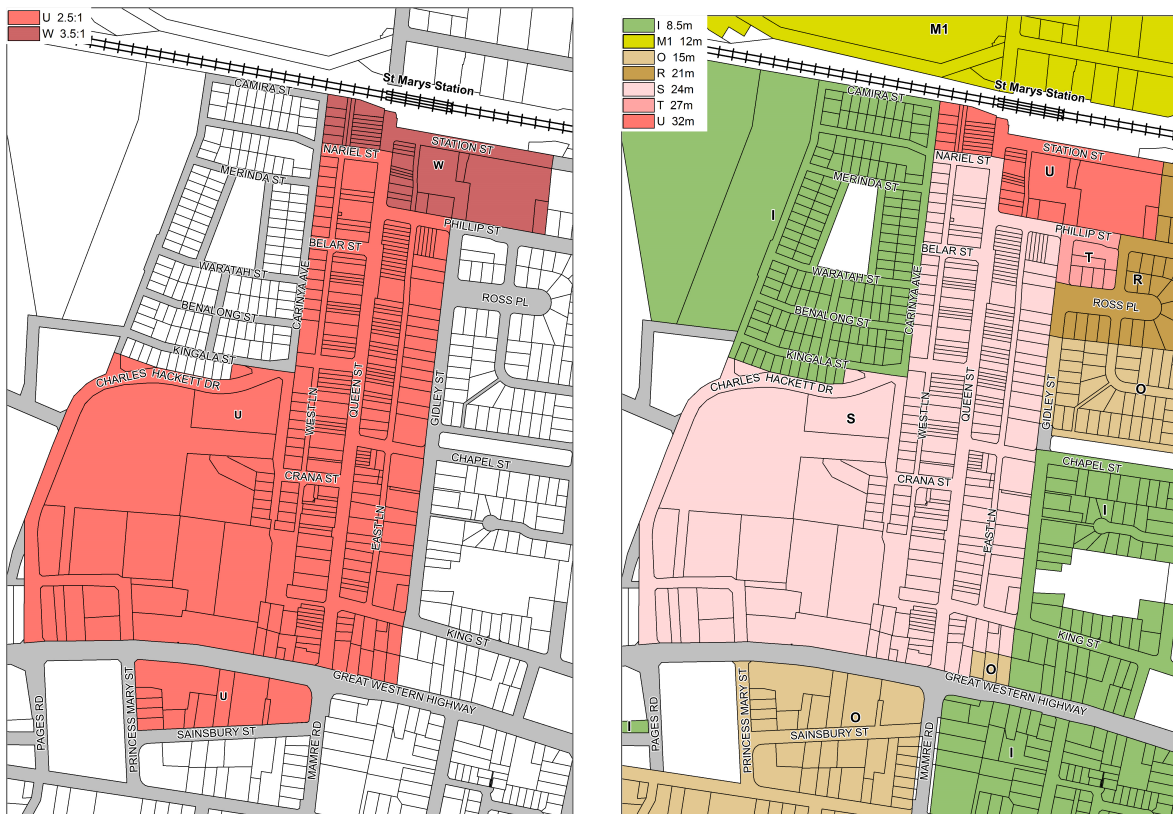


Figure 7: St Marys Town Centre Floor Space Ratio controls and Height of Buildings controls.

The most likely development type in St Marys based on the B4 Mixed Use zoning is for shop-top housing with residential development above the ground floor. Penrith DCP 2014 indicates that this is the expected outcome and requires commercial development to be provided on the ground floor, and in some of the first floor, of any development which occurs. The DCP also allows residential to be provided on the ground floor.

The current planning controls provide flexibility to the delivery of retail and commercial floorspace and scope for variations to the DCP controls. Examples include:

- current DCP residential development controls (Section 15.1.1) would allow residential units to be provided at ground level, and
- current DCP mixed use development controls (Section 15.1.2), require ground floor commercial frontage and first floor commercial floorspace as shown in Figure 8 with scope for variations. Noting that the first floor requirement only covers a portion of any development's first floor to be provided for commercial purposes.

This amendment will achieve the intended outcomes by:

- elevating the expected retail and commercial floorspace delivery outcome of the DCP to the LEP,
- provide a robust LEP mechanism that removes flexibility for delivery of ground and first floor retail and commercial floorspace, and
- requiring the whole first floor (not just a portion as shown in Figure 8) to be provided for non-residential uses.



Figure 8: Penrith DCP 2014 Mixed Use development controls – Built form controls for Ground Floor Commercial (left) and First Floor Commercial (right)

Draft St Marys Economic Activity Study (EAS) and Draft St Marys Economic Development Strategy (EDS)

This amendment progresses recommendation S1 in the draft *St Marys Economic Development Strategy* (EDS):

Protect the character and the commercial potential of Queen Street by requiring ground and first floor mixed use floorspace to be for employment related uses, including the eventual redevelopment of Council's at grade carparks.

A key principle of the draft EDS is to encourage well designed mixed-use residential renewal while protecting opportunities for medium to longer term commercial, knowledge and professional service growth. This is consistent with the long-term vision for St Marys as it transitions into a Strategic Centre as major transport infrastructure comes online.

The draft EAS and EDS work undertaken in 2019, found that the St Marys Town Centre's ability to deliver further employment-related development may be impacted by current LEP and DCP controls around shop-top housing and mixed-use development.

- An analysis of future growth (in Western Sydney's employment and population) and future demand for retail and commercial floorspace, against capacity under the current planning framework, was undertaken. The outcome of this analysis found that it is expected that the need for retail and commercial floorspace may exceed capacity between 2031 and 2046.
- The incorporation of residential development in the town centre may act to decrease the amount of available commercial floorspace, when redevelopment occurs.

The draft EAS and EDS highlighted the need to:

- manage residential development to ensure capacity for long term town centre growth, and
- introduce new LEP controls that protect the retail and commercial core of the St Marys Town Centre for future non-residential use.

Consistency with Local Strategic Planning Statement

The relevant Planning Priority in the Local Strategic Planning Statement is:

- PP12: Enhance and grow Penrith's economic triangle.

Planning Priority 12 – Enhance and grow Penrith's economic triangle

Action – Review and update the planning and development controls for St Marys Town Centre in line with the vision identified within the Western City District Plan

St Marys will be transitioning to a strategic centre and is set to provide 1,500 jobs by 2036 as identified in the Western City District Plan. The North South Rail link will play a major role in connecting St Marys to the airport and Aerotropolis. St Marys is one of the largest industrial and urban services precincts in Sydney. This will become increasingly important as the population increases, and existing and new communities need jobs and services close to home. St Marys Town Centre currently has a population serving role. The changing strategic context for the town centre requires steps to be taken to ensure it is well positioned to leverage transport and other infrastructure investments to achieve continued social and economic development for the surrounding area and region. This amendment will protect retail and commercial floorspace as the town centre works to attract an anchor institution or business to add value to St Marys' current strengths in manufacturing, transport and logistics sectors, and knowledge intensive and health and education industries. DCP controls will be updated in a future DCP review.

7. Extend Additional Permitted Uses provisions for 164 Station Street, Penrith

Objective or Intended outcome

The additional permitted uses (APU) provisions in Penrith LEP 2010 currently apply to the north-eastern portion only of 164 Station Street, Penrith (Lot 12, DP 234581). The intention of this amendment is to extend the APU provisions across the entire site to provide a uniform and consistent suite of planning provisions to the site and enable orderly development of the land.

It is proposed that clause 25 of Schedule 1 of LEP 2010 (Use of certain land at 164 Station Street, Penrith) be amended to remove the reference to 'part' of the lot in subclause 25(1). The APU Map is also proposed to be amended as shown in Figure 9.:



Figure 9: Proposed amendment to the Additional Permitted Uses Map

Note: The proposed amendment will be subject to legal drafting and may alter under this process.

Clause 25 of Schedule 1 of LEP 2010 states as follows:

25 Use of certain land at 164 Station Street, Penrith

- (1) *This clause applies to land at 164 Station Street, Penrith, being Part Lot 12, DP 234581, that is identified as "24" on the Additional Permitted Uses Map.*
- (2) *Development for the purposes of business premises, entertainment facilities, food and drink premises, function centres, hotel or motel accommodation, kiosks, markets, office premises, serviced apartments, signage and shops is permitted with development consent.*
- (3) *The gross floor area of development for the purpose of business premises or office premises, or a combination of those 2 uses, must not exceed 20,000m².*
- (4) *The gross floor area of development for the purpose of entertainment facilities, hotel accommodation, function centres, or any combination of those uses, must not exceed 20,000m².*
- (5) *The gross floor area of development for the purpose of food and drink premises, kiosks, markets and shops, or any combination of those uses, must not exceed 3,000m².*

As indicated in subclause (1), the APU provisions currently only apply to the north-eastern portion of 164 Station Street, Penrith (Lot 12, DP 234581). These provisions are part of several LEP provisions that apply to the whole site including those under Part 8 relating to sun access, design excellence, building separation, community infrastructure and floor space ratios. The LEP provisions are supported by more detailed objectives and controls in *Penrith Development Control Plan 2014* (Chapter E11 Penrith Part C).

The planning controls for the whole site have been informed by the *Penrith City Centre Vision*. The vision for this site is to create a new residential neighbourhood at the southern edge of Penrith City Centre, consisting predominantly of high-density housing, with some opportunities for commercial and retail uses towards the northern end of the site which will be closer to the city centre.

The intention of this amendment is to extend the APU provisions across the entire site to provide a uniform and consistent suite of planning provisions to the site and enable orderly development of the land. The amendment will provide greater flexibility in terms of where additional permitted uses are located on the site to achieve better design outcomes for the whole site. The restrictions on gross floor areas in clause 25 of Schedule 1 will not change, consistent with the vision for the site, thus, limiting development for commercial and retail uses.

Consistency with Local Strategic Planning Statement

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP3 Provide new homes to meet the diverse needs of our growing community
- PP5 Facilitate sustainable housing
- PP7 Enrich our places

Planning Priority 3 – Provide new homes to meet the diverse needs of our growing community.
Action – Review and update planning and development controls to encourage the delivery of mixed-use and high-density residential development in Penrith City Centre, St Marys Town Centre and Kingswood

This amendment is consistent with PP3 as restrictions relating to commercial and retail floor space on the site will continue to apply allowing for predominantly high-density housing. The amendment updates the planning control for additional permitted uses to allow greater flexibility in their location on the site to deliver better design outcomes.

Planning Priority 5 – Facilitate sustainable housing.

Action – Update planning and development controls to improve the design, durability and sustainability of new dwellings and release areas

This amendment is consistent with PP5 and updates the planning control for additional permitted uses to allow greater flexibility in their location on the site to improve the design of predominantly high-density development on the land.

Planning Priority 7 – Enrich our places

Action – Investigate ways to better encourage, support and enable innovative design and architectural excellence

This amendment is consistent with PP7 as it will provide greater flexibility to support improved design and architectural excellence on the site.

8. Rezoning of Triangle Park, Penrith

Objective or Intended outcome

Triangle Park is located at the end of High Street, between Riley and Henry Streets in Penrith.

At the Policy Review Committee meeting of 13 July 2015, Council resolved to develop a permanent park on the road reserve at the western end of High Street, between Riley Street and Henry Street in Penrith. A design and construction process was subsequently undertaken for the Triangle Park site. Triangle Park opened in 2018.

It is anticipated that the Triangle Park site will soon be undergoing a road closure process.

As a parallel process, it is proposed that the park be rezoned from its current B3 Commercial Core and B4 Mixed Use zones to RE1 Public Recreation to align with the same zone consistently applied to local parks. It is also proposed to remove the existing height and floor space ratio controls from the site, as this is the standard practice for RE1 zones.

The LEP 2010 Land Zoning Map is proposed to be amended as follows:

Current zoning Map	
Proposed zoning Map	

The LEP 2010 Height of Buildings Map is proposed to be amended as follows:

Current height of buildings Map		
Proposed height of buildings Map		

The LEP 2010 Floor Space Ratio Map is proposed to be amended as follows:

Current FSR Map		
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Note: The proposed amendment will be subject to legal drafting and may alter under this process.

Consistency with Local Strategic Planning Statement

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- PP6: Ensure our social infrastructure meets the changing needs of our communities
- PP7: Enrich our places

This amendment serves to formalise the planning controls relating to an existing established local park, therefore meeting the changing needs to the Penrith community and also enriching the recreational value of this part of the Penrith city centre.

9. Housekeeping matters

Objective or Intended outcome

It is proposed to resolve several minor errors and anomalies that have been identified in Penrith LEP 2010. The errors and anomalies proposed to be resolved by this Planning Proposal can be categorised as follows:

- Updates to provisions to contemporise the plan
- Correction to typographical errors
- Correction to mapping errors
- Removal of heritage-listed items that no longer exist
- Update to provisions to provide consistency in the application of development controls.

Note: The proposed amendments will be subject to legal drafting and may alter under this process.

Rectifying these errors and anomalies will provide a more accurate planning instrument and reduce the potential for delays, should development be proposed where the errors and anomalies exist. There are nine housekeeping matters in total proposed to be changed. A summary of the proposed changes is presented in Table 6.

Table 6: Proposed housekeeping amendments

Item No.	Title	Proposed change
9A	<p>Rezoning of several parcels of Sydney Water land</p> <p>The subject properties are:</p> <ol style="list-style-type: none"> a. 99a Mackellar Street, Emu Plains b. 18b The Haven, Orchard Hills c. 312a Wentworth Road, Orchard Hills d. 1 Alston Street, Glenmore Park e. 76A Christie Street, St Marys f. 171-175 Andrews Road, Cranebrook g. 2a Fitch Avenue, Penrith h. 1 Hickeys Lane, Penrith i. 13A Mackellar Street, Emu Plains j. 23A Loftus Street, Regentville k. 1 Factory Road, Regentville l. 1A Carcoar Close, Erskine Park m. 2180 Castlereagh Road, Penrith n. 18 Winbourne Road, Mulgoa o. 334A Londonderry Road, Londonderry p. 9 William Hart Crescent, Penrith q. 2181-2185 Castlereagh Road, Penrith 	<p>Rezoning of 16 Sydney Water properties that are currently inappropriately zoned.</p> <p>The properties are proposed to be rezoned to SP2 Infrastructure under LEP 2010. It is also proposed to remove lot size and building height controls, consistent with the approach taken to SP2 zones.</p> <p>Council has also identified a further Sydney Water site that is currently zoned SP2 Infrastructure, and it is warranted that the lot size and building height controls are removed from this site.</p>
9B	Correction to LEP 2010 Clause 8.4 (Design excellence)	Clause 8.4(6) incorrectly refers to matters set out in subclause (3) of Clause 8.4. A

		correction to this clause is proposed to refer to matters set out in subclause (2) of Clause 8.4.
9C	Exclude the application of Clause 8.4 (Design excellence) from Clause 4.6 (Exceptions to development standards)	There is a need to correct LEP 2010 Clause 4.6 (Exceptions to development standards) to exclude the application of LEP 2010 Clause 8.4 (Design excellence) if the subject development proposal already seeks a variation to the development standards allowed under the design excellence provisions. This change would prevent a development seeking non-compliance with a development standard more than once.
9D	Alignment of mapped planning controls at Peak Place and Edgewater Drive, Glenmore Park	This amendment is to correct the land zoning, lot size, building height and urban release area mapping for part of the road reserve of Peak Place and Edgewater Drive to provide consistency with the predominant planning controls in that locality.
9E	Update to property descriptions and mapping for Schedule 1 sites at Thornton Estate	It is proposed to update the property descriptions and mapped planning controls relating to sites identified in Schedule 1 Additional Permitted Uses at Thornton Estate in Penrith in order to respond to subdivision approvals in this area.
9F	Correction to zoning of park at Buttercup Street, Claremont Meadows	An existing park in Buttercup Street is incorrectly zoned and is proposed to be zoned RE1 Public Recreation. The height and lot size controls are also to be removed.
9G	Removal of heritage item at 9 Railway Row, Emu Plains	The land is listed as containing a heritage item. The item no longer exists and is therefore proposed to be removed from LEP 2010.
9H	Removal of heritage item at 65 Mulgoa Road, Penrith	The land is listed as containing a heritage item. The item no longer exists and is therefore proposed to be removed from LEP 2010.
9I	Amendment to mapping of heritage items (milestones) at Kingswood	Two heritage item milestones are to have their heritage mapping amended to identify the correct location within the road reserve and not on adjoining lots.

Details of each proposed change are presented below. The subject land is identified on the maps presented. The housekeeping amendments to LEP 2010 as part of this LEP Review Phase 1 will broadly support the Planning Priorities of the LSPS.

9A. Rezoning of several parcels of Sydney Water land

Sydney Water has undertaken a comprehensive review of its property portfolio and has identified 16 properties that it is of the view have an inappropriate LEP zoning. Sydney Water has proposed alternative zones for each of these properties and seeks that these properties are rezoned by Council through an LEP amendment process.

Council officers concur with the Sydney Water request. It is also the case that there is a need to remove the LEP 2010 lot size and height controls from the proposed SP2 land, which is consistent with the approach taken to SP2 sites. In addition, Council has identified a further

Sydney Water site that is currently zoned SP2 Infrastructure, and it is warranted that the lot size and building height controls are removed from this site.

The proposed changes to the LEP 2010 Land Zoning Map for the 16 subject Sydney Water properties and the additional property identified by Council are presented in Table 7. This is considered to be a minor housekeeping amendment.

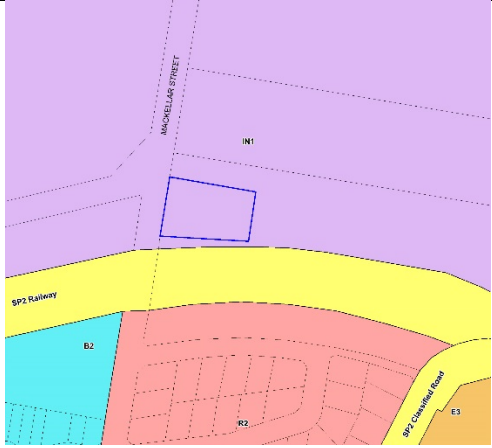
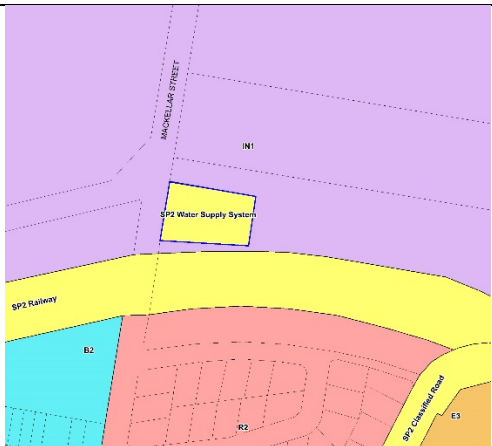
Table 7: Proposed zoning changes to Sydney Water properties

Ref.	Property	Site Use	Site Name	Current LEP Zoning	Proposed LEP Zoning
a	99a Mackellar Street, Emu Plains (Lot 1, DP613128)	Water Pump	EMU PLAINS WP0205	IN1	SP2
b	18b The Haven, Orchard Hills (Lot 1, DP562089)	Sludge Lagoons	WS0304,WS0209-BRINGELLY	RU4	SP2
c	312a Wentworth Road, Orchard Hills (Lot 1, DP552434)	Sludge Lagoons	WS0304,WS0209-BRINGELLY	RU4	SP2
d	1 Alston Street, Glenmore Park (Lot 1, DP647341)	Sewer Pump	SP1026	R2	SP2
e	76A Christie Street, St Marys (Lot 103, DP31912)	Sewer Pump	SP0203E	IN1	SP2
f	171-175 Andrews Road, Cranebrook (Lot 84, DP1091493)	Sewer Pump	SP0883 & SP1142	IN2	SP2
g	2a Fitch Avenue, Penrith (Lot 2, DP520791)	Sewer Pump	SP0889	R2	SP2
h	1 Hickeys Lane, Penrith (Lot 1, DP785029)	Sewer Pump	SP0892	IN1	SP2
i	13A Mackellar Street, Emu Plains (Lot 131, DP587831)	Sewer Pump	SP0894	IN1	SP2
j	23A Loftus Street, Regentville (Lot 1, DP747091)	Sewer Pump	SP0899	RU4	SP2
k	1 Factory Road, Regentville (Lot 1, DP746603)	Sewer Pump	SP0900	R2	SP2
l	1A Carcoar Close, Erskine Park (Lot 128, DP800074)	Sewer Pump	SP0935	R2	SP2
m	2180 Castlereagh Road, Penrith (Lot 4, DP1067795)	Sewer Pump	SP0884	IN1	SP2
n	18 Winbourne Road, Mulgoa (Lot 1, DP1104538)	Sewer Pump	SP1133	RU5	SP2
o	334A Londonderry Road, Londonderry (Lot 21, DP1163432)	Odour Control Unit	SX0076 ODOUR CHEMICAL DOSING UNIT	RU4	SP2

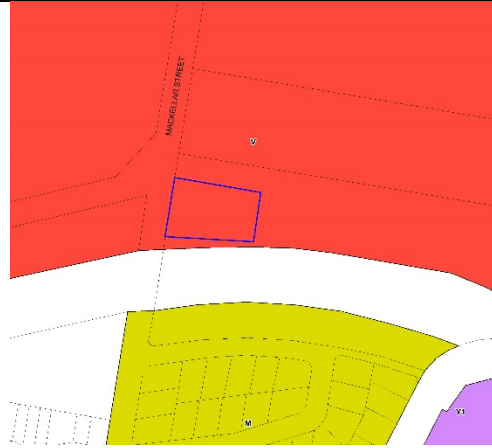
Ref.	Property	Site Use	Site Name	Current LEP Zoning	Proposed LEP Zoning
p	9 William Hart Crescent, Penrith (Lot 1353, DP1171493)	Sewer Pump	SP1180	R1	SP2
Q	2181-2185 Castlereagh Road, Penrith (Lot 110, DP774782)	Sewerage Treatment Plant	N/A	SP2	No change to zoning. Amending height and lot size only.

The LEP 2010 zoning, lot size and height of buildings maps are proposed to be amended as follows:

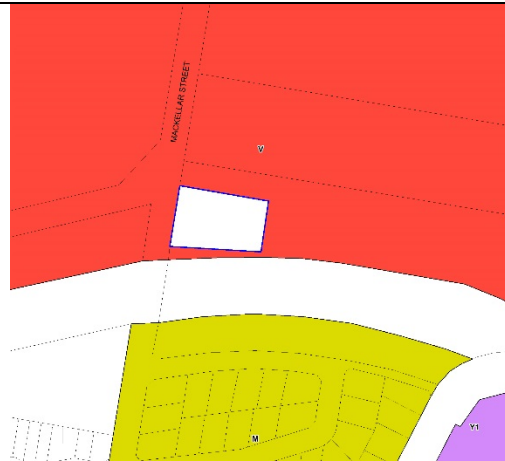
a. 99a Mackellar Street, Emu Plains (Lot 1, DP613128)

Current Zoning Map	
Proposed Zoning Map	

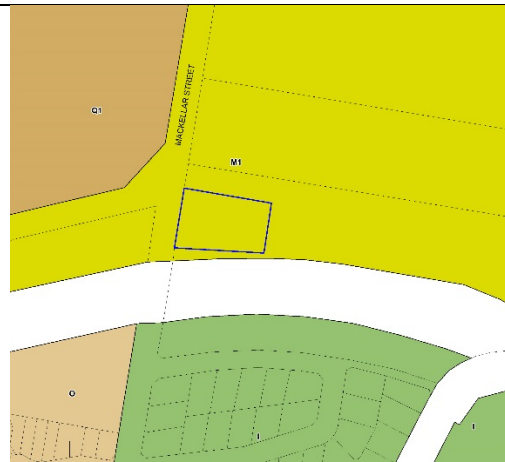
Current lot size
Map



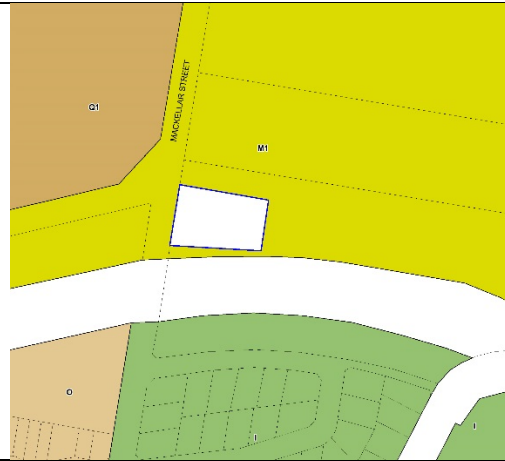
Proposed lot size
Map



Current height of
buildings Map

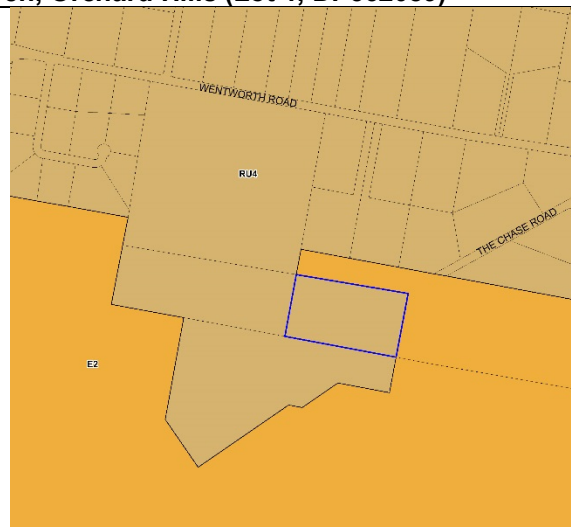


Proposed height
of buildings Map

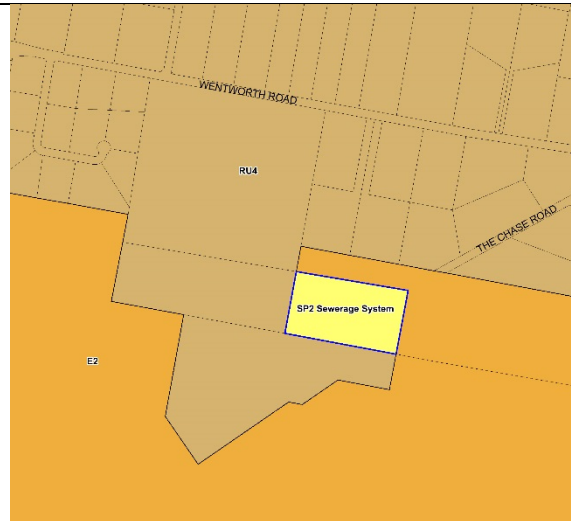


b 18b The Haven, Orchard Hills (Lot 1, DP562089)

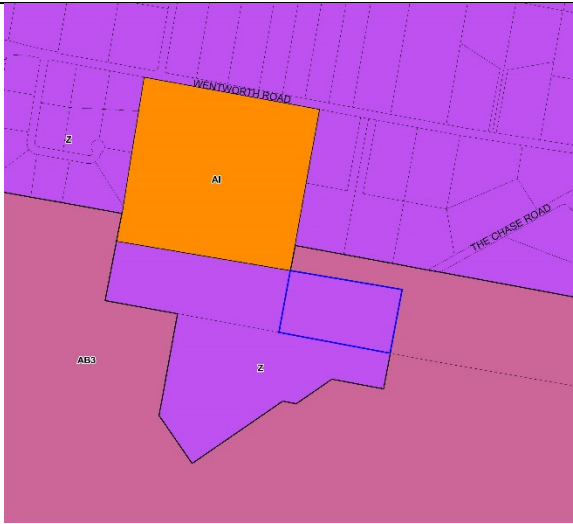
Current Zoning
Map



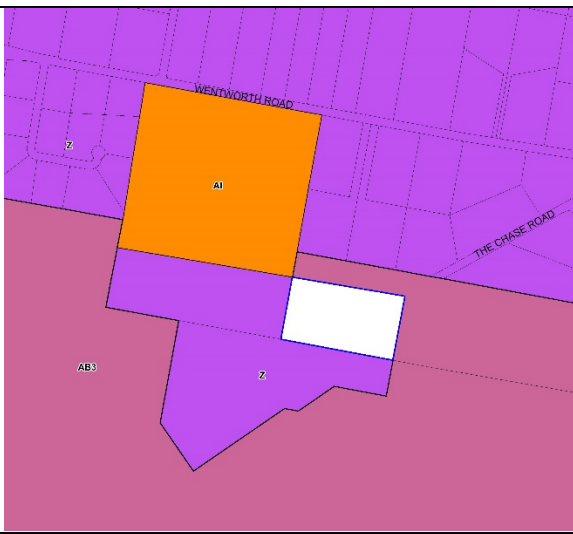
Proposed Zoning
Map



Current lot size
Map



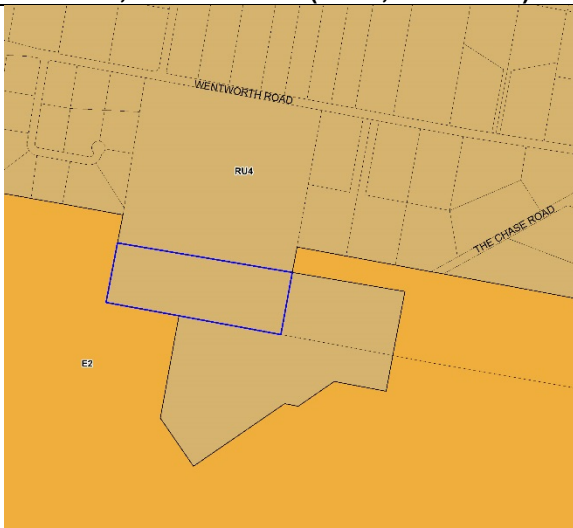
Proposed lot size
Map



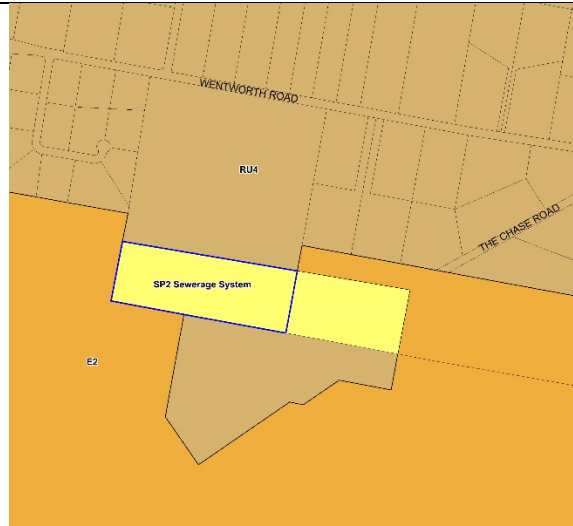
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312a Wentworth Road, Orchard Hills (Lot 1, DP552434)

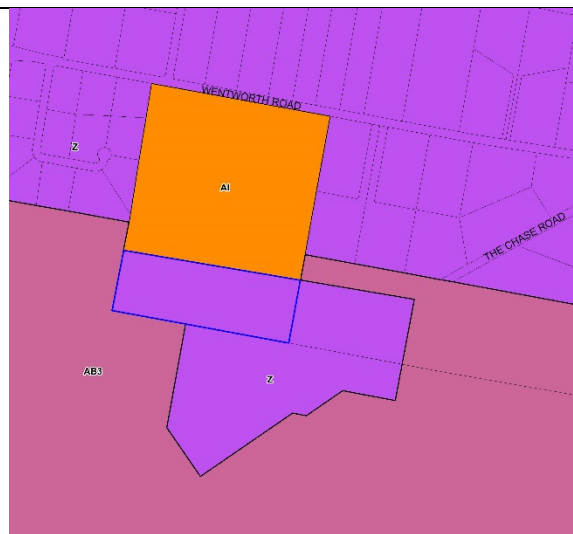
Current Zoning
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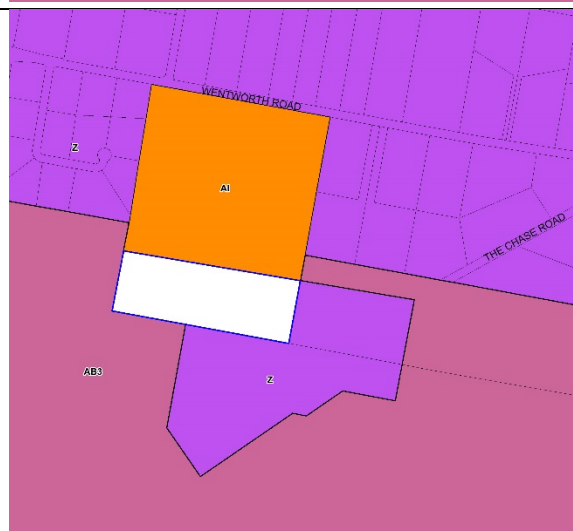
Proposed Zoning Map



Current lot size Map



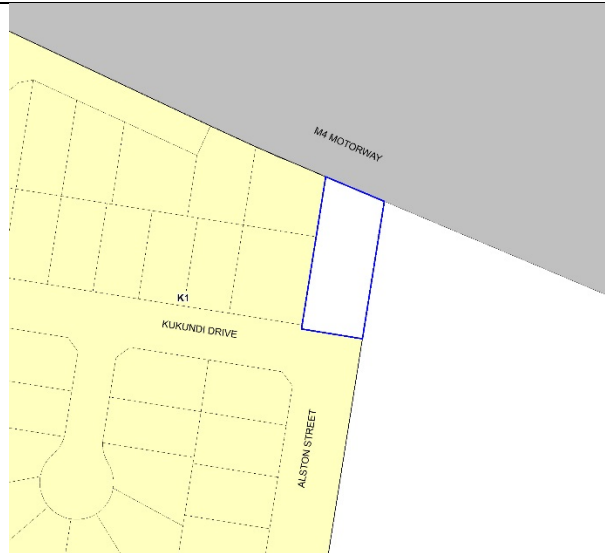
Proposed lot size Map



d 1 Alston Street, Glenmore Park (Lot 1, DP647341)

Current Zoning Map	<p>This map shows the current zoning for the area. A large yellow area at the top is labeled 'SP2 Classified Road'. Below it, a red area is labeled 'R2'. To the right of the red area is a green area labeled 'RE1'. A blue line indicates the boundary of the subject lot. The map also shows 'KUKUNDI DRIVE' and 'ALSTON STREET'.</p>	
Proposed Zoning Map	<p>This map shows the proposed zoning for the area. It is similar to the current map, but the area between the red 'R2' zone and the green 'RE1' zone is now yellow and labeled 'SP2 Sewerage System'. The other features, including the 'SP2 Classified Road', 'M4 MOTORWAY', 'KUKUNDI DRIVE', and 'ALSTON STREET', remain the same.</p>	
Current lot size Map	<p>This map shows the current lot size for the area. The entire area shown is yellow and labeled 'K1'. It includes 'KUKUNDI DRIVE', 'ALSTON STREET', and the 'M4 MOTORWAY'. The subject lot is outlined in blue.</p>	

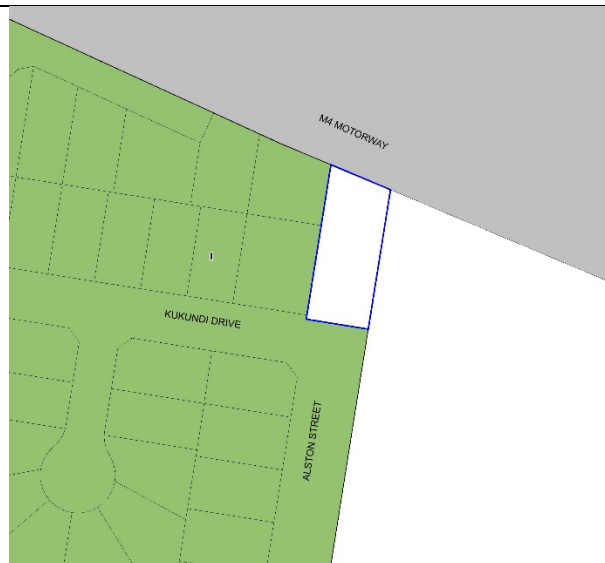
Proposed lot size
Map



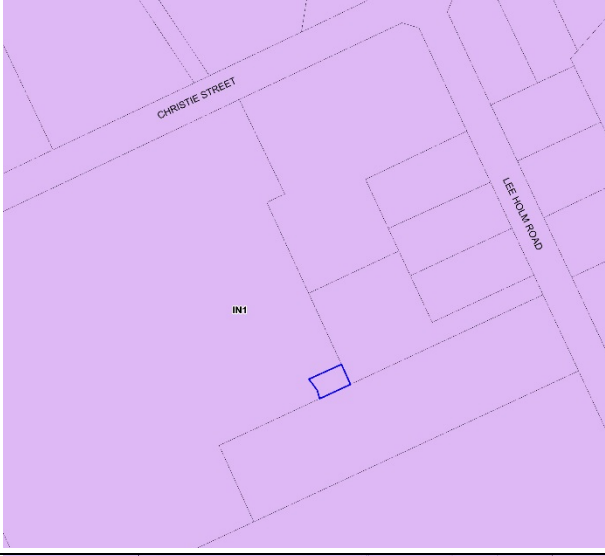
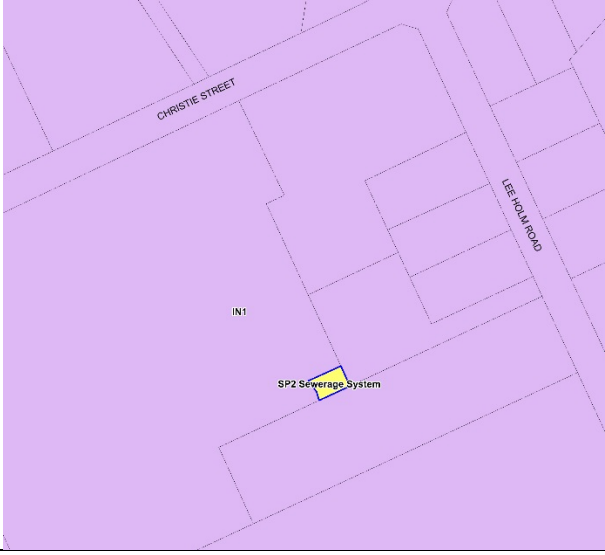
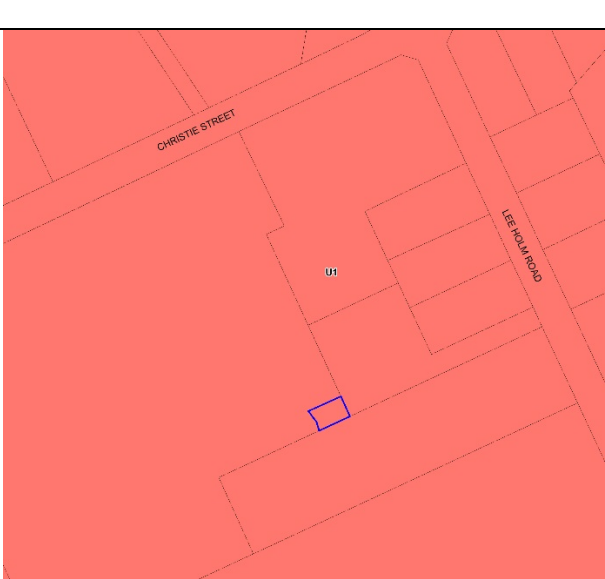
Current height of
buildings Map



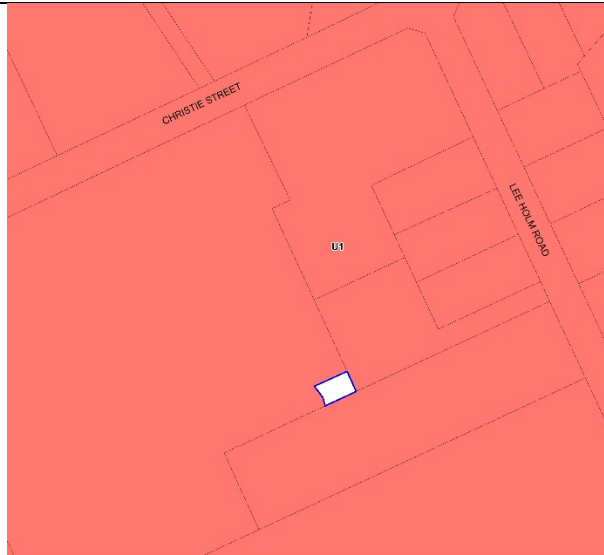
Proposed height
of buildings Map



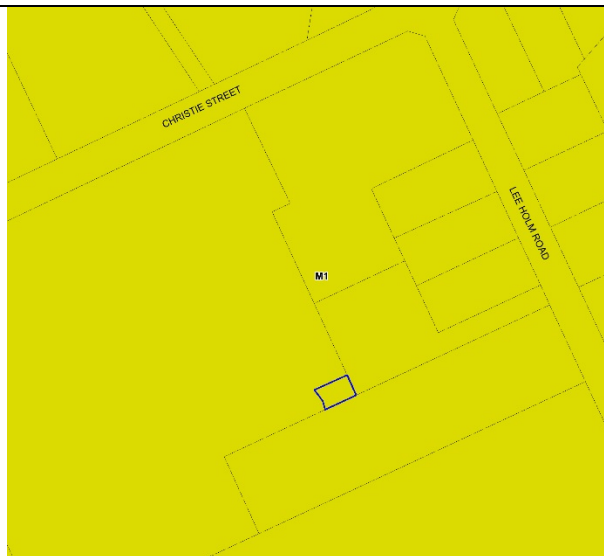
e **76A Christie Street, St Marys (Lot 103, DP31912)**

<p>Current Zoning Map</p>		
<p>Proposed Zoning Map</p>		
<p>Current lot size Map</p>		

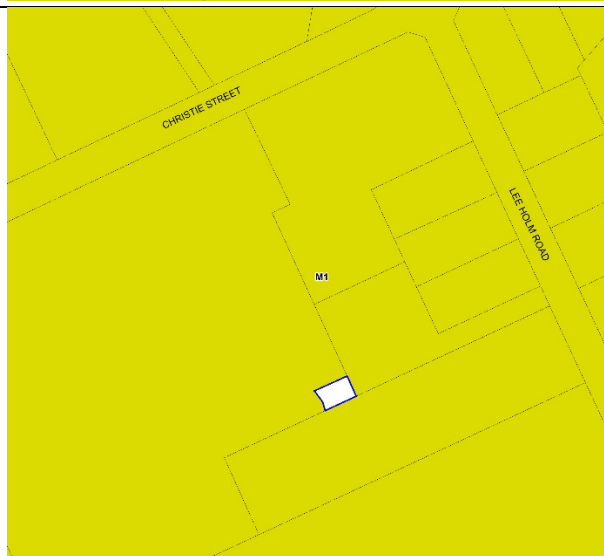
Proposed lot size
Map



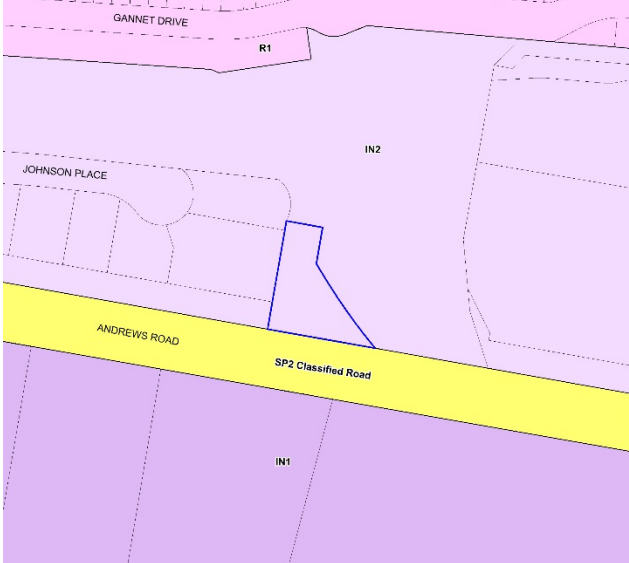
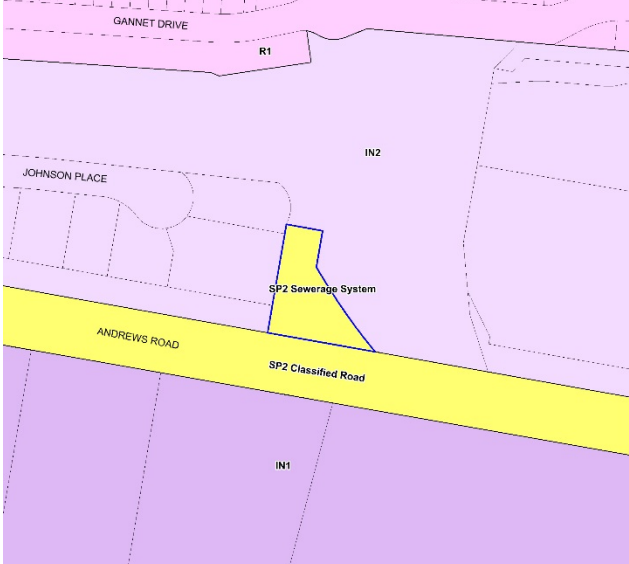
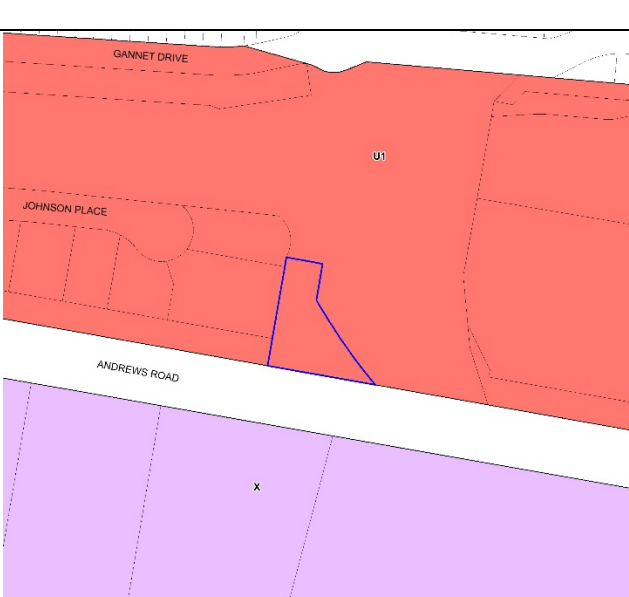
Current height of
buildings Map



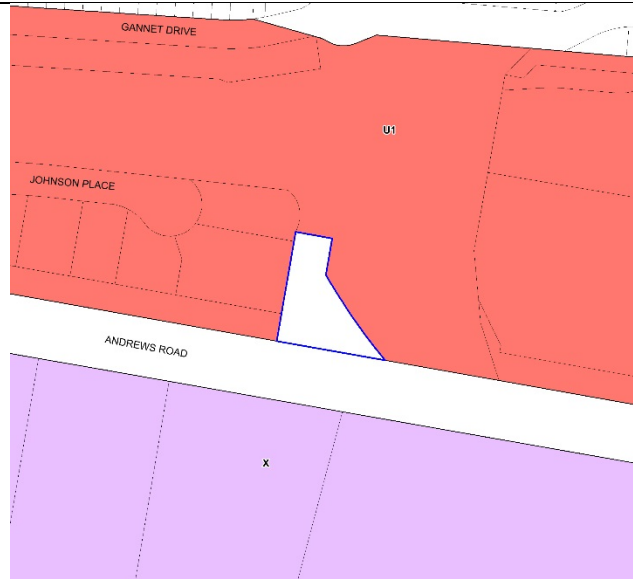
Proposed height
of buildings Map



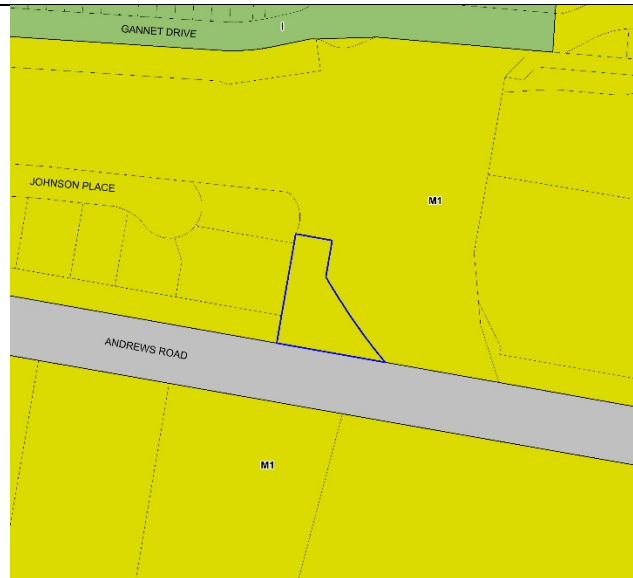
f 171-175 Andrews Road, Cranebrook (Lot 84, DP1091493)

<p>Current Zoning Map</p>	
<p>Proposed Zoning Map</p>	
<p>Current lot size Map</p>	

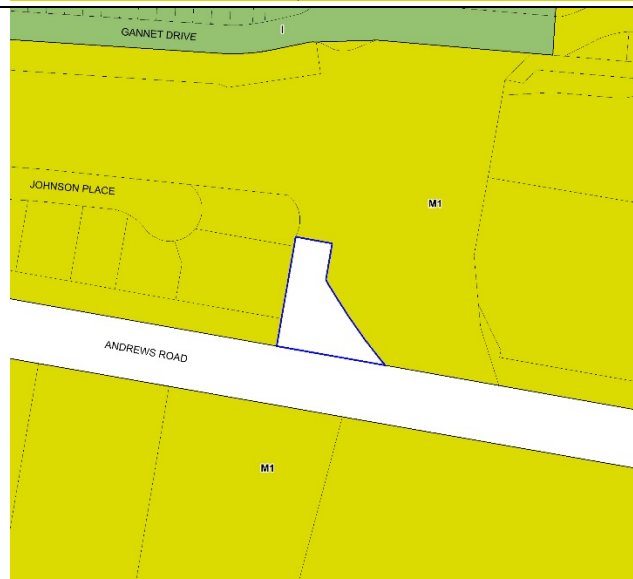
Proposed lot size
Map






Current height of
buildings Map



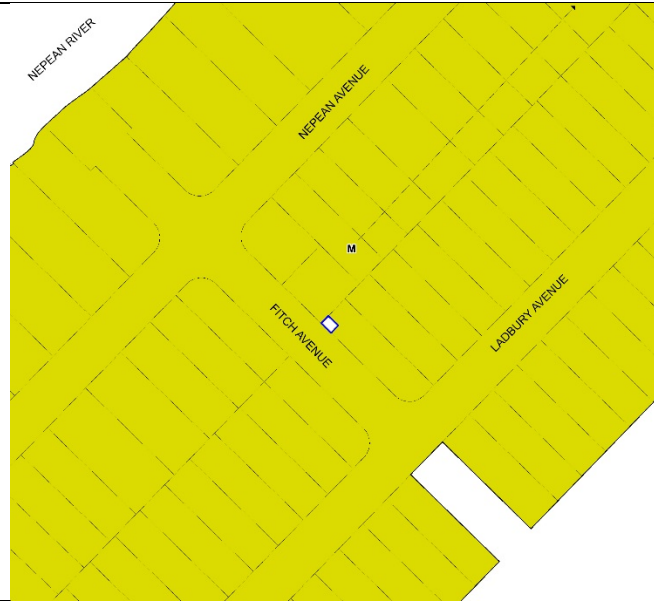
Proposed height
of buildings Map



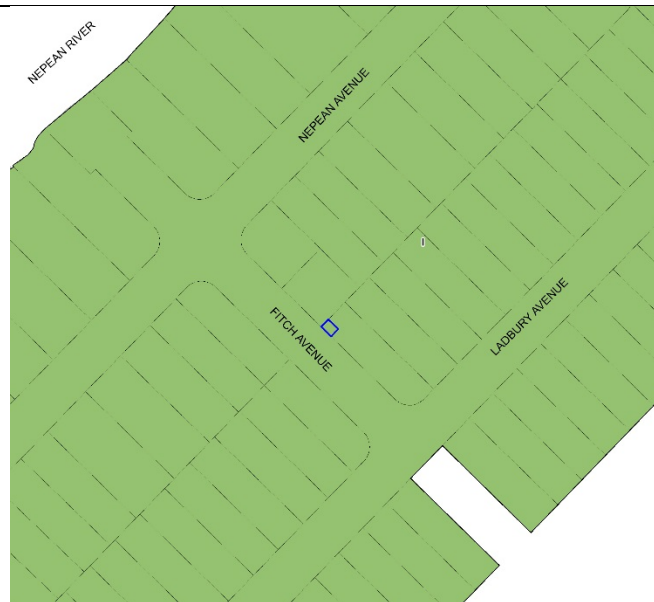
g 2a Fitch Avenue, Penrith (Lot 2, DP520791)

<p>Current Zoning Map</p>		
<p>Proposed Zoning Map</p>		
<p>Current lot size Map</p>		

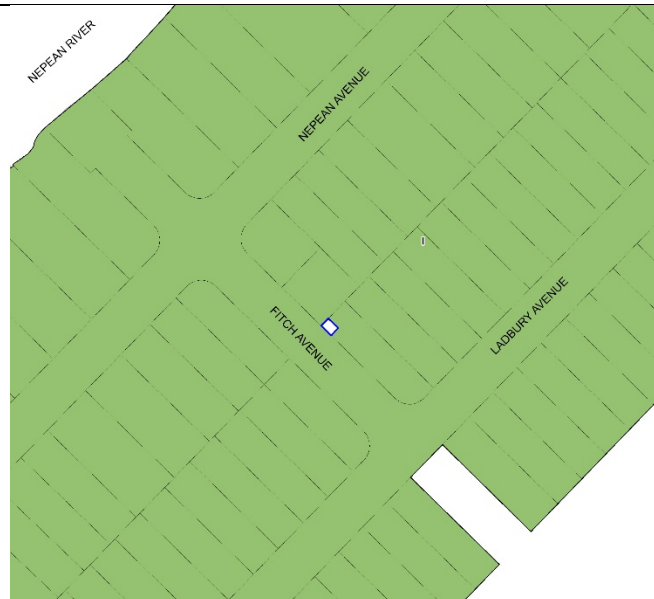
Proposed lot size
Map



Current height of
buildings Map

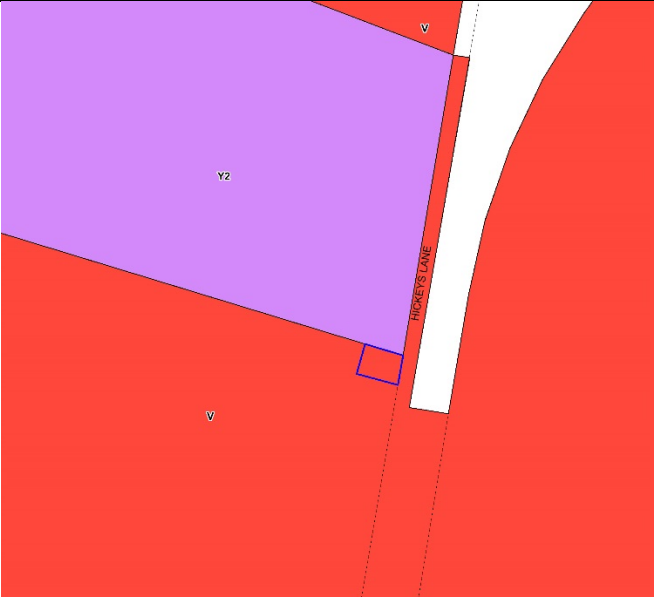
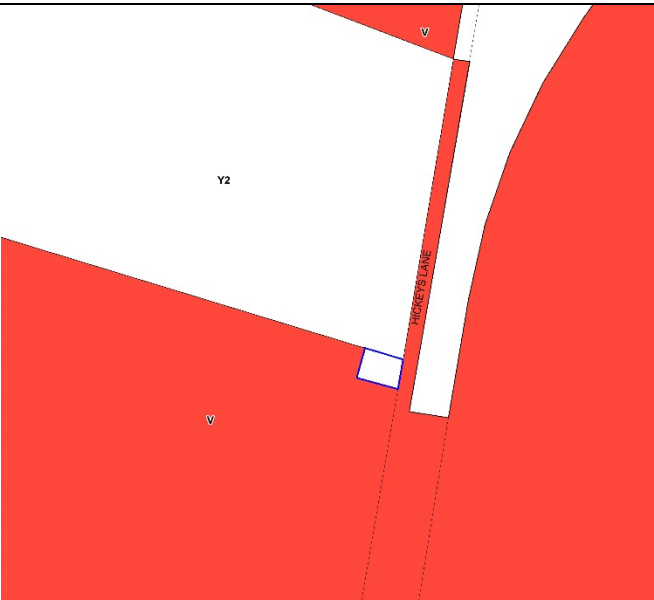
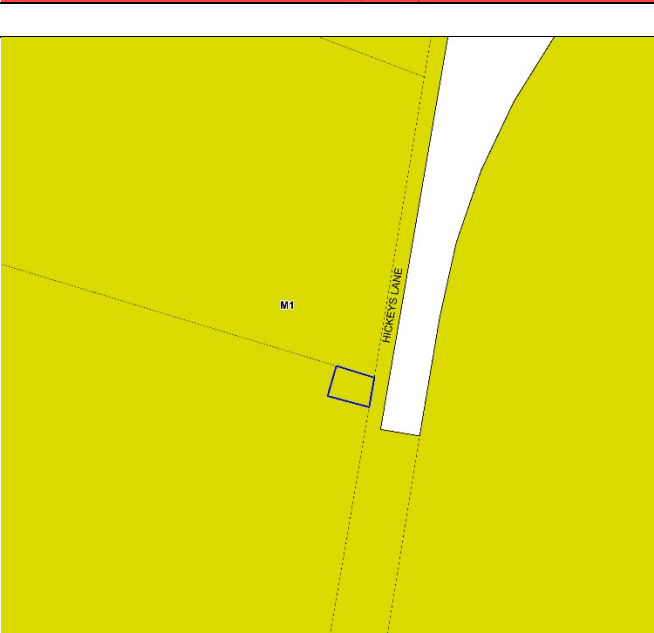


Proposed height
of buildings Map

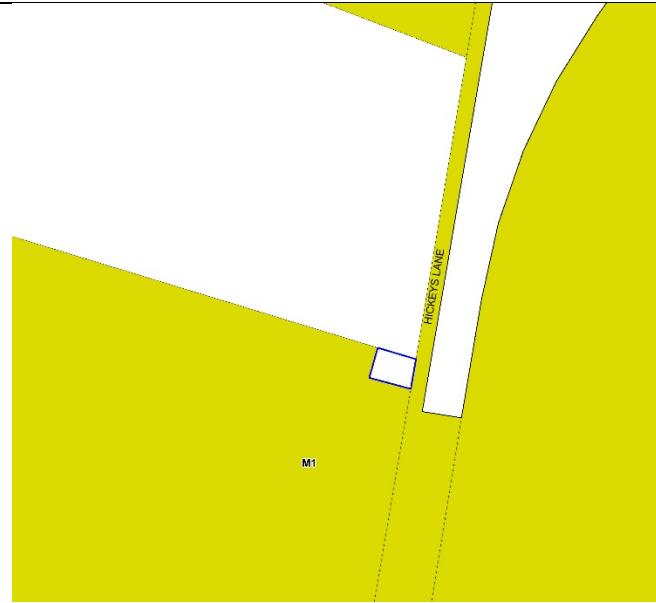


h 1 Hickeys Lane, Penrith (Lot 1, DP785029)

Current Zoning Map	
Proposed Zoning Map	

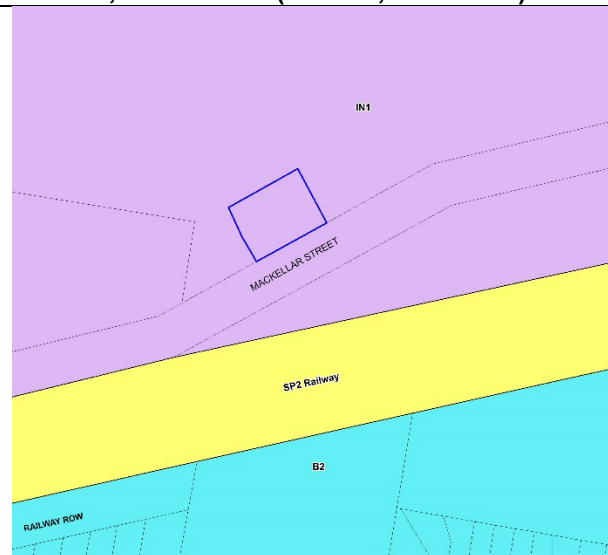
<p>Current lot size Map</p>	 <p>This map shows a property with a purple-shaded area labeled 'Y2' and a red-shaded area labeled 'V'. A small blue-outlined rectangle is located near the boundary between the two areas. A narrow strip of land is labeled 'HICKEY'S LANE'.</p>
<p>Proposed lot size Map</p>	 <p>This map shows the same property as the first map, but with the purple area labeled 'Y2' and the red area labeled 'V' now white. The blue-outlined rectangle and the 'HICKEY'S LANE' strip are still present.</p>
<p>Current height of buildings Map</p>	 <p>This map shows the same property with a yellow-shaded area labeled 'M1'. A small blue-outlined rectangle is located near the boundary. A narrow strip of land is labeled 'HICKEY'S LANE'.</p>

Proposed height
of buildings Map

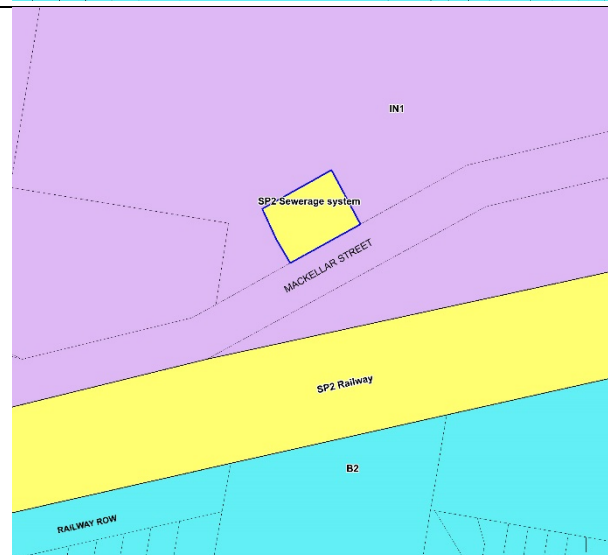


i 13A Mackellar Street, Emu Plains (Lot 131, DP587831)

Current Zoning
Map



Proposed Zoning
Map



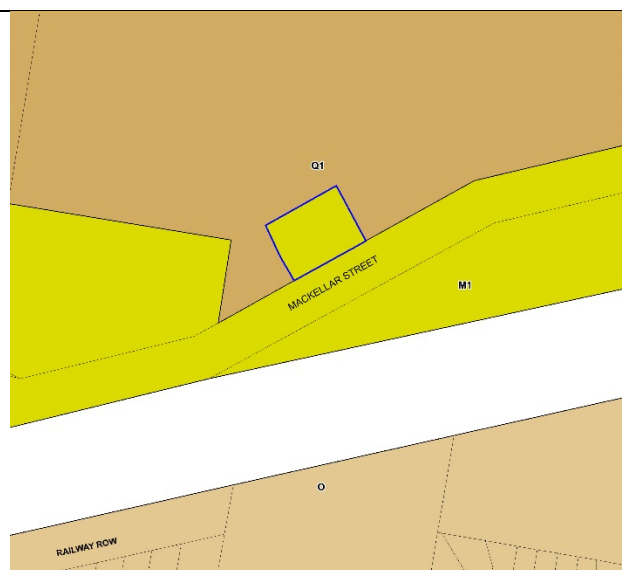
Current lot size
Map



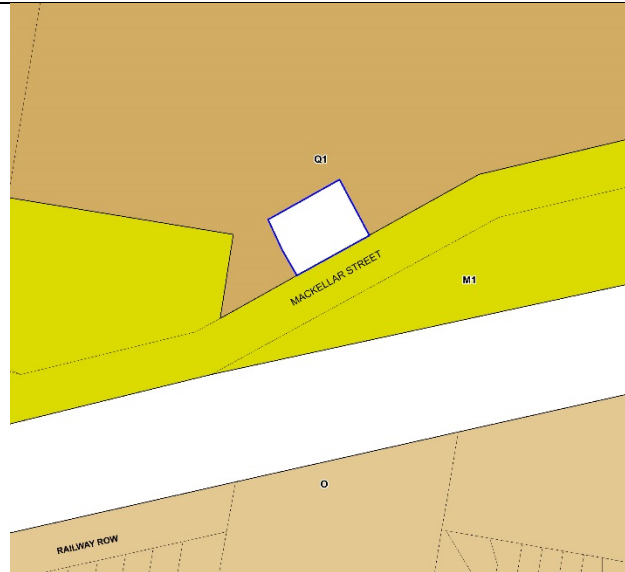
Proposed lot size
Map



Current height of
buildings Map

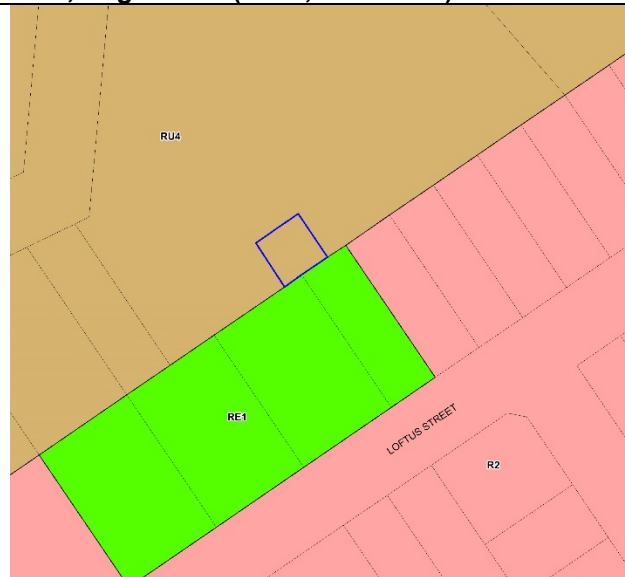


Proposed height
of buildings Map

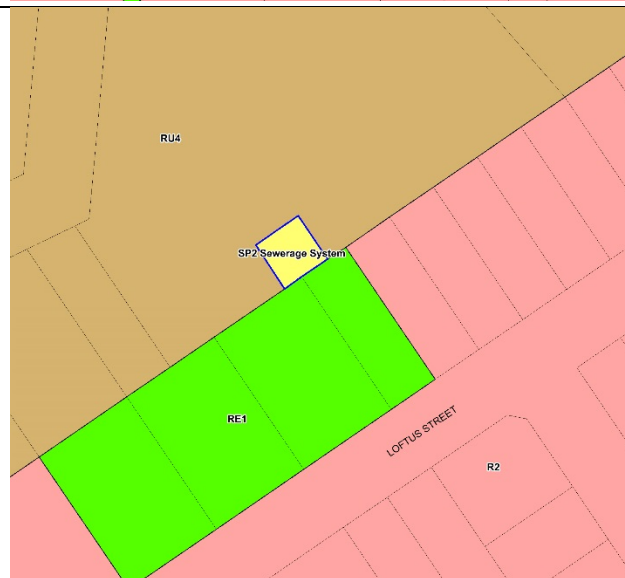


j 23A Loftus Street, Regentville (Lot 1, DP747091)

Current Zoning
Map

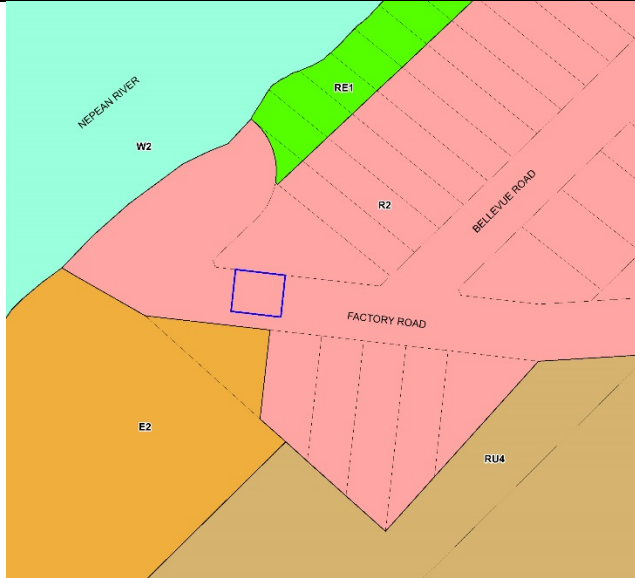


Proposed Zoning
Map

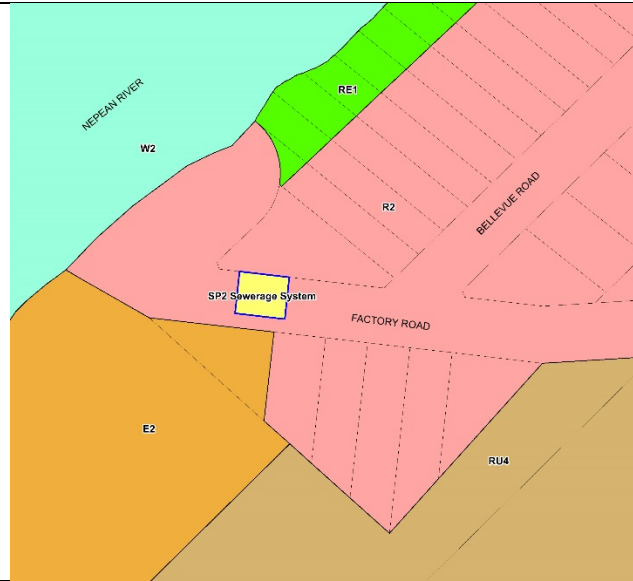


Current lot size Map		
Proposed lot size Map		

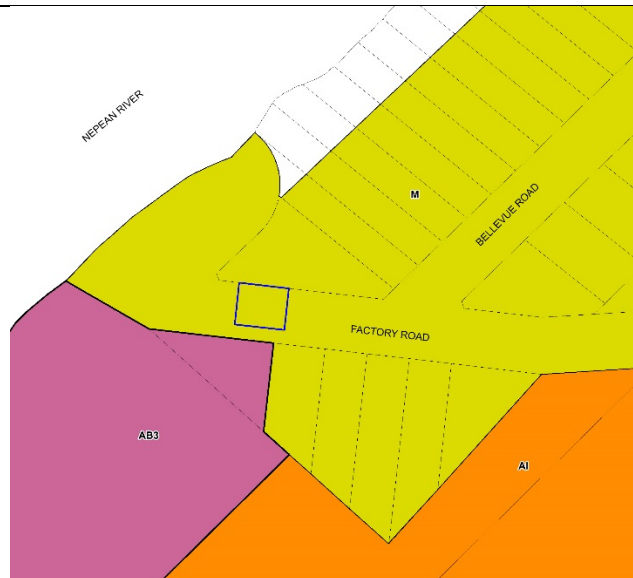
k 1 Factory Road, Regentville (Lot 1, DP746603)

Current Zoning Map		
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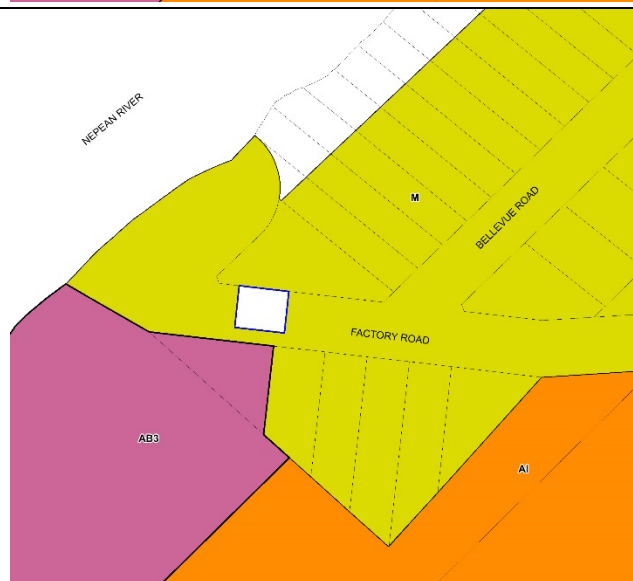
Proposed Zoning Map



Current lot size Map



Proposed lot size Map



Current height of buildings Map

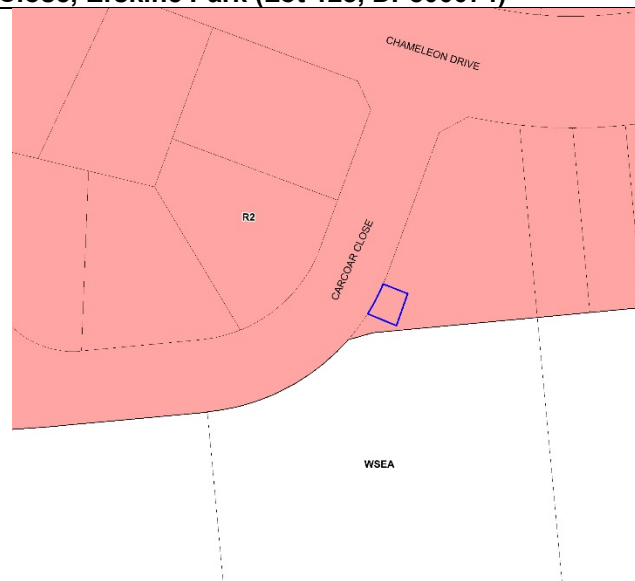


Proposed height of buildings Map

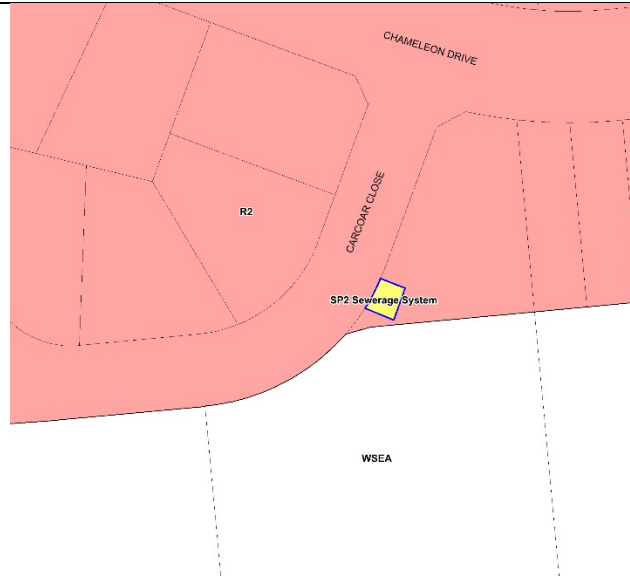


I 1A Carcoar Close, Erskine Park (Lot 128, DP800074)

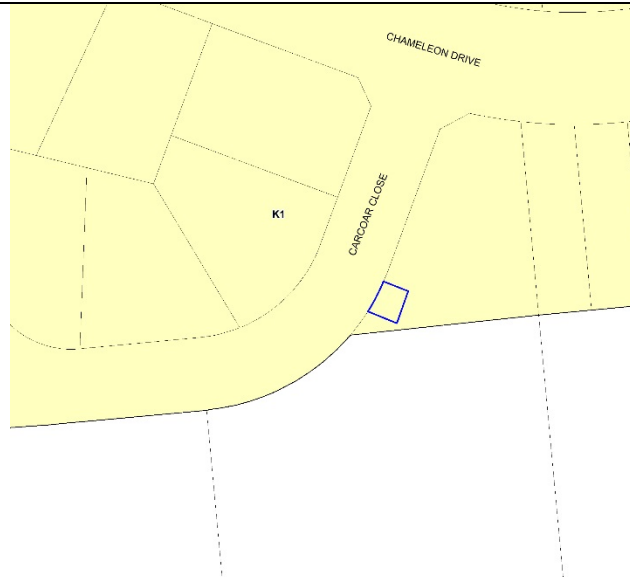
Current Zoning Map



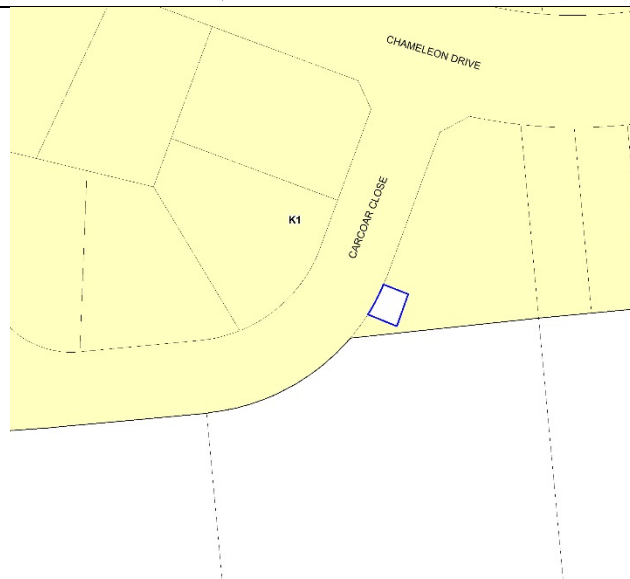
Proposed Zoning Map



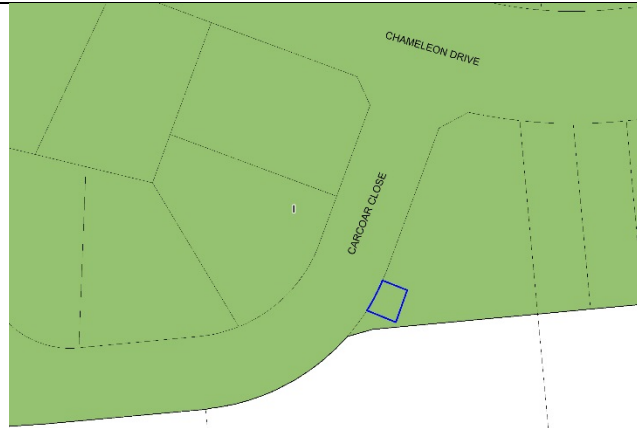
Current lot size Map



Proposed lot size Map



Current height of buildings Map



Proposed height of buildings Map



m 2180 Castlereagh Road, Penrith (Lot 4, DP1067795)

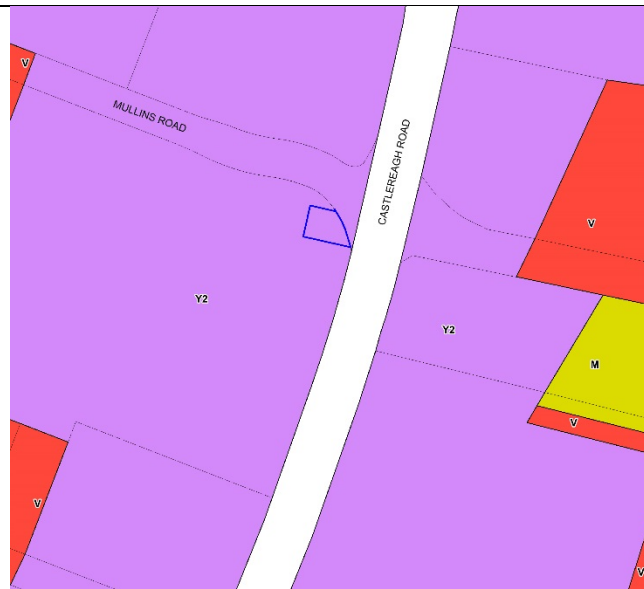
Current Zoning Map



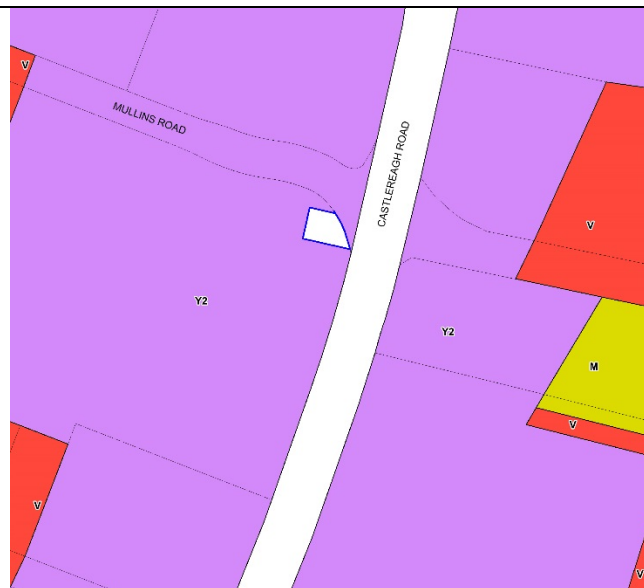
Proposed Zoning Map



Current lot size Map



Proposed lot size Map



Current height of buildings Map

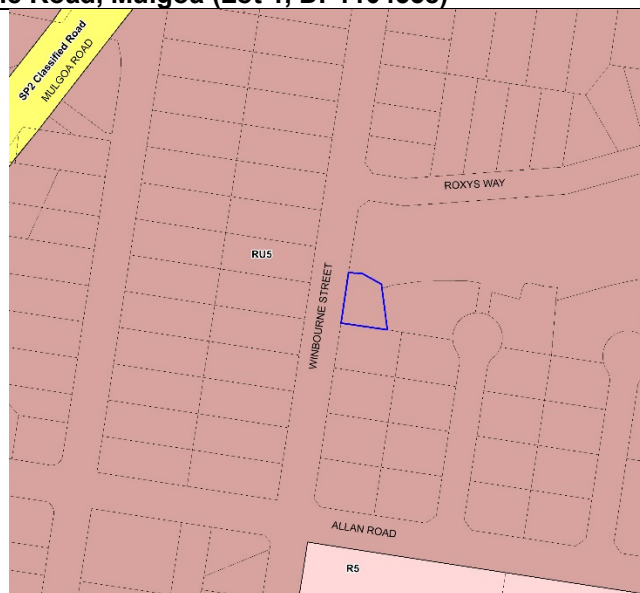


Proposed height of buildings Map

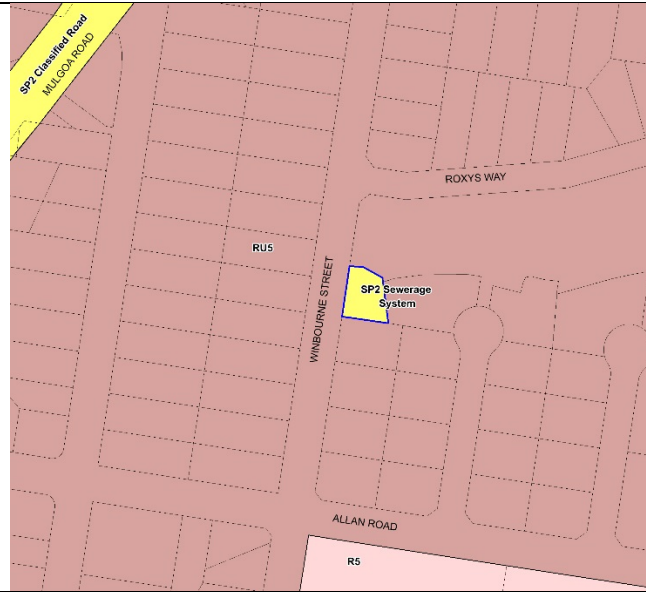


n 18 Winbourne Road, Mulgoa (Lot 1, DP1104538)

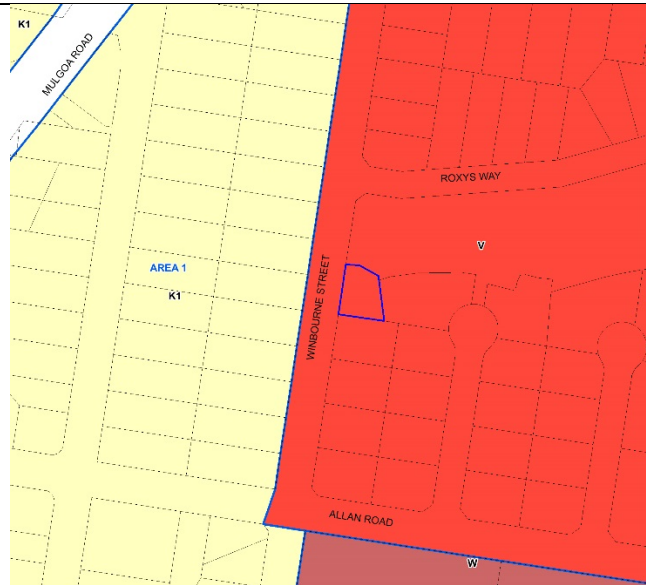
Current Zoning Map



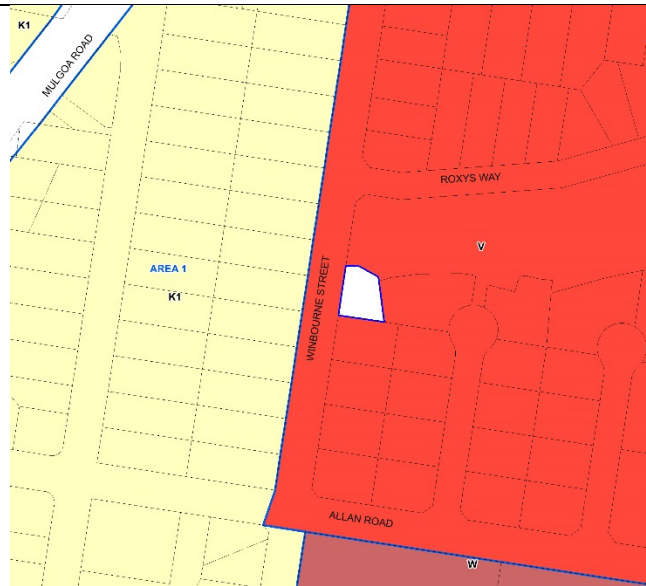
Proposed Zoning Map



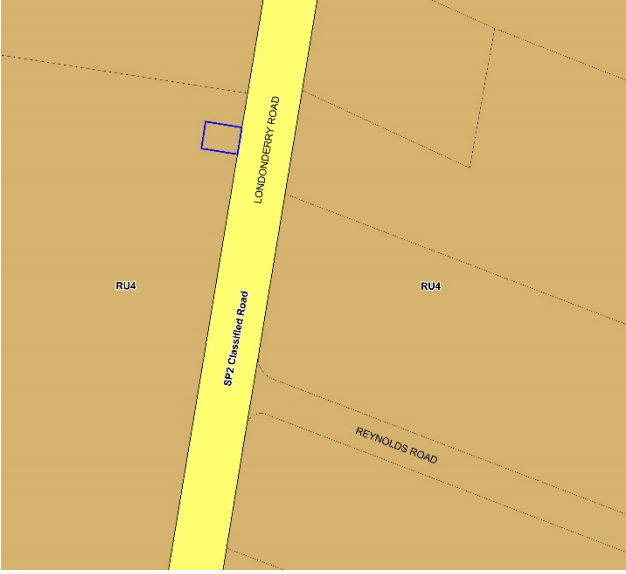
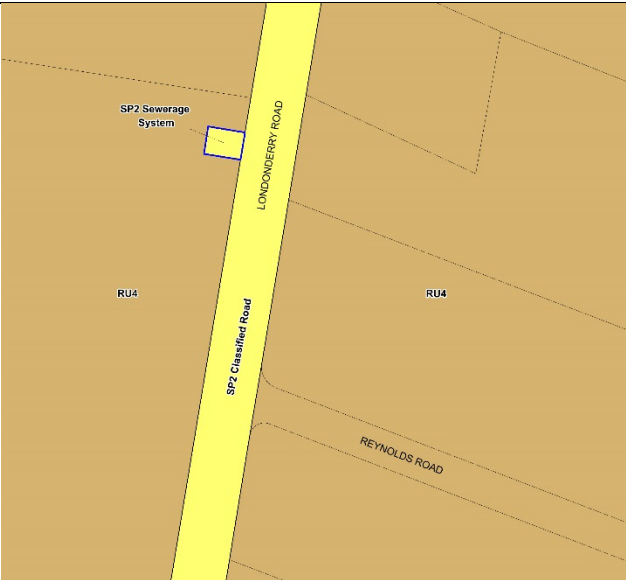
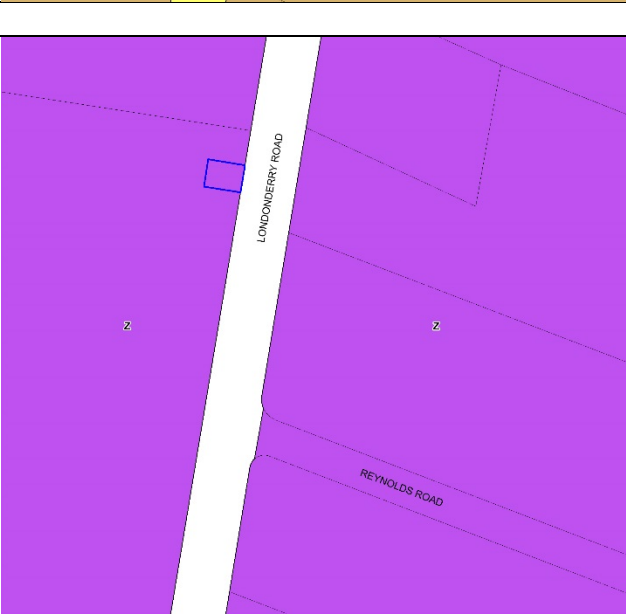
Current lot size Map

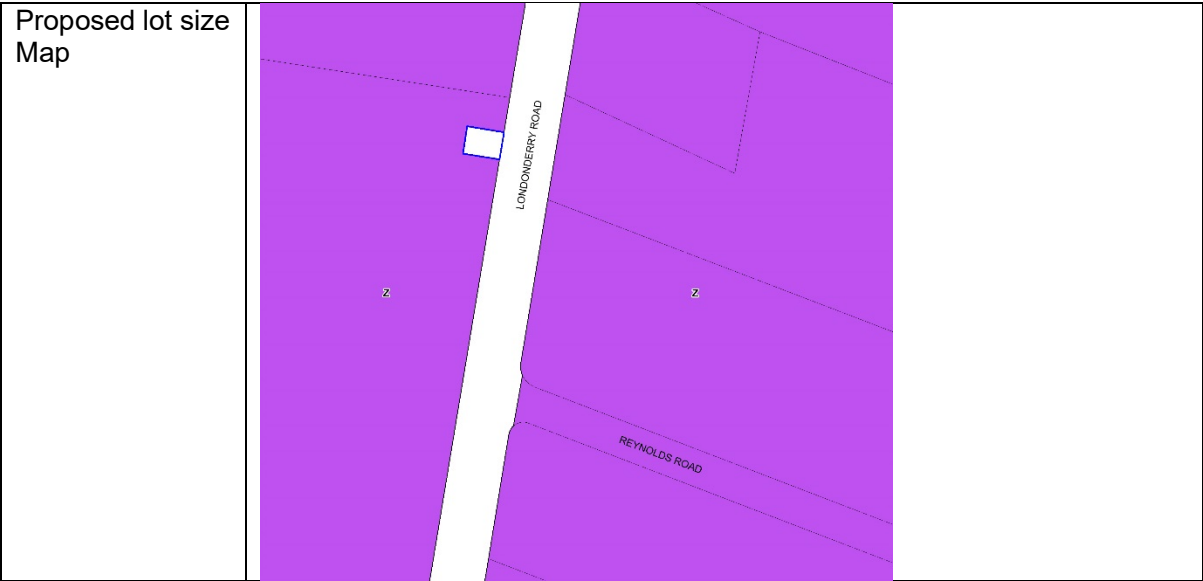


Proposed lot size Map

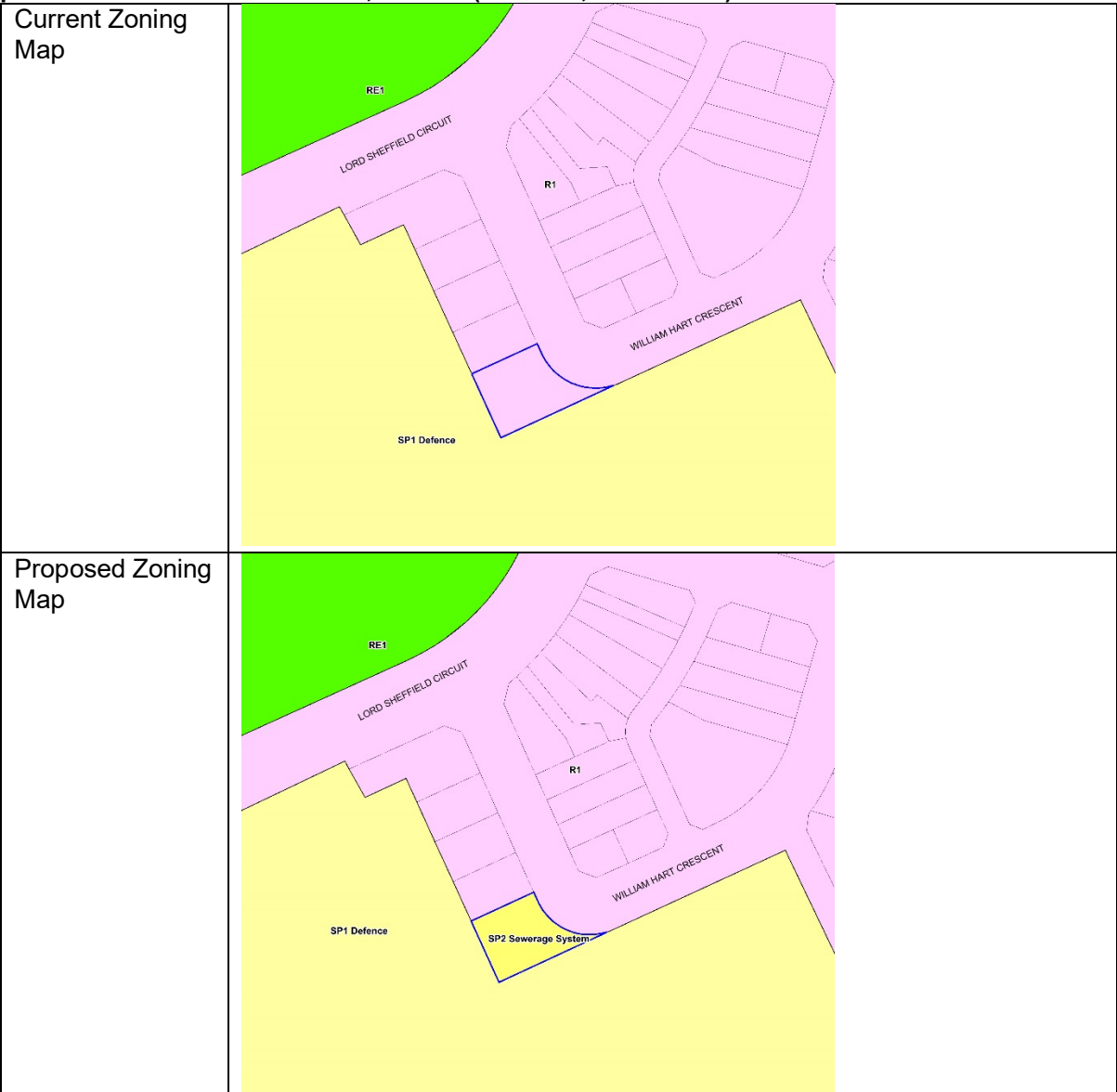


o 334A Londonderry Road, Londonderry (Lot 21, DP1163432)

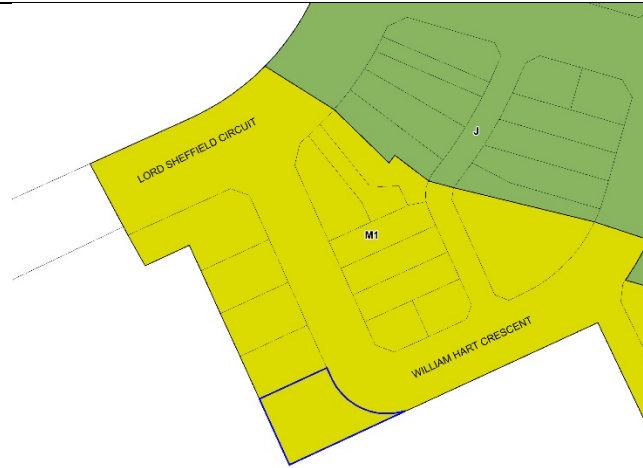
<p>Current Zoning Map</p>	 <p>The map shows a brown-colored area representing the RU4 zoning. A yellow vertical strip represents Londonderry Road, which is also labeled as SP2 Classified Road. A blue-outlined rectangle indicates the location of Lot 21. To the right, a diagonal line represents Reynolds Road. The text 'RU4' appears on both sides of the road.</p>	
<p>Proposed Zoning Map</p>	 <p>This map is identical to the current zoning map but includes an additional label 'SP2 Sewerage System' located to the left of the yellow road strip. The blue-outlined rectangle for Lot 21 remains in the same position.</p>	
<p>Current lot size Map</p>	 <p>The map shows a purple-colored area representing the Z zoning. The yellow vertical strip represents Londonderry Road. A blue-outlined rectangle indicates the location of Lot 21. To the right, a diagonal line represents Reynolds Road. The text 'Z' appears on both sides of the road.</p>	



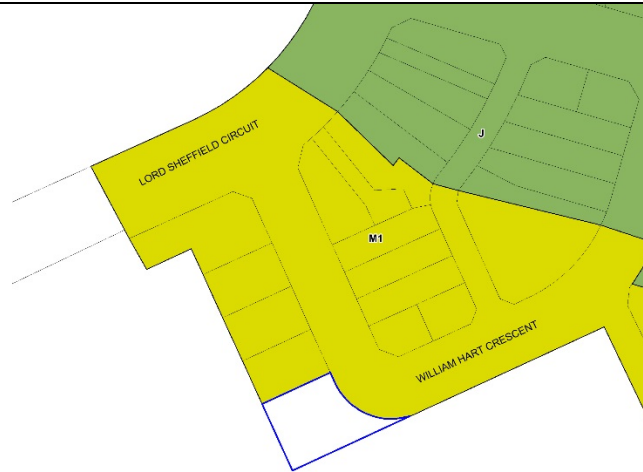
p 9 William Hart Crescent, Penrith (Lot 1353, DP1171493)



Current height of buildings Map

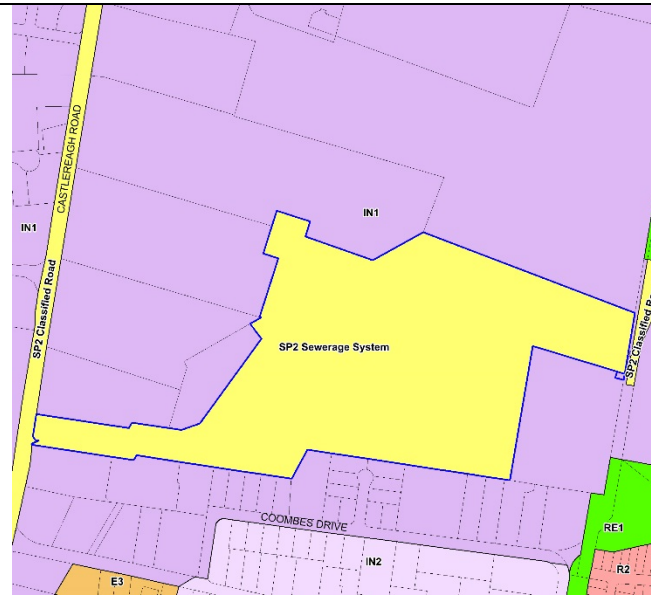


Proposed height of buildings Map

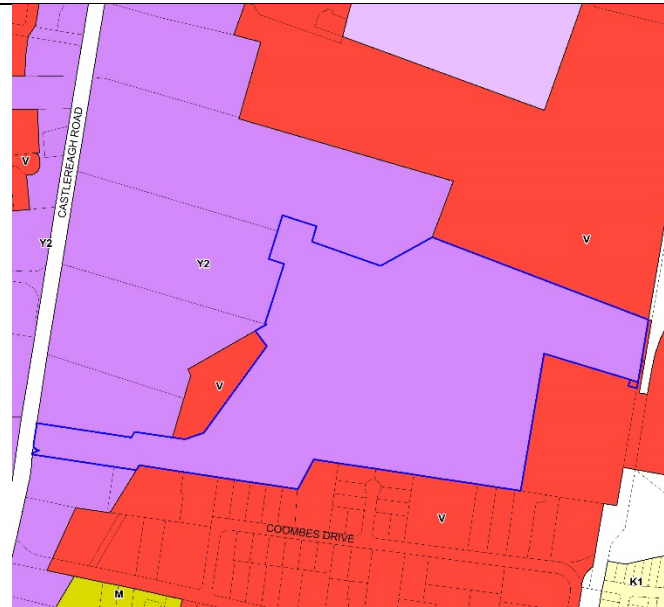


q 2181-2185 Castlereagh Road, Penrith (Lot 110, DP774782)

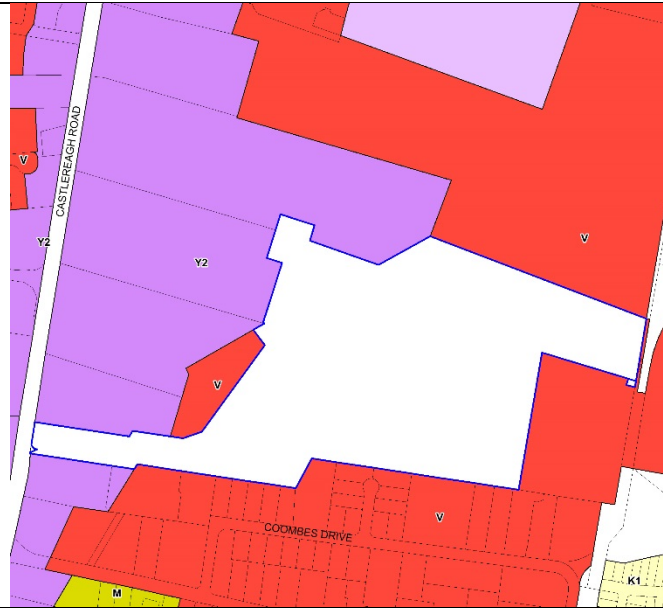
Current zoning
Map



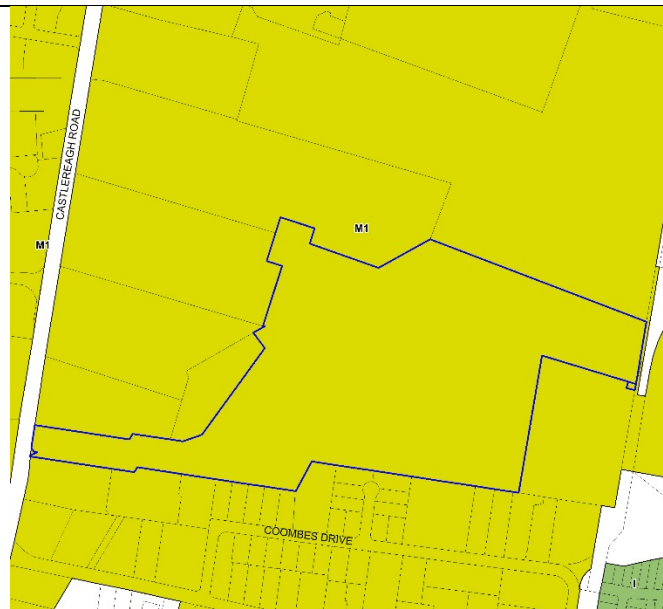
Current lot size
Map

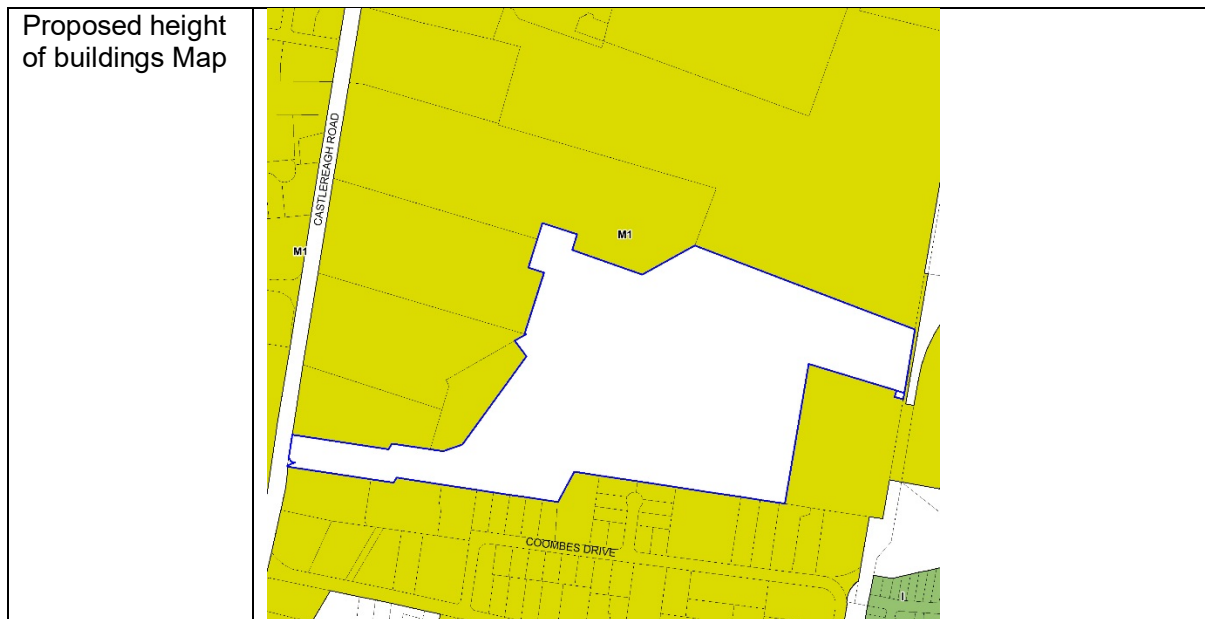


Proposed lot size
Map



Current height of
buildings Map





9B. Correction to LEP 2010 Clause 8.4 (Design excellence)

It has been identified that an error exists in Clause 8.4(6) of LEP 2010 (Design excellence). This subclause incorrectly refers to matters set out in subclause (3) of Clause 8.4. A correction to this clause is required to refer to matters set out in subclause (2) of Clause 8.4.

Accordingly, it is proposed that Clause 8.4(6) be amended to refer to matters set out in subclause (2) of Clause 8.4. This is considered to be a minor housekeeping amendment.

9C. Exclude the application of Clause 8.4 (Design excellence) from Clause 4.6 (Exceptions to development standards)

It has been identified that there is a need to make a correction to LEP 2010 Clause 4.6 (Exceptions to development standards) to exclude the application of LEP 2010 Clause 8.4 (Design excellence) if the subject development proposal already seeks a variation to the development standards allowed under the design excellence provisions.

Clause 8.4 of LEP 2010 prescribes requirements relating to consideration of design excellence for development. Subclause 8.4(5) allows for a development proposal to obtain additional floor space and building height if the development has been designed as a result of an architectural design competition, and has the concurrence of the Director-General.

Clause 4.6 of LEP 2010 allows for a proposed development to be granted development consent even though the development would contravene a development standard.

There is the potential that a development proposal may seek variations to a development standard under both Clause 8.4 and Clause 4.6, which in Council's view is not a desirable outcome as it allows for a development proposal to seek non-compliance with a development standard more than once.

It is therefore proposed that Clause 4.6 of LEP 2010 is amended to prescribe that a proposed development which seeks a variation to development standards under Clause 8.4 is not able to also seek a variation under Clause 4.6. This is considered to be a minor housekeeping amendment.

9D. Alignment of mapped planning controls at Peak Place and Edgewater Drive, Glenmore Park

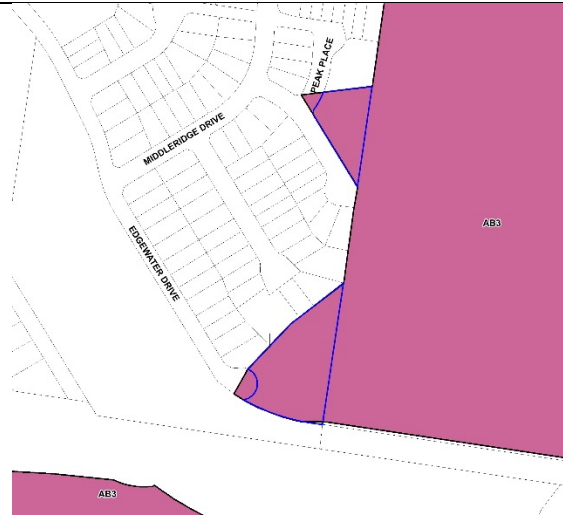
It is proposed that the land zoning, lot size, building height and urban release area mapping controls applying to part of Peak Place and Edgewater Drive at Glenmore Park be amended to provide consistency with the predominant planning controls in that locality. Part of Peak Place and part of Edgewater Drive are incorrectly assigned with mapped planning controls that are predominant to the east of the sites. Instead, those parts should be mapped in accordance with the mapped planning controls to the west of the sites, being an R1 General Residential zoning, 15m building height, no lot size control, and be identified on the urban release area map.

The LEP 2010 zoning map is proposed to be amended as follows:

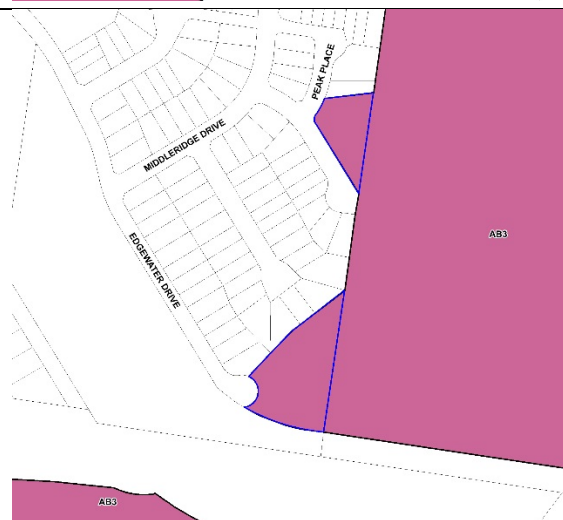


The LEP 2010 lot size map is proposed to be amended as follows:

Current lot size
Map

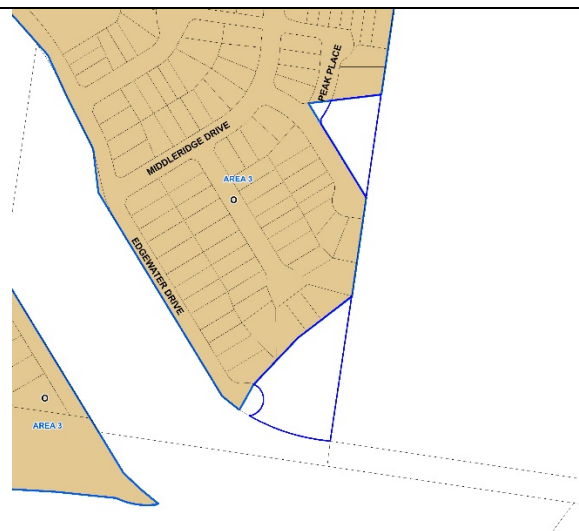


Proposed lot size
Map

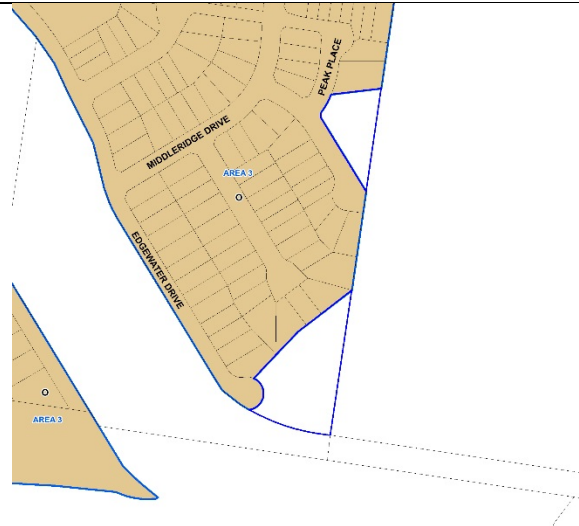


The LEP 2010 building height map is proposed to be amended as follows:

Current building
height Map

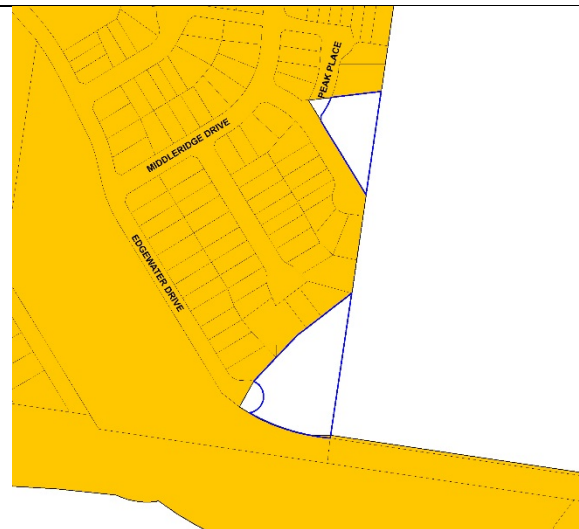


Proposed
building height
Map

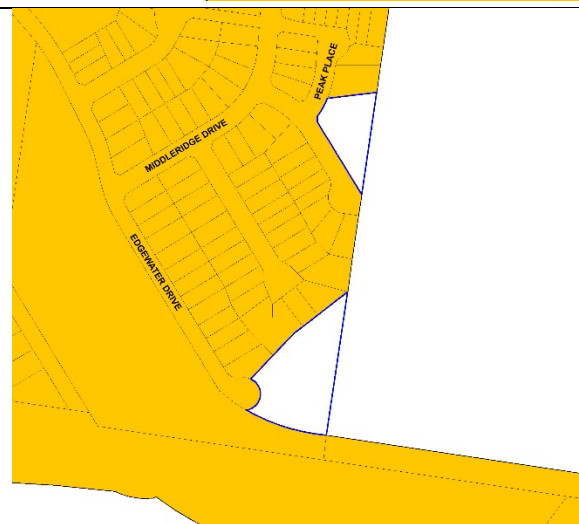


The LEP 2010 urban release area map is proposed to be amended as follows:

Current urban
release area
Map



Proposed urban
release area
Map



9E. Update to property descriptions and mapping for Schedule 1 sites at Thornton Estate

It is proposed to update the property descriptions and mapped planning controls relating to sites identified in Schedule 1 Additional Permitted Uses at Thornton Estate in Penrith in order to respond to subdivision approvals in this area.

This relates to items 20, 22 and 23 on the Additional Permitted Uses map.

Schedule 1 (Additional Permitted Uses) is proposed to be amended as follows:

Schedule 1 Clause & APU Map Item	Current LEP 2010 Schedule 1 Properties Applicable	Proposed LEP 2010 Schedule 1 Properties Applicable
Clause 21 (APU Item 20)	Land at Coreen Avenue, Penrith, being Lot 12, DP 1159973	<ul style="list-style-type: none"> Lot 120, Combewood Avenue, Penrith, being Lot 120, DP 1208440
Clause 23 (APU Item 22)	Land at Lord Sheffield Circuit, Penrith, being Lot 2102 DP 1184494, Lots 3001–3013, DP 1184498, Lot 3105, DP 1184499 and Lots 210 and 211, DP 1205092	<ul style="list-style-type: none"> 162 Lord Sheffield Circuit, Penrith, being Lot 3001, DP 1184498 172 Lord Sheffield Circuit, Penrith, being Lot 3002, DP 1184498 182 Lord Sheffield Circuit, Penrith, being Lot 3012, DP 1184498 184 Lord Sheffield Circuit, Penrith, being Lot 3003, DP 1184498 192 Lord Sheffield Circuit, Penrith, being Lot 3004, DP 1184498 41 Lord Sheffield Circuit, Penrith, being Lot 3005, DP 1184498 51 Lord Sheffield Circuit, Penrith, being Lot 3013, DP 1184498 101 Lord Sheffield Circuit, Penrith, being SP 94606 8 Aviators Way, Penrith, being SP 97026 10 Aviators Way, Penrith, being SP 98229 81 Lord Sheffield Circuit, Penrith, being SP 96192 160 Lord Sheffield Circuit, Penrith, being Lot 3011, DP 1184498 26 Lord Sheffield Circuit, Penrith, being Lot 210, DP 1205092 2 Lord Sheffield Circuit, Penrith, being Lot 211, DP 1205092 50 Lord Sheffield Circuit, Penrith, being Lot 2102, DP 1184494 1-39 Lord Sheffield Circuit, Penrith, being SP 96850 1-39 Lord Sheffield Circuit, Penrith, being Lot 2947109, SP 96849 83 Lord Sheffield Circuit, Penrith, being Lot 1, DP 1240166 91 Lord Sheffield Circuit, Penrith, being Lot 2, DP 1240166
Clause 24 (APU Item 23)	Land at Lord Sheffield Circuit, Penrith, being Lots 178–209 and 212, DP 1205092	<ul style="list-style-type: none"> 1 Fernandez Lane, Penrith, being Lot 178, DP 1205092 3 Fernandez Lane, Penrith, being Lot 179, DP 1205092 5 Fernandez Lane, Penrith, being Lot 180, DP 1205092

		<ul style="list-style-type: none"> ▪ 7 Fernandez Lane, Penrith, being Lot 181, DP 1205092 ▪ 9 Fernandez Lane, Penrith, being Lot 182, DP 1205092 ▪ 11 Fernandez Lane, Penrith, being Lot 183, DP 1205092 ▪ 13 Fernandez Lane, Penrith, being Lot 184, DP 1205092 ▪ 15 Fernandez Lane, Penrith, being Lot 185, DP 1205092 ▪ 17 Fernandez Lane, Penrith, being Lot 186, DP 1205092 ▪ 19 Fernandez Lane, Penrith, being Lot 187, DP 1205092 ▪ 21 Fernandez Lane, Penrith, being Lot 188, DP 1205092 ▪ 23 Fernandez Lane, Penrith, being Lot 189, DP 1205092 ▪ 25 Fernandez Lane, Penrith, being Lot 190, DP 1205092 ▪ 27 Fernandez Lane, Penrith, being Lot 191, DP 1205092 ▪ 29 Fernandez Lane, Penrith, being Lot 192, DP 1205092 ▪ 31 Fernandez Lane, Penrith, being Lot 193, DP 1205092 ▪ 33 Fernandez Lane, Penrith, being SP92424 ▪ 35 Fernandez Lane, Penrith, being Lot 195, DP 1205092 ▪ 37 Fernandez Lane, Penrith, being Lot 196, DP 1205092 ▪ 39 Fernandez Lane, Penrith, being Lot 197, DP 1205092 ▪ 41 Fernandez Lane, Penrith, being Lot 198, DP 1205092 ▪ 43 Fernandez Lane, Penrith, being Lot 199, DP 1205092 ▪ 45 Fernandez Lane, Penrith, being Lot 200, DP 1205092 ▪ 47 Fernandez Lane, Penrith, being Lot 201, DP 1205092 ▪ 49 Fernandez Lane, Penrith, being Lot 202, DP 1205092 ▪ 51 Fernandez Lane, Penrith, being Lot 203, DP 1205092 ▪ 53 Fernandez Lane, Penrith, being Lot 204, DP 1205092 ▪ 55 Fernandez Lane, Penrith, being Lot 205, DP 1205092 ▪ 57 Fernandez Lane, Penrith, being Lot 206, DP 1205092 ▪ 59 Fernandez Lane, Penrith, being Lot 207, DP 1205092 ▪ 61 Fernandez Lane, Penrith, being Lot 208, DP 1205092 ▪ 63 Fernandez Lane, Penrith, being SP 92425
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		<ul style="list-style-type: none"> Lot 212 Radcliffe Road, Penrith, being Lot 212, DP 1205092.
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The LEP 2010 Additional Permitted Uses map is proposed to be amended as follows:

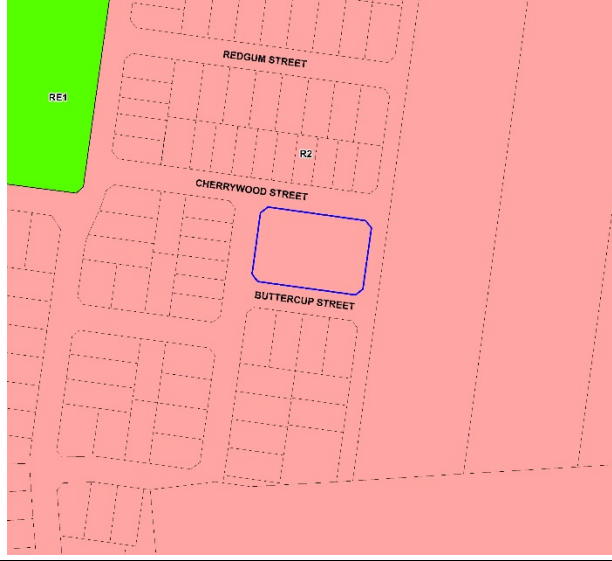
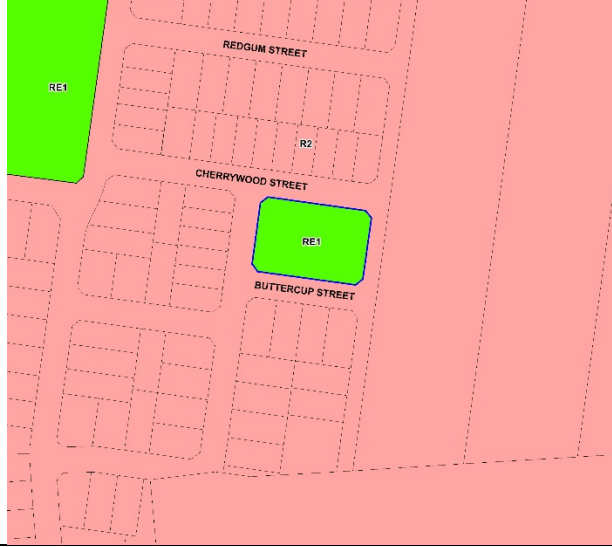
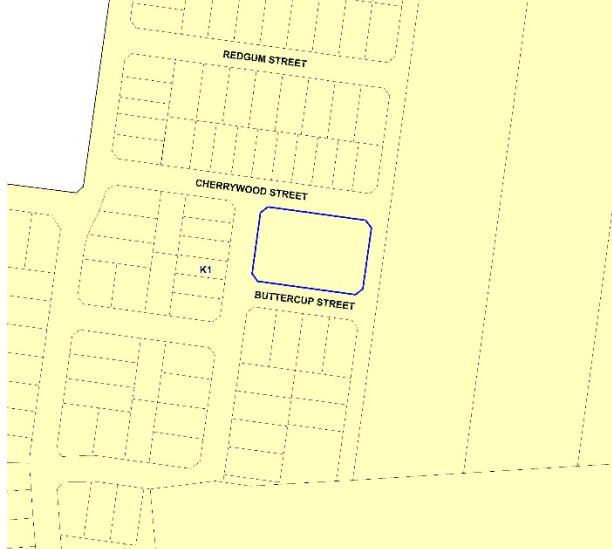


Note that the above proposed APU map seeks to remove the APU as it currently applies to part of Aviators Way, located to the east of the mapped APU area.

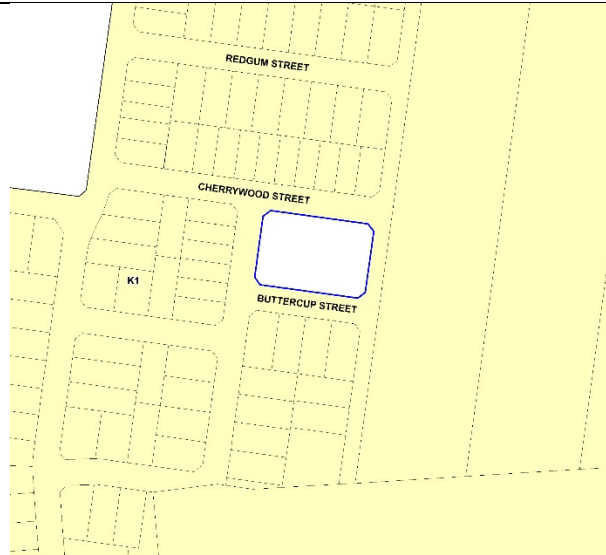
9F. Correction to zoning of park at Buttercup Street, Claremont Meadows

An existing park owned by Council at Buttercup Street, Claremont Meadows is incorrectly zoned R2 Low Density Residential. The site is classified as community land. It is proposed that the site be rezoned to RE1 Public Recreation. The height and lot size controls are also to be removed, which is consistent with the approach taken to RE1 zoned sites.

The LEP 2010 land zoning, lot size and height of buildings maps are proposed to be amended as follows:

Current Zoning Map		
Proposed Zoning Map		
Current lot size Map		

Proposed lot size
Map



Current height of
buildings Map



Proposed height
of buildings Map



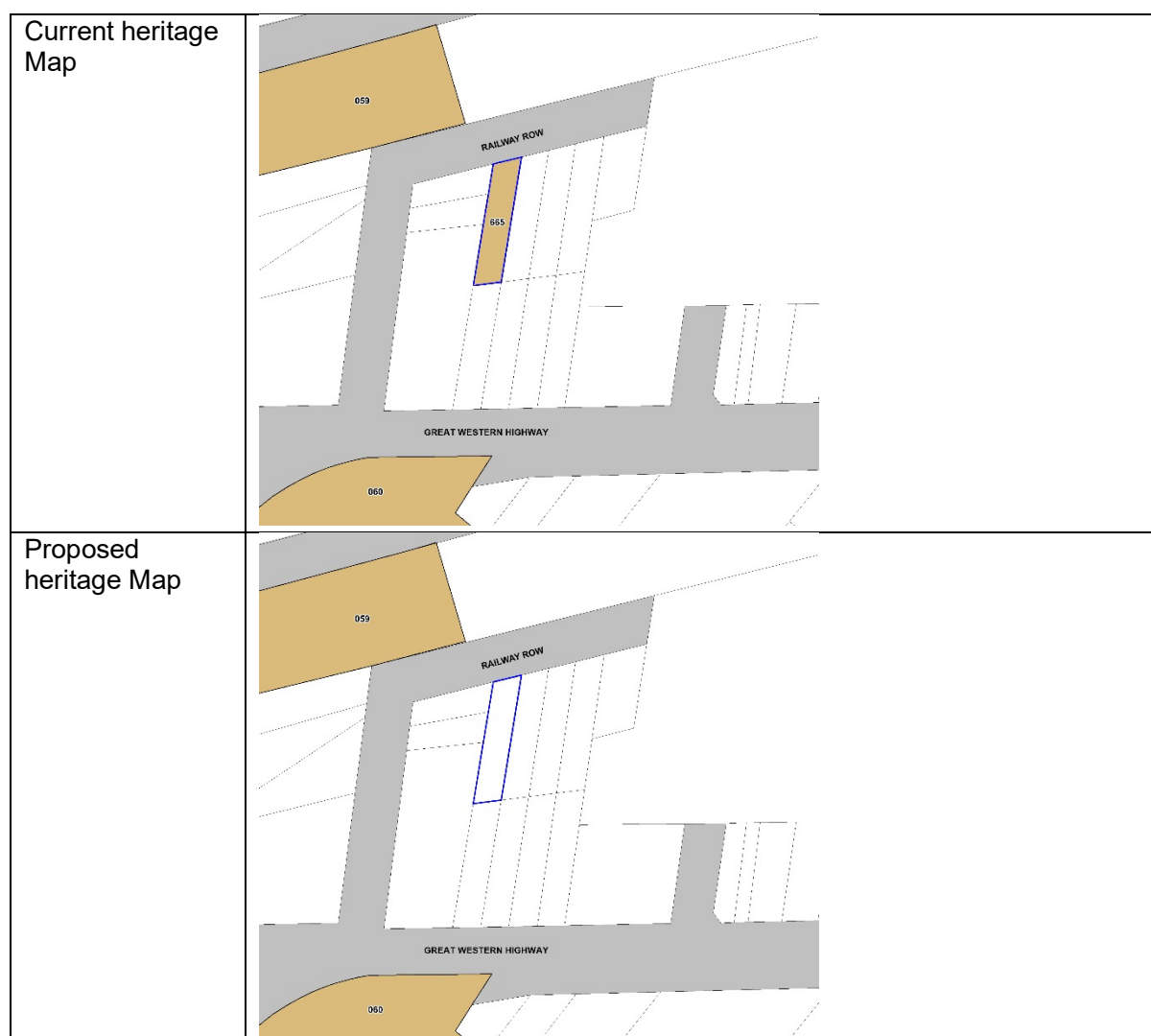
9G. Removal of heritage item at 9 Railway Row, Emu Plains

The property 9 Railway Row, Emu Plains (Lot 9, DP192672) is listed in LEP 2010 as containing local heritage item 665, being a “Federation cottage”. The structure was illegally demolished in 2016. This was followed by an investigation by Council, the issuing of a fine, and closure of the matter.

As the structure is no longer in existence, it is proposed that the heritage listing be removed from LEP 2010.

LEP 2010 Schedule 5 Environmental heritage is proposed to be amended to remove the listing for local heritage item 665.

The LEP 2010 heritage map is proposed to be amended as follows:



9H. Removal of heritage item at 65 Mulgoa Road, Penrith

The property 65 Mulgoa Road, Penrith (Lot 20, DP1248609) is listed in LEP 2010 as containing local heritage item 815, being “The Willows” house. A development consent (DA17/0766) issued in 2018 for the development of the site includes demolition of the heritage item. The heritage item has since been demolished.

As the structure is no longer in existence, it is proposed that the heritage listing be removed from LEP 2010.

LEP 2010 Schedule 5 Environmental heritage is proposed to be amended to remove the listing for local heritage item 815.

The LEP 2010 heritage map is proposed to be amended as follows:

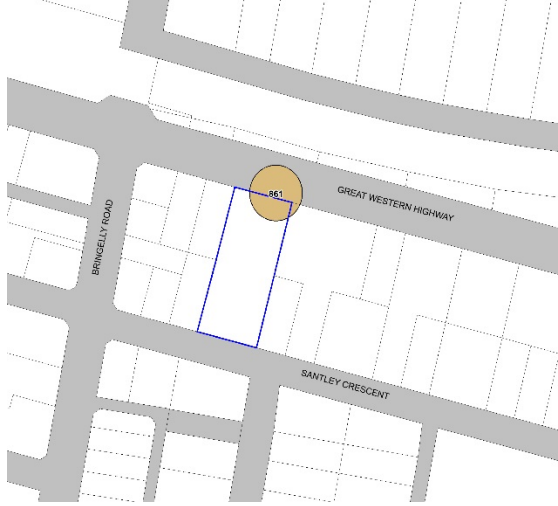
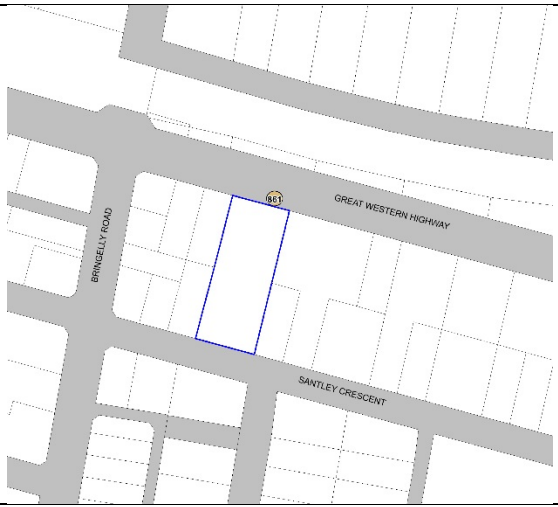
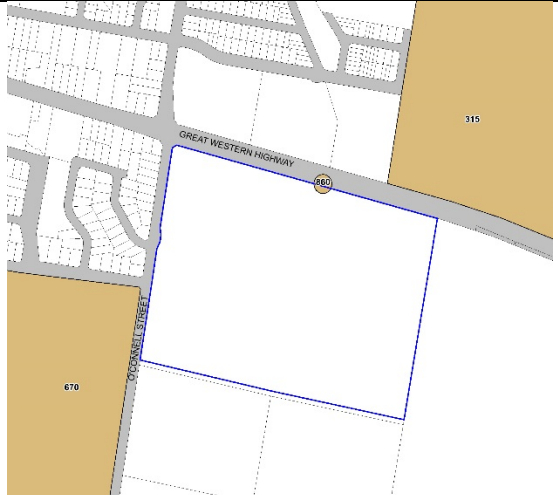


9I. Amendment to mapping of heritage items (milestones) at Kingswood

There are two heritage items (Item 860 and 861) identified in Schedule 5 of LEP 2010 that reference 'Fronting Lot 1, DP 866081' and 'Fronting Lot 10, DP 719064'. The heritage milestones are sandstone blocks that sit outside the lot boundaries and on the nature strip. However, the LEP Map shows the items going over the boundary into the lots which is not an accurate representation.

It is proposed to amend the mapping of these heritage items to make them entirely within the road reserve.

The LEP 2010 heritage map is proposed to be amended as follows:

<p>Current heritage Map</p>	
<p>Proposed heritage Map</p>	
<p>Current heritage Map</p>	

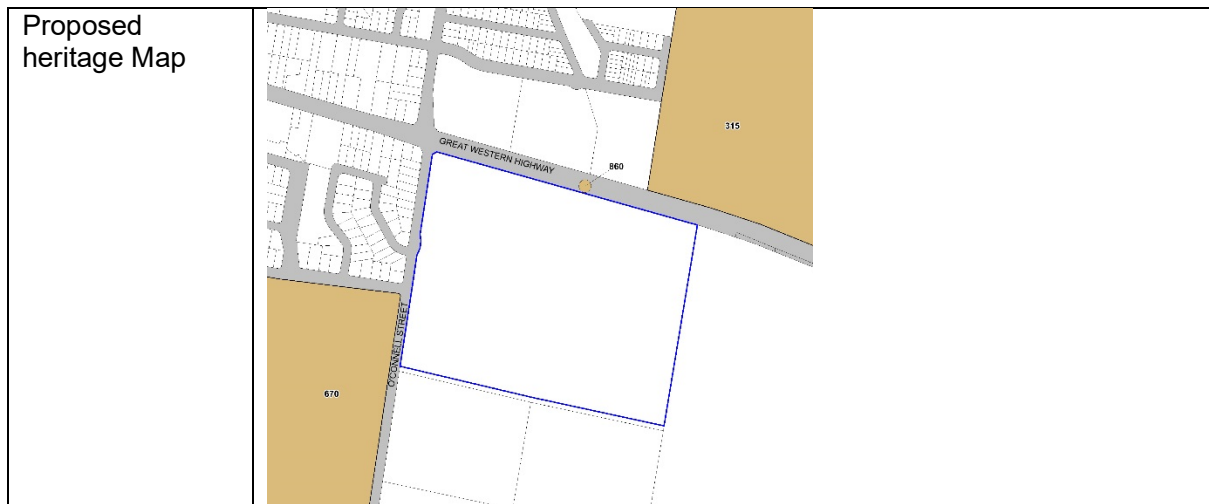


Figure 7: The subject areas for Item 7

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 the result of the outcomes of several strategic studies and reports that have been prepared as part of Council's preparation of its LSPS, being:

- Draft Local Housing Strategy
- Draft Rural Lands and Villages Study
- Draft Rural Lands and Villages Strategy
- Draft Scenic and Cultural Landscapes Study
- Draft St Marys Economic Development Strategy

Penrith Local Strategic Planning Statement (LSPS)

Part 2 – Explanation of Provisions provides information in relation to how each amendment to Penrith LEP 2010 proposed in this Planning Proposal relates to the Planning Priorities of the LSPS.

The Planning Priorities of the LSPS are:

1. Align development, growth and infrastructure
2. Work in partnership to unlock our opportunities
3. Provide new homes to meet the diverse needs of our growing community
4. Improve the affordability of housing
5. Facilitate sustainable housing
6. Ensure our social infrastructure meets the changing needs of our community
7. Enrich our places
8. Recognise and celebrate our heritage
9. Support the North-South Rail Link and emerging structure plan
10. Provide a safe, connected and efficient local network supported by frequent public transport options
11. Support the planning of the Western Sydney Aerotropolis
12. Enhance and grow Penrith's economic triangle
13. Reinforce the Quarter as a specialised health, education, research and technology precinct
14. Grow our tourism, arts and cultural industries
15. Boost our night-time economy
16. Protect and enhance our high value environment lands
17. Define and protect the values and opportunities within the Metropolitan Rural Area
18. Connect our green and blue grid
19. Create an energy, water and waste efficient city
20. Manage flood risk
21. Cool our city

Table 8 provides a summary of the Planning Priorities relating to each LEP 2010 amendment proposed in this Planning Proposal.

Table 8: Summary of LSPS Planning Priorities relating to proposed LEP 2010 amendments

Item	Proposed LEP 2010 Amendment	Related LSPS Planning Priority
1	Increase lot size control for multi-dwelling housing in medium and high density zones	<ul style="list-style-type: none"> PP3: Provide new homes to meet the diverse needs of our growing community PP4: Improve the affordability of housing PP5: Facilitate sustainable housing PP7: Enrich our places
2	Apply a minimum lot size control for dual occupancy development in RU5 Village zone for Londonderry and Luddenham	<ul style="list-style-type: none"> PP 4: Improve the affordability of housing PP7: Enrich our places PP17: Define and protect the values and opportunities of the Metropolitan Rural Area
3	Permit eco-tourist facilities in environmental living zones	<ul style="list-style-type: none"> PP14: Grow our tourism, arts and cultural industries PP17: Define and protect the values and opportunities of the Metropolitan Rural Area
4	Strengthen the role of Castlereagh's 'centre'	<ul style="list-style-type: none"> PP7: Enrich our places PP17: Define and protect the values and opportunities of the Metropolitan Rural Area
5	Dwelling houses on certain land in Llandilo	<ul style="list-style-type: none"> PP17: Define and protect the values and opportunities of the Metropolitan Rural Area
6	Requirement for non-residential uses in St Marys Town Centre mixed use zones	<ul style="list-style-type: none"> PP12: Enhance and grow Penrith's economic triangle
7	Extend additional permitted uses provisions for 164 Station Street, Penrith	<ul style="list-style-type: none"> PP3 Provide new homes to meet the diverse needs of our growing community PP5 Facilitate sustainable housing PP7 Enrich our places
8	Rezoning of Triangle Park, Penrith	<ul style="list-style-type: none"> PP6: Ensure our social infrastructure meets the changing needs of our communities PP7: Enrich our places
9	Housekeeping matters	<ul style="list-style-type: none"> The housekeeping update to LEP 2010 will broadly support the Planning Priorities of the LSPS.

Section B – Relationship to Strategic Planning Framework

Greater Sydney Region Plan and Western City District Plan

In March 2018, the GSC 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.

In March 2018, the GSC also published the *Western City District Plan*. 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 *Western City District Plan* informs the assessment of planning proposals and provides the link between regional and local planning.

The Planning Proposal is consistent with the *Greater Sydney Region Plan* and *Western City District Plan*. It aligns Penrith LEP 2010 with the planning priorities set in the GSC's *Greater Sydney*

Region Plan and *Western City District Plan*. Council's LEP has already been recognised as being generally consistent with these plans through the LEP "Health Check" process.

The preparation of the Planning Proposal is informed by a series of studies and strategies that respond to the forecast growth for the Western City District and Penrith Local Government Area. These studies and strategies provide the evidence base to inform recommendations about how Council can respond to the new strategic direction.

Council proposes to carry out the LEP Review in phases to better align with the outcomes from further strategy work and actions from the LSPS. This Phase 1 LEP Review Planning Proposal primarily responds to the immediate actions arising from the draft Local Housing Strategy, draft Rural Lands and Villages Strategy, and draft St Marys Economic Development Strategy, as well as addressing minor housekeeping amendments.

Penrith Community Plan

The *Penrith Community Plan* was adopted by Council on 24 June 2013 and represents the community's vision for the Penrith Local Government Area 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, 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 relevant SEPPs, as demonstrated in Appendix 1.

In relation to SEPP No 55—Remediation of Land, the changes sought in the Planning Proposal are consistent with this SEPP, as they do not involve any zoning changes and will only permit additional uses (e.g. eco-tourist facilities in the E4 zone; centre-based child care facilities in Castlereagh's 'centre'; dwelling houses on certain lots in Llandilo; and some commercial and retail uses on additional land in Station Street, Penrith) that are similar in nature to other land use types currently permissible within the relevant zone or locality. Depending on the site and its land use history, a Stage 1 preliminary investigation report could potentially be provided at the development application stage to confirm the site's suitability for the proposed use.

In relation to SEPP No 64—Advertising and Signage, the changes sought in the Planning Proposal are consistent with this SEPP, as nothing in the Planning Proposal will prevent the application of this SEPP.

In relation to SEPP (Affordable Rental Housing) 2009, the changes sought in amendment 1 of the Planning Proposal are inconsistent with this SEPP, as the proposed minimum lot size of 1200m² for multi dwelling housing is greater than the minimum 450m² site area in clause 14(1)(b) of the SEPP. This clause provides that a consent authority must not refuse consent to an affordable rental housing development on site area grounds if the site is at least 450m². This inconsistency is considered to be justifiable as the SEPP will continue to prevail over LEP 2010

for affordable rental housing proposals which are only one form of multi dwelling housing; i.e. nothing in this amendment will prevent the application of this SEPP. Further, the changes sought in amendments 5 and 7 are consistent with this SEPP, as nothing in these amendments will prevent the application of the SEPP.

In relation to SEPP (Educational Establishments and Child Care Facilities) 2017, the changes sought in the Planning Proposal are consistent with this SEPP, as nothing in the Planning Proposal will prevent the application of this SEPP.

In relation to SEPP (Exempt and Complying Development Codes) 2008, the changes sought in amendment 1 of the Planning Proposal are consistent with this SEPP, as they amend an existing minimum lot size control in the LEP for multi dwelling housing on land zoned R3 and R4. The SEPP allows for a minimum lot size to be nominated in the LEP for multi dwelling housing. Similarly, the changes sought in amendment 2 are consistent with this SEPP, as they provide a minimum lot size control for dual occupancy development on land zoned RU5 in Londonderry and Luddenham villages consistent with other rural villages in the Penrith Local Government Area. The SEPP also allows for a minimum lot size to be nominated in the LEP for dual occupancy development. The changes sought in amendment 5 of the Planning Proposal are consistent with this SEPP, as nothing will prevent the application of the SEPP.

In relation to SEPP (Vegetation in Non-Rural Areas) 2017, the changes sought in the Planning Proposal are consistent with this SEPP, as nothing in the Planning Proposal will prevent the application of this SEPP.

In relation to Sydney REP No 20 – Hawkesbury-Nepean River (No 2 – 1997), the changes sought in the Planning Proposal are consistent with this SEPP, as nothing in the Planning Proposal will prevent the application of this SEPP.

In relation to SEPP (Infrastructure) 2007, the changes sought in the Planning Proposal are consistent with this SEPP, as nothing in the Planning Proposal will prevent the application of the SEPP over the subject land.

In relation to SEPP (Mining, Petroleum Production and Extractive Industries) 2007, the changes sought in the Planning Proposal are consistent with this SEPP, as nothing in the Planning Proposal will prevent the application of the SEPP.

Section 9.1 Local Planning Directions

The Minister for Planning and Public Spaces 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.

This Planning Proposal is considered to be generally consistent with all applicable Section 9.1 Local Planning Directions, as demonstrated in Appendix 2.

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.

This Planning Proposal recommends changes to the LEP 2010 written instrument and the LEP 2010 map tiles. The objectives and intended outcomes of the Planning Proposal will be achieved by amending LEP 2010.

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 are the result of several pieces of strategic work which have considered environmental, social and economic elements.

Section D – State and Commonwealth Interests

The changes sought to Sydney Water land by the Planning Proposal have been recommended by Sydney Water.

The Gateway Determination provided at Appendix 6 provides details of the consultation to be undertaken with public authorities.

Part 4 – Mapping

The map tiles are proposed to be amended as part of the Planning Proposal are presented in Table 9 below.

Table 9: Map tiles proposed to be amended

Map	Tile Number
Clause Application Map (CAP)	001, 002
Land Zoning (LZN)	005, 006, 007, 012, 013, 014, 018
Lot Size (LSZ)	005, 006, 007, 012, 013, 014, 018
Height of Buildings (HOB)	005, 006, 007, 012, 013, 018
Heritage (HER)	005, 006, 013
Additional Permitted Uses (APU)	005, 006, 012, 013
Urban Release Area (URA)	007
Floor space ratio (FSR)	006

The proposed LEP 2010 map tiles are provided at Appendix 3.

Part 5 – Community Consultation

The Gateway Determination provided at Appendix 6 outlines the community consultation to be undertaken.

As the COVID-19 situation continues to evolve, Penrith City Council has moved to virtual services as of March 24, 2020. Accordingly, a number of Council buildings, including the Civic Centre and libraries will remain closed until further notice.

On 25 March 2020, the Department of Planning, Industry and Environment (DPIE) made updates to NSW's planning policies and legislation in response to COVID-19. The COVID-Legislation Amendment (Emergency Measures) Bill 2020 temporarily removes the requirement for local councils to display physical copies of certain documents in accordance with the *Environmental Planning and Assessment Act 1979*.

Physical copies of the planning proposal and accompanying documents were originally to be exhibited from 1 May to 29 May at the Penrith Civic Centre, Penrith Library, Council's St Marys Office and St Marys Library. These documents will now be available online on the Penrith City Council Your Say webpage and exhibited for the duration of the exhibition period. This is in accordance with approval granted to local councils by the Secretary of DPIE.

The recent amendments to the regulations also temporarily removed the requirements for physical print advertising, applying to planning processes that will require notification as of 17 April 2020 onwards. Notwithstanding this, the Council Corporate News Page will appear as digital copy on the Weekender newspaper website and will be promoted through social media and the New West newsletter to ensure broader engagement with the community.

By exhibiting the planning proposal, accompanying documents and advertisement in a digital format, the local community will continue to be informed and have access to the exhibition materials without compromising the public health, safety and welfare.

Part 6 - Project Timeline

Milestone	Timeframe
Council endorsement to send the Planning Proposal to DPIE for Gateway	23 September 2019
Submission to NSW Department of Planning, Industry and Environment	30 September 2019
Gateway Determination issued	17 February 2020, as amended 11 March 2020
Public exhibition and public authority consultation	April & May 2020
Consideration of submissions	May & June 2020
Reporting of the Planning Proposal to Council	August 2020
Submission to NSW Department of Planning, Industry and Environment	August 2020
Publication of LEP amendment	February 2021

Appendices

APPENDIX 1

Consistency with State Environmental Planning Policies

APPENDIX 2

Consistency with Local Planning Directions

APPENDIX 3

Proposed Penrith LEP 2010 Map Tiles

APPENDIX 4

Penrith Local Planning Panel advice

APPENDIX 5

Council report and minutes

APPENDIX 6

Gateway Determination 17 February 2020, as
amended 11 March 2020