



Planning Proposal

LEP Review Phase 1

September 2019

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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 local environmental plan.
6	Decision	The relevant planning authority approves the local environmental plan, 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) has prepared a draft LSPS, which is anticipated to be publicly exhibited between 30 September and 11 November 2019.

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:

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

Council also intends to prepare the following studies and strategies:

- Penrith City Centre
- Industrial Lands
- The Northern Road Corridor Land Use Study
- 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 draft LSPS. The following phases are proposed:

- LEP Review Phase 1: Immediate outcomes from Local Housing Strategy, Rural Lands and Villages Strategy, minor housekeeping amendments and consolidation of Planning Proposals where appropriate.
- 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 draft LSPS.

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

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 changes is presented in the table below. Details of each proposed change are provided 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	Permit eco-tourist facilities in environmental living zones
3	Strengthen the role of Castlereagh's 'centre'
4	Dwelling houses on certain land in Llandilo
5	Requirement for non-residential uses in St Marys Town Centre mixed use zones
6	Housekeeping matters
7	Prohibition of cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia
8	Rezoning of Triangle Park, Penrith

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

Objective or Intended outcome

To amend the Penrith Local Environmental Plan 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 DCP to 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.**

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.

As described in the 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 are 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 have undertaken to date to address built form outcomes and preserving local character values as it relates to multi dwelling housing (defined as three or more dwellings on one lot of land). These initiatives include the Oxley Park Place Plan and amendments to the Penrith Development Control Plan 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 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 making 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, 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.*

In July 2018, the Low-Rise Medium Density Housing Code (the Code) was introduced to encourage well designed dual occupancies, manor houses and terraces. Penrith Council is currently deferred from the application of the Code. The Department of Planning, Industry and Environment (DPIE) will review this in October 2019. The code applies in areas where Councils have already permitted medium density housing under their LEP. The Code's minimum lot size provision for medium density housing refers to the minimum lot size provided in the LEP. Our current minimum lot size for medium density housing in the R3 zone for a standard lot and battle-axe lot is 800m² and 900m² respectively. This amendment prepares our LEP for the application of the Code, that is expected following the Department's review later in the year.



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

Consistency with draft Local Strategic Planning Statement

The relevant Planning Priorities in the draft 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 – 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 draft 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 Local Housing Strategy.

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. Permit eco-tourist facilities in environmental living zones

Objective or Intended outcome

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

A planning outcome of the 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 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. The table below 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.

	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 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 draft Local Strategic Planning Statement

The relevant Planning Priorities in the draft 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.

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

Objective or Intended outcome

It is proposed that the 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 2:

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

A planning outcome of the 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 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 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 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 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 2 below.

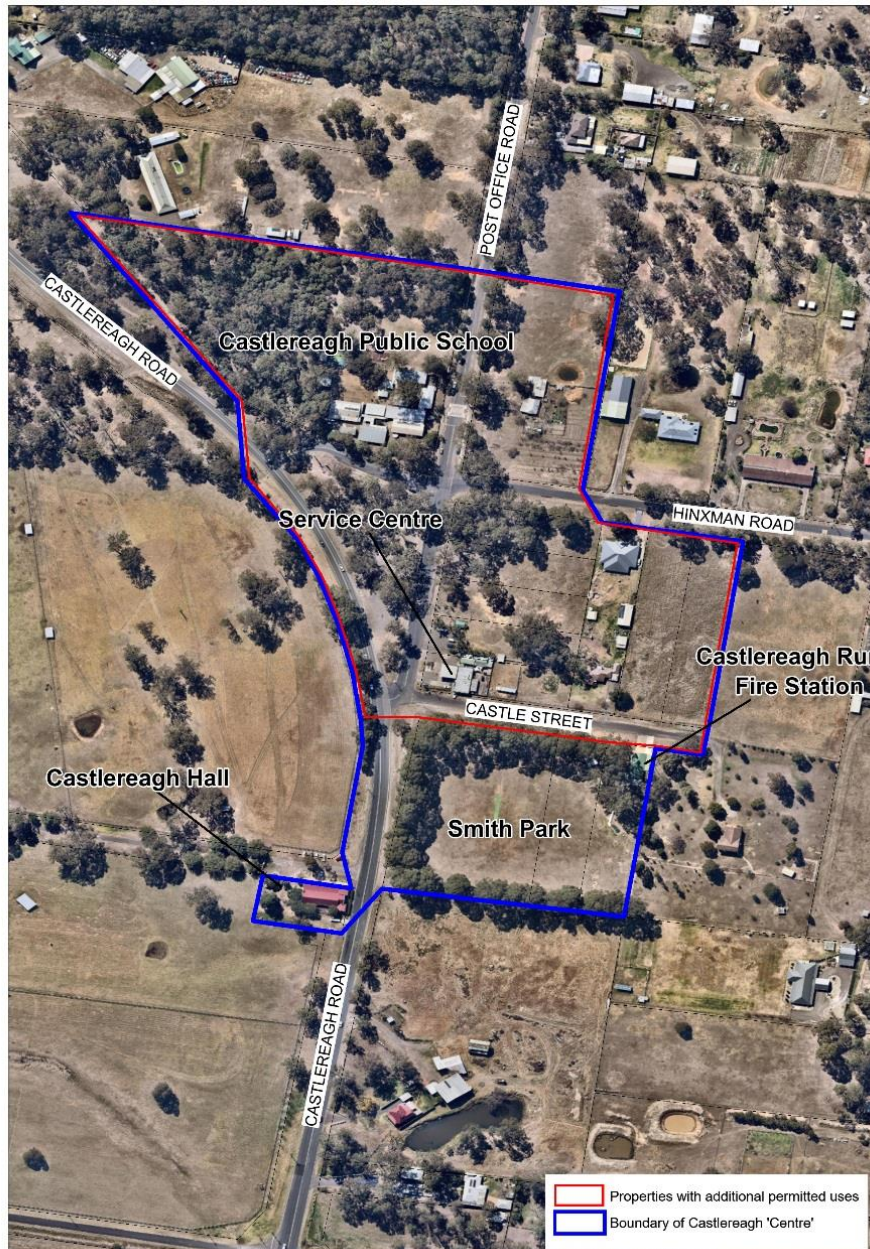


Figure 2: Castlereagh 'Centre' and Land with Additional Permitted Uses

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 that 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 draft Local Strategic Planning Statement

The relevant Planning Priorities in the draft 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.

4. 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), thereby permitting a dwelling on those lots. These 11 lots are shown in Figure 3 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

The 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 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 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 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 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 minimum two hectare requirement.

Consistency with draft Local Strategic Planning Statement

The relevant Planning Priorities in the draft 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 3: Potential for Dwelling Houses in Llandilo

The relevant LEP controls applicable to this area include Floor Space Ratio controls and Height of Building controls as shown in Figure 5 below. The relevant DCP controls are found in Part E15 of the Penrith DCP.

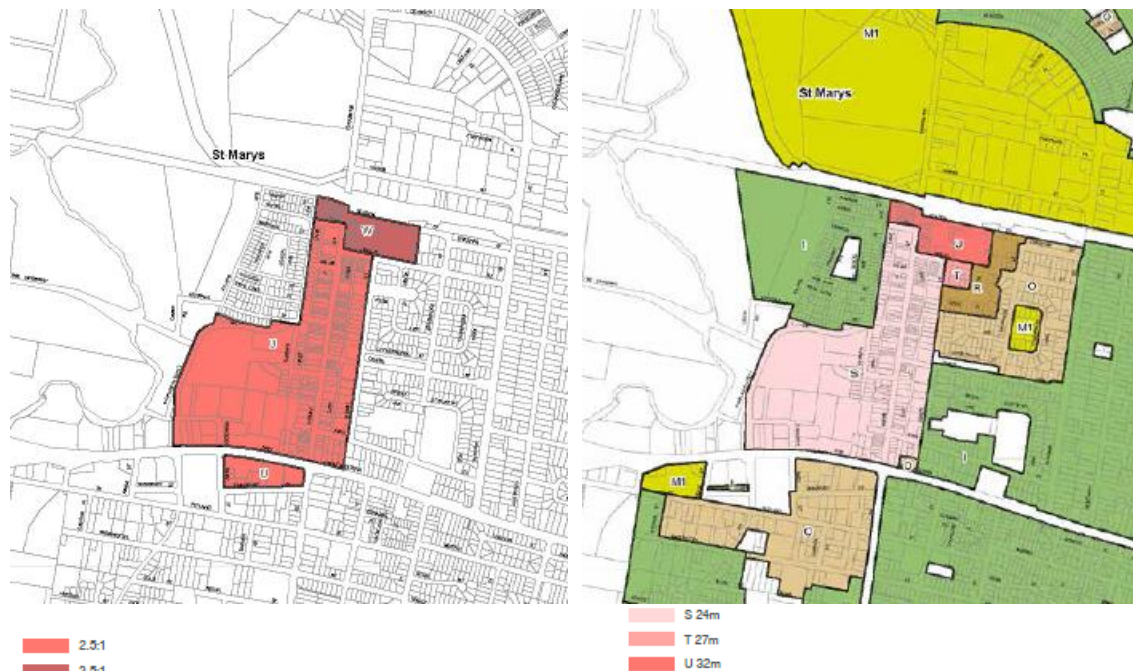


Figure 5: St Marys Town Centre Floor Space Ratio controls and Height of Buildings controls.

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. The Penrith DCP 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 5.3 with scope for variations. Noting that the first-floor requirement only covers a portion of any developments 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 6 below) to be provided for non-residential uses.



Figure 6: Penrith DCP 2014 Mixed Use development controls – Built form controls for Ground Floor Commercial (left) and First Floor Commercial (right)

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

This amendment progresses recommendation S1 in the *St Marys Economic Development Strategy*.

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 EDS was 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 *St Marys Economic Activity Study* and *St Marys Economic Development Strategy* 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 & 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 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 draft Local Strategic Planning Statement

The relevant Planning Priorities in the draft 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 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. Update of DCP controls will be included in a future DCP review.

6. Housekeeping matters

Objective or Intended outcome

It is proposed to resolve several minor errors and anomalies that have been identified in 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

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 10 housekeeping matters in total proposed to be changed. A summary of the proposed changes are presented in the table below.

Item No.	Title	Proposed change
6A	Additional Permitted Uses provisions for 164 Station Street, Penrith	The existing partial coverage of the additional permitted uses on the site is proposed to be extended to cover the full site so as to provide a uniform and consistent suite of planning provisions to the site and enable orderly development of the land.
6B	<p>Rezoning of several parcels of Sydney Water land</p> <p>The subject properties are:</p> <ul 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 ST, Glenmore Park e. 76A CHRISTIE ST, St Marys f. 171-175 ANDREWS RD, Cranebrook g. 2a FITCH AVE, Penrith h. 1 HICKEYS Lane, Penrith i. 13A MACKELLAR ST, Emu Plains j. 23A LOFTUS ST, Regentville k. 1 FACTORY RD, Regentville l. 1A CARCOAR CL, Erskine Park m. 2180 CASTLEREAGH RD, Penrith n. 18 WINBOURNE RD, Mulgoa o. 334A LONDONDERRY RD, Londonderry p. 9 William Hart CRES, 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>

6C	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.
6D	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.
6E	Alignment of mapped planning controls at Peak Place and Edgewater Drive, Glenmore Park	Correction to the mapping for 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.
6F	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.
6G	Correction to zoning of park at Buttercup Street, Claremont Meadows	An existing park at Buttercup is incorrectly zoned and is proposed to be zoned RE1 Public Recreation. The height and lot size controls are also to be removed.
6H	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.
6I	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.
6J	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 update to LEP 2010 as part of this LEP Review Phase 1 will broadly support the Planning Priorities of the draft LSPS.

6A. Additional Permitted Uses provisions for 164 Station Street, Penrith

The LEP 2010 Additional Permitted Uses (APU) map currently applies to the north-eastern portion only of 164 Station Street, Penrith (Lot 12, DP 234581). It is proposed 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. This is considered to be a minor housekeeping amendment.

It is proposed that clause 25 of Schedule 1 of LEP 2010 (Use of certain land at 164 Station Street, Penrith) is amended to remove the reference to 'part' of the lot [see Clause 25(1)]. The APU Map is proposed to be amended as follows:

Current APU Map	
Proposed APU Map	

6B. 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.

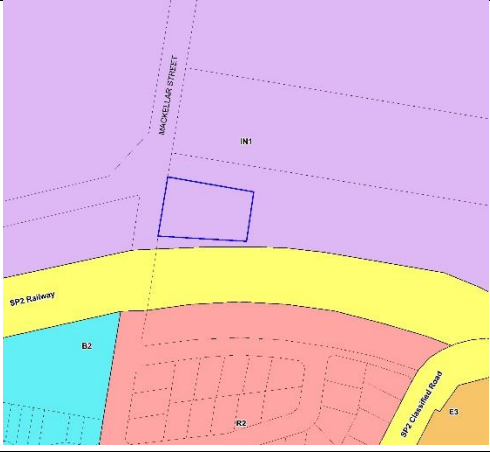
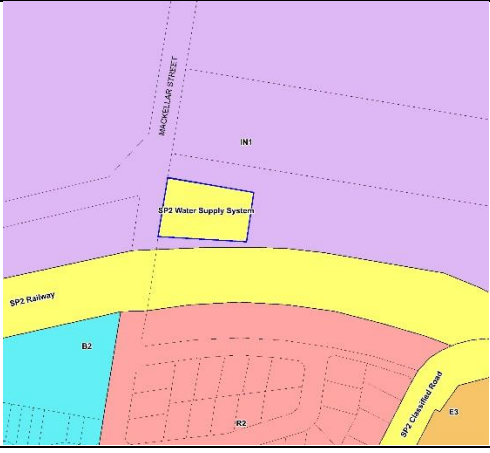
Council officers concur with the Sydney Water request. It is also the case that there is a need to remove the LEP 2010 lot size and height controls from the proposed SP2 land, which is consistent with the approach taken to SP2 sites. In addition, Council has identified a further Sydney Water site that 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 LEP 2010 zoning for the 16 subject Sydney Water properties and the additional property identified by Council are presented in the table below. This is considered to be a minor housekeeping amendment.

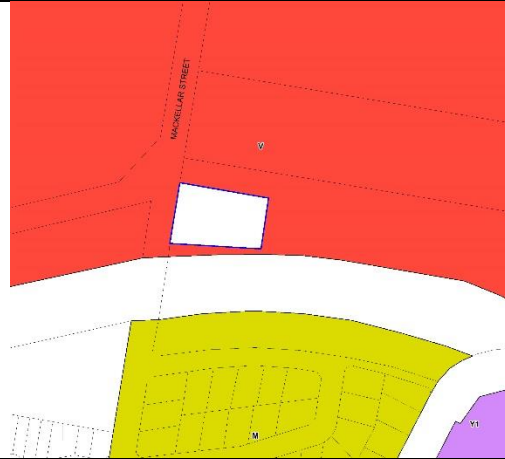
Ref.	Property	Site Use	Site Name	Current LEP Zoning	Proposed LEP Zoning
a	99a Mackellar Street, Emu Plains (Lot 1, DP613128)	Water Pump	EMU PLAINS WP0205	IN1	SP2
b	18b The Haven, Orchard Hills (Lot 1, DP562089)	Sludge Lagoons	WS0304,WS0209-BRINGELLY	RU4	SP2
c	312a Wentworth Road, Orchard Hills (Lot 1, DP552434)	Sludge Lagoons	WS0304,WS0209-BRINGELLY	RU4	SP2
d	1 ALSTON ST, Glenmore Park (Lot 1, DP647341)	Sewer Pump	SP1026	R2	SP2
e	76A CHRISTIE ST, St Marys (Lot 103, DP31912)	Sewer Pump	SP0203E	IN1	SP2
f	171-175 ANDREWS RD, Cranebrook (Lot 84, DP1091493)	Sewer Pump	SP0883 & SP1142	IN2	SP2
g	2a FITCH AVE, 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 ST, Emu Plains (Lot 131, DP587831)	Sewer Pump	SP0894	IN1	SP2
j	23A LOFTUS ST, Regentville (Lot 1, DP747091)	Sewer Pump	SP0899	RU4	SP2
k	1 FACTORY RD, Regentville (Lot 1, DP746603)	Sewer Pump	SP0900	R2	SP2
l	1A CARCOAR CL, Erskine Park (Lot 128, DP800074)	Sewer Pump	SP0935	R2	SP2
m	2180 CASTLEREAGH RD, Penrith (Lot 4, DP1067795)	Sewer Pump	SP0884	IN1	SP2
n	18 WINBOURNE RD, Mulgoa (Lot 1, DP1104538)	Sewer Pump	SP1133	RU5	SP2
o	334A LONDONDERRY RD, Londonderry (Lot 21, DP1163432)	Odour Control Unit	SX0076 ODOUR CHEMICAL DOSING UNIT	RU4	SP2
p	9 William Hart CRES, 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:

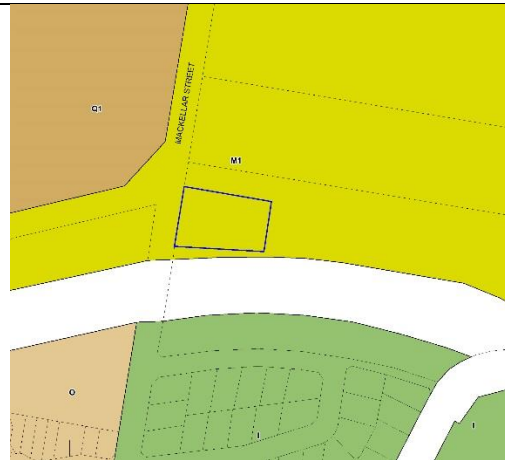
a. 99a Mackellar Street, Emu Plains (Lot 1, DP613128)

Current Zoning Map		
Proposed Zoning Map		
Current lot size Map		

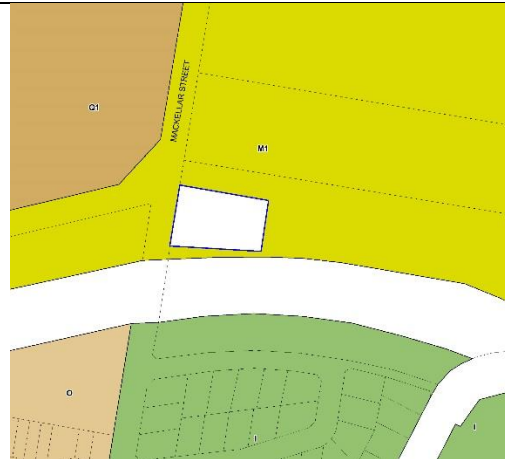
Proposed lot size
Map



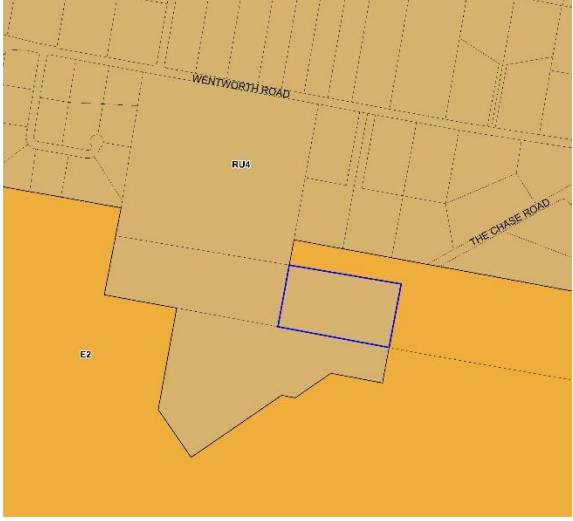
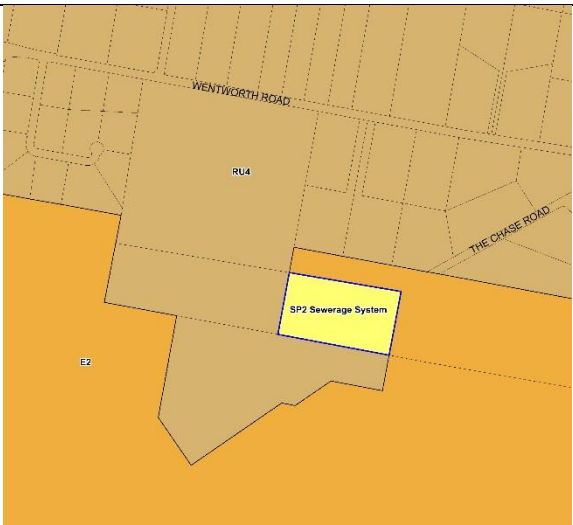
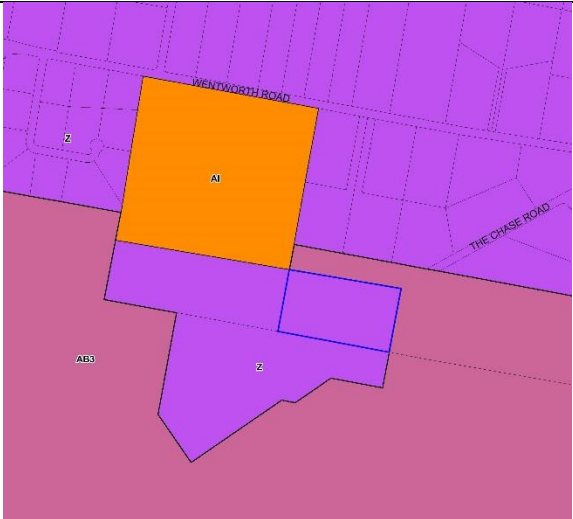
Current height of
buildings Map



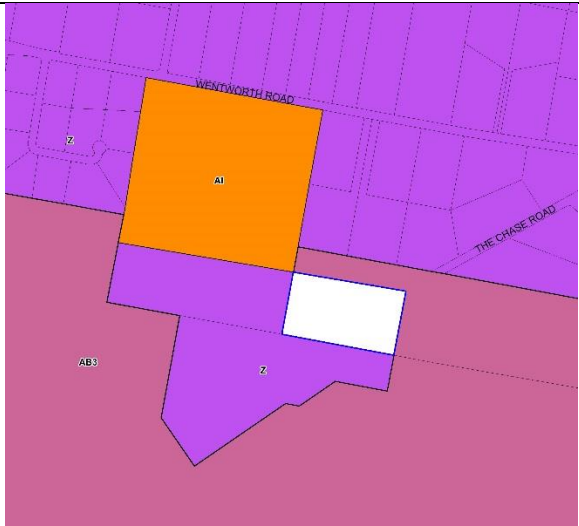
Proposed height
of buildings Map



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

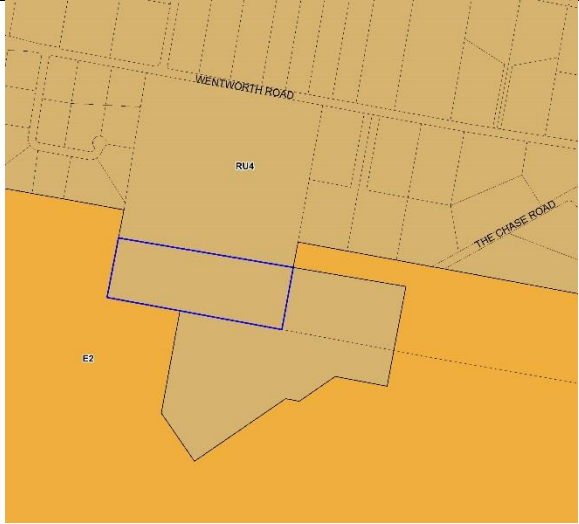
Current Zoning Map	 A map showing the current zoning for the area. The map includes Wentworth Road at the top and The Chase Road on the right. The central area is labeled RU4. A small rectangular area is highlighted with a blue border. The bottom area is labeled E2.	
Proposed Zoning Map	 A map showing the proposed zoning for the area. The map includes Wentworth Road at the top and The Chase Road on the right. The central area is labeled RU4. A rectangular area is highlighted with a blue border and labeled "SP2 Sewerage System". The bottom area is labeled E2.	
Current lot size Map	 A map showing the current lot sizes for the area. The map includes Wentworth Road at the top and The Chase Road on the right. The central area is labeled AI. A rectangular area is highlighted with a blue border. The bottom area is labeled AB3. The map is color-coded with purple and pink.	

Proposed lot size
Map

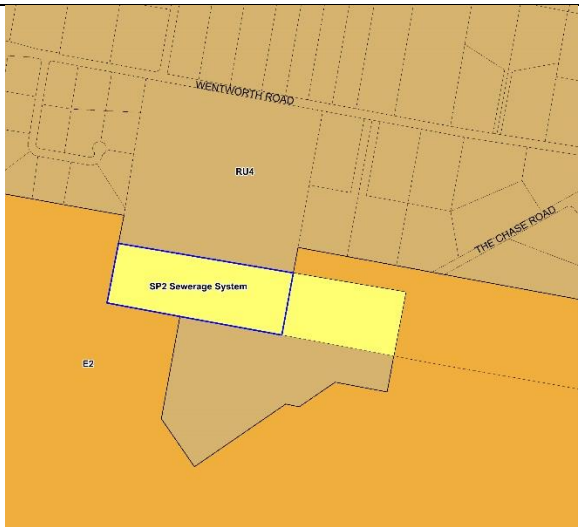


c 312a Wentworth Road, Orchard Hills (Lot 1, DP552434)

Current Zoning
Map

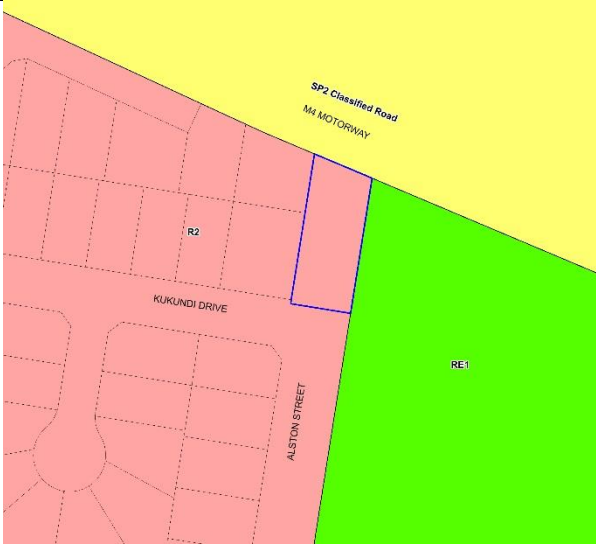


Proposed Zoning
Map

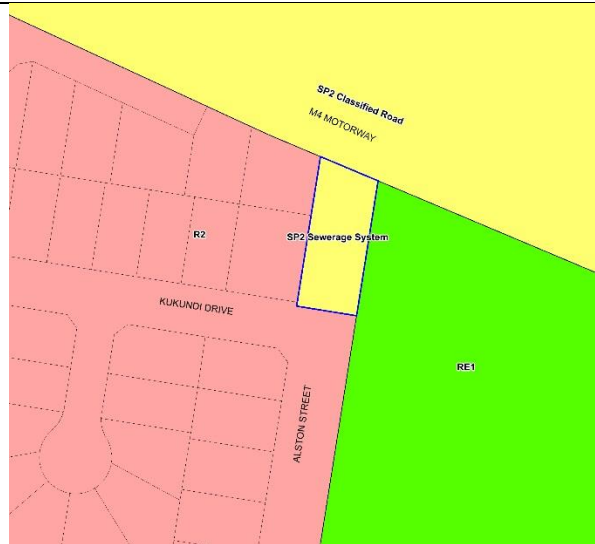


Current lot size Map		
Proposed lot size Map		

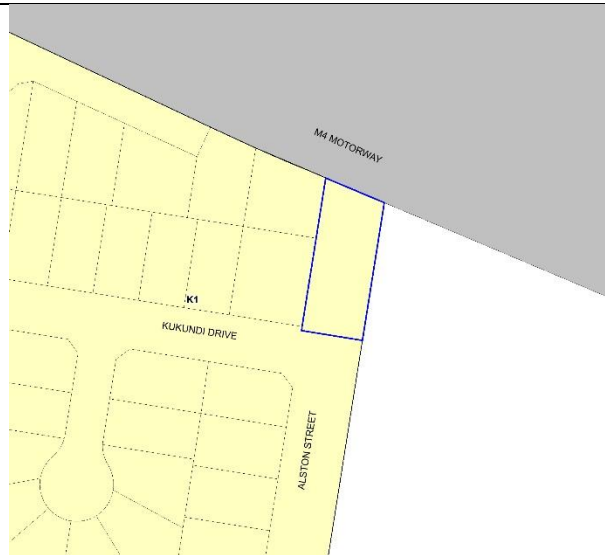
d 1 ALSTON ST, Glenmore Park (Lot 1, DP647341)

Current Zoning Map		
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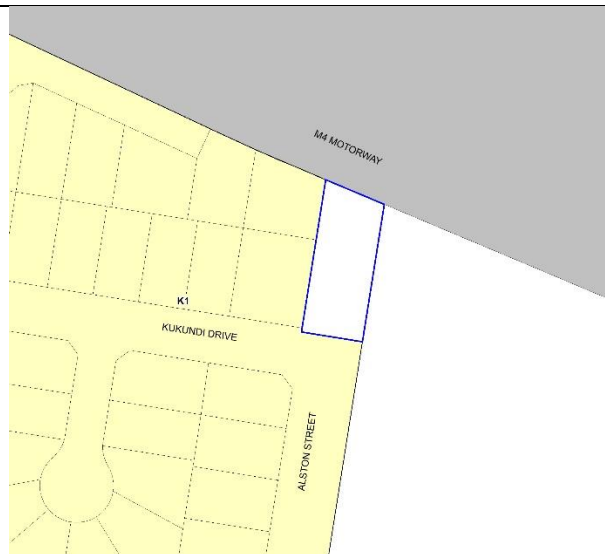
Proposed Zoning Map





Current lot size Map



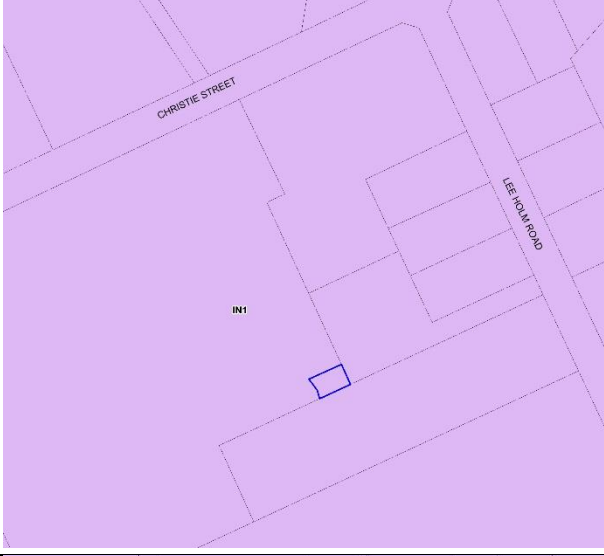
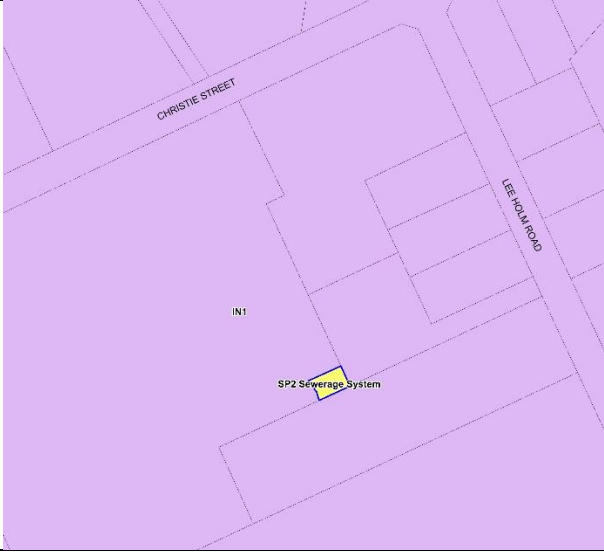
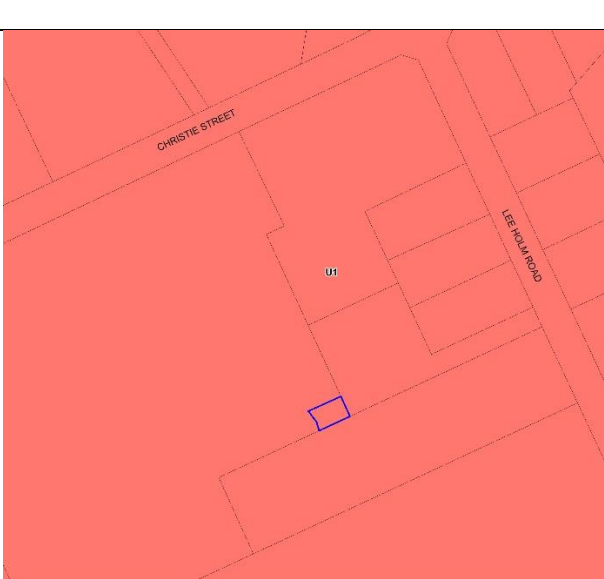
Proposed lot size Map



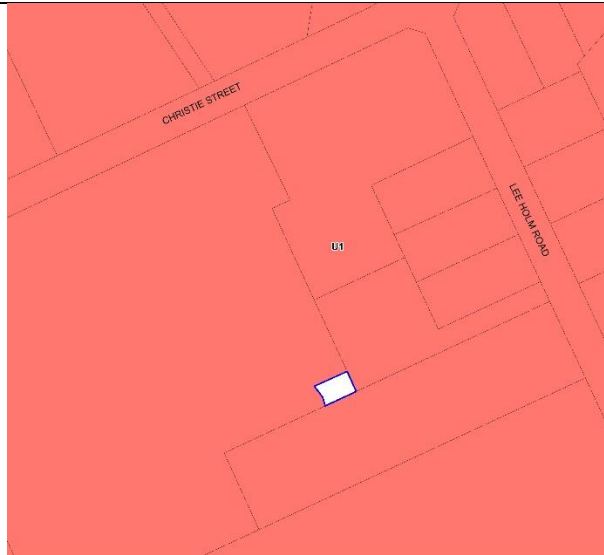
Current height of buildings Map	
Proposed height of buildings Map	

It is noted that a draft LEP amendment sought under the Housekeeping Amendment Planning Proposal seeks to add a lot size control to this property. At this current time the lot size control does not exist. The changes proposed in this LEP Review Planning Proposal assume that the draft LEP amendment will occur and therefore assumes that a lot size control applies to the site.

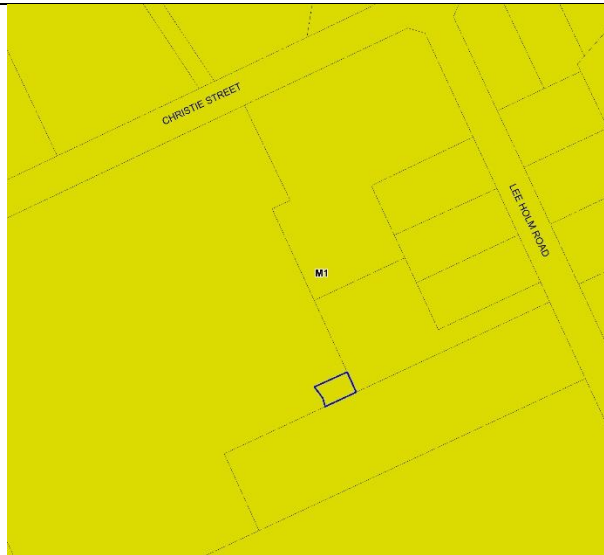
e 76A CHRISTIE ST, St Marys (Lot 103, DP31912)

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

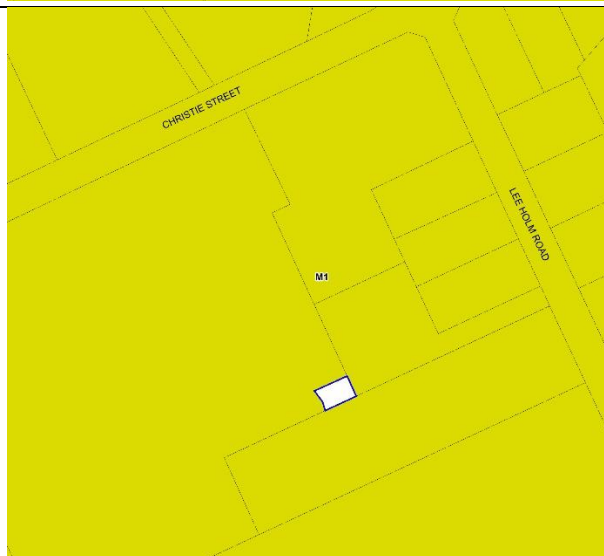
Proposed lot size
Map



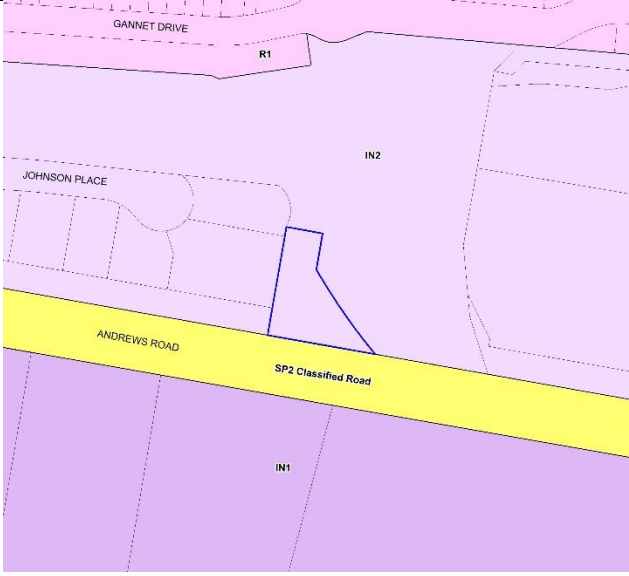
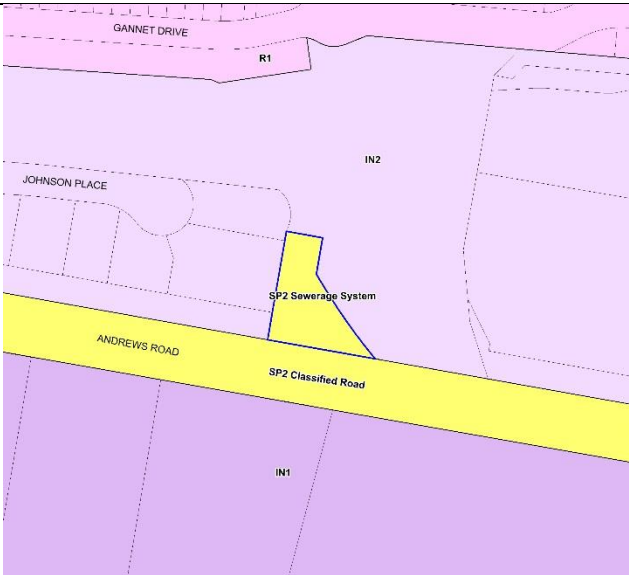
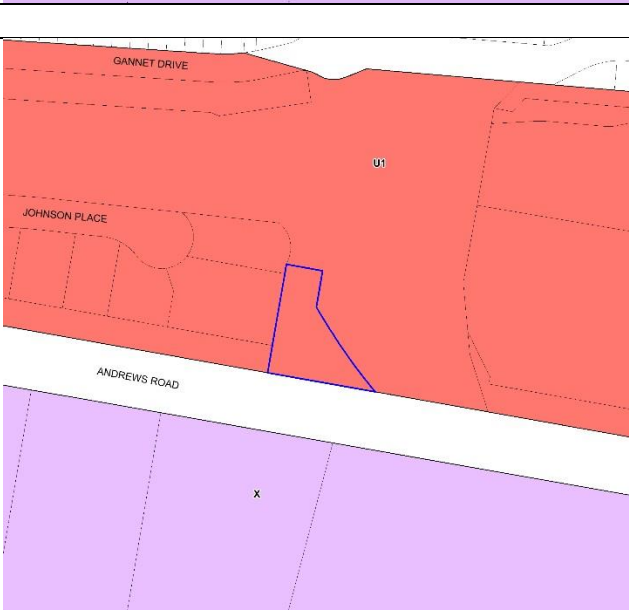
Current height of
buildings Map



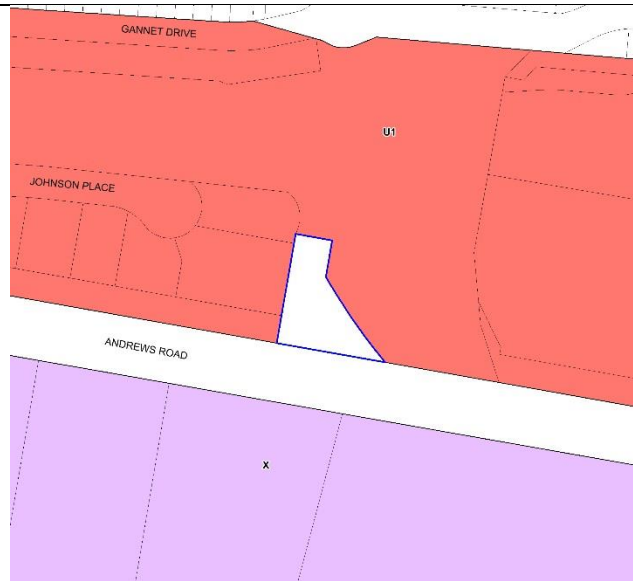
Proposed height
of buildings Map



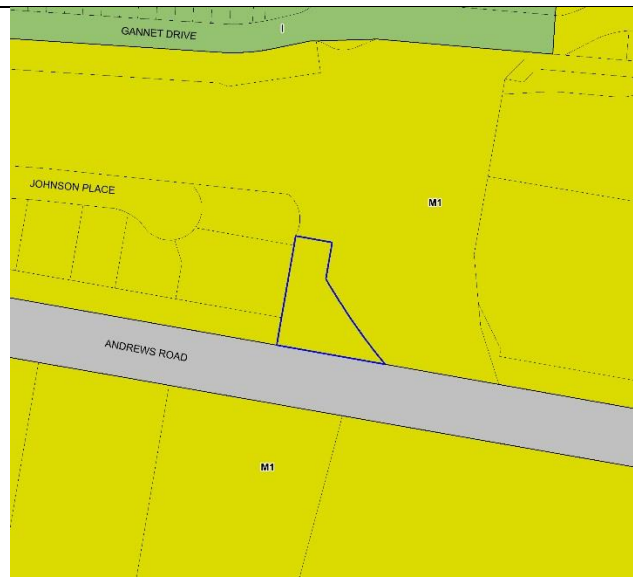
f 171-175 ANDREWS RD, Cranebrook (Lot 84, DP1091493)

<p>Current Zoning Map</p>	 <p>The map shows a residential area with GANNET DRIVE at the top, JOHNSON PLACE in the middle left, and ANDREWS ROAD at the bottom. A yellow diagonal band labeled 'SP2 Classified Road' runs across the lower half. Zoning codes include R1 (pink), IN2 (light purple), and IN1 (medium purple). A blue-outlined lot is situated between JOHNSON PLACE and ANDREWS ROAD.</p>
<p>Proposed Zoning Map</p>	 <p>This map is identical to the current zoning map but includes an additional yellow-outlined area labeled 'SP2 Sewerage System' located between JOHNSON PLACE and ANDREWS ROAD, adjacent to the blue-outlined lot.</p>
<p>Current lot size Map</p>	 <p>The map shows the same area with GANNET DRIVE, JOHNSON PLACE, and ANDREWS ROAD. Lot size codes include U1 (red) and X (light purple). The blue-outlined lot is present, and the yellow diagonal band is absent.</p>

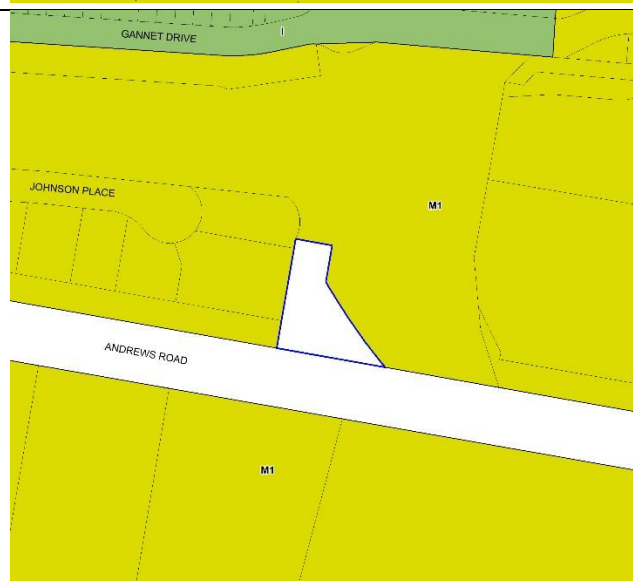
Proposed lot size
Map





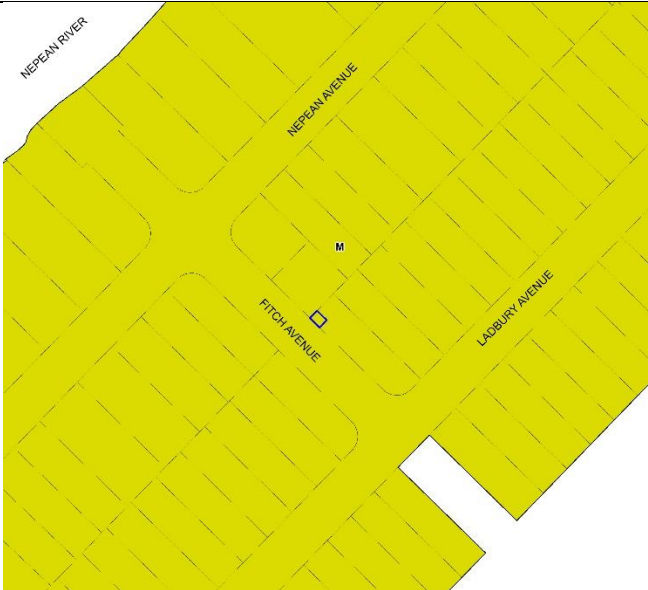
Current height of
buildings Map



Proposed height
of buildings Map



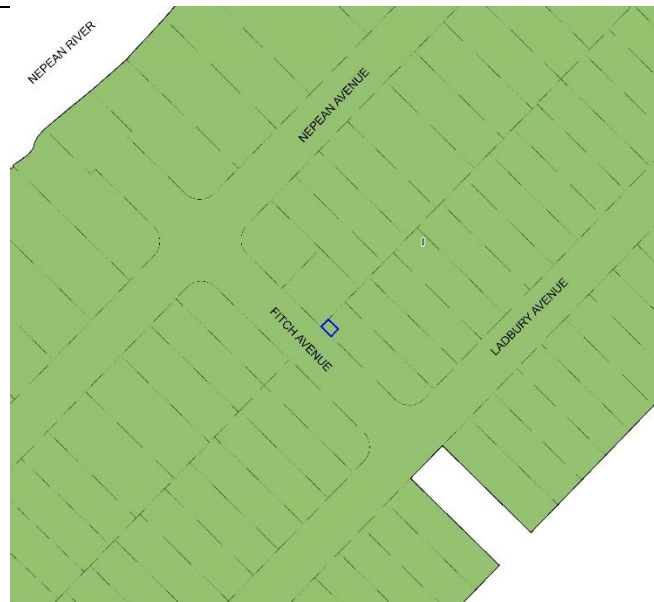
g 2a FITCH AVE, Penrith (Lot 2, DP520791)

Current Zoning Map		
Proposed Zoning Map		
Current lot size Map		

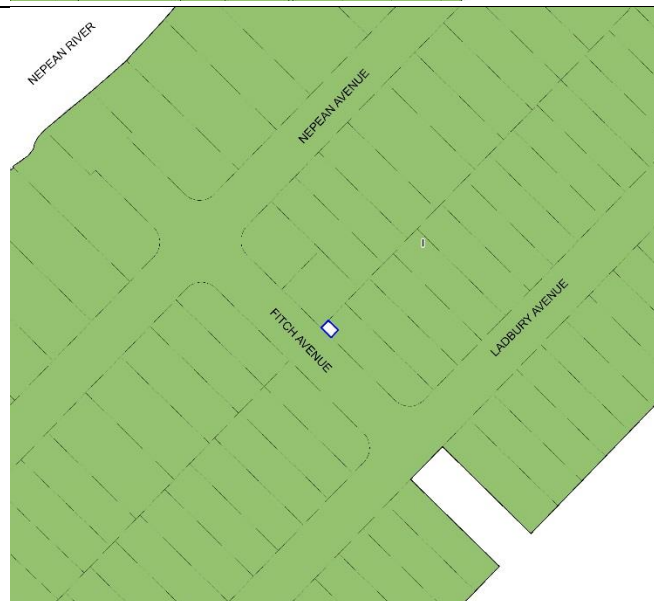
Proposed lot size
Map



Current height of
buildings Map



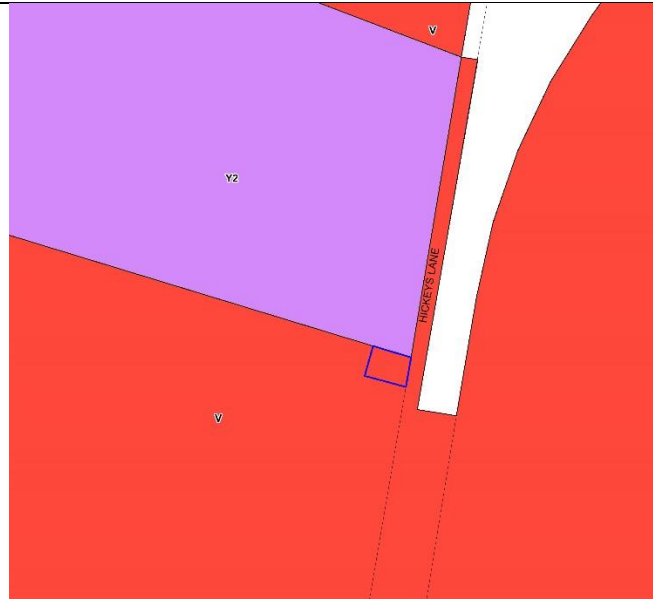
Proposed height
of buildings Map



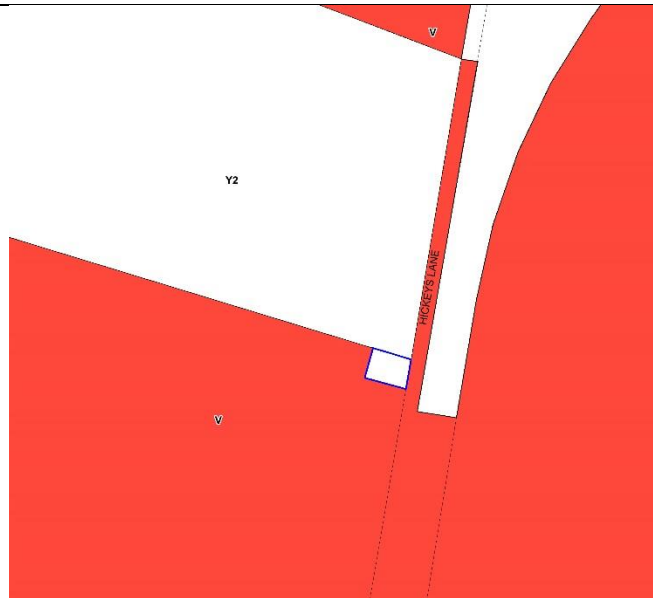
h 1 HICKEYS Lane, Penrith (Lot 1, DP785029)

<p>Current Zoning Map</p>	 <p>The map shows a yellow area labeled 'SP2 Sewerage System' and a purple area labeled 'SP2 Classified Road'. A small blue rectangle is located on the boundary between the yellow and purple areas, near the label 'HICKEYS LANE'.</p>
<p>Proposed Zoning Map</p>	 <p>The map shows a yellow area labeled 'SP2 Sewerage System' and a purple area labeled 'SP2 Classified Road'. A small blue rectangle is located on the boundary between the yellow and purple areas, near the label 'HICKEYS LANE'.</p>

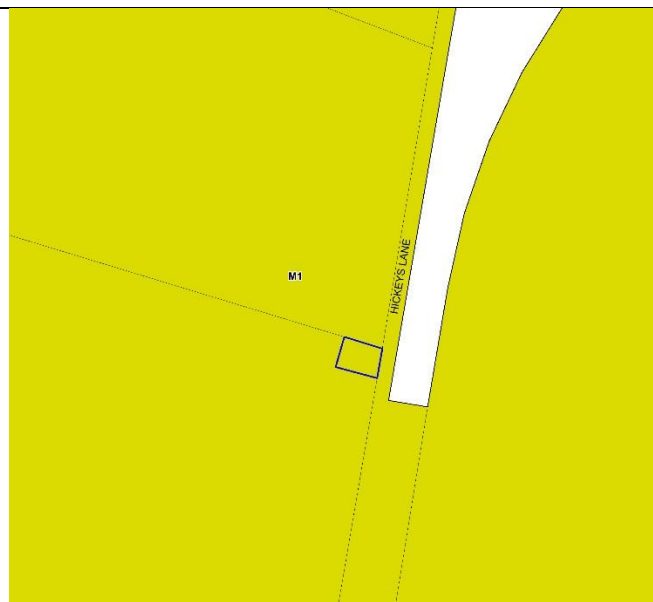
Current lot size
Map



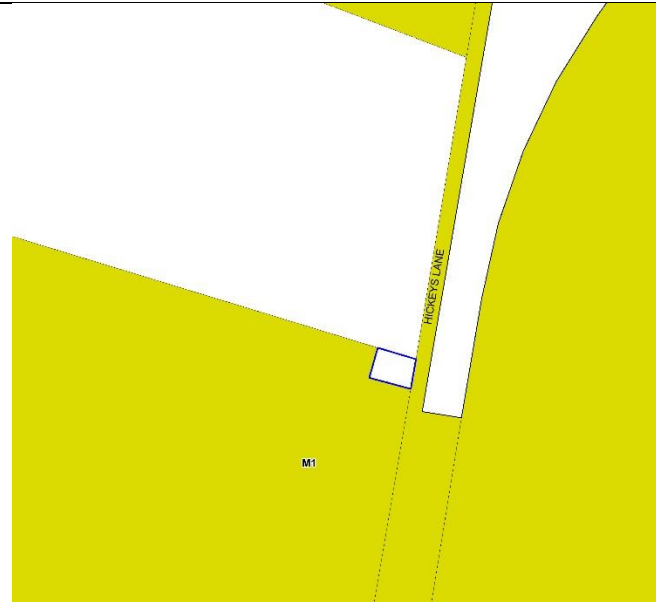
Proposed lot size
Map



Current height of
buildings Map

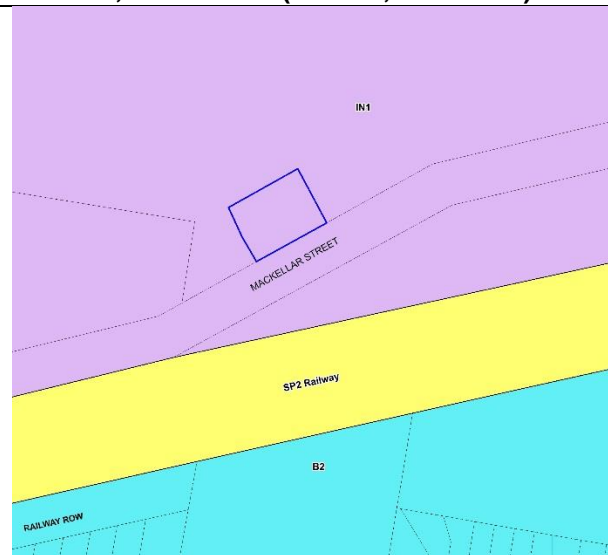


Proposed height
of buildings Map

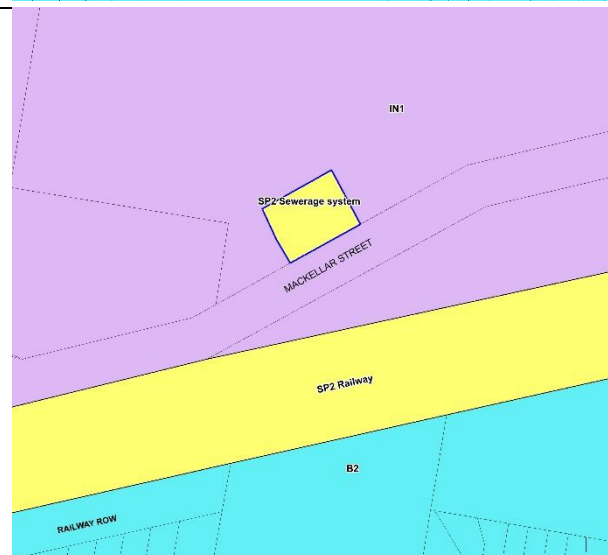


i 13A MACKELLAR ST, Emu Plains (Lot 131, DP587831)

Current Zoning
Map



Proposed Zoning
Map



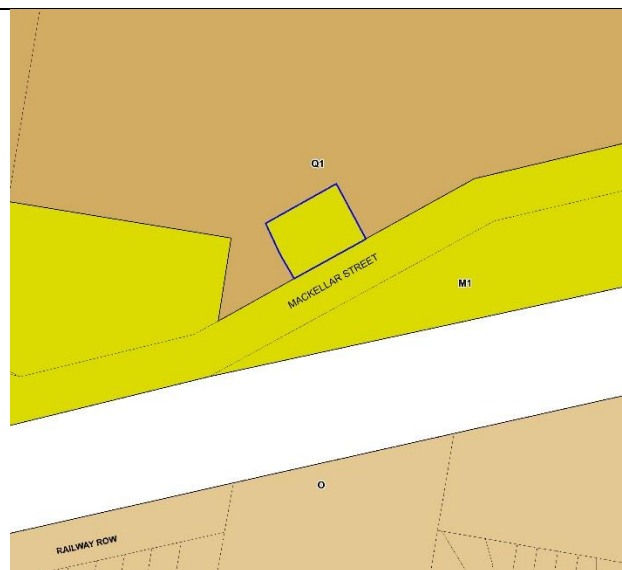
Current lot size
Map



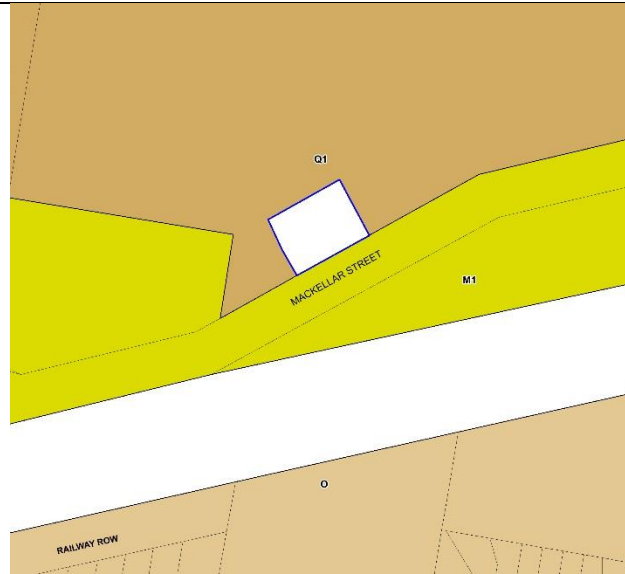
Proposed lot size
Map



Current height of
buildings Map

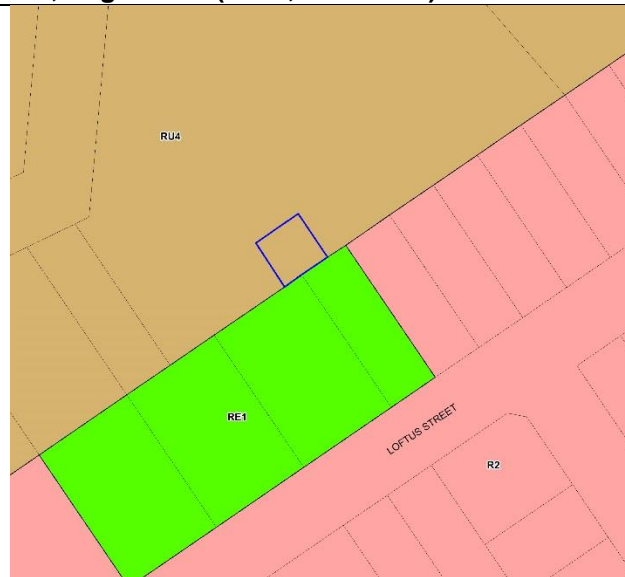


Proposed height
of buildings Map

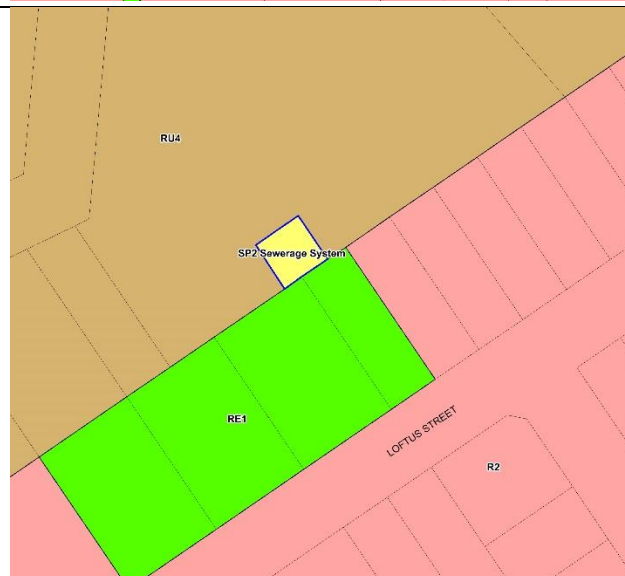


j 23A LOFTUS ST, Regentville (Lot 1, DP747091)

Current Zoning
Map

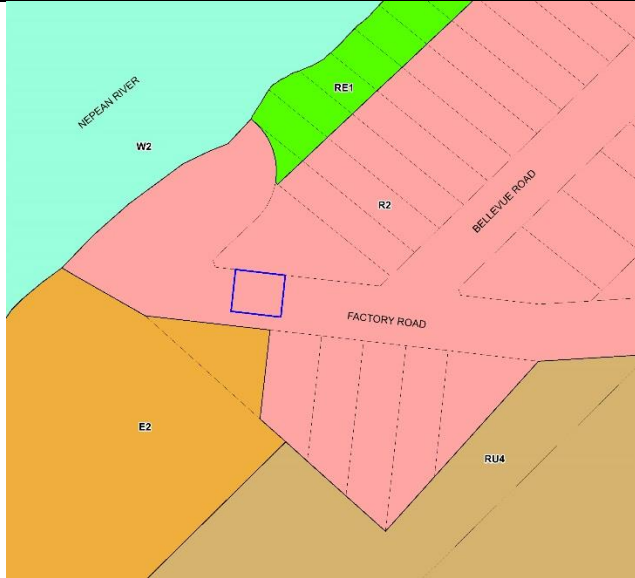


Proposed Zoning
Map

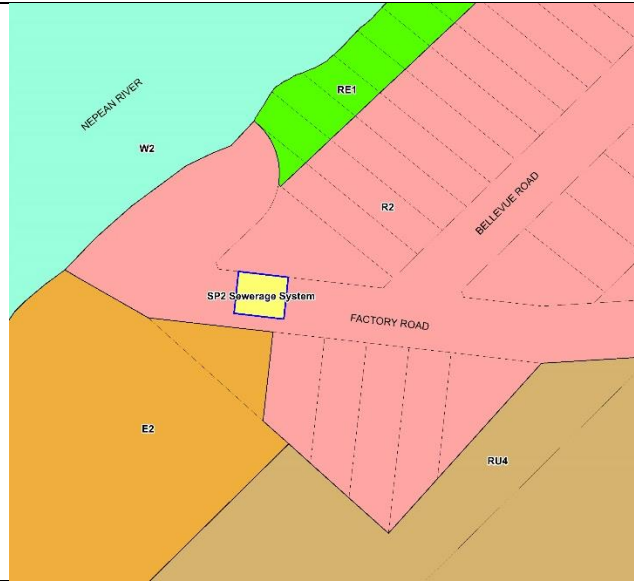


Current lot size Map	 <p>This map shows a site plan with an orange-colored area at the top and a yellow-colored area at the bottom. A white rectangular lot is situated between the two colored areas. A small purple rectangle is located on the northern boundary of the white lot. The text 'LOFTUS STREET' is written diagonally across the yellow area. The labels 'A1' and 'K1' are present in the orange and yellow zones respectively.</p>	
Proposed lot size Map	 <p>This map is identical to the 'Current lot size Map'. It shows a site plan with an orange-colored area at the top and a yellow-colored area at the bottom. A white rectangular lot is situated between the two colored areas. A small purple rectangle is located on the northern boundary of the white lot. The text 'LOFTUS STREET' is written diagonally across the yellow area. The labels 'A1' and 'K1' are present in the orange and yellow zones respectively.</p>	

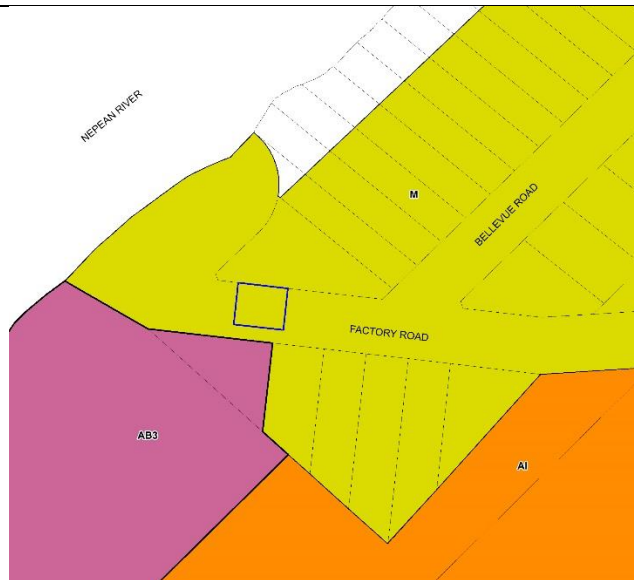
k 1 FACTORY RD, Regentville (Lot 1, DP746603)

Current Zoning Map	 <p>This zoning map shows several colored zones: a light blue area labeled 'W2' (Nepean River), a green area labeled 'RE1', a pink area labeled 'R2', an orange area labeled 'E2', and a brown area labeled 'RU4'. A road labeled 'FACTORY ROAD' runs horizontally across the middle. Another road labeled 'BELLEVUE ROAD' runs diagonally. A small purple rectangle is located on the western boundary of the pink 'R2' zone.</p>	
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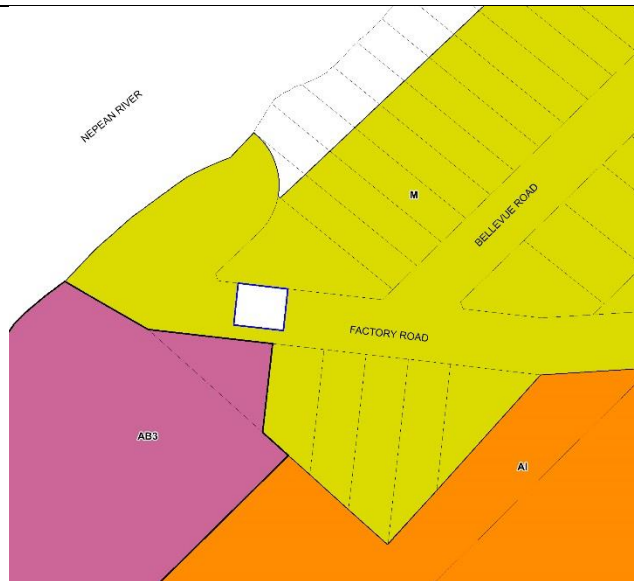
Proposed Zoning Map



Current lot size Map



Proposed lot size Map



Current height of buildings Map

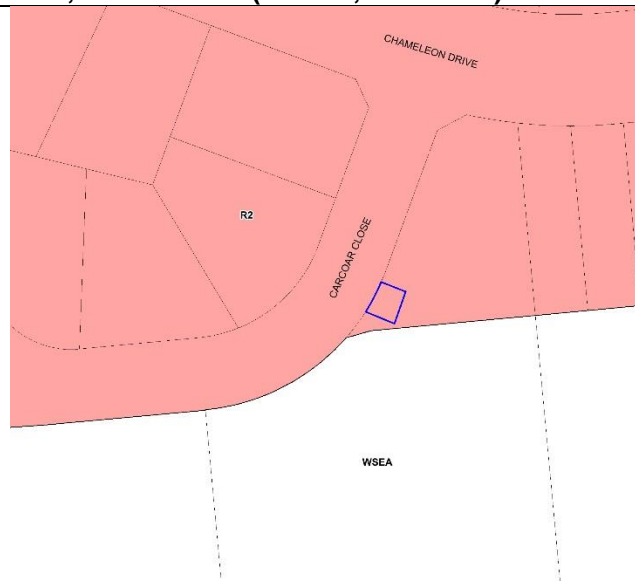


Proposed height of buildings Map

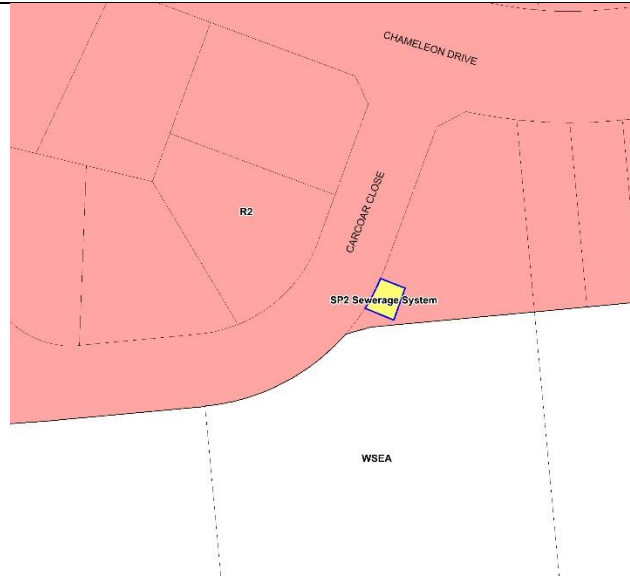


I 1A CARCOAR CL, Erskine Park (Lot 128, DP800074)

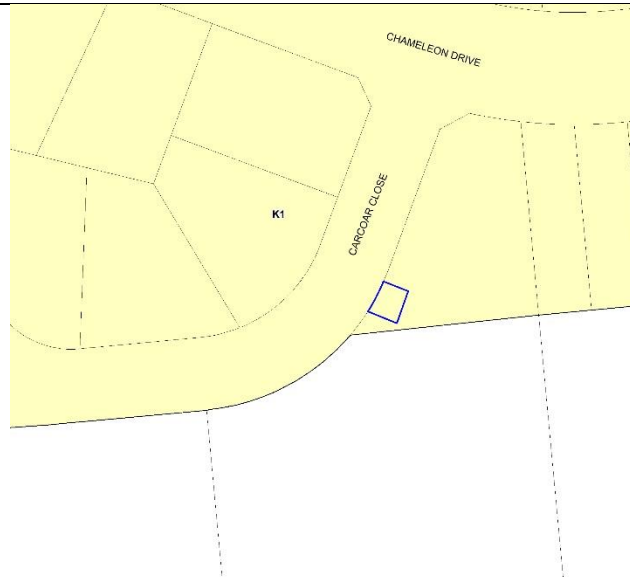
Current Zoning Map



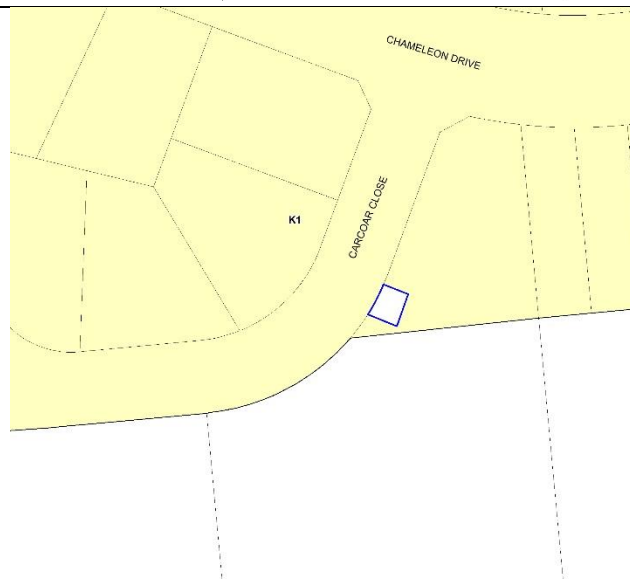
Proposed Zoning Map



Current lot size Map



Proposed lot size Map



Current height of buildings Map



Proposed height of buildings Map



m 2180 CASTLEREAGH RD, Penrith (Lot 4, DP1067795)

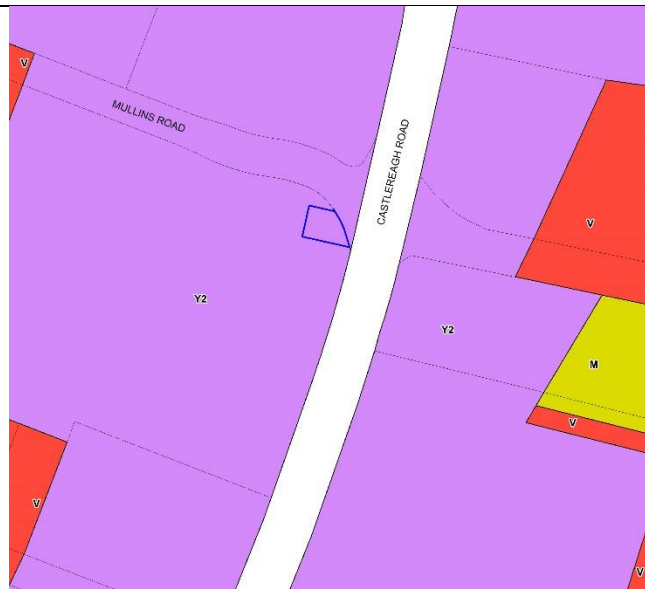
Current Zoning Map



Proposed Zoning Map



Current lot size Map



Proposed lot size Map



Current height of buildings Map

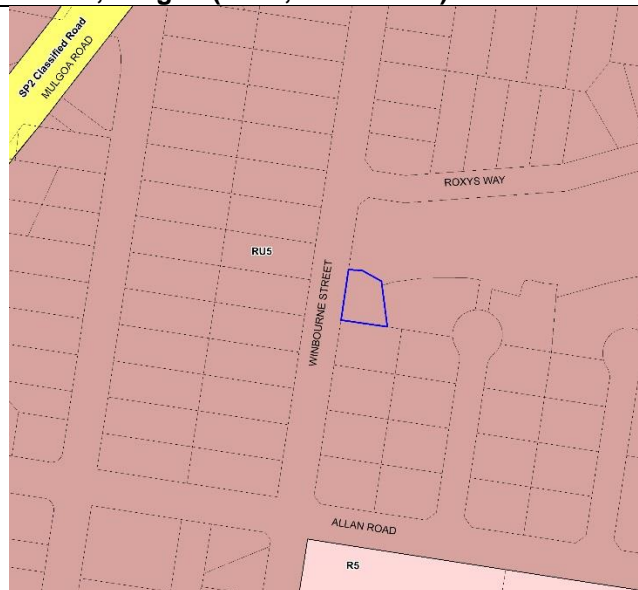


Proposed height of buildings Map

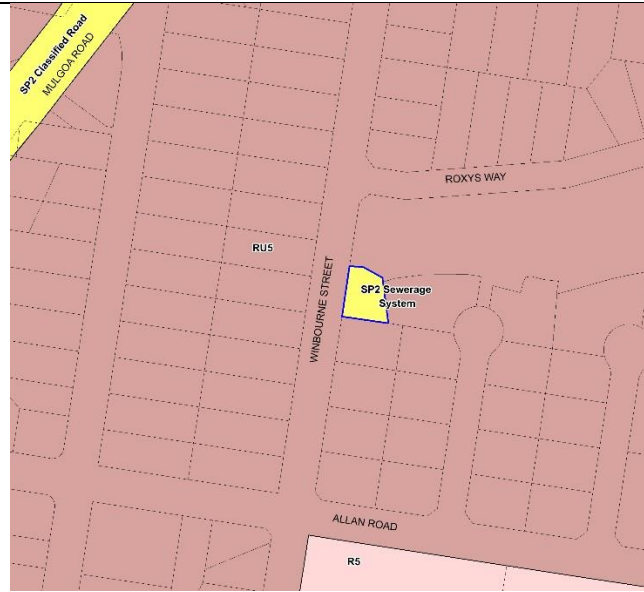


n 18 WINBOURNE RD, Mulgoa (Lot 1, DP1104538)

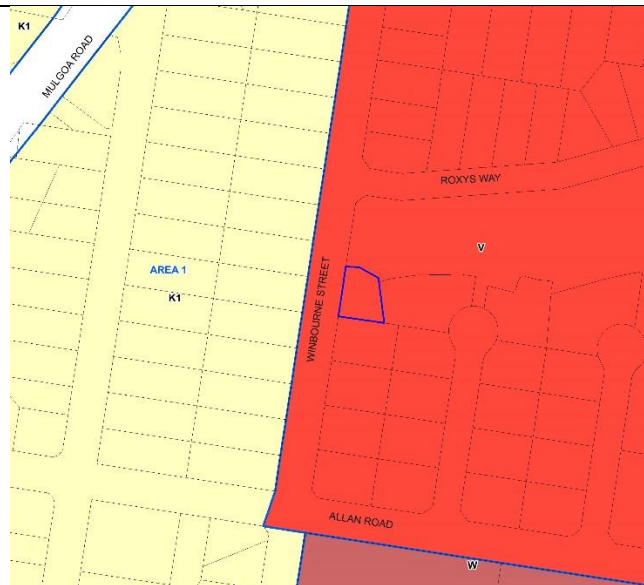
Current Zoning Map



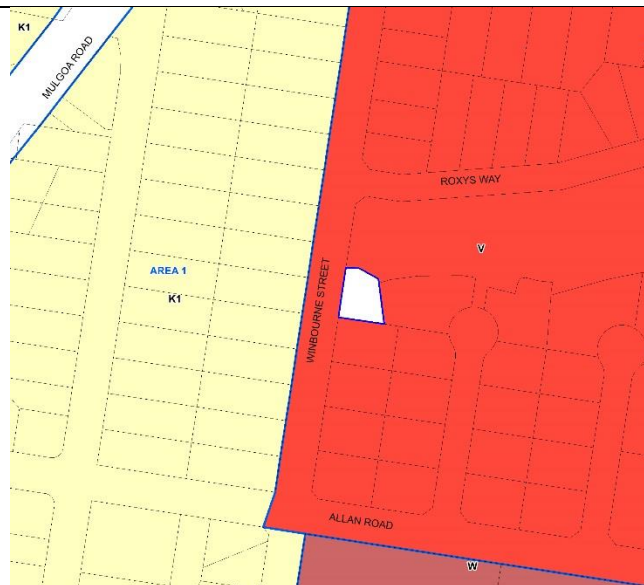
Proposed Zoning Map



Current lot size Map



Proposed lot size Map



- o 334A LONDONDERRY RD, Londonderry (Lot 21, DP1163432)

Current Zoning Map



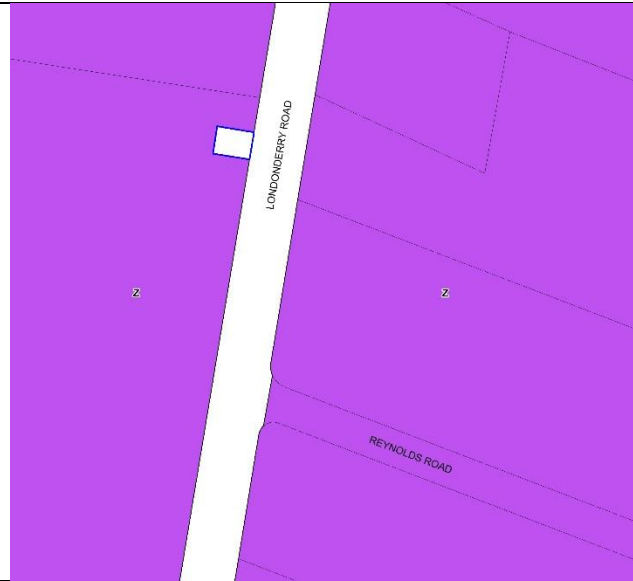
Proposed Zoning Map



Current lot size Map

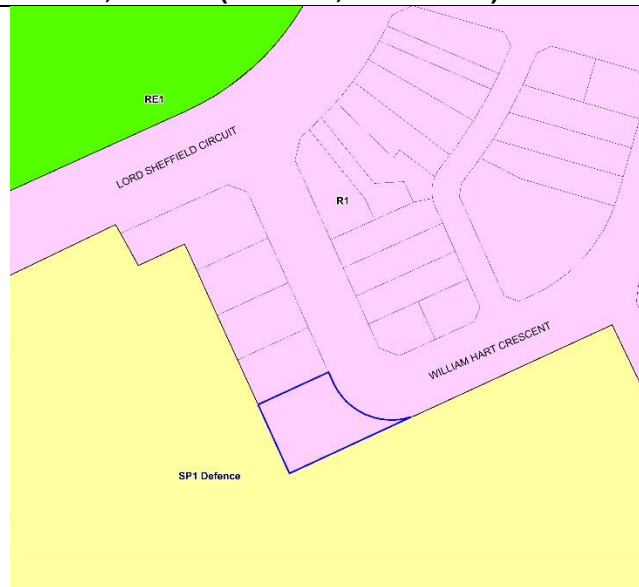


Proposed lot size
Map



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

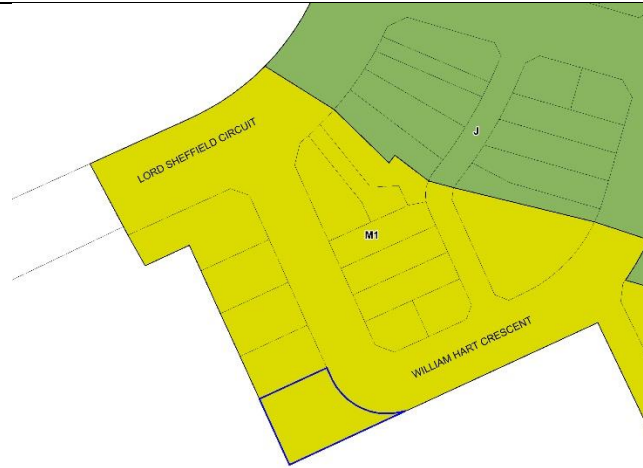
Current Zoning
Map



Proposed Zoning
Map



Current height of buildings Map

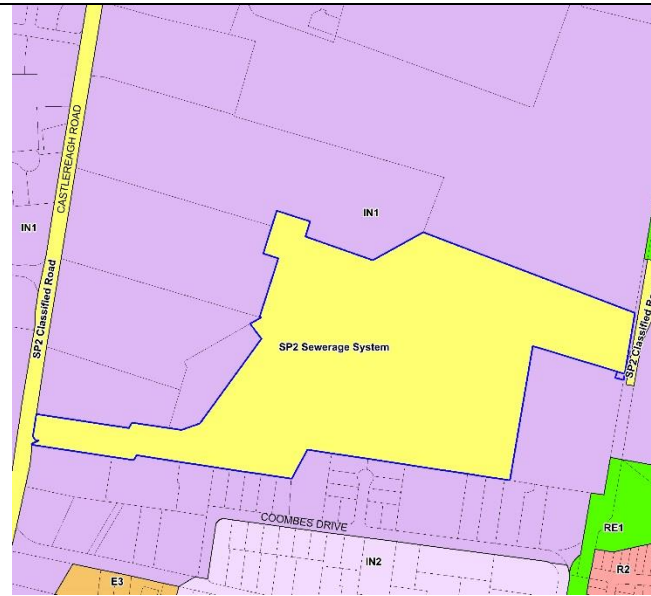


Proposed height of buildings Map

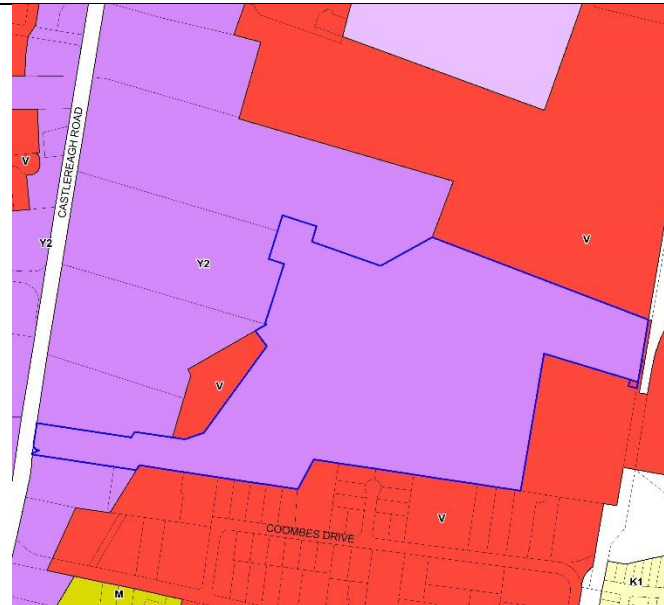


q 2181-2185 Castlereagh Road, Penrith (Lot 110, DP774782)

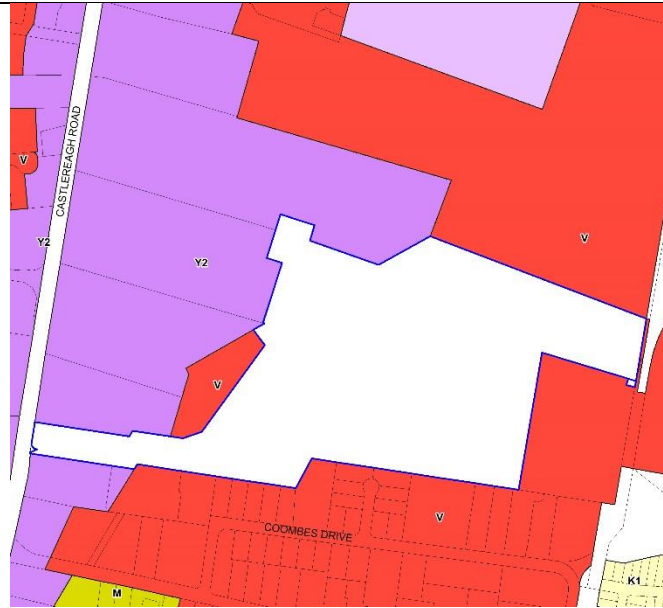
Current zoning
Map



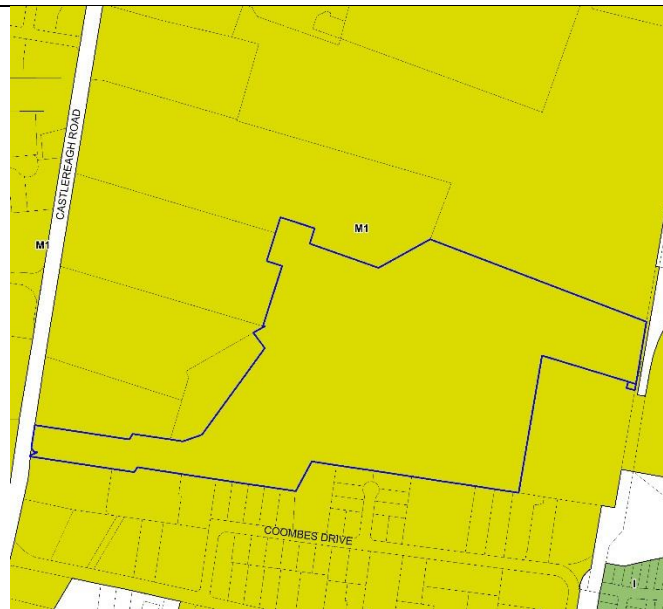
Current lot size
Map

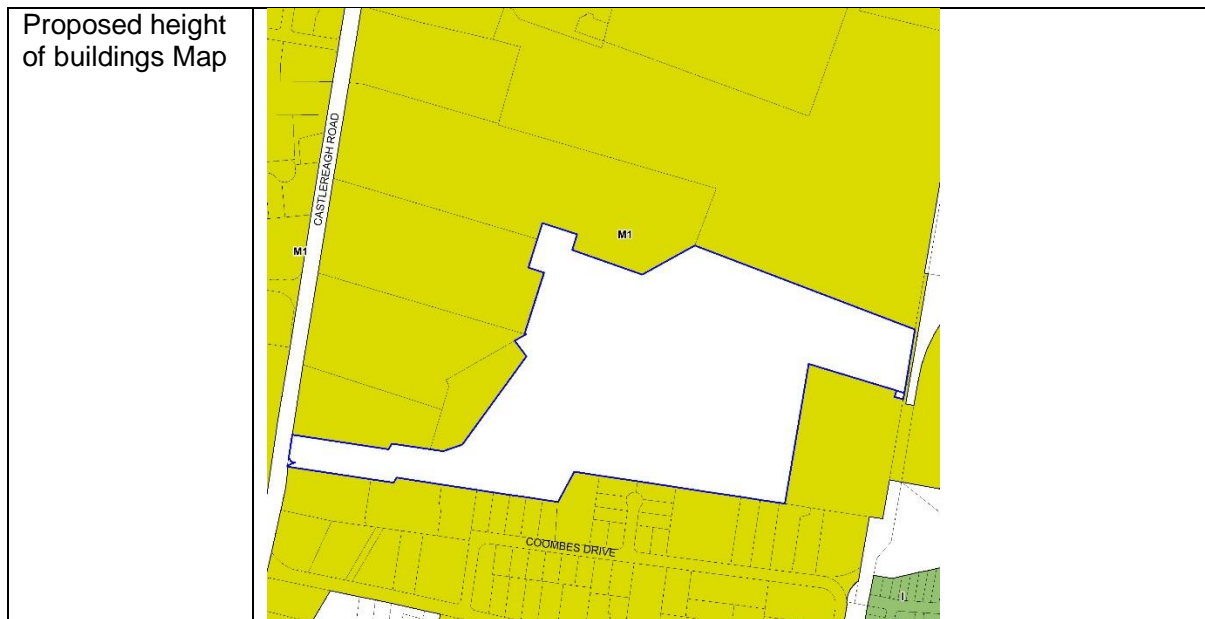


Proposed lot size
Map



Current height of
buildings Map





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

6D. 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 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.

6E. Alignment of mapped planning controls at Peak Pl and Edgewater Dr, Glenmore Park

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

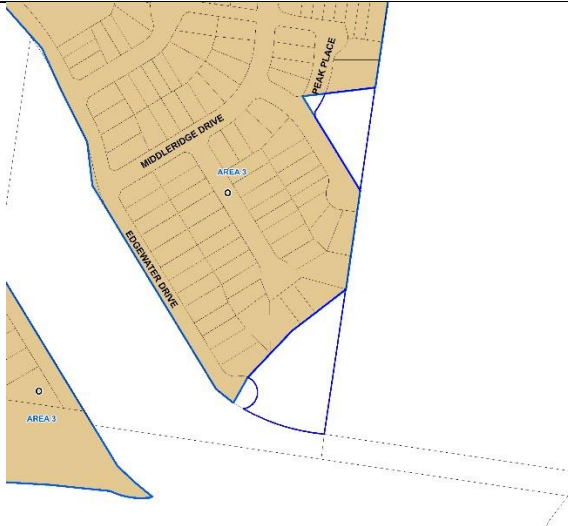
The LEP 2010 zoning map is proposed to be amended as follows:



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:

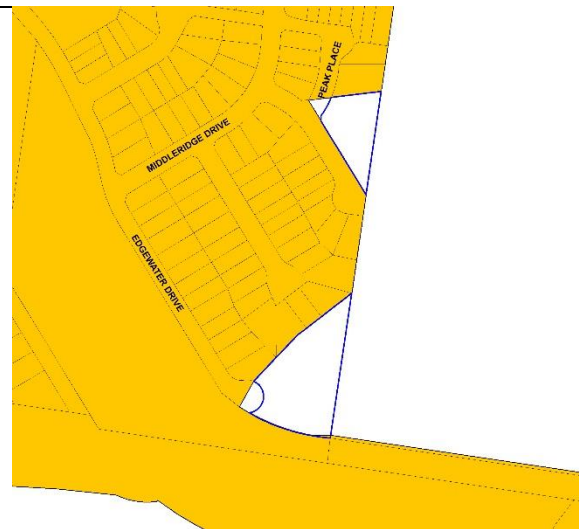
Current building height Map	
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Proposed
building height
Map

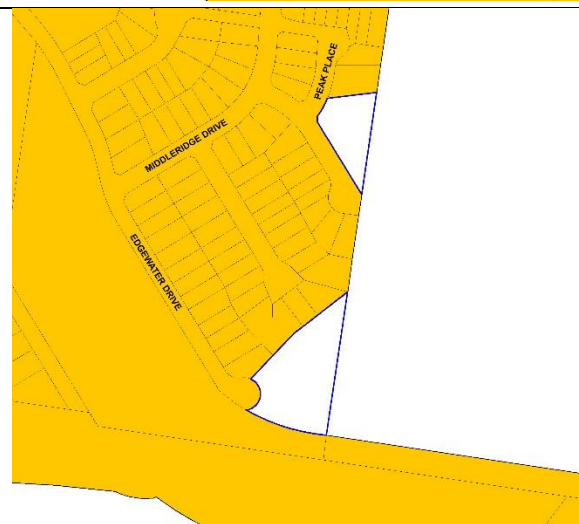


The LEP 2010 urban release area map is proposed to be amended as follows:



Current urban
release area
Map



Proposed urban
release area
Map



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

Current Clause Application Map	
Proposed Clause Application Map	

6F. 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	<ul style="list-style-type: none"> 1 Fernandez Lane, Penrith, being Lot 178, DP 1205092 3 Fernandez Lane, Penrith, being Lot 179, DP 1205092

	178–209 and 212, DP 1205092	<ul style="list-style-type: none"> ▪ 5 Fernandez Lane, Penrith, being Lot 180, DP 1205092 ▪ 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
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		<ul style="list-style-type: none"> ▪ 63 Fernandez Lane, Penrith, being SP 92425 ▪ 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 from Aviators Way, located to the east of the mapped APU area.

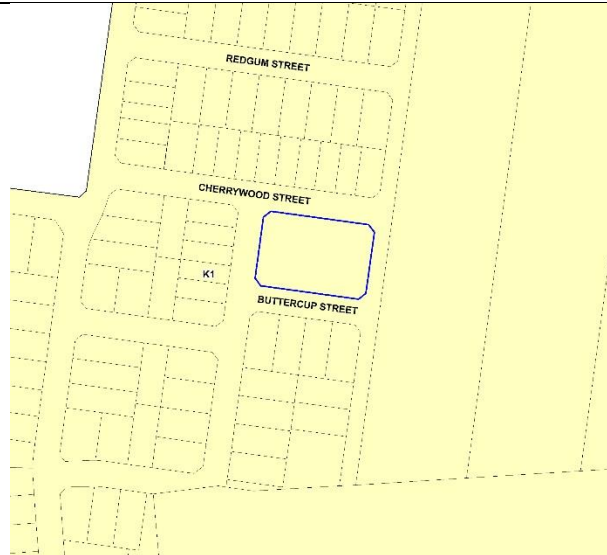
6G. Correction to zoning of park at Buttercup Street, Claremont Meadows

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 is 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.

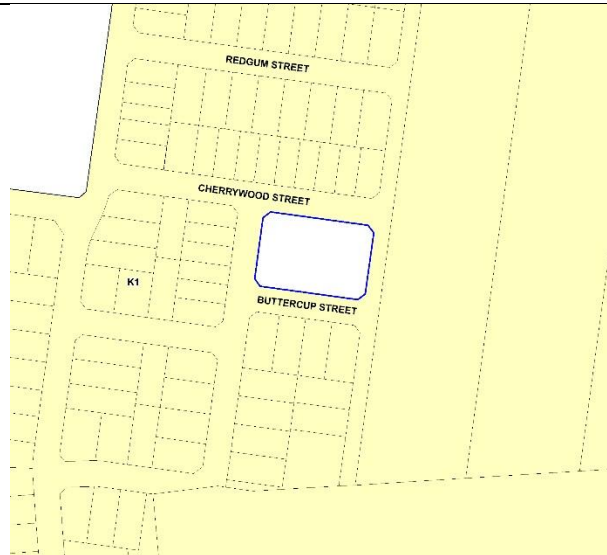
The LEP 2010 zoning, lot size and height of buildings maps are proposed to be amended as follows:

Current Zoning Map		
Proposed Zoning Map		

Current lot size
Map



Proposed lot size
Map



Current height of
buildings Map





6H. 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 following 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 is 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:





6I. Removal of heritage item at 65 Mulgoa Road, Penrith

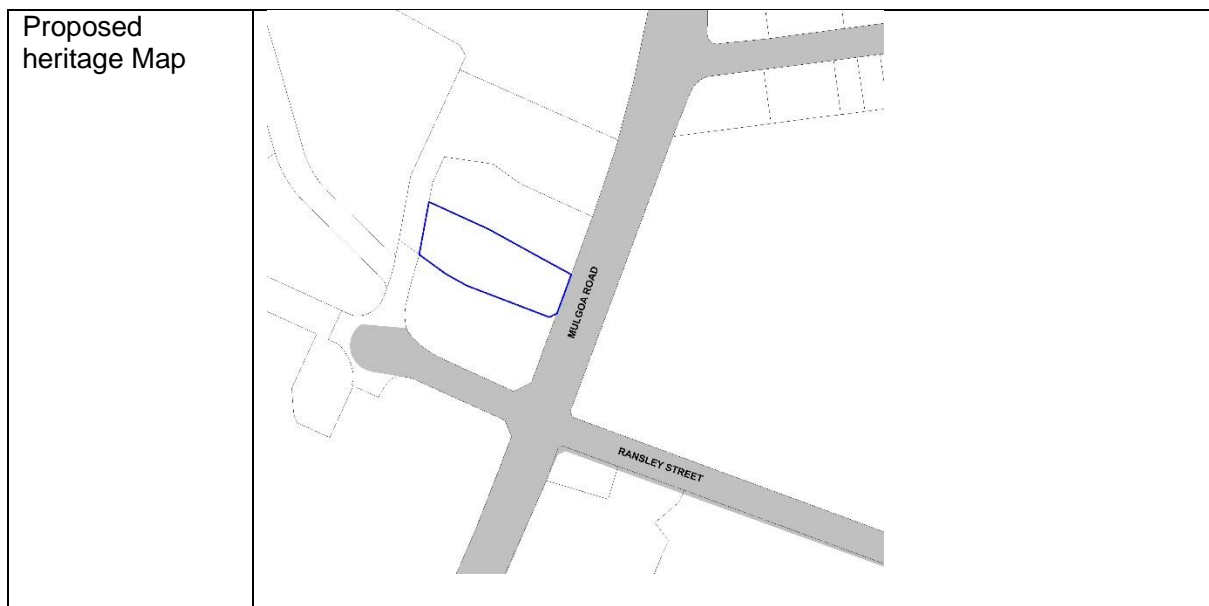
The property 65 Mulgoa Road, Penrith (Lot 20, DP1248609) is listed in LEP 2010 as containing local heritage item 815, being “The Willows” house. A development consent (DA17/0766) issued in 2018 for the development of the site includes demolition of the heritage item. The heritage item has since been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

As the structure is no longer in existence, it is proposed that the heritage listing is 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:





6J. Amendment to mapping of heritage items (milestones) at Kingswood

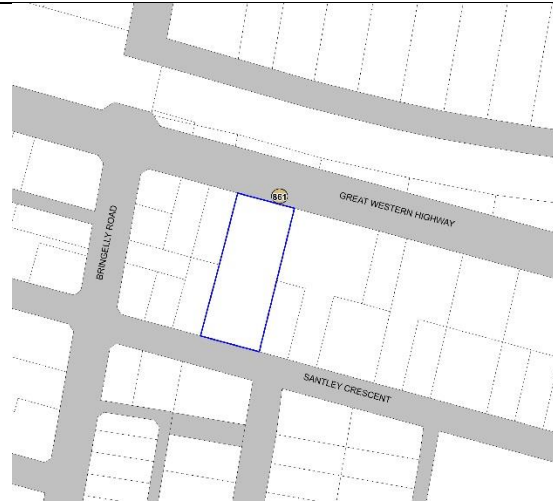
There are two heritage items (Item 860 and 861) identified in Schedule 5 of LEP 2010 that reference 'Fronting Lot 1, DP 866081' and 'Fronting Lot 10, DP 719064'. The heritage milestones are sandstone blocks that sit outside the lot boundaries and on the nature strip. However, the LEP Map shows the items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

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

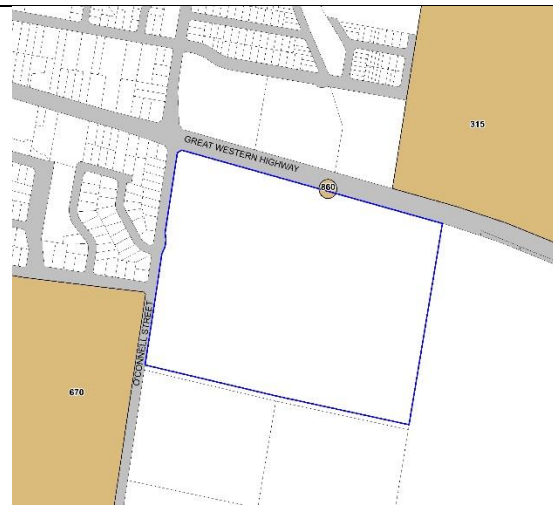
The LEP 2010 heritage map is proposed to be amended as follows:



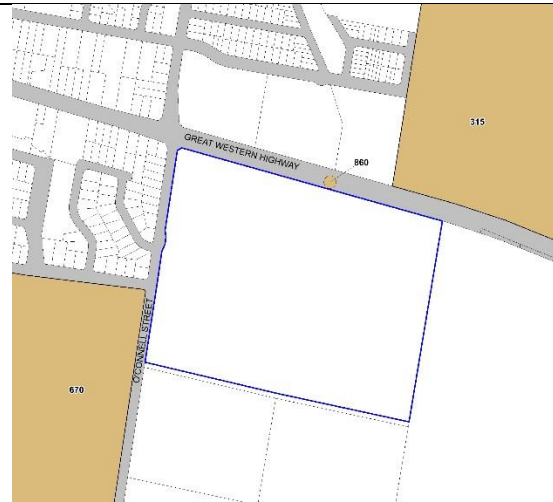
Proposed
heritage Map



Current heritage
Map



Proposed
heritage Map



7. Prohibition of cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia

This proposed amendment is an existing Planning Proposal submitted to DPIE. Council is seeking to consolidate this Planning Proposal into the LEP Review Phase 1 Planning Proposal.

Objective or intended outcome

To amend the Penrith LEP 2010 to prohibit cemeteries and crematoriums within the Mulgoa Valley and parts of Wallacia.

The proposed outcome will be achieved by:

- **remove ‘cemeteries’ from the list of land uses permitted with consent from the E3 Environmental Management zone;**
- **include an additional local provision that prohibits ‘cemeteries’ and ‘crematorium’ in the Mulgoa Valley and parts of Wallacia (the subject area), and overrides any other provision of the LEP;**
- **include a local provision that excludes the operation of Clause 5.10.10 as it relates to ‘cemeteries’ and ‘crematoriums’ in the Mulgoa Valley and parts of Wallacia (the subject area).**

The intention for this amendment is to:

- **prevent the establishment of cemeteries and crematoria in the subject area, due to this form of development being incompatible with the character and values of the Mulgoa Valley,**
- **remove land uses from the E3 Environment Management zone that are inconsistent with the objectives of this zone,**
- **align the Penrith LEP with the Standard Instrument-Principal Local Environmental Plan and LEP’s across NSW. Cemeteries are not mandated in the E3 zone under the Standard Instruments. Also, cemeteries are prohibited in the E3 zones in LGA’s across NSW,**
- **ensure that cemetery and crematorium development are located in more appropriate areas of the LGA. This amendment would have limited impacts on the vast majority of land in the LGA, leaving two other zones RU2 and RU4 (that are widely applied across the LGA) where cemeteries are permissible,**
- **provide an additional layer of protection for the landscape and heritage qualities of the subject area and safeguard these for future generations,**
- **protect tourism as an economic driver for the area,**
- **reinforce Council’s support for planning for cemeteries and crematoriums to be considered at a Greater Sydney level, to ensure a broader strategic approach to cemetery provision.**

The subject area

The subject area for this amendment is Mulgoa Valley and parts of Wallacia as shown in Figure 7 below. The zoning map for this area is shown in Figure 8 below. Areas This area is bounded on the west by the Nepean River and the Blue Mountains National Park, on the south by the village of Wallacia, on the east by Luddenham and on the north by Glenmore Park and Regentville. The subject area is located in the south west corner of the local government area approximately 55km from the Sydney Central Business District (CBD) and 13km from the Penrith CBD. The total site occupies an area of approximately 5,010 hectares.

The Mulgoa Valley and Wallacia contains significant rural landscapes, including agricultural qualities, cultural heritage values, scenic values, and are the setting for the villages of Mulgoa and Wallacia. These rural and scenic landscapes provide the best physical evidence in NSW of buildings, gardens and pastoral landscapes of colonisation and its impacts. Our Council considers these areas as inappropriate for future development of cemeteries and crematoria.

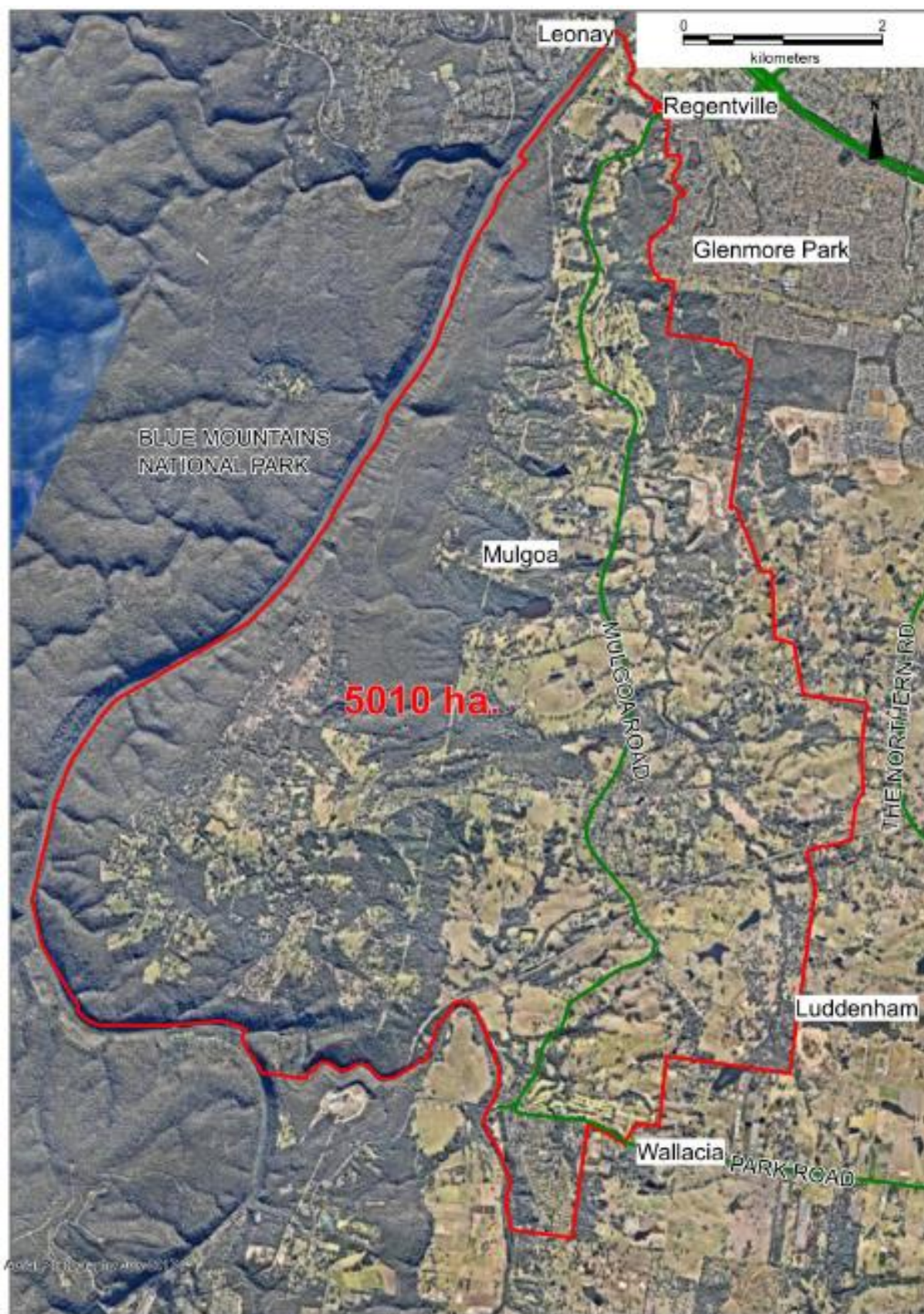


Figure 7: The subject area for Item 7

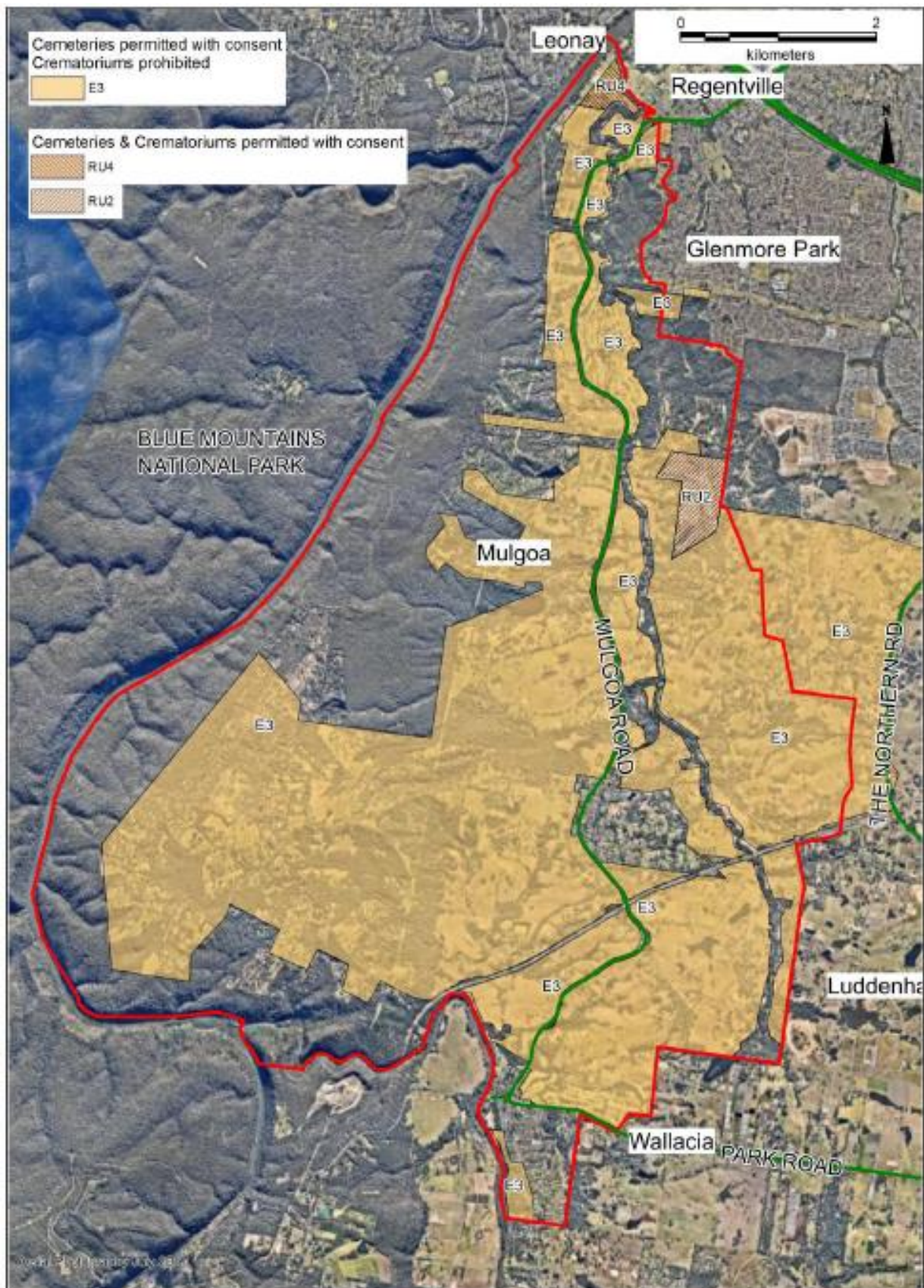


Figure 8: Zoning map for the subject area relating to Item 7

The need for land for cemetery provision

Our council is aware of C&CNSW's report that states there is an urgent need for land for cemetery provision in the Greater Sydney region. The Department of Planning, Industry and Environment are undertaking a 'review' into the need for land for cemetery provision in the Greater Sydney region.

During the past 18 months, our council has been dealing with a development application for a regional scale cemetery at Wallacia, that includes a cemetery for 88,000 burial plots and associated infrastructure. On Friday 12 July 2019, the Independent Planning Commission (IPC) directed the Sydney Western City Planning Panel (SWCPP) to refuse the application. The IPC found (among other things) that a cemetery in this location will have significant social impacts on the community, specifically on the local character of the village of Wallacia; suitability of the site, the cemetery being of a scale too large for the village of Wallacia, removed from the population base it is proposed to serve and not easily accessible.

Around the same time the IPC directed the SWCPP to approve the Varroville cemetery in the Campbelltown LGA, that was being concurrently assessed. The commission found that the Varroville cemetery 'will address a need for additional cemetery space and is in close proximity to identified urban growth areas and transport options.' It is anticipated that this approval will contribute to alleviating the urgency for the provision for cemetery space in Greater Sydney (that has been identified by C&CNSW Strategic Plan 2015-2020 and the Metropolitan Sydney Cemetery Capacity Report).

These recent events and directions by the Independent Planning Commission, contribute further to support this amendment by addressing, in part, the need for land for cemetery development.

Statutory Planning Context

Penrith LEP 2010 applies to the site. Zones within the subject area where cemeteries and crematoriums are permitted with development consent are shown in Figure 8 and are:

- RU4 Primary Production Small Lots
- RU2 Rural Landscape
- E3 Environment Management zone

The LEP contains specific clauses (Clauses 7.18, 7.19 and 7.5) that relate to the Mulgoa Valley. Penrith DCP Chapter E9 – Mulgoa Valley Precinct also has controls that guides development in this area. The objectives of the LEP and DCP are broadly to:

conserve the heritage, rural and natural landscape of the Mulgoa Valley, and encourage its development as a rural area emphasising its visual and environmental heritage values.

This amendment is consistent with and will strengthen the current aims and objectives of the Penrith LEP and DCP provisions that relate to the Mulgoa Valley and parts of Wallacia.

Consistency with draft Local Strategic Planning Statement

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

- PP6: Ensure our social infrastructure meets the changing needs of our communities
- PP17: Define and protect the values and opportunities of the Metropolitan Rural Area

PP6 Ensure our social infrastructure meets the changing needs of our communities

Cemeteries and crematoria provision are changing from the small, localised facilities to larger, regional style infrastructure that includes chapels, reception centres and function areas, as well as car parking. These facilities cater for the diverse and changing population of Greater Sydney.

To be effective planning for these larger regional facilities requires a regional approach. Our council is committed to advocating for a Sydney wide regional approach for cemetery provision, to ensure a balance in providing facilities while respecting the sensitivity of location and the community's views.

A current example of Council's ongoing advocacy in this area is outlined below.

A Planning Proposal to prohibit cemeteries and crematoriums in the subject area is currently with DPIE awaiting a Gateway Determination.

At its Ordinary Meeting of 28 August 2017, Council resolved to endorse a Planning Proposal seeking the above LEP amendments and that it be forwarded to DPIE to request a Gateway Determination. The Planning Proposal and Gateway request were submitted to DPIE on 8 September 2017. On 12 October 2017 DPIE provided advice to Council that requested submission of additional supporting information and justification for the proposed changes.

On 20 December 2017 DPIE provided advice to Council which stated that Planning Proposals seeking to amend or prohibit cemeteries and crematoria will not proceed to Gateway until the Greater Sydney Commission has completed its review into the need for land for cemeteries and crematoria in the Greater Sydney Region.

In light of recent directions made by the Independent Planning Commission (IPC) relating to cemetery development applications within the Greater Sydney region (specifically the approval of Varroville cemetery and refusal of Wallacia Memorial Park cemetery), it is Council's view that the Planning Proposal is now able to proceed to Gateway and attain a Gateway Determination.

The proposed prohibition of cemeteries and crematoriums in the Mulgoa Valley and Wallacia has now been consolidated as part of this LEP Review Phase 1 Planning Proposal.

*PP17 Define and protect the values and opportunities of 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*

Action Review and update planning and development controls to support the implementation of local character statements for our villages.

The draft LSPS defines the MRA boundary of our LGA, and this aligns with the GSRP and WCDP. The Mulgoa Valley lies within the MRA. The Rural Land and Villages Strategy (RL&VS):

- identifies the protection of the Mulgoa Valley and its rural setting as a key strategy for our Council,
- supports the importance of the Mulgoa Valley by recognising its ecological, scenic and heritage values, and,
- reinforces the Mulgoa Valley as a Significant Rural Landscape area.

The recent IPC direction (as outlined in the Wallacia Crown Cemetery Development Advice Report) to refuse the Wallacia Memorial Park development application (as discussed above), states that this application will likely have a permanent impact on the existing local character of the village of Wallacia and the community's sense of place. It also states that the preservation of the existing and desired character of the area, is of benefit to the community.

This direction elevates the importance of local character and the impact the loss of local character may have on a community. The proposed amendment will ensure that local character values of the Mulgoa Valley and parts of Wallacia are protected (should future cemetery development be proposed), particularly ahead of the development and implementation of the local character statements for our LGA as identified in the draft LSPS.

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 is rezoned from its B3 and B4 zonings to RE1 Public Recreation to align the zoning with the same zoning consistently applied to local parks. It is also proposed to remove the existing height and floor space ratio control from the site, as this is the standard practice for RE1 zones.

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

Current FSR Map		
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Consistency with draft Local Strategic Planning Statement

The relevant Planning Priorities in the draft 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.

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 draft LSPS, being:

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

Penrith draft Local Strategic Planning Statement (draft LSPS)

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

The Planning Priorities of the draft 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 environmental 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 3 below provides a summary of Planning Priorities related to each LEP 2010 amendment proposed in this Planning Proposal.

Table 3: Summary of draft LSPS Planning Priorities related to proposed LEP 2010 amendments

Item	Proposed LEP 2010 Amendment	Related draft 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 PP5: Facilitate sustainable housing PP7: Enrich our places
2	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
3	Establish the Castlereagh village	<ul style="list-style-type: none"> PP7: Enrich our places PP17: Define and protect the values and opportunities of the Metropolitan Rural Area
4	Llandilo dwelling house development	<ul style="list-style-type: none"> PP17: Define and protect the values and opportunities of the Metropolitan Rural Area
5	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
6	Housekeeping matters	<ul style="list-style-type: none"> The housekeeping update to LEP 2010 will broadly support the Planning Priorities of the draft LSPS.
7	Prohibition of cemeteries and crematoriums in the Mulgoa Valley and Wallacia	<ul style="list-style-type: none"> PP6: Ensure our social infrastructure meets the changing needs of our communities PP17: Define and protect the values and opportunities of the Metropolitan Rural Area
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

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 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 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*. 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 draft LSPS. This Phase 1 LEP Review Planning Proposal primarily responds to the immediate actions arising from the Local Housing Strategy, Rural Lands and Villages Strategy, and the St Marys Economic Development Strategy, as well as addressing minor housekeeping amendments, and seeking to consolidate an existing Planning Proposal regarding cemeteries.

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'; and dwelling houses on certain lots in Llandilo) 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 (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 (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 Environment issues Local Planning Directions that councils must follow when preparing a planning proposal. The directions cover the following broad categories:

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

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 will provide detail 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 4 below.

Table 4: Map tiles proposed to be amended

Map	Tile Number
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
Clause Application Map (CAP)	002

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

The proposed map tiles incorporate the following draft LEP amendments:

- Housekeeping Amendment Planning Proposal (published 27 September 2019)
- Australian Arms Planning Proposal
- Annual Update Amendment Planning Proposal

It is anticipated that the above draft LEP amendments will proceed prior to completion of the LEP Review Phase 1 LEP amendment.

Part 5 – Community Consultation

The Gateway Determination will outline the community consultation to be undertaken.

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

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

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

Part 6 - Project Timeline

Milestone	Timeframe
Council endorsement to send the Planning Proposal to DPIE for Gateway	23 September 2019
Submission to NSW Planning and Environment	30 September 2019
Gateway Determination issued	November 2019
Public exhibition and public authority consultation	December 2019 to January 2020
Consideration of submissions	February 2020
Reporting of the Planning Proposal to Council	April 2020
Submission to NSW Planning and Environment	June 2020
Publication of LEP amendment	December 2020

Appendices

APPENDIX 1

Consistency with State Environmental Planning Policies

CONSISTENCY WITH RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

LEP REVIEW PHASE 1

State Environmental Planning Policy	PROPOSED LEP 2010 AMENDMENT							
	ITEM 1		ITEM 2		ITEM 3		ITEM 4	
	Increase lot size control for multi-dwelling housing in medium and high density zones		Permit eco-tourist facilities in environmental living zones		Strengthen the role of Castlereagh's 'centre'		Dwelling houses on certain land in Llandilo	
	Relevant	Consistent	Relevant	Consistent	Relevant	Consistent	Relevant	Consistent
SEPP No 1—Development standards	No	N/A	No	N/A	No	N/A	No	N/A
SEPP No 19—Bushland in Urban Areas	No	N/A	No	N/A	No	N/A	No	N/A
SEPP No 21—Caravan Parks	No	N/A	No	N/A	No	N/A	No	N/A
SEPP No 33—Hazardous and Offensive Development	No	N/A	No	N/A	No	N/A	No	N/A
SEPP No 36—Manufactured Home Estates	No	N/A	No	N/A	No	N/A	No	N/A
SEPP No 44—Koala Habitat Protection	No	N/A	No	N/A	No	N/A	No	N/A
SEPP No 47—Moore Park Showground	No	N/A	No	N/A	No	N/A	No	N/A
SEPP No 50—Canal Estate Development	No	N/A	No	N/A	No	N/A	No	N/A
SEPP No 55—Remediation of Land	No	N/A	Yes	Yes	Yes	Yes	Yes	Yes
SEPP No 64—Advertising and Signage	No	N/A	Yes	Yes	Yes	Yes	No	N/A
SEPP No 65—Design Quality of Residential Flat Development	No	N/A	No	N/A	No	N/A	No	N/A
SEPP No 70—Affordable Housing (Revised Schemes)	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Aboriginal Land) 2019	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Affordable Rental Housing) 2009	No	N/A	No	N/A	No	N/A	Yes	Yes
SEPP (Building Sustainability Index: BASIX) 2004	No	N/A	No	N/A	No	N/A	Yes	Yes
SEPP (Coastal Management) 2018	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Concurrences) 2018	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Educational Establishments and Child Care Facilities) 2017	No	N/A	No	N/A	Yes	Yes	No	N/A
SEPP (Exempt and Complying Development Codes) 2008	No	N/A	No	N/A	No	N/A	Yes	Yes
SEPP (Gosford City Centre) 2018	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Infrastructure) 2007	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Kosciuszko National Park— Alpine Resorts) 2007	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Kurnell Peninsula) 1989	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A	No	N/A	No	N/A	No	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	N/A	No	N/A	No	N/A	No	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Primary Production and Rural Development) 2019	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (State and Regional Development) 2011	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (State Significant Precincts) 2005	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Sydney Drinking Water Catchment) 2011	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Sydney Region Growth Centres) 2006	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Three Ports) 2013	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Urban Renewal) 2010	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	No	N/A	Yes	Yes	No	N/A	No	N/A
SEPP (Western Sydney Employment Area) 2009	No	N/A	No	N/A	No	N/A	No	N/A
SEPP (Western Sydney Parklands) 2009	No	N/A	No	N/A	No	N/A	No	N/A
Sydney REP No 9 – Extractive Industry (No 2 – 1995)	No	N/A	No	N/A	No	N/A	No	N/A
Sydney REP No 20 – Hawkesbury-Nepean River (No 2 – 1997)	No	N/A	Yes	Yes	Yes	Yes	Yes	Yes
Sydney REP No 30 – St Marys	No	N/A	No	N/A	No	N/A	No	N/A

SEPP Title	PROPOSED LEP 2010 AMENDMENT							
	ITEM 5		ITEM 6		ITEM 7		ITEM 8	
	Requirement for non-residential uses in St Marys Town Centre mixed use zones		Housekeeping matters		Prohibition of cemeteries and crematoriums in the Mulgoa Valley and Wallacia		Rezoning of Triangle Park, Penrith	
	Relevant	Consistent	Relevant	Consistent	Relevant	Consistent	Relevant	Consistent
SEPP No 1—Development standards	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP No 19—Bushland in Urban Areas	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP No 21—Caravan Parks	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP No 33—Hazardous and Offensive Development	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP No 36—Manufactured Home Estates	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP No 44—Koala Habitat Protection	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP No 47—Moore Park Showground	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP No 50—Canal Estate Development	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP No 55—Remediation of Land	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP No 64—Advertising and Signage	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP No 65—Design Quality of Residential Flat Development	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP No 70—Affordable Housing (Revised Schemes)	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Aboriginal Land) 2019	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Affordable Rental Housing) 2009	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Building Sustainability Index: BASIX) 2004	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Coastal Management) 2018	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Concurrences) 2018	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Educational Establishments and Child Care Facilities) 2017	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Exempt and Complying Development Codes) 2008	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Gosford City Centre) 2018	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Infrastructure) 2007	No	N/A	N/A	N/A	Yes	Yes	No	N/A
SEPP (Kosciuszko National Park— Alpine Resorts) 2007	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Kurnell Peninsula) 1989	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A	N/A	N/A	Yes	Yes	No	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	N/A	N/A	N/A	No	N/A	No	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Primary Production and Rural Development) 2019	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (State and Regional Development) 2011	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (State Significant Precincts) 2005	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Sydney Drinking Water Catchment) 2011	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Sydney Region Growth Centres) 2006	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Three Ports) 2013	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Urban Renewal) 2010	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Western Sydney Employment Area) 2009	No	N/A	N/A	N/A	No	N/A	No	N/A
SEPP (Western Sydney Parklands) 2009	No	N/A	N/A	N/A	No	N/A	No	N/A
Sydney REP No 9 – Extractive Industry (No 2 – 1995)	No	N/A	N/A	N/A	No	N/A	No	N/A
Sydney REP No 20 – Hawkesbury-Nepean River (No 2 – 1997)	No	N/A	N/A	N/A	No	N/A	No	N/A
Sydney REP No 30 – St Marys	No	N/A	N/A	N/A	No	N/A	No	N/A

APPENDIX 2

Consistency with Local Planning Directions

CONSISTENCY WITH RELEVANT SECTION 9.1 LOCAL PLANNING DIRECTIONS

LEP REVIEW PHASE 1

Local Planning Direction	PROPOSED LEP 2010 AMENDMENT			
	ITEM 1	ITEM 2	ITEM 3	ITEM 4
	Increase lot size control for multi-dwelling housing in medium and high density zones	Permit eco-tourist facilities in environmental living zones	Strengthen the role of Castlereagh's 'centre'	Dwelling houses on certain land in Llandilo
	Comment	Comment	Comment	Comment
1. Employment Resources				
1.1 Business and Industrial Zones	N/A	N/A	N/A	N/A
1.2 Rural Zones	N/A	N/A	Consistent	Consistent
1.3 Mining, Petroleum and Extractive Industries	N/A	N/A	N/A	N/A
1.4 Oyster Aquaculture	N/A	N/A	N/A	N/A
1.5 Rural Lands	N/A	N/A to LGA	N/A to LGA	N/A to LGA
2. Environment and Heritage				
2.1 Environment Protection Zones	N/A	Consistent	N/A	N/A
2.2 Coastal Management	N/A	N/A	N/A	N/A
2.3 Heritage Conservation	N/A	N/A	N/A	N/A
2.4 Recreation Vehicle Areas	N/A	N/A	N/A	N/A
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A to LGA	N/A to LGA	N/A to LGA	N/A to LGA
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	Consistent.	N/A	N/A	N/A
3.2 Caravan Parks and Manufactured Home Estates	N/A	N/A	N/A	N/A
3.3 Home Occupations	Consistent.	N/A	N/A	Consistent
3.4 Integrating Land Use and Transport	Consistent.	N/A	N/A	N/A
3.5 Development Near Regulated Airports and Defence Airfields	N/A	N/A	N/A	N/A
3.6 Shooting Ranges	N/A	N/A	N/A	N/A
3.7 Reduction in non-hosted short term rental accommodation period	N/A	N/A to LGA	N/A to LGA	N/A to LGA
4. Hazard and Risk				
4.1 Acid Sulfate Soils	N/A	N/A	N/A	N/A
4.2 Mine Subsidence and Unstable Land	N/A	N/A	N/A	N/A
4.3 Flood Prone Land	Consistent.	Consistent	N/A	Consistent
4.4 Planning for Bushfire Protection	Consistent.	Consistent	Consistent	Consistent
5. Regional Planning				
5.1 Implementation of Regional Strategies	N/A	N/A to LGA	N/A to LGA	N/A to LGA
5.2 Sydney Drinking Water Catchments	N/A	N/A to LGA	N/A to LGA	N/A to LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A to LGA	N/A to LGA	N/A to LGA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A to LGA	N/A to LGA	N/A to LGA
5.9 North West Rail Link Corridor Strategy	N/A	N/A to LGA	N/A to LGA	N/A to LGA
5.10 Implementation of Regional Plans	Consistent	Consistent	Consistent	Consistent
5.11 Development of Aboriginal Land Council land	N/A	N/A	N/A	N/A
6. Local Plan Making				
6.1 Approval and Referral Requirements	Consistent	Consistent	Consistent	Consistent
6.2 Reserving Land for Public Purposes	N/A	N/A	N/A	N/A
6.3 Site Specific Provisions	N/A	Consistent	Consistent	Consistent
7. Metropolitan Planning				
7.1 Implementation of A Plan for Growing Sydney	Consistent	Consistent	Consistent	Consistent
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A	N/A	N/A	N/A


SEPP Title	PROPOSED LEP 2010 AMENDMENT			
	ITEM 5	ITEM 6	ITEM 7	ITEM 8
	Requirement for non-residential uses in St Marys Town Centre mixed use zones	Housekeeping matters	Prohibition of cemeteries and crematoriums in the Mulgoa Valley and Wallacia	Rezoning of Triangle Park, Penrith
	Comment	Comment	Comment	Comment
1. Employment Resources				
1.1 Business and Industrial Zones	Consistent	N/A	N/A	Consistent
1.2 Rural Zones	N/A	N/A	N/A	N/A
1.3 Mining, Petroleum and Extractive Industries	N/A	N/A	N/A	N/A
1.4 Oyster Aquaculture	N/A	N/A	N/A	N/A
1.5 Rural Lands	N/A to LGA	N/A	N/A to LGA	N/A
2. Environment and Heritage				
2.1 Environment Protection Zones	N/A	N/A	Consistent	N/A
2.2 Coastal Management	N/A	N/A	N/A	N/A
2.3 Heritage Conservation	N/A	N/A	Consistent	Consistent
2.4 Recreation Vehicle Areas	N/A	N/A	N/A	N/A
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A to LGA	N/A	N/A to LGA	N/A
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	Consistent.	N/A	N/A	Consistent
3.2 Caravan Parks and Manufactured Home Estates	N/A	N/A	N/A	N/A
3.3 Home Occupations	N/A	N/A	N/A	N/A
3.4 Integrating Land Use and Transport	Consistent.	N/A	N/A	Consistent
3.5 Development Near Regulated Airports and Defence Airfields	N/A	N/A	N/A	N/A
3.6 Shooting Ranges	N/A	N/A	N/A	N/A
3.7 Reduction in non-hosted short term rental accommodation period	N/A to LGA	N/A	N/A	N/A
4. Hazard and Risk				
4.1 Acid Sulfate Soils	N/A	N/A	N/A	N/A
4.2 Mine Subsidence and Unstable Land	N/A	N/A	N/A	N/A
4.3 Flood Prone Land	Consistent.	N/A	Consistent.	Consistent
4.4 Planning for Bushfire Protection	N/A	N/A	Consistent.	N/A
5. Regional Planning				
5.1 Implementation of Regional Strategies	N/A	N/A	N/A	N/A
5.2 Sydney Drinking Water Catchments	N/A	N/A	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A to LGA	N/A	N/A	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A to LGA	N/A	N/A	N/A
5.9 North West Rail Link Corridor Strategy	N/A to LGA	N/A	N/A	N/A
5.10 Implementation of Regional Plans	Consistent.	N/A	Consistent.	N/A
5.11 Development of Aboriginal Land Council land	N/A	N/A	N/A	N/A
6. Local Plan Making				
6.1 Approval and Referral Requirements	Consistent.	N/A	Consistent.	N/A
6.2 Reserving Land for Public Purposes	N/A	N/A	N/A	N/A
6.3 Site Specific Provisions	N/A	N/A	N/A	N/A
7. Metropolitan Planning				
7.1 Implementation of A Plan for Growing Sydney	Consistent.	N/A	Consistent.	N/A
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A	N/A	N/A	N/A

APPENDIX 3

Proposed Penrith LEP 2010 Map Tiles

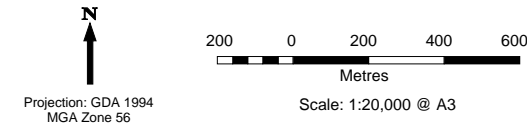
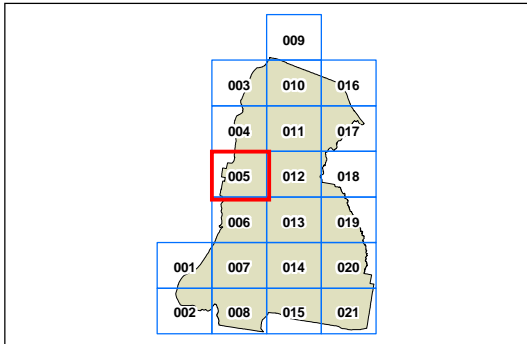
Additional Permitted Uses Map -
Sheet APU_005

Additional Permitted Uses

 Refer to Schedule 1


Cadastre

 Cadastre 27/09/2019 © Penrith City Council




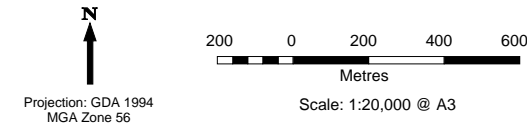
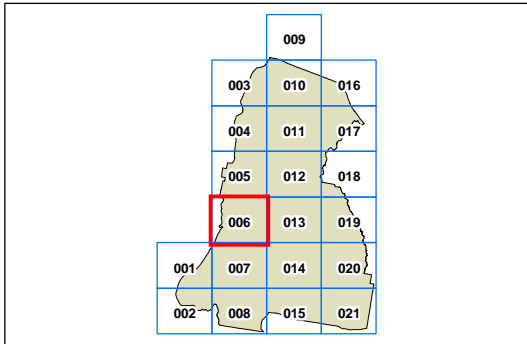
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Additional Permitted Uses

 Refer to Schedule 1

Cadastre


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**Penrith Local
Environmental
Plan 2010**

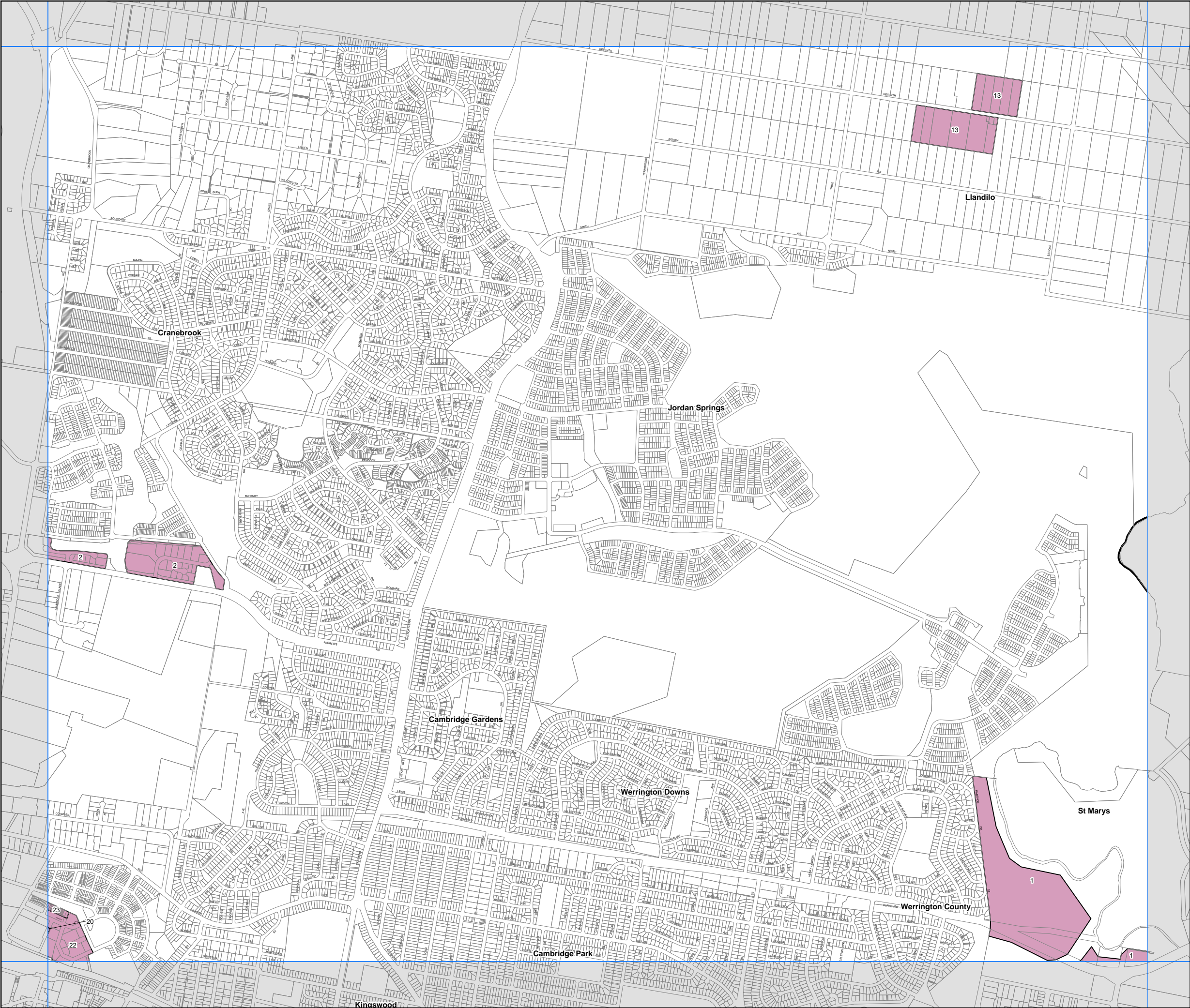
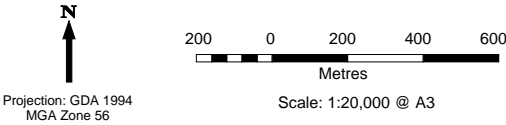
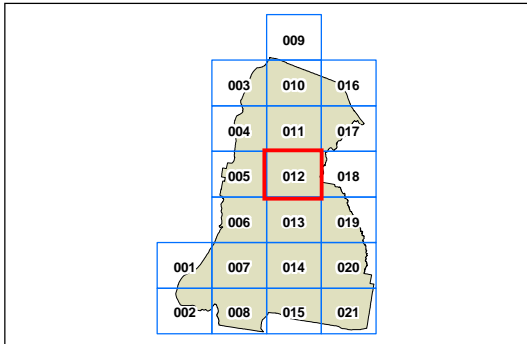
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Sheet APU_012**

Additional Permitted Uses

 Refer to Schedule 1

Cadastre


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Penrith Local
Environmental
Plan 2010

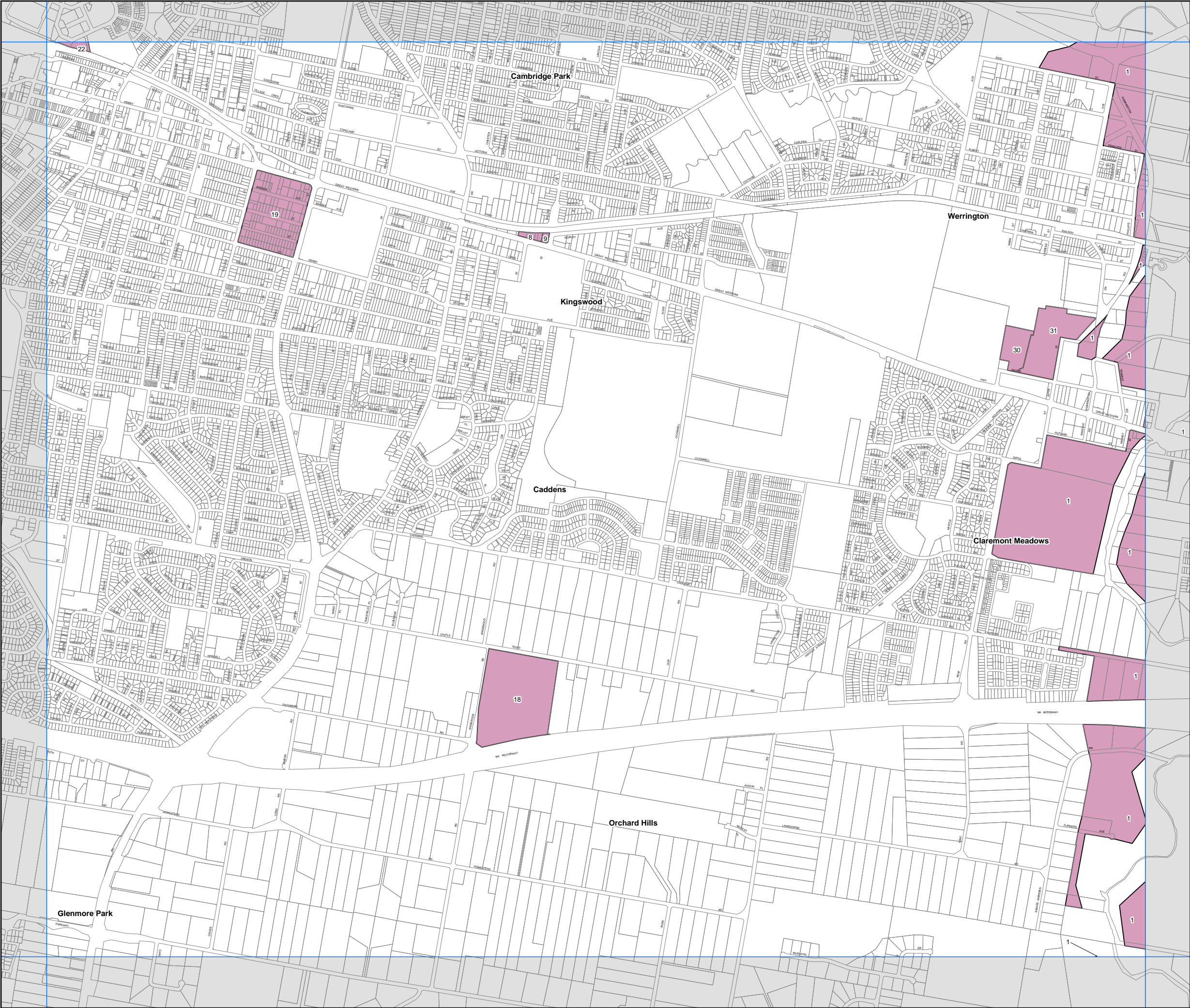
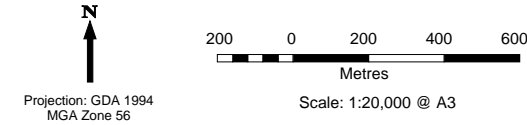
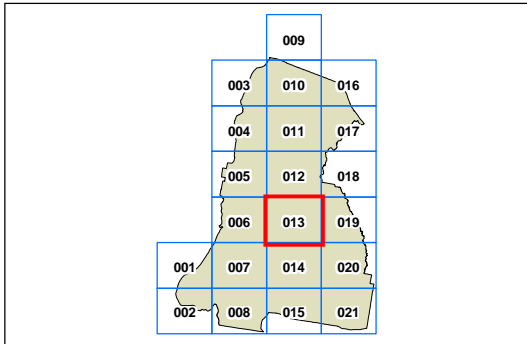
Additional Permitted Uses Map -
Sheet APU_013

Additional Permitted Uses

 Refer to Schedule 1

Cadastre

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Clause Application Map -
Sheet CAP_002

LGA Boundary

LEP Land Application

Clauses of LEP apply

WSEA

SEPP (Western Sydney Employment Area) 2009

SM

SREP No. 30 - St Marys

PLS

SEPP (Penrith Lakes Scheme) 1989

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N

1000000

0

1000000

2000000

Kilometres

Projection: GDA 1994

MGA Zone 56

Scale: 1:80,000 @ A3

Map identification number:
6350_COM_CAP_002_080_20190930

Floor Space Ratio Map -
Sheet FSR_006

Maximum Floor Space Ratio (n:1)

- A

0
- B

0.4
- D

0.5
- H

0.7
- I

0.75
- N

1
- O

1.1
- S1

1.5
- S2

1.6
- T

2
- U

2.5
- V

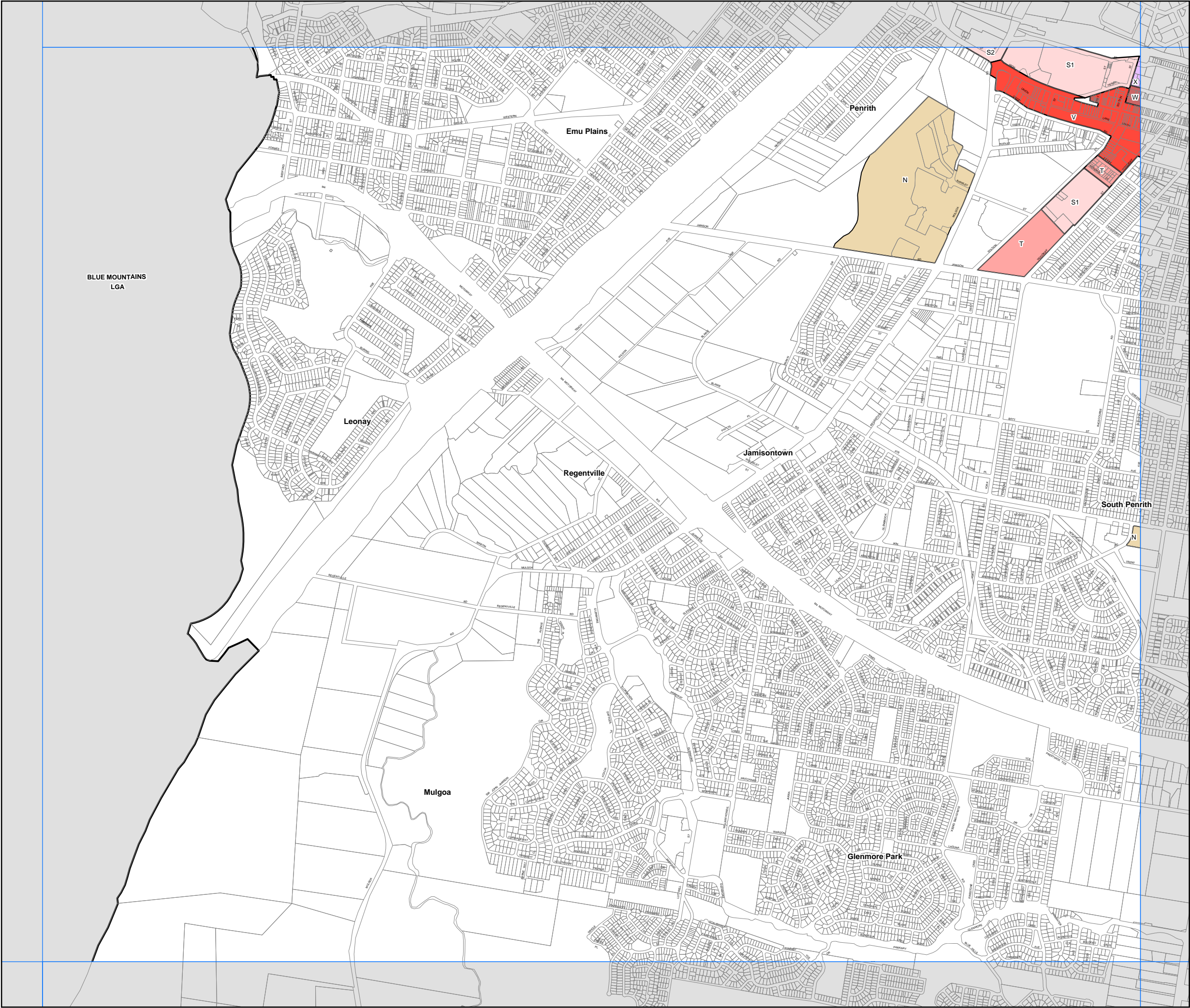
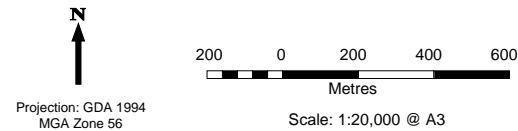
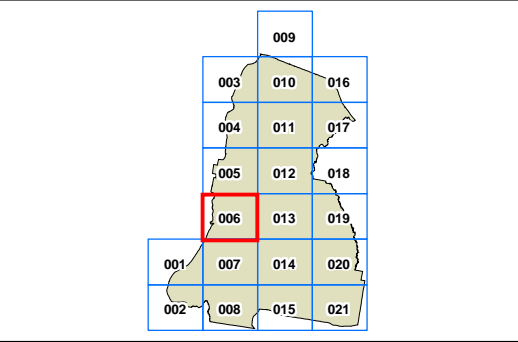
3
- W

3.5
- X

4

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Heritage Map - Sheet HER_005

Heritage

Conservation Area - General

Item - General

Item - Archaeological

Cadastre

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009

003

010

016

004

011

017

005

012

018

006

013

019

001

007

014

020

002

008

015

021

N

2000 0 200 400 600

Metres

Projection: GDA 1994

MGA Zone 56




Scale: 1:20,000 @ A3

Map identification number:


6350_COM_HER_005_020_20190925

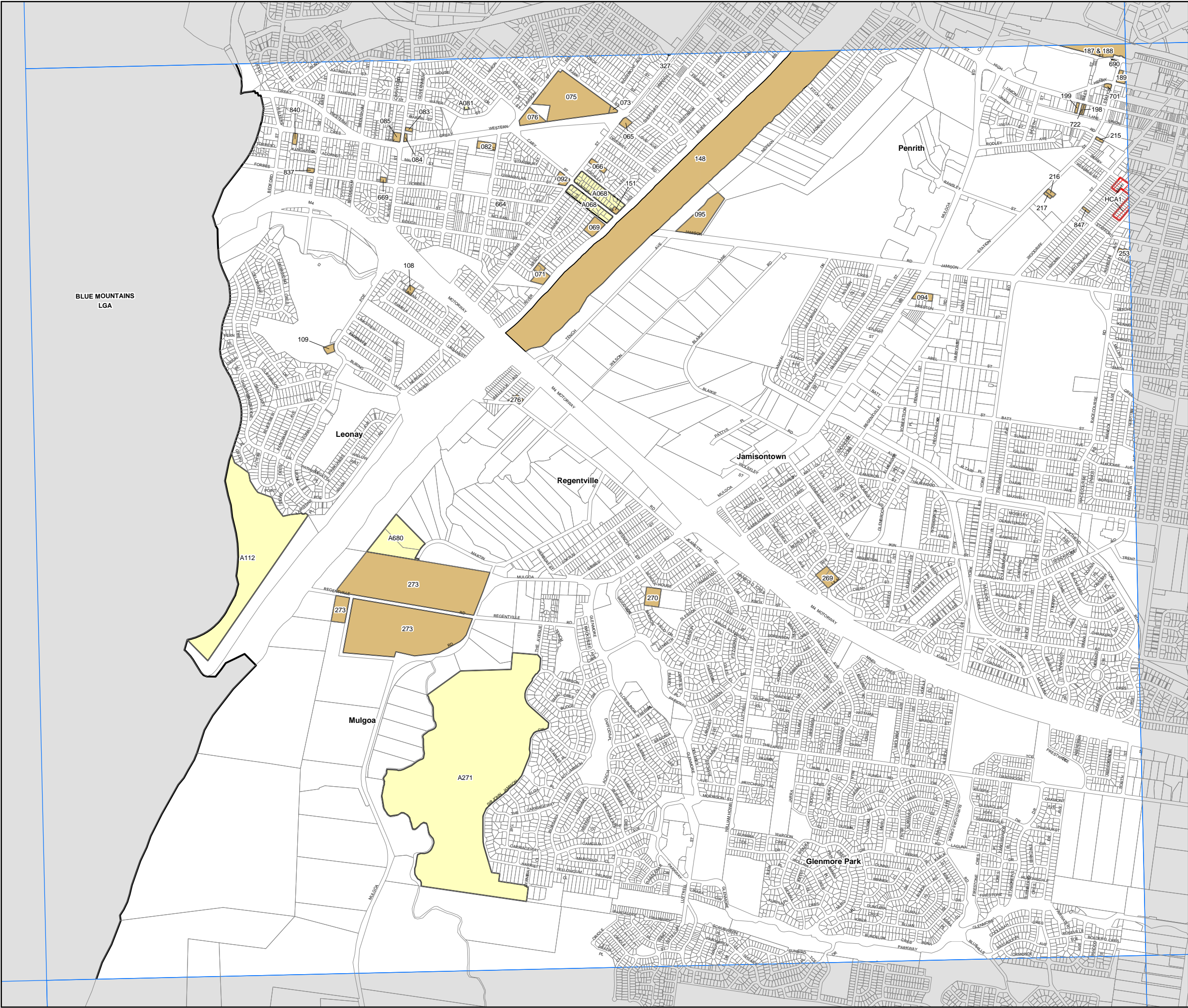
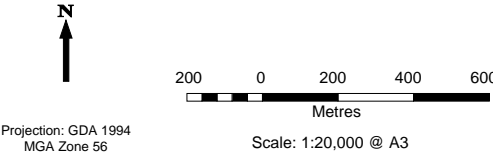
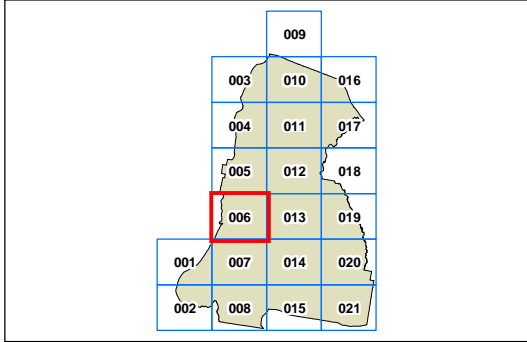
Heritage Map - Sheet HER_006

Heritage




-  Conservation Area - General
-  Item - General
-  Item - Archaeological


Cadastre

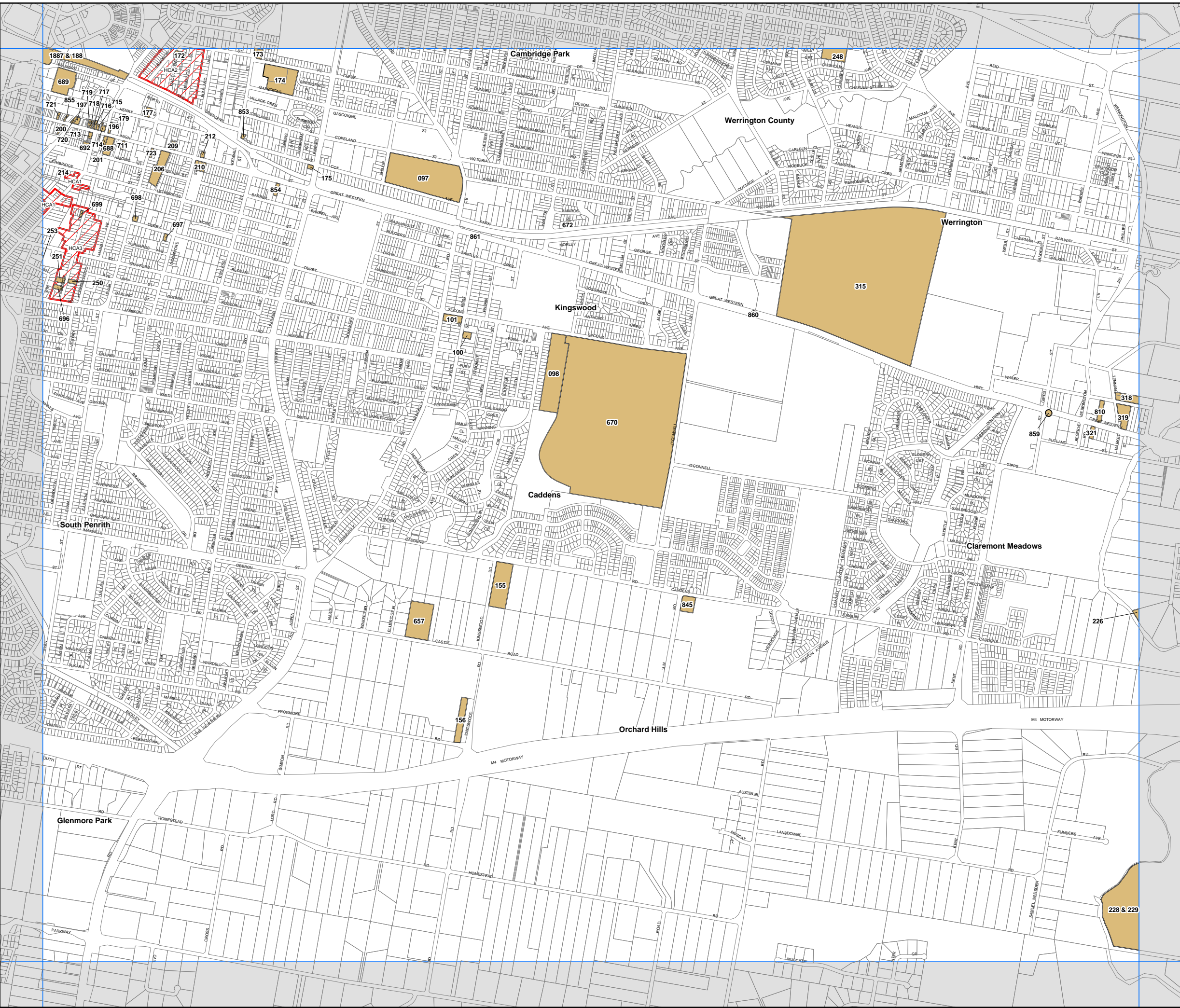
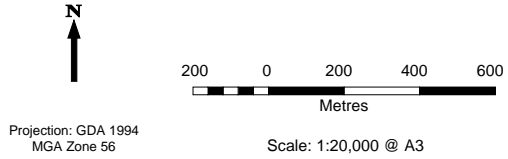
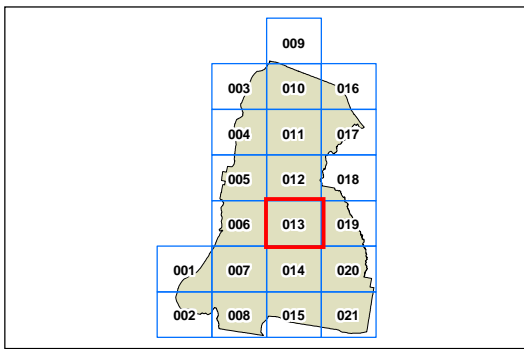
-  Cadastre 25/09/2019 © Penrith City Council



Heritage Map - Sheet HER_013

- Heritage**
-  Conservation Area - General
 -  Item - General
 -  Item - Archaeological

- Cadastre**
-  Cadastre 25/09/2019 © Penrith City Council



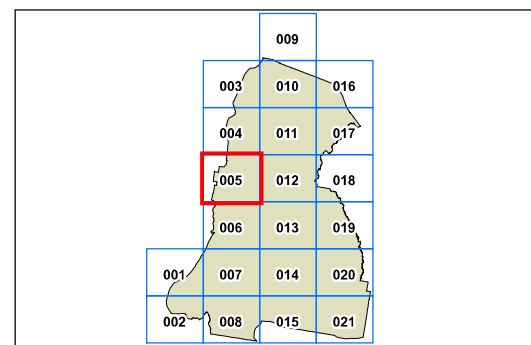
**Height of Buildings Map -
Sheet HOB_005**

Maximum Building Height (m)

A	0
C	5
I	8.5
J	9
K	10
M1	12
M2	12.5
O	15
P	18
Q1	19
Q2	20
R	21
S	24
T	27
U	32
Z	56
AB	80
Refer to Clause 7.16 & 8.2	

Cadastre

Cadastre 27/09/2019 © Penrith City Council

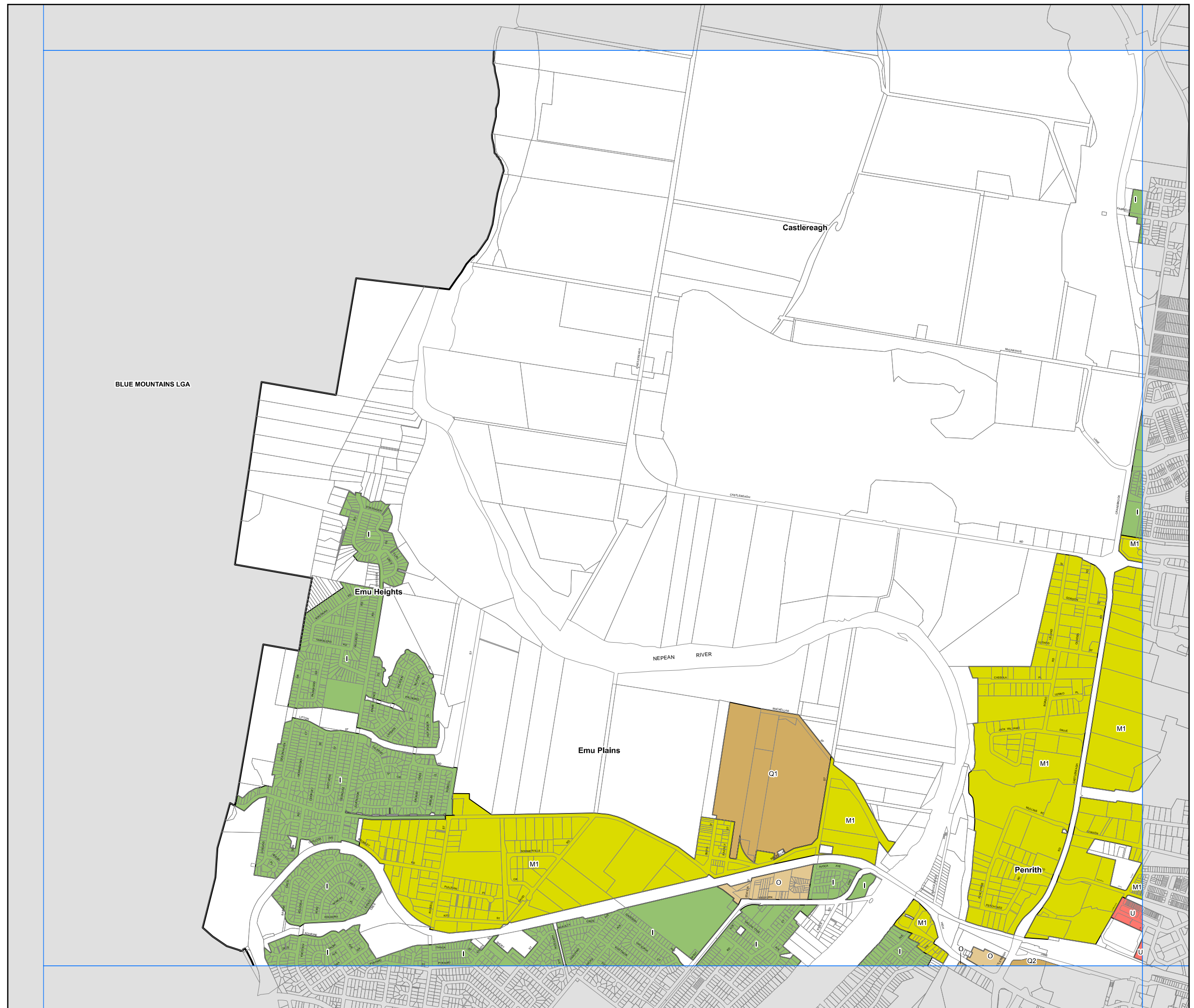


200 0 200 400 600
Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3

Map identification number:
6350_COM_HOB_005_020_20190930



Penrith Local Environmental Plan 2010

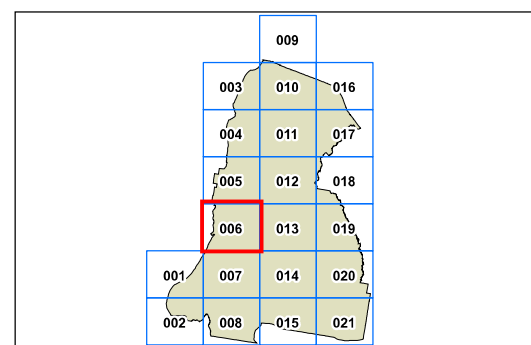
Height of Buildings Map - Sheet HOB_006

Maximum Building Height (m)

A	0
C	5
I	8.5
J	9
K	10
M1	12
M2	12.5
O	15
P	18
Q1	19
Q2	20
R	21
S	24
T	27
U	32
Z	56
AB	80
	Refer to Clause 7.16 & 8.2

Cadastre

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200 0 200 400 600
Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3



Penrith Local Environmental Plan 2010

Height of Buildings Map - Sheet HOB_007

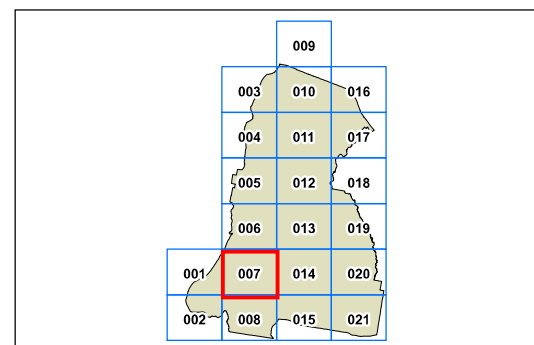
Maximum Building Height (m)

A	0
C	5
I	8.5
J	9
K	10
M1	12
M2	12.5
O	15
P	18
Q1	19
Q2	20
R	21
S	24
T	27
U	32
Z	56
AB	80

Refer to Clause 7.16 & 8.2

Cadastre

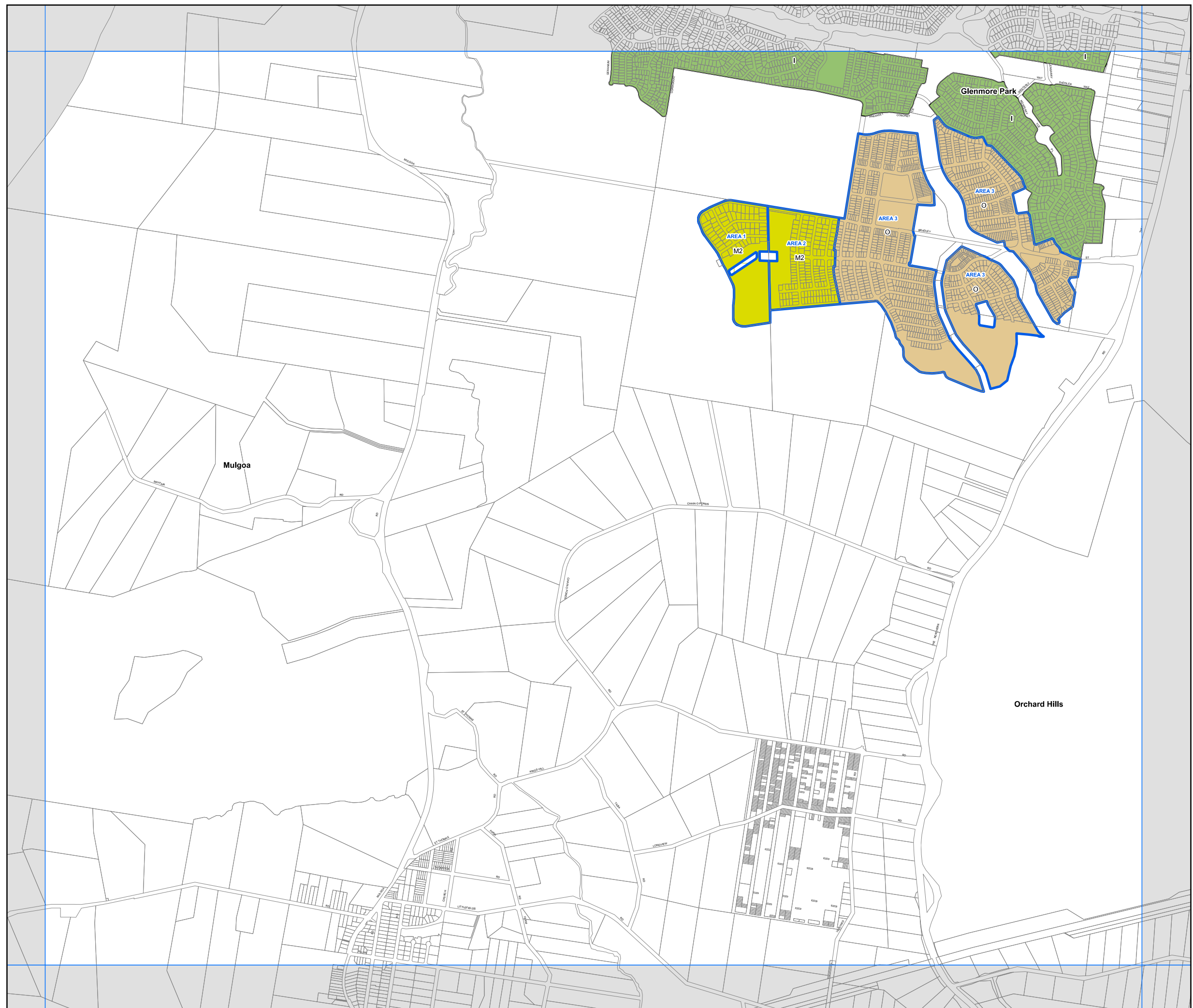
Cadastre 27/09/2019 © Penrith City Council



200 0 200 400 600
Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3



Penrith Local Environmental Plan 2010

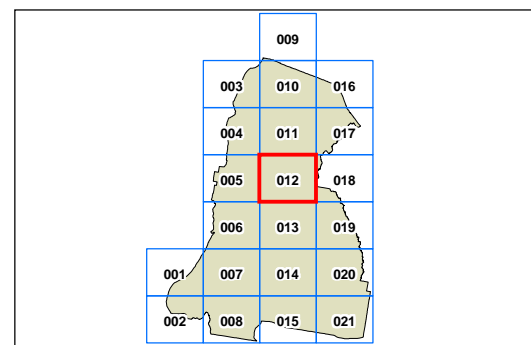
Height of Buildings Map - Sheet HOB_012

Maximum Building Height (m)

A	0
C	5
I	8.5
J	9
K	10
M1	12
M2	12.5
O	15
P	18
Q1	19
Q2	20
R	21
S	24
T	27
U	32
Z	56
AB	80
Refer to Clause 7.16 & 8.2	

Cadastre

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200 0 200 400 600
Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3

Map identification number:
6350_COM_HOB_012_020_20190930



Penrith Local Environmental Plan 2010

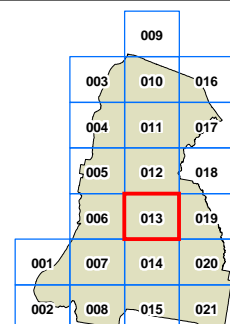
Height of Buildings Map - Sheet HOB_013

Maximum Building Height (m)

A	0
C	5
I	8.5
J	9
K	10
M1	12
M2	12.5
O	15
P	18
Q1	19
Q2	20
R	21
S	24
T	27
U	32
Z	56
AB	80
Refer to Clause 7.16 & 8.2	

Cadastre

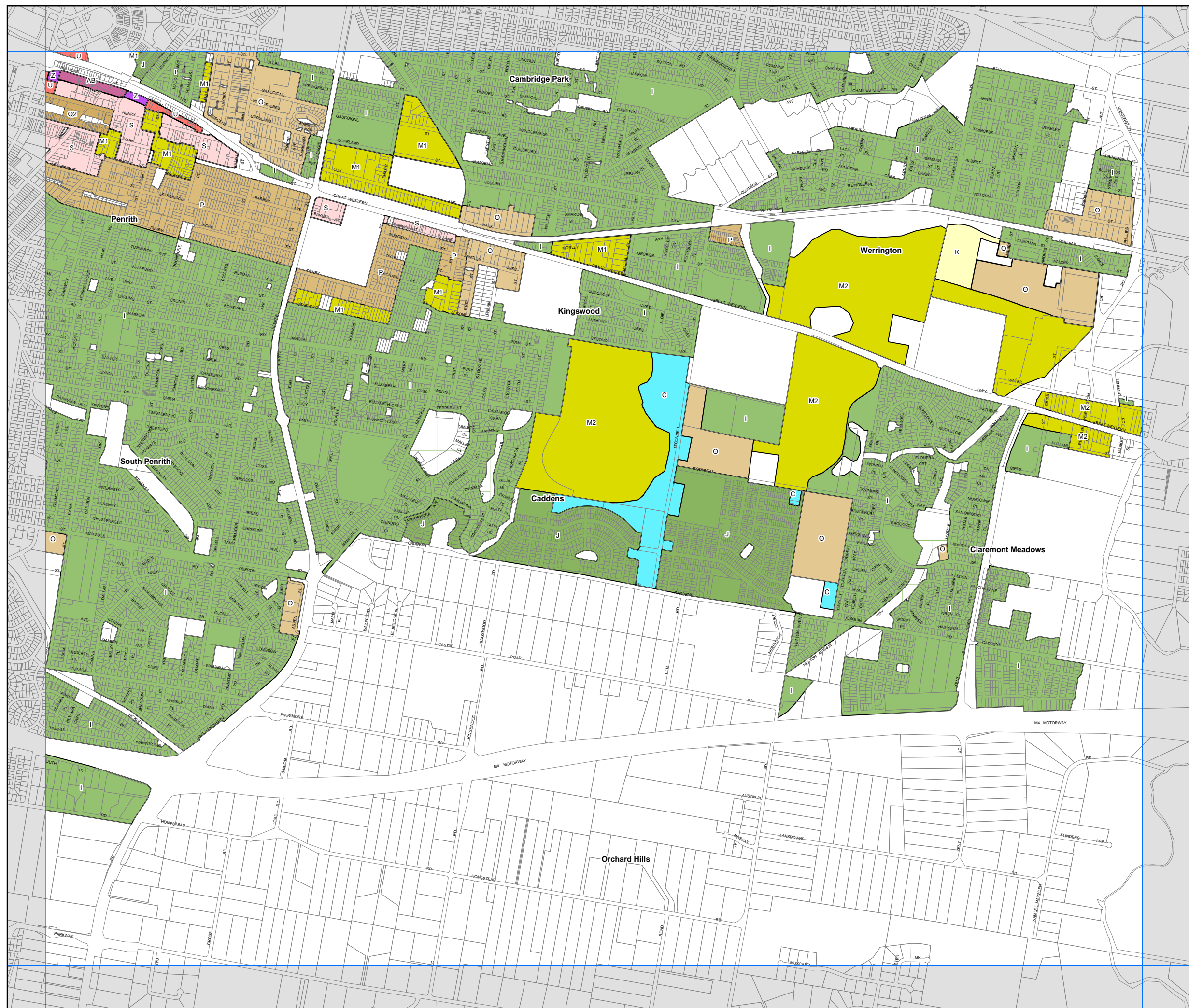
Cadastre 27/09/2019 © Penrith City Council



200 0 200 400 600
Metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3



Height of Buildings Map -
Sheet HOB_018

Maximum Building Height (m)

- A

0
- C

5
- I

8.5
- J

9
- K

10
- M1

12
- M2

12.5
- O

15
- P

18
- Q1

19
- Q2

20
- R

21
- S

24
- T

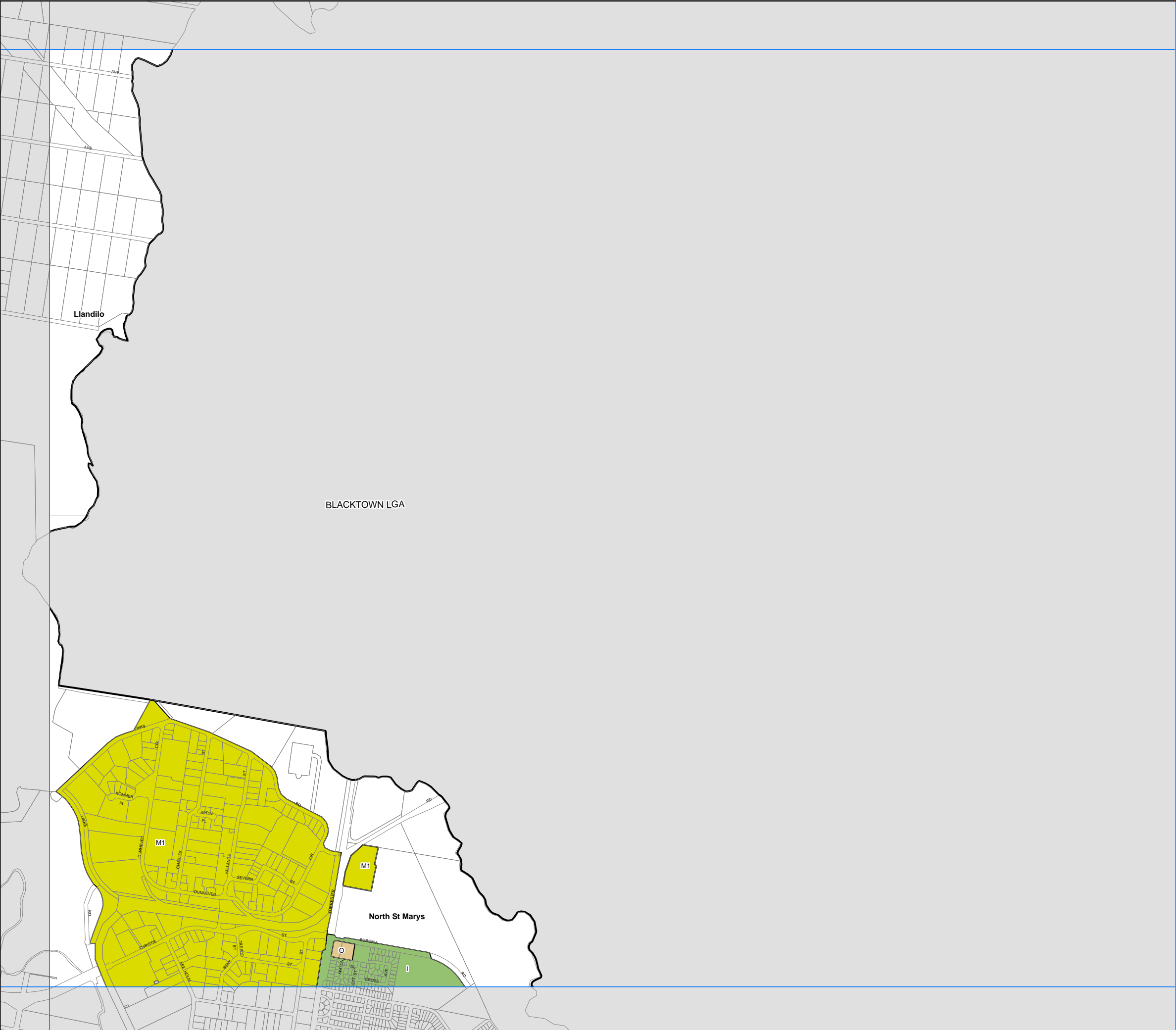
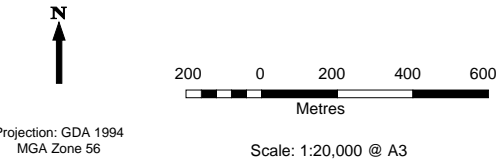
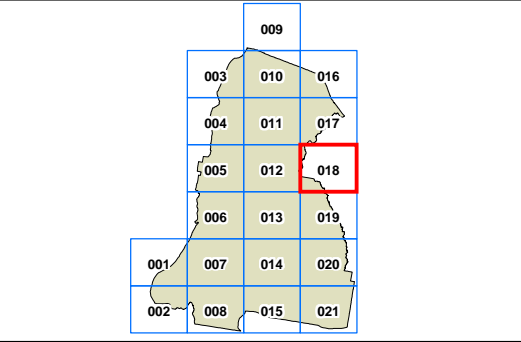
27
- U

32
- Z

56
- AB

80
- Refer to Clause 7.16 & 8.2

Cadastre
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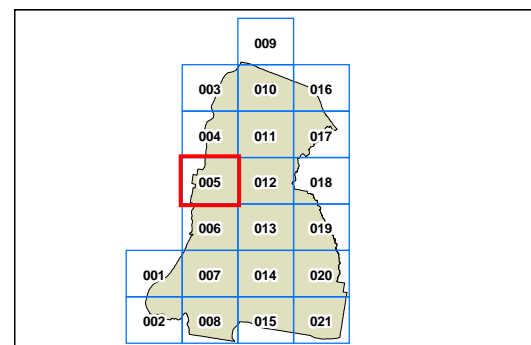
**Lot Size Map -
Sheet LSZ_005**

Minimum Lot Size (sq m)

B	225
F	400
G	450
K1	550
K2	560
M	600
O	650
R	750
S	800
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	100000 (10 ha)
AB2	200000 (20 ha)
AB3	400000 (40 ha)
AI	10000000 (1000 ha+)
	Refer to Clause 7.16, 7.19 & 7.21

Cadastre

 Cadastre 27/09/2019 © Penrith City Council

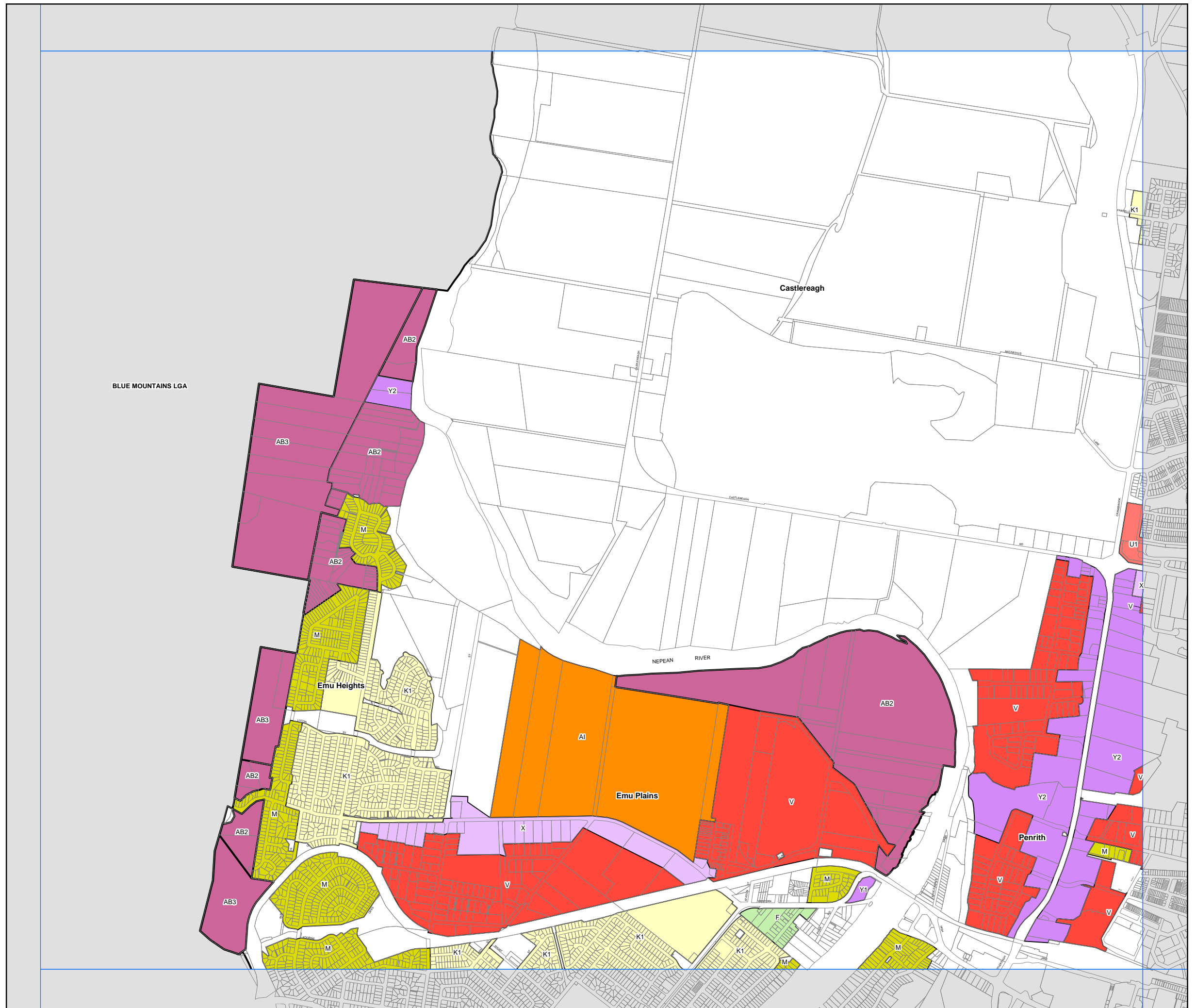


200 0 200 400 600
Metres

Scale: 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number:
6350_COM_LSZ_005_020_20190930




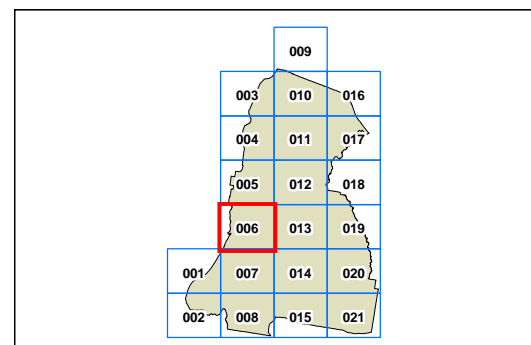
**Lot Size Map -
Sheet LSZ_006**

Minimum Lot Size (sq m)

B	225
F	400
G	450
K1	550
K2	560
M	600
O	650
R	750
S	800
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	100000 (10 ha)
AB2	200000 (20 ha)
AB3	400000 (40 ha)
AI	1000000 (1000 ha+)
	Refer to Clause 7.16, 7.19 & 7.21

Cadastre

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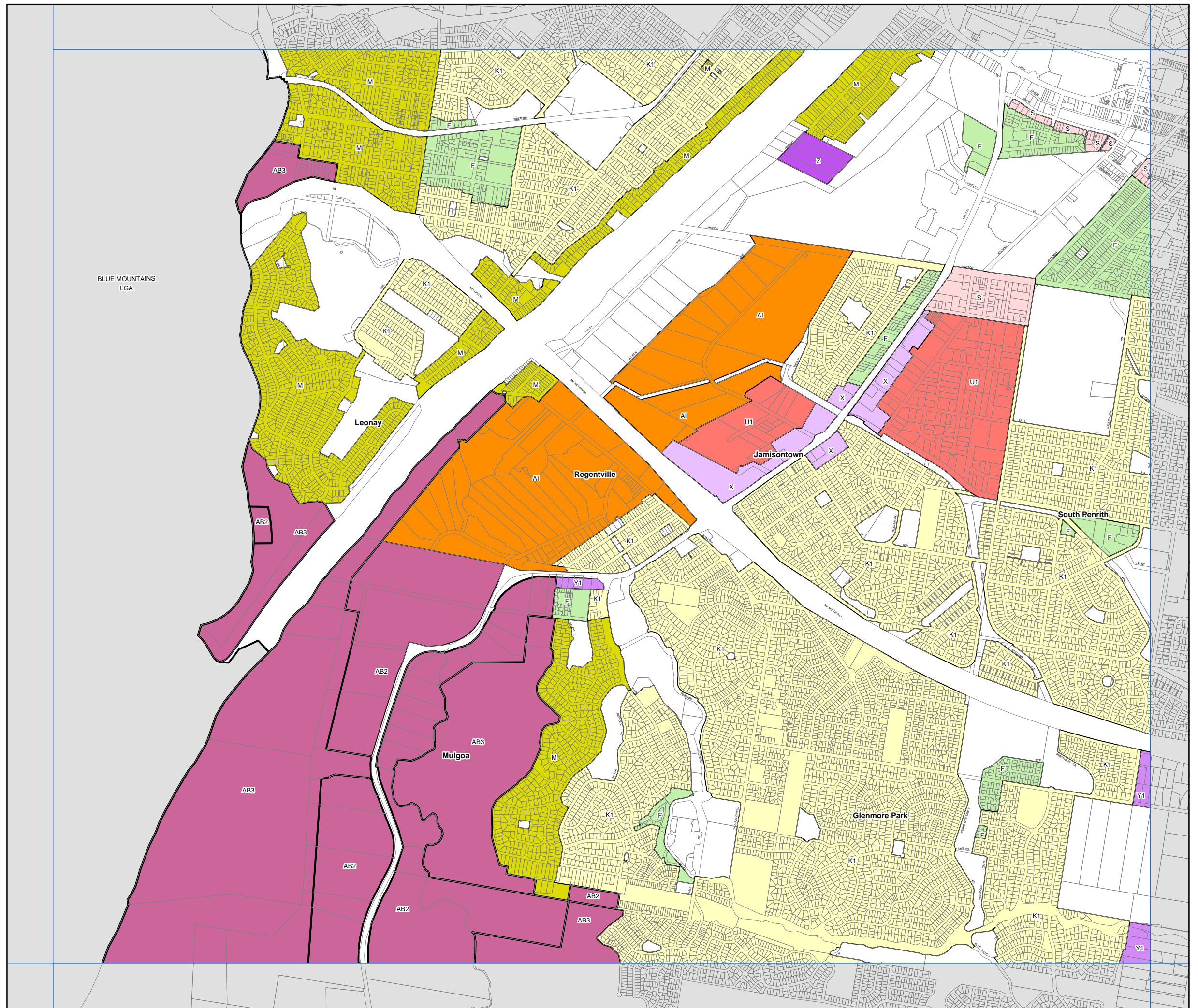


200 0 200 400 600
Metres

Scale: 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number:
6350_COM_LSZ_006_020_20190930



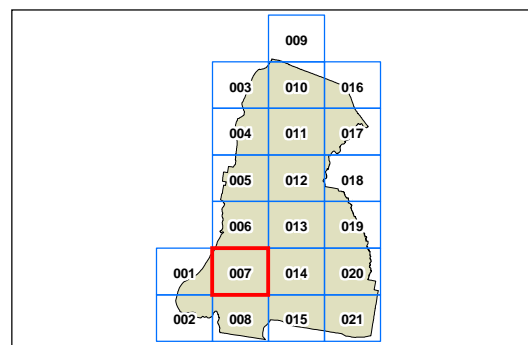
Lot Size Map -
Sheet LSZ_007

Minimum Lot Size (sq m)

B	225
F	400
G	450
K1	550
K2	560
M	600
O	650
R	750
S	800
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	100000 (10 ha)
AB2	200000 (20 ha)
AB3	400000 (40 ha)
AI	10000000 (1000 ha+)
	Refer to Clause 7.16, 7.19 & 7.21

Cadastre

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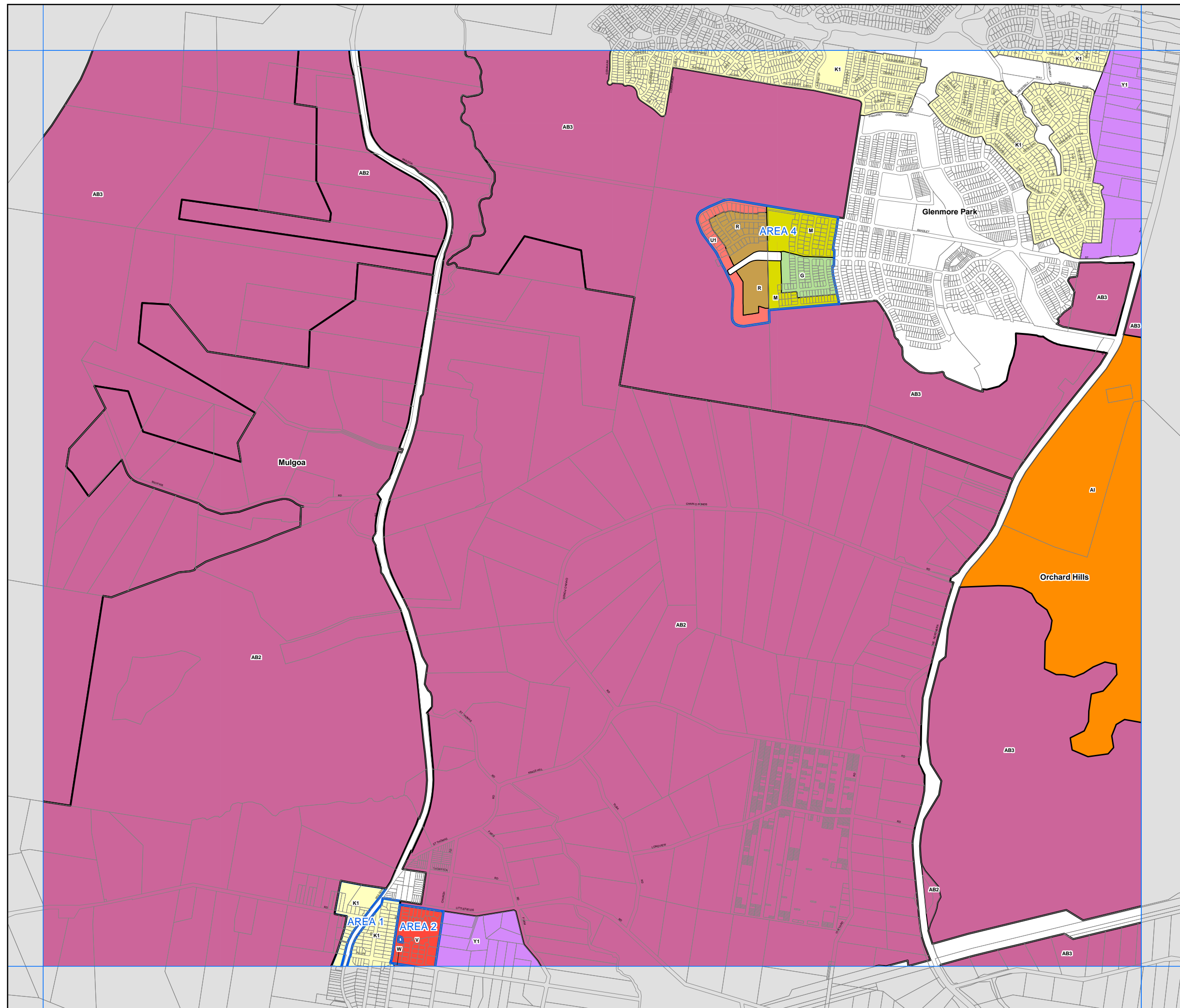


A scale bar with markings at 200, 0, 200, 400, and 600 metres. The bar is divided into segments of 200 metres each, with alternating black and white segments.

Scale: 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number:
6350_COM_LSZ_007_020_20190930




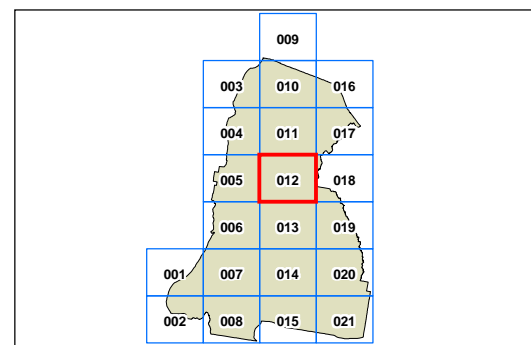
**Lot Size Map -
Sheet LSZ_012**

Minimum Lot Size (sq m)

B	225
F	400
G	450
K1	550
K2	560
M	600
O	650
R	750
S	800
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	100000 (10 ha)
AB2	200000 (20 ha)
AB3	400000 (40 ha)
AI	1000000 (1000 ha+)
	Refer to Clause 7.16, 7.19 & 7.21

Cadastral

 Cadastral 27/09/2019 © Penrith City Council

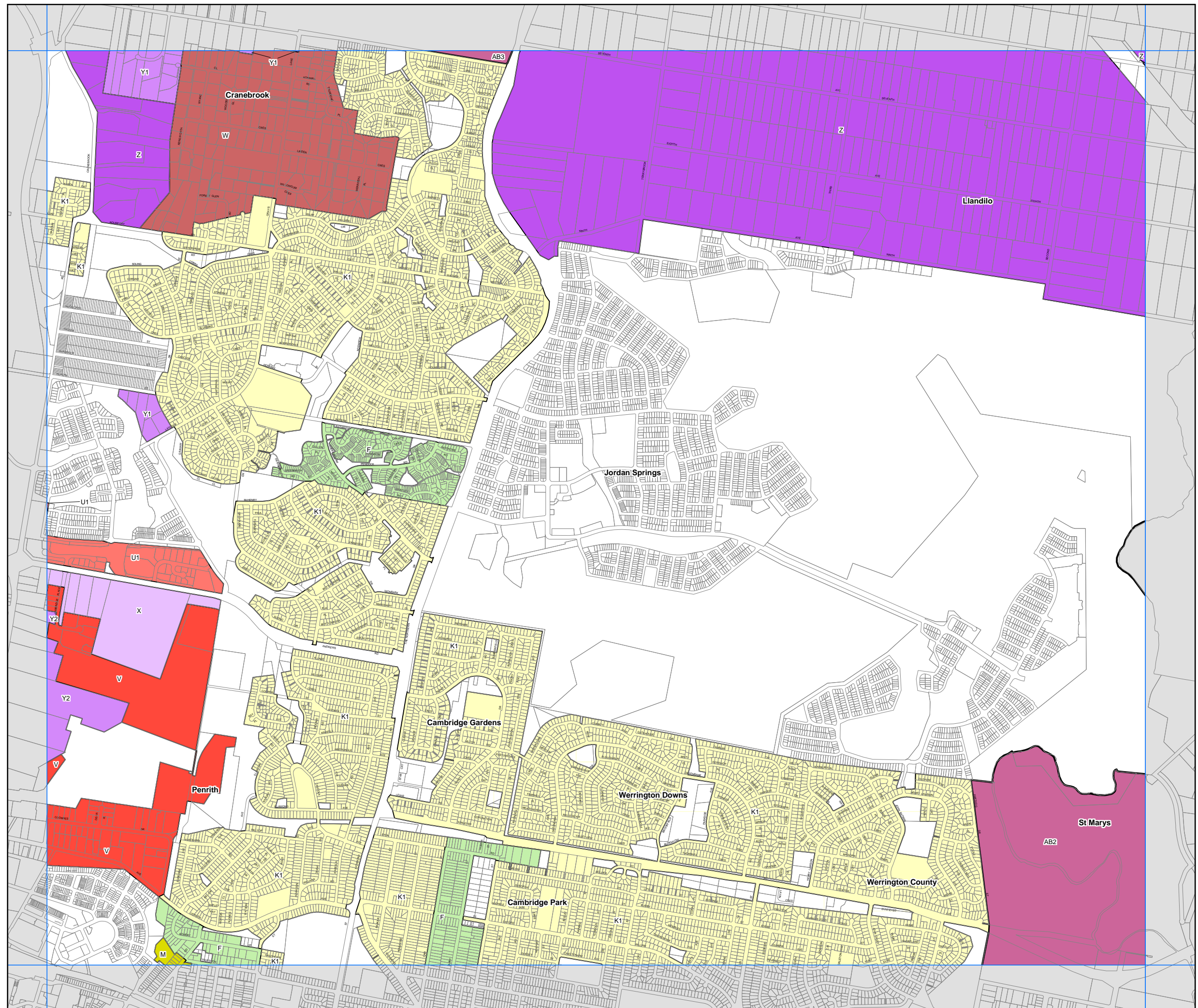


200 0 200 400 600
Metres

Scale: 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number:
6350_COM_LSZ_012_020_20190930



Penrith Local Environmental Plan 2010

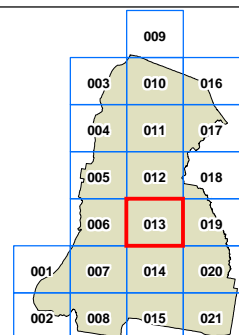
Lot Size Map - Sheet LSZ_013

Minimum Lot Size (sq m)

B	225
F	400
G	450
K1	550
K2	560
M	600
O	650
R	750
S	800
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	100000 (10 ha)
AB2	200000 (20 ha)
AB3	400000 (40 ha)
AI	1000000 (1000 ha+)
	Refer to Clause 7.16, 7.19 & 7.21

Cadastre

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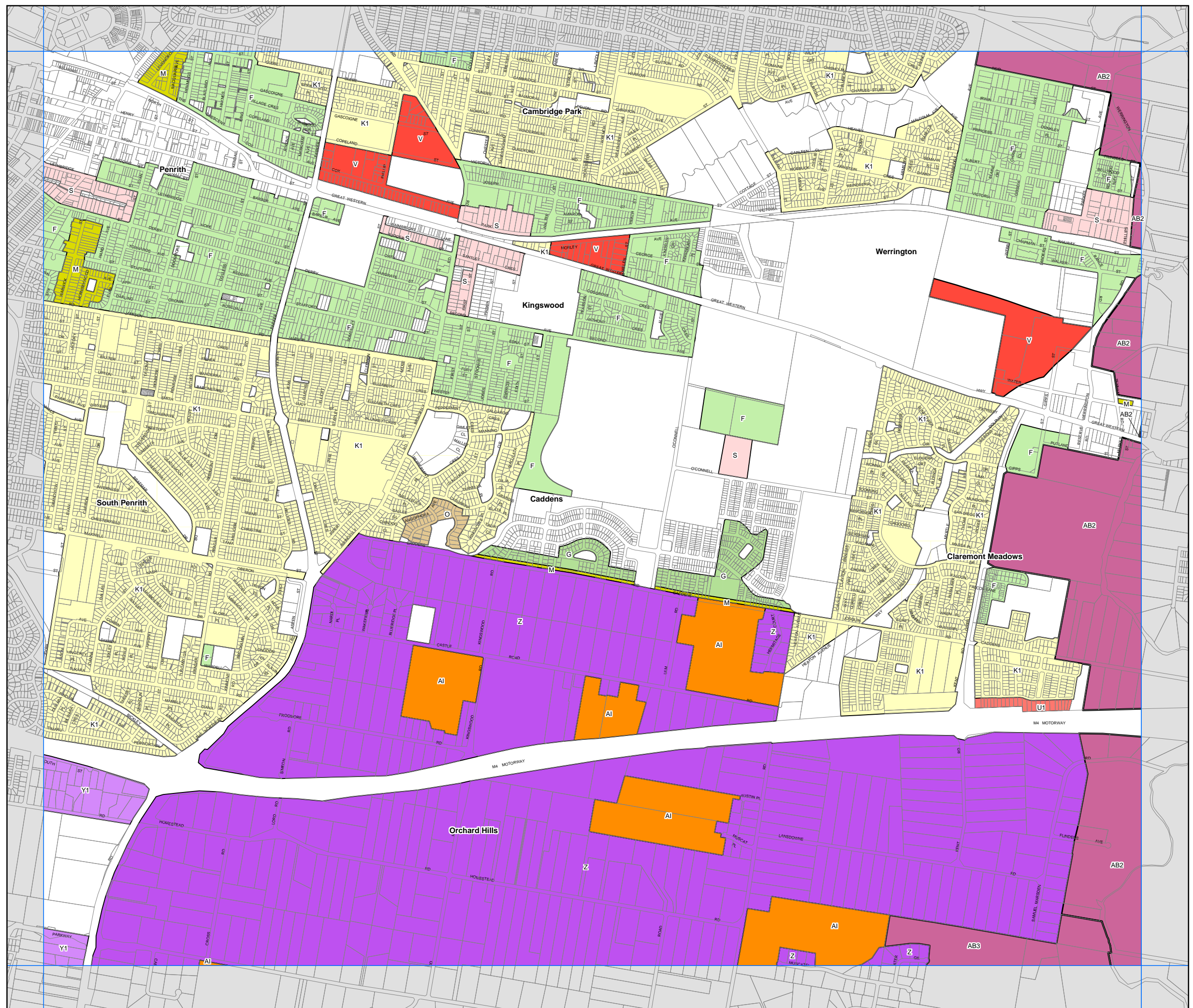


200 0 200 400 600
Metres

Scale: 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number:
6350_COM_LSZ_013_020_20190930



Lot Size Map -
Sheet LSZ_014

Minimum Lot Size (sq m)

- B

225
- F

400
- G

450
- K1

550
- K2

560
- M

600
- O

650
- R

750
- S

800
- U1

1000
- U2

1200
- V

2000
- W

4000
- X

6000
- Y1

10000 (1 ha)
- Y2

12500 (1.25 ha)
- Z

20000 (2 ha)
- AB1

100000 (10 ha)
- AB2

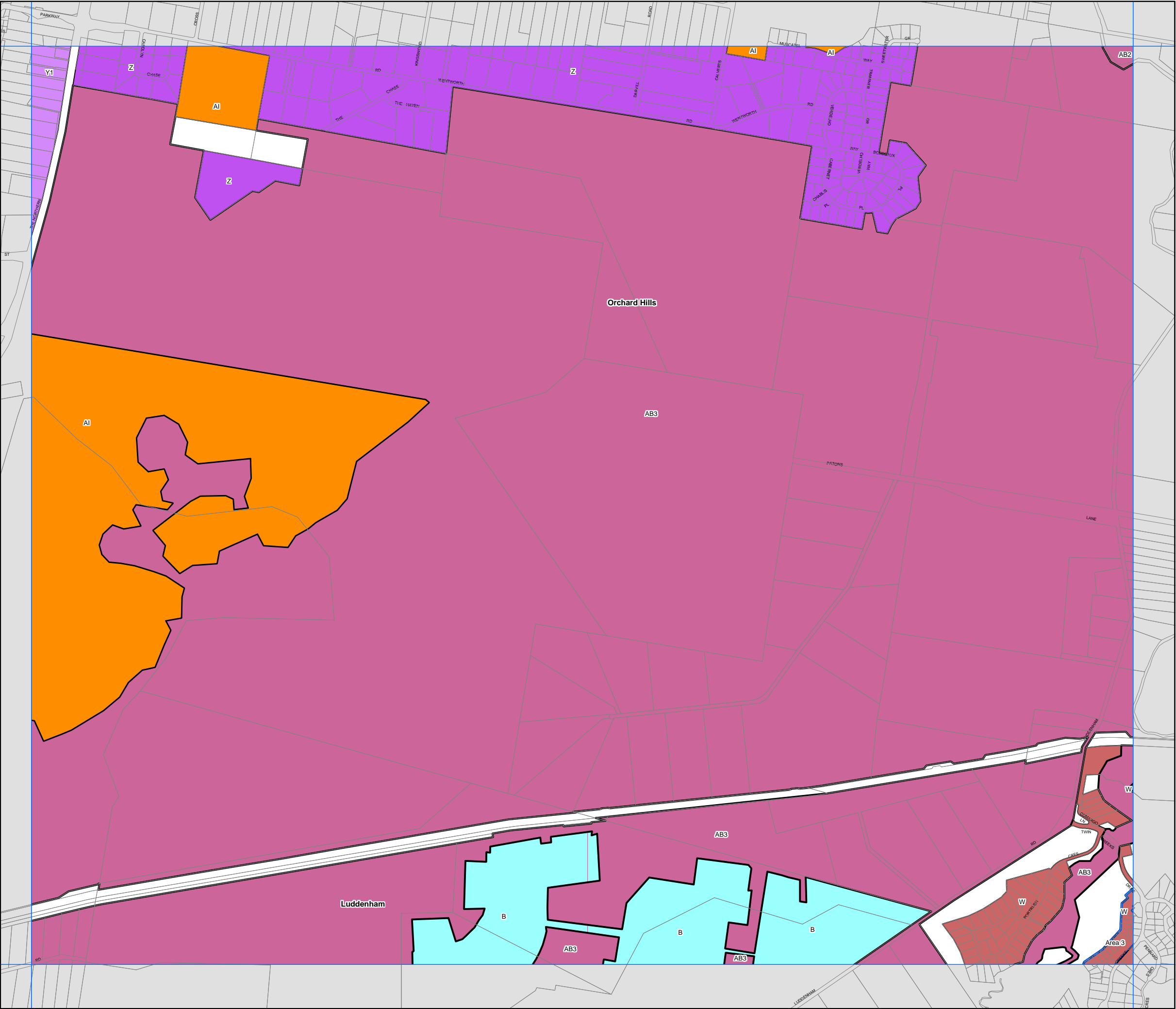
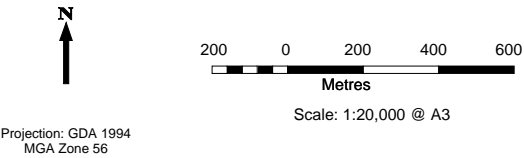
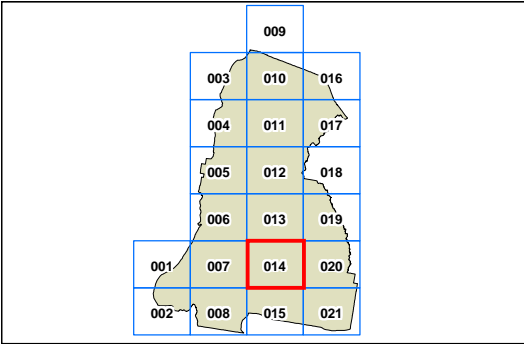
200000 (20 ha)
- AB3

400000 (40 ha)
- AI

1000000 (1000 ha+)
- Refer to Clause 7.16, 7.19 & 7.21

Cadastre

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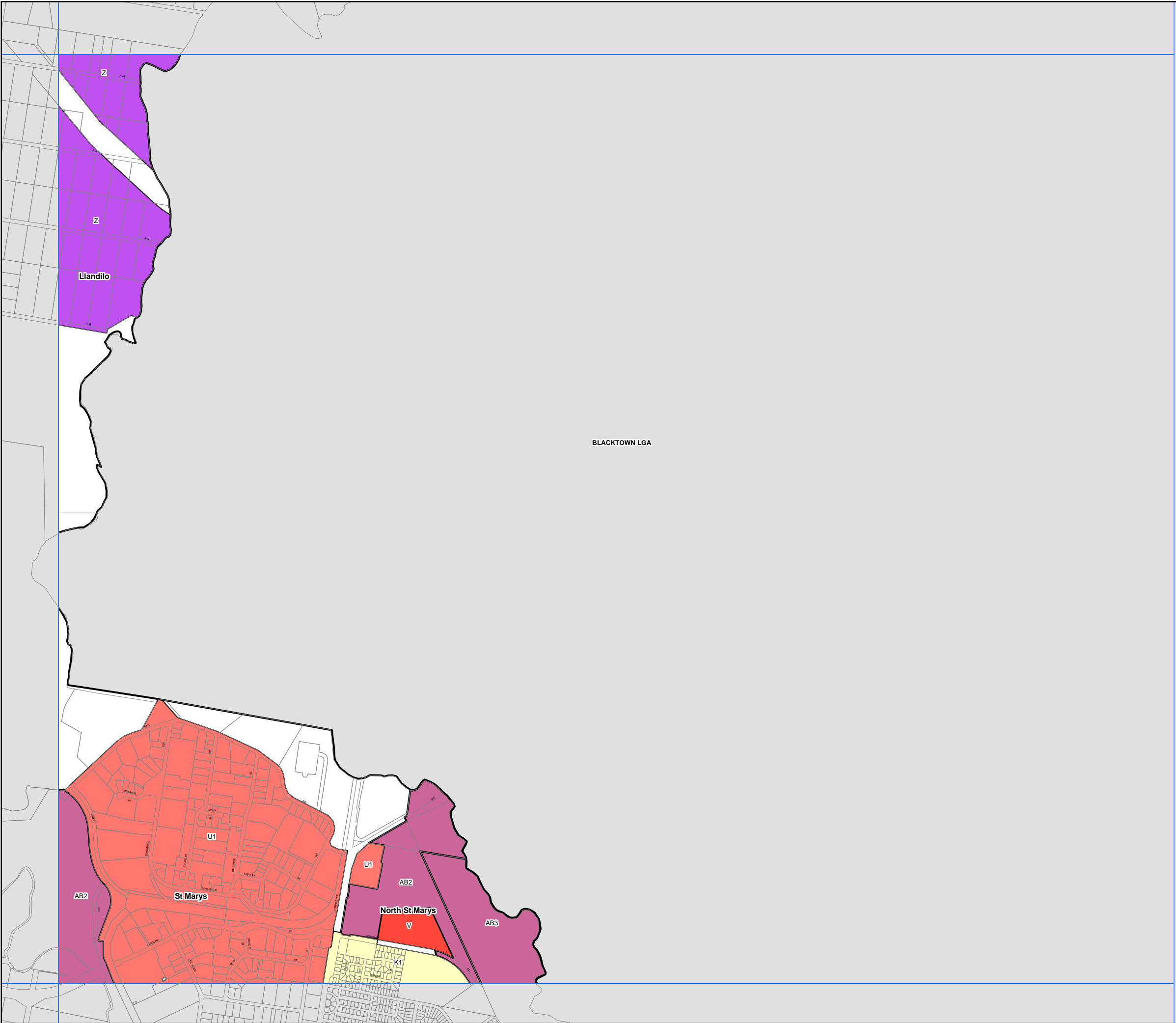
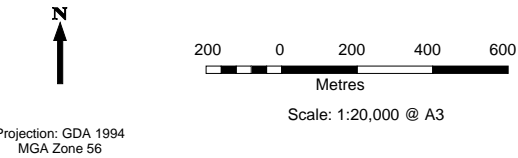
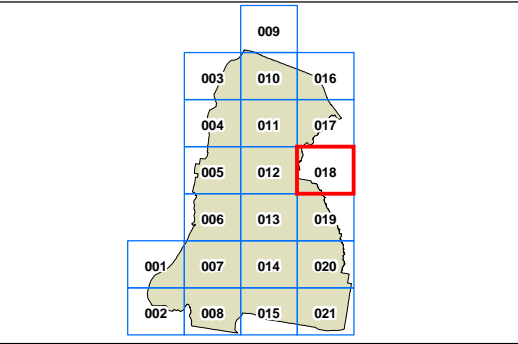
Lot Size Map -
Sheet LSZ_018

Minimum Lot Size (sq m)

B	225
F	400
G	450
K1	550
K2	560
M	600
O	650
R	750
S	800
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	100000 (10 ha)
AB2	200000 (20 ha)
AB3	400000 (40 ha)
AI	10000000 (1000 ha+)
	Refer to Clause 7.16, 7.19 & 7.21

Cadastre

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Penrith Local Environmental Plan 2010

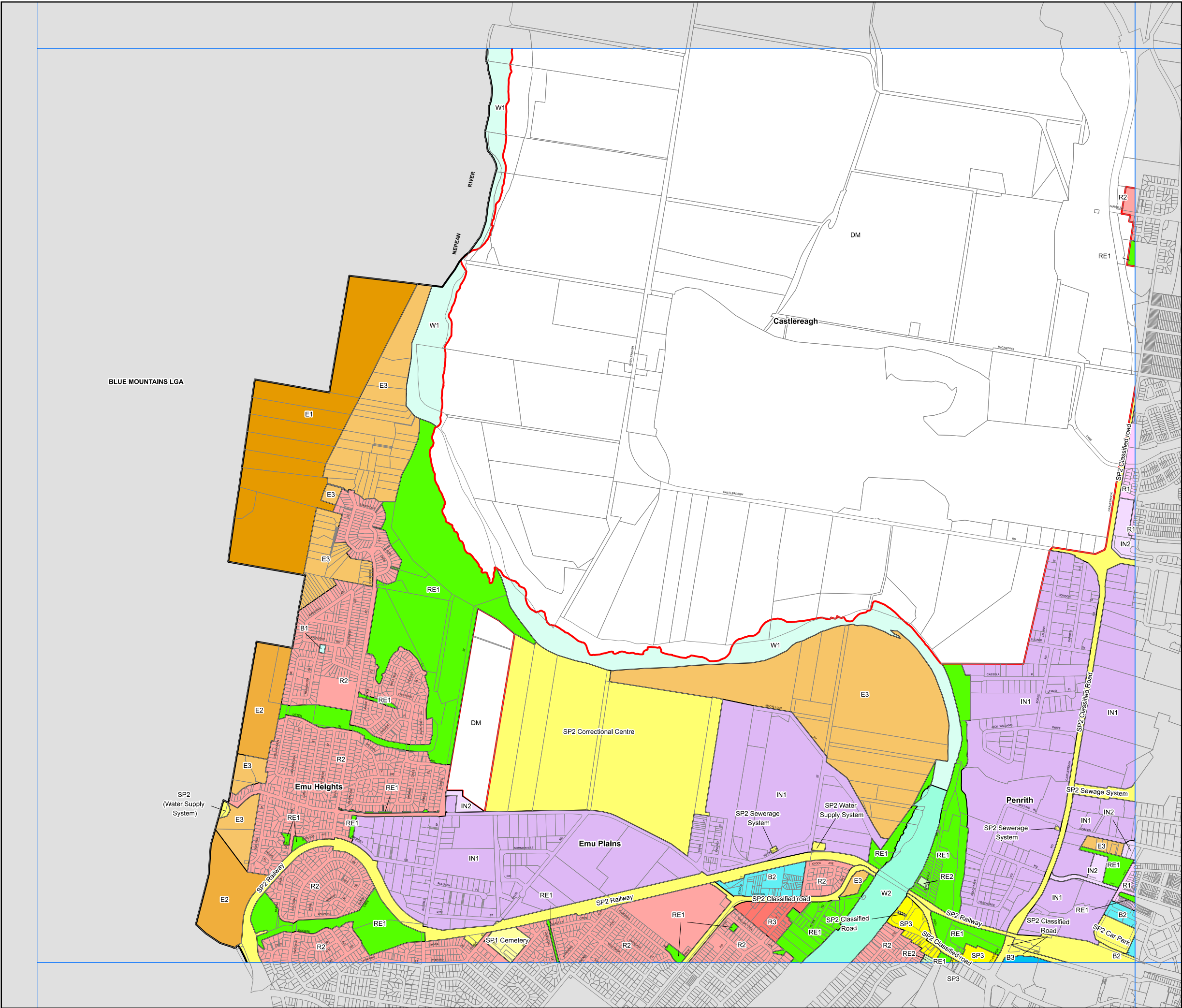
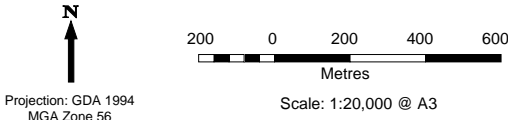
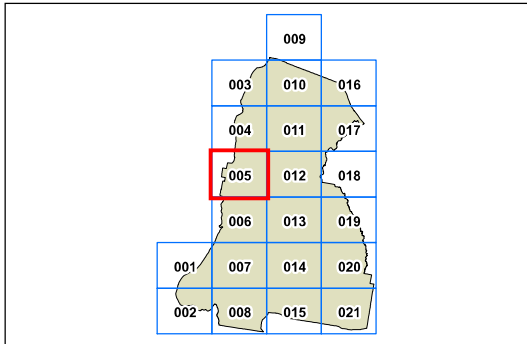
Land Zoning Map - Sheet LZN_005

Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B3** Commercial Core
- B4** Mixed Use
- B5** Business development
- B6** Enterprise Corridor
- B7** Business Park
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- E3** Environmental Management
- E4** Environmental Living
- IN1** General Industrial
- IN2** Light Industrial
- R1** General Residential
- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU4** Primary Production Small Lots
- RU5** Village
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- W1** Natural Waterways
- W2** Recreational Waterways
- DM** Deferred Matter
- WSEA** SEPP (Western Sydney Employment Area) 2009
- SM** SREP No. 30 - St Marys

Cadastre

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Penrith Local Environmental Plan 2010

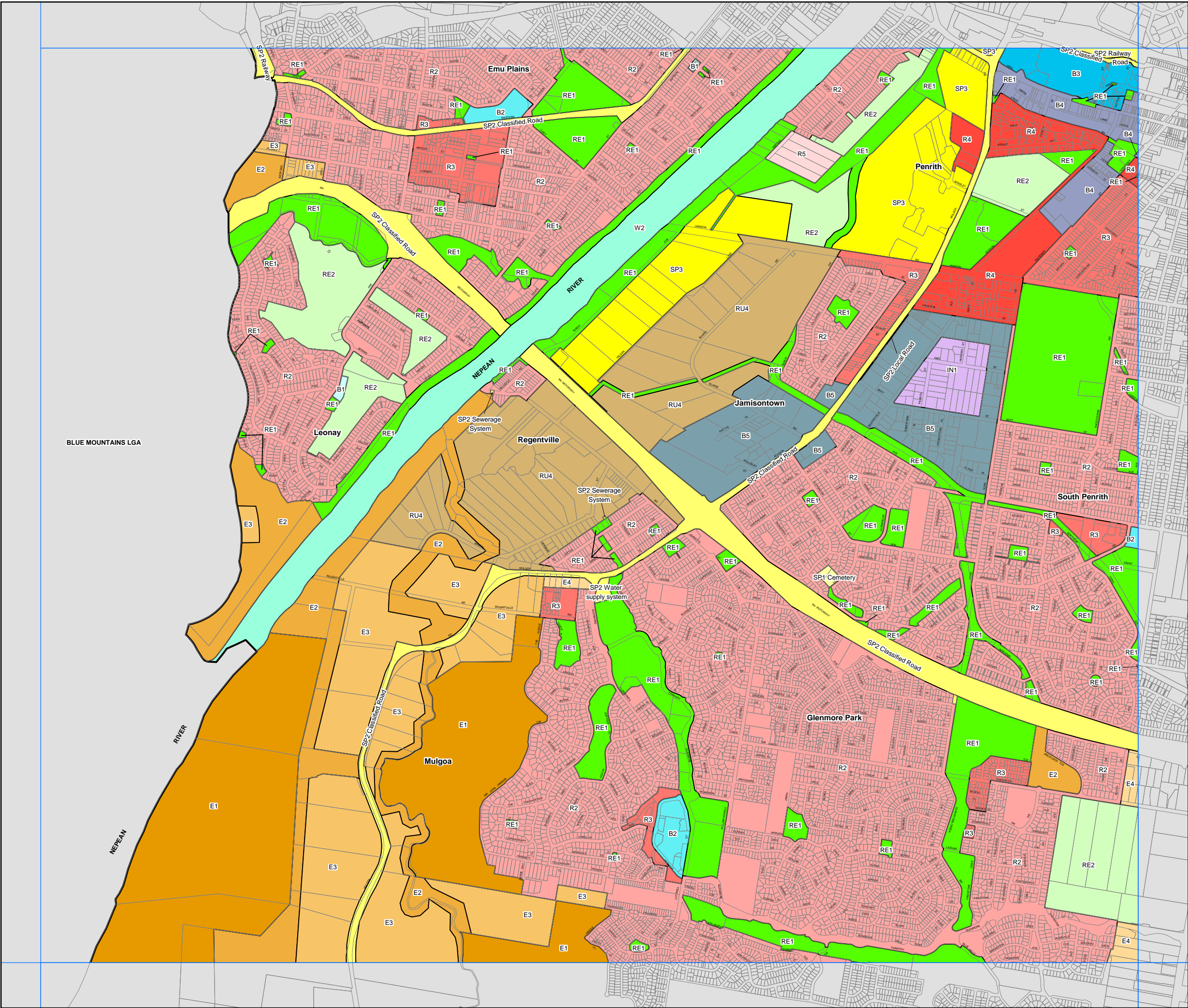
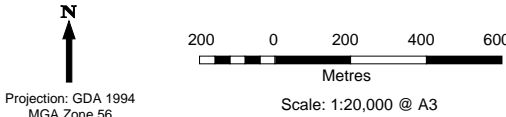
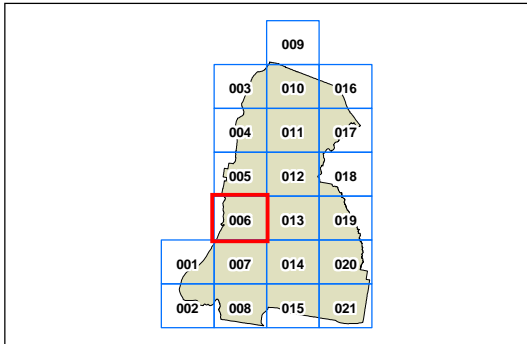
Land Zoning Map - Sheet LZN_006

Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B3** Commercial Core
- B4** Mixed Use
- B5** Business development
- B6** Enterprise Corridor
- B7** Business Park
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- E3** Environmental Management
- E4** Environmental Living
- IN1** General Industrial
- IN2** Light Industrial
- R1** General Residential
- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU4** Primary Production Small Lots
- RU5** Village
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- W1** Natural Waterways
- W2** Recreational Waterways
- DM** Deferred Matter
- WSEA** SEPP (Western Sydney Employment Area) 2009
- SM** SREP No. 30 - St Marys

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Penrith Local Environmental Plan 2010

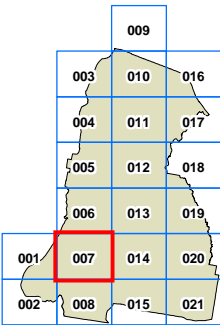
Land Zoning Map - Sheet LZN_007

Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B3** Commercial Core
- B4** Mixed Use
- B5** Business development
- B6** Enterprise Corridor
- B7** Business Park
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- E3** Environmental Management
- E4** Environmental Living
- IN1** General Industrial
- IN2** Light Industrial
- R1** General Residential
- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU4** Primary Production Small Lots
- RU5** Village
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- W1** Natural Waterways
- W2** Recreational Waterways
- DM** Deferred Matter
- WSEA** SEPP (Western Sydney Employment Area) 2009
- SM** SREP No. 30 - St Marys

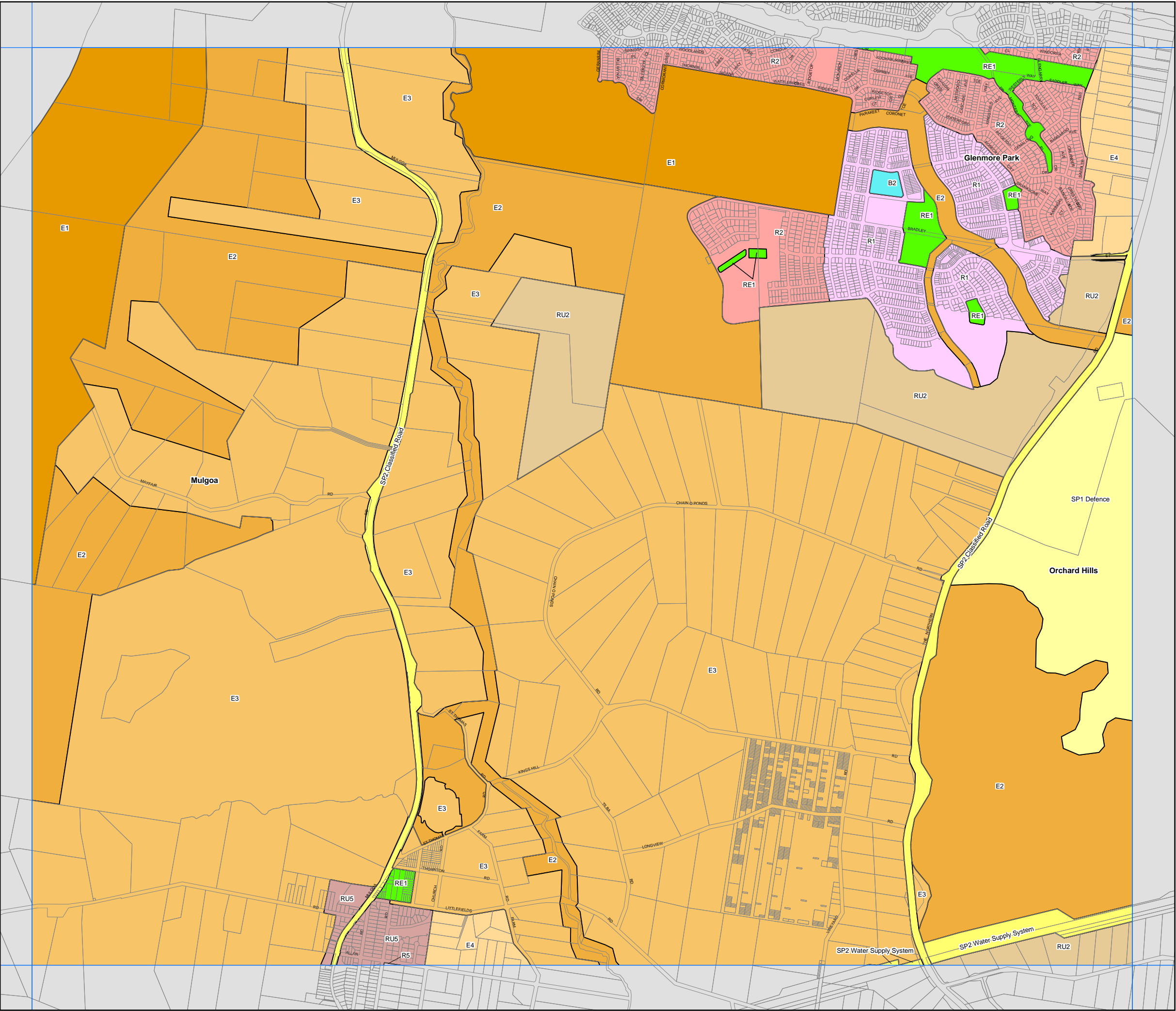
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200 0 200 400 600
Metres

Scale: 1:20,000 @ A3



**Penrith Local
Environmental
Plan 2010**

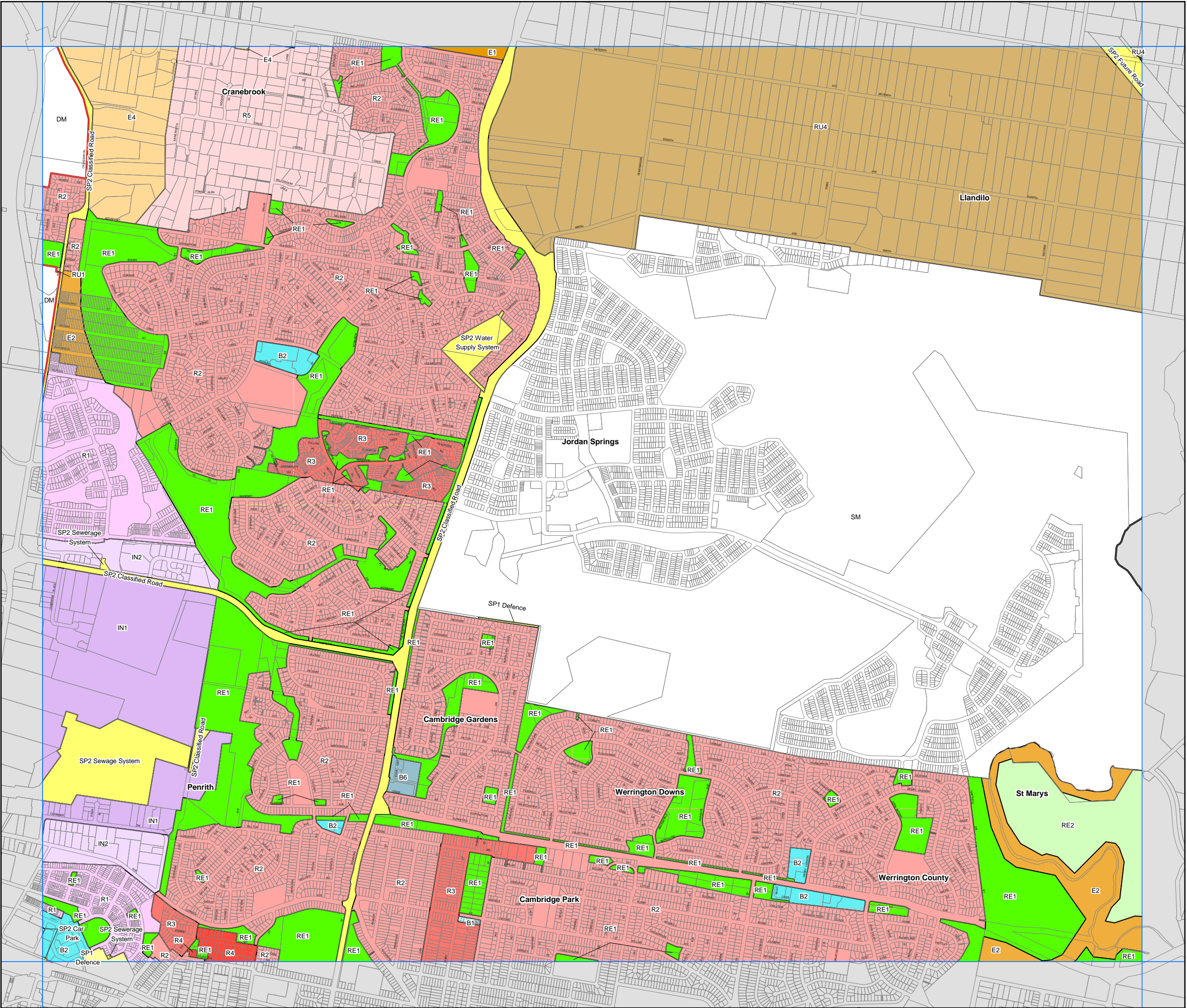
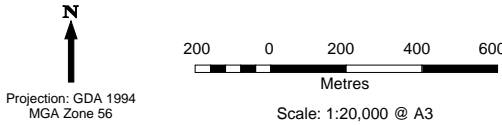
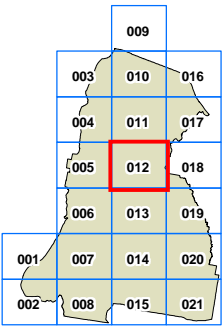
Land Zoning Map - Sheet LZN_012

Zone

- | | |
|------|--|
| B1 | Neighbourhood Centre |
| B2 | Local Centre |
| B3 | Commercial Core |
| B4 | Mixed Use |
| B5 | Business development |
| B6 | Enterprise Corridor |
| B7 | Business Park |
| E1 | National Parks and Nature Reserves |
| E2 | Environmental Conservation |
| E3 | Environmental Management |
| E4 | Environmental Living |
| IN1 | General Industrial |
| IN2 | Light Industrial |
| R1 | General Residential |
| R2 | Low Density Residential |
| R3 | Medium Density Residential |
| R4 | High Density Residential |
| R5 | Large Lot Residential |
| RE1 | Public Recreation |
| RE2 | Private Recreation |
| RU1 | Primary Production |
| RU2 | Rural Landscape |
| RU4 | Primary Production Small Lots |
| RU5 | Village |
| SP1 | Special Activities |
| SP2 | Infrastructure |
| SP3 | Tourist |
| W1 | Natural Waterways |
| W2 | Recreational Waterways |
| DM | Deferred Matter |
| WSEA | SEPP (Western Sydney Employment Area) 2009 |
| SM | SREP No. 30 - St Marys |

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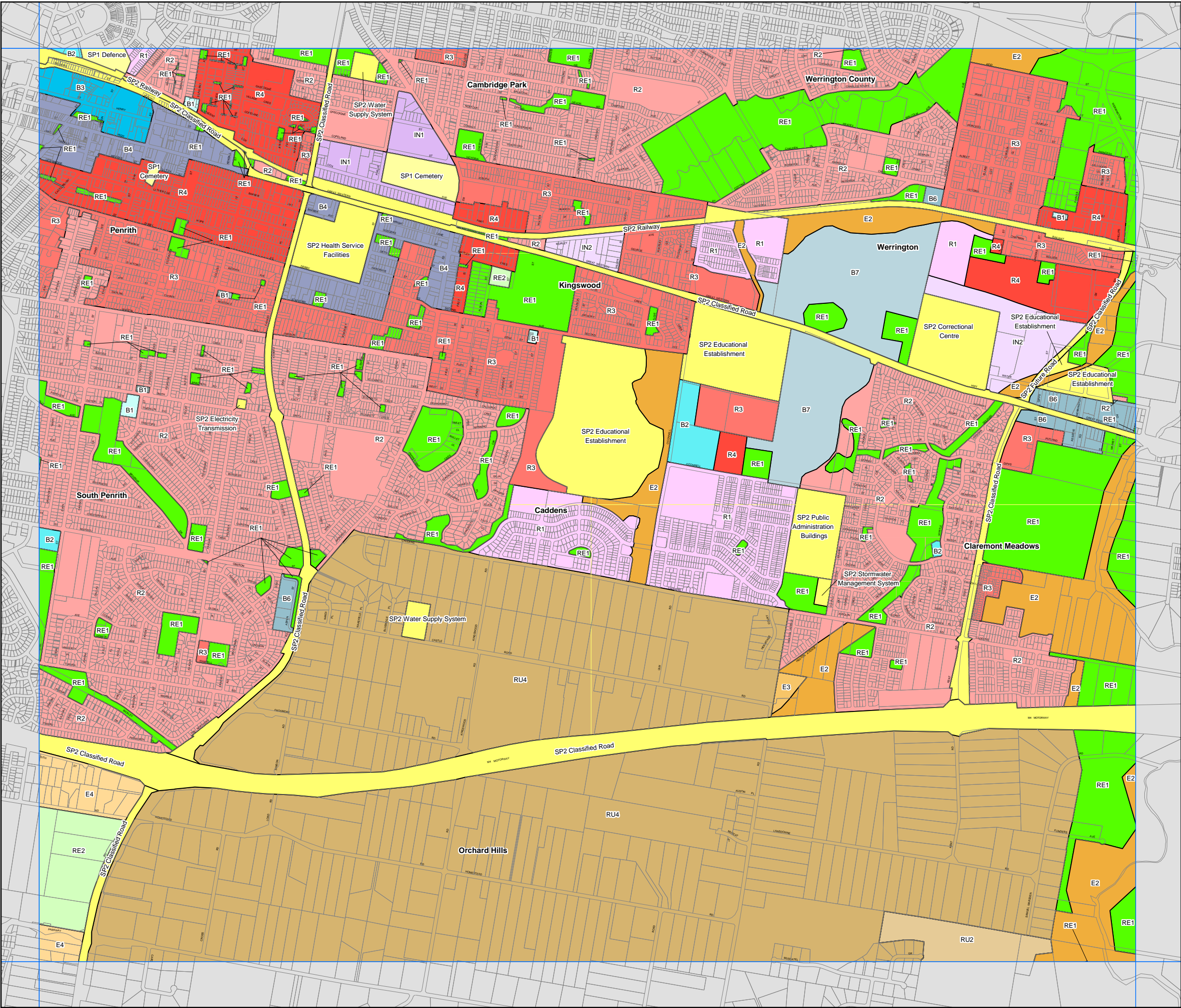
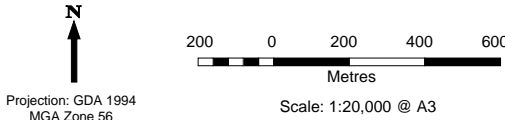
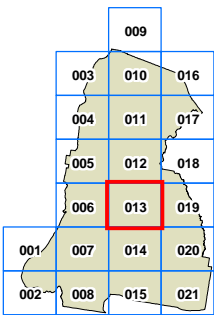
Penrith Local Environmental Plan 2010

Land Zoning Map - Sheet LZN_013

- Zone**
- B1 Neighbourhood Centre
 - B2 Local Centre
 - B3 Commercial Core
 - B4 Mixed Use
 - B5 Business development
 - B6 Enterprise Corridor
 - B7 Business Park
 - E1 National Parks and Nature Reserves
 - E2 Environmental Conservation
 - E3 Environmental Management
 - E4 Environmental Living
 - IN1 General Industrial
 - IN2 Light Industrial
 - R1 General Residential
 - R2 Low Density Residential
 - R3 Medium Density Residential
 - R4 High Density Residential
 - R5 Large Lot Residential
 - RE1 Public Recreation
 - RE2 Private Recreation
 - RU1 Primary Production
 - RU2 Rural Landscape
 - RU4 Primary Production Small Lots
 - RU5 Village
 - SP1 Special Activities
 - SP2 Infrastructure
 - SP3 Tourist
 - W1 Natural Waterways
 - W2 Recreational Waterways
 - DM Deferred Matter
 - WSEA SEPP (Western Sydney Employment Area) 2009
 - SM SREP No. 30 - St Marys

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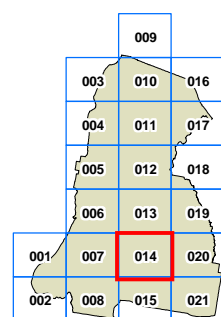


Zone

- | | |
|------|--|
| B1 | Neighbourhood Centre |
| B2 | Local Centre |
| B3 | Commercial Core |
| B4 | Mixed Use |
| B5 | Business development |
| B6 | Enterprise Corridor |
| B7 | Business Park |
| E1 | National Parks and Nature Reserves |
| E2 | Environmental Conservation |
| E3 | Environmental Management |
| E4 | Environmental Living |
| IN1 | General Industrial |
| IN2 | Light Industrial |
| R1 | General Residential |
| R2 | Low Density Residential |
| R3 | Medium Density Residential |
| R4 | High Density Residential |
| R5 | Large Lot Residential |
| RE1 | Public Recreation |
| RE2 | Private Recreation |
| RU1 | Primary Production |
| RU2 | Rural Landscape |
| RU4 | Primary Production Small Lots |
| RU5 | Village |
| SP1 | Special Activities |
| SP2 | Infrastructure |
| SP3 | Tourist |
| W1 | Natural Waterways |
| W2 | Recreational Waterways |
| DM | Deferred Matter |
| WSEA | SEPP (Western Sydney Employment Area) 2009 |
| SM | SREP No. 30 - St Marys |

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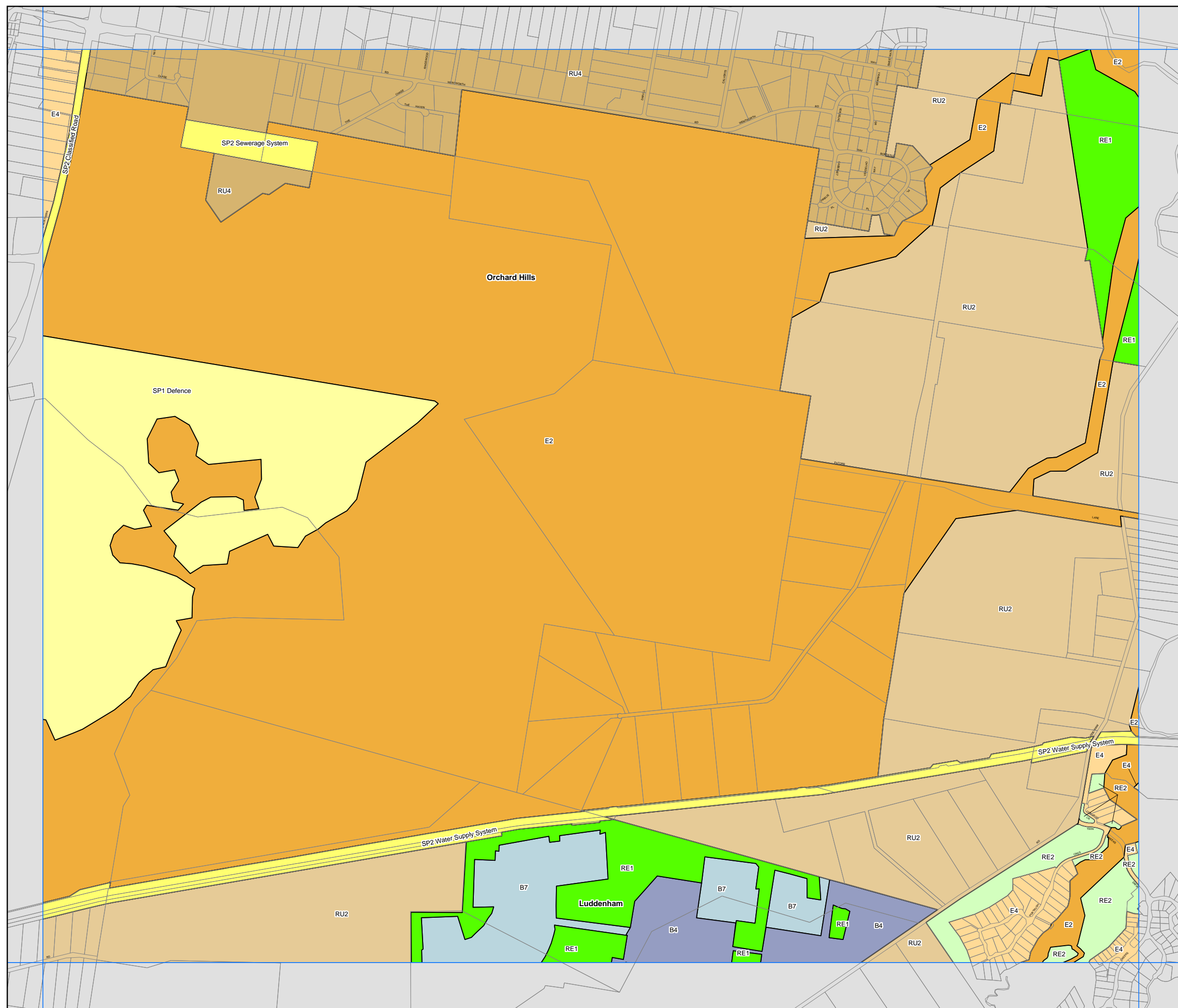
 Cadastre 23/09/2019 © Penrith City Council



Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3

Map identification number:
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Penrith Local Environmental Plan 2010

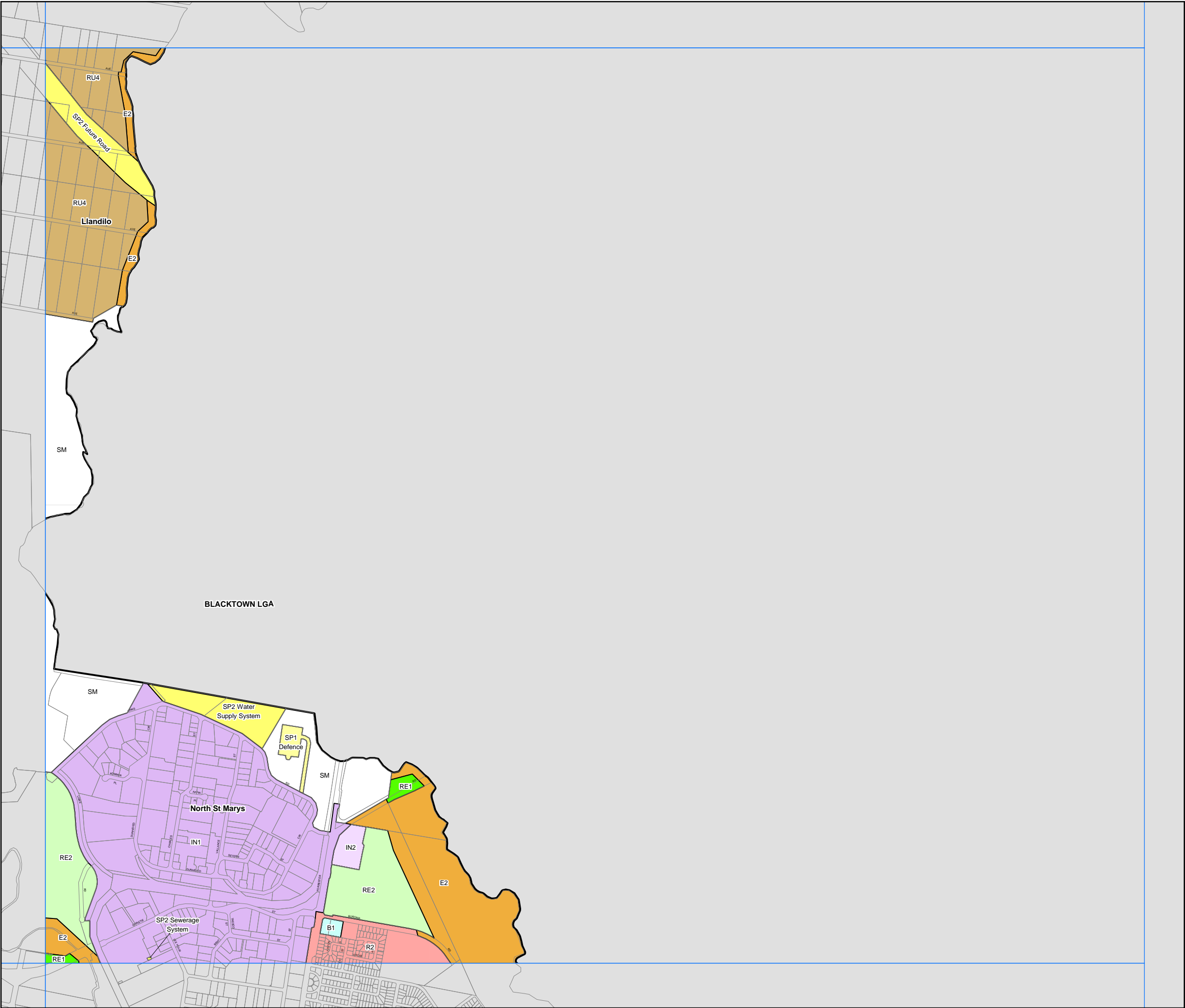
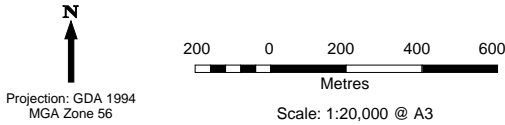
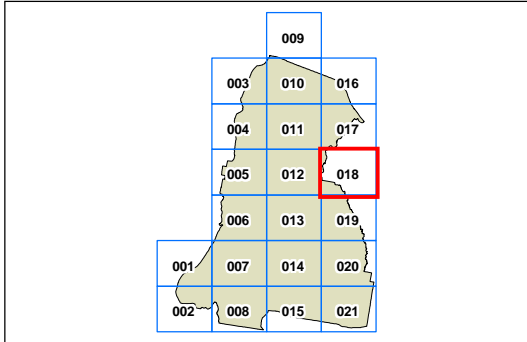
Land Zoning Map - Sheet LZN_018

Zone


- B1** Neighbourhood Centre
- B2** Local Centre
- B3** Commercial Core
- B4** Mixed Use
- B5** Business development
- B6** Enterprise Corridor
- B7** Business Park
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- E3** Environmental Management
- E4** Environmental Living
- IN1** General Industrial
- IN2** Light Industrial
- R1** General Residential
- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU4** Primary Production Small Lots
- RU5** Village
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- W1** Natural Waterways
- W2** Recreational Waterways
- DM** Deferred Matter
- WSEA** SEPP (Western Sydney Employment Area) 2009
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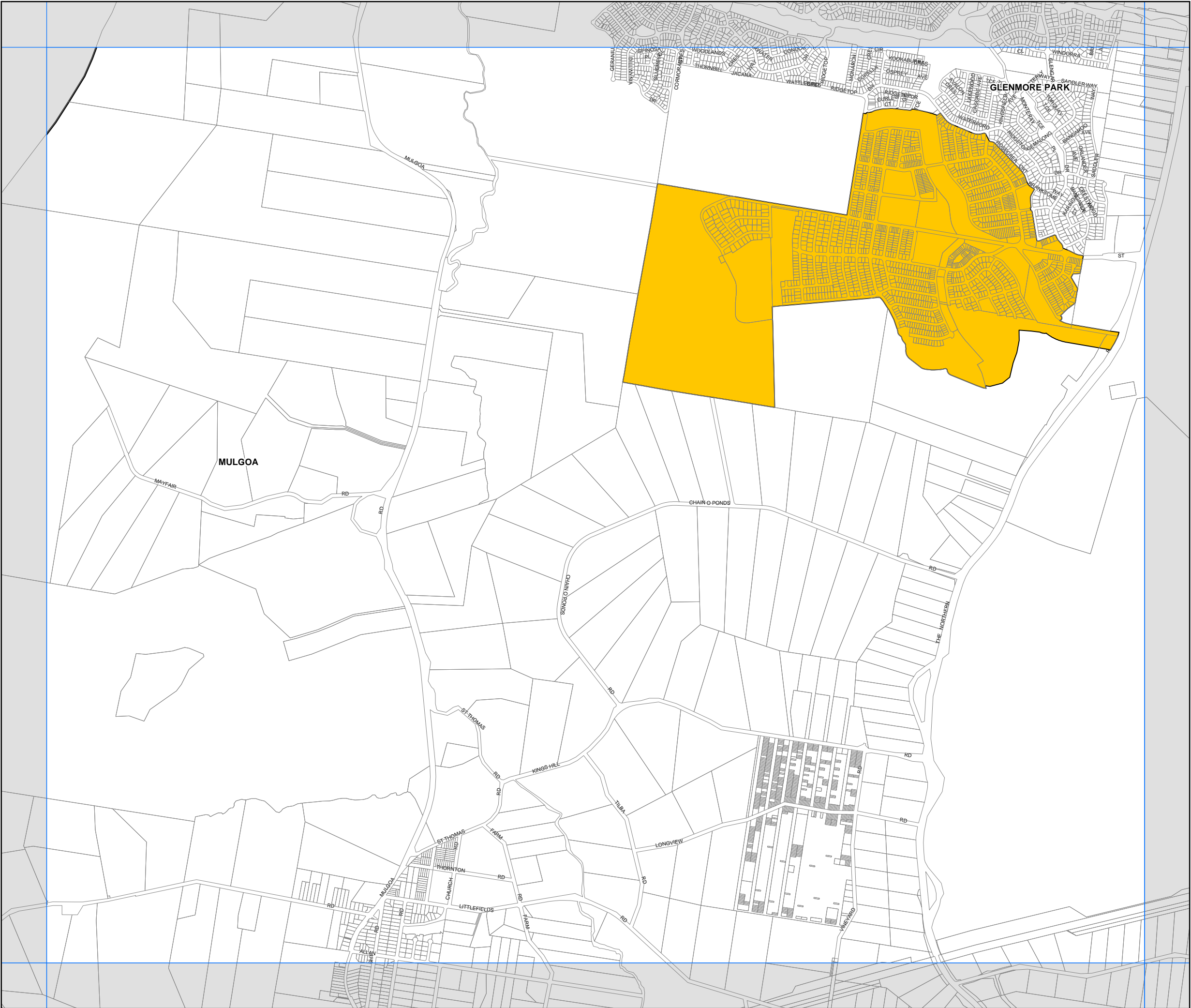
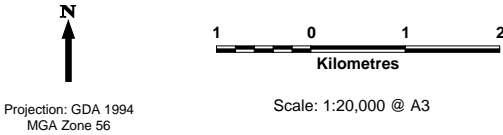
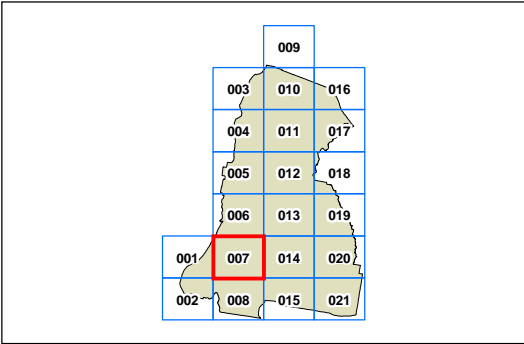
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Urban Release Area Map -
Sheet URA_007

 Urban Release Area

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APPENDIX 4

Penrith Local Planning Panel advice

Panel Advice provided pursuant to Section 2.19 of the EP&A Act 1979

The Panel has considered the Planning Proposal and the preliminary assessment prepared by Council Officers and considers the planning proposal as reasonable subject to the following points:

1. In relation to item 1, the panel raises concerns that 1200m² may be insufficient for the development subject to the ADG and SEPP 65 where 1500m² is considered more appropriate to ensure compliance with ADG. 1200m² should only be considered for Town House development.
2. In relation to item 7 the panel agrees with the department that a planning proposal that seeks to prohibit cemeteries should not proceed until GSC has completed its review into the need for land for cemeteries and crematoria in the Greater Sydney Region and therefore recommends the removal of this item from the planning proposal.

<p>Hon. Carl Scully (Chair)</p> 	<p>John Brunton (Expert)</p> 
<p>Stephen Welsh (Community Representative)</p> 	<p>Mary-Lynne Taylor (Expert)</p> 

APPENDIX 5

Council report and minutes 23 September 2019

4 Planning Proposal LEP Review

Compiled by: Joel Carson, Senior Planner
Nicole Dukinfield, Principal Planner
Abdul Cheema, City Planning Co-ordinator

Authorised by: Natasha Borgia, City Planning Manager

Outcome	<i>We plan for our future growth</i>
Strategy	<i>Ensure services, facilities and infrastructure meet the changing needs of our City</i>
Service Activity	<i>Ensure our policies, strategies and plans provide for the services and infrastructure our City needs</i>

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Executive Summary

The purpose of this report is to seek Council's endorsement of a Planning Proposal to amend Penrith Local Environmental Plan 2010 (LEP 2010) as part of Council's LEP Review program, and forward this to the Minister for Planning and Public Spaces to request a Gateway Determination to publicly exhibit the Planning Proposal.

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) has prepared a draft LSPS, being considered under a separate report at this meeting, which is anticipated to be publicly exhibited between 30 September and 11 November 2019.

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 Greater Sydney Commission's (GSC) *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:

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

Council also intends to prepare the following studies and strategies:

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

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 Local Housing Strategy, Rural Lands and Villages Strategy, minor housekeeping amendments and consolidation of Planning Proposals where appropriate.
- 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 LEP Review Phase 1 Planning Proposal primarily responds to the immediate actions arising from the Local Housing Strategy, Rural Lands and Villages Strategy, and the St Marys Economic Development Strategy, as well as address minor housekeeping amendments, and the permissibility of cemeteries.

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

The Planning Proposal

The preparation of a Planning Proposal is the first step in the Department of Planning, Industry and Environment's (DPIE) Gateway Process for making or amending Local Environmental Plans (LEPs).

Council officers have prepared a Planning Proposal for the Phase 1 LEP Review. A copy of the Planning Proposal has been provided to Councillors as a separate enclosure, is publicly-available on Council's website, and has been tabled tonight. The Planning Proposal recommends changes to the LEP 2010 written instrument and the LEP 2010 map tiles.

A list of the proposed changes is provided in the following table. Details of each proposed change and planning considerations are discussed below. The separately enclosed Planning Proposal provides all details of the proposed changes.

Summary table of proposed changes:

Item No.	Title
1	Increase lot size control for multi-dwelling housing in medium and high density

	zones
2	Permit eco-tourist facilities in environmental living zones
3	Strengthen the role of Castlereagh's 'centre'
4	Dwelling houses on certain land in Llandilo
5	Requirement for non-residential uses in St Marys Town Centre mixed use zones
6	Housekeeping matters
7	Prohibition of cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia
8	Rezoning of Triangle Park, Penrith

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

A principle of the Local Housing Strategy is to 'provide housing diversity'.

The 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 making a more positive contribution to local character.

It is proposed that LEP 2010 Clause 4.1A (Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings) is amended to increase the minimum lot size for multi-dwelling housing from 800sqm to 1200sqm in R3 Medium Density Residential and R4 High Density Residential zones.

The intention of these changes is to:

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

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

Item 2 - Permit eco-tourist facilities in environmental living zones

A planning outcome of the 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 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 rural areas are bed and breakfast accommodation, farm stay accommodation and eco-tourist facilities. Hotel or motel accommodation is also considered appropriate in rural villages where it is supported by suitable infrastructure and services.

Bed and breakfast accommodation is permissible with consent in all identified rural and environmental protection zones. Farm stay accommodation is also permissible in these zones except for E4 zones. It is not considered appropriate to permit farm stay accommodation in E4 zones as it 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.

Accordingly, it is proposed that LEP 2010 be amended to permit with development consent ‘eco-tourist facilities’ in the E4 Environmental Living zone.

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 of the Metropolitan Rural Area

Item 3 - Strengthen the role of Castlereagh’s ‘centre’

A planning outcome of the 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 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 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 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 Strategy also recommends that the potential for new development be subject to future sewer management capabilities. The boundary of the Castlereagh ‘centre’ is identified in blue on the map provided in the separately enclosed Planning Proposal.

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

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

It is noted that the 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 that these uses continue to be provided for the local community.

It is also 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.

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

Item 4 - Dwelling houses on certain land in Llandilo

The Rural Lands and Villages Strategy has considered 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 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. It 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 minimum two hectare requirement has been in place since 1977, and has been consistently 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. It is noted that there are 6 properties in Llandilo that are excluded from the operation of the LEP 2010 provisions; thereby providing a dwelling entitlement for each of those properties.

It is generally proposed to retain the existing LEP 2010 requirements for a minimum lot size of two hectares for a dwelling house. However, it has been identified that there are approximately 11 lots at Llandilo 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. These lots have the potential to be sold individually and any new owner would be unable to construct a dwelling.

It is therefore proposed that LEP 2010 is amended to permit a dwelling on these lots. Dwelling houses on these lots are not likely to diminish the rural character of Llandilo or threaten the potential for sustaining viable agricultural activities. These 11 lots are listed in the separately enclosed Planning Proposal.

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

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

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

Item 5 - Requirement for non-residential uses in St Marys Town Centre mixed use zones

A principle of the St Marys Economic Development Strategy 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, to transition into a Strategic Centre as major transport infrastructure comes online.

This strategic work has identified that the St Marys Town Centre's ability to deliver further employment-related development may be impacted by current LEP & DCP controls around shop-top housing and mixed-use development.

An analysis of future growth and demand for retail and commercial floorspace against capacity under the current planning framework has identified 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.

This highlights 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.

In order to achieve this it is proposed that a new control is introduced to LEP 2010 requiring non-residential floorspace provision within the St Marys Town Centre. The control would require a proportion of the developments' total floorspace be provided, at a minimum, for non-residential uses on the ground and first floors. Residential uses would be above.

It is therefore proposed that LEP 2010 is amended to require that ground and first floor development for land zoned B4 Mixed Use in St Marys Town Centre provide non-residential uses.

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

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

Item 6 - Housekeeping matters

It is proposed to resolve several minor errors and anomalies that have been identified in 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

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 10 housekeeping matters in total proposed to be changed. A list of the proposed changes is provided in the table below.

Item No.	Title	Proposed change
----------	-------	-----------------

6A	Additional Permitted Uses provisions for 164 Station Street, Penrith	The existing partial coverage of the additional permitted uses on the site is proposed to be extended to cover the full site so as to provide a uniform and consistent suite of planning provisions to the site and enable orderly development of the land.
6B	<p>Rezoning of several parcels of Sydney Water land</p> <p>The subject properties are:</p> <ul 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 St, Glenmore Park e. 76A Christie St, St Marys f. 171-175 Andrews Rd, Cranebrook g. 2a Fitch Ave, Penrith h. 1 Hickeys Lane, Penrith i. 13A Mackellar St, Emu Plains j. 23A Loftus St, Regentville k. 1 Factory Rd, Regentville l. 1A Carcoar Cl, Erskine Park m. 2180 Castlereagh Rd, Penrith n. 18 Winbourne Rd, Mulgoa o. 334A Londonderry Rd, Londonderry p. 9 William Hart Cres, 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 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>
6C	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.
6D	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.
6E	Alignment of mapped planning controls at Peak Place and Edgewater Drive, Glenmore Park	Correction to the mapping for 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.
6F	Update to property descriptions and	It is proposed to update the property

	mapping for Schedule 1 sites at Thornton Estate	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.
6G	Correction to zoning of park at Buttercup Street, Claremont Meadows	An existing park at Buttercup is incorrectly zoned and is proposed to be zoned RE1 Public Recreation. The height and lot size controls are also to be removed.
6H	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.
6I	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.
6J	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.

The housekeeping update to LEP 2010 will broadly support the Planning Priorities of the LSPS.

Item 7 - Prohibition of cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia

The Mulgoa Valley and Wallacia contain significant rural landscapes, including agricultural qualities, cultural heritage values, scenic values, and are the setting for the villages of Mulgoa and Wallacia.

It is proposed to amend LEP 2010 to prohibit cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia.

The purpose of these changes is to prevent the establishment of cemeteries and crematoria in these areas, due to this form of development being incompatible with the character and values of these areas.

The changes proposed to LEP 2010 are to remove 'cemeteries' from the E3 Environment Management zone land use table, create a new provision that prohibits 'cemeteries' and 'crematoriums' in the subject area, overrides Clause 5.10.10 Heritage conservation incentive and any other provision of the LEP as it relates to this use.

At its Ordinary Meeting of 28 August 2017, Council resolved to endorse a Planning Proposal seeking the above LEP amendments and that it be forwarded to DPIE to request a Gateway Determination. The Planning Proposal and Gateway request were submitted to DPIE on 8 September 2017.

On 12 October 2017 DPIE provided advice to Council that requested submission of additional supporting information and justification for the proposed changes. The advice recommended Council consults with the Department of Industry, Lands & Forestry, as well as with Cemeteries & Crematoria NSW in preparation of the supporting information.

On 20 December 2017 DPIE provided advice to Council which stated that Planning Proposals seeking to amend or prohibit cemeteries and crematoria will not proceed to

Gateway until the Greater Sydney Commission has completed its review into the need for land for cemeteries and crematoria in the Greater Sydney Region.

In light of recent directions made by the Independent Planning Commission (IPC) relating to cemetery development applications within the Greater Sydney region (specifically the approval of Varroville cemetery and refusal of Wallacia Memorial Park cemetery), it is Council's view that the Planning Proposal is now able to proceed to Gateway and attain a Gateway Determination. Accordingly, the proposed prohibition of cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia has been consolidated as part of this LEP Review Phase 1 Planning Proposal.

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

- PP6: Ensure our social infrastructure meets the changing needs of our communities
- PP17: Define and protect the values and opportunities of the Metropolitan Rural Area

Item 8 - Rezoning of Triangle Park, Penrith

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 is rezoned from its B3 and B4 zonings to RE1 Public Recreation to align the zoning with the same zoning consistently applied to local parks. It is also proposed to remove the existing height and floor space ratio control from the site, as this is the standard practice for RE1 zones.

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

Local Planning Panel advice

In accordance with the requirements of Section 2.19 of the Act, the Planning Proposal was presented to Council's Local Planning Panel on 11 September 2019 to obtain advice. Advice provided by the Panel is to be taken into consideration in Council's assessment and preparation of the Planning Proposal.

The Local Planning Panel provided the following advice for consideration:

- *In relation to item 1, the panel raises concerns that 1200sqm may be insufficient for the development subject to the ADG (Apartment Design Guide) and SEPP 65 where 1500sqm is considered more appropriate to ensure compliance with ADG. 1200sqm should only be considered for Town House development.*

In response, Council officers note that the Panel's advice in relation to 1200sqm being only considered for Town House development is considered consistent with the changes sought in this Planning Proposal for multi-dwelling housing in R3 Medium Density Residential and R4 High Density Residential zones. As the changes sought in this Planning Proposal do not apply to apartment developments, the Panel's comments in relation to the 1500sqm requirement are not considered relevant.

- *In relation to item 7 the panel agrees with the department that a planning proposal that seeks to prohibit cemeteries should not proceed until GSC (Greater Sydney Commission) has completed its review into the need for land for cemeteries and crematoria in the Greater Sydney Region and therefore recommends the removal of this item from the planning proposal.*

The Planning Proposal to prohibit cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia was lodged with DPIE in September 2017. In December 2017, DPIE advised that a Gateway Determination will not be progressed ahead of the completion of the GSC's review into the need for land for cemeteries and crematoria. Council understands that the review was completed at the end of 2018, although it has not been formally released. Our Council has made several representations to DPIE seeking to understand the outcomes of this work. In correspondence received by Council in September 2019, DPIE advised that more time is needed for the GSC to review the findings, and that the progression of the planning proposal will be expediated upon completion of the GSC's work. Given DPIE's commitment to expediate the planning proposal this matter has been consolidated within the LEP Review Planning Proposal.

The inclusion of Item 7 in the LEP Review Phase 1 Planning Proposal will reinforce Council's commitment to protecting the special and unique qualities in the Mulgoa Valley and parts of Wallacia and provide certainty to our community of Council's position on cemetery delivery in our local government area. Also, given the recent approval and refusal of cemetery applications in the Greater Sydney Region, it is Council's view that these changes are pursued in this LEP Review and that progressing this LEP amendment to a Gateway Determination is now timely.

Given the information provided above in response to the Local Planning Panel advice, Council officers recommend that no changes are made to the Planning Proposal.

A copy of the advice provided by the Local Planning Panel is available at Appendix 1.

Next steps

Should Council endorse the recommendations of this report, the following steps include:

1. The Planning Proposal will be updated and finalised by Council officers.
2. The Planning Proposal will be forwarded to the Minister for Planning and Public Spaces with a request to issue a "Gateway Determination" to commence an LEP amendment process. The submission will include a request to issue Council with Delegation for plan making authority.
3. Council officers will liaise with DPIE and other stakeholders to negotiate any changes sought to the Planning Proposal by DPIE in the lead up to the Gateway Determination.
4. DPIE will issue a Gateway Determination, being an authorisation that the LEP plan making process may proceed. The Gateway Determination will, amongst other things, provide details of the public authorities that Council must consult and the requirements for undertaking the public exhibition.
5. Council officers will make any necessary changes to the Planning Proposal prior to public exhibition in response to the conditions of the Gateway Determination and negotiations with stakeholders.

6. Council officers will publicly exhibit the Planning Proposal in accordance with the requirements of the Gateway Determination and in accordance with the community consultation requirements of the Act and the Environmental Planning and Assessment Regulation 2000.
7. Submissions received on the public exhibition for the Planning Proposal will be reviewed, and recommendations prepared for Council's consideration.
8. A further report will be presented to Council following the public exhibition of the Planning Proposal, where Council would have an opportunity to endorse the Planning Proposal.
9. Should Council endorse the Planning Proposal, Council officers would forward the Planning Proposal to DPIE to make the LEP amendment.
10. The LEP Review Phase 2 and Phase 3 Planning Proposals will be progressed separately at a future time upon completion of further supporting studies and strategies.

Risk Implications

Council must achieve certain reporting timeframes to enable the progression of its accelerated LEP Review and to obtain funding allocated through the City Deal program. In this respect Council's resolution is required to enable this Planning Proposal to be submitted to DPIE by 30 September 2019 to request a Gateway determination and therefore achieve the set timeframes. Should this timeframe not be achieved, Council may be at risk from further funding opportunities to support the finalisation of the LEP Review.

Conclusion

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*.

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 Local Housing Strategy, Rural Lands and Villages Strategy, and the St Marys Economic Development Strategy, as well as address minor housekeeping amendments, and the permissibility of cemeteries.

Should Council endorse the recommendations of this report, the Planning Proposal will be forwarded to the Minister for Planning and Public Spaces to request a Gateway Determination to publicly exhibit the Planning Proposal.

RECOMMENDATION

That:

1. The information contained in the report on Planning Proposal LEP Review be received
2. Council endorses the Planning Proposal presented in this report which has been provided to Councillors as a separate enclosure, is publicly-available

on Council's website, and has been tabled tonight

3. The General Manager be granted delegation to update and finalise the Planning Proposal referred to in resolution 2 prior to Council's submission of the Planning Proposal to the Minister for Planning and Public Spaces.
4. Council officers forward the Planning Proposal to the Minister for Planning and Public Spaces with a request to issue a Gateway Determination. The submission will include a request to issue Council with Delegation for plan making authority.
5. The General Manager be granted delegation to make any necessary changes to the Planning Proposal in the lead up to the Gateway Determination.
6. The General Manager be granted delegation to make any necessary changes to the Planning Proposal prior to public exhibition in response to the conditions of the Gateway Determination and negotiations with stakeholders.
7. Council publicly exhibits the Planning Proposal for a period to be specified in the Gateway Determination, and in accordance with the community consultation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
8. A further report be presented to Council following the public exhibition.

ATTACHMENTS/APPENDICES

1. Penrith Local Planning Panel advice 1 Page Appendix

UNCONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS
ON MONDAY 23 SEPTEMBER 2019 AT 7:00PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Ross Fowler OAM read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

PRESENT

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies (arrived 7:05pm), and Councillors Jim Aitken OAM, Bernard Bratusa (arrived 7:05pm), Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Mark Davies, Aaron Duke, Tricia Hitchen, Karen McKeown OAM, Kath Presdee and John Thain.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 26 August 2019

181 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 26 August 2019 be confirmed.

DECLARATIONS OF INTEREST

Councillor Jim Aitken OAM declared a Pecuniary Interest *in Item 11 – Councillor Update – Property Acquisition – 92 River Road, Emu Plains*, as his company is the selling agent for the vendor of this property.

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 4 – Planning Proposal LEP Review*, as land referred to in this report is in close proximity to his residence. Councillor Crameri stated that he would take part in voting on this matter as this LEP would have no effect on his property.

His Worship the Mayor, Councillor Ross Fowler OAM declared a Pecuniary Interest in COW *Item 5 - Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD* as he is Chairman of the Board of the Australian Foundation for Disability (Afford). Councillor Fowler stated that he would leave the Council Chambers and would request the Deputy Mayor to take the Chair during consideration of this item.

SUSPENSION OF STANDING ORDERS

182 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Jim Aitken OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:07pm.

Karen Taylor

Item 18 – 2018-19 Draft Financial Statements

Karen Taylor, Director, Financial Audit Services at the Audit Office of New South Wales addressed Council on the Draft 2018-19 Financial Statements, and advised that she would be issuing an unqualified audit report, noting that there were no material misstatements and that the Statements present fairly.

RESUMPTION OF STANDING ORDERS

183 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Jim Aitken OAM that Standing Orders be resumed, the time being 7:16pm.

Procedural Motion

184 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown OAM that *Item 18 – 2018-19 Draft Financial Statements* be considered before all other items of business.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

18 2018-19 Draft Financial Statements

185 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on 2018-19 Draft Financial Statements be received.
2. Pursuant to s413(2)(c) it is the Council's opinion that:
 - a. The Financial Statements and schedules have been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Australian Infrastructure Management Guidelines, and Australian Accounting Standards. The Statements comply with Australian Statements of Accounting Concepts.
 - b. The Financial Statements present fairly the Council's financial position as at 30 June 2019 and the operating result for the year then ended.
 - c. The statements are in accord with Council's accounting and other records.
3. Pursuant to the Local Government Code of Accounting Practice and Financial Reporting and Section 215 of the Local Government (General) Regulation 2005 it is the Council's opinion that:

- a. The accompanying Special Purpose Financial Report has been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting and the requirements of National Competition Policy. The Code requires the inclusion of various charges and subsidies which are not actually paid or payable.
 - b. The Special Purpose Financial Report is a special purpose report and is not required to comply with Australian Accounting Standards. The above legislative requirements differ from Australian Accounting Standards and hence the report does not comply with Australian Accounting Standards.
 - c. The Special Purpose Financial Statements present a modelled scenario for comparative purposes. They do not report an actual result.
4. The Statements be forwarded to Council's Auditors.
 5. The Financial Statements be placed on public exhibition.
 6. A further report be presented to Council following the public exhibition period.

NOTICES OF MOTION

1 Review of LEP and DCP

186 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that a further report be presented to Council regarding minimum lot size and minimum road width in the review of future LEPs and DCPs.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Access Committee Meeting held on 14 August 2019

187 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Brian Cartwright that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 14 August, 2019 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 2 September 2019

188 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Brian Cartwright that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 September, 2019 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting held on 9 September 2019

189 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 September, 2019 be adopted, with the exception of *Item 1 - Annual Update Planning Proposal*.

3 Report and Recommendations of the Policy Review Committee Meeting held on 9 September 2019 - Item 1 - Annual Update Planning Proposal

190 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Annual Update Planning Proposal be received
2. Council endorses the Planning Proposal presented in this report which has been provided to Councillors as a separate enclosure, is publicly-available on Council's website, and has been tabled tonight.
3. The General Manager be granted delegation to update and finalise the Planning Proposal referred to in resolution 2 prior to Council's submission of the Planning Proposal to the Minister for Planning and Public Spaces and Parliamentary Counsel.
4. Council officers forward the Planning Proposal to the Minister for Planning and Public Spaces and Parliamentary Counsel with a request to make the local environmental plan amendment.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Against

Councillor Kath Presdee
Councillor Robin Cook
Councillor Greg Davies
Councillor Todd Carney
Councillor Aaron Duke
Councillor Karen McKeown OAM
Councillor John Thain
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Brian Cartwright
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Ross Fowler OAM

Procedural Motion

191 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa that *Item 9 – Election of Deputy Mayor* be considered before the remainder of items of business.

DELIVERY PROGRAM REPORTS

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

9 Election of Deputy Mayor

192 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Election of Deputy Mayor be received
2. Council consider the Election of a Deputy Mayor for the term 2019/2020
3. In the event of more than one Councillor being nominated, the method of election for the Office of Deputy Mayor be by way of a show of hands.
4. In accordance with Section 231 (2) of the Local Government Act 1993, the term of Office of the Deputy Mayor be determined.

His Worship the Mayor, Councillor Ross Fowler OAM handed over to the Returning Officer, (General Manager) Warwick Winn, to conduct the election of the Deputy Mayor.

The Returning Officer indicated that he had received two (2) nominations for the position of Deputy Mayor and asked whether there were any other nominations. No other nominations were forthcoming.

The Returning Officer stated that the following nominations were in order:

Councillor Karen McKeown OAM
Councillor Marcus Cornish

The Returning Officer then asked for voting by way of a show of hands, with the following result:

Councillor Karen McKeown OAM – 12 votes
Councillor Marcus Cornish – 3 votes

The Returning Officer declared Councillor Karen McKeown OAM duly elected as Deputy Mayor for the 2019/2020 Term.

Councillors Tricia Hitchen and Aaron Duke left the meeting at 7:59pm and did not return.

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 Works on Private Land - Lot 2 DP 30354 - 66-76 Tench Avenue, Jamisontown

193 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Works on Private Land - Lot 2 DP 30354 - 66-76 Tench Avenue, Jamisontown be received

2. Council agree to the work to be undertaken on private property in accordance with the terms in the report and that no charge be made to the owners of Lot 2 DP 30354, 66-76 Tench Avenue, Jamisontown.
3. Council endorse a licence agreement between the landowners of Lot 2 DP 30354, 66-76 Tench Avenue, Jamisontown and Council for the use of private land and associated works in accordance with the terms in the report, and the General Manager be given authority to enter into the licence agreement.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

2 Planning for the ageing community in Penrith

194 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Brian Cartwright that the information contained in the report on Planning for the ageing community in Penrith be received.

3 Local Strategic Planning Statement

195 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Local Strategic Planning Statement be received
2. Council endorse the draft Local Strategic Planning Statement, provided as a separate enclosure, to be publicly exhibited from 30 September to 11 November 2019.
3. Delegation be granted to the General Manager to make minor changes to the draft LSPS prior to exhibition.
4. Council place the draft Local Housing Study and Strategy and draft Rural Lands and Villages Study and Strategy on public exhibition from 30 September to 11 November 2019.

4 Planning Proposal LEP Review

196 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Planning Proposal LEP Review be received
2. Council endorses the Planning Proposal presented in this report which has been provided to Councillors as a separate enclosure, is publicly-available on Council's website, and has been tabled tonight
3. The General Manager be granted delegation to update and finalise the Planning Proposal referred to in resolution 2 prior to Council's submission of the Planning Proposal to the Minister for Planning and Public Spaces.
4. Council officers forward the Planning Proposal to the Minister for Planning and Public Spaces with a request to issue a Gateway Determination. The

submission will include a request to issue Council with Delegation for plan making authority.

5. The General Manager be granted delegation to make any necessary changes to the Planning Proposal in the lead up to the Gateway Determination.
6. The General Manager be granted delegation to make any necessary changes to the Planning Proposal prior to public exhibition in response to the conditions of the Gateway Determination and negotiations with stakeholders.
7. Council publicly exhibits the Planning Proposal for a period to be specified in the Gateway Determination, and in accordance with the community consultation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
8. A further report be presented to Council following the public exhibition.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor Kath Presdee
Councillor Robin Cook
Councillor Greg Davies
Councillor Todd Carney
Councillor Karen McKeown OAM
Councillor John Thain
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Brian Cartwright
Councillor Bernard Bratusa
Councillor Ross Fowler OAM

Against

Councillor Kevin Crameri OAM
Councillor Marcus Cornish

OUTCOME 3 - WE CAN GET AROUND THE CITY**5 Roads and Maritime Services (RMS) 2019/20 Road Funding Grants**

197 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2019/20 Road Funding Grants be received
2. The RMS 2019/20 Program Funding Block Grant of \$1,191,000 be accepted.
3. The Common Seal of the Council of the City of Penrith be affixed to the "Agreement for Block Grant Assistance to Council for Regional Roads 2019/20".

4. Council write to the State Government formally thanking them for the Road Funding Grants

6 Roads and Maritime Services (RMS) 2019/20 REPAIR Program (Rehabilitation) Road Funding Grant

198 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2019/20 REPAIR Program (Rehabilitation) Road Funding Grant be received
2. Council accept the grant of \$300,000, offered under the 2019/20 Roads and Maritime Services REPAIR Program, for the pavement reconstruction works on Russell Street, Emu Plains (Great Western Highway to Water Street)
3. Council write to the State Government formally thanking them for the REPAIR Program Grant Funding.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

7 St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan

199 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan be received.
2. The draft report for public exhibition of the St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan, July 2019 be endorsed for public exhibition for a period of no less than 28 days.
3. A further report to be presented to Council on the results of the public exhibition of the draft report for public exhibition of the St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan, July 2019 addressing any submissions received during the exhibition period.

8 South Creek Floodplain Risk Management Study and Plan

200 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on South Creek Floodplain Risk Management Study and Plan be received.
2. The public exhibition draft of the South Creek Floodplain Risk Management Study and Plan, August 2019 be endorsed for public exhibition for a period of no less than 28 days.

3. A further report to be presented to Council on the results of the public exhibition of the public exhibition draft of the St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan, August 2019 addressing any submissions received during the exhibition period.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

Having previously declared a Pecuniary Interest in *Item 11 - Councillor Update - Property Acquisition - 92 River Road, Emu Plains*, Councillor Jim Aitken OAM left the meeting, the time being 8:17pm.

11 Councillor Update - Property Acquisition - 92 River Road, Emu Plains

201 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kath Presdee that the information contained in the report on Councillor Update - Property Acquisition - 92 River Road, Emu Plains be received.

Councillor Jim Aitken OAM returned to the meeting, the time being 8:18pm.

10 Road Dedication - Allen Place Car Park

202 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Todd Carney

That:

1. The information contained in the report on Road Dedication - Allen Place Car Park be received
2. A notice be placed in the NSW Government Gazette in accordance with Section 10 of the Roads Act 1993 to dedicate land identified in DP217346 no 1-39 registered on 5 November 1963 and land identified in DP219948 no 1-8 registered on 16 December 1963 as public road.

12 Diversification of Council's Property Portfolio - Acquisition - 6 Peachtree Road, Penrith (Lot 2526 DP 710266)

203 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Diversification of Council's Property Portfolio - Acquisition - 6 Peachtree Road, Penrith (Lot 2526 DP 710266) be received.
2. The property known as 6 Peachtree Road, Penrith (Lot 2526 DP710266) be classified as operational in accordance with section 31 Local Government Act 1993.

13 Diversification of Council's Property Portfolio - Acquisition - 117 Cox Avenue, Kingswood

204 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Diversification of Council's Property Portfolio - Acquisition - 117 Cox Avenue, Kingswood be received.
2. The property known as 117 Cox Avenue Penrith (Lot 1 DP38664) be classified as operational in accordance with section 31 Local Government Act 1993.

14 Appointment of Directors to the Board of the Penrith Performing and Visual Arts Limited

205 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Appointment of Directors to the Board of the Penrith Performing and Visual Arts Limited (PP&VA) be received.
2. The following members of the Board be appointed for a four-year term: Hon. Peter Anderson, AM, Christine Keeble, Cathy Jarman.
3. Mr Leo Bahlmann's nomination for appointment to the Board of the Penrith Performing and Visual Arts Limited be endorsed by Council should a casual vacancy occur during the four-year term.

15 Outcome of Legal Proceedings - B.J Eldridge & M.E Vincent trading as Crossbones Gallery v Penrith City Council

206 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that the information contained in the report on Outcome of Legal Proceedings - B.J Eldridge & M.E Vincent trading as Crossbones Gallery v Penrith City Council be received.

16 Tender RFT1819-24 Provision of Certain Legal Services

207 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Tender RFT1819-24 Provision of Certain Legal Services be received.
2. Dentons Lawyers, Sparke Helmore Lawyers and HWL Ebsworth Lawyers be appointed to Council's external legal panel for 3 years, with an option for Council to extend for a further two (2) x one (1) year periods.

17 2019-20 Financial Assistance Grant

208 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Marcus Cornish

That:

1. The information contained in the report on 2019-20 Financial Assistance Grant be received.
2. The Budget be adjusted to reflect the revised Financial Assistance Grant as part of the September 2019 Quarterly Review.

19 Exhibition of Council's Community Engagement Strategy and Community Participation Plan

209 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Exhibition of Council's Community Engagement Strategy and Community Participation Plan be received
2. In accordance with the Local Government Act 1993 and Environmental Planning and Assessment Act 1979, the draft Community Engagement Strategy including the Community Participation Plan be placed on exhibition commencing from Tuesday 24 September and closing on Monday 4 November 2019 (inclusive).
3. The General Manger be granted delegation to update and finalise the Community Engagement Strategy and Community Participation Plan before the document is publicly exhibited.

20 Council Ordinary Election 2020

210 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on Council Ordinary Election 2020 be received.
2. The elections of the Council be administered by an electoral services provider engaged by Council in September 2020.
3. A further report be presented to Council detailing the engagement of an electoral services provider once identified.

21 Summary of Investments and Banking for the period 1 August 2019 to 31 August 2019

211 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Robin Cook

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 August 2019 to 31 August 2019 be received.

2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 August 2019 to 31 August 2019 be noted and accepted.
3. The graphical investment analysis as at 31 August 2019 be noted.

REQUESTS FOR REPORTS AND MEMORANDUMS AND URGENT BUSINESS

RR 1 GWS Giants AFL Football Team

Councillor Kath Presdee requested that Council write to the Greater Western Sydney Giants AFL football team, congratulating them on their win in the 2019 AFL Finals last weekend and conveying support for their endeavours in their first AFL Grand Final.

RR 2 Condition of Road at Fifth Avenue, Llandilo

Councillor Kevin Crameri OAM requested that the condition of the road at Fifth Avenue, Llandilo, near Terrybrook Road be inspected and repairs be undertaken to remediate the potholes in this location.

UB 1 Request for Leave of Absence

Councillor Marcus Cornish requested Leave of Absence from 14 October 2019 to 11 November 2019 inclusive.

212 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Todd Carney that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

213 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Todd Carney that Leave of Absence be granted to Councillor Marcus Cornish from 14 October 2019 to 11 November 2019 inclusive.

RR 3 Signage at Emu Plains Precinct

Councillor Marcus Cornish requested that the old library signs be removed from the Emu Plains Precinct opposite the Lennox Centre, and that new large, blue parking signs be installed in this area.

RR 4 Audit of Parking Signs

Councillor Marcus Cornish requested that an audit be undertaken of all parking signage in the Penrith Local Government Area.

RR 5 Signs - Lansdowne Road, Orchard Hills

Councillor Marcus Cornish requested that the spelling on various road signs indicating Lansdowne Road in Orchard Hills be amended to show the correct spelling.

Councillor Greg Davies left the meeting, the time being 8:36pm.

RR 6 Castlereagh Rural Fire Brigade

Councillor Marcus Cornish requested a memo reply advising what action can be taken to assist the Castlereagh Rural Fire Brigade in providing necessary accommodation for changerooms, training room and vehicle storage at their Brigade station.

COMMITTEE OF THE WHOLE

214 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Mark Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:39pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Kath Presdee seconded Councillor Mark Davies that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 7**2 Divestment of Property Assets - Lot 18 DP 1220719 Penrith**

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

3 Council Property - Lease Agreement - Shop 6/140-142 Henry Street, Penrith (Allen Arcade)

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

4 Council Property - Lease Agreement - Shops 8 & 10/140-142 Henry Street Penrith (Allen Arcade) and Shop 2/144 Henry Street, Penrith

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

5 Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

6 Council Property - Lease Agreement - Shop 2, 114-116 Henry Street Penrith (Community Connections Building)

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 8:46pm and the General Manager reported that the Committee of the Whole met at 8:39pm on 23 September 2019, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Karen McKeown OAM and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Greg Davies (returned at 8:40pm), Mark Davies, Kath Presdee and John Thain

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

CONFIDENTIAL BUSINESS

Councillor Greg Davies returned to the meeting, the time being 8:40pm

2 Divestment of Property Assets - Lot 18 DP 1220719 Penrith

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Brian Cartwright

CW2 That:

1. The information contained in the report on Divestment of Property Assets - Lot 18 DP 1220719 Penrith be received
2. Council resolve to dispose of Lot 18 DP 1220719 as per the terms and conditions listed within the report.
3. The proceeds of sale be allocated in the Property Development Reserve.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Council Property - Lease Agreement - Shop 6/140-142 Henry Street, Penrith (Allen Arcade)

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

CW3 That:

1. The information contained in the report on Council Property - Lease Agreement - Shop 6/140-142 Henry Street, Penrith (Allen Arcade) be received.
2. Council approve the proposed new lease agreement under the terms and conditions listed within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

4 Council Property - Lease Agreement - Shops 8 & 10/140-142 Henry Street Penrith (Allen Arcade) and Shop 2/144 Henry Street, Penrith

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown OAM

CW4 That:

1. The information contained in the report on Council Property - Lease Agreement - Shops 8 & 10/140-142 Henry Street Penrith (Allen Arcade) and Shop 2/144 Henry Street, Penrith be received.
2. Council approve the proposed new lease agreement under the terms and conditions listed within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

6 Council Property - Lease Agreement - Shop 2, 114-116 Henry Street Penrith (Community Connections Building)

RECOMMENDED on the MOTION of Councillor Kath Presdee seconded Councillor Robin Cook

CW6 That:

1. The information contained in the report on Council Property - Lease Agreement - Shop 2, 114-116 Henry Street Penrith (Community Connections Building) be received.
2. Council approve the proposed new lease agreement under the terms and conditions listed within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

Having previously declared a Pecuniary Interest in *COW Item 5 - Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD*, His Worship the Mayor, Councillor Ross Fowler OAM left the meeting, the time being 8:44pm.

The Deputy Mayor, Councillor Karen McKeown OAM took the Chair for consideration of COW Item 5.

5 Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Brian Cartwright

CW5 That:

1. The information contained in the report on Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD be received.
2. Council grant a new licence to Western Sydney Community Legal Centre Limited on the terms and conditions in this report.

3. The Common Seal of the Council of the City of Penrith be placed on all necessary documents.

His Worship the Mayor, Councillor Ross Fowler OAM returned to the meeting, the time being 8:45pm and retook the Chair.

ADOPTION OF COMMITTEE OF THE WHOLE

215 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor John Thain that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5 and CW6 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:48pm.