

Our reference: 7111685
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12 November 2015

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Cumming

**Planning Proposal to amend the Penrith Local Environmental Plan 2010 –
Housekeeping amendment**

At its Ordinary Meeting of 28 September 2015, Council resolved to submit a Planning Proposal to amend the Penrith Local Environmental Plan (LEP) 2010 and request a Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Council also requested delegation for the General Manager to finalise the LEP amendment.

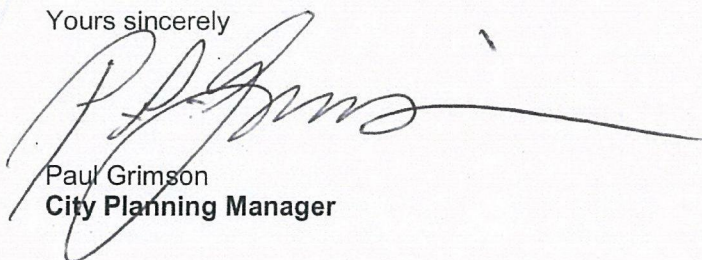
The Planning Proposal is considered a housekeeping amendment to the LEP and proposes a number of amendments which rectifies errors and anomalies within the written instrument and LEP map series. The Planning Proposal is consistent with the requirements under Section 55 of the EP&A Act and the Department's Guidelines to preparing a Planning Proposal.

Please find attached three printed and one electronic copy of the following documents:

- The Planning Proposal;
- The Council Report and Minutes;
- An Information Checklist; and
- Evaluation Criteria for the Delegation of Plan Making Functions.

Should you require any further information in regard to the Planning Proposal please contact Nicole Dukinfield on (02) 4732 8511 or via email at nicole.dukinfield@penrith.city.

Yours sincerely



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Department of Planning
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Scanning Room



Planning Proposal

Housekeeping Amendment

November 2015

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Introduction

1.1. Purpose of the Planning Proposal

An amendment to Penrith Local Environmental Plan (LEP) 2010 is proposed to resolve a series of minor errors and anomalies that occurred during the preparation of the Penrith LEP 2010.

The preparation of a Planning Proposal is the first step in the NSW Department of Planning and Environment's (DP&E) Gateway process for amending the Penrith LEP 2010. The Gateway process is the current process for making or amending local environmental plans as outlined in Table 1.

No.	Step	Explanation
1	Planning Proposal	Council prepares a document explaining the effect of and justification for the making or amending of a local environmental plan, and submits the Planning Proposal to the NSW Minister for Planning for consideration.
2	Gateway	The Department of Planning and Environment, as a delegate of the Minister for Planning, determines whether a Planning Proposal should proceed.
3	Community Consultation	The Planning Proposal is publicly exhibited.
4	Assessment	Council considers the submissions received in response to the public exhibition, varying the Planning Proposal if necessary.
5	Drafting	Parliamentary Counsel prepares a draft local environmental plan.
6	Decision	The relevant planning authority approves the local environmental plan, making it law.

Table 1: Gateway Process

1.2. Background

Council previously undertook the major task of consolidating several LEPs into one comprehensive LEP, as part of a roll-out by the DP&E for all Local Government Areas (LGA) to have a consistent format for their planning instruments. The DP&E and Council agreed to deliver the Penrith LEP 2010 in two stages due to the complexity and magnitude of the task. Stage 1 was gazetted on 22 September 2010.

Stage 1 included the LGA's rural and industrial lands as well as the St Marys town centre. A number of amendments to the Penrith LEP 2010 took place following the gazettal of Stage 1 and included:

Amendment 1: Housekeeping amendment gazetted 10 August 2012

Amendment 2: Penrith Panthers redevelopment gazetted 21 June 2013

Amendment 3: The Knoll, Caddens gazetted 23 May 2014

Amendment 4: Stage 2 gazetted 28 January 2015

Stage 2 of the Penrith LEP 2010 dealt with residential and commercial areas within the LGA. It is recognised that during the implementation of Stage 2, the merging of the two separate

sets of mapping data resulted in a number of errors and anomalies occurred which are now evident in the current LEP maps.

Council officers have recently carried out a review of the LEP map sheets in addition to the written instrument to identify these errors and anomalies, with the intention to resolve these matters in one housekeeping amendment to the Penrith LEP 2010.

The types of mapping errors proposed to be resolved by the draft Planning Proposal can be generally categorised as the following:

- Minor alignment of zoning and other development standards to lot boundaries
- Correction of labelling errors
- Removal of duplicated lines/boundaries
- 'Filling in' of insignificant portions of unzoned land
- Rectifying zoning anomalies

Other minor errors which have been found within the written instrument are considered to be oversights, a result of the complexity of the task in transitioning from several LEPs to one.

There are 29 items in total proposed.

Part 1- Objectives or Intended Outcomes

The objective of this Planning Proposal is to rectify errors and mapping anomalies within the Penrith LEP 2010. The subject Planning Proposal is considered a 'housekeeping' amendment.

Amendments are proposed to the written instrument and LEP map sheets.

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 currently exist.

Part 2- Explanation of Provisions

Instrument amendments

1. AMEND CLAUSE 7.17 DWELLING HOUSES ON CERTAIN LAND IN CASTLEREAGH, CRANEBROOK, LLANDILO, LONDONDERRY, KEMPS CREEK AND MULGOA

Under clause 7.17(4) insert the following:

(g) Lot 11 DP 1013818 being 56-60 Cherrybrook Chase, Londonderry

Cherrybrook Chase, Londonderry is a rural-residential precinct zoned RU4 Small Lots Primary Production. Each lot within Cherrybrook Chase has at least one residential dwelling, with the exception of the subject site.

For rural lands within Londonderry, a requirement of 2Ha for a dwelling house was included in Penrith LEP 201 (Rural Lands) which was made in 1991. The objective of this clause was to ensure that existing minimum lot sizes were retained or achieved through lot consolidation for dwelling houses consistent with surrounding lot sizes.

The dwelling houses constructed on these lots that are less than 2 hectares were able to be approved utilising SEPP 1, which allowed a development standard/control to be varied in exceptional circumstances.

The requirement of 2Ha for a dwelling house was carried over from LEP 201 to Penrith LEP 2010 (Stage 1) and is now identified as clause 7.17 in the Penrith LEP 2010. In doing so, the ability to vary this development standard was removed by the replacement of SEPP 1 with clause 4.6.

Clause 4.6 may be utilised to allow flexibility with some development standards, if adequately justified. However, some other clauses are excluded from using clause 4.6, one of those being clause 7.17. As a result, the subject site (being 1.2Ha in size) remains undeveloped. A minimum subdivision lot size of 2Ha also applies under clause 4.1.

A number of lots which had not been developed during the preparation of the Penrith LEP 2010 (Stage 1) and which would otherwise have been prevented from development of a dwelling house were exempted from clause 7.17 and could therefore use clause 4.6 to justify an exemption to a development standard. These were generally lots that could not be consolidated due to multiple ownership. Unfortunately, 56-60 Cherrybrook Chase was not identified as a lot to be given the exemption. This was an oversight most likely because no submission was received from the owner at the time.

It is proposed to amend clause 7.17(4) to add 56-60 Cherrybrook Chase, Londonderry to the list of exempted properties from the clause. This will remove the need for 2Ha of land for a dwelling house under clause 7.17. This will provide the owner with the potential to use clause 4.6 to justify an exemption to a development standard (of the existing minimum subdivision lot size of 2Ha under clause 4.1) when submitting a development application for a dwelling on the site.

2. AMEND THE IN2 LIGHT INDUSTRIAL LAND USE TABLE

This item proposes to amend the IN2 Light Industrial land use table to remove 'food and drink premises' from land use table 3 Permitted with consent, as shown below:

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Car parks; Child care centres; Community facilities; Crematoria; Depots; Educational establishments; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; ~~Food and drink premises~~; Function centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Medical centres; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Resource recovery facilities; Respite day care centres; Roads; Self-storage units; Service stations; Signage; Take away food and drink premises; Timber yards; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource transfer stations

4 Prohibited

Schools; Any other development not specified in item 2 or 3

The current land use table for the IN2 Light Industrial zone lists 'food and drink premises' and 'take away food and drink premises' as permissible with consent. By listing the land use term 'food and drink premises', this permits all other related land uses including 'pubs', 'restaurants or cafes', 'small bars' and 'take away food and drink premises' as it is a group term which captures these other land uses.

It is not sought to permit such a range of food-related premises in an industrial zone due to land use conflicts as well as to avoid leakage of activity-generating land uses in undesirable locations.

As it is intended that only 'take away food and drink premises' be permissible with consent in the IN2 Light Industrial zone, it is proposed to remove the group term of 'food and drink premises'. The term 'take away food and drink premises' will remain as permitted with consent.

3. 1 BUNDARRA ROAD, REGENTVILLE (LOT 3 DP 16540)

This item proposes to:

- a) amend Schedule 5 of the Penrith LEP 2010 to remove reference to Lot 3 DP 16540 from General Heritage item number 276.



Current Heritage

Heritage Item 276 refers to the Regentville Workers' Terrace at 1 Bundarra Road, Regentville. 1 Bundarra Road comprises of four lots – Lots 1, 2 3 and 19 DP 16540, as identified in the map above.

The heritage item and curtilage is only located on Lots 1, 2 and 19 and is not located on Lot 3 which is correctly identified in the Heritage map (Lot 3 is outlined in blue above).

Schedule 5 of the Penrith LEP 2010 lists the heritage item as being on Lots 1-3 and 19 DP 16540. It is proposed to amend Schedule 5 to remove the reference to Lot 3, as follows:

Suburb	Item name	Address	Property description	Significance	Item no
Regentville	Regentville Workers' Terrace	1 Bundarra Road	Lots 1, 2-3 and 19, DP 16540	Local	276

4. SCHEDULE 1 - ADDITIONAL PERMITTED USES

This item proposes to:

- a) amend Schedule 1 of the Penrith LEP 2010 for clause 6, 12, 15, 18, 22, 23, 24, 27, 28, 30

Several amendments are proposed to various clauses within Schedule 1 of the Penrith LEP 2010. The proposed amendments are a result of new subdivisions or changes to street addressing. No changes are proposed to the Additional Permitted Uses map sheets for the following clauses, only text amendments as identified below.

6 Use of certain land at 51–55 Salisbury Avenue and ~~1451~~ 1437–1473 Elizabeth Drive, Kemps Creek

- (1) This clause applies to land at 51–55 Salisbury Avenue and ~~1451~~ 1437–1473 Elizabeth Drive, Kemps Creek, being Lots 5–9, Section A, DP 2566, Lots 110–112, DP 1137261 and Lot B, DP 415712 that is identified as “5” on the Additional Permitted Uses Map.
- (2) Development for the purposes of child care centres, kiosks, markets, neighbourhood shops, recreation facilities (indoor) and restaurants or cafes is permitted with development consent.

12 Use of certain land at ~~519–521 Londonderry~~ 364-368 and 370-372 Carrington Road, Londonderry

- (1) This clause applies to land at ~~519–521 Londonderry~~ 364-368 and 370-372 Carrington Road, Londonderry, being Lot ~~6~~ 1 & 2, DP ~~17634~~ 1179316 that is identified as “11” on the Additional Permitted Uses Map.
- (2) Development for the purposes of advertising structures, business premises, food and drink premises, health consulting rooms, kiosks, markets, medical centres, office premises, registered clubs, service stations, shops and vehicle repair stations is permitted with development consent.

15 Use of certain land at ~~3025~~ 3019 –3035 The Northern Road, Luddenham

- (1) This clause applies to land at ~~3025~~ 3019 –3035 The Northern Road, Luddenham, being Part Lot 19, DP 1655 that is identified as “14” on the Additional Permitted Uses Map.
- (2) Development for the purposes of advertising structures, business premises, food and drink premises, health consulting rooms, kiosks, markets, medical centres, office premises, registered clubs, service stations, shops and vehicle repair stations is permitted with development consent.

18 Use of certain land at 1216–1224 Mulgoa Road, 4–12 Allan Road and ~~26~~ 25 The Straight Road, Mulgoa

- (1) This clause applies to land at 1216–1224 Mulgoa Road, 4–12 Allan Road and ~~26~~ 25 The Straight Road, Mulgoa, being Lot 4, DP 739622, Lots 10, 11, 12 and 14, DP 23069 and Lots 101 and 102, DP 850809 that is identified as “17” on the Additional Permitted Uses Map.
- (2) Development for the purposes of advertising structures, business premises, food and drink premises, health consulting rooms, office premises, registered clubs, service stations, shops and vehicle repair stations is permitted with development consent.

22 Use of certain land at ~~63~~ 65, 73, 83, 109 and 123–135 Mulgoa Road and Lot 1 Retreat Road, Penrith

- (1) This clause applies to those parts of the following land that are in Zone SP3 Tourist at Penrith and that are identified as “21” on the Additional Permitted Uses Map:
 - (a) ~~63~~ 65 Mulgoa Road, being Lot 1021, DP 812335,

- (b) 73 Mulgoa Road, being Lot 1, DP 1043008,
- (c) 83 and 109 Mulgoa Road, being Lots 151 and 152, DP 863625,
- (d) 123–135 Mulgoa Road, being ~~Lot 12 and~~ Part Lot 13, DP 710086,
- (e) Lot 1 Retreat Road, being Lot 1, DP 1064526.
- (2) Development for the purposes of multi dwelling housing, office premises, residential flat buildings, retail premises and seniors housing is permitted with development consent.

23 Use of certain land at ~~The Crescent~~, Lord Sheffield Circuit, Penrith

- (1) This clause applies to land at ~~The Crescent~~ Lord Sheffield Circuit, Penrith, being ~~Lot 1196 and Part Lots 1194 and 1198, DP 1171491, Part Lot 2250 DP 1184495 and Part Lot 3016 DP 1184499~~ that is identified as “22” on the Additional Permitted Uses Map.
- (2) Development for the purposes of exhibition villages, high technology industries, multi dwelling housing, residential flat buildings and seniors housing are permitted with development consent.

24 Use of certain land at ~~The Crescent~~ Lord Sheffield Circuit, Penrith

- (1) This clause applies to land at ~~The Crescent~~ Lord Sheffield Circuit, Penrith, being ~~Part Lot 1198, DP 1171491, Part Lot 2250 DP 1184495, Part Lot 3106 DP 1184499, Lot 3105 DP 1184499 and Lots 3001-3013 DP 1184498~~ that is identified as “23” on the Additional Permitted Uses Map.
- (2) Development for the purposes of food and drink premises, recreation facilities (indoor) and recreation facilities (outdoor) are permitted with development consent.

27 Use of certain land at corner of Forrester Road and Boronia Road, St Marys

- (1) This clause applies to land at the corner of Forrester Road and Boronia Road, St Marys, being ~~Lot 2, DP 1175275, Lot 12 DP 1192443~~ that is identified as “26” on the Additional Permitted Uses Map.
- (2) Development for the purposes of bulky goods premises is permitted with development consent.

28 Use of certain land at corner of Forrester Road and Boronia Road, St Marys

- (1) This clause applies to land at the corner of Forrester Road and Boronia Road, St Marys, being ~~Part Lot 1, DP 1175275, Lot 11 DP 1192443~~ that is identified as “27” on the Additional Permitted Uses Map.
- (2) Development for the purposes of amusement centres, food and drink premises, hotel or motel accommodation and registered clubs is permitted with development consent.

30 Use of certain land at 1590–1594 Mulgoa Road, 1 Park Road and 11 Park Road, Wallacia

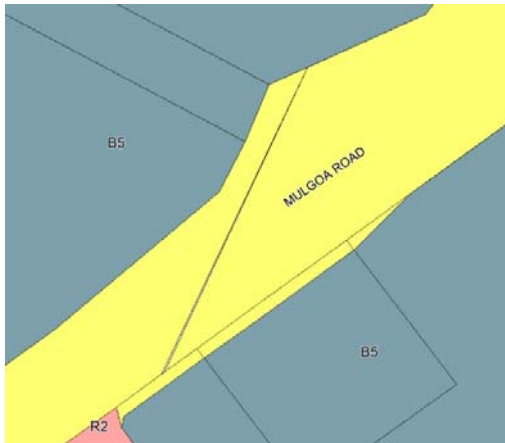
- (1) This clause applies to land at 1590–1594 Mulgoa Road, 1 Park Road and 11 Park Road, Wallacia, being Lot A, DP 334601 and Lot 1 DP ~~1162029~~ 1169209 that is identified as “29” on the Additional Permitted Uses Map.
- (2) Development for the purposes of advertising structures, business premises, food and drink premises, health consulting rooms, kiosks, markets, medical centres, office premises, registered clubs, service stations, shops and vehicle repair stations is permitted with development consent.

Mapping amendments

5. ZONE/DEVELOPMENT STANDARDS BOUNDARIES

The DP&E's Standard Technical Requirements for LEP maps requires zone/development standards boundaries to be outlined in medium black.

Penrith's LEP maps are inconsistent with the DP&E requirements as some areas have duplicate or additional black lines resulting from separate polygons within the one zone/development standards map. Examples of this are provided below:



Current Zoning map



Proposed Zoning map



Current Heritage map



Proposed Heritage map

It is proposed to amend these errors within the LEP maps to ensure consistency with the DP&E requirements.

This Planning Proposal does not identify each amendment due to the extent of these occurrences. These changes do not alter any planning provisions and are aesthetic only.

6. UNZONED LAND

As a result of the merging of two mapping datasets during Stage 1 and Stage 2 of the Penrith LEP 2010, there remain small portions of land which are unzoned. These unzoned portions are also reflected in other corresponding development standards maps.

It is proposed to insert development standards where these circumstances occur to provide clarity and certainty to parcels affected by areas of unzoned land. Unzoned portions will obtain the zone and development standard that currently applies to the subject land.

Caddens Road, Caddens



Current Zoning - unzoned



Proposed Zoning – RU4 Primary Production Small Lots

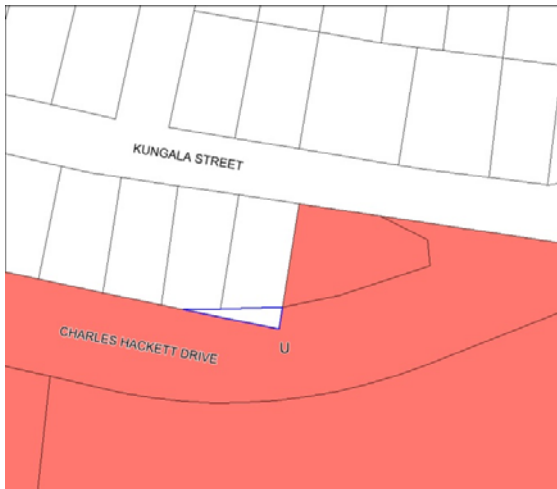
Charles Hackett Drive, St Marys (adjacent to 9-11 Kungala St, St Marys)



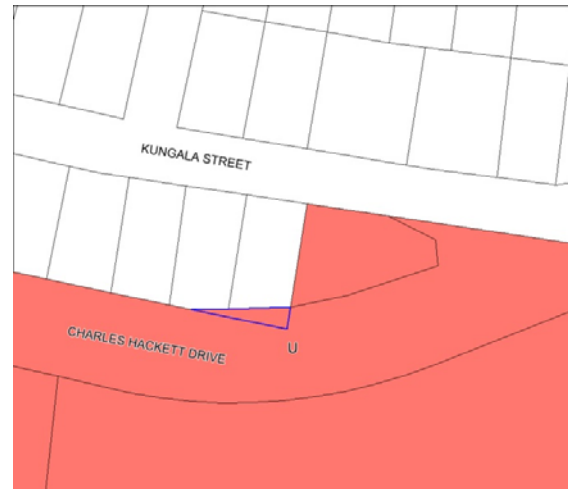
Current Zoning - unzonned



Proposed Zoning – B4 Mixed Use



Current floor space - nil



Proposed floor space – 2.5:1



Current Height of Buildings – 8.5m



Proposed Height of Buildings – 24m

Ropes Creek Corridor, Erskine Park (Lot 14 DP 1157476)



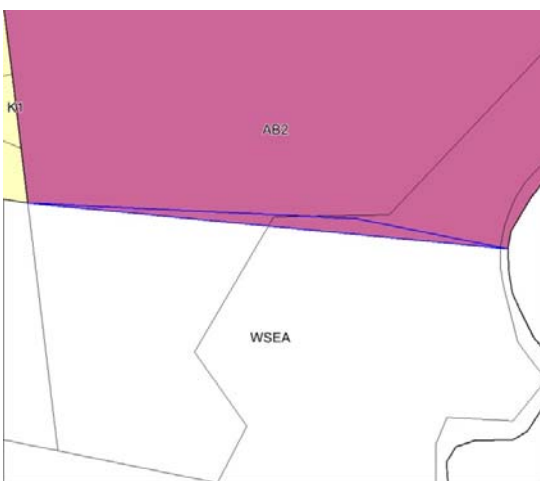
Current Zoning – unzoned



Proposed Zoning – E2 Environmental Management

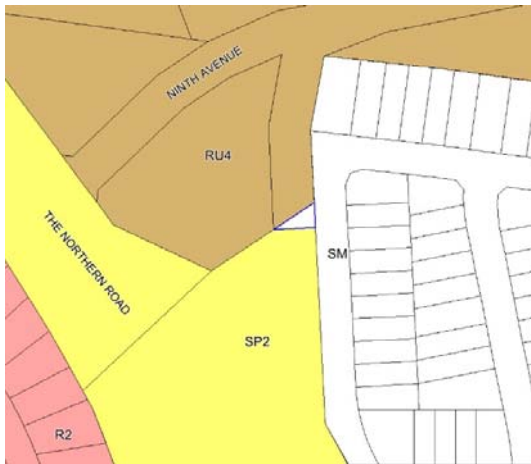


Current Lot Size - nil

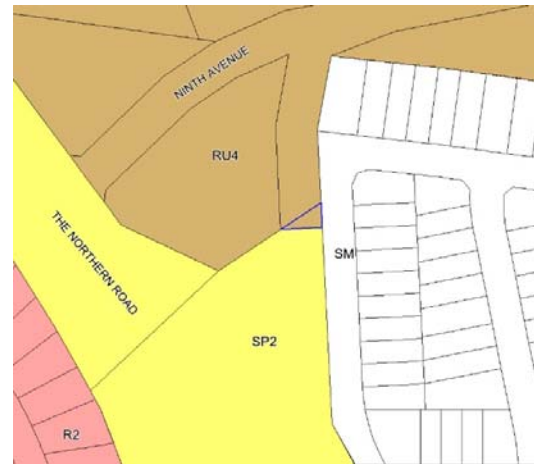


Proposed Lot Size – 20Ha

Ninth Avenue, Llandilo



Current Zoning – unzoned

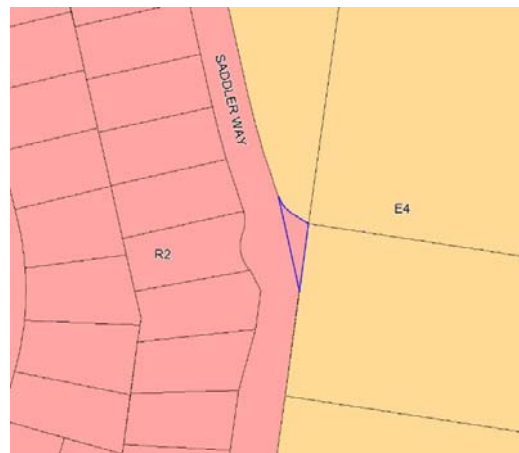


**Proposed Zoning – RU4 Primary Production
Small Lots**

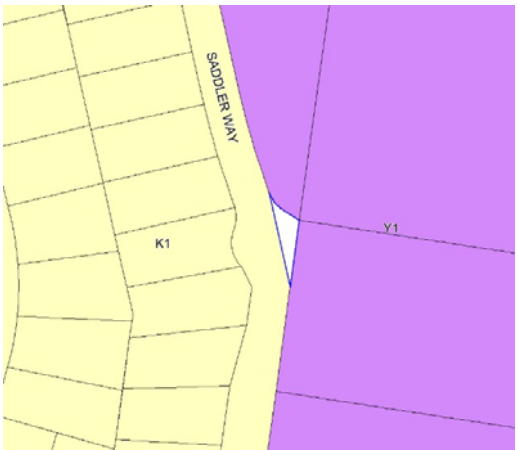
Saddler Way, Glenmore Park



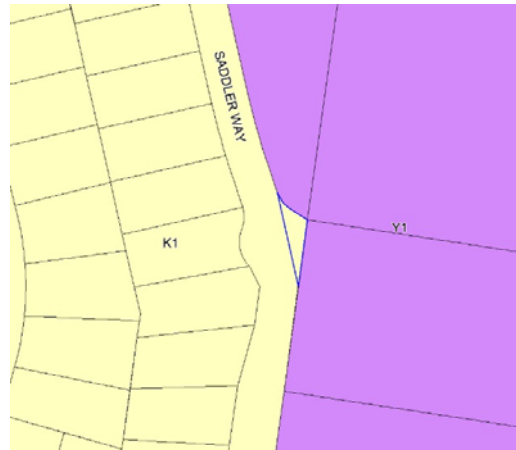
Current Zoning – unzoned



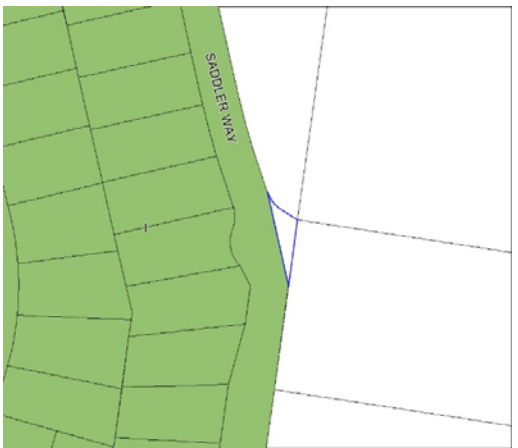
Proposed Zoning – R2 Low Density Residential



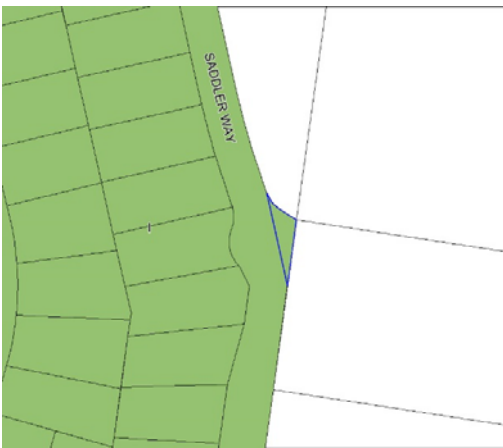
Current Lot Size – nil



Proposed Lot Size – 550m2



Current Building Height – nil



Proposed Building Height – 8.5m

7. LABELLING

It is proposed to amend the Land Zoning map (LZN_005) for Lot 4 DP 230370 and Lot 1 DP 591067 to amend the label for the SP2 Infrastructure zone. The subject land is currently zoned SP2 'Water Supply' and it is proposed to amend the label to SP2 'Water Supply System'. This change is proposed to ensure consistency with SEPP (Infrastructure) 2007.

It is proposed to amend Height of Buildings map (HOB_013) for the High Street and Henry Street precinct in the Penrith city centre to correctly label the precinct. Currently, the Penrith Height of Buildings map has Q1 for 19m and Q2 for 20m.

The precinct is currently labelled Q, which is incorrect as there is no singular Q category in effect. The precinct should be identified as Q2 (20m) and this item proposes to rectify this error. The proposed label amendment does not change the existing height control.

8. ADDITIONAL PERMITTED USES MAP (APU_019)

This item proposes to:

- a) amend two labels on the Additional Permitted Uses APU_019 map from “15” to “1” and from “29” to “28”.

South and Ropes Creek Corridors

The following clause is listed in Schedule 1 Additional Permitted Uses of the Penrith LEP:

1 Use of certain land at South and Ropes Creek Corridors

- (1) This clause applies to land in Zone RE1 Public Recreation in South and Ropes Creek Corridors that is identified as “1” on the Additional Permitted Uses Map.*
- (2) Development for the purposes of extensive agriculture and intensive plant agriculture is permitted with development consent.*

Council staff have identified an error with the Additional Permitted Uses map (APU_019) where numbering has been applied incorrectly. It is proposed the Additional Permitted Uses map (APU_019) be amended to change number “15” to “1”, as a property currently listed as “15” on the map in fact relates to clause 1, number “1” as identified in the clause above.

There is an additional number “15” on the APU map that relates to land in Luddenham (Clause 16 of Schedule 1). This numbering is correct and will be retained.

32-52 Harris St, St Marys

The following clause is listed in Schedule 1 Additional Permitted Uses of the Penrith LEP:

29 Use of certain land at 32–52 Harris Street, St Marys

- (1) This clause applies to land at 32–52 Harris Street, St Marys, being Lot A, DP 152452 that is identified as “28” on the Additional Permitted Uses Map.*
- (2) Development for the purposes of business premises and community facilities is permitted with development consent.*

Council staff have identified an error with the Additional Permitted Uses map (APU_019) where numbering has been applied incorrectly. It is proposed the Additional Permitted Uses map (APU_019) be amended to change number “29” to “28”, as a property currently listed as “29” on the map in fact relates to clause 29, number “28” as identified in the clause above.

There is an additional number “29” on the APU map that relates to land in Wallacia (Clause 30 of Schedule 1). This numbering is correct and will be retained.

9. LAND RESERVATION ACQUISITION - VARIOUS

This item proposes to:

- a) amend the Land Zoning map LZN_003
- b) amend the Land Zoning map LZN_004
- c) amend the Land Zoning map LZN_005
- d) amend the Land Zoning map LZN_006
- e) amend the Land Zoning map LZN_007
- f) amend the Land Zoning map LZN_008
- g) amend the Land Reservation Acquisition map LRA_003
- h) amend the Land Reservation Acquisition map LRA_004
- i) amend the Land Reservation Acquisition map LRA_005
- j) amend the Land Reservation Acquisition map LRA_006
- k) amend the Land Reservation Acquisition map LRA_007
- l) amend the Land Reservation Acquisition map LRA_008
- m) amend the Land Reservation Acquisition map LRA_010
- n) amend the Land Reservation Acquisition map LRA_011
- o) amend the Land Reservation Acquisition map LRA_012
- p) amend the Land Reservation Acquisition map LRA_013
- q) amend the Land Reservation Acquisition map LRA_016
- r) amend the Land Reservation Acquisition map LRA_018
- s) amend the Land Reservation Acquisition map LRA_019
- t) amend the Lot Size map LSZ_003
- u) amend the Lot Size map LSZ_004
- v) amend the Lot Size map LSZ_006
- w) amend the Lot Size map LSZ_007
- x) amend the Lot Size map LSZ_008
- y) amend the Lot Size map LSZ_013
- z) amend the Height of Buildings map HOB_005
- aa) amend the Height of Buildings map HOB_006
- bb) amend the Height of Buildings map HOB_013

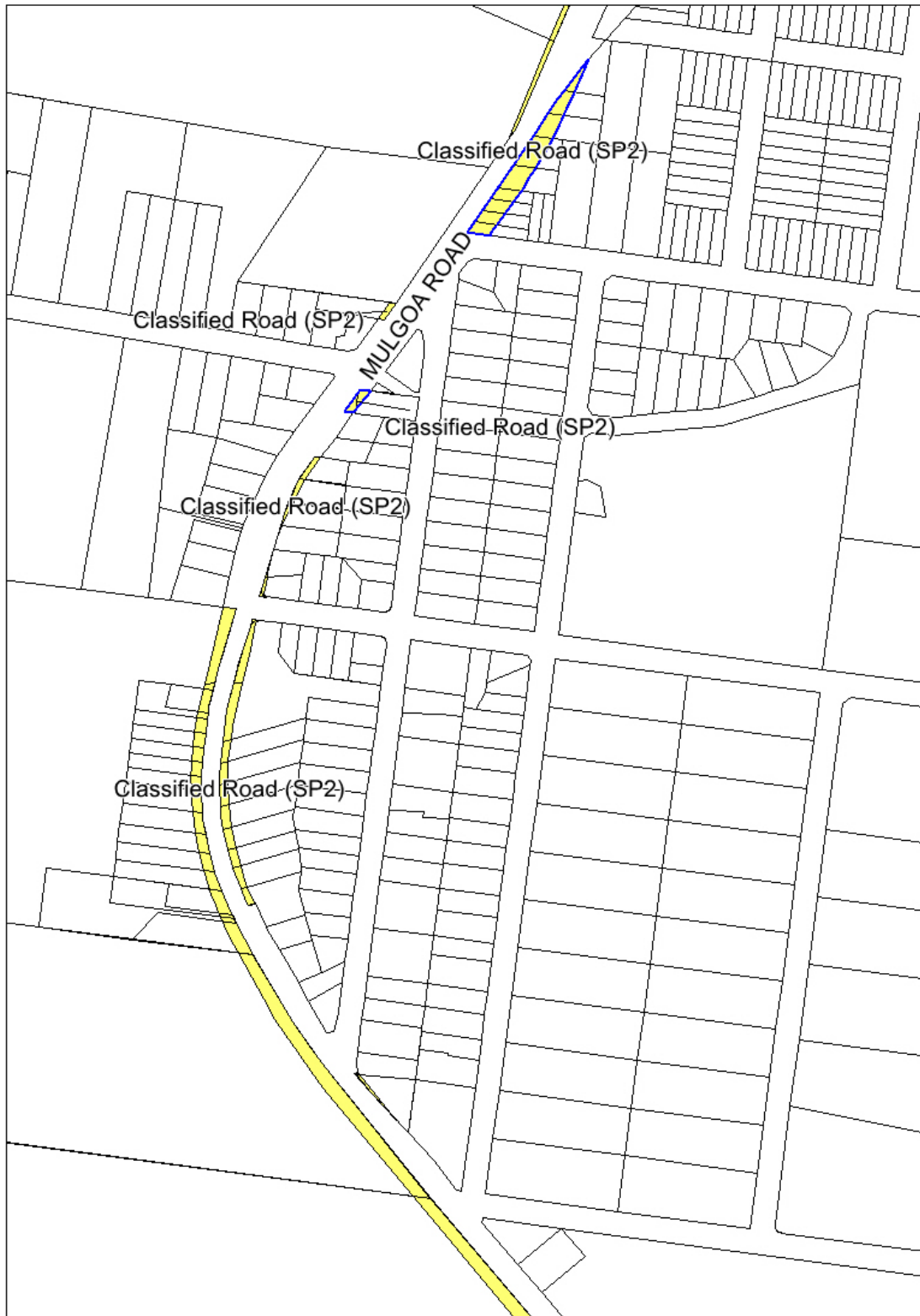
As part of the review of the Penrith LEP 2010 for the housekeeping amendment, Council reviewed the Land Reservation layer, in conjunction with the Roads and Maritime Services (RMS).

This review has led to a number of amendments within this item and includes the following:

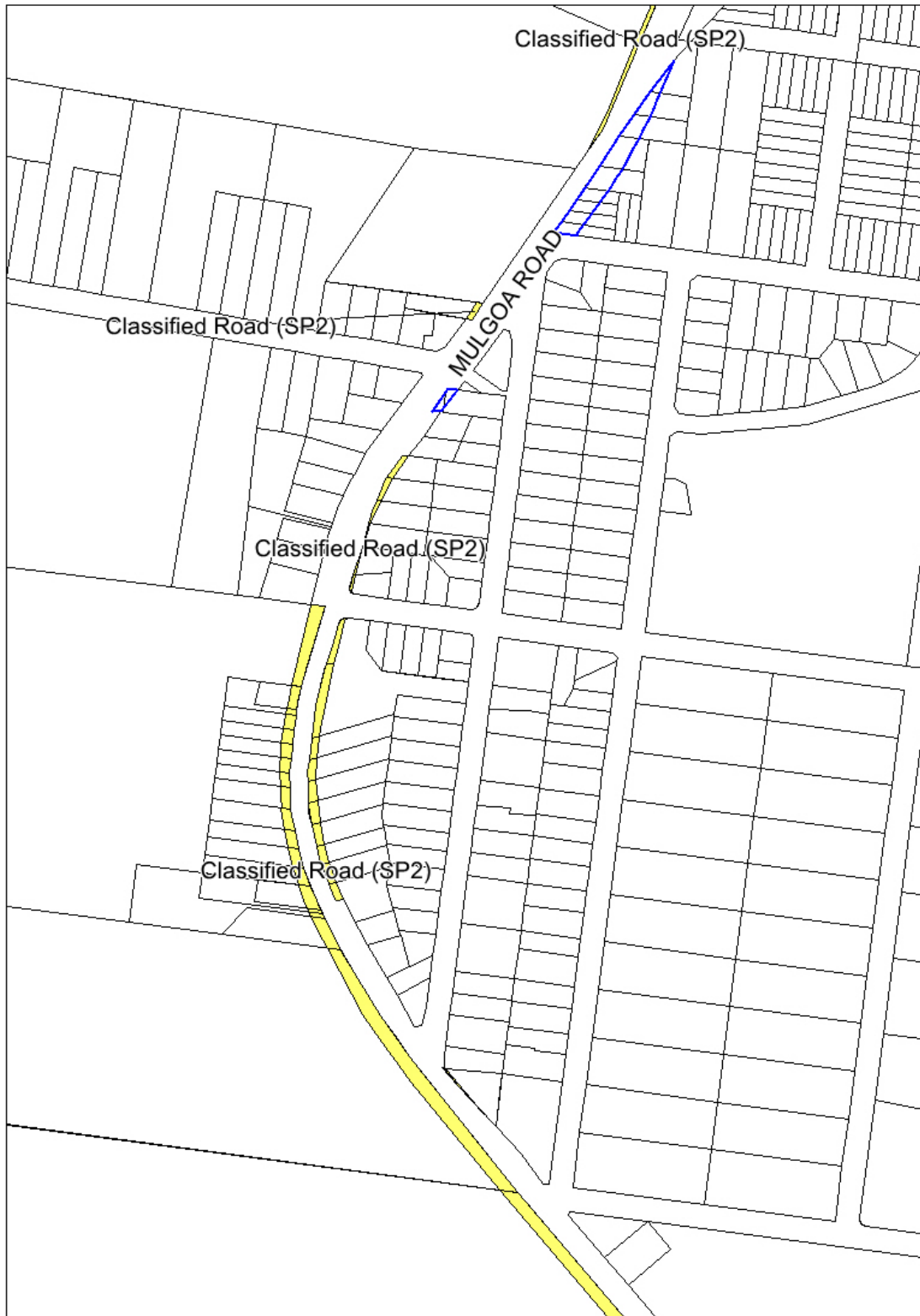
- Land removed from the LRA map that has already been acquired by the relevant public authority
- Land included on the LRA map for the purposes of acquisition by the RMS
- Changes to the LZN, LSZ, HOB maps as a result of changes to the LRA map. These amendments ensure that land identified for acquisition is zoned SP2 Infrastructure, and that no other development standards apply to the land, which are proposed to be removed where they currently exist
- Changes to the LZN and LSZ maps to reflect existing acquisition of properties.

Note: The blue outline on the following maps reflect current and proposed land reserved for acquisition for the purposes of this Planning Proposal, and will not be reflected in the publicly exhibited LEP maps.

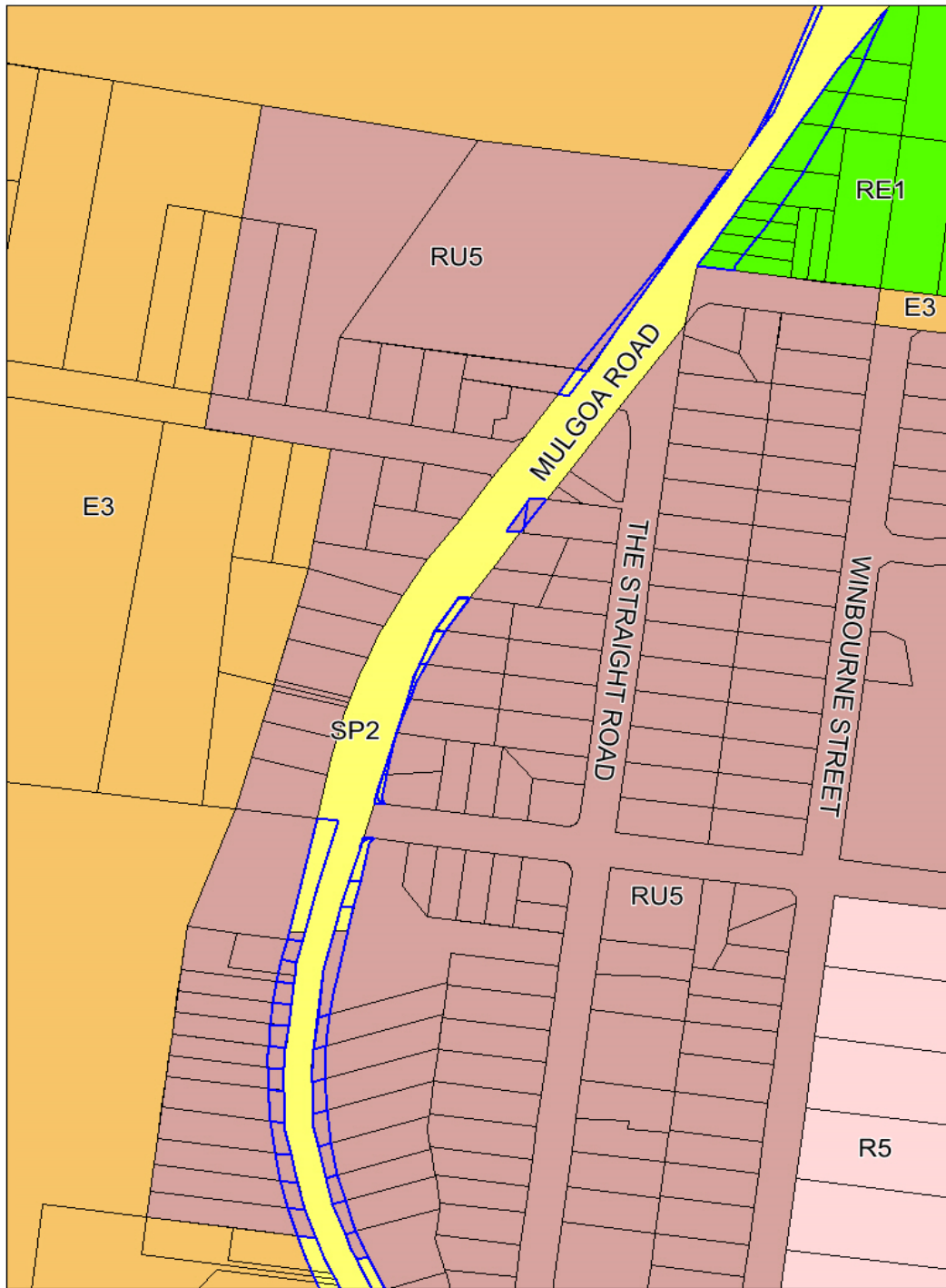
Mulgoa Road, Mulgoa Village



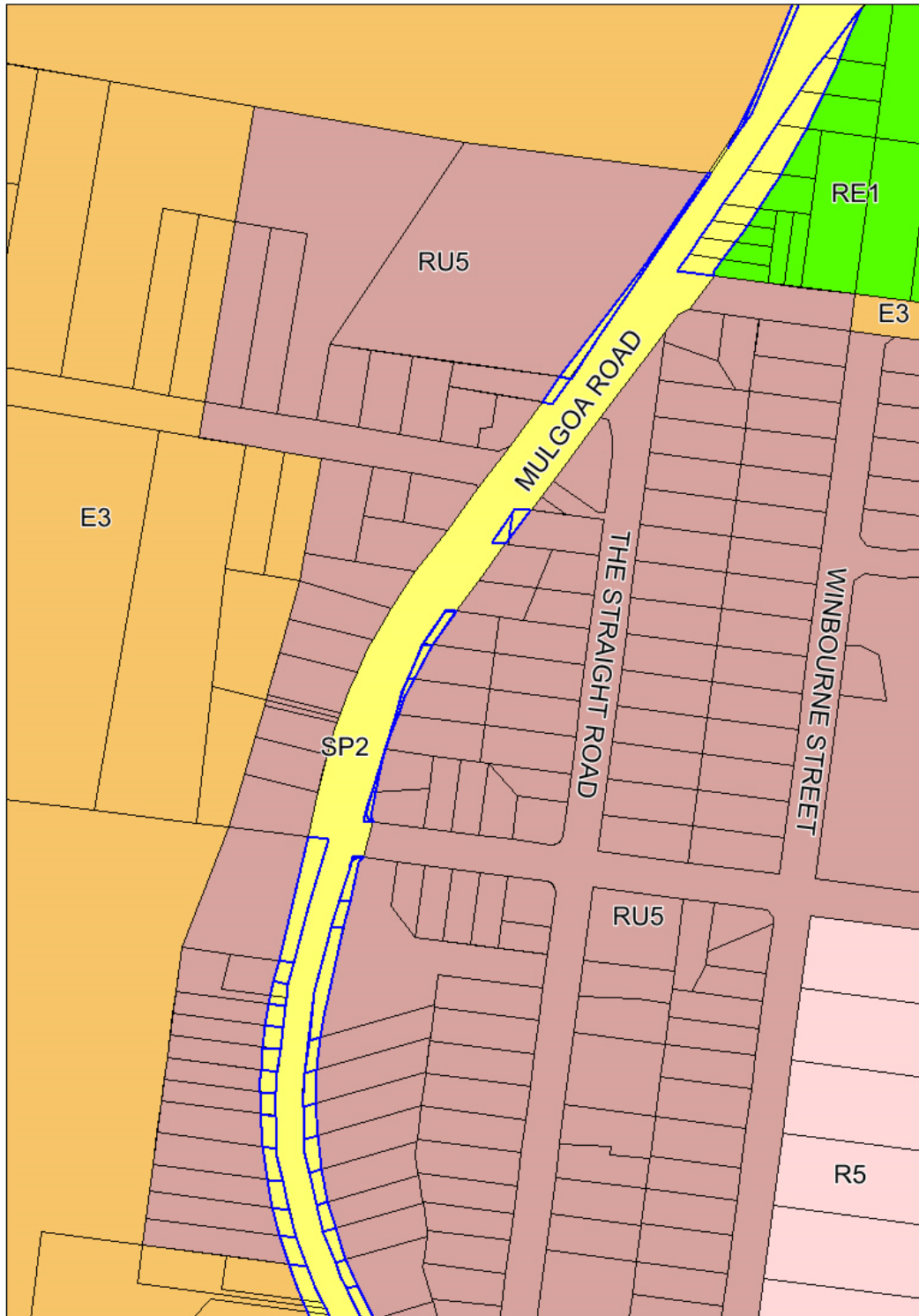
Current Land Reservation



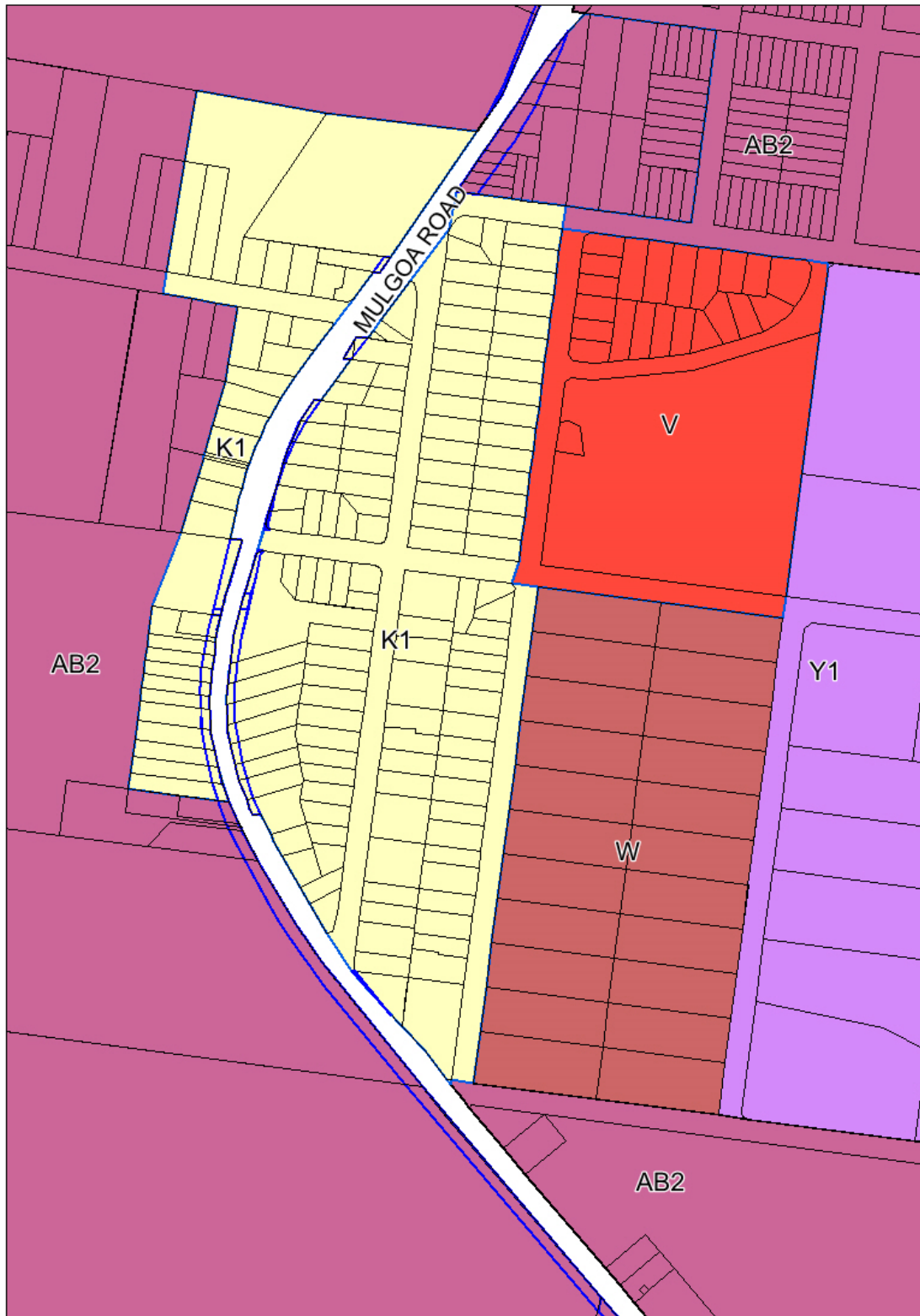
Proposed Land Reservation



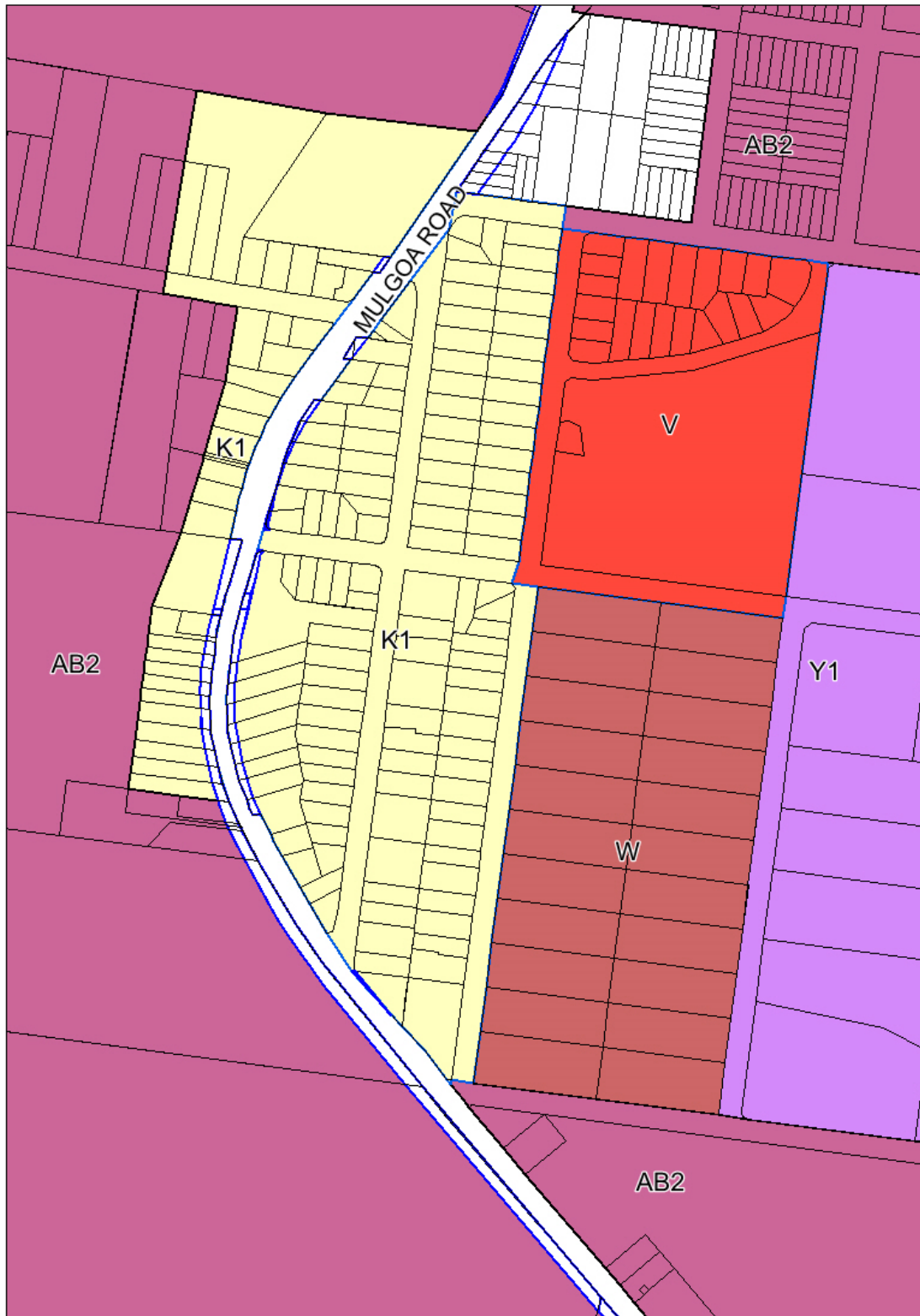
Current Zoning – RU5 Village



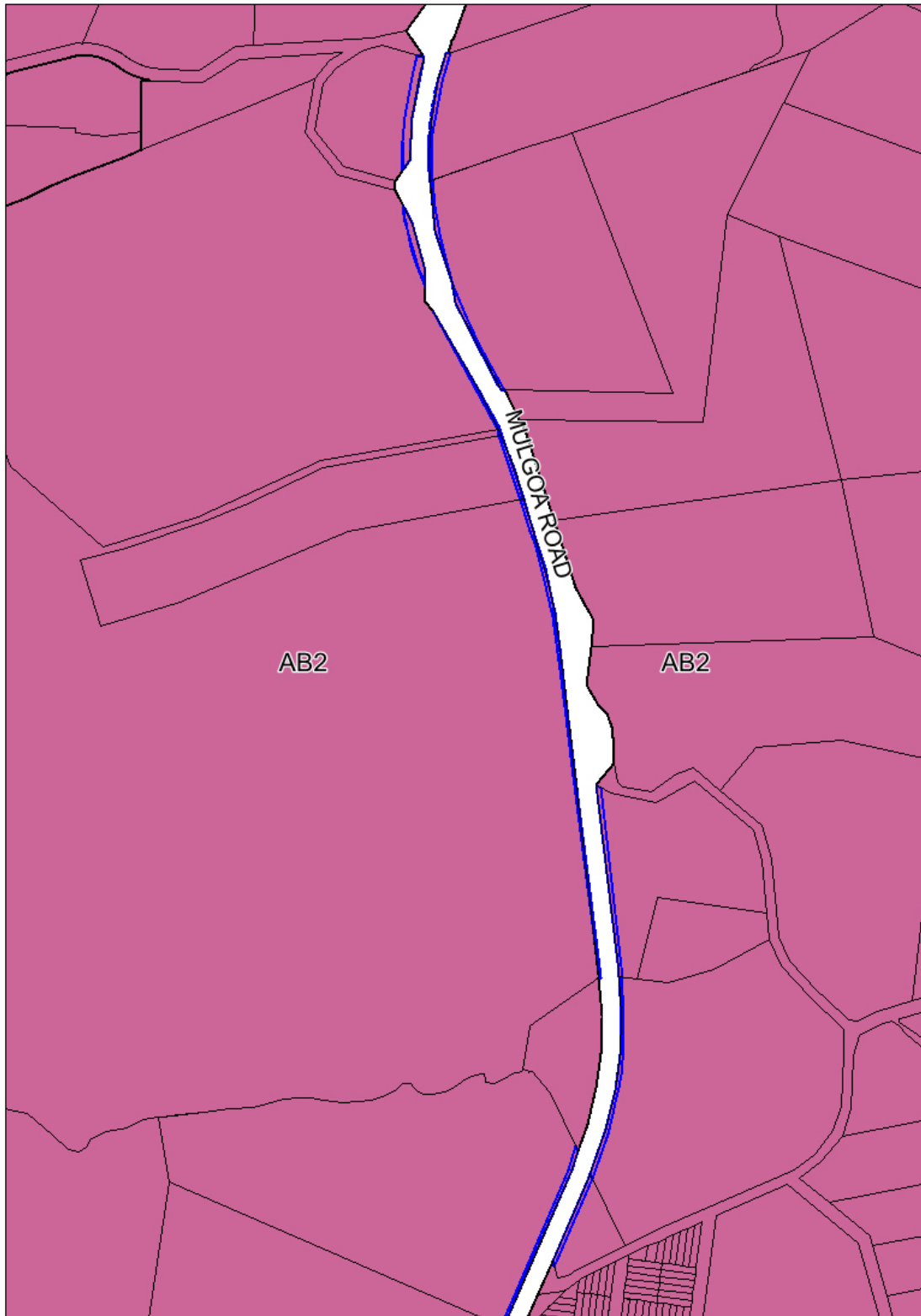
Proposed Zoning – SP2 Infrastructure Classified Road



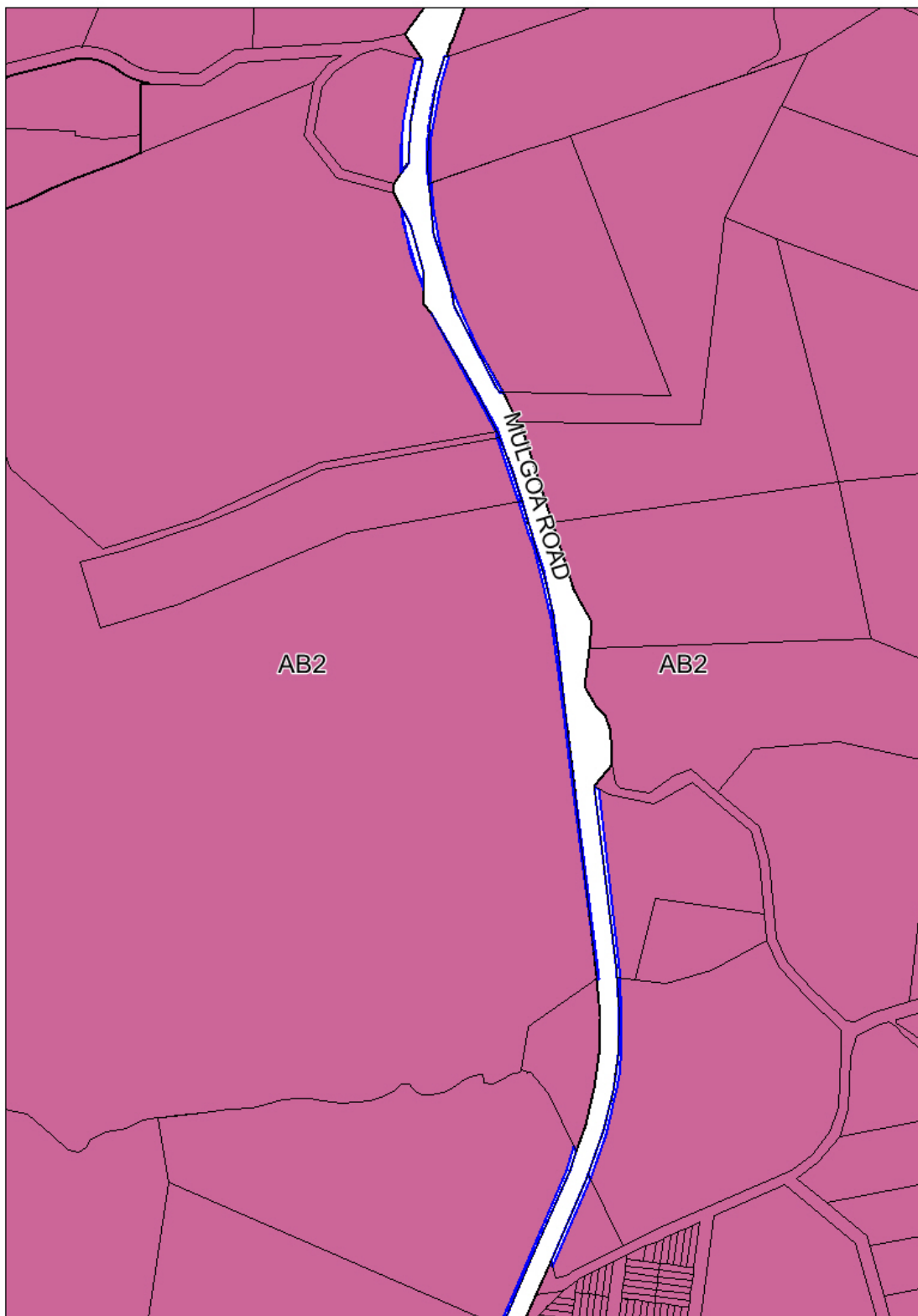
Current Lot Size – 550m2 and 20Ha



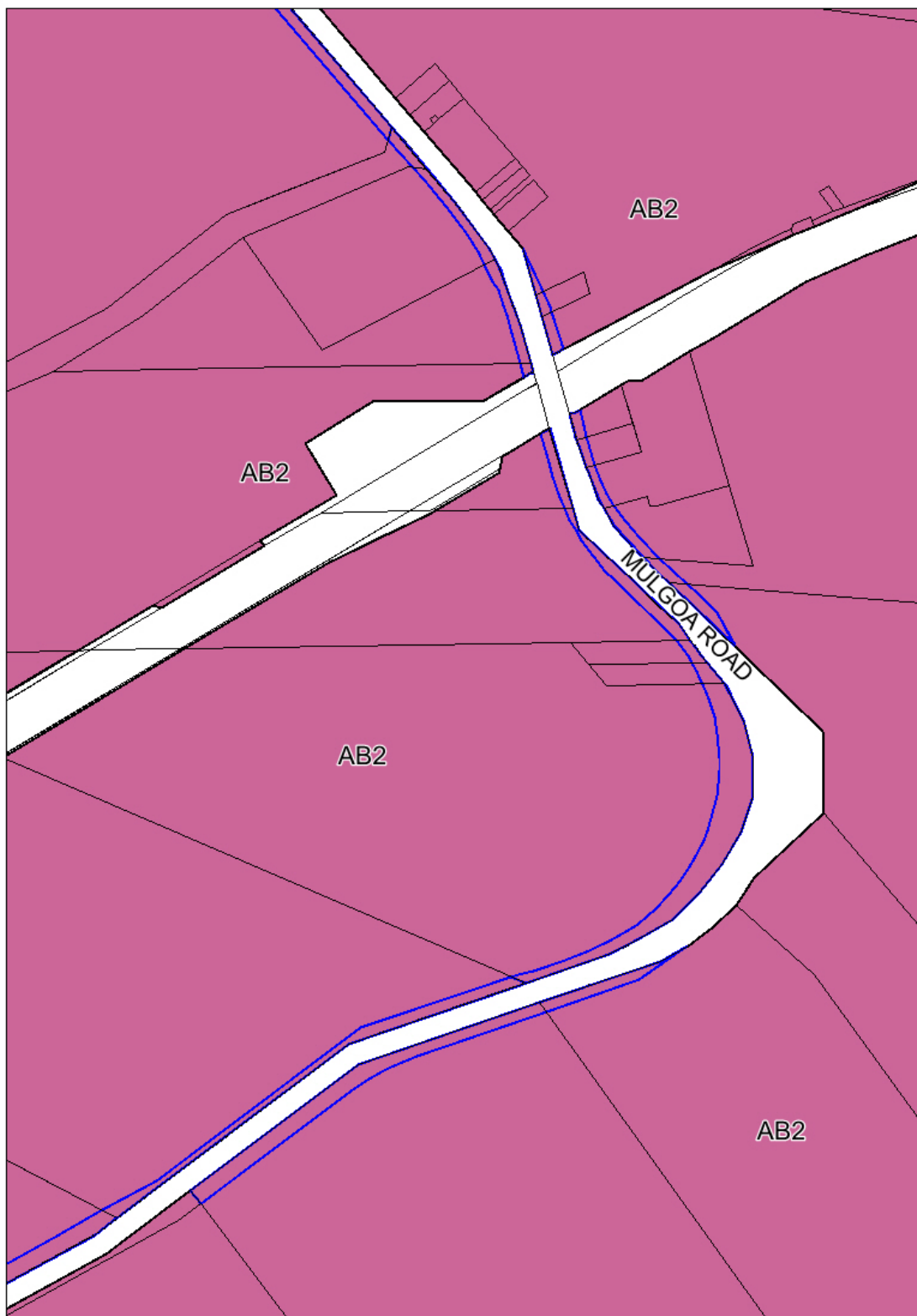
Proposed Lot Size – nil



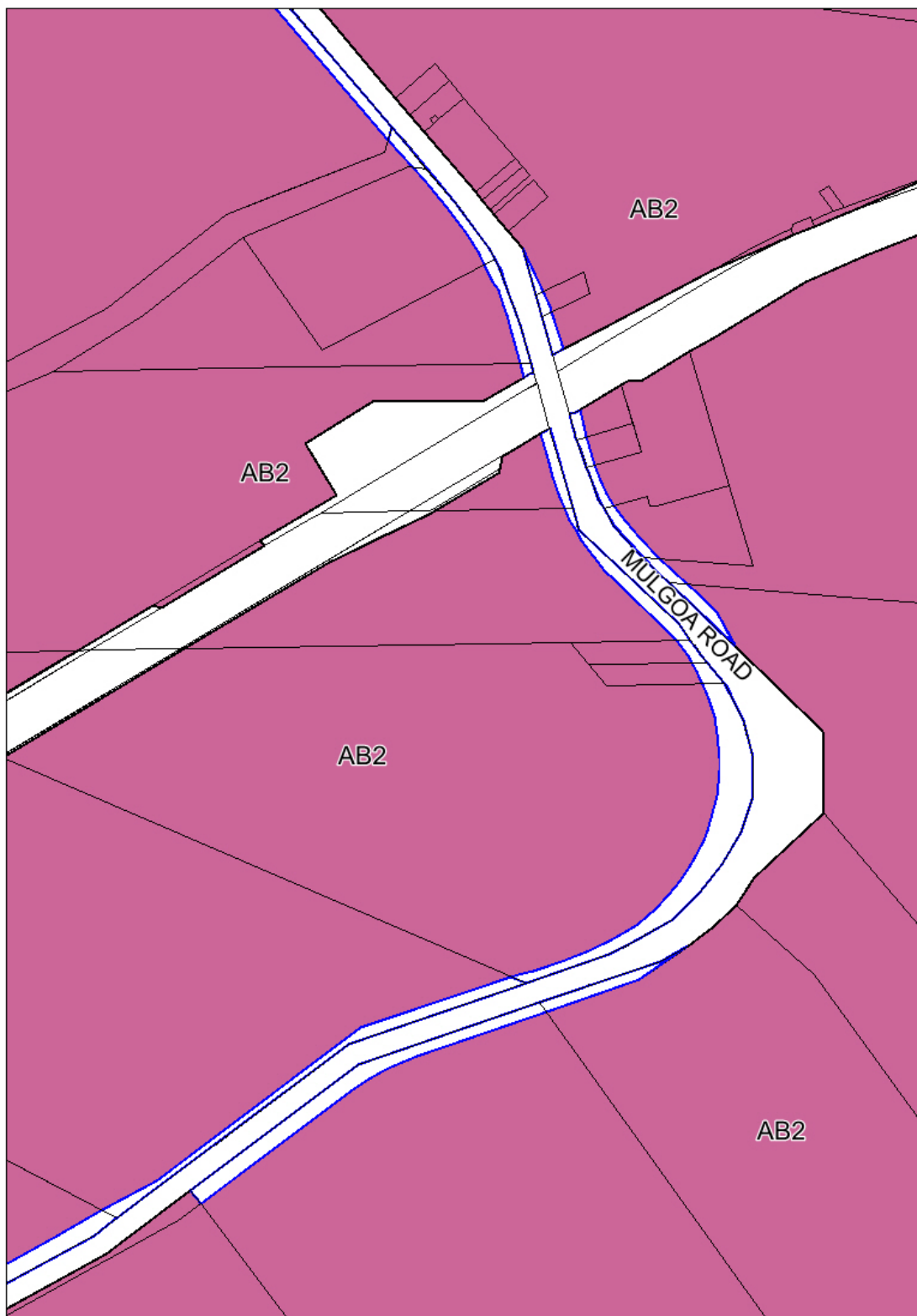
Current Lot Size – 20Ha (no change to LRA map)



Proposed Lot Size - nil

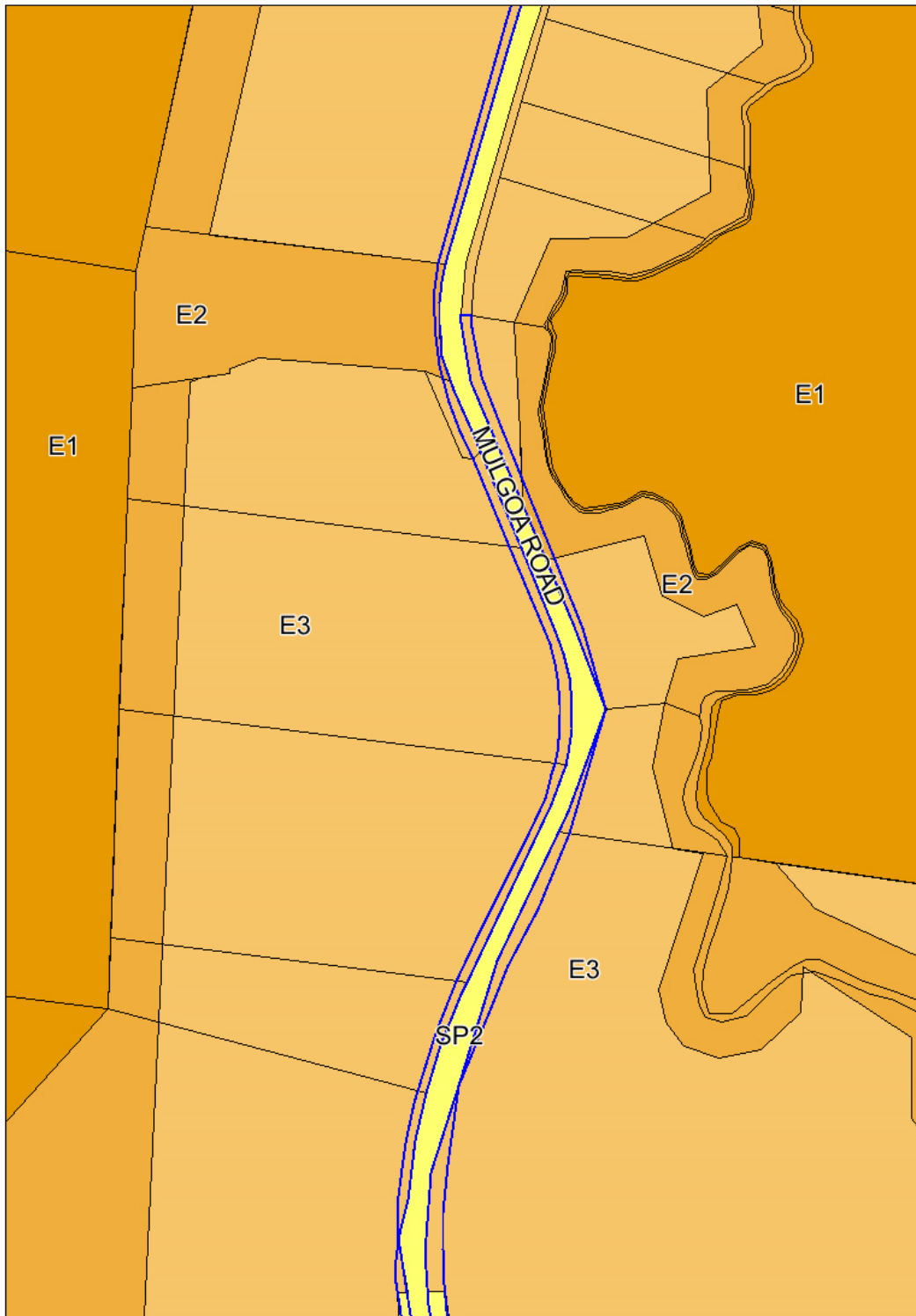


Current Lot Size – 20Ha (no change to LRA map)

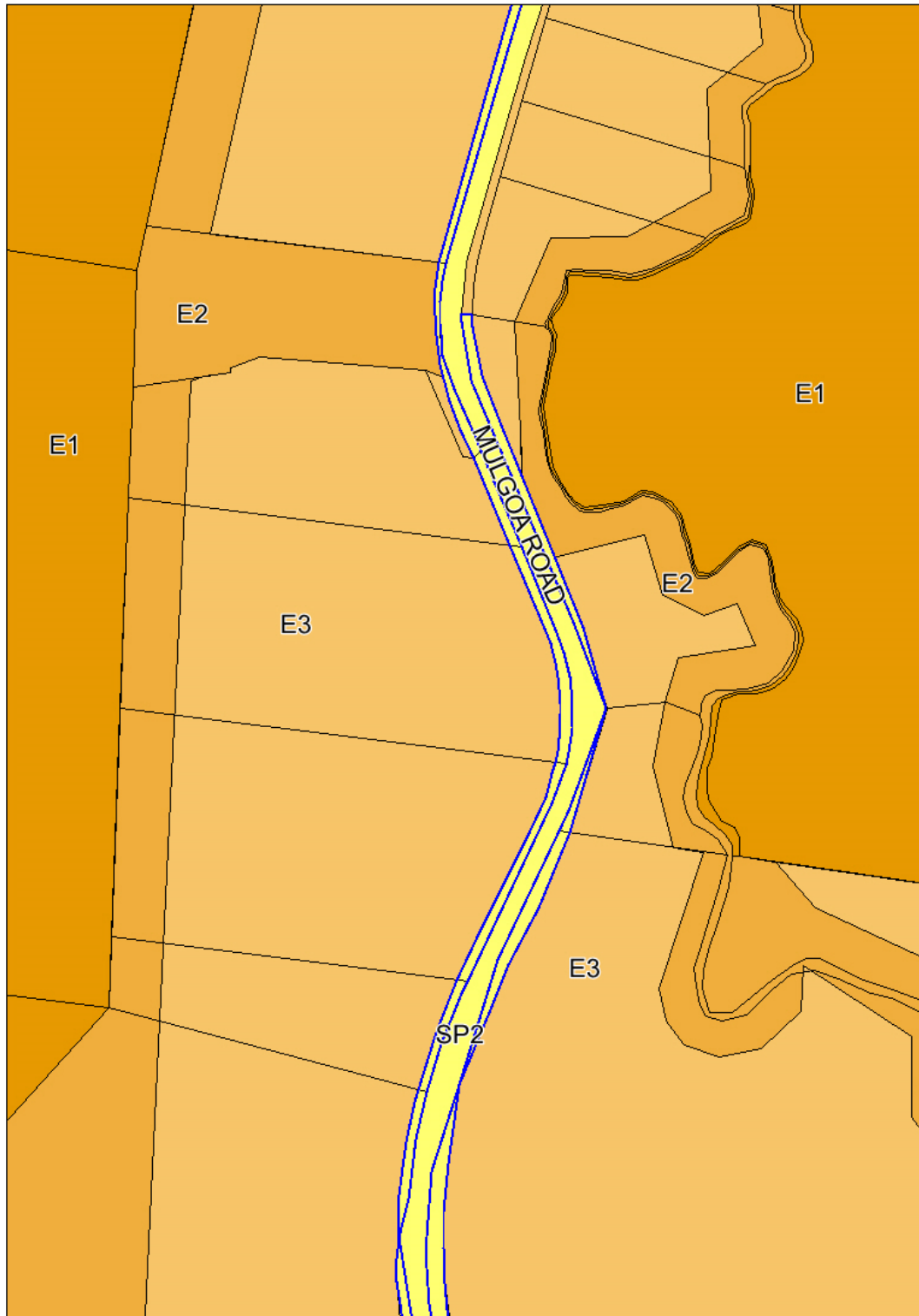


Proposed Lot Size - nil

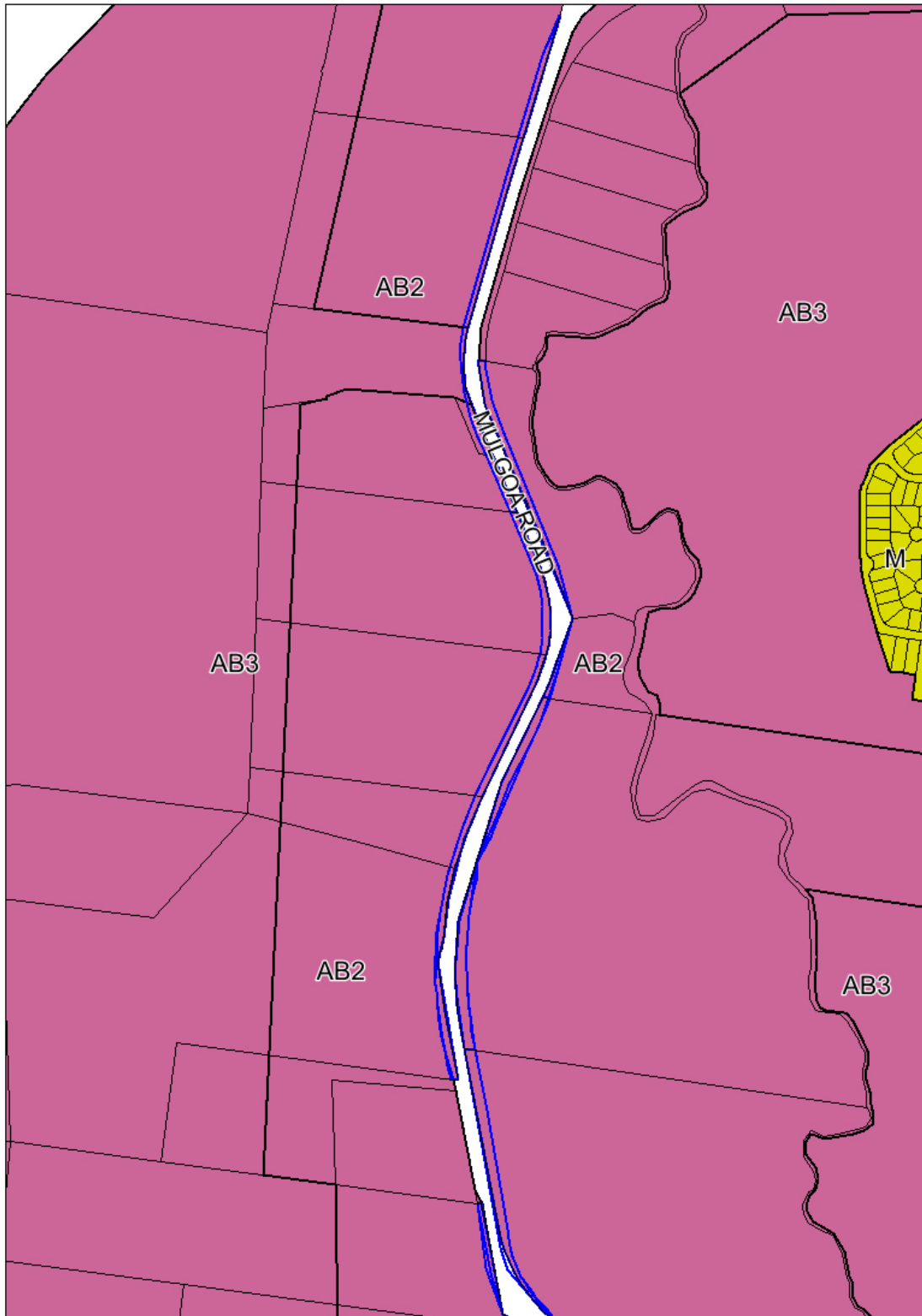
Mulgoa Road, Mulgoa Creek



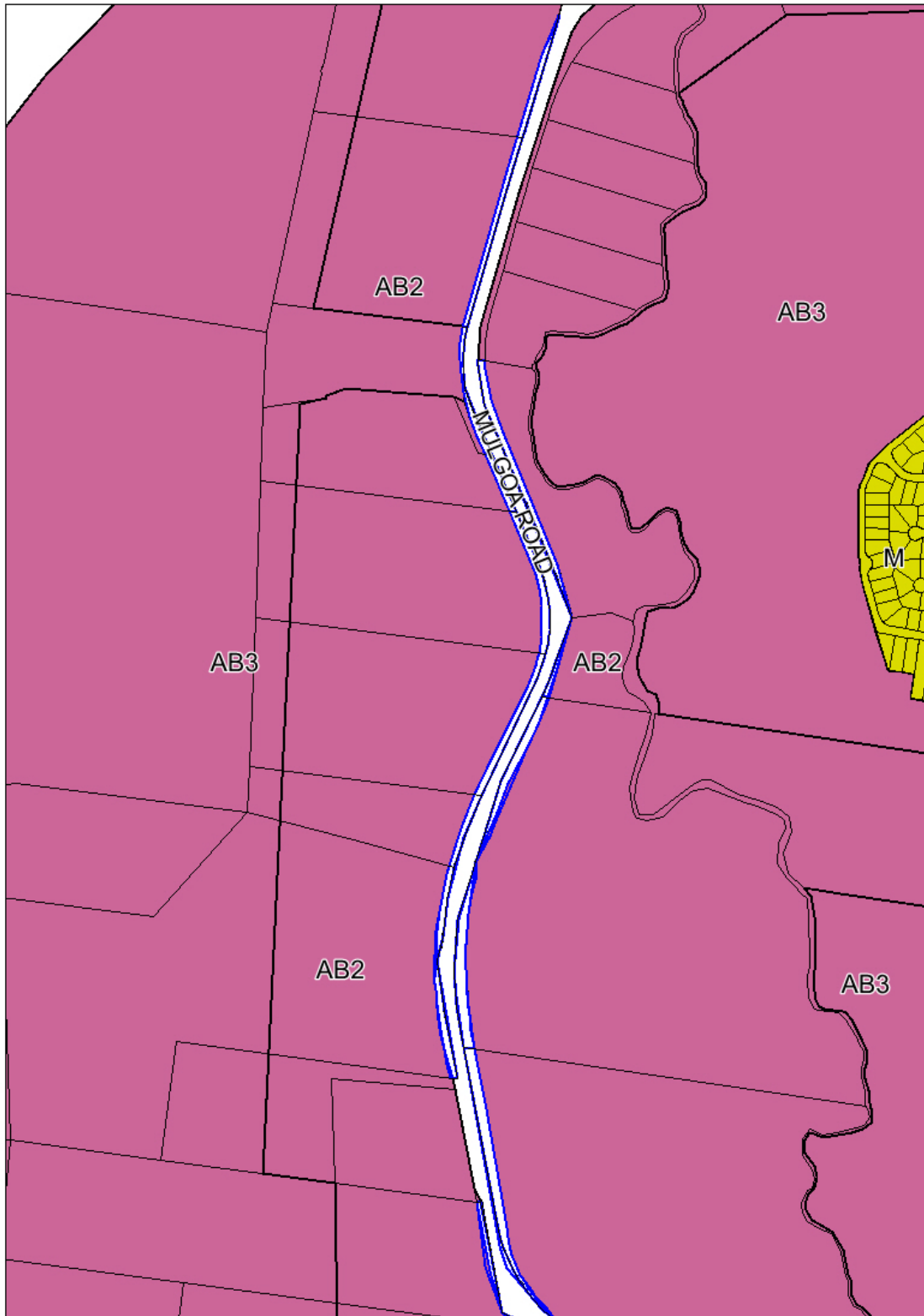
Current Zoning – E2 Environmental Conservation & E3 Environmental Management (no change to LRA map)



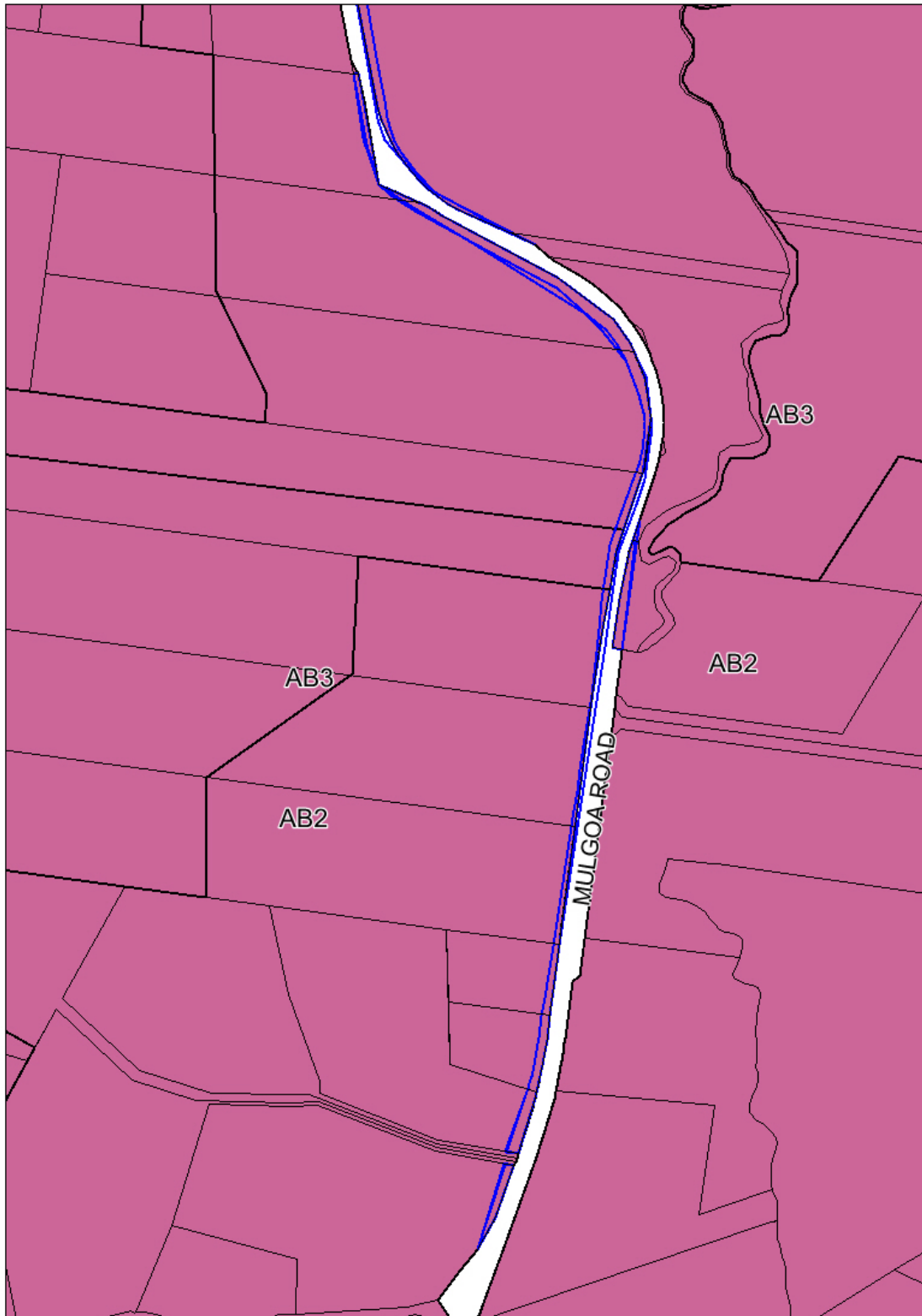
Proposed Zoning – SP2 Infrastructure Classified Road



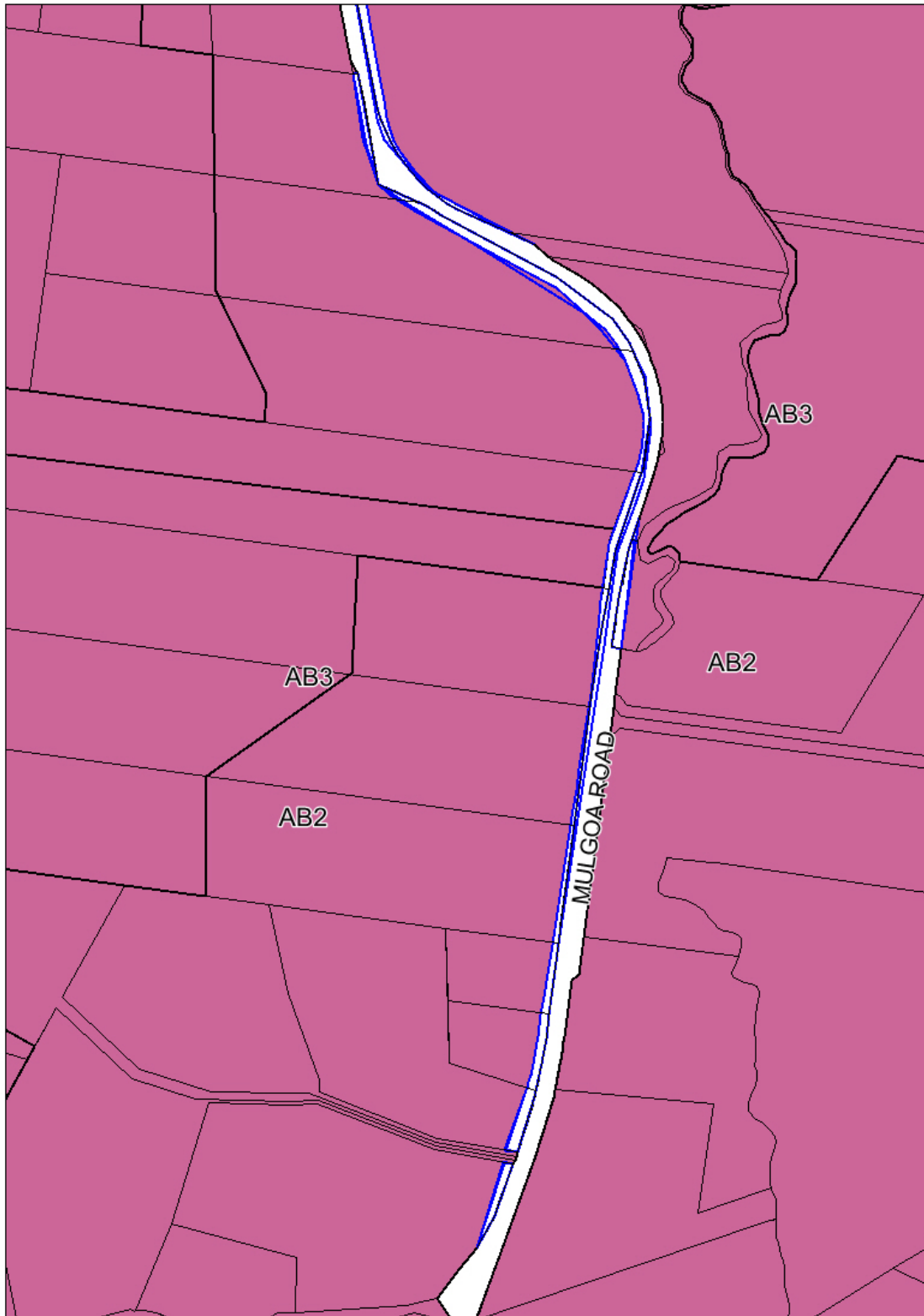
Current Lot Size – 20Ha (no change to LRA map)



Proposed Lot Size - nil

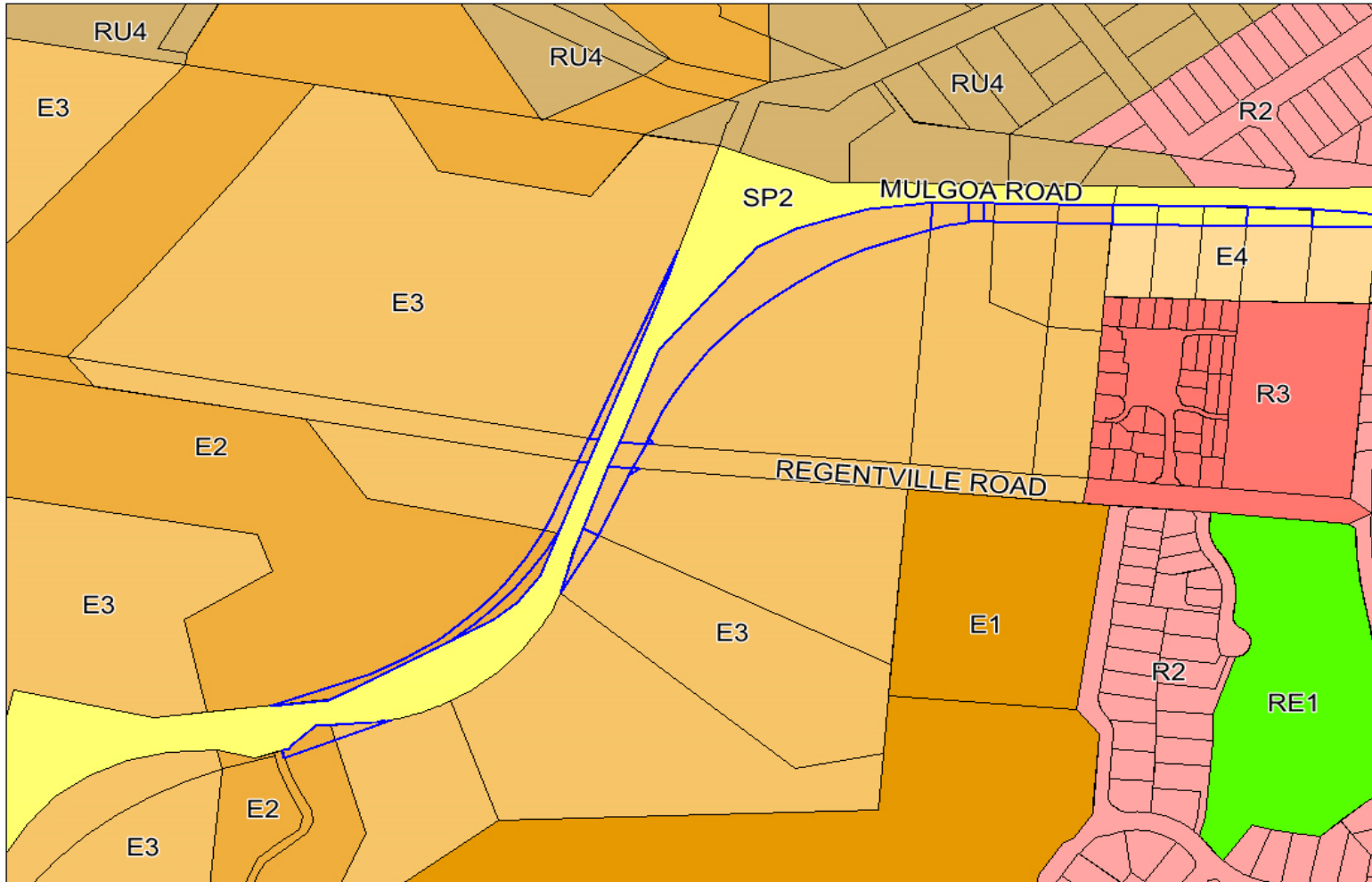


Current Lot Size – 20Ha (no change to LRA map)

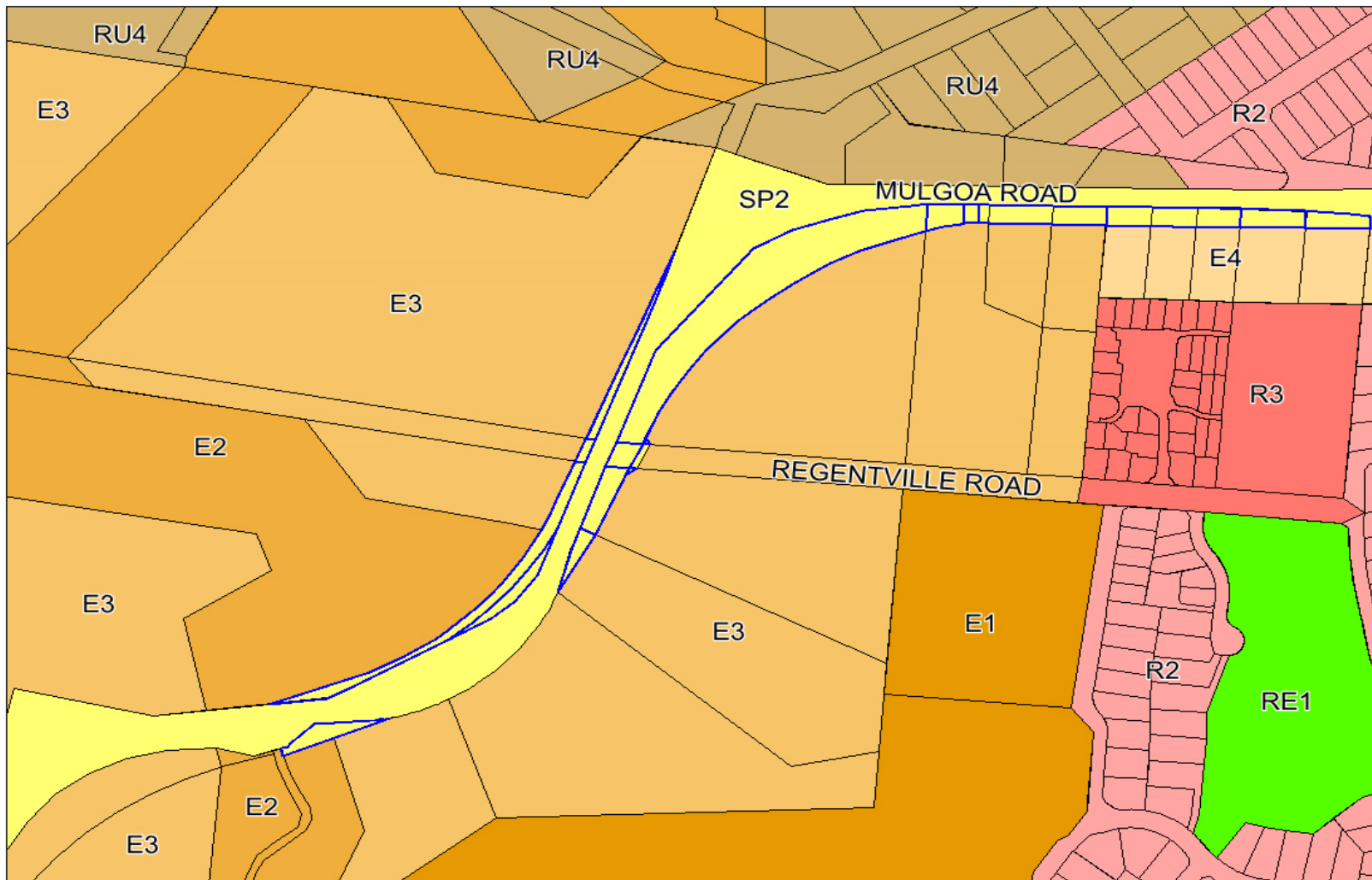


Proposed Lot Size - nil

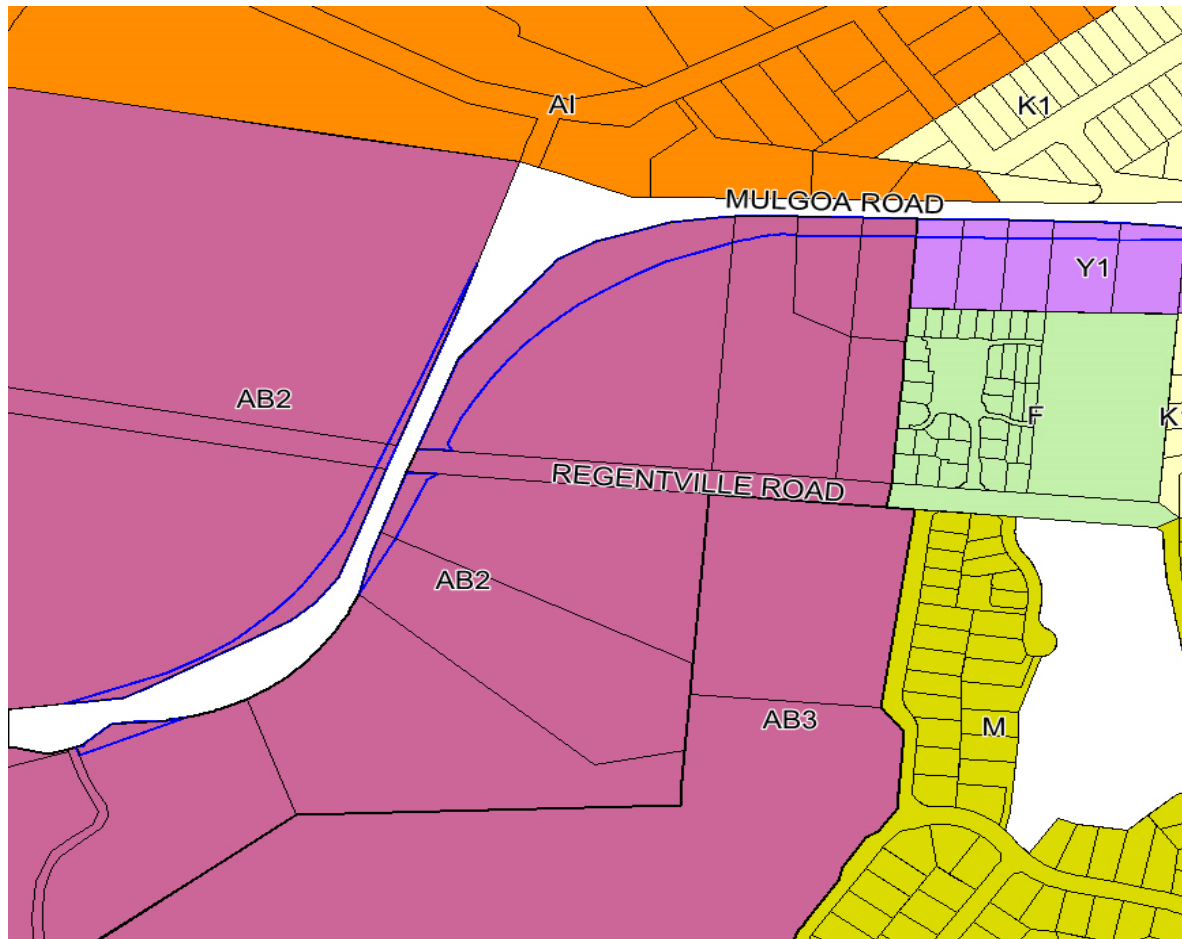
Mulgoa Road, Glenmore Park



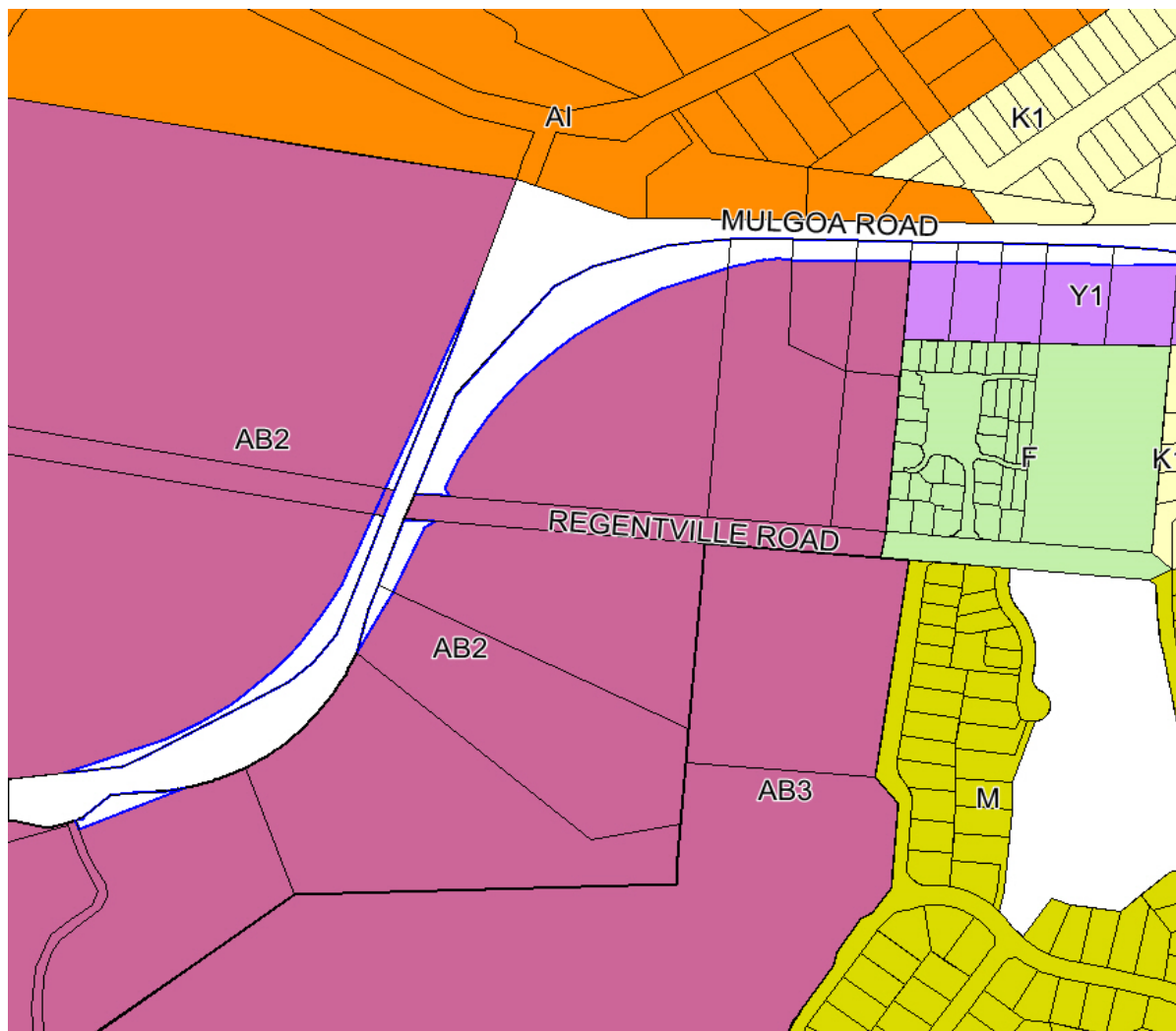
Current Zoning – E2 Environmental Conservation and E3 Environmental Management (no change to LRA map)



Current Zoning – SP2 Infrastructure Classified Road



Current Lot Size – 20Ha and 1Ha (no change to LRA map)



Proposed Lot Size - nil

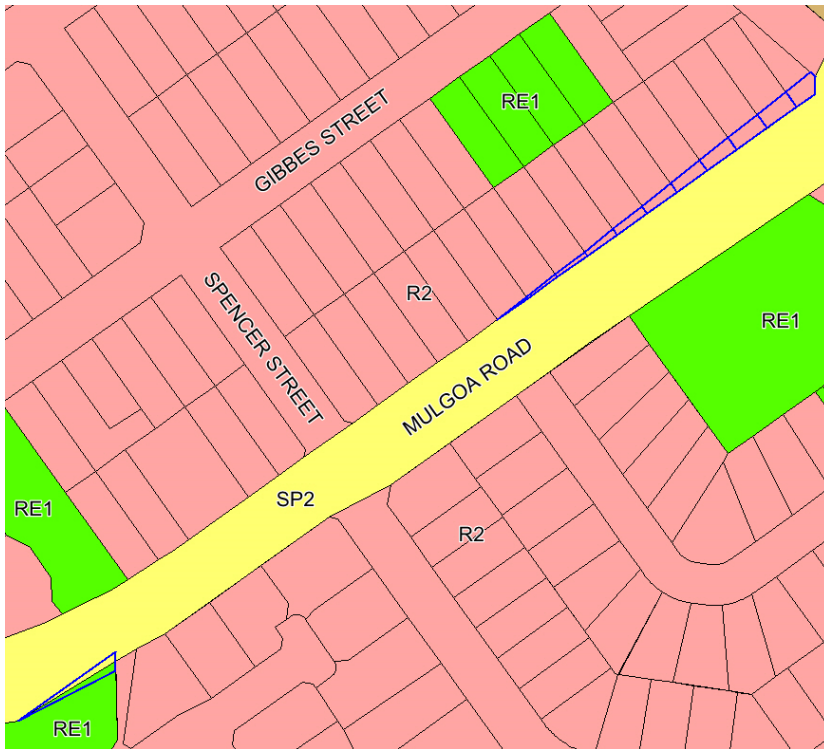
Mulgoa Road, Regentville



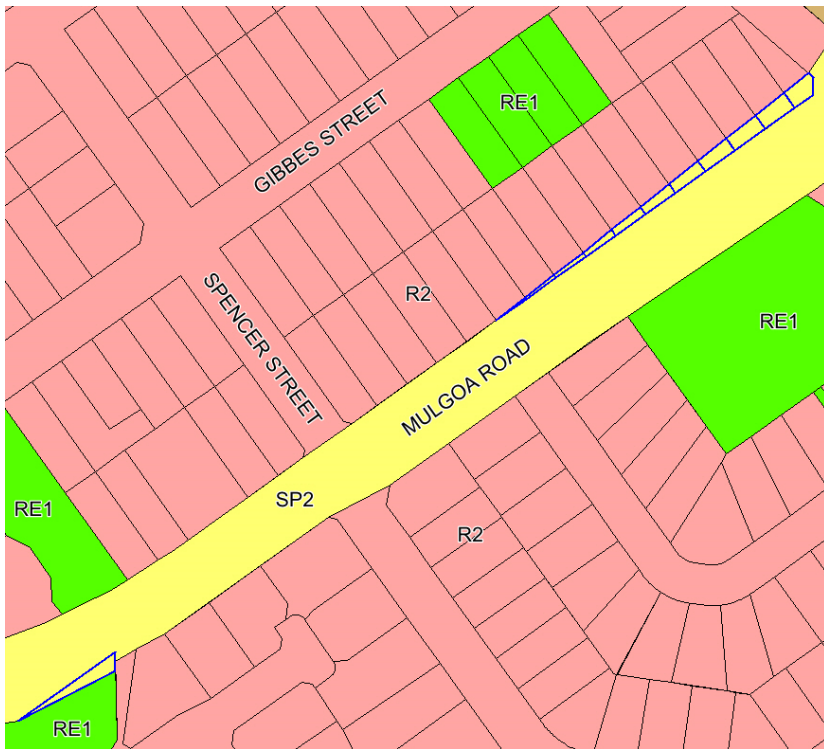
Current Land Reservation



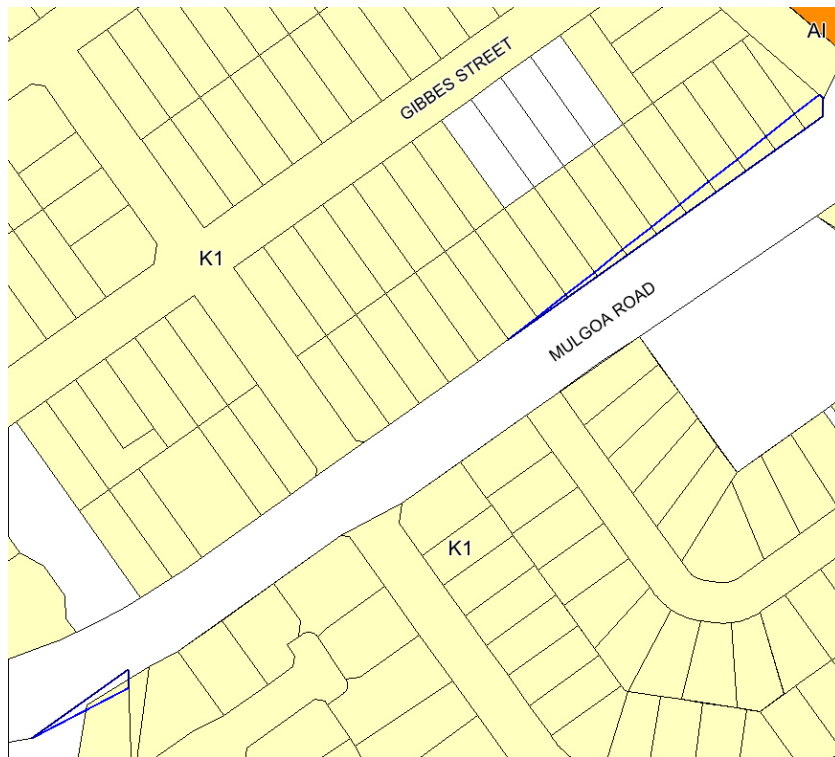
Proposed Land Reservation



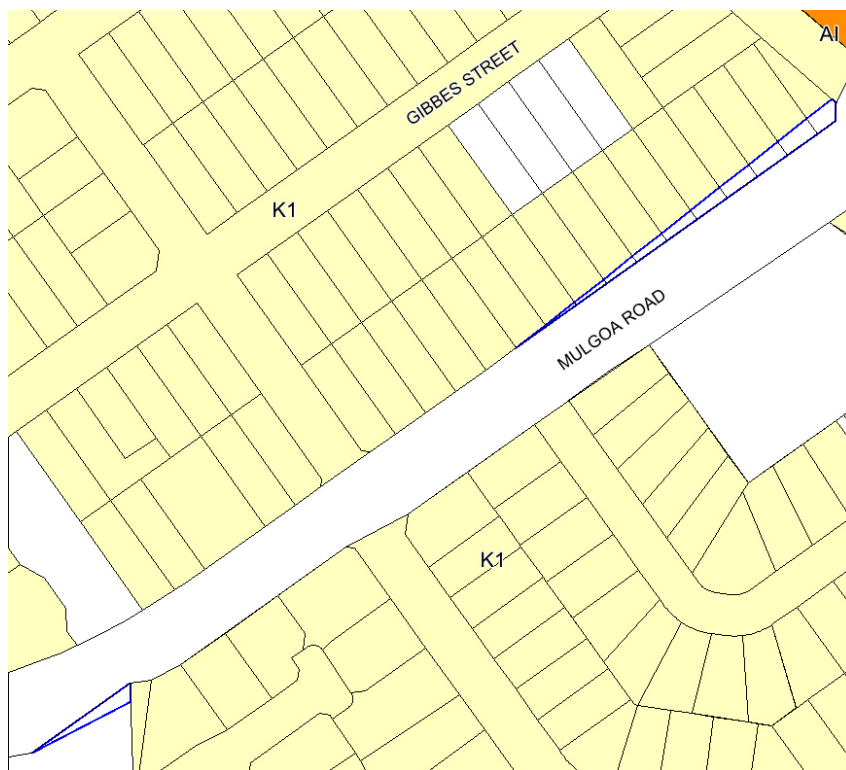
Current Zoning – R2 Low Density Residential and RE1 Public Recreation



Proposed Zoning – SP2 Infrastructure Classified Road



Current Lot Size – 550m2



Proposed Lot Size – nil



Current Building Height – 8.5m



Proposed Building Height - nil

Mulgoa Road, Mulgoa Village



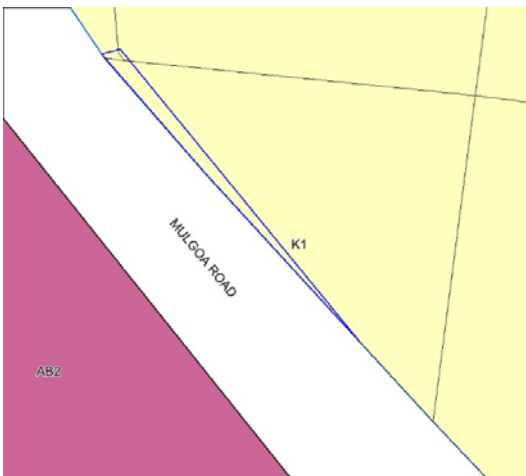
Current Land Reservation for Acquisition (for reference only - no change to LRA map)



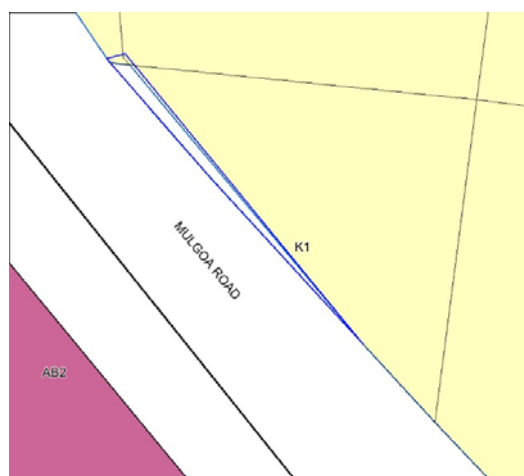
Current Zoning – RU5 Village



Proposed Zoning – SP2 Infrastructure
Classified Road



Current Lot Size – 550m2

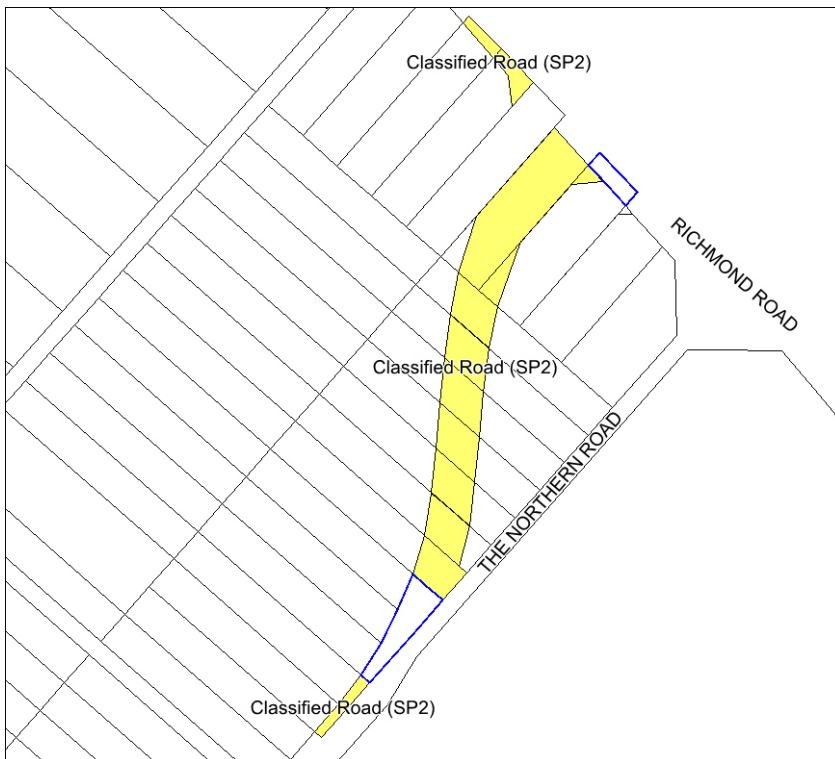


Proposed Lot Size - nil

Future road corridor, Llandilo

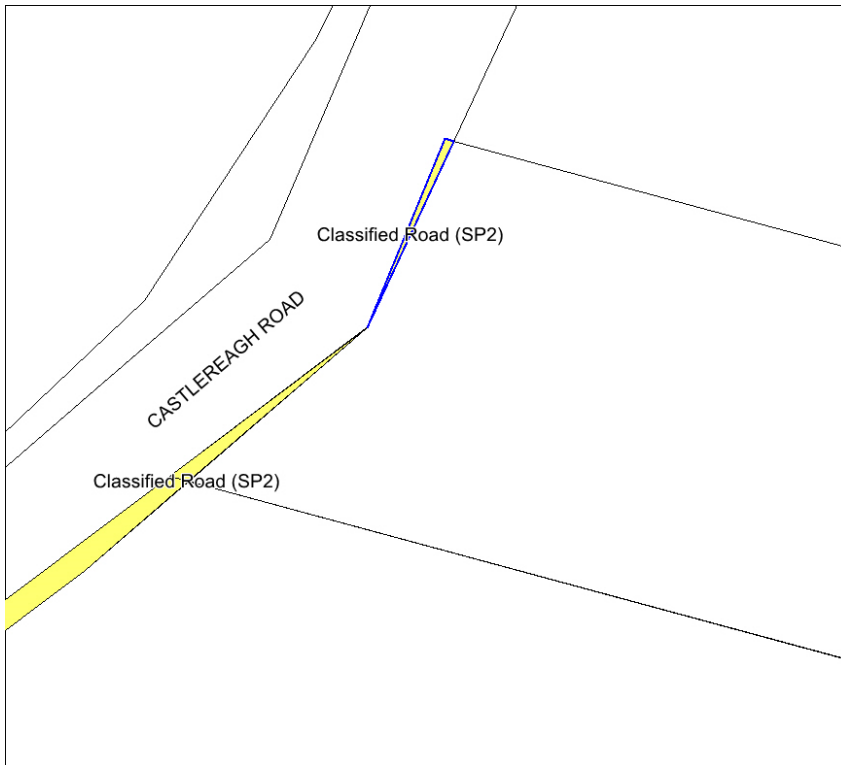


Current Land Reservation

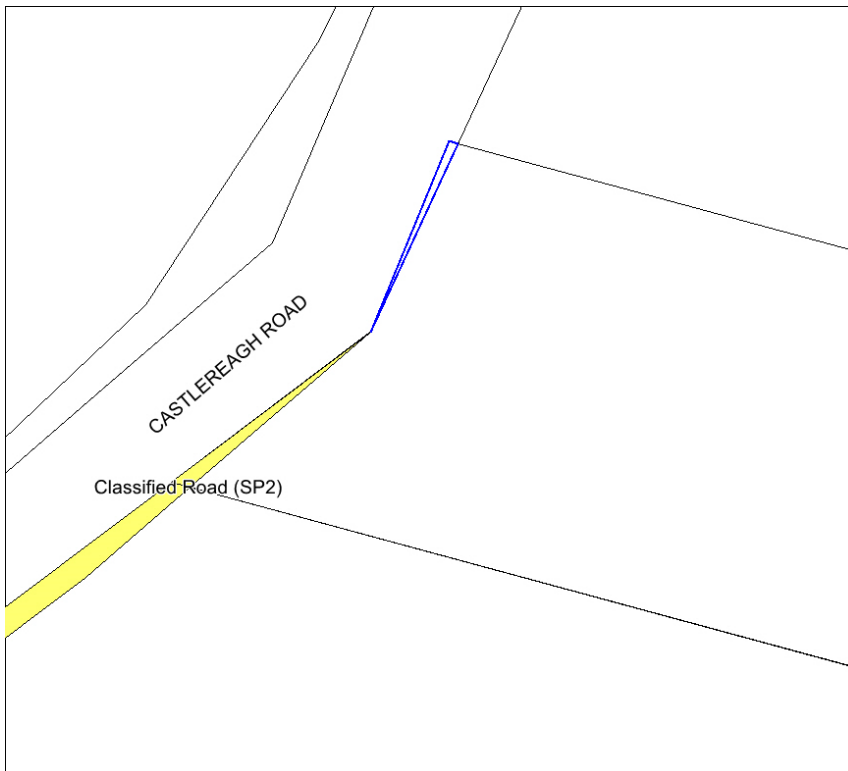


Proposed Land Reservation

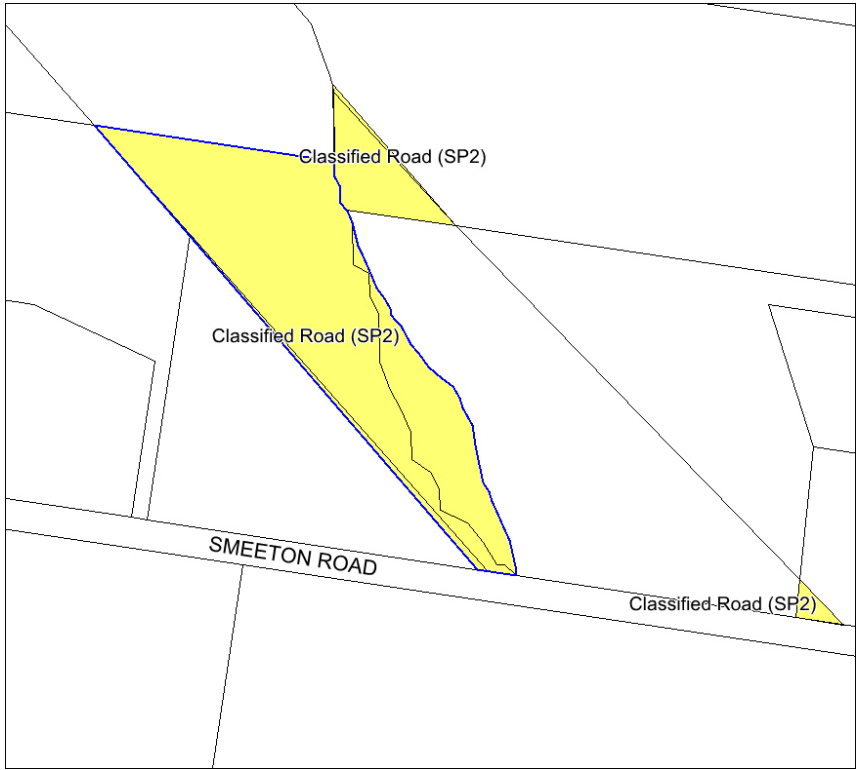
Castlereagh Road, Agnes Banks



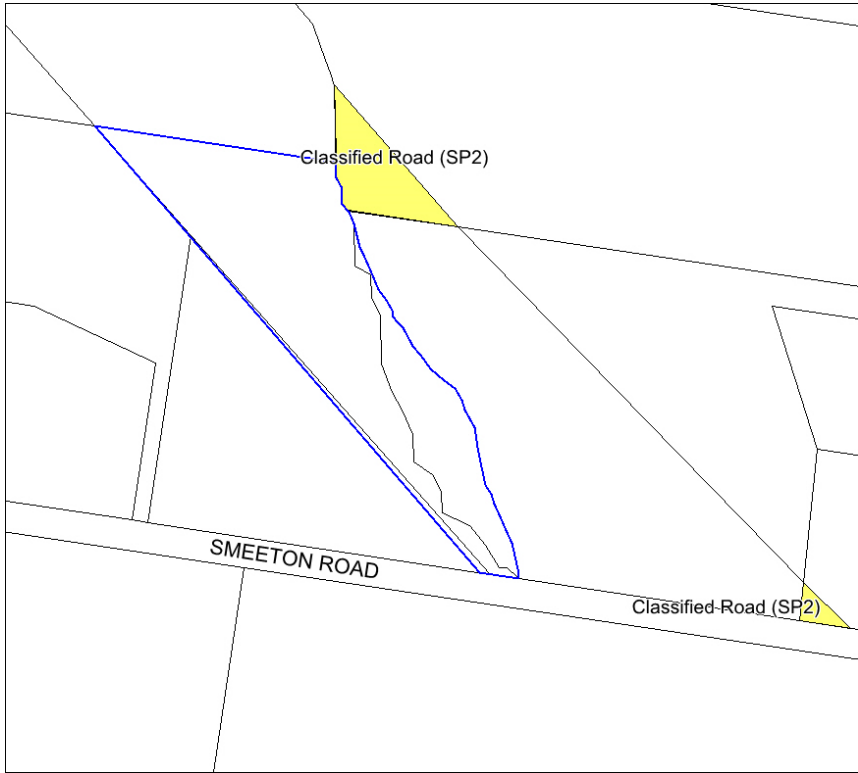
Current Land Reservation



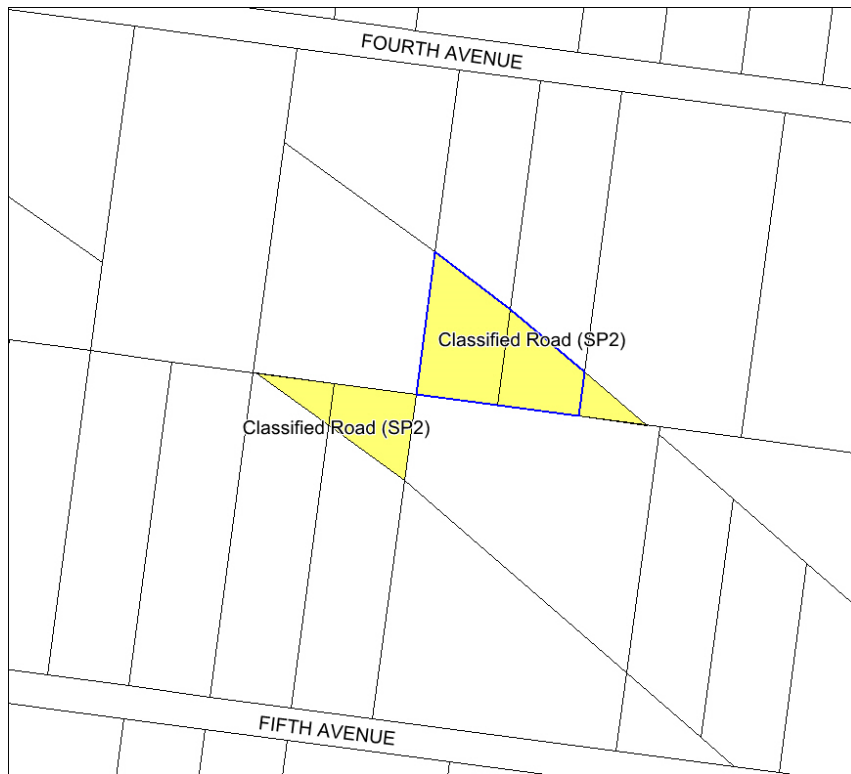
Proposed Land Reservation



Current Land Reservation



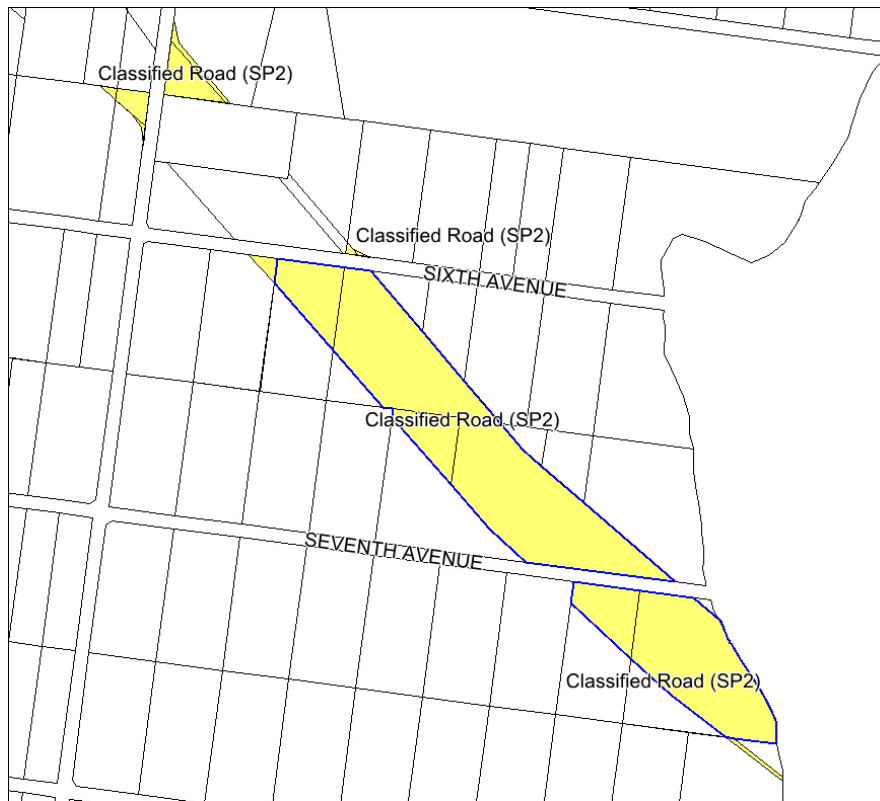
Proposed Land Reservation



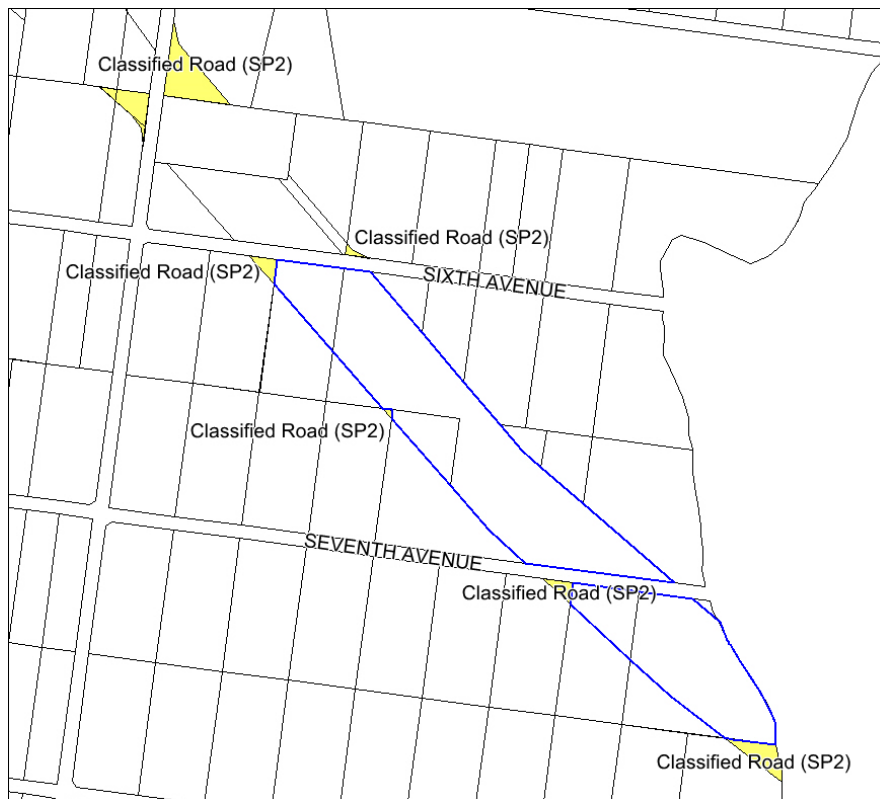
Current Land Reservation



Proposed Land Reservation



Current Land Reservation



Proposed Land Reservation



Current Land Reservation



Proposed Land Reservation



Current Land Reservation



Proposed Land Reservation



Current Land Reservation

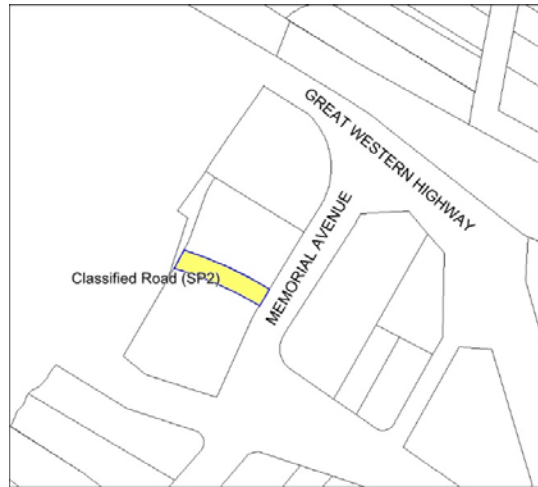


Proposed Land Reservation

Green Bridge, Nepean River



Current Land Reservation



Proposed Land Reservation



Current Zoning – SP3 Tourist



**Proposed Zoning – SP2 Infrastructure
Classified Road**

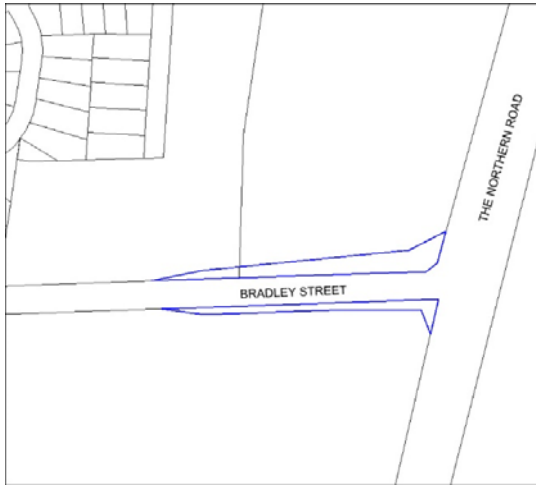


Current Building Height – 12m

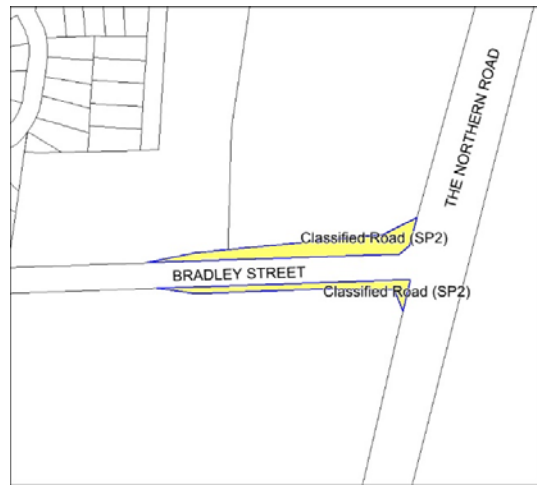


Proposed Building Height – nil

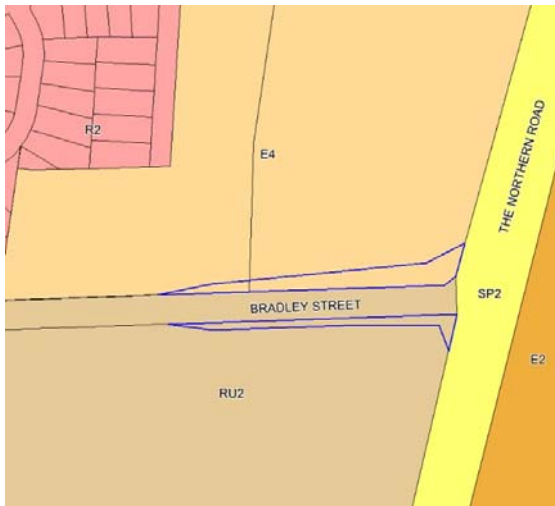
Bradley St, Glenmore Park



Current Land Reservation



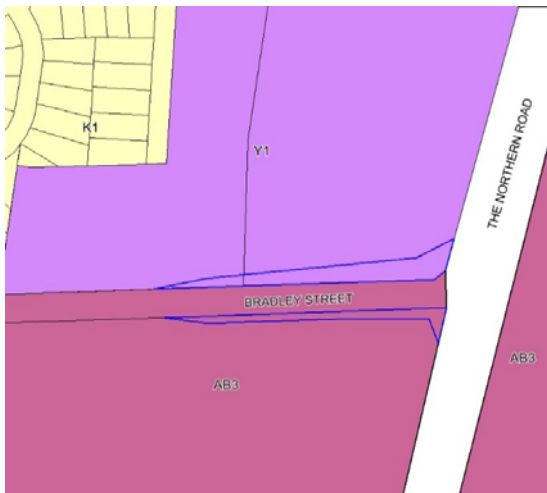
Proposed Land Reservation



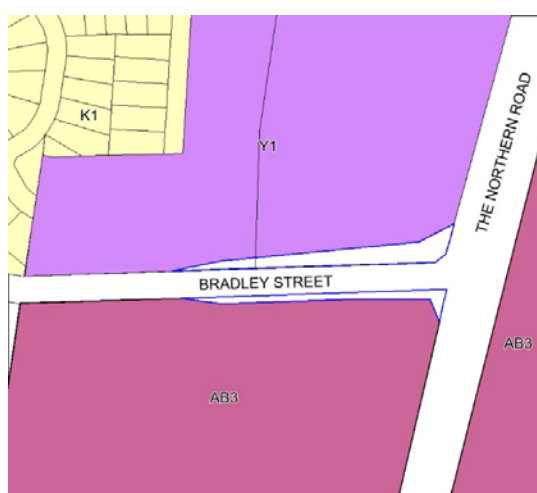
Current Zoning – E4 and RU2



Proposed Zoning – SP2 Infrastructure



Current Lot Size – 1Ha & 40Ha



Proposed Lot Size - nil

2 Park Road, Wallacia (Part SP 30514)



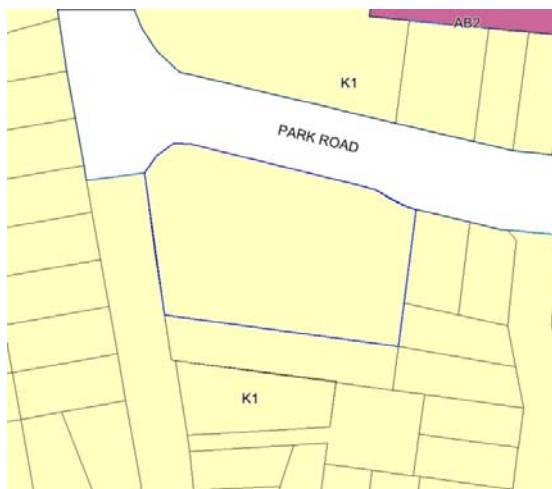
Current Land Reservation



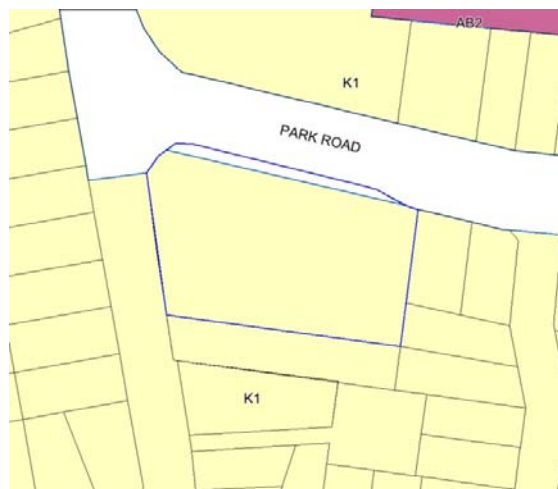
Current Zoning – RU5 Village



**Proposed Zoning – SP2 Infrastructure
Classified Road**



Current Lot Size – 550m2



Proposed Lot Size - nil

10. MACADAMIA COURT RESERVE, CADDENS

This item proposes to:

- amend Land Zoning map (LZN_013) to rezone the subject land from RE1 Public Recreation to R2 Low Density Residential
- amend the Land Zoning map (LZN_013) to zone the subject land from unzoned to RU4 Primary Production Small Lots
- amend the Height of Buildings map (HOB_013) to reduce the maximum building height for the subject land from 9m to nil
- amend the Floor Space Ratio map (FSR_013) to reduce the maximum floor space ratio from 0.5:1 to nil



Current Zoning - various



Proposed Zoning - various



Current floor space



Proposed floor space



Current Building Height



Proposed Building Height

Macadamia Court Reserve is part of a new release area for Caddens which is currently being released for development. New cadastre data identifies that the Land Zoning, Height of Buildings and Floor Space Ratio maps are inconsistent with the cadastre. This item proposes to rectify these errors.

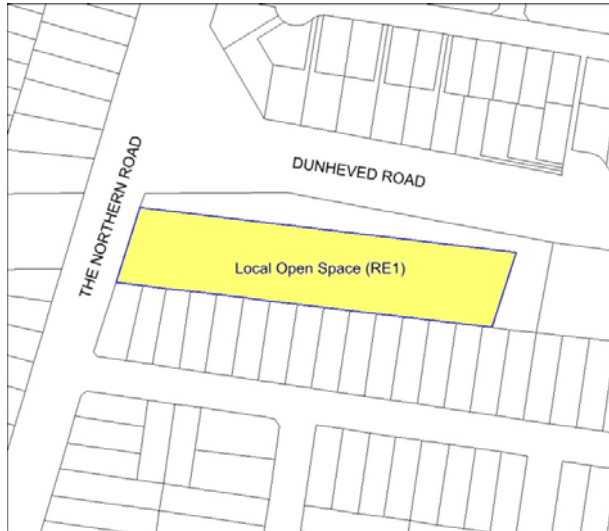
The affected lots are:

- 11 Macadamia Court Lot 24 DP 1194171
- 6 Burrawang Close Lot 35 DP 1194171
- 21 Burrawang Close Lot 45 DP 1194171

11. 172 RICHMOND ROAD, CAMBRIDGE PARK (PART LOT 10 DP 1012014)

This item proposes to:

- a) amend the Land Zoning map (LZN_012) to rezone the subject land from SP2 Infrastructure (Classified Road) to RE1 Public Recreation.



Current Land Reservation



**Current Zoning – RE1 Public Recreation
& SP2 Infrastructure Classified Road**



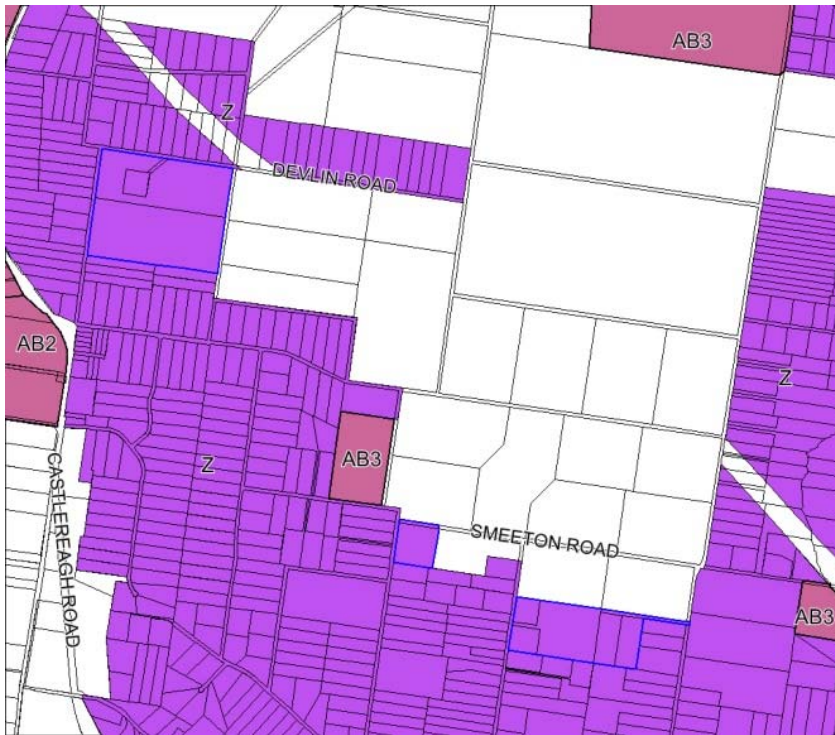
Proposed Zoning – RE1 Public Recreation

The subject lot is identified on the Land Reservation Acquisition map for acquisition by Council for the purposes of Local Open Space. A small portion of the site is incorrectly zoned the adjacent SP2 Infrastructure (Classified Road) zone and should be zoned RE1 Public Recreation to reflect the use.

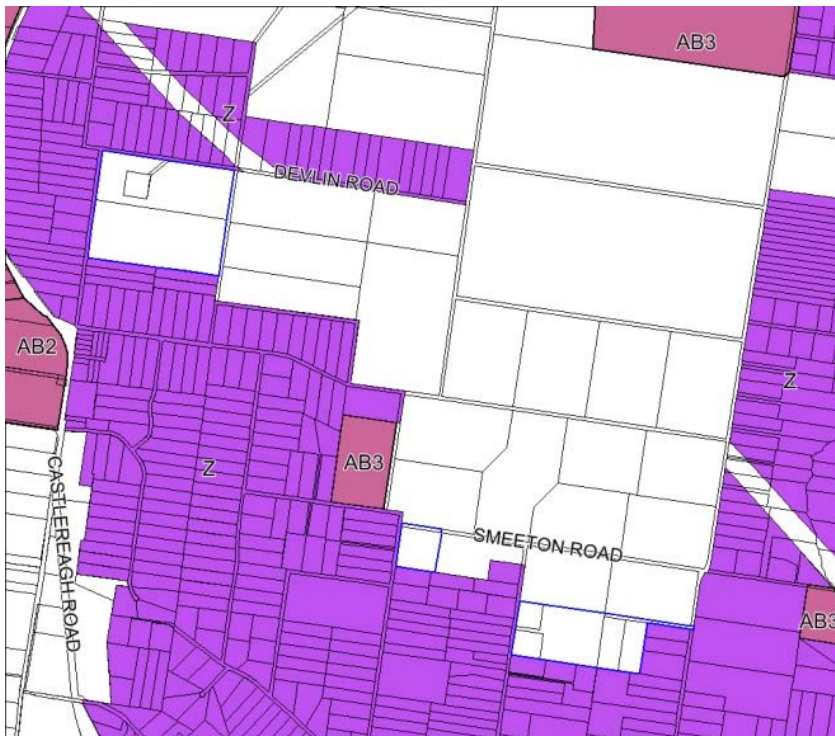
12. DEFERRED MATTER, CASTLEREAGH AND CRANEBROOK

This item proposes to:

- a) amend the Lot Size map (LSZ_004 and LSZ_011) to reduce the minimum lot size for the subject land from 20,000m² to nil



Current Lot Size – 2Ha



Proposed Lot Size - nil

The subject land is part of the area currently identified as Deferred Matter within Cranebrook, Castlereagh and Londonderry. The subject land has a minimum lot size of 2Ha.

As the subject land is located within an area identified as a Deferred Matter and no minimum lot size controls should apply, it is proposed to remove these controls.

The subject land for this item includes the following:

Address	Property description	Proposed amendment
28-60 Post Office Road, Castlereagh	Lot 197 DP 752021 Lot 7004 DP 93258 Lot 195 DP 752021	Amend the minimum lot size from 2Ha to nil
1 Tadmore Road, Cranebrook	Part Lot 220 DP 752021	
2-36 Tadmore Road, Cranebrook	Lot 354 DP 752021 Lot 229 DP 752021 Lot 347 DP 752021	
52 Tadmore Road, Cranebrook	Lot 355 DP 752021	
33a Taylor Road, Cranebrook	Lot 346 DP 752021	

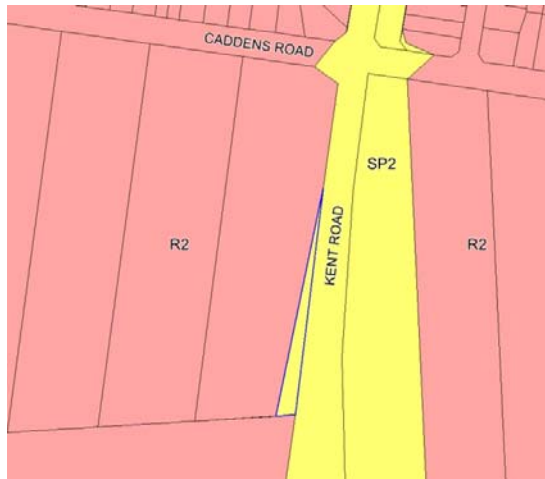
13. KENT ROAD, CLAREMONT MEADOWS

This item proposes to:

- amend the Land Zoning map (LZN_013) to rezone the subject land from R2 Low Density Residential to SP2 Infrastructure (Classified Road)
- amend the Lot Size map (LSZ_013) to reduce the minimum lot size for the subject land from 550m² to nil
- amend the Height of Buildings map (HOB_013) to reduce the maximum building height for the subject land from 8.5m to nil



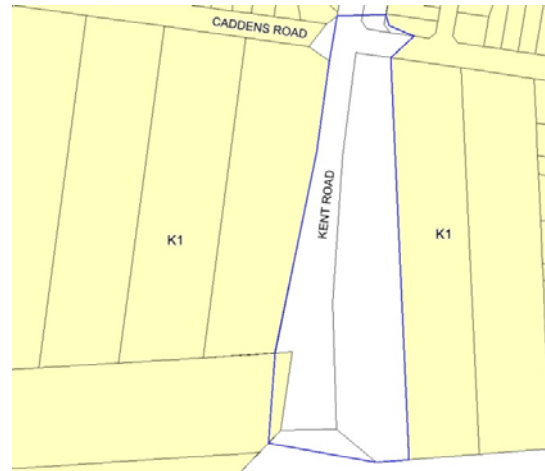
Current Zoning – R2 Low Density Residential



Proposed Zoning – SP2 Infrastructure (Classified Road)



Current Lot Size – 550m²



Proposed Lot Size – nil



Current Building Height – 8.5m



Proposed Building Height – nil

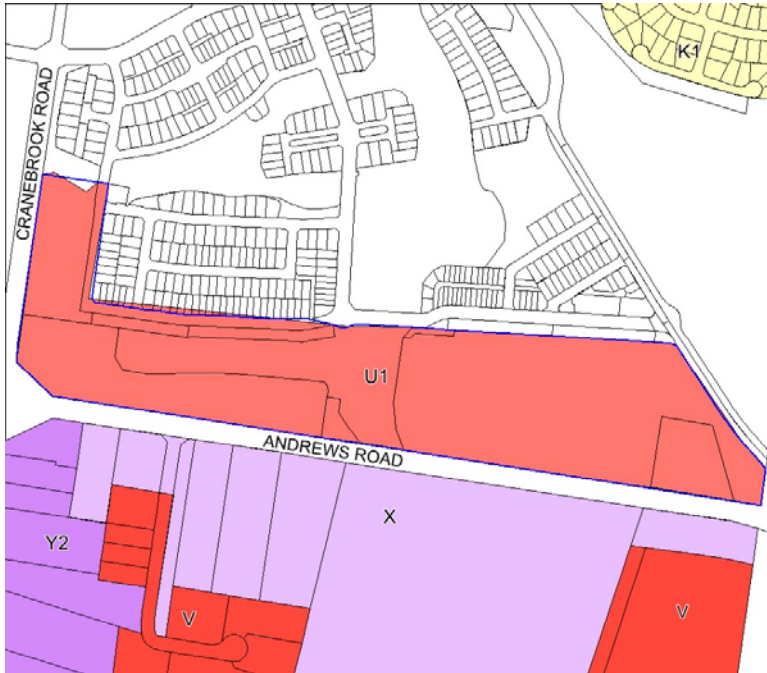
It is proposed to rezone a portion of Kent Road from R2 Low Density Residential to SP2 Infrastructure (Classified Road), a classified road. As the current LEP map has an incorrect cadastre, the proposed zoning amendment reflects the correct cadastre and road boundary.

Amendment to the Lot size and Height of Building maps propose to align these controls with the SP2 Infrastructure zone.

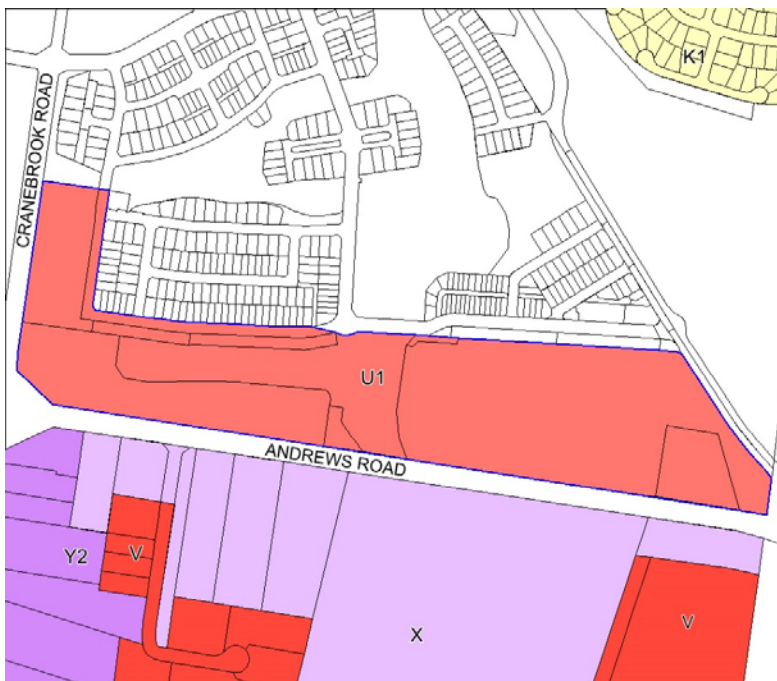
14. WATERSIDE, CRANEBROOK

This item proposes to:

- a) amend the Lot Size map (LSZ_005) to reduce the minimum lot size for the subject land from 1000m² to nil, and
- b) amend the Lot Size map (LSZ_012) to increase the minimum lot size for the subject land from nil to 1000m²



Current Lot Size



Proposed Lot Size

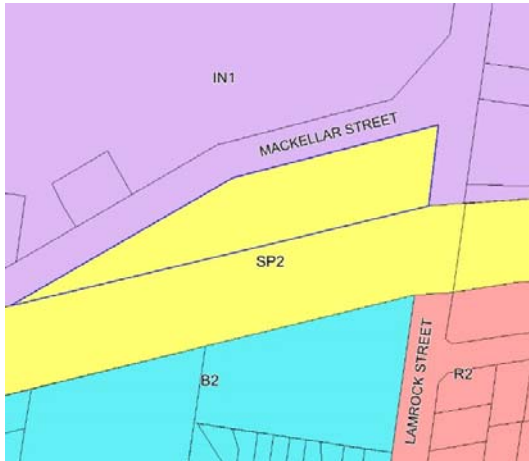
This item proposes minor boundary adjustments to ensure consistency with lot size controls and the cadastre. The proposed changes will also ensure lot size controls reflect the relevant zoning for the site.

Address	Property description	Proposed amendment
74 Gannet Drive, Cranebrook	Lot 78 DP 286343	1000m2 to nil
72 Gannet Drive, Cranebrook	Lot 79 DP 286343	
70 Gannet Drive, Cranebrook	Lot 80 DP 286343	
68 Gannet Drive, Cranebrook	Lot 81 DP 286343	
66 Gannet Drive, Cranebrook	Lot 82 DP 286343	
64 Gannet Drive, Cranebrook	Lot 83 DP 286343	
62 Gannet Drive, Cranebrook	Lot 84 DP 286343	
60 Gannet Drive, Cranebrook	Lot 85 DP 286343	
58 Gannet Drive, Cranebrook	Lot 86 DP 286343	
56 Gannet Drive, Cranebrook	Lot 87 DP 286343	
54 Gannet Drive, Cranebrook	Lot 88 DP 286343	
52 Gannet Drive, Cranebrook	Lot 89 DP 286343	
50 Gannet Drive, Cranebrook	Lot 90 DP 286343	
48 Gannet Drive, Cranebrook	Lot 91 DP 286343	
46 Gannet Drive, Cranebrook	Lot 92 DP 286343	
44 Gannet Drive, Cranebrook	Lot 93 DP 286343	
42 Gannet Drive, Cranebrook	Lot 94 DP 286343	
30 Gannet Drive, Cranebrook	Lot 110 DP 286343	
32 Gannet Drive, Cranebrook	Lot 111 DP 286343	
34 Gannet Drive, Cranebrook	Lot 112 DP 286343	
36 Gannet Drive, Cranebrook	Lot 113 DP 286343	
38 Gannet Drive, Cranebrook	Lot 114 DP 286343	
13 Pipet Way, Cranebrook	Lot 115 DP 286343	
N/A	Lot 51 DP 270488	Nil to 1000m2

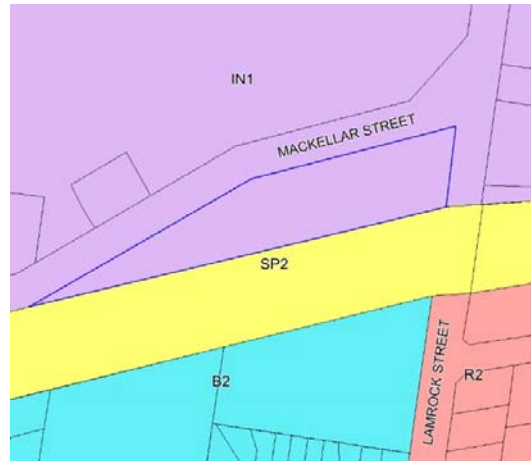
15. RAILWAY CORRIDOR, EMU PLAINS (PART LOT 1 DP 1133099)

This item proposes to:

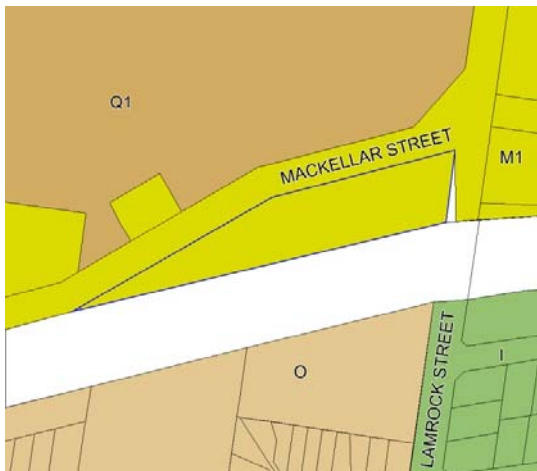
- amend the Land Zoning map (LZN_005) to rezone the subject land from SP2 Infrastructure to IN1 General Industrial
- amend the Height of Buildings map (HOB_005) to align the maximum building height for the subject land to lot boundary from nil to 12m.



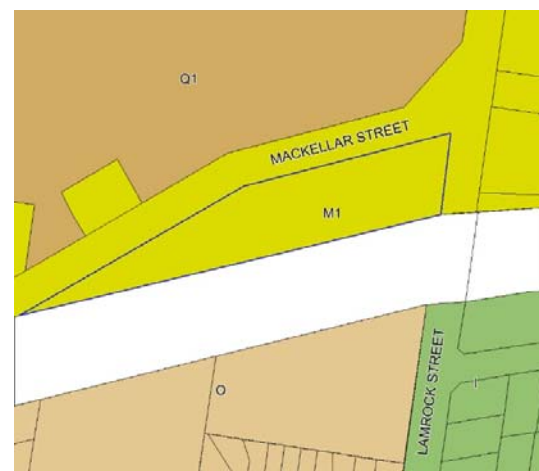
Current Zoning – SP2 Infrastructure



Proposed Zoning – IN1 General Industrial



Current Building Height – 12m



Proposed Building Height - nil

The site forms part of the railway corridor and is currently zoned SP2 Infrastructure (Railway). During Stage 2 of the Penrith LEP 2010, Railcorp considered the land surplus to their requirements and suitable for divestment and requested the land be rezoned to IN1 General Industrial.

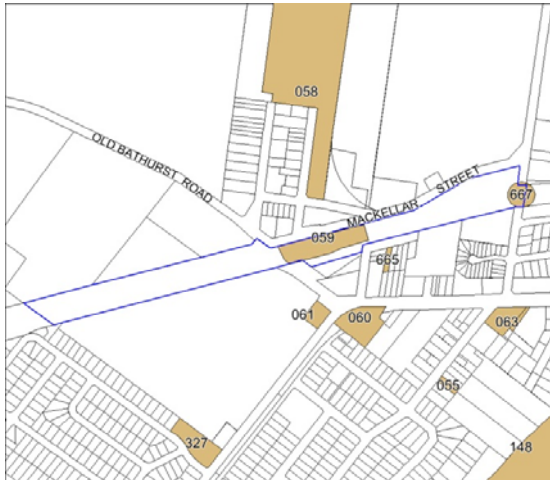
The land was publicly exhibited with the proposed change, however a mapping error occurred during the finalisation of the LEP maps and the rezoning was inadvertently not reflected in the final LEP map.

An amendment is proposed to the Height of Buildings map to correctly align the existing height controls to the cadastre.

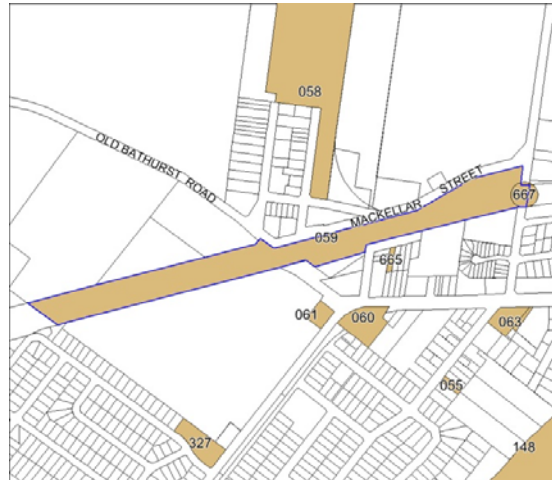
16. EMU PLAINS RAILWAY STATION

This item proposes to:

- a) amend the Heritage map (HER_005) to more accurately reflect the location of Heritage Item 59 Emu Plains Railway Station



Current Heritage



Proposed Heritage

There are three State listed railway stations within the Penrith LEP 2010 including Emu Plains, St Marys and Penrith. For St Marys and Penrith, these stations are mapped as the entire lot on the Heritage map. For Emu Plains, only the platform is mapped.

To ensure consistency with the other State heritage listed items, it is proposed to extend the heritage listing of Emu Plains Railway Station to the entire lot.

17. 5 BYRNE WAY, GLENMORE PARK (LOT 44 DP 840788)

This item proposes to:

- a) amend the Land Zoning map (LZN_006) to rezone the subject land from E3 Environmental Management to R2 Low Density Residential



Current Zoning – E3 Environmental Management



Proposed Zoning – R2 Low Density Residential

5 Byrne Way was rezoned from E3 Environmental Management to R2 Low Density Residential as part of the Penrith LEP 2010 Stage 2 gazettal, however by error, this change has not been reflected in the maps.

The E3 Environmental Management zone was considered negligible due to limited vegetation covering the site. The proposed R2 Low Density Residential zone is consistent with the surrounding area and more accurately reflects the existing residential use.

18. LLANDILO PUBLIC SCHOOL, LLANDILO

This item proposes to:

- a) amend the Heritage map (HER_012) to move heritage item 841 from Lot 221 DP 2147 to Lot 222 DP 2147



Current Heritage



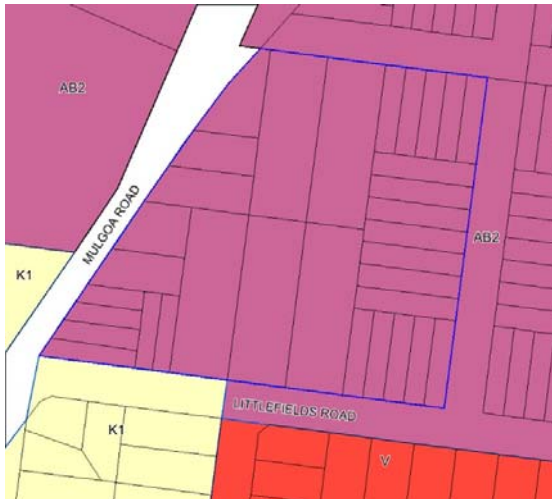
Proposed Heritage

Heritage item 841 refers to the Llandilo Public School. Schedule 5 of the Penrith LEP 2010 lists the item correctly as Lot 222 DP 2147. The Heritage map currently identifies the heritage item as being on Lot 221 DP 2147, which is incorrect. The heritage map is proposed to be amended to correctly identify the heritage item on Lot 222.

19. MULGOA PARK, MULGOA

This item proposes to:

- a) amend the Lot Size map (LSZ_007) to reduce the Minimum Lot Size for the subject land from 20Ha to nil.



Current Lot Size – 20Ha



Proposed Lot Size - nil

The subject land is Mulgoa Park and is zoned RE1 Public Recreation which reflects the use of the land as a local park. The subject land has incorrectly had Lot Size provisions applied and it is proposed to remove the current provisions so that no minimum lot size controls apply to Mulgoa Park.

20. 2 HENRY STREET, PENRITH

This item proposes to:

- amend the Land Zoning map (LZN_013) to rezone the subject land from B4 Mixed Use to RE1 Public Recreation
- amend the Floor Space Ratio map (FSR_013) to reduce the floor space ratio for the subject land from 10.5:1 to nil.



Current Zoning – B4 Mixed Use



Proposed Zoning – RE1 Public Recreation



Current floor space - 3.5:1



Proposed floor space - nil

This item proposes to rectify anomalies for Lawler Park at 2 Henry Street, Penrith which inadvertently occurred during the gazettal of Penrith LEP 2010 Stage 2. A portion of the site has been incorrectly zoned B4 Mixed Use and should be RE1 Public Recreation to reflect the land as public open space.

In addition, the entire Lawler Park site has also incorrectly had floor space provisions identified on the Floor Space Ratio map, with a floor space ratio of 10.5:1. This error and is proposed to be removed so that no floor space provisions apply to the public recreation land.

21. 57 MULGOA ROAD, PENRITH (LOT 2 DP 827455)

This item proposes to:

- amend the Additional Permitted Uses map (APU_006) to remove the site from having an additional permitted use
- amend the Height of Buildings map (HOB_006) to reduce the maximum building height for the subject land from 24m to 12m
- amend the Land Zoning map (LZN_006) to rezone the subject land from SP3 Tourist to R4 High Density Residential
- amend the Floor Space Ratio map (FSR_006) to reduce the maximum floor space ratio for the subject land from 1:1 to nil



Current APU



Proposed APU – no additional permitted use



Current Building Height – 12m and 24m



Proposed Building Height – 12m



Current Zoning – R4 High Density Residential & SP3 Tourist



Proposed Zoning – R4 High Density Residential

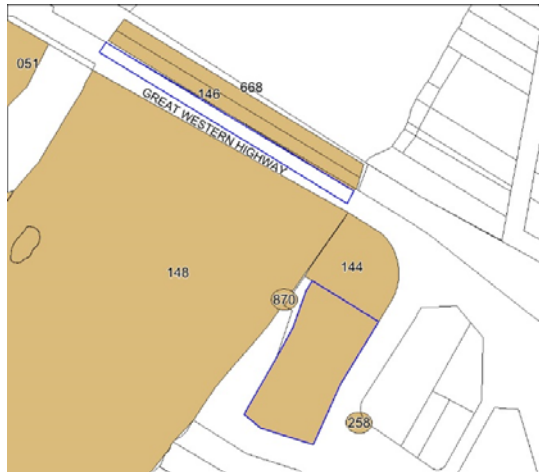
This item proposes to amend a series of map sheets for 57 Mulgoa Road, Penrith to reflect the cadastre. A portion of the subject site contains the adjoining property's development standards, resulting in split zones and other development standards across the subject site.

This item proposes to amend the various maps sheets to provide consistent development standards across the subject land.

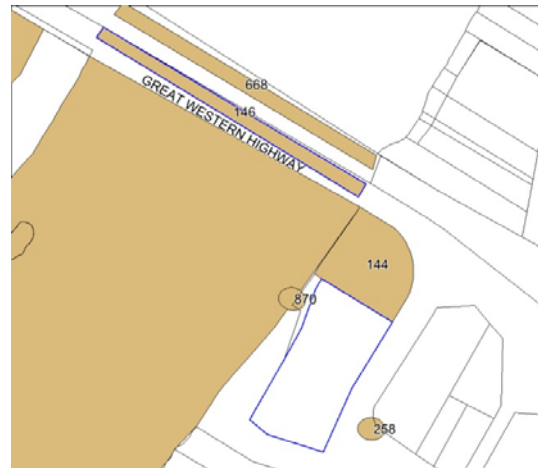
22. HERITAGE, PENRITH

This item proposes to:

- a) amend the Heritage map (HER_005) at Lot 1 Memorial Avenue to remove the subject land from being identified as heritage
- b) amend the Heritage map (HER_005) for item 146 (Victoria Bridge) to reflect the correct location



Current Heritage



Proposed Heritage

Lot 1 Memorial Avenue was proposed as a Heritage Item for a Log Cabin as part of Stage 2 of the Penrith LEP 2010. This item was removed from the Heritage Schedule during the final gazettal of the Penrith LEP 2010 Stage 2 after the building was destroyed in a fire. By error, the item is still currently reflected in the Heritage map (there is no item number identified for the subject land). An amendment is required to the Heritage map to remove the identification of the subject land as a heritage item.

An amendment is also proposed to item 146, Victoria Bridge, Great Western Highway, which crosses the Nepean River. As the current Heritage map incorrectly reflects the adjacent lot, it is proposed to amend the Heritage map to move the item to the correct location of the Victoria Bridge.

23. VARIOUS, PENRITH LAKES

This item proposes to:

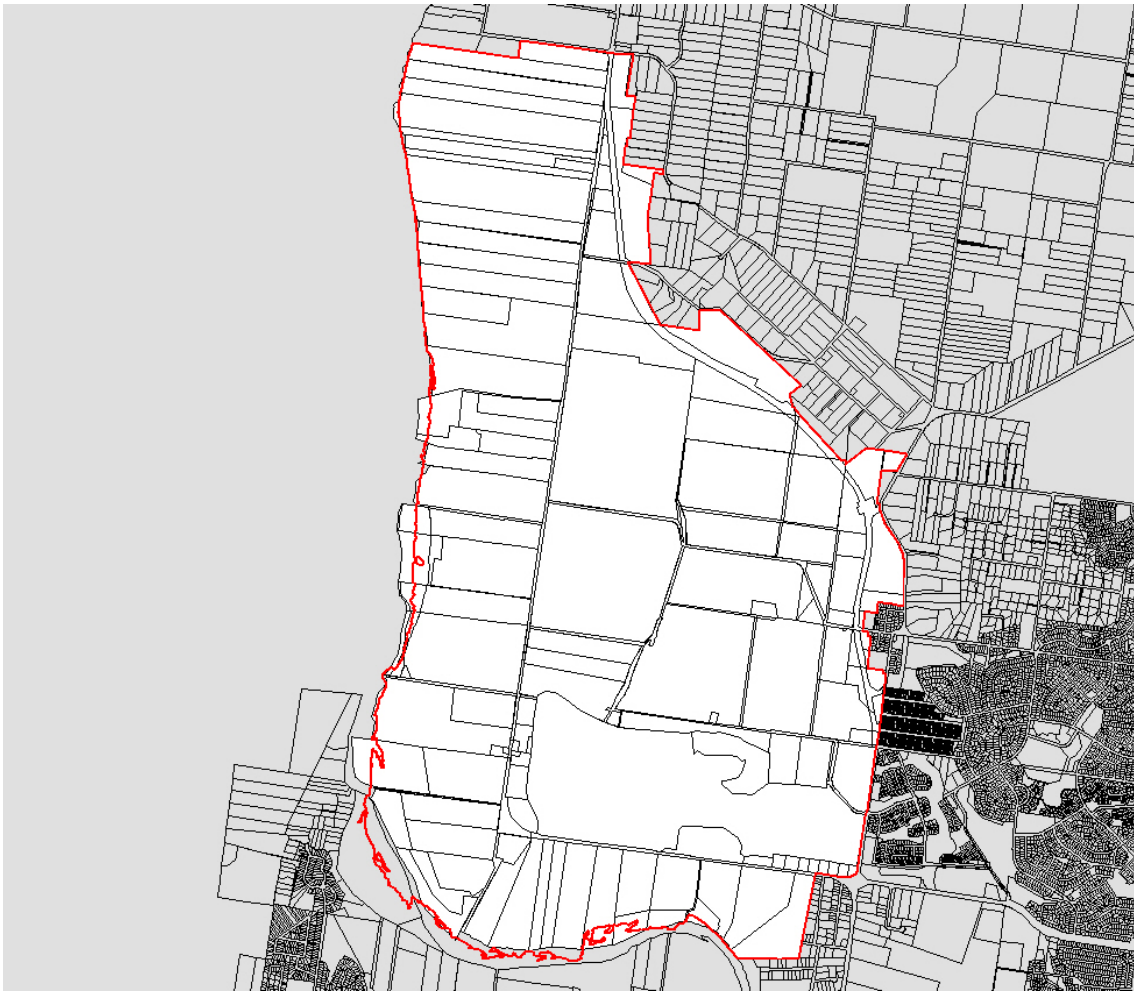
- a) amend the Land Application map (LAP_001) to amend the boundary of the Penrith Lakes Deferred Matter area to reflect SEPP (State and Regional Development) 2011
- b) amend the Land Zoning map (LZN_004 and LZN_005) to rezone the subject land from RU1 Primary Production to W1 Natural Waterways
- c) amend the Lot Size map (LSZ_004 and LSZ_005) to reduce the minimum lot size for the subject land from 20Ha to nil
- d) amend the Clause Application Map (CAP_001) to amend the Deferred Matter boundary for the Penrith Lakes area to reflect SEPP (State and Regional Development) 2011

The Penrith Lakes Deferred Matter boundary within the Penrith LEP 2010 was drawn separately to the Penrith Lakes area identified within SEPP (State and Regional Development) 2011. This has resulted in two different boundaries that should cover the same land. This item proposes to amend the Deferred Matter boundary to correctly reflect SEPP (State and Regional Development) 2011.

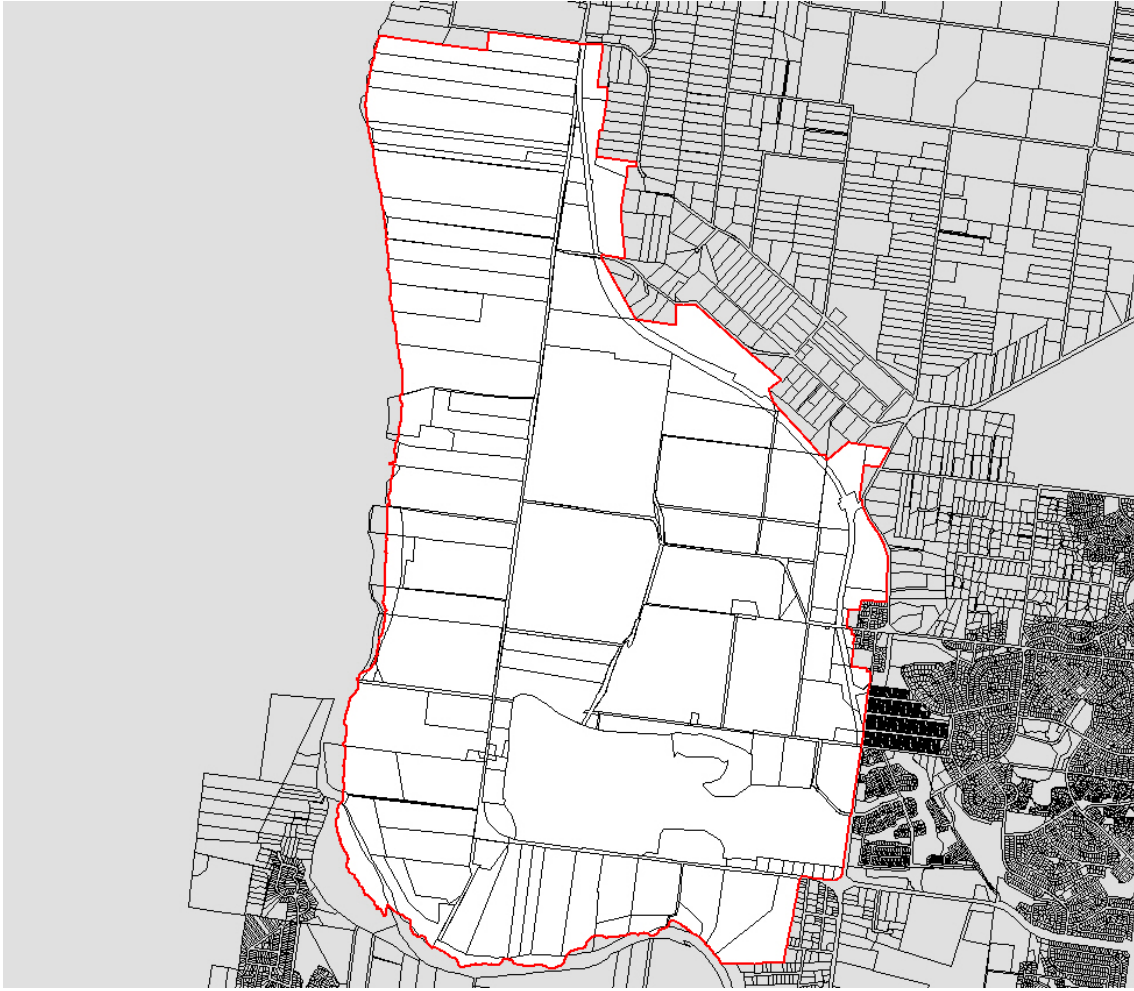
By amending the boundary, there remains land between the Nepean River and the previous Deferred Matter boundary which is zoned RU1 Primary Production. Although this land is zoned RU1 Primary Production it clearly forms part of the Nepean River, therefore it is proposed to rezone this land to W1 Natural Waterways.

Corresponding lot size amendments are proposed to ensure consistency with the zone, which will result in the removal of Lot Size controls for land proposed to be rezoned from RU1 Primary Production to W1 Natural Waterways.

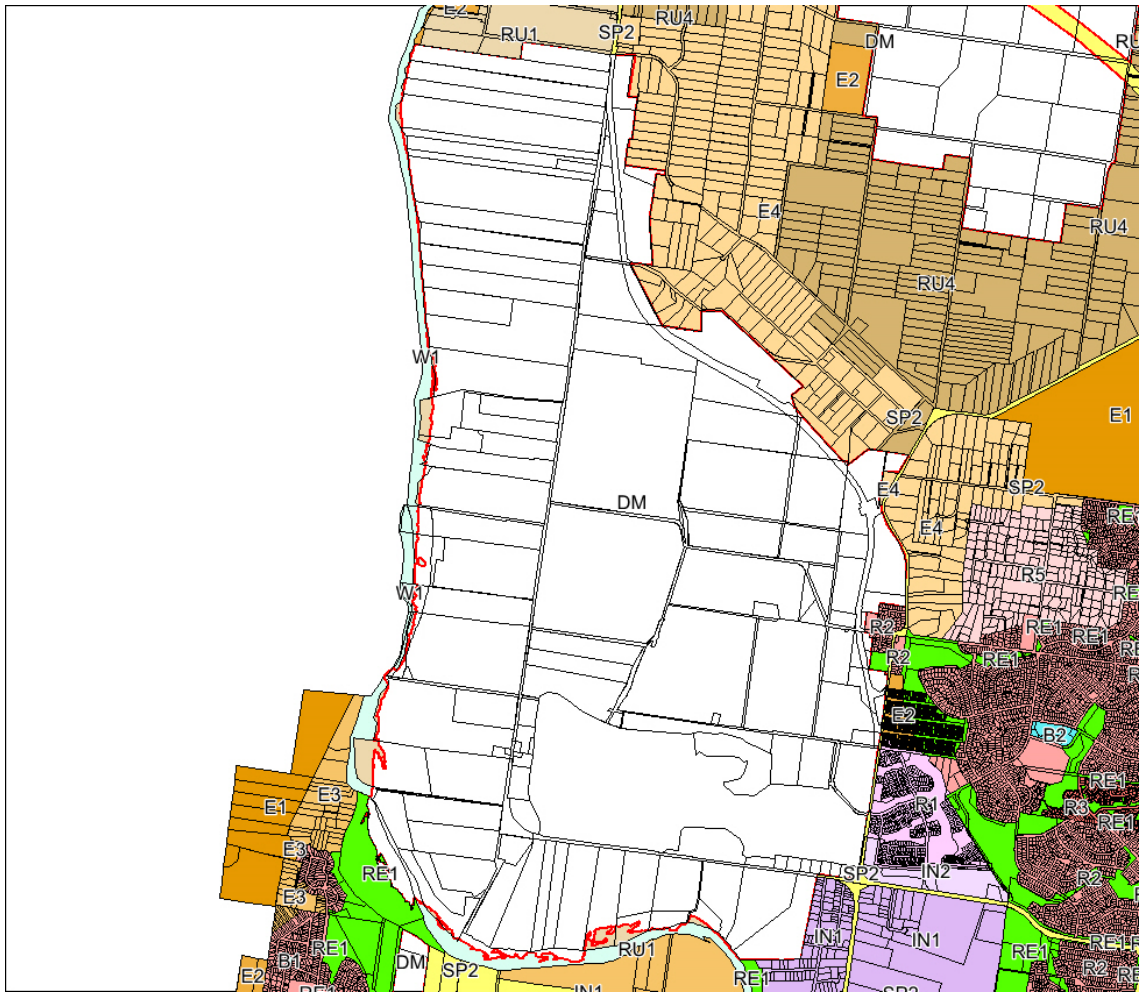
An amendment to the Deferred Matter boundary will also be required for the Clause Application map, which references the Deferred Matter.



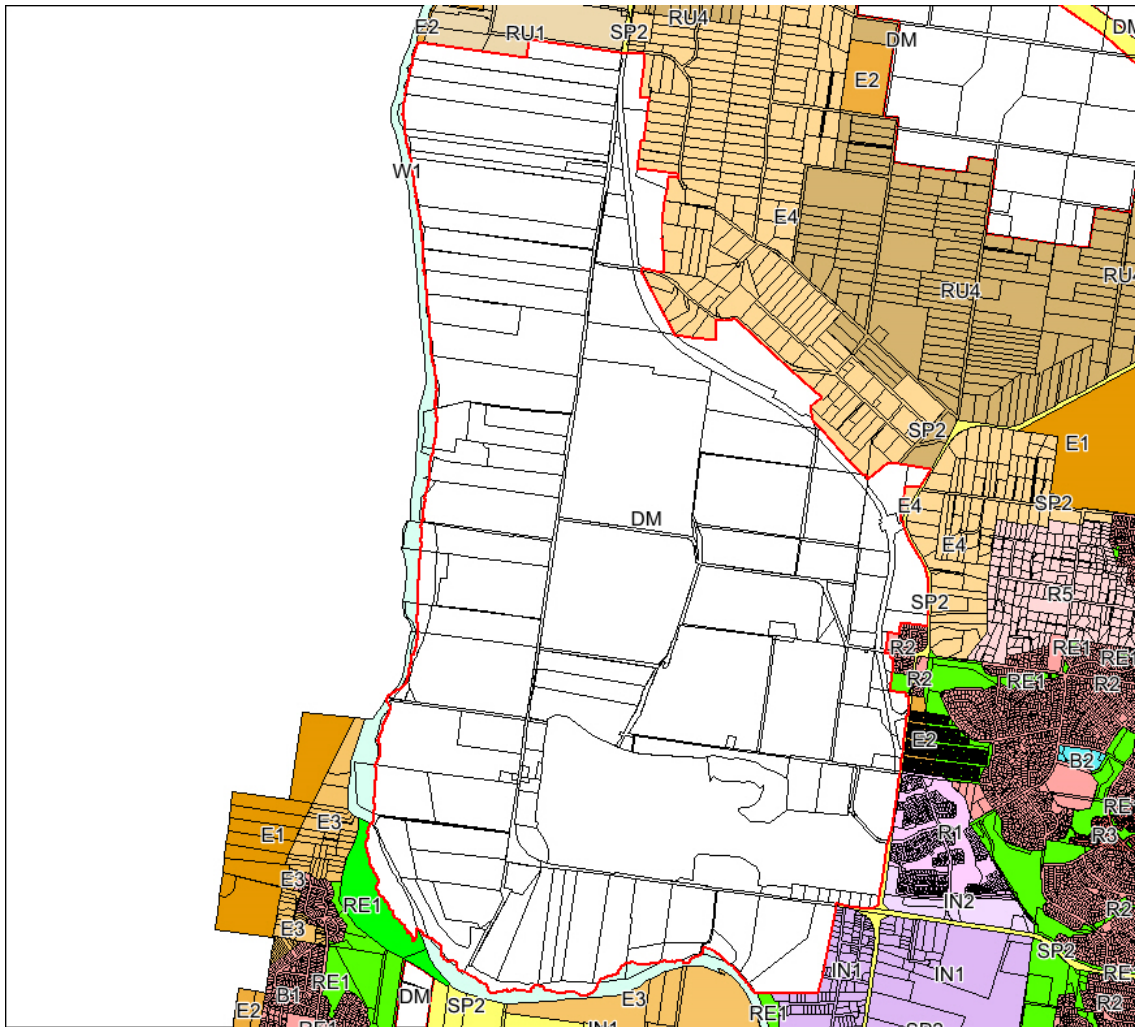
Current Land Application Map – Deferred Area



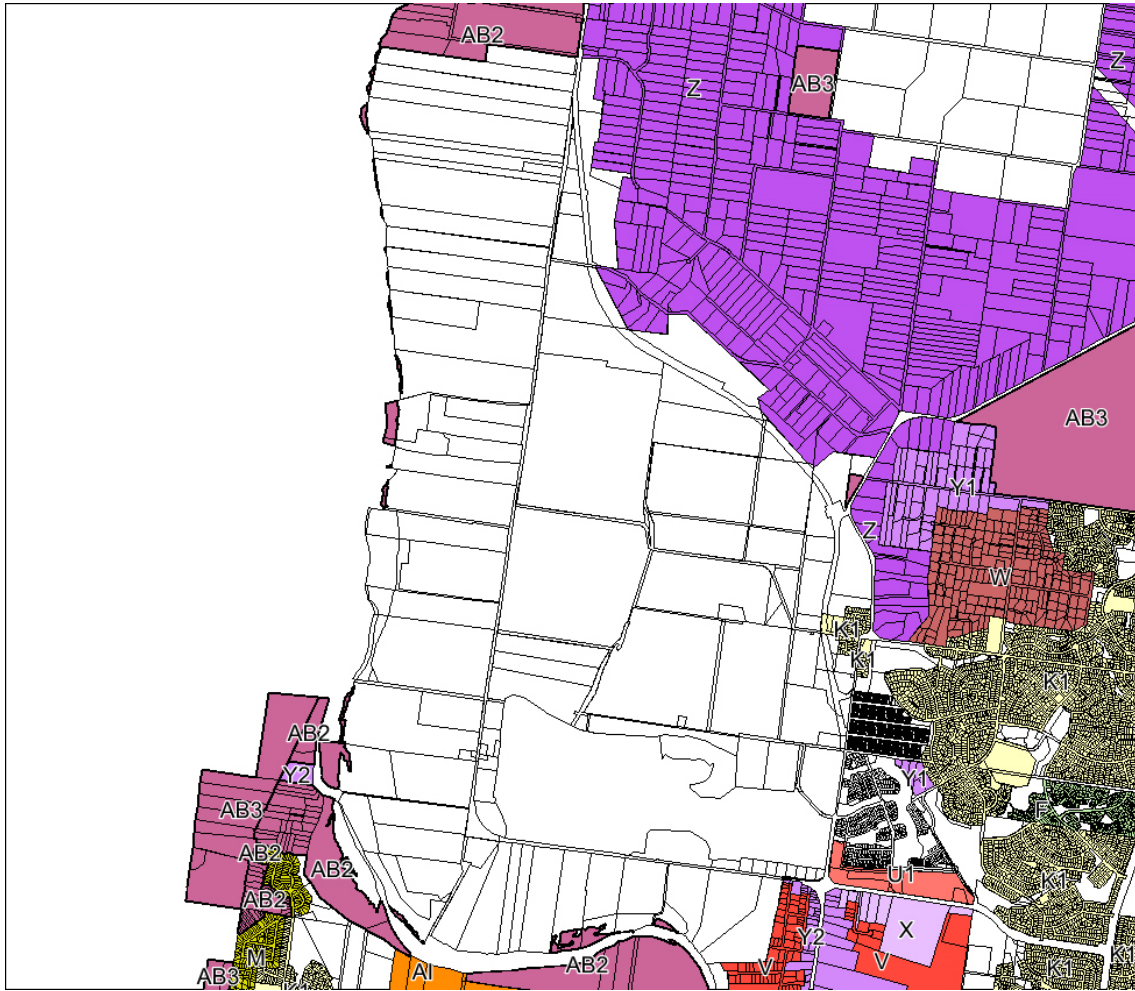
Proposed Land Application Map – Deferred Area



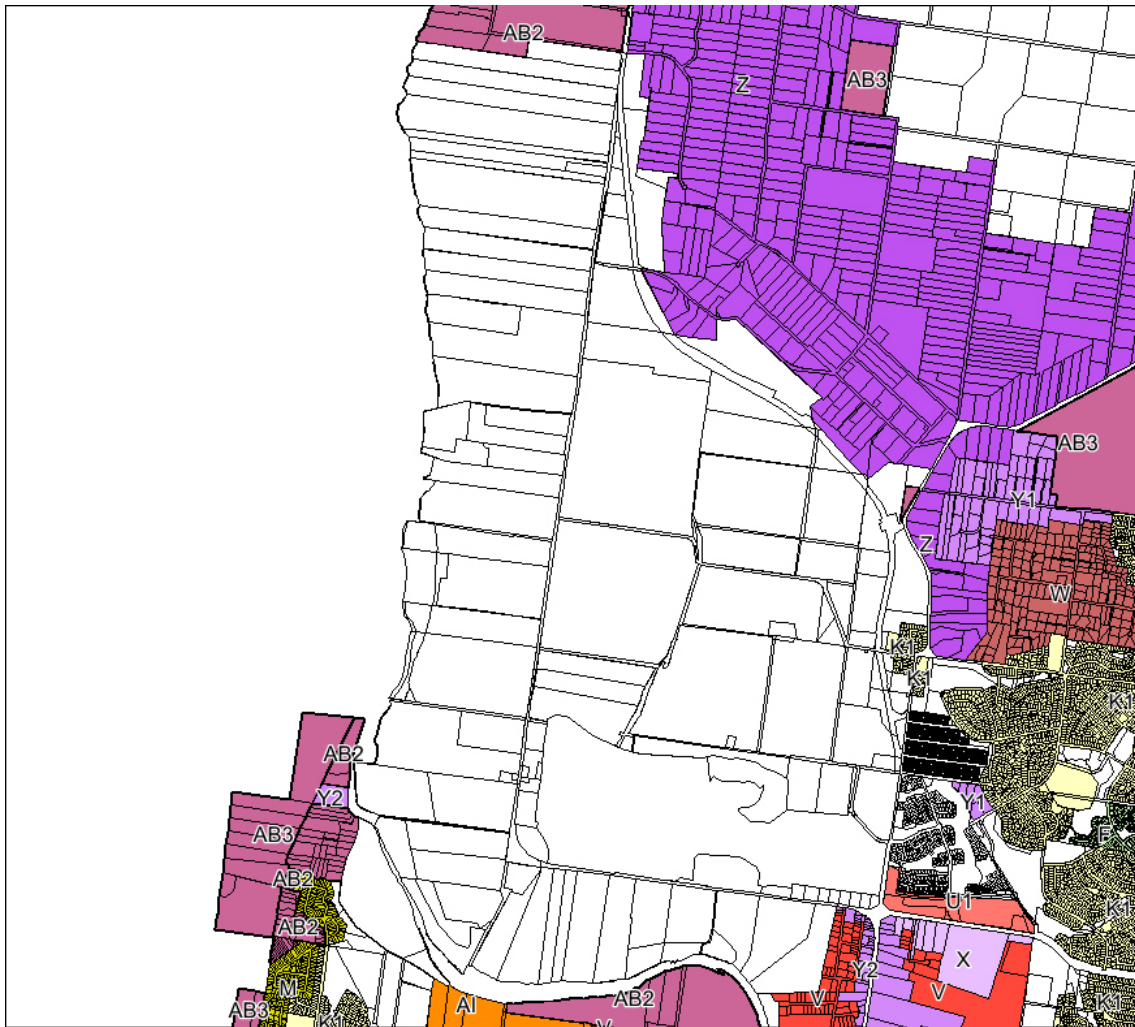
Current Zoning



Proposed Zoning



Current Lot Size



Proposed Lot Size

24. 28 FACTORY ROAD, REGENTVILLE (LOT 178 DP 16708)

This item proposes to:

- amend the Land Zoning map (LZN_006) to rezone the subject land from RU4 Primary Production Small Lots to R2 Low Density Residential
- amend the Lot Size map (LSZ_006) to reduce the minimum lot size for the subject land from 1000 hectares to 550m².



Current Zoning – RU4 Primary Production Small Lots



Proposed Zoning – R2 Low Density Residential



Current Lot Size – 1000Ha+



Proposed Lot Size – 550m²

Council resolved to rezone the subject site during Stage 2 of the Penrith LEP 2010 from RU4 Primary Production Small Lots to R2 Low Density Residential to reflect the residential use of the site. Despite this rezoning, the gazetted LEP map still identifies the subject site as a RU4 Primary Production Small Lots zone. An amendment to the Land Zoning map is required to rectify this error.

In addition to the rezoning, an amendment to the minimum lot size was also not included in the LEP maps at the time of gazettal. An incorrect lot size of 1000 hectares remains and requires an amendment to 550m² to correspond with the proposed residential zone and surrounding area.

25. MASTERS SITE, 243-261 FORRESTER ROAD, NORTH ST MARYS (LOT 12 DP 1192443) AND ADJACENT LOT 11 DP 1192443

This item proposes to:

- amend the Land Zoning map (LZN_018) to rezone Lot 12 DP 1192443 from IN2 Light Industrial to RE2 Private Recreation
- amend the Land Zoning map (LZN_018) to rezone Lot 11 DP 1192443 from RE2 Private Recreation to IN2 Light Residential
- amend the Lot Size map (LSZ_018) to increase the minimum lot size for Lot 12 DP 1192443 from 1000m² to 200,000m²
- amend the Lot Size map (LSZ_018) to reduce the minimum lot size for Lot 11 DP 1192443 from 200,000 to 1000m²
- amend the Height of Buildings map (HOB_018) to reduce the maximum building height for Lot 12 DP 1192443 from 12m to nil
- amend the Height of Buildings map (HOB_018) to increase the maximum building height for Lot 11 DP 1192443 from nil to 12m



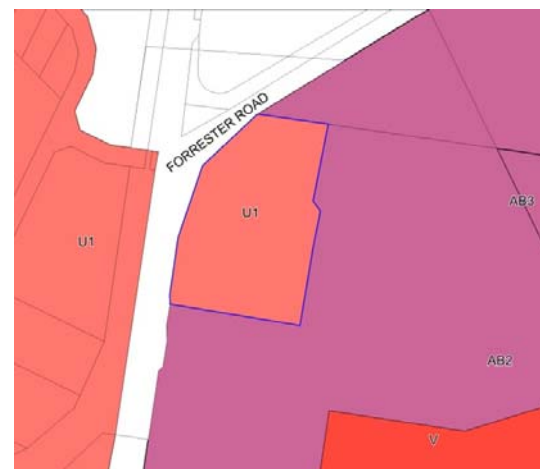
Current Zoning – IN2 Light Industrial & RE2 Private Recreation



Proposed Zoning – IN2 Light Industrial & RE2 Private Recreation



Current Lot Size - 1000m² & 20Ha



Proposed Lot Size – 1000m² & 20Ha



Current Building Height – 12m



Proposed Building Height – 12m

A number of amendments are proposed to the Masters Home Improvements site and the adjoining St Marys Rugby League club land park to adjust the development standards to the cadastre. There are no changes proposed to the zoning, minimum lot size or maximum building height control, and will not alter the current development potential of the land.

26. BROCK AVENUE, ST MARYS

This item proposes to:

- a) amend the Height of Buildings map (HOB_019) to reduce the maximum building height for the subject land from 12 metres to 8.5 metres.



Current Building Height – 12m



Proposed Building Height – 8.5m

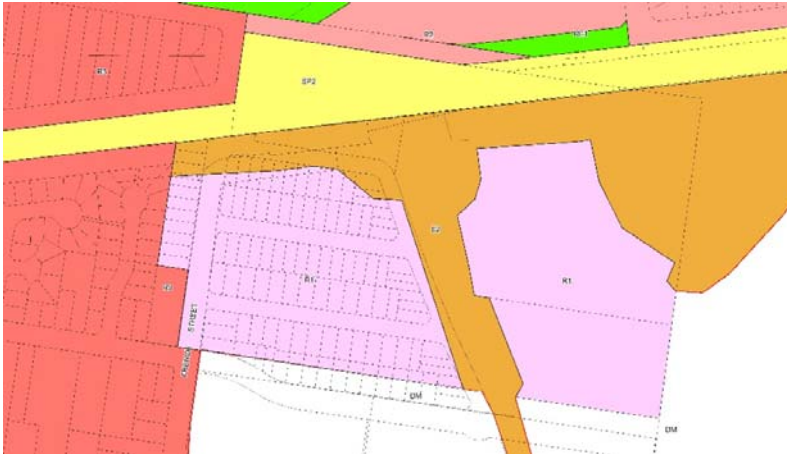
During the preparation of the Penrith LEP 2010 (Stage 2), the subject site was proposed to be zoned R4 High Density Residential, with a maximum building height of 12m to reflect the higher density. Prior to exhibition of the draft LEP, a R3 Medium Density Residential zone was considered more appropriate and the LEP was publicly exhibited and gazetted with the R3 Medium Density Residential zone.

During the change from R4 High Density to R3 Medium Density Residential, the maximum building height was not reduced to reflect the zone change. This item proposes to amend the maximum building height from 12m to 8.5m to correspond with the R3 Medium Density Residential zone. This will also result in consistency with the surrounding area.

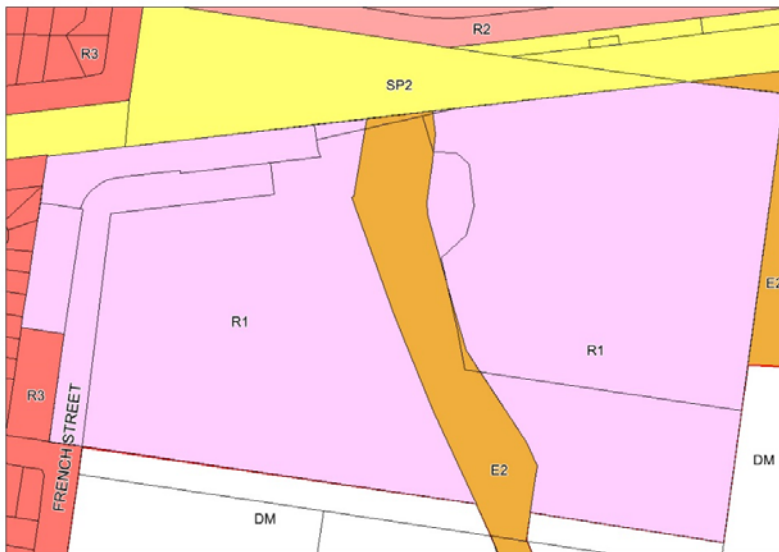
27. FRENCH ST, WERRINGTON

This item proposes to:

- amend the Land Zoning map (LZN_013) to rezone part of the subject land from E2 Environmental Conservation to R1 General Residential
- amend the Height of Buildings map (HOB_013) to align the maximum building height to the land proposed to be zoned R1 General Residential



Current Zoning – E2 Environmental Conservation



Proposed Zoning – R1 General Residential



Current Building Height



Proposed Building Height

The subject site has an approval granted by Council and the Joint Regional Planning Panel (DA 11/0564 and subsequent modifications, and DA 12/1361) for residential purposes. The development was permissible at the time under the Penrith LEP 1998.

Since the preparation of the Penrith LEP 2010 which now applies to the land, an E2 Environmental Conservation zone was implemented to cover the bushland corridor that extends along the railway line. This zone was implemented based on the advice of the Office of Environment and Heritage as having high conservation values and in accordance with the Report of Flora and Fauna Werrington Signals Mixed-Use Area French Street, Werrington prepared in 2002, however in between the time of preparation and gazettal of the Penrith LEP 2010, the development consent for the site was issued which has effectively restricted the owner in realising the northern portion of the development consent.

This item seeks to rezone land from E2 Environmental Conservation to R1 General Residential in accordance with the approved consent for residential use of the land and the

authorised removal of vegetation. The amended zoning boundaries are based on the Flora and Fauna Survey and Assessment and 7-part Tests of Significance submitted with DA 11/0546 and subsequent information submitted to Council.

In regard to the north eastern corner of the site, the proposed amendments reflect an updated Flora and Fauna Study which identifies that the vegetation is not high quality or of conservation value. The loss of vegetation in the north eastern corner of the site will be offset by conservation works in the existing riparian corridor.

Subsequently, an amendment to the Height of Buildings map is required to align the building height controls to the land approved and proposed for residential development.

It should be noted that the zone boundaries subject to the Deferred Matter area (the area immediately below the subject area) are currently being addressed within PP_2015_PENRI_001_00.

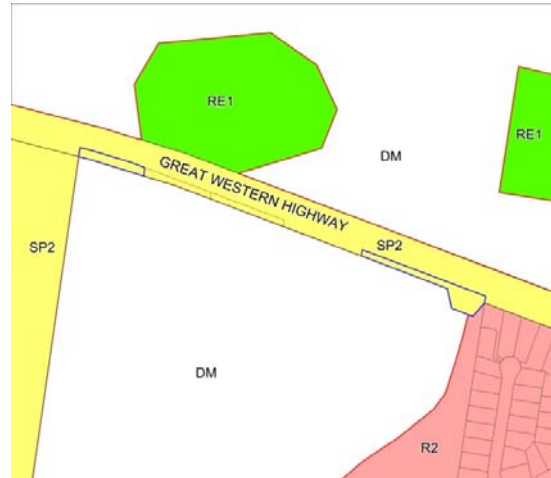
28. GREAT WESTERN HIGHWAY, UWS WERRINGTON BUSINESS PARK

This item proposes to:

- a) amend the Land Zoning map (LZN_013) to rezone the subject land from Deferred Matter to SP2 Infrastructure (Classified Road)



Current Zoning – Deferred Matter



**Proposed Zoning – SP2 Infrastructure
Classified Road**

The subject land proposed to be rezoned in this Planning Proposal was inadvertently left out of the Planning Proposal to the Department (PP_PP_2015_PENRI_001_00). The Planning Proposal has completed public exhibition therefore Council seeks to rectify this error within this housekeeping amendment.

The land is identified on the Land Reservation Acquisition map for the purposes of a classified road. As the land would otherwise remain unzoned, this item proposes to apply a SP2 Infrastructure (Classified Road) zone for the subject land to reflect the use.

29. VICTORIA STREET - ROAD (PART LOT 113 DP 731088), ADJACENT TO 229 VICTORIA STREET, WERRINGTON

This item proposes to:

- a) amend the Land Zoning map (LZN_013) to rezone the subject land from RE1 Public Recreation to R2 Low Density Residential



Current Zoning - RE1 Public Recreation



Proposed Zoning – R2 Low Density Residential

229 Victoria Street, Werrington is Council-owned land and was previously rezoned as part of Penrith LEP 2010 (Stage 2) from RE1 Public Recreation to R2 Low Density Residential. The LEP mapping inadvertently did not extend the R2 Low Density Residential zone to include Victoria Road which now remains zoned RE1 Public Recreation. It is proposed to rectify this error as the road should not be identified for Public Recreation purposes.

Part 3- Justification

Section A– Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not a result of any strategic study or report. The proposed items within this Planning Proposal have been identified by staff as part of ongoing review of the Penrith LEP 2010.

2. Is the Planning Proposal the best way of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the best way to achieve the objectives and intended outcomes. An amendment to the Penrith LEP 2010 is required to rectify errors and anomalies with the written instrument and LEP maps.

Section B – Relationship to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies)?

A Plan for Growing Sydney and draft North West Subregional Strategy

A comprehensive assessment of the objectives and strategies of both the Plan for Growing Sydney and the North West Subregion draft Subregional Strategy was previously undertaken during the preparation of Penrith LEP 2010 (Stage 2), gazetted on 25 February 2015. Further assessment is not considered warranted due to the minor nature of the proposed amendments.

The Penrith LEP 2010 will remain consistent with A Plan for Growing Sydney and the draft North West Subregional Strategy.

4. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

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

A comprehensive assessment of the objectives and strategies of the Penrith Community Plan was previously undertaken during the preparation of Penrith LEP 2010 (Stage 2), gazetted on 25 February 2015. Further assessment is not considered warranted due to the minor nature of the proposed amendments.

The Penrith LEP 2010 will remain consistent with the Penrith Community Plan.

5. Is the Planning Proposal consistent with applicable state environmental planning policies?

Yes, the Planning Proposal is consistent with applicable SEPPs as demonstrated below.

Applicable SEPPs	Consistency
SEPP No 19 – Bushland in Urban Areas	The proposed items are considered minor amendments and will not result in significant changes to current uses or permissibility of development. Should future development be proposed in bushland areas, this will be addressed during development assessment stage. The Planning Proposal is consistent with the SEPP.
SEPP No 21 – Caravan Parks	The Planning Proposal does not affect existing provisions for the development of caravan parks, therefore the Planning Proposal is consistent with the SEPP.
SEPP No 30 – Intensive Agriculture	The Planning Proposal will not affect existing provisions for intensive agriculture, therefore the Planning Proposal is consistent with this SEPP.
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	The proposed items are considered minor housekeeping amendments and will not impact on the permissibility of multi-unit housing or related development. The Planning Proposal is consistent with the SEPP.
SEPP No 33—Hazardous and Offensive Development	The Planning Proposal will not affect existing provisions for hazardous or offensive development. The Planning Proposal is consistent with the SEPP.
SEPP 55 – Remediation of land	The proposed items are considered minor amendments and will not result in significant changes to current uses or permissibility of development. Item 24 proposes to rezone the subject land from RU4 Primary Production to R2 Low Density Residential. There are no known contamination issues on the site, however further investigation may be carried out once a development application is lodged. The Planning Proposal is consistent with the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The proposed items are considered minor amendments and will not result in significant changes to current uses or permissibility of development or application of the SEPP. The Planning Proposal is consistent with the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The proposed items are considered minor amendments and will not impact the application of the SEPP. The Planning Proposal is consistent with the SEPP.
SEPP (Infrastructure) 2007	The proposed items are considered minor amendments and will not result in significant changes to current uses or permissibility of development or application of the SEPP.

Applicable SEPPs	Consistency
	The Planning Proposal is consistent with the SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The proposed items are considered minor amendments and will not impact the application of the SEPP. The Planning Proposal is consistent with the SEPP.
SEPP (Penrith Lakes Scheme) 1989	Minor boundary changes to the Penrith Lakes Deferred Area within the Penrith LEP 2010 are proposed, however nothing in the Planning Proposal will affect the application of the SEPP. Removing the redundant zoning and lot size controls that currently apply to the land will reduce the potential for delays for future proposed development and ensure all land under ownership by the Penrith Lakes Development Corporation (PLDC) is identified as a Deferred Matter in the Penrith LEP 2010. The Planning Proposal is consistent with the SEPP.
SEPP (State and Regional Development) 2011	The Planning Proposal is consistent with the SEPP. Item 23 seeks to rectify the inconsistency between Council's Deferred Matter area for Penrith Lakes and the Penrith Lakes area identified by the SEPP.
SREP No 9—Extractive Industry (No 2—1995)	The proposed items are considered minor amendments and will not impact the application of the SEPP. The Planning Proposal is consistent with the SEPP.
SREP No. 20 – Hawkesbury Nepean River (No. 2 – 1997)	The Planning Proposal seeks to rectify minor errors and zoning anomalies and the changes proposed are not anticipated to impact on the Hawkesbury Nepean River or water quality. The Planning Proposal is consistent with the SEPP.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (S.117 Directions)?

Yes, the Planning Proposal is consistent the majority of applicable Ministerial Directions, as demonstrated below.

The Planning Proposal is inconsistent with the following Ministerial Directions

- 1.1 Business and Industrial Zones – Item 20
- 1.2 Rural Zones – Item 24
- 2.1 Environmental Protection Zones – Items 9, 17 and 27
- 3.1 Residential Zones – Items 9, 13 and 29
- 4.3 Flood Prone Land – Item 24
- 6.2 Reserving land for public purposes – Item 9

It is demonstrated that in each case, the inconsistency is of minor significance.

Applicable Ministerial Directions	Consistency
1.1 Business and Industrial Zones	This direction applies when a Planning Proposal affects land within a business or industrial zone. The direction states that a Planning Proposal must retain these areas and not reduce the floor space for employment uses. Item 15 proposes to rezone land from SP2 Infrastructure (Railway) to IN1 General Industrial. This land has been identified by Railcorp as being surplus to their needs and contributes in providing additional industrial land to the Penrith LGA. Item 20 proposes to rezone land from B4 Mixed Use to RE1 Public Recreation. The subject land is wedged between two roads, and is not used for employment uses. The subject land forms part of Henry Park and should be zoned RE1 Public Recreation to reflect the use. For item 20, as the land is not suitable for a business zone, the inconsistency with this direction is of minor significance.
1.2 Rural Zones	This direction applies when a Planning Proposal is prepared that affects land within a rural zone. The direction states that a Planning Proposal must not rezone rural land to another use. Item 24 proposes to rezone the subject land from RU4 Primary Production Small Lots to R2 Low Density Residential. The subject land is located between RU4 Primary Production Small Lots and R2 Low Density Residential land and has a current land area of approximately 955m² with a residential dwelling. As the land is used for residential purposes and is unable to be used for agriculture purposes, the inconsistency is of minor significance.

Applicable Ministerial Directions	Consistency
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2.1 Environment Protection Zones	
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	This direction applies when a Planning Proposal is prepared. The direction states that a Planning Proposal must include provisions that protect and conserve environmentally sensitive areas and not reduce the environmental protection standards that apply to the land.
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Item 9 proposes to rezone land currently zoned for environmental uses to an SP2 Infrastructure zone. These areas proposed for the rezoning form part of road widening and upgrades to road corridors, and correspond to land identified for acquisition purposes. The proposed rezoning is necessary to reflect the future use of the land as a road.

Item 17 proposes to rezone land from E3 Environmental Management to R2 Low Density Residential. This item was rezoned during Stage 2 of the Penrith LEP 2010 however the gazetted version of the Zoning map does not reflect the amendment. The subject land was considered to no longer require the E3 Environmental Management zone as the vegetation was limited and did not play a significant role in the wider conservation lands.

Item 27 proposes to rezone land from E2 Environmental Conservation to R1 General Residential. The proposed changes are consistent with a development approval granted under Penrith LEP 1998, in the time between the preparation and gazettal of the Penrith LEP 2010 which has effectively restricted the owner in realising the development consent. The changes are supported by a flora and fauna study submitted with the development application.

There are no changes to any other environmental standards for the lands and a comprehensive assessment of environmental issues will be addressed when development applications are submitted for the subject sites. Although items 9, 17 and 27 are inconsistent with the direction, the inconsistency is of minor significance.

2.3 Heritage Conservation	
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	This direction applies when a Planning Proposal is prepared. A Planning Proposal must contain provisions that facilitate the conservation of heritage items and aboriginal places.
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Item 4, 16, 18 and 22 propose amendments which relate to heritage items. The proposed amendments ensure that the amended heritage items are reflected correctly in Schedule 5 of the Penrith LEP 2010 and on the Heritage map. The proposed amendments do not reduce any heritage protections on the land.

Applicable Ministerial Directions Consistency

The Planning Proposal is consistent with this direction.

2.4 Recreation Vehicle Areas

This direction applies when a Planning Proposal is prepared. The direction states that a Planning Proposal must not enable land to be developed for the purpose of a recreation vehicle area consistent with the listed criteria.

As the Planning Proposal does not propose land for a recreation vehicle area, the Planning Proposal is consistent with this direction.

3.1 Residential Zones

This direction applies when a Planning Proposal affects land within a residential zone. The direction states that a Planning Proposal must include provisions that encourage various types and choice of housing.

Item 9 proposes to rezone land from a residential use to a SP2 Infrastructure zone. The proposed rezoning is considered necessary as the subject land is identified for land acquisition purposes for a road. Item 9 is inconsistent with this direction.

Item 13 proposes to rezone land from R2 Low Density Residential to SP2 Infrastructure. The subject land is incorrectly identified as being part of the adjacent residential lot, however forms part of the Kent road corridor. The proposed rezoning is considered necessary to ensure the road is identified for infrastructure uses. Item 13 is inconsistent with this direction.

Item 17 proposes to rezone land from E3 Environmental Management to R2 Low Density Residential. The subject land is within an established urban area and will contribute to providing housing choice by a small increase in subdivision potential. Item 16 is consistent with this direction.

Item 24 proposes to rezone land from RU4 Primary Production Small Lots to R2 Low Density Residential. The proposed rezoning is a reflection of the current use of the land, which is less than 1000m² in size where a residential dwelling and outbuildings are currently developed on the land. The subject land is adjacent to an established residential area. Item 24 is consistent with this direction.

Item 27 proposes to rezone land from E2 Environmental Conservation to R1 General Residential. The proposed rezoning is necessary to reflect an approved residential subdivision issued by the JRPP in 2013. The subdivision is located close to existing services and being an R1 General Residential zone which permits a range of residential dwelling types, will contribute to greater housing choice.

Applicable Ministerial Directions Consistency

Item 27 is consistent with this direction.

Item 29 proposes to rezone land from R2 Low Density Residential to RE1 Public Recreation. The subject land proposed to be rezoned adjoins an existing R2 Low Density zone and is on Victoria Road. This has resulted in a small portion of Victoria Road being zoned RE1 Public Recreation, that should be identified as the adjoining residential zone, and not a RE1 Public Recreation zone. The current RE1 Public Recreation zone is remnant from a previous rezoning where 229 Victoria Road was rezoned from RE1 Public Recreation to R2 Low Density Residential during Stage 2 of the Penrith LEP 2010. Item 29 is inconsistent with this direction.

Items 9, 13 and 29 are inconsistent with this direction as they propose to rezone land from a residential zone to a non-residential zone. However, for each item the subject land is not suitable for a residential zone, therefore the inconsistency is of minor significance.

3.2 Caravan Parks and Manufactured Home Estates

This direction applies when a Planning Proposal is prepared. The direction states that the relevant planning authority must retain the provisions for caravan parks and manufactured home estates.

As nothing in this Planning Proposal affects provisions for caravan parks or manufactured home estates, the Planning Proposal is consistent with this direction.

3.3 Home Occupations

This direction applies when a Planning Proposal is prepared. The direction states that Planning Proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

The Planning Proposal does not alter existing provisions which already permit home occupations to be carried out in dwelling houses without the need for development consent, therefore the Planning Proposal is consistent with this direction.

3.4 Integrating Land Use and Transport

This direction applies when a Planning Proposal affects urban land, including land zoned for residential, business, industrial, village or tourist purposes. A planning proposal must locate zones that give effect to *Improving Transport Choice – Guidelines for planning and development* and *The Right Place for Business and Services*.

The items affecting urban land are to rectify minor errors and anomalies. Items 17 and 24 which propose to rezone land to a residential use are all clearly existing residential uses within established areas therefore are located

Applicable Ministerial Directions Consistency

appropriately close to services and infrastructure.

For these reasons, the Planning Proposal is consistent with this direction.

4.3 Flood Prone Land

This direction applies when a Planning Proposal is prepared that affects flood prone land.

The majority of the items within this Planning Proposal are to rectify minor errors and anomalies and current permissibility of the land will not change.

Item 17 which proposes to rezone the subject land from E3 Environmental Management to R2 Low Density Residential is not identified as flood prone land. This item is consistent with this direction.

Item 24 which proposes to rezone land from RU4 Primary Production to R2 Low Density Residential is identified as flood prone land. The proposed rezoning will not permit a significant increase in the development of the land as there is an existing residential dwelling and related structures on the land. Rezoning the subject land will validate the existing use and will not result in impacts to other properties.

For this reason, although item 24 is inconsistent with the direction, the inconsistency is considered of minor significance.

4.4 Planning for Bushfire Protection

This direction applies when a Planning Proposal affects land mapped as bushfire prone. The Planning Proposal must have regard to *Planning for Bushfire Protection 2006*, introduce controls that avoid placing inappropriate development in hazardous areas and ensure that bushfire hazard reduction is not prohibited in the APZ.

Item 1 which may result in the potential for a dwelling on the subject land, is identified as Bushfire Prone Category 2. Council will consult with the NSW Rural Fire Service as part of agency consultation and prior to consultation with the community and take into account any comments made to ensure consistency with this direction.

6.1 Approval and Referral Requirements

This Direction applies when a Planning Proposal is prepared. The Direction states that a Planning Proposal must minimise provisions relating to the concurrence, consultation or referral of development applications to a Minister or public authority and not identify development as designated development unless the development is likely

to have a significant impact on the environment.

Due to the minor nature of the proposed amendments, the Planning Proposal is not likely to require the concurrence, consultation or referral of development applications to a Minister or public authority and is not considered to have significant impacts on the environment. The Planning Proposal is consistent with this Direction.

6.2 Reserving Land for Public Purposes

This direction applies when a Planning Proposal is prepared. The direction states that a Planning Proposal must not affect zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department of Planning and Environment.

Item 9 proposes to correct the Land Reservation Acquisition maps to ensure they are consistent with the requirements of the RMS. The RMS has provided the data which has informed the proposed amendments, however it is still anticipated that Council will consult formally with the RMS as part of the Gateway process. This item also proposes to remove those lands which have been acquired by public authorities (as per advice issued by Sydney West Region office).

Item 9 is inconsistent with this direction as Council has not been granted approval by the Secretary of the Department of Planning and Environment. However, as this Planning Proposal has been prepared in collaboration with the RMS and will request the Secretary's approval, this inconsistency is considered of minor significance as it is anticipated that Council will be granted approval from the Secretary through the Gateway process.

6.3 Implementation of A Plan for Growing Sydney

This direction applies to the Penrith LGA when a Planning Proposal is prepared. The direction states that a Planning Proposal must be consistent with the NSW Government's A Growing Plan for Sydney.

As outlined in this planning proposal under Section B, A comprehensive assessment of the objectives and strategies of both the Plan for Growing Sydney and the North West Subregion draft Subregional Strategy was previously undertaken during the preparation of Penrith LEP 2010 (Stage 2), gazetted on 25 February 2015. Further assessment is not considered warranted due to the minor nature of the proposed amendments.

The Penrith LEP 2010 will remain consistent with A Plan for Growing Sydney and the draft North West Subregional Strategy and is therefore consistent with this direction.

Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

As the nature of amendments within this Planning Proposal relate to rectifying errors and anomalies, it is unlikely that any critical habitats or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the Planning Proposal.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

As the nature of amendments within this Planning Proposal relate to rectifying errors and anomalies, there are no likely environmental effects as a result of the Planning Proposal.

Item 1 may have the potential to permit a dwelling house, however any potential environmental issues will be considered once a development application is lodged.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal seeks to rectify errors and anomalies with the written instrument and LEP maps. Fixing these errors will result in a more accurate LEP and remove potential obstacles to future development. This will result in positive social and economic effects for the Penrith LGA by reducing the potential for delays in planning processes in the future.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning Proposal?

There is adequate public infrastructure for the Planning Proposal. The Planning Proposal largely seeks to rectify mapping anomalies to various parcels of land throughout the LGA, the majority which are located in existing urban areas that are adequately serviced by public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This Planning Proposal requests a Gateway Determination in order to proceed to consultation with public authorities. No prior consultation has been carried out therefore the views of State and Commonwealth public authorities are unknown at this stage. Consultation will be carried out with the relevant public authorities once the Gateway Determination is issued.

Item 9 has been prepared in collaboration with the RMS.

Part 4 - Mapping

The following map sheets are proposed to be amended as part of the Planning Proposal:

Land Zoning	Lot Size	Land Reservation
• LZN_003 • LZN_004 • LZN_005 • LZN_006 • LZN_007 • LZN_008 • LZN_012 • LZN_013 • LZN_018	• LSZ_003 • LSZ_004 • LSZ_005 • LSZ_006 • LSZ_007 • LSZ_008 • LSZ_011 • LSZ_012 • LSZ_013 • LSZ_018	• 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
Height of Buildings	Floor Space Ratio	Heritage
• HOB_005 • HOB_006 • HOB_013 • HOB_018 • HOB_019	• FSR_006 • FSR_013	• HER_005 • HER_012
Additional Permitted Uses	Land Application Map	Clause Application Map
• APU_006 • APU_019	• LAP_001	• CAP_001

Where possible, the affected map sheet has been identified beside the proposed item number and proposed amendment throughout this Planning Proposal. For proposed amendments to the Land Reservation map, Council officers could not list all affected map sheets beside each proposed amendment with confidence that the information would be 100% accurate. As a result, a summary of map sheets to be amended has been provided for the proposed LRA map amendments.

Draft LEP maps consistent with the Standard Technical Requirements for LEP Maps will be prepared for public exhibition.

Part 5 - Community Consultation

Council considers the Planning Proposal a 'low impact' proposal as the items are:

- Consistent with the surrounding land use patterns;
- Consistent with the Strategic Planning framework;
- Presents no issues in regard to servicing;
- Not a principal LEP; and
- Does not require the reclassification of land

For these reasons it is anticipated that a 14 day exhibition period will apply.

No early consultation has been carried out with State and Commonwealth public authorities with the exception of item 9 with the RMS. Consultation with public authorities will be undertaken according to the conditions of the Gateway Determination.

Consultation with the community will consist of the following:

- Notice of the public exhibition of the Planning Proposal in the Western Weekender;
- On the Penrith City Council website at <https://www.penrithcity.nsw.gov.au/>; and
- In letters to affected landowners.

The written notice will:

- Give a brief description of the objectives or intended outcomes of the Planning Proposal
- Indicate the land affected by the Planning Proposal
- State where and when the Planning Proposal can be inspected
- Give the name and address of Council for receipt of submissions
- Indicate the last date for submissions
- Confirm whether the Minister has chosen to delegate the making of the LEP to Council

Council confirms that community consultation will be carried out consistent with the Department's *Guide to Preparing Local Environmental Plans*.

Part 6 – Project Timeline

Milestone	Timeframe
Date of gateway determination	November 2015
Anticipated timeframe for completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway)	December 2015-January 2016
Commencement and completion dates for public exhibition period	January-February 2016
Timeframe for consideration of submissions	March 2016
Timeframe for consideration of a proposal post – exhibition	March 2016
Date of submission to the department to finalise the LEP	April 2016
Anticipated date relevant planning authority (RPA) will make the Plan	May 2016

Appendices

1. Council Report and Minutes (to be inserted once Council resolution confirmed)
2. Information Checklist (to be completed once Council resolution confirmed)
3. Evaluation Criteria for Delegation of Plan-Making Functions (to be completed once Council resolution confirmed)

Appendix 1 – Council Report and Minutes

3 Planning Proposal to amend the Penrith Local Environmental Plan 2010 - housekeeping amendment

Compiled by: Nicole Dukinfield, Senior Planner

Authorised by: Abdul Cheema, Acting City Planning Manager

Outcome	<i>We plan for our future growth</i>
Strategy	<i>Protect the City's natural areas, heritage and character</i>
Service Activity	<i>Maintain a contemporary framework of land use and contribution policies, strategies and statutory plans</i>

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

Executive Summary

A draft Planning Proposal has been prepared for Council's consideration to submit to the NSW Minister for Planning to amend the Penrith Local Environmental Plan (LEP) 2010. The draft Planning Proposal proposes to rectify a number of minor errors with the LEP instrument and LEP maps that have occurred since the initial gazettal of the Penrith LEP in 2010. The proposed amendments have no policy implications as the items aim to rectify errors and anomalies only. The draft Planning Proposal is provided in Attachment 2.

As the proposed amendments are minor in nature, a draft Planning Proposal has been prepared combining these items for a single amendment to the Penrith LEP otherwise known as a 'housekeeping' amendment. This type of planning proposal is common for other Standard Instrument LEPs and Councils, and are generally processed more quickly than other more complex matters.

The majority of the proposed amendments within the draft Planning Proposal are understood to have occurred as a result of Council and the Department of Planning and Environment's (DP&E) staged approach in preparing the Penrith LEP 2010, where two sets of mapping data were combined to generate the LEP map sheets, at separate times (Stage 1 was gazetted on 22 September 2010 and Stage 2 was gazetted on 28 January 2015). As the DP&E were responsible for preparing the LEP map sheets, this has resulted in the LEP map sheets containing minor errors and anomalies from inaccurate interpretation of Council's mapping data and within the short time provided to deliver the Penrith LEP 2010.

Council's resolution is sought to submit the draft Planning Proposal for a Gateway Determination. Resolving these errors and anomalies will deliver a more accurate planning instrument, and will reduce the potential for delays should development be proposed where these errors and anomalies currently exist.

The draft Planning Proposal is initiated by Council officers and is not the result of an application by a member of the public.

Background

Council previously undertook the major task of consolidating several LEPs into one comprehensive LEP, as part of a roll-out by the NSW Department of Planning and Environment for all Local Government Areas (LGA) to have a consistent format for their planning instruments. The DP&E and Council agreed to deliver the Penrith LEP 2010 in two

stages due to the complexity and magnitude of the task. Stage 1 was gazetted on 22 September 2010.

Stage 1 included the LGA's rural and industrial lands as well as the St Marys town centre. A number of amendments to the Penrith LEP 2010 took place following the gazettal of Stage 1 and included:

- Amendment 1: Housekeeping amendment gazetted 10 August 2012
- Amendment 2: Panthers Penrith redevelopment gazetted 21 June 2013
- Amendment 3: The Knoll, Caddens gazetted 23 May 2014
- Amendment 4: Stage 2 gazetted 28 January 2015
- Amendment 5: The Knoll, Caddens gazetted 4 September 2015

Stage 2 of the Penrith LEP 2010 dealt with residential and commercial areas within the LGA. The merging of the two separate sets of mapping data for Stage 1 and 2 of the Penrith LEP 2010 resulted in a number of errors and anomalies which are now evident in the current LEP maps.

Council officers have recently carried out a review of the LEP map sheets in addition to the written instrument to identify these errors and anomalies, with the intention to resolve these matters in one housekeeping amendment to the Penrith LEP 2010. A list of the proposed items within the draft Planning Proposal are provided in Attachment1.

The types of mapping errors proposed to be resolved by the draft Planning Proposal can be generally categorised as the following:

- Minor alignment of zoning and other development standards to lot boundaries
- Correction of labelling errors
- Removal of duplicated lines/boundaries
- 'Filling in' of insignificant portions of unzoned land
- Rectifying zoning anomalies.

Other minor errors which have been found within the written instrument are considered to be oversights, a result of the complexity of the task in transitioning from several LEPs to one.

Since the gazettal of the Stage 2 LEP, officers have undertaken an exhaustive review of Penrith LEP 2010, however it would be an unreasonable expectation to trust all errors have been found in the preparation of this Planning Proposal particularly as many of the minor anomalies are not evident to the naked eye. In future, a general review will be carried out on an annual basis to identify and resolve any further errors or anomalies, although it is expected that this will be significantly less than for this housekeeping amendment.

Council now completes all LEP mapping with an in-house GIS Officer dedicated to the City Planning team. As Council can also be granted delegation to finalise an amendment to an LEP, this provides Council with greater technical expertise and involvement in finalising an LEP to ensure the content is more accurate. Delegation will be requested for Council to finalise the proposed LEP amendment and expedite the process.

Next steps

If Council resolves to submit the Planning Proposal to the NSW Minister for Planning, the DP&E, as a delegate of the Minister, will consider Council's request to amend the Penrith LEP 2010 through the 'Gateway' process.

The Gateway process will determine the length of public exhibition of the Planning Proposal, the relevant stage agencies and stakeholders to be consulted, and list any other conditions

to which Council must follow in order to amend the Penrith LEP 2010. Formal notification of this information will be issued to Council in the form of a Gateway Determination. Once Council receives a Gateway Determination, Council will be able to proceed to publicly exhibit the Planning Proposal.

Once agency/stakeholder consultation and public exhibition has been completed, a further report will be presented detailing any submissions or issues that were raised for Council's consideration. The steps from this point onwards will be further detailed in the post-exhibition Council report.

RECOMMENDATION

That:

1. The information contained in the report on Planning Proposal to amend the Penrith Local Environmental Plan 2010 - housekeeping amendment be received.
2. Council submit the attached Planning Proposal to amend the Penrith LEP 2010 to the NSW Minister for Planning for consideration under the Gateway process.
3. Council request delegation for the General Manager to finalise the LEP amendment.
4. Council carry out the requirements of the Gateway Determination to process the Planning Proposal, including public exhibition.
5. The General Manager be granted delegation to make any necessary minor changes that have no policy implications to the Planning Proposal before submitting it to the Minister for Planning.

ATTACHMENTS/APPENDICES

1. List of items proposed	2 Pages	Attachments Included
2. Draft Planning Proposal - Housekeeping Amendment	104 Pages	Attachments Included

3 Planning Proposal to amend the Penrith Local Environmental Plan 2010 - housekeeping amendment

287 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Planning Proposal to amend the Penrith Local Environmental Plan 2010 - housekeeping amendment be received.
2. Council submit the attached Planning Proposal to amend the Penrith LEP 2010 to the NSW Minister for Planning for consideration under the Gateway process.
3. Council request delegation for the General Manager to finalise the LEP amendment.
4. Council carry out the requirements of the Gateway Determination to process the Planning Proposal, including public exhibition.
5. The north western corner of French Street Werrington that has been identified to have inconsistency between the E2 zone boundary and approvals granted due to GIS mapping error be forwarded to the Department of Planning as a section 73A amendment to the LEP urgently.
6. Council officers meet with the landowners of French Street Werrington to finalise the Environmental zone boundaries in the north eastern part of the site before the Housekeeping Planning Proposal is submitted to the Gateway for consideration.
7. The General Manager be granted delegation to make any necessary minor changes that have no policy implications to the Planning Proposal before submitting it to the Minister for Planning.

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

For

Against

Councillor Prue Car MP
Councillor Greg Davies
Councillor John Thain
Councillor Ross Fowler OAM
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Girotto

Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Karen McKeown

For Action: Paul Grimson - City Planning Manager

Completion Date: 12 October 2015

ADOPTED AT ORDINARY MEETING

Monday 28 September 2015

Appendix 2 – Information Checklist

ATTACHMENT 1 – INFORMATION CHECKLIST

▶ STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- | | |
|--|--|
| <ul style="list-style-type: none"> Objectives and intended outcome Mapping (including current and proposed zones) Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> Explanation of provisions Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
|--|--|

▶ STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			- Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining) - Sea level rise	☐ ☐	☒ ☒
- Demonstrated consistency with relevant Regional Strategy - Demonstrated consistency with relevant Sub-Regional strategy - Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy - Demonstrated consistency with Threshold Sustainability Criteria	☐ ☒ ☐ ☐	☒ ☐ ☒ ☒	Urban Design Considerations		
Site Description/Context			- Existing site plan (buildings vegetation, roads, etc) - Building mass/block diagram study (changes in building height and FSR) - Lighting impact - Development yield analysis (potential yield of lots, houses, employment generation)	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒
- Aerial photographs - Site photos/photomontage	☐ ☐	☒ ☒	Economic Considerations		
Traffic and Transport Considerations			- Economic impact assessment - Retail centres hierarchy - Employment land	☐ ☐ ☐	☒ ☒ ☒
- Local traffic and transport - TMAP - Public transport - Cycle and pedestrian movement	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	Social and Cultural Considerations		
Environmental Considerations			- Heritage impact - Aboriginal archaeology - Open space management - European archaeology - Social & cultural impacts - Stakeholder engagement	☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒
- Bushfire hazard - Acid Sulphate Soil - Noise impact - Flora and/or fauna - Soil stability, erosion, sediment, landslip assessment, and subsidence - Water quality - Stormwater management - Flooding - Land/site contamination (SEPP55)	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	Infrastructure Considerations		
			Infrastructure servicing and potential funding arrangements	☐	☒
			Miscellaneous/Additional Considerations		
			List any additional studies		

Appendix 3 – Evaluation Criteria for Delegation of Plan-Making Functions

Attachment 4 - Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Penrith City Council

Name of draft LEP:

Housekeeping amendment to
Penrith LEP 2010

Address of Land (if applicable):

Various - see Planning Proposal for
site descriptions

Intent of draft LEP:

To rectify errors + anomalies within
the Penrith LEP 2010

Additional Supporting Points/Information:



Evaluation criteria for the issuing of an Authorisation				
(NOTE - where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	Y			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N			
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	N			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		X		
Is the planning proposal proposed to rectify an anomaly in a classification?		X		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		X		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		X		

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		X		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		X		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		X		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	Y			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		X		
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		X		
NOTES - Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. - Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.				



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28 October 2015

Assessment of vegetation:
in the north-east of 731-769 Great Western Highway, Werrington

Prepared by:
Dr AnneMarie Clements
Rosemary Snowdon
Jessica Gardner
Lucy Bonanno

Prepared for:
Statewide Planning Pty Ltd
7 Charles Street
Parramatta 2150

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1b_2009.	Site boundary overlaid onto the Nearmap aerial photograph dated 20 October 2009
1b_2014.	Site boundary and vegetation boundary overlaid on the Nearmap aerial photograph dated 6 January 2014
1b_2015.	Site boundary and vegetation zone overlaid on the Nearmap aerial photograph dated 28 July 2015
2a.	Site Image Landscape Masterplan Issue E dated 14/04/2014
2b.	Features overlaid on the Site Image Landscape Masterplan Issue E dated 14/04/2014
2c_2009.	Concept boundary overlaid onto the Nearmap aerial photograph dated 20 October 2009
2c_2014.	Concept boundary overlaid onto the Nearmap aerial photograph dated 6 January 2014
2c_2015.	Concept boundary overlaid onto the Nearmap aerial photograph dated 28 July 2015
3a.	Transects and Spot location A overlaid on the Nearmap aerial photograph dated 28 July 2015
3b.	Transect 1 and Spot location A overlaid on the Nearmap aerial photograph dated 28 July 2015
3c.	Transect 2 overlaid on the Nearmap aerial photograph 28 July 2015
4_2009.	Site boundary overlaid onto the Nearmap aerial photograph dated 20 October 2009
4_2014.	Site boundary overlaid onto the Nearmap aerial photograph dated 6 January 2014
4_2015.	Site boundary overlaid onto the Nearmap aerial photograph dated 28 July 2015

Tables

1. Percent projected foliage cover of species recorded in each of the 10 m x 10 m quadrats of Transects 1, 2, species recorded at Spot location A
2. Maximum height and number of individuals per 10 m x 10 m subquadrat, for species present ≥ 2 m height
3. Percent projected foliage covers estimated for each stratum in Transects 1, 2

Appendix

1. Photographic record

2. Species and planting schedule for riparian corridor

1.0 Introduction

This report assesses the vegetation in the areas with canopy trees present, especially in the north-east of the 22.04 ha former Werrington Signal Station at 731-769 Great Western Highway, Werrington (the Site, Figures 1a, 1b-2009, 1b-2014, 1b-2015). The report was prepared at the request of Matt Daniel of Statewide Planning. The Site is in Penrith Local Government Area.

The Torrens Title Subdivision for 123 Residential Lots, one Public Reserve/Riparian Corridor Lot, and two Residue Lots & Public Roads on the Site (Penrith DA11/0546) was unanimously approved by the Joint Regional Planning Panel (JRPP), subject to the conditions on 29 April 2013.

The NSW Office of Water granted Control Activity Approval on 15 May 2014 for the conservation and drainage work in the riparian corridor associated with the subdivision. Schedule 3 of the Control Activity Approval refers to:

- Site Image Landscape Masterplan Issue E dated 17/04/2014 (Figures 2a, 2b, 2c), and
- Plan No. 20100127, Drawing No. C03, Issue A, Site Plan, prepared by S&G Consultants Pty Limited dated 14/02/2014.

2.0 Environmental setting

The Site is described in the JRPP Business Paper – 26 April 2013 as:

currently vacant and is largely clear of vegetation with the exception of scattered trees and several patches of remnant Cumberland Plain Woodland, primarily located along the ephemeral drainage line which bisects the site. The site is bounded by the main western railway line to the north, the Great Western Highway to the south, French Street and existing residential development to the west and the University of Western Sydney (Werrington North campus) to the east.

From the 1:25 000 topographic map (Figure 1a), the Site is gently sloping with the highest elevation being 50 m AHD on the southern boundary to less than 40 m AHD on the northern boundary.

There are two mapped watercourses on the Site. NSW Office of Water granted Control Activity Approval for riparian corridor works on the central mapped watercourse, the south to north tributary of Werrington Creek.

2.1 Rainfall

At the time of survey on 13 October 2015, approximately 50% of the native canopy trees in the north-east corner were dead with only approximately 5% live canopy projected foliage cover (sampled in Transect 1, Figure 3). In comparison, there was relatively intact canopy in the retained trees of the riparian corridor associated with the south to north tributary of Werrington Creek (sampled in Transect 1, Figure 3).

From close-up Nearmap time series aerial photographs (Figures 1b-2009, 1b-2014, 1b-2015) in the north-east corner of the Site, the trees appeared healthy in 2009, but dead by 2014 (Figures 2c-2009, 2c-2014, 2c-2015).

From the rainfall recorded at the nearby meteorological station at Penrith Lakes AWS (Number: 67113, Open in 1995, Lat: 33.72° S, Lon: 150.68° E, Elevation: 25 m)

the annual rainfall over the past 15 years has varied from 500 mm (2006) to over a 1000 mm (2007).

2009 was a relatively dry year, especially in July to September and in November, followed by a relatively dry 2009/2010 summer. This low rainfall is likely to have drought stressed the trees, especially on the higher land in the north-east corner of the Site.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Mean	90	127	72	53	40	52	30	31	31	55	83	60	715
2000	20	15	186	34	15	15	9	11	22	64	171	96	658
2001	148	143	99	90	33	3	72	24	28	40	41	30	751
2002	75	243	85	18	35	18	11	11	4	6	13	60	579
2003	24	102	148	45	89	25	27	25	4	76	76	78	718
2004	22	83	52	16	15	6	16	22	33	256	66	82	670
2005	115	160	47	15	21	68	53	1	36	82	136	26	760
2006	107	85	25	4	8	43	35	17	94	8	17	59	501
2007	23	182	87	51	25	226	15	78	14	24	206	82	1013
2008	112	228	48	85	4	98	17	24	39	79	62	70	867
2009	19	136	46	90	83	29	15	8	14	52	14	31	538
2010	44	275	30	15	50	51	57	23	26	61	143	40	815
2011	28	22	121	35	41	46	27	28	68	46	154	88	705
2012	138	266	149	94	15	65	19	5	24	34	67	28	905
2013	149	150	67	60	27	101	4	0	19	7	141	37	763
2014	27	68	101	54	4	35	12	103	19	66	40	164	694
2015	140	47	46	259	48	67	33	40	16				

Less than 50% of monthly mean

3.0 Works onsite

The Werrington Signal Station site was owned by the Department of Defence and has been vacant since 1993. It is likely the Werrington Signal Station commenced operation in the 1940s. The Defence Signals Bureau was established within the Department of Defence in 1947. Given the presence of radio towers on the site, the vegetation is likely to have been maintained with a low fire risk by the Department of Defence.

From the close up of the 2009 aerial photograph (Figures 1b_2009, 4_2009), the understorey of both the Site and the adjoining University of Western Sydney land was being slashed. From the close up of the 2014, 2015 aerial photographs (Figures 1b_2014, 1b_2015, 4_2014, 4_2015), the understorey of the Site appears no longer to be slashed, but the adjoining University of Western Sydney land has continued to be slashed.

On 13 October 2015 at time of survey, subdivision work including land clearing and road construction were being undertaken.

4.0 Vegetation on the Site

4.1 Hawkeswood (2011)

The flora and fauna assessment was undertaken as part the proposed residential subdivision. The vegetation is described in JRPP Business Paper – 26 April 2013 as:

Flora and Fauna

Flora and Fauna Under Section 5A of the Environmental Planning and Assessment Act 1979 (the Act), an assessment must be made as to whether a development proposal is likely to have a “significant effect” on any threatened species, populations or ecological communities or their habitats. The application has been accompanied by a Flora and Fauna Assessment prepared by Dr T J Hawkeswood in accordance with Section 5A of the Act. In summary, Dr Hawkeswood has found that the subject site has been highly disturbed in the past and there are many species of weeds detected. There was only one endangered entity detected, namely the Cumberland Plains Woodland - Grey Box Woodland (dominated by Eucalyptus moluccana and E. tereticornis) which exists as clumped and scattered trees of various ages and sizes. The 7-part Test of Significance under Section 5a of the Environmental Protection Act (EPA)(1979) provided by Dr Hawkeswood concludes that:

- (i) For the proposed subdivision, most of the trees will be removed but some will be retained such as around the boundary and near retained ponds. Therefore the local occurrence of the community will not be placed at the risk of extinction.*
- (ii) The proposal will substantially modify the existing plant community but its local occurrence is not likely to be placed at the risk of extinction.*

It is also noted that the small size and scattered nature of the remnant Cumberland Plains Woodland - Grey Box Woodland (dominated by Eucalyptus moluccana and E. tereticornis) community on the subject land indicates the development is not defined as a controlled action under the Environment Protection and Biodiversity Conservation Act (Cwth).

Council's independent flora and fauna consultant has reviewed the assessment prepared by Dr Hawkeswood.

The review of the flora and fauna assessment has confirmed that the proposal has been designed to retain the highest quality remnant vegetation within the north – south riparian corridor running through the site. This land will be dedicated to Council. The corridor will provide opportunities for increased biodiversity and will increase the habitat values for fauna species. Therefore Council can be satisfied the requirements under Section 5A of the Act have been considered.

4.2 Current assessment

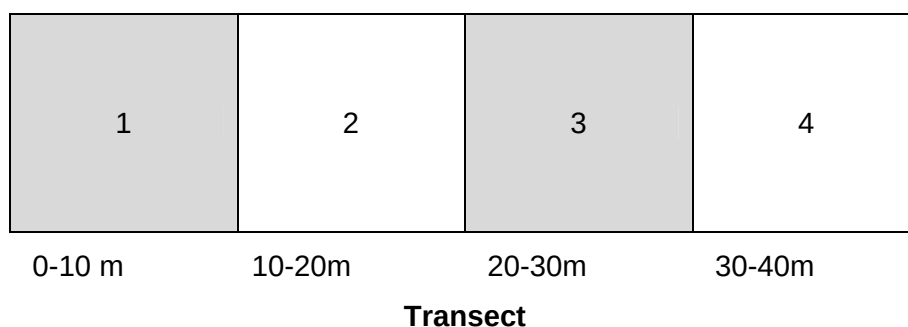
The areas with canopy trees present were inspected by Dr AnneMarie Clements, Jessica Gardner and Lucy Bonanno on 13 October 2015. A total of 53 (22 native and 31 exotic species were recorded from two 0.04 ha quadrats (Transects 1, 2) and Spot location A on the adjoining University of Western Sydney land (Figures 3a, 3b, 3c, Table 1).

The species compositions at sampling locations were pre-dominantly exotic species, with:

	Total number of species recorded	Number of native species	Number of exotic species	Percent native to total species recorded
Quadrat 1	44	19	21	43%
Quadrat 2	16	7	9	44%
Spot location A	10	3	7	30%

4.2.1 Methods

The vegetation was sampled in two transects and one Spot location. The transects consisted of four contiguous 10 m x 10 m subquadrats. The layout of the subquadrats was as follows:



The percent projected foliage cover was estimated in each of the 10 m x 10 m subquadrats (Table 1). The numbers and maximum heights of all species at least 2 m tall were recorded in each of the 10 m x 10 m subquadrats (Table 2). The percent project foliage cover is recorded for each strata (Table 3).

Supplementary data from Spot location A consisted of species recorded in an approximately 10 m radius (Table 1), as well as height of species at least 2 m tall.

The sampling locations were photographed at the time of survey (Appendix 1). GPS coordinates of each sampling location were recorded using a hand-held Garmin *GPSmap 60CSx* at the time of survey. The GPS coordinates in conjunction with ground features were used to plot the sampling locations (Figures 3a, 3b, 3c).

Nomenclature is consistent with Harden (1990-1993, 2002), Harden and Murray (2000) and subsequent taxonomic changes as published in *Telopea*, the Sydney Royal Botanic Gardens' journal of systematic botany, and in other Australian taxonomic literature. The Royal Botanic Gardens' PlantNET website (www.plantnet.rbgsyd.nsw.gov.au) incorporating Flora Online is the major source for updated taxonomy.

4.2.2 Findings

The areas with canopy trees present were in the north-east corner (sampled in Transect 1) and within the riparian corridor (sampled in Transect 2) on the Site as well as offsite on the adjoining University of Western Sydney land to the east (Sampled in Spot location A).

In the north-east corner (sampled in Transect 1), the vegetation consisted of native tree canopy in decline with some native eucalypt regeneration in an understorey dominated by the exotic low nutrient pasture grass *Eragrostis curvula*.

The native component consisted of:

Native canopy trees: Approximately 5% live projected foliage cover and approximately 50% of the trees being dead. In 0.04 ha Transect 1, there was a total of seven (7) trees of *Eucalyptus moluccana* of which three (3) were dead and two (2) with less than 50% intact canopy (see photographs in Appendix 1). There was eucalypt regeneration of 0.1 to 1.6 m height occurring with between 4 to 10 seedlings per 10 m x 10 m quadrat.

Native sub-canopy trees: absent.

Native shrub: one individual of *Bursaria spinosa* less than 2 m in height.

Native groundcover: Of the 17 species recorded only three species had more than 1% projected foliage cover in any 10 m x 10 m subquadrat, namely:

Species	Common name	T1-1	T1-2	T1-3	T1-4
<i>Chloris ventricosa</i>	Tall Windmill Grass	10	10	5	
<i>Cynodon dactylon</i>	Couch	2			
<i>Solanum americanum</i>	Blackberry Nightshade		2	1	

Exotic species: There was dominance by exotic grass *Eragrostis curvula* (African Lovegrass) with 90% projected foliage cover suppressing the exotic pasture grass species *Paspalum dilatatum* (Paspalum). Within the understorey were typical pasture weeds including *Cirsium vulgare* (Black Thistle) and *Conyza sumatrensis* (Tall Fleabane).

Within the riparian corridor (sampled in Transect 2), there appeared to have been rabbit burrow ripping as well as adjoining drainage works undertaken. There were flagged areas within the canopy vegetation and sediment control fencing linked to the constructed channel and associated drainage works.

The native component consisted of:

Native canopy trees: The canopy was healthy, exhibiting more than one age class, with older trees of *Eucalyptus tereticornis* and *E. moluccana* being approximately 12 to 14 m tall, and the saplings being 10 m or less in height. The canopy tree projected foliage cover was approximately 15% with the number of trees varying between 4 and 16 individuals in the 10 m x 10 m quadrats.

Native sub-canopy trees: absent.

Native shrub: one individual of *Eremophila debilis* (Winter Apple) approximately 300 mm tall.

Native groundcover: Sparse with swards of *Cynodon dactylon* between 10 and 40% cover in the 10 m x 10 m quadrats and occurrence of *Aristida* sp., *Dichondra* sp. A and *Eremophila debilis* at the base of *Eucalyptus tereticornis*.

Exotic species: the most abundant species was *Juncus acutus* occurring in the wetter areas in the riparian corridor with 40% projected foliage cover in one of the 10 m x 10 m quadrats.

The adjoining University of Western Sydney land (sampling in Spot location A) was a mown understorey under a scattered stand of approximately 16 m tall *Eucalyptus moluccana*. All of the trees support *Amyema miquelii* (Box Mistletoe). From the presence of the exotic *Arctotheca calendula* (Cape Weed), as well as the common pasture grass *Paspalum dilatatum* (Paspalum), it was inferred that the currently mown understorey was part of a former grazing paddock.

Of the 10 species recorded at this sampling location, only three native species were recorded as persisting in the mown, formerly overgrazed paddock, these being

Amyema miquelii (Box Mistletoe) and the native tree *Eucalyptus moluccana* (Grey Box), and *Dichondra* sp. A (Hairy Kidney Weed).

5.0 Conclusions

The Site is being developed as a residential subdivision with a 40 m wide central riparian corridor along a south to north tributary of Werrington Creek (shown on Figure 2a). At the time of survey on 13 October 2015, there was canopy vegetation present in the north-east corner and in the riparian corridor onsite as well as on the adjoining University of Western Sydney land. From the species recorded, the vegetation is considered that of a formerly overgrazed paddock with scattered native canopy trees.

The existing canopy trees in the north-eastern corner were recorded in the current survey as in decline, with approximately half being dead and approximately a third with less than 50% intact canopy. In contrast, the canopy trees in the riparian corridor appear to be younger and with more intact canopy than those in the north-eastern corner of the Site and on the adjoining University of Western Sydney land.

From the 20 October 2009 aerial photograph (Figure 4-2009), the canopy trees in the north-eastern corner and on the adjoining land appeared to be healthy despite the brown understorey due to low rainfall (19 mm recorded for January 2009). The observed decline in the canopy trees, especially of *E. moluccana*, is part of a pattern observed to be widespread in western Sydney during approximately the last decade. The immediate cause of dieback in *E. moluccana* is a psyllid insect (University of Western Sydney 2013), one hypothesis being that "genetic bottlenecks" caused by past clearing and subsequent recolonisation may have rendered this species more susceptible to attack than in former times. It is highly likely that periods of abnormally low rainfall would have contributed to deaths of defoliated trees; periods such as the second half of 2009, and the 2009/2010 summer. This extended period of low rainfall is likely to have drought stressed the trees, especially on the higher land in the north-east corner. Prior to construction works onsite (based on the 9 January 2014 aerial photograph), the death of at least 50% of the canopy trees in the north-east had already occurred. Consequently, the death of the canopy trees in the north-east corner does not appear to be related to the construction works onsite.

The trees on the higher parts of this formerly grazed land appear to be less drought resistant than along the riparian corridor associated with the ephemeral creek.

6.0 Recommendations

It recommended that:

- For the safety of future residents of the subdivision, the band of dead and dying trees in the north-east corner be removed;
- A long-term sustainable 40 m wide riparian corridor referenced at Figure 2a, (consent from the Office of Water dated 15 May 2015), be established and maintained for conservation of the local native vegetation and fauna habitat.;
- The loss of native vegetation component in the north-east of the Site be offset by conservation works in the 40 m wide riparian corridor.
- The approved landscape planting list prepared by Dragonfly Environmental has been amended (Appendix 2) and all plants used in the riparian corridor are to be native species of local provenance; and

- The proposed tree plantings in the riparian corridor should include *E. moluccana* as a minor component only, with majority of the canopy trees to be other species common in Cumberland Plain Woodland on comparable sites such as *E.fibrosa* and *E.teretecornis*.

This recommendation for the riparian corridor is consistent with Council's review of the 2013 approved residential subdivision, namely:

The review of the flora and fauna assessment has confirmed that the proposal has been designed to retain the highest quality remnant vegetation within the north – south riparian corridor running through the site.

References

Harden, G.J.(ed.) (1990, 1993, 1994, 2002) *Flora of New South Wales*. Vol. 1, 2, 3, 4. New South Wales University Press: Sydney.

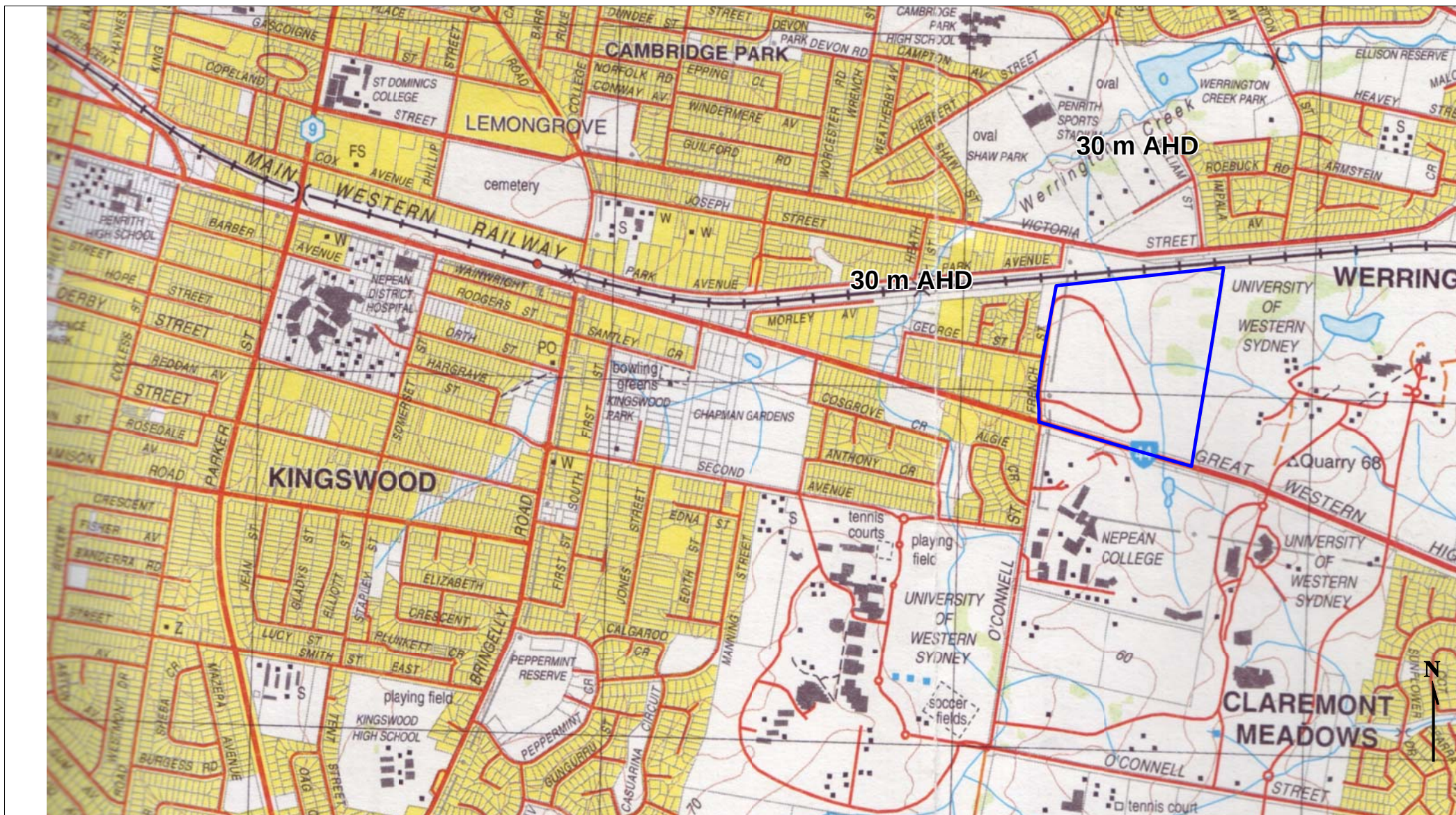
Harden G.J., and Murray L.J. (eds.) (2000) *Supplement to Flora of New South Wales*. Vol. 1. New South Wales University Press: Sydney.

University of Western Sydney 2013

'Bugs that ate fragile woodlands'. *University of Western Sydney – Research Directions* (web page accessed October 2015)

<http://www.uws.edu.au/__data/assets/pdf_file/0010/582166/Riegler_grey_box_dieback_FINAL_with_image.pdf>

Figures



Site boundary

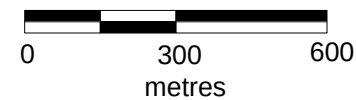


Figure 1a.
Site boundary overlaid on the Penrith 1:25 000 Topographic Map
(Land and Property Information NSW 2001)



- Site Boundary
- Vegetation boundary

0 70 140
metres

Figure 1b_2009.
Site boundary overlaid onto the Nearmap
aerial photograph dated 20 October 2009



- Site Boundary
- Vegetation Boundary

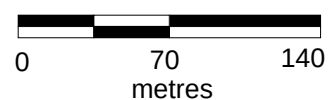


Figure 1b_2014.
Site boundary and vegetation boundary
overlaid on the Nearmap aerial photograph
dated 6 January 2014



French Street

UWS Penrith
Campus Observatory



- Site boundary
- Vegetation zone

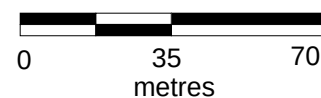


Figure 1b_2015.
Site boundary and vegetation zone
overlaid on the Nearmap aerial photograph
dated 28 July 2015.

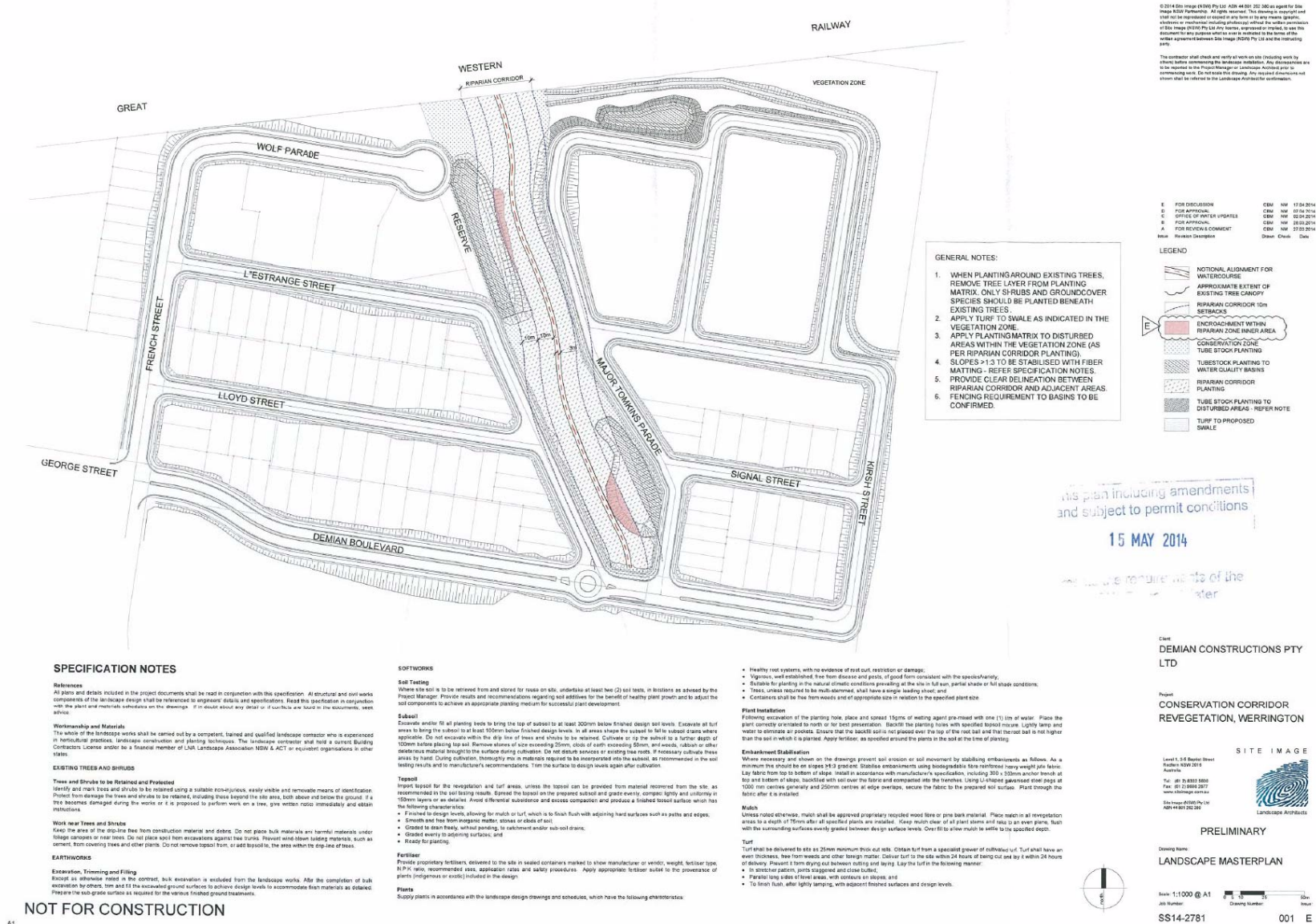
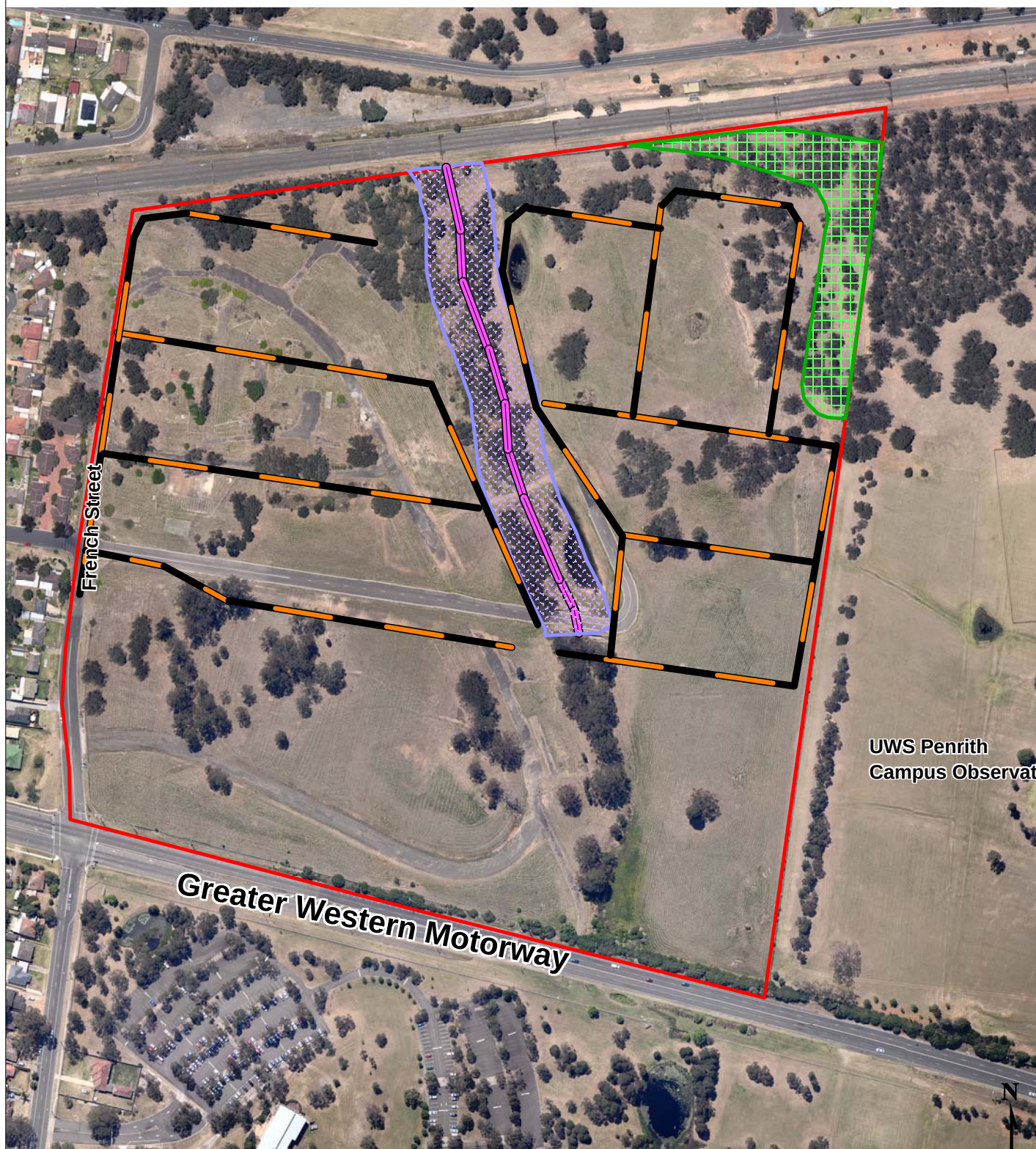


Figure 2a.
Site Image Landscape Masterplan Issue E
dated 14/04/2014





- Site Boundary
- Vegetation boundary on concept
- Riparian corridor
- Centre of planned channel
- Road

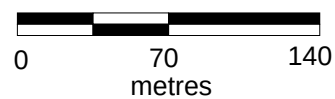
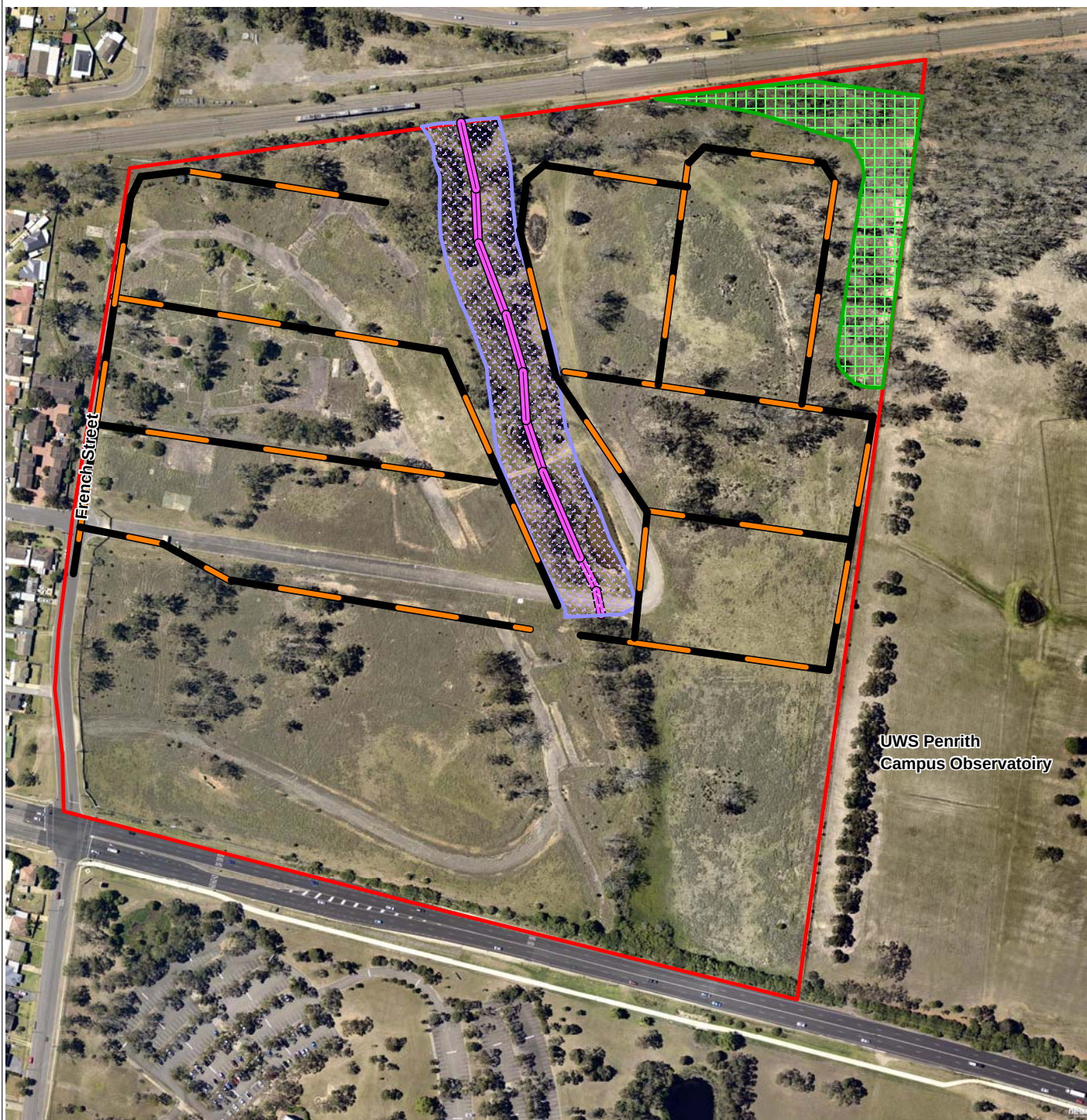


Figure 2c_2009.
Concept boundary overlaid onto the Nearmap
aerial photograph dated 20 October 2009



- Site Boundary
- Vegetation boundary on concept
- Riparian corridor
- Centre of planned channel
- Road

0 70 140
metres

Figure 2c_2014.
Concept boundary overlaid onto the Nearmap
aerial photograph dated 6 January 2014



- Site Boundary
- Vegetation boundary on concept
- Riparian corridor
- Centre of planned channel
- Road


 0 60 120
 metres

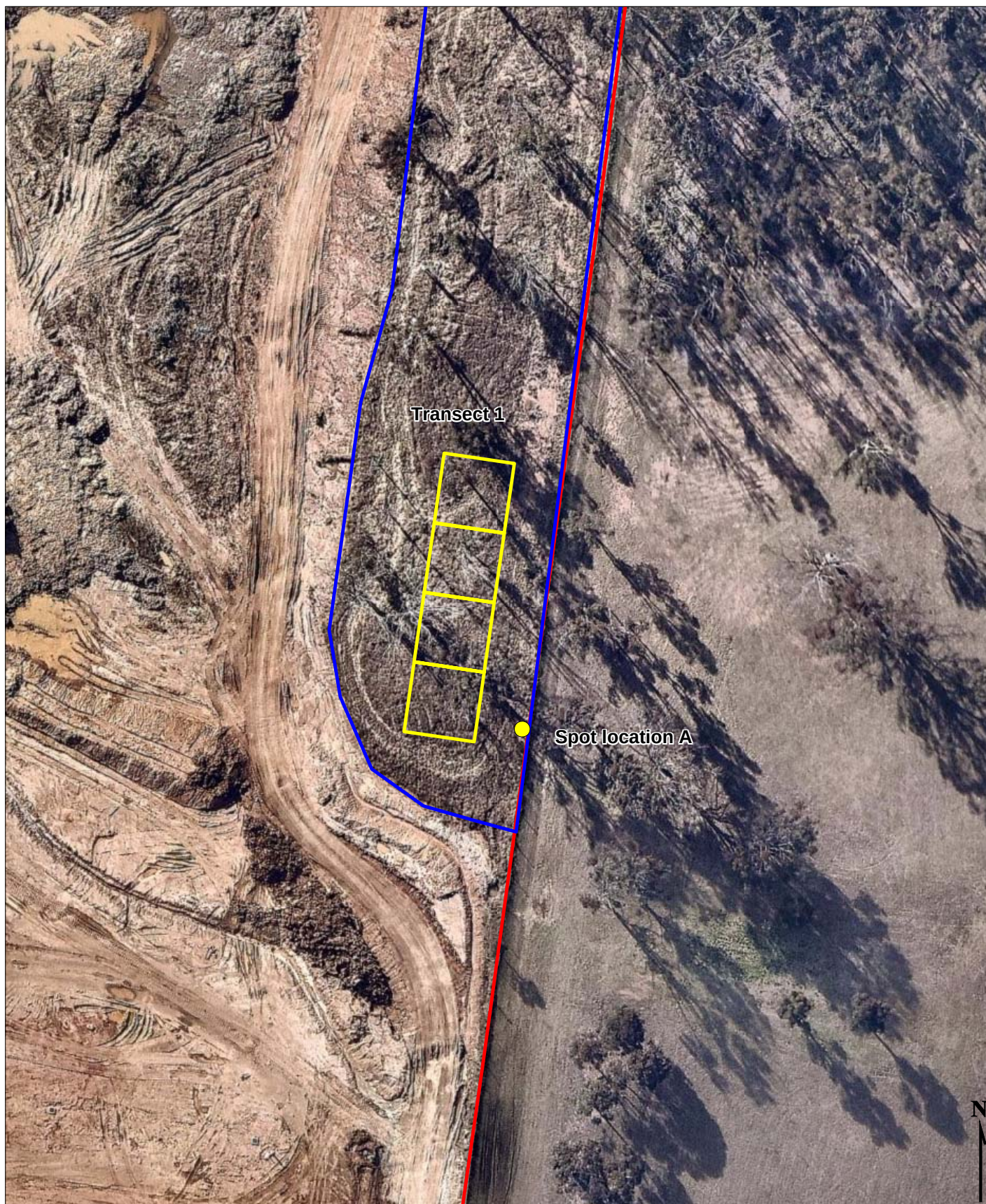
Figure 2c_2015.
 Concept boundary overlaid onto the Nearmap
 aerial photograph dated 28 July 2015.



- Site boundary
- Vegetation zone
- Spot location
- Transects

0 60 120
metres

Figure 3a.
Transects and Spot location A overlaid
on the Nearmap aerial photograph dated 28 July 2015.



-  Site boundary
-  Vegetation zone
-  Spot location
-  Transect (10m x 40m)

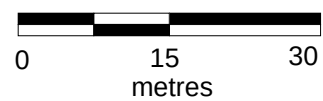
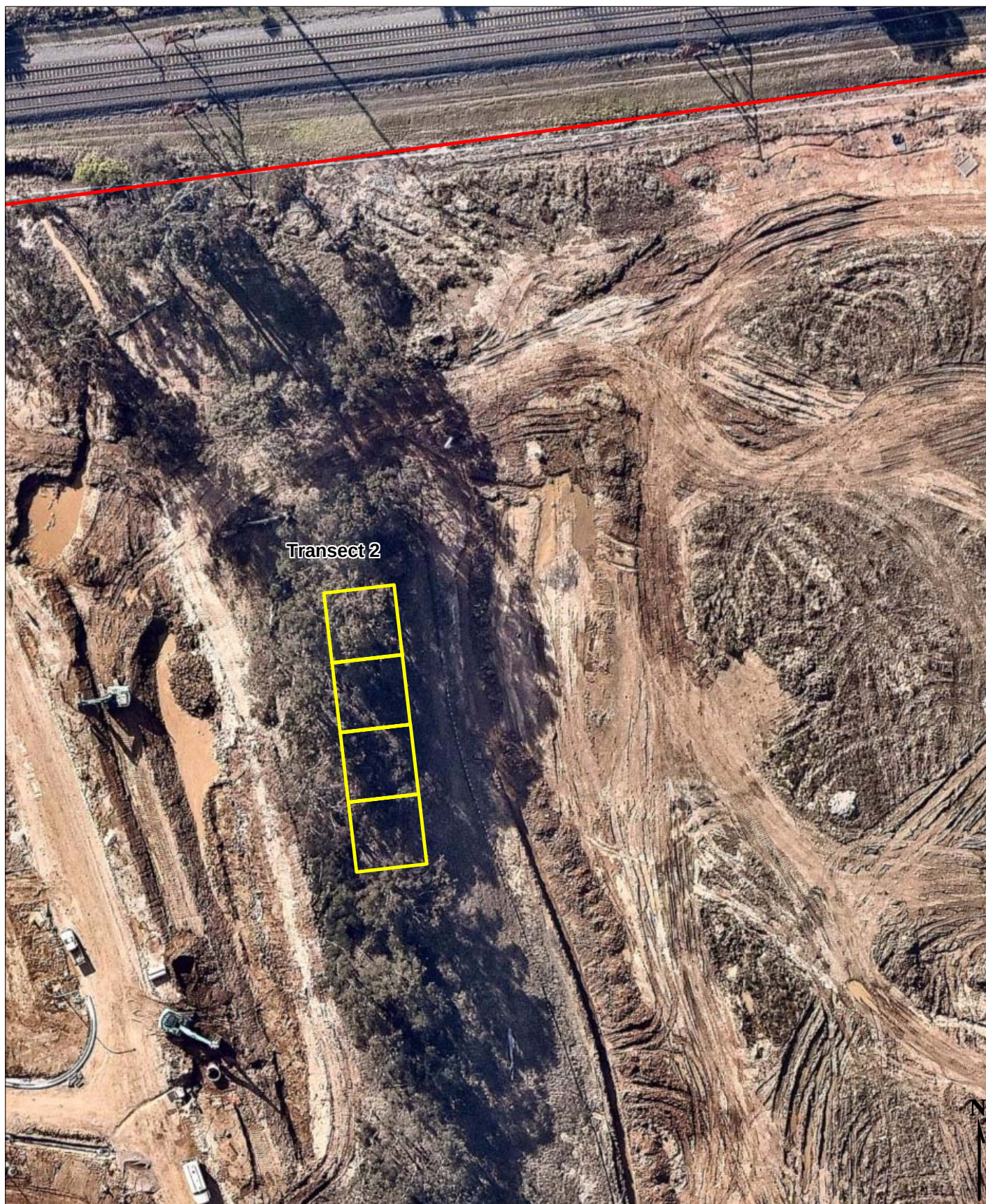


Figure 3b.
Transect 1 and Spot location A overlaid on the Nearmap aerial
photograph dated 28 July 2015.



Site boundary



Transect (10m x 40m)

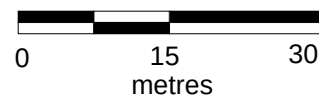


Figure 3c.
Transect 2 overlaid on the Nearmap aerial
photograph 28 July 2015.



 Site Boundary

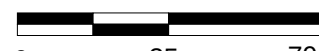

0 35 70
metres

Figure 4_2009.
Site boundary overlaid onto the Nearmap
aerial photograph dated 20 October 2009



 Site Boundary


0 35 70
metres

Figure 4_2014.
Site boundary overlaid onto the Nearmap
aerial photograph dated 6 January 2014



 Site Boundary


0 35 70
metres

Figure 4_2015.
Site boundary overlaid onto the Nearmap
aerial photograph dated 28 July 2015

Tables

Table 1: Percent projected foliage cover of species recorded in each of the 10 m x 10 m quadrats of Transects 1, 2, species recorded at Spot location A

Exotic	Species	Common name	T1-1	T1-2	T1-3	T1-4	T2-1	T2-2	T2-3	T2-4	A
	<i>Amyema miquelii</i>	Box Mistletoe, Drooping Mistletoe				1					X
*	<i>Arctotheca calendula</i>	Capeweed									X
	<i>Aristida</i> sp.	Wiregrass					2				
	<i>Arthropodium milleflorum</i>	Pale Vanilla Lily	<1	<1							
*	<i>Asparagus asparagoides</i>	Bridal Creeper, Florists' Smilax		<1						1	
	<i>Asperula conferta</i>	Common Woodruff		<1							
*	<i>Bidens pilosa</i>	Cobbler's Pegs	<1	<1	<1						
*	<i>Briza subaristata</i>		1	1							
	<i>Brunoniella australis</i>	Blue Trumpet, Blue Yam		<1		<1	<1				
	<i>Bursaria spinosa</i>	Australian Boxthorn				2					
*	<i>Chloris gayana</i>	Rhodes Grass					<1				
	<i>Chloris truncata</i>	Windmill Grass	1								
	<i>Chloris ventricosa</i>	Tall Windmill Grass	10	10	5						
*	<i>Cirsium vulgare</i>	Black Thistle, Spear Thistle	1	<1	1	1					X
*	<i>Conyza sumatrensis</i>	Tall Fleabane	1	2	1	1					X
*	<i>Cyclosporum leptophyllum</i>	Slender Celery	<1								X
	<i>Cynodon dactylon</i>	Couch, Bermuda Grass	2				10	30	40	40	
	<i>Dichondra</i> sp. A	Hairy Kidney Weed				<1	<1				X
	<i>Digitaria diffusa</i>					<1					
*	<i>Ehrharta erecta</i>	Panic Veld-grass						<1			
*	<i>Eragrostis curvula</i>	African Lovegrass	90	90	80	90	2				X
	<i>Eremophila debilis</i>	Winter Apple, Amulla					1				
	<i>Eucalyptus moluccana</i>	Grey Box	5	3	5	5	5	5	5	10	X

Exotic	Species	Common name	T1-1	T1-2	T1-3	T1-4	T2-1	T2-2	T2-3	T2-4	A
	<i>Eucalyptus tereticornis</i>	Forest Red Gum					10	15	10	10	
	<i>Euchiton</i> sp.		<1								
	<i>Euchiton sphaericus</i>		<1								
*	<i>Gamochaeta coarctata</i>	Spike Cudweed	1								
	<i>Glycine tabacina</i>					<1					
*	<i>Gomphocarpus fruticosus</i>	Narrow-leaved Cotton Bush					1				
*	<i>Hypochaeris microcephala</i> var. <i>albiflora</i>	White Flatweed	1			<1					
*	<i>Hypochaeris radicata</i>	Catsear, False Dandelion	2								X
*	<i>Juncus acutus</i>	Spiny Rush					<1		10	40	
	<i>Juncus usitatus</i>	Common Rush		<1							
#	<i>Melia azedarach</i>	White Cedar, Persian Lilac	<1								
*	<i>Modiola caroliniana</i>	Red-flower Mallow	<1	<1							
*	<i>Olea europaea</i> subsp. <i>cuspidata</i>	African Olive	<1	<1			<1				
	<i>Oxalis exilis</i>	Creeping Oxalis	<1	<1							
*	<i>Paspalum dilatatum</i>	Paspalum	2	2	1						X
*	<i>Phoenix canariensis</i>	Canary Island Date					<1				
*	<i>Plantago lanceolata</i>	Plantain, Ribwort	1			1					
*	<i>Plantago myosuros</i>					<1					
*	<i>Pyracantha crenulata</i>	Himalaya Firethorn			1						
*	<i>Richardia stellaris</i>	Field Madder	<1			<1					
	<i>Rumex brownii</i>	Slender Dock			<1						
*	<i>Senecio madagascariensis</i>	Fireweed, Madagascar Ragwort	2	1	<1						
*	<i>Senecio pterophorus</i>	African Daisy-bush			<1						
*	<i>Sida rhombifolia</i>	Paddy's Lucerne		1							
	<i>Solanum americanum</i>	Blackberry Nightshade, Glossy Nightshade		2	1						

Exotic	Species	Common name	T1-1	T1-2	T1-3	T1-4	T2-1	T2-2	T2-3	T2-4	A
*	<i>Solanum pseudocapsicum</i>	Jerusalem Cherry	<1	<1	<1	<1	<1				
*	<i>Sonchus oleraceus</i>	Common Sow-thistle, Milk-thistle		<1							
*	<i>Taraxacum officinale</i>	Dandelion		1							
*	<i>Verbena rigida</i>	Veined Verbena				<1					
	<i>Wahlenbergia gracilis</i>	Sprawling Bluebell	<1	<1							

Table 2. Maximum height and number of individuals per 10 m x 10 m subquadrat, for species present ≥ 2 m height

Botanical name	Subquadrat 1		Subquadrat 2		Subquadrat 3		Subquadrat 4	
	Number	Height	Number	Height	Number	Height	Number	Height
Quadrat 1								
<i>Eucalyptus molucanna</i>	1	14 m	1	14 m				
<i>Eucalyptus molucanna</i> partly dead					1	10 m	1	10 m
Dead					3	16 m		
<i>Eucalyptus molucanna</i> regeneration	7	0.3-0.5 m	4	0.5-1.0 m	8	0.5-1.6 m	10	0.1-1.0 m
Quadrat 2								
<i>Eucalyptus molucanna</i>			4	12 m	3	10 m	2	10 m
<i>Eucalyptus tereticornis</i>	2	14 m	1	14 m	1	14 m		
<i>Eucalyptus tereticornis</i>	14	8 m					2	8 m

Table 3. Percent projected foliage covers estimated for each stratum in Transects 1, 2

Sampling location	Native canopy	Native subcanopy	Native shrubs	Native grasses/graminoids	Native herbs	Exotic	Leaf litter (including logs)	Bare ground	Moss
Q1	5%	0%	0%	8%	<1%	95%	10%	20%	10%
Q2	15%	0	0	30%	<1	20%	2%	50%	0%

Appendices

Appendix 1. Photographic record
13/10/2015



Spot location A - Offsite on adjoining University of Western Sydney land



Transect 1 – dead and declining trees



Transect 1 – Eucalypt regeneration with decline trees in background



Transect 1 – Declining eucalypt canopy trees and understorey dominated by exotic grass *Eragrostis curvula*



Transect 1 – declining trees with Mistletoe



Transect 2 - Patches of *Juncus acutus* in wetter areas. Trees younger than in Transect 1



Transect 2 – saplings 8 m to 10 m tall



Transect 2 - Former rabbit activity

Appendix 2. Species and planting schedule for riparian corridor

All plants used are to be of local provenance

Total riparian corridor area m²	14,250
Area of swale m ²	922
Area of Basin 1 floor m ²	885
Area of Basin 3 floor m ²	747
Total wetland planting m²	2,554
Site area less basin planting, less swale drain m²	11,696

Botanic Name	Common Name	Number
TREES OR SHRUBS (1 plant /m²)		
<i>Acacia parramattensis</i>	Parramatta Wattle	
<i>Acacia decurrens</i>	Sydney Green Wattle	
<i>Acacia implexa</i>	Hickory Wattle	
<i>Allocasuarina littoralis</i> Black She-oak	Black She-oak	
<i>Angophora floribunda</i>	Rough-barked Apple	
<i>Eucalyptus crebra</i>	Narrow-leaved Ironbark	
<i>Eucalyptus moluccana</i>	Grey Box (Small proportion only of tree plantings - prone to dieback)	
<i>Eucalyptus fibrosa</i>	Broad-leaved Ironbark	
<i>Eucalyptus tereticornis</i>	Forest Red Gum	
<i>Melaleuca decora</i>		
<i>Melaleuca styphelioides</i>	Prickly Paperbark	
<i>Acacia falcata</i>	Sickle Wattle	
<i>Bursaria spinosa</i>	Australian Boxthorn	
<i>Daviesia ulicifolia</i>	Gorse Bitter-pea	
<i>Dillwynia sieberi</i>	Prickly Parrot-pea	
<i>Dodonaea viscosa subsp. cuneata</i>	Hopbush	
<i>Grevillea juniperina subsp. juniperina</i>	Prickly Spiderflower (Endangered; occurs close to this site)	
<i>Hakea sericea</i>	Needlebush	
<i>Indigofera australis</i>	Native Indigo	
1 plants /m²	Total number of trees or shrubs (quantity for each species may vary depending on availability)	11,696

GROUNDCOVERS, GRASSES (8 plants /m²)

<i>Aristida ramosa</i>	Purple Wiregrass	
<i>Aristida vagans</i>	Threeawn Speargrass	
<i>Bothriochloa macra</i>	Redleg Grass	
<i>Carex breviculmis</i>		
<i>Carex inversa</i>		
<i>Chloris truncata</i>	Windmill Grass	
<i>Chloris ventricosa</i>	Tall Chloris	
<i>Cymbopogon refractus</i>	Barbed-wire Grass	
<i>Cyperus gracilis</i>		
<i>Dianella longifolia</i>	Pale flax-lily	
<i>Duinella revoluta</i>	Blue flax-lily	
<i>Entolasia stricta</i>	Wiry Panic	
<i>Eragrostis brownii</i>	Brown's Lovegrass	
<i>Eragrostis leptostachya</i>	Paddock Lovegrass	
<i>Lachnagrostis filiformis</i>	Blown Grass (syn. <i>Agrostis avenacea</i>)	
<i>Lomandra filiformis</i> subsp. <i>Filiformis</i>	Wattle Mat-rush	
<i>Lomandra multiflora</i>	Many-flowered Matrush	
<i>Microlaena stipoides</i>	Weeping Grass	
<i>Oplismenus aemulus</i>	Australian Basket grass	
<i>Poa labillardierei</i>	Tussock	
<i>Rytidosperma fulvum</i>	Wallaby Grass (syn. <i>Austrodanthonia linkii</i> var. <i>fulva</i>)	
<i>Rytidosperma tenuius</i>	Wallaby Grass (syn. <i>Austrodanthonia tenuior</i>)	
<i>Themeda triandra</i>	Kangaroo Grass (syn. <i>Themeda australis</i>)	
<i>Arthropodium milleflorum</i>	Pale Vanilla-lily	
<i>Atriplex semibaccata</i>	Creeping Saltbush	
<i>Bossiaea prostrata</i>		
<i>Brunoniella australis</i>	Blue Trumpet	
<i>Centella asiatica</i>	Indian Pennywort (Damper areas)	
<i>Chrysocephalum apiculatum</i>	Clustered Everlasting	
<i>Desmodium brachypodium</i>	Large Tick-trefoil	
<i>Dichondra</i> sp. A	Hairy Kidney Weed	
<i>Einadia hastata</i>	Berry Saltbush	
<i>Einadia nutans</i>	Climbing Saltbush	
<i>Einadia trigonos</i>	Fishweed	
<i>Eremophila debilis</i>	Winter Apple	
<i>Glycine tabacina</i>		
<i>Hardenbergia violacea</i>	False Sarsaparilla	
<i>Hypericum gramineum</i>	Small St John's Wort	
<i>Sida corrugata</i>	Variable Sida	
<i>Veronica plebeia</i>	Trailing Speedwell	
8 plants /m²	Total number of ground cover plants & grasses (quantity for each species may vary depending on availability)	93,568

AQUATIC AND BOG PLANTS (8 plants /m²)

<i>Alisma plantago-aquatica</i>	Water Plantain marginal or shallow	
<i>Carex appressa</i>	Tall Sedge (marginal or bog)	
<i>Damasonium minus</i>	Starfruit (marginal or shallow)	
<i>Ficinia nodosa</i>	Knobby Clubrush (syn. <i>Isolepis nodosa</i>)	
<i>Juncus usitatus</i>	Common Rush (marginal or bog, will proliferate)	
<i>Liparophyllum exaltatum</i>	(syn. <i>Villarsia exaltata</i> ; marginal)	
<i>Ottelia ovalifolia</i>	(For permanent water only)	
<i>Persicaria decipiens</i>	(marginal)	
<i>Persicaria lapathifolia</i>	(marginal)	
<i>Philydrum lanuginosum</i>	(marginal or bog)	
<i>Potamogeton spp.</i>	Pondweeds (For permanent water only)	
<i>Triglochin spp.</i>	(excluding <i>T. striata</i> , e.g. <i>T. procera</i> , <i>T. microtuberosa</i> , <i>T. multifructa</i>)	
<i>Typha spp.</i>	(will rapidly colonise any unshaded shallow water with adequate nutrient level; planting unnecessary)	
<i>Vallisneria australis</i>	(syn. <i>V. gigantea</i> ; permanent water only, submerged)	
8 plants /m²	Total number of aquatic and bog plants (quantity for each species may vary depending on availability)	20,432

Total number of plants
125,696