

Penrith Local Environmental Plan 2010 - Housekeeping Amendment

Proposal Title : **Penrith Local Environmental Plan 2010 - Housekeeping Amendment**

Proposal Summary : **The planning proposal is for a housekeeping amendment to resolve a number of errors and anomalies in the Penrith Local Environmental Plan 2010 instrument and maps.**

PP Number : **PP_2015_PENRI_009_00**

Dop File No : **16/01391**

Proposal Details

Date Planning Proposal Received : **30-Nov-2015**

LGA covered : **Penrith**

Region : **Metro(Parra)**

RPA : **Penrith City Council**

State Electorate : **PENRITH**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Penrith local government area**

DoP Planning Officer Contact Details

Contact Name : **Tessa Parmeter**

Contact Number : **0298601555**

Contact Email : **tessa.parmeter@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Nicole Dukinfield**

Contact Number : **0247328511**

Contact Email : **nicole.dukinfield@penrithcity.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Stephen Gardiner**

Contact Number : **0298601536**

Contact Email : **stephen.gardiner@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro North West subregion**

Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release (Ha) **0.00**

Type of Release (eg

N/A

Residential /

Employment land) :

No. of Lots : **0**

No. of Dwellings

0

(where relevant) :

Gross Floor Area : **0**

No of Jobs Created :

0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been **No**

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting

Notes :

External Supporting

Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The planning proposal to fix a number of minor errors from Penrith Local Environmental Plan 2010 (Amendment No. 4), also known as Penrith Local Environmental Plan 2010 Stage 2.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

There are 29 minor mapping changes proposed including:

- rectifying zoning anomalies (page 57- 90 of the planning proposal), including:

*** amend minor mapping errors in Caddens site notified in Penrith Local Environmental Plan 2010 (Amendment No. 3) (pages 57-58), including:**

- LZN_013 from RE1 to R2, and unzoned land to RU4 Primary Production Small Lots,

- HOB_013 from 9m to nil

- FSR_013 from 0.5:1 to nil

at 11 Macadamia Court (lot 24 DP 1194171), 6 Burrawang Close (Lot 35 DP 1194171) and 21 Burrawang Close (Lot 45 DP 1194171);

*** amend zoning on LZN_012 from SP2 Classified road to RE1 Public recreation (page 59 of the planning proposal);**

*** amend a lot size shown on an area deferred from the Plan in Castlereagh and**

Cranebrook area (pages 60-61 of the planning proposal), from 20,000m2 to nil, at

Lot 197 DP 752021, Lot 7004 DP 93258, Lot 195 DP 752021, part Lot 220 DP 752021, Lot 354 DP 752021, Lot 229 DP 752021, Lot 347 DP 752021, Lot 355 DP 752021, Lot 346 DP 752021.

This land has been deferred from the Plan, and as such no planning provisions should apply to this land;

* At Kent Road, Claremont Meadows - amend LZN_013 from R2 to SP2 Classified Road, amend LSZ_013 from 500m2 to nil, amend HOB_013 from 8.5m to nil (pages 62-63 of the planning proposal);

This amendment reflects the correct cadastre and road boundary.

* At Waterside, Cranebrook - amend LSZ_005 on subject land from 1000m2 to nil, and LSZ_012 from nil to 1000m2 (pages 64-65 of the planning proposal) to amend a minor boundary error to ensure the lot size is consistent with the zoning on the lots including: Lots 78 - 94 DP 286343, Lots 110 -115 DP 286343 (1000m2 to nil), and Lot 51 DP 270488 (nil to 1000m2);

* Railway corridor, Emu Plains (Part lot 1 DP 1133099) - amend LZN_005 from SP2 Infrastructure to IN1 General Industrial, amend HOB_005 from nil to 12m (page 66 of the planning proposal);

Railcorp requested this land be zoned to IN1 in Amendment 4 as it is surplus to its needs, however, this request was not reflected in the final maps.

* Emu Plains Railway station (heritage maps - heritage item no. 59) - amend the identification of the item to include the entire lot to be consistent with other State listed items;

* 5 Byrne Way, Glenmore Park *Lot 44 DP 840788) - Amend LZN_006 for subject site from E3 to R2. This change of zone was agreed to in amendment 4, however was inadvertently excluded from the final maps;

* Llandilo Public School, Llandilo (heritage maps HER_012 - item 841).

The heritage map incorrect identifies Lot 221 DP 2147, when the item is on lot 222 DP 2147. It is correctly identified in the heritage schedule;

* Mulgoa Park, Mulgoa - amend LSZ_007 for the subject site to amend the lot size from 20Ha to nil;

The Park has incorrectly been given a minimum lot size standard, this is an error as no other park has a minimum lot size control.

* 2 Henry Street, Penrith - on sheet LZN_013, amend the zoning on the site from B4 to RE1, amend FSR_013 from 10.5:1 to nil (page 71 of the planning proposal).

A portion of this part was inadvertently zoned B4 with a FSR control included on the site in error in amendment 4;

* 57 Mulgoa Road, Penrith (Lot 2 DP 827455) - Amend APU_006 to remove the site from the additional permitted use map, amend HOB_006 to amend the maximum height controls from 24m to 12m, amend LZN_006 from SP3 to R4, amend the FSR_006 from 1:1 to nil on the site (page 72-73 of the proposal);

This is to correct a mapping error where the handle of the lot has been given inconsistent zoning and planning controls with the remainder of the lot.

* Amend HER_005 at Lot 1 Memorial Avenue to remove the heritage listing on the site, amend HER_005 for item 146 (Victoria Bridge) to show the correct location.

Lot 1 Memorial Drive did originally include the heritage listed Log Cabin, which was destroyed by fire prior to the finalisation of Amendment 4. The item was removed from the schedule, however, the lot is still identified as a heritage item; Item 146 is currently incorrectly identified as the adjoining lot on the heritage map.

* Penrith Lakes - Amend LAP_001, LZN_004 and LZN_005, LSZ_004, LSZ_005 and CAP_001

to correctly reflect the boundary of Penrith Lakes (pages 75-81 of the planning proposal);

* 28 Factory Road, Regentville (Lot 178 DP 16708) - amend LZN_006 to rezone the subject land from RU4 to R2, amend LSZ_006 to reduce the minimum lot size on the subject site from 1000 hectares to 550m2;

Council resolved to rezone the subject site, and amend the minimum lot size in Amendment No. 4. This resolution was not reflected in the finalised maps;

* Masters site, 243-261 Forresters Road, North St Marys (lot 12 DP 1192443) and adjacent lot 11 DP 1192443. Amend the zoning (LZN_018), minimum lot size (LSZ_018) and height of building map (HOB_018) for the subject site to be consistent with the cadastre boundaries (pages 83-84 of the planning proposal). This will not alter the current development potential on the land;

* Brock Avenue, St Marys - on HOB_019, amend the height from 12m to 8.5m. Council had zoned this precinct R3 Medium density residential in Amendment 4, however, did not amend the minimum lot size to reflect the surrounding R3 lot size. The change of minimum lot size is consistent with the surrounding R3 zone minimum lot size;

* French Street, Werrington - LZN_013 and HOB_013 - amend a mapping error where an approved residential subdivision has been zoned E2;

* Great Western Highway, UWS Werrington Business Park - LZN_013, amend a mapping error from deferred matter to SP2 Classified Road;

* Victoria Street - Road (part Lot 113 DP 731088) adjacent to 229 Victoria Street, Werrington - LZN_013 from RE1 public recreation to R2. Rectify a mapping error where a road has inadvertently been zoned RE1 instead of the adjoining residential zone.

OTHER MAPPING AMENDMENTS

- removal of duplicate lines/boundaries;

- 'filling in' of insignificant portions of unzoned land (as shown on pages 13-17 of the planning proposal);

- fix labels on the maps, including:

* on sheet LZN_005 - change label from 'water supply' to 'water supply systems' to be consistent with the ISEPP,

* on sheet HOB_013 - change a label from Q to Q2, to reflect the current height control,

* amend labels on additional permitted uses map APU_019 from "15" to "1" and "29" to "28";

- amend land reservation maps, land zoning maps, lot size maps and height of buildings maps to reserve land and remove reservation layers in accordance with a request from Roads and Maritime Services (as per pages 20-56 of the planning proposal): including LZN_003, LZN_004, LZN_005, LZN_006, LZN_007, LZN_008; LRA_003, LRA_004, LRA_005, LRA_006, LRA_007, LRA_010, LRA_011, LRA_012, LRA_013, LRA_016, LRA_018, LRA_019; LSZ_003, LSZ_004, LSZ_006, LSZ_007, LSZ_008, LSZ_013; HOB_005, HOB_006, HOB_013;

This removed land from LRA maps that has already been acquired by RMS, and changes planning controls on land zoned SP2 Infrastructure so that no inconsistent planning controls apply on land zoned SP2 Infrastructure, and changes zoning and lot size on land which has already been acquired by RMS.

PROPOSED CHANGES TO THE INSTRUMENT

include:

- Land Use Table

In zone IN2, omit 'food and drink premises' and insert 'take-away food and drink premises';

Clause 7.17 - Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa:

- insert new subclause (4)(g) to enable the provision to apply to:

Lot 11 DP 1013818 being 56-60 Cherrybrook Chase, Londonderry;

- in heritage schedule

In item 276, amend the property description from Lot 1,2 and 3, and 19 DP 16540 to Lot 1, 2 and 19 DP 16540;

In Schedule 1 - Additional permitted uses.

Amend item 6 to apply from 1451-1473 Elizabeth Drive, Kemps Creek to 1437-1473 Elizabeth Drive, Kemps Creek;

Amend item 12 to omit 519-521 Londonderry Road and insert 364-368 and 370-372 Carrington Road, Londonderry; and amend the property description from Lot 6 DP 17634 to Lots 1 & 2 DP 1179316;

In item 15 amend the address from 3025-3035 The Northern Road, Luddenham to 3019 to 3035 The Northern Road, Luddenham;

In item 18, amend part of the address from 26 The Straight Road, Mulgoa to 25 The Straight Road, Mulgoa;

In item 22, amend part of the address from 63 Mulgoa Road to 65 Mulgoa Road, and amend part of the property description in subclause (1)(d) to insert Lot 12 DP 710086;

In Item 23, amend the address from The Crescent, Penrith to Lord Sheffield Circuit, Penrith, and omit the current property description and insert Part Lot 2250 DP 1184495, Part Lot 3106 DP 1184499, Lot 3105 DP 1184499 and Lots 3001-3013 DP 1184498;

In Item 27, omit the property description and insert Lot 12 DP 1192443;

In Item 28, omit the property description and insert Lot 11 DP 1192443;

In Item 30, amend part of the property description from Lot 1 DP 1162029 to Lot 1 DP 1169209.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

1.2 Rural Zones

* May need the Director General's agreement

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

4.3 Flood Prone Land

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 21—Caravan Parks

SEPP No 30—Intensive Agriculture

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 33—Hazardous and Offensive Development
SEPP No 55—Remediation of Land
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SREP No 9—Extractive Industry (No 2—1995)
SREP No. 11 - Penrith Lakes Scheme
SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Section 117 Direction 1.1 - Business and Industrial zones - One Item (2 Henry Street, Penrith) proposes a minor change of zoning from B4 Mixed Use zone to RE1 Public Recreation zone. This is a small parcel of land between two roads which is does not have sufficient area to undertake employment uses.

This inconsistency is of minor significance and is supported in this instance.

Section 117 Direction 1.2 - Rural zones - one item (28 Factory Road, Regentville) proposes to change a lot from RU4 Primary Production Small Lots to R2 Low density residential. This lot is 955m² in size and currently contains a dwelling on the site, and is not suitable for agricultural purposes.

This inconsistency is of minor significance and is supported in this instance.

Section 117 Direction 2.1 - Environmental Protection Zones - the planning proposal has some minor inconsistencies with this direction.

One site (Byrne Way, Glenmore Park) is proposed to be zoned from E3 Environmental Management to R2 Low density residential. This site has limited vegetation on the site and does not play a significant role in the larger conservation lands.

One site (French Street, Werrington) is proposed to be zoned from E2 Environmental Conservation to R1 General Residential. This site is the result of a minor mapping error on an E2 zone boundary, as part of the land has an approved residential subdivision on the site.

It is considered that the inconsistency with Section 117 2.1 is of minor significance as these two mapping changes are to rectify mapping errors which were not resolved in the finalisation of Penrith LEP 2010 (Amendment No. 4), and should be supported in this instance.

Section 117 Direction 2.3 - Heritage Conservation - It is proposed to make a number of minor changes to the heritage schedule (In item 276, amend the property description from Lot 1,2 and 3, and 19 DP 16540 to Lot 1, 2 and 19 DP 16540;) and maps (amend the mapping of the Emu Plains railway station, Llandilo Public School, The Log Cabin and the Victoria Bridge, Great Western Highway) - These changes are proposed to clarify the property description of an item, correctly map the location of these items, or delete an item from a map which has been deleted from the heritage schedule.

That being said, it is recommended that Council consult with Office of Environment and Heritage - Heritage Branch to advise of these changes.

Section 117 Direction 3.1 - Residential Zones - the planning proposal has minor inconsistencies with this direction. There are three minor rezoning proposals (Victoria Street, Werrington; Kent Road Claremont Meadows, and 2 Park Road, Wallacia) which will change from a residential zone to a SP2 Infrastructure zone or RE1 Public

recreation zone. It is considered that these three sites are not suitable for residential development, and as such this inconsistency is of minor significance and should be supported in this instance.

Section 117 Direction 4.3 - Flood Prone Land - the planning proposal has a minor inconsistency with this direction. One site (28 Factory Road, Regentville), that is identified as flood prone, has proposed to be zoned from RU4 Primary Production Small Lots to R2 Low Density Residential. The proposed rezoning does not increase the dwelling density on the site, as there is currently a dwelling on the site, it does however, increase the range of permissible uses on the flood prone land. It also proposes to amend the minimum lot size from 1000 hectares to 550 sqm. It is unclear if this would provide additional subdivision opportunity on the site.

It is recommended that Council consult with Office of Environment and Heritage regarding the flood affection of this site, and further address the consistency with this direction following agency consultation and public exhibition.

Section 117 Direction 4.4 - Planning for Bushfire Protection - One site at 56-60 Cherrybrook Chase, Londonderry, which is proposed to have the potential for a dwelling has been identified as Bushfire Prone Category 2.

Prior to exhibition, Council is to consult with the Commissioner of the Rural Fire Service and take into account any comments received. The consistency with this direction will be further considered following exhibition and agency consultation.

Section 117 Direction 6.2 - Reserving Land for Public Purposes.

The planning proposal includes the identification of land for acquisition and the removal of land from the land reservation acquisition maps which no longer needs to be acquired or has already been acquired. The parcels of land identified for acquisition or no longer for acquisition has been identified in consultation with Roads and Maritime Services.

The regional team has consulted with Office of Strategic Lands regarding the changes to the acquisition maps in the planning proposal. The Office of Strategic Lands advised that it appears that it does not own or intend to acquire any of the land identified in the planning proposal. That being said, the location of a couple of sites, were unclear as it included not address, property description or cross street.

It is recommended that Council consult with Roads and Maritime Services and Office of Strategic Lands during the exhibition period, with more legible maps.

The planning proposal is consistent with this direction.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

The planning proposal includes mapping detail suitable for exhibition. The following maps are proposed to be amended as part of this planning proposal:

Land Application Map - LAP_001.

Clause Application Map - CAP_001.

Additional Permitted Uses Maps - APU_006, APU_019.

Heritage Maps - HER_005, HER_012.

Floor Space Ratio Maps - FSR_006, FSR_013.

Height of Buildings Maps - HOB_005, HOB_006, HOB_013, HOB_018, HOB_019.

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Land Reservation Acquisition Maps - LRA_003, LRA_004, LRA_005, LRA_006, LRA_007, LRA_008, LRA_010, LRA_011, LRA_012, LRA_013, LRA_016, LRA_018, LRA_019.

Minimum Lot Size Maps - LSZ_003, LSZ_004, LSZ_005, LSZ_006, LSZ_007, LSZ_008, LSZ_011, LSZ_012, LSZ_013, LSZ_018.

Land Zoning Maps - LZN_003, LZN_004, LZN_005, LZN_006, LZN_007, LZN_008, LZN_012, LZN_013, LZN_018.

Some of the land reservation acquisition maps included in the exhibition material do not clearly identify the address, property description or cross street to enable the community and agency to clearly identify the where the land acquisition is identified or being removed. It recommended that prior to exhibition, the planning proposal be amended to clearly identify all the subject land in the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed a 14 day public exhibition period. It is recommended a 28 day exhibition period be applied to the planning proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : There is sufficient information for the planning proposal to proceed.

Proposal Assessment

Principal LEP:

Due Date : **September 2010**

Comments in relation to Principal LEP : Stage 1 of the Principal LEP was notified in September 2010. Stage 2 (Penrith LEP 2010 Amendment No. 4), which included residential and business zoned land, and a number of deferred areas from Stage 1 was notified on 28 January 2015.

Assessment Criteria

Need for planning proposal : The planning proposal resolves some minor drafting and mapping anomalies from Penrith Local Environmental Plan 2010 Amendment No. 4.

A housekeeping planning proposal is the best mechanism to resolve these.

Consistency with strategic planning framework : Penrith Local Environmental Plan 2010 (Amendment No. 4) was assessed against relevant local and state strategic work. These minor amendments are considered to be consistent with the original assessment.

Environmental social economic impacts : It is considered that there will be no significant environmental, social or economic impacts as a result of the planning proposal, pending agency consultation and further investigation regarding flooding and bushfire.

It is intended to amend errors made in Penrith Local Environmental Plan 2010 (Amendment No. 4).

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
NSW Rural Fire Service
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 4.3 Flood Prone Land**
- 6.2 Reserving Land for Public Purposes**

Additional Information : **DELEGATION OF THE MINISTER'S PLAN MAKING FUNCTIONS**
Penrith Council has requested the Minister's plan making functions for this planning proposal. In this instance, this is supported as the proposal is minor in nature.

RECOMMENDATION

It is recommended that the Penrith Housekeeping Amendment should proceed subject to

the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal to include clearer maps for the land reservation acquisition maps. All maps should include either a property description, address or cross street to enable agencies and the community to clearly identify the subject sites.

2. Prior to public exhibition, Council is to consult with the NSW Rural Fire Service and give consideration to the provision of Section 117 Direction 4.4 – Planning for Bushfire Protection to demonstrate consistency with the direction.

3. Consultation with required under section 56(2)(d) of the EP&A Act with:

- Transport for NSW - Roads and Maritime Services
- Office of Environment and Heritage
- Office of Environment and Heritage - Heritage Branch
- Office of Strategic Lands
- Transport for NSW – Sydney Trains

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

(a) The planning proposal must be made publicly available for a minimum of 28 days, and

(b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made publicly available along with the planning proposals as identified in Section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Infrastructure 2013).

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal intends to address minor errors that occurred in the finalisation of Penrith Local Environmental Plan 2010 (Amendment No. 4).

Signature:



Printed Name:

STEPHEN GARDINER

Date:

27/01/16