



Planning Proposal

Employment Zones Review

Stage 2

September 2024

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Introduction

1. Purpose of the Planning Proposal

An amendment to the *Penrith Local Environmental Plan 2010* (LEP 2010) is proposed to align LEP 2010 with the outcomes of Council's Employment Lands Review Stage 2.

The Department of Planning, Housing, Infrastructure and Environment's (DPHI) process for making or amending Local Environmental Plans (LEPs) has several stages which are outlined in Table 1. The preparation of a Planning Proposal is the second stage in DPHI's process for amending LEP 2010.

Table 1: LEP Making Process

No.	Stage	Explanation
1	Pre-Lodgement	The proponent or Council undertakes early analysis of the development potential of the relevant land including key environmental or site constraints, reviews the strategic planning framework, obtains advice and consults with authorities and government agencies and identifies study requirements to underpin a planning proposal.
2	Planning Proposal	Where the planning proposal has been initiated by a proponent, Council reviews and assesses the planning proposal and decides whether to support and submit it to the DPHI for a Gateway determination. Where the planning proposal has been initiated by Council, Council prepares the planning proposal and submits it to the DPHI for a Gateway determination.
3	Gateway Determination	The DPHI assesses the strategic and site-specific merit of the planning proposal and issues a Gateway determination specifying if the planning proposal should proceed and whether consultation with authorities and government agencies is required.
4	Post-Gateway	Council reviews the Gateway determination and actions any required conditions prior to public exhibition.
5	Public Exhibition and Assessment	Council places the planning proposal on public exhibition to enable consultation with the community, key authorities and government agencies (as required). Council considers the submissions received in response to the public exhibition and varies the planning proposal if required.

6	Finalisation	The local plan making authority (the Minister/DPHI or Council) completes a final assessment of the planning proposal and works with Parliamentary Counsel to prepare the draft LEP amendment. Once finalised, the LEP is made and notified on the NSW legislation website, making it law.
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2. Background

In late 2020, DPHI engaged with selected Council's on its intention to refine the zoning framework for employment lands. Penrith City Council was one of the council's that were engaged by DPHI. The reform aimed to:

- remove widespread limitations on businesses that wish to establish, innovate or expand, and
- support the long-term economic recovery of NSW by increasing job creation and productivity, and the consolidation of business and industrial zones (a recommendation of the Productivity Commission's White Paper).

The Employment Zones Reform saw a translation of existing Business (B) and Industrial (I) zones to new Employment (E) zones. This process was initiated and managed by DPHI.

In November 2021 Council received its zone translation of LEP 2010 from DPHI, with the expectation that this would be reviewed and endorsed by Council by March 2022. DPHI's timeframe significantly impacted Council's ability to undertake a comprehensive review of the translation at that time. Therefore, a two-staged approach was developed, as described below.

Stage 1: Broadly adopted a 'direct translation' approach as part of the DPHI implementation. The outcome was minimal policy changes unless there were clear land use conflicts or where DPHI's secondary zone translation was more relevant. Council's intention in undertaking the review was that affected property owners would maintain their development potential as a result of the translation.

Stage 1 of this project was finalised in December 2022. DPHI publicly exhibited the preliminary translation of all principal LEP's in NSW, (including LEP 2010) in May to July 2022. Changes to the Standard Instrument LEP and LEP 2010 were finalised by DPHI in December 2022.

Stage 2: Council undertake a comprehensive review of the new employment zones framework.

Stage 2 Employment zones review

This Planning Proposal represents the outcomes of Council's comprehensive review of its employment land. Matters considered in this stage included:

- Matters raised in Stage 1 public exhibition submissions to DPHI, that were outside the scope of Council's direct translation approach.
- Matters raised by Council officers and housekeeping matters.
- Related actions / priorities in Council's strategic documents including Employment Lands Strategy and Green Grid Strategy both adopted in October 2021.

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend the LEP 2010 to:

- make housekeeping amendments and correct anomalies within the LEP,
- respond to relevant actions within Council's adopted Employment Lands Strategy and Green Grid Strategy,
- address submissions made to DPHI during its public exhibition of the Employment Zones Reform (2022) that were out of scope of Council's adopted 'direct translation' approach to this reform,
- implement the recommendations of Council's review of employment land across the LGA.

The intended outcomes of the Planning Proposal are to:

- remove *Clause 7.12 Maximum gross floor areas for commercial premises*,
- ensure all E1 Local Centre zones have a height of buildings control,
- protect environmentally sensitive areas within employment zoned land in Kingswood,
- permit *service stations* within the E4 General Industrial zone,
- correct obsolete property descriptions in certain provisions and update mapping for E4 General Industrial zoned land at Cranebrook,
- introduce an additional permitted use for certain E4 General Industrial zoned land fronting Castlereagh Road Penrith, to allow *vehicle sales or hire premises*, and
- remove certain land uses from Clause 38 that are permissible under State Environmental Planning Policies (SEPP's).

The objectives and intended outcomes of the Planning Proposal will be achieved by amending LEP 2010.

Part 2 – Explanation of Provisions

The Planning Proposal recommends an amendment to the LEP 2010 written instrument and map tiles. The proposed changes are presented in this Part of the Planning Proposal.

While this Part provides an explanation of the proposed amendment, it will be subject to legal drafting and its wording may alter under this process.

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

Table 2: Proposed LEP amendments

Item No.	Title
1	Remove Clause 7.12 Maximum gross floor areas for commercial premises.
2	Introduce a Height of Buildings control for all lots within the E1 Local Centre in Leonay and Lemongrove, Penrith
3	Rezone Council owned land at 79 Great Western Highway Kingswood to RE1 Public Recreation
4	Permit <i>service stations</i> in E4 General Industrial zone.
5	Correct obsolete property descriptions and update mapping for E4 General Industrial zoned land at Cranebrook.
6	Introduce an additional permitted use for certain land zoned E4 General Industrial at Castlereagh Road Penrith, to allow <i>vehicle sales or hire premises</i> , and
7	Remove certain land uses from Clause 38 that are permissible under SEPP's.

1 Remove Clause 7.12 Maximum gross floor areas for commercial premises.

Objective or intended outcome

To amend the LEP 2010 Part 7 Additional Local Provisions to remove *Clause 7.12 Maximum gross floor areas for commercial premises*.

The intended outcome of this amendment is to:

- update the LEP 2010, to remove gross floor area controls that apply to eight (8) sites and are no longer required.
- Allow development within all E1 Local Centre precincts to be assessed consistently across the LGA, by relying on zone objectives and existing LEP and DCP mechanisms.

Intended amendments / provisions / outcomes

The proposed outcome will be achieved by removing *Clause 7.12 Maximum gross floor areas for commercial premises* from LEP 2010.

Controls within Clause 7.12 are not mapped in the LEP, therefore, no maps require amending.

Discussion

This clause applies to eight (8) E1 Local Centre precincts. Most of these sites are fully developed, with three (3) E1 zoned precincts vacant or partially vacant.

The clause has been informed by historical Interim Development Orders (now repealed) dating back to the 1980's (that were consolidated in the LEP 2010 as part of the LEP Standard Instrument amendment) and before the coming of major catalyst projects in our LGA such as the Western Sydney International airport, the Sydney airport metro rail line, and the forming of job targets for the LGA.

Across the LGA there are 29 E1 zoned precincts. Development in E1 zoned precincts that are not captured by the clause are assessed by relying on E1 zone objectives, existing LEP mechanisms and DCP controls. Given the historical nature of the Clause 7.12 controls, the extent of development in these precincts and existing LEP and DCP controls, it is considered appropriate for the Clause 7.12 controls are removed from the LEP, allowing all E1 zoned precincts to be assessed consistently across the LGA and allowing development flexibility.

The proposed amendment is considered a housekeeping amendment and is not directly informed by Council's existing strategic documents.

Appendix 1 provides aerial maps of the E1 zoned precincts identified within Clause 7.12 that are impacted by the removal of the clause.

2 Introduce a Height of Buildings control for all lots within the E1 Local Centre in Leonay and Lemongrove in Penrith

Objective or intended outcome

To amend the LEP 2010 to introduce a height of buildings control for all lots within the E1 Local Centre in Leonay and Penrith (Lemongrove).

The intended outcome of this amendment is to:

- correct an anomaly in the LEP that found two E1 Local Centre precincts in Leonay and Penrith have not been mapped with a height of buildings control.

Intended amendments / provisions / outcomes

The proposed outcome will be achieved by:

- amending Height of Buildings Map – Sheet HOB_006 to show an 8.5m height of building for 28 Leonay Parade (Lot 3 DP 564713) and 30-32 Leonay Parade (Lot 1-4 SP 40345).
- Amending Height of Buildings Map – Sheet HOB_013 to show a 9.0m height of buildings for 18 The Crescent, Penrith (Lot E DP 156508).
- Amending Height of Buildings Map – Sheet HOB_013 to show a 12.0m height of buildings for:
 - 14 The Crescent, Penrith (Lot 1-4 SP 31191),
 - 13 The Crescent, Penrith (Lot 5 DP 701313),
 - 12 The Crescent, Penrith (Lot 62 DP 849698),
 - 29 Blaxland Avenue, Penrith (Lot 61 DP 849698).

This proposed amendment is considered a housekeeping amendment and is not directly informed by Council's existing strategic documents.

Discussion



The Planning Proposal seeks to correct an anomaly in the LEP 2010 and apply a height of buildings control to E1 Local Centre zoned precincts in Leonay and Lemongrove (Penrith). This will result in all E1 zoned precincts having a height of buildings control in the LEP.

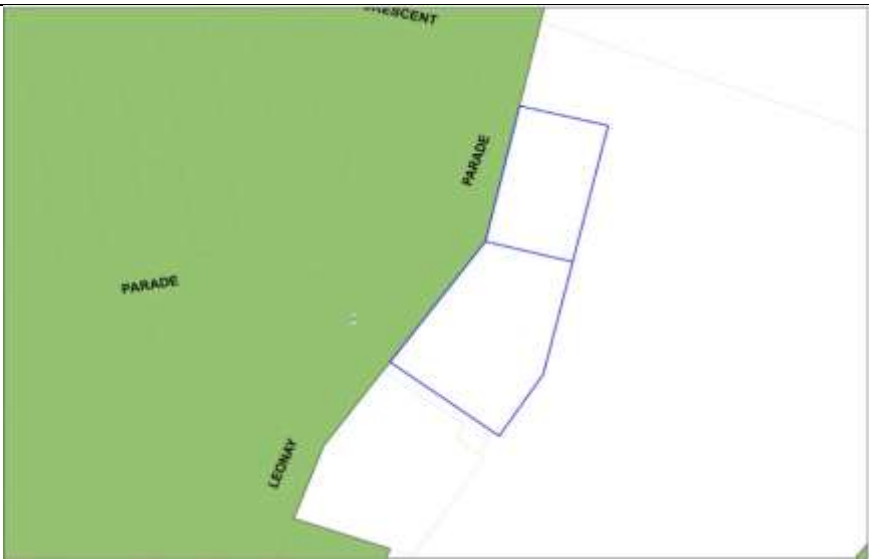

The E1 Local Centre zone includes the translation of previously zoned B1 Neighbourhood Centre and B2 Local Centre zones. Submissions to DPHI's Employment Zones Reform public exhibition raised concern around 'up-zoning' of

land previously zoned B1 to E1, and that the centres hierarchy should not be undermined by unintended consequences of up-zoning of former B1 precincts to E1. The application of an appropriate height of buildings for all E1 Local Centres ensures there are existing LEP controls to guide development that responds to the location and the scale of surrounding development.

For the Lemongrove site, the proposed height for the western lot is 9m. This lot falls within a heritage conservation area adjacent and is adjacent to a low-density residential zone (R2). For the remaining Lemongrove lots the proposed height is 12m, to align with adjacent heights of (12m and 15m), adjacent zones of predominantly high density residential (R4) and allow a built form that allows shop top housing and commercial premises of 2 – 3 storeys.

The Height of Buildings Maps are proposed to be amended as follows:

Current HOB_013 Map	
Proposed HOB_013 Map	

<p>Current HOB_006 Map</p>	 <p>This map shows a green area labeled 'PARADE' and 'LEONARD'. A blue boundary outlines a specific section of the green area, which appears to be a small rectangular plot. The background is white.</p>
<p>Proposed HOB_006 Map</p>	 <p>This map shows a green area labeled 'PARADE' and 'LEONARD'. A blue boundary outlines a specific section of the green area, which appears to be a small rectangular plot. The background is white.</p>

3 Rezone Council owned land at 79 Great Western Highway Kingswood to RE1 Public Recreation

Objective or intended outcome

To amend LEP 2010 to rezone land at 79 Great Western Highway from E4 General Industrial to RE1 Public Recreation.

The intended outcome of this amendment is to:

- protect and enhance environmentally sensitive land in this location,
- support future restoration work and recreation uses on this site as identified in the Council's Green Grid Strategy.
- to ensure land is zoned appropriately.

Figure 1 shows the land subject to this LEP amendment.



Figure 1: Land at 79 Great Western Highway Kingswood proposed to be rezoned.

Intended amendments / provisions / outcomes

In addition to the rezoning of the affected land, it is proposed to also remove the additional permitted uses, height of buildings and minimum lot size controls from the affected land, consistent with the approach taken for RE1 Public Recreation zoned land in LEP 2010.

The proposed outcome will be achieved by:

- amending Land Zoning map LZN_013 to remove the E4 General Industrial zone and replacing it with an RE1 Public Recreation zone for lots 12, 13, 14, 15, 16, 17 and 18 DP 935
- amending Land Zoning Map LZN_013 to remove the E4 General Industrial zone from part of Morley Ave at the eastern end and replacing it with an RE1 Public Recreation zone (See Figure 1).
- amending Height of Buildings map HOB_013 to remove the layer from the affected land.
- amending Additional Permitted Uses map APU_013 to remove this layer from the affected land. Schedule 1 (Additional Permitted Use) Clause 38 will no longer apply to the affected land.
- Amending the Minimum Lot Size map LSZ_013 to remove this layer from the affected land.

Consistency with strategic documents

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

- Planning Priority 18: Connect our green and blue grid, and
- Planning Priority 21: Cool our city.

Planning Priority 18: Connect our green and blue grid.

Action 18.2 – Review mapping and planning and development controls to update our blue and green grid.

Planning Priority 21: Cool our city.

Action 21.3 – Introduce objectives, planning and development controls to deliver a cooler city.

This amendment is consistent with Planning Priority 18 and 20, as:

- it aligns with Council's Green Grid Strategy,
- rezoning the land to RE1 supports efforts to connect our green and blue grid. Connecting our bushland and waterways are essential for habitat and ecological health. Open spaces are important for recreation, exercise, and social interaction. By providing a connected grid we can support walking, cycling and better access to these green spaces,
- the subject land forms part of the Green Grid Strategy's Catalyst Project 4.4: Werrington Creek, and
- it will result in future proofing the land by applying the most appropriate zone and prepare the site for when project funding, design and stakeholder engagement is further refined.

The relevant action in Council's Employment Lands Strategy is:

- Action 8 – Protecting and enhancing environmentally sensitive areas within employment precincts in line with the Green Grid Strategy.

This amendment is consistent with Action 8 as it will result in an outcome where land identified as important to provide green link connections, can be protected by rezoning it from a General Industrial zone to a Public Recreation zone. Council has commenced significant restoration and tree planting efforts on this site enhancing this area and preparing it as a future green link.

The relevant priority in Council's Green Grid Strategy is:

- 4.4 Werrington Creek, shared path and creek restoration from Victoria Street, under Penrith Rail Line Corridor to Cosgrove Crescent.

This amendment is consistent with Project 4.4, as rezoning the land to RE1 supports efforts to connect our green and blue grid. The Green Grid Strategy provides the basis for recognising and highlighting the existing green infrastructure (bushland, waterways, open and recreation space), as well as developing opportunities to reinforce this network with new green links. Appendix 2 provides an extract from the Green Grid Strategy and provides further details and concept plans relating to this project.

Discussion

The E4 General Industrial zone in this location is approximately 5.4 hectares. The proposed amendment will rezone 1.6 hectares or 30% of this area to a RE1 Public Recreation zone.

The proposed rezoning area is Council owned and is part of a current greening and restoration project that has seen over 5,000 trees have been planted.

Activation of this land for employment or industrial purposes is unlikely as the land has been identified in Council's Green Grid Strategy as a Catalyst Project.

The Land Zoning, Height of Buildings, Additional Permitted Uses and Minimum Lot Size maps are proposed to be amended as follows:

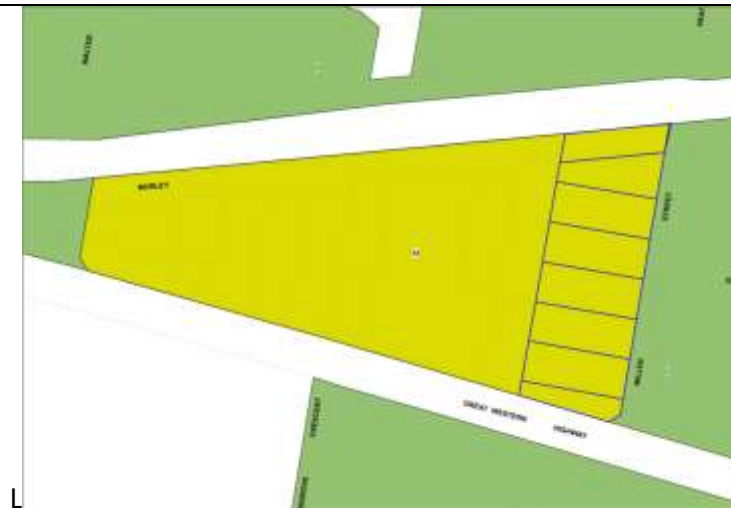
Current Land Zoning Map



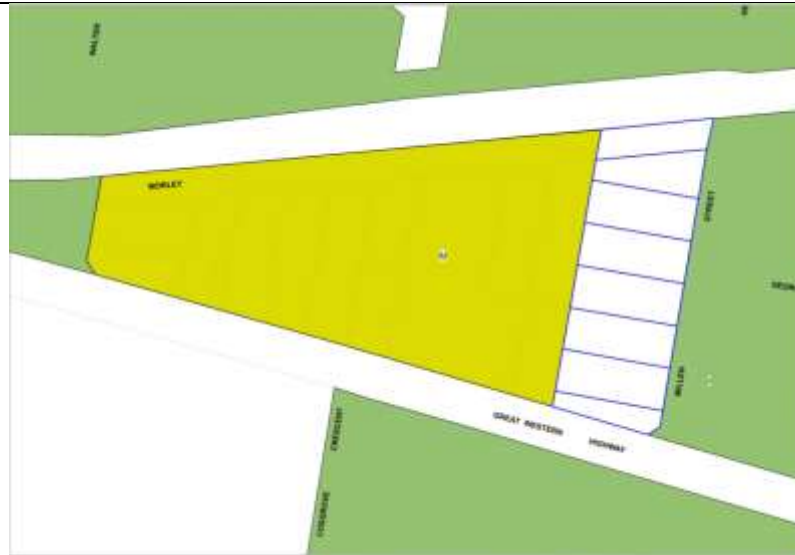
Proposed Land Zoning Map



Current Height of Buildings Map



Proposed Height of
Buildings



Current Additional
Permitted Uses Map



Proposed Additional
Permitted Uses Map



Current Minimum
Lot Size Map



Proposed Minimum
Lot Size Map



4 Permit service stations in E4 General Industrial zone.

Objective or intended outcome

To amend LEP 2010 to include *service stations* as permitted with consent in the E4 General Industrial land use table.

The intention of this amendment is to:

- allow this use in the General Industrial zone to support industrial uses and nearby residential populations.
- formalise the existing situation that sees a large number of *service stations* established in the E4 General Industrial zone across the LGA.

Intended amendments / provisions / outcomes

The proposed outcome will be achieved by inserting *service stations* into the E4 General Industrial land use table.

No maps require amending as a result of this matter.

Discussion

The direct translation approach adopted by Council as part of the Employment Zones Reform Stage 1, saw the previous IN1 and IN2 zones consolidated to become E4.

Council's former IN1 zone prohibited *service stations*.

A review of service stations within the LGA, found that 30% of service stations across the LGA, are currently already located within an E4 zone. This has likely been permitted with now historical land use tables, planning instruments and as additional permitted uses.

The proposed amendment to the E4 land use table is a logical inclusion as it:

- aligns with existing service station uses in the E4 zone,
- is consistent with the permissibility of this use within surrounding Councils' LEP's,
- allows development to support industrial uses and support residential populations nearby.
- is consistent with the E4 zone objectives, including the use will provide facilities and services to meet the needs of businesses and workers.

This matter was raised in submissions as part of the Employment Zones Reform Stage 1. It is considered a minor amendment and is not directly informed by Council's existing strategic documents.

5 Correct obsolete property descriptions and update mapping for E4 General Industrial zoned land at Cranebrook

Objective or intended outcome

To amend the LEP 2010 for land zoned E4 General Industrial at Cranebrook to:

- update the property descriptions relating to sites identified in Schedule 1 Additional Permitted Uses Clause 2, at Andrews Road, Cranebrook to respond to subdivision approvals in this area, and
- to correct an anomaly and remove the application of Schedule 1 Additional Permitted Uses Clause 38 for land that is part of the lake system in Waterside estate, Cranebrook.

Intended amendments / provisions / outcomes

The proposed outcome will be achieved by:

- amending Schedule 1 Additional Permitted Uses Clause 2 *Use of certain land at Andrews Road, Cranebrook* as follows:

Schedule 1 Clause	Current LEP 2010 Schedule 1 wording and property references to be amended
Clause 2 (i)	<i>'This clause applies to land at 111-167 and 177-215 Andrews Road, Cranebrook that is identified as "2" on the Additional Permitted Uses Map.'</i>

- Amending Additional Permitted Uses Map – Sheet APU_012 to remove notation "40" from Community Association DP270488 Lot 1 Spinebill Place, Cranebrook. This will remove the application of Schedule 1 Additional Permitted Uses Clause 38 from the subject land. Figure 3 shows the land subject to this LEP amendment.



Figure 3 Land subject to this LEP amendment Item 5.

Discussion

Subdivision approvals in this area have resulted in new roads, lots, and lot descriptions. Current property references in Clause 2 have now been superseded. The proposed wording in Clause 2(1) is consistent with the approach taken in more recent additions to Schedule 1 Additional Permitted Uses.

Our review of the Cranebrook industrial precinct found that Schedule 1 Additional Permitted Uses Clause 38 applies to land that forms part of the lake system within the Waterside estate in Cranebrook. Removing this clause from the lake system is appropriate.

Both changes are considered housekeeping amendments and are not informed by strategic documents.

The Additional Permitted Uses map is proposed to be amended as follows:

<p>Current Additional Permitted Uses</p>	 <p>A map showing a residential area with a pink shaded region indicating current additional permitted uses. The shaded area includes a large lot on the right and a smaller lot on the left, both with internal lot lines and street frontages. The surrounding area is white, representing other lots and streets.</p>
<p>Proposed Additional Permitted Uses</p>	 <p>A map showing the same residential area as the top map, but with a different pink shaded region indicating proposed additional permitted uses. The shaded area is slightly different in shape and extent compared to the current map, showing a change in the designated use zone.</p>

6 Introduce an additional permitted use for certain land zoned E4 General Industrial at Castlereagh Road Penrith to allow vehicle sales or hire premises.

Objective or intended outcome

To amend the LEP 2010 to permit *vehicle sales or hire premises* as permitted with consent for certain land zoned E4 General Industrial at Castlereagh Road Penrith.

The intention of this amendment is to:

- Formalise the existing situation that sees *vehicle sales or hire premises* established on certain E4 zoned land fronting Castlereagh Road, Penrith.
- Permit this use (currently permissible in E1, E2, E3 & MUI zones) in locations with appropriate access and visibility in LEP 2010.

Intended amendments / provisions / outcomes

The proposed outcome will be achieved by:

- Introducing a new Schedule 1 Additional Permitted Uses Clause for specific E4 zoned land fronting Castlereagh Road, Penrith to permit vehicle sales or hire premises. A draft clause is shown below:

Draft – Schedule 1 Additional Permitted Uses
Clause xx Use of certain E4 zoned land at Penrith (1) This clause applies to land in Penrith zoned E4, identified as “xx” on the Additional Permitted Uses Map. (2) Development for the purposes of <i>vehicle sales or hire premises</i> is permitted with development consent.

- Amending the Additional Permitted Uses Map – Sheet APU_005 to reference a new Additional Permitted Uses Clause for:
 - 13-14 Lemko Place (Lot 8 DP 802407 & Lot 17 DP 876109)
 - 17-21 Lemko Place (Lot 6 DP 788072)
 - 2128-2240 Castlereagh Road (Lot 21 DP 1036699)
 - 2166-2178 Castlereagh Road (Lot 32 DP 180330)

Discussion

Background

The dominant land use currently on these lots are *vehicle sales or hire premises* and their ancillary uses. The subject land benefits from significant frontage to Castlereagh Road.

Prior to Penrith LEP 2010, the land was zoned under Penrith LEP 1996 Industrial Lands 4(a) General Industrial. This historical zone did not prohibit *vehicle sales or hire premises* or *motor showrooms*.

The proposed amendment applies to lots identified in Figure 4.



Figure 4 Land subject to this LEP amendment.

Proposed Amendment

As part of this review of the employment lands in this location it was considered appropriate to formalise these uses on the subject land.

The LEP 2010, currently permits this use in the E3 Productivity Support zone in locations along the Great Western Highway Kingswood, Mulgoa Road Jamisontown and smaller sites across the LGA. The subject land provides good accessibility to the site for customers and larger logistical traffic movements.

The Additional Permitted Uses map is proposed to be amended as follows:

Current Additional Permitted
Uses



Proposed Additional
Permitted Uses



7 Remove certain land uses from Additional Permitted Uses Clause 38 that are permissible under State Environmental Planning Policy (Transport & Infrastructure) 2021 or are no longer required.

Objective or intended outcome

To amend the LEP 2010 to remove land uses from Clause 38 as follows:

- *Electricity generating works,*
- *Resource recovery facilities,*
- *Waste or resource transfer stations, and*
- *Service stations.*

This is a housekeeping amendment to remove land uses from an additional permitted use clause:

- that are permitted with consent under the State Environmental Policy (Transport and Infrastructure) 2021, and
- to align with Item 4, that will insert *service stations* into the E4 General Industrial land use table, thereby rendering its inclusion in Clause 38 obsolete.

Intended amendments / provisions / outcomes

The proposed outcome will be achieved by deleting *electricity generating works, resource recovery facilities, waste or resource transfer stations and service stations* from Schedule 1 Additional Permitted Uses Clause 38 *Use of certain land at Werrington, Kingswood, Penrith, Cranebrook, Orchard Hills and Emu Plains.*

No maps require amending as a result of this matter. A draft clause is shown below:

Schedule 1 Clause	Current / Proposed Clause 38
Clause 38 (1) & (2)	<p><i>38 Use of certain land at Werrington, Kingswood, Penrith, Cranebrook, Orchard Hills and Emu Plains</i></p> <p><i>(1) This clause applies to the land identified as "37", "38", "39", "40", "41" and "48" on the Additional Permitted Uses Map.</i></p> <p><i>(2) Development for the following purposes is permitted with development consent—</i></p> <p><i>(a) amusement centres,</i></p> <p><i>(b) centre-based child care facilities,</i></p> <p><i>(c) community facilities,</i></p> <p><i>(d) crematoria,</i></p> <p><i>(e) educational establishments,</i></p> <p><i>(f) electricity generating works,</i></p> <p><i>(g) function centres,</i></p>

	<p>(h) hotel or motel accommodation,</p> <p>(i) medical centres,</p> <p>(j) recreation facilities (indoor),</p> <p>(k) resource recovery facilities,</p> <p>(l) respite day care centres,</p> <p>(m) service stations,</p> <p>(n) vehicle sales or hire premises,</p> <p>(o) veterinary hospitals,</p> <p>(p) waste or resource transfer stations.</p>
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Discussion

Four land uses included in Clause 38 that can be removed as follows:

Land Uses in Clause 38	SEPP (Transport & Infrastructure) 2021
<i>Electricity generating works,</i>	Permitted with consent on E4 zoned land. See Clause 2.36 (1).
<i>Resource recovery facilities,</i>	Permitted with consent on E4 zoned land. See Clause 2.53
<i>Waste or resource transfer stations, and</i>	Permitted with consent on E4 zoned land. See Clause 2.53
Land Uses in Clause 38	LEP Amendment Item 4
<i>Service stations.</i>	See LEP amendment Item 4 that inserts <i>service stations</i> in the E4 land use table, thereby superseding its inclusion in Clause 38.

Background

As part of the Stage 1 Employment Zones Reform, Council created a new additional permitted use clause into the LEP 2010. Clause 38, applies to all land that was previously zoned IN2 Light Industrial. At that time, Council adopted an approach where there would be no loss of development potential for land previously zoned IN2 as a result of DPHI's employment zones reform and the translation of the IN2 zone to the E4.

Part 3 – Justification

This part of the Planning Proposal provides details on the need for the proposed amendment to the LEP 2010, the relationship with the strategic planning framework, the impacts of the proposed amendment, and State and Commonwealth interests.

Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal is the result of:

- Council's review of its employment lands,
- outcomes of Penrith's Employment Lands Strategy (adopted October 2021) and
- outcomes of Penrith's Green Grid Strategy (adopted October 2021).

This Planning Proposal seeks to amend the LEP 2010, to progress seven (7) matters. The Introduction section of this report outlines the background that has informed this review. Some of the identified matters are considered 'housekeeping' in nature and not directly related to a specific study or strategy. All changes align with planning priorities within Penrith's Local Strategic Planning Statement (LSPS).

Part 2 Explanation of Provisions section of this report provides information in relation to the nature of each LEP amendment and how they relate to the LSPS, Employment Lands Strategy (ELS) or Green Grid Strategy GGS (where relevant), or, if the amendment is housekeeping in nature.

Table 3 below provides a summary of relevant:

- LSPS Planning Priorities and associated actions,
- ELS Outcomes and associated actions, and
- GGS projects, related to each amendment proposed in this Planning Proposal.

Table 4: Summary of LSPS, ELS, and GGS priorities, outcomes and associated actions

Item	Proposed amendment LSPS Planning Priority – ELS Outcome – GGS Project
1	Remove Clause 7.12 Maximum gross floor areas for commercial premises.
	LSPS – Planning Priority 12: Enhance and grow Penrith's economic triangle. <ul style="list-style-type: none">• Action 12.1 Prepare an Employment Lands Strategy.
2	Introduce a Height of Buildings control for all lots within the E1 Local Centre in Leonay and Lemongrove, Penrith
	LSPS – Planning Priority 12: Enhance and grow Penrith's economic triangle. <ul style="list-style-type: none">• Action 12.1 Prepare an Employment Lands Strategy.

3	Rezone Council owned land at 79 Great Western Highway Kingswood to RE1 Public Recreation
	<p>LSPS – Planning Priority 12: Enhance and grow Penrith’s economic triangle.</p> <ul style="list-style-type: none"> • Action 12.1 Prepare an Employment Lands Strategy. <p>LSPS – Planning Priority 14: Grow our tourism, arts and culture industries.</p> <ul style="list-style-type: none"> • Action 14.3 Review planning controls to ensure there are opportunities for tourism, arts and culture. <p>LSPS – Planning Priority 18: Connect our green and blue grid.</p> <ul style="list-style-type: none"> • Action 18.1: Prepare a Green and Blue Grid Strategy. • Action 18.2 Review mapping and planning and development controls to update our green and blue grid. <p>ELS – Outcome 2.1 Improved access to safe, inclusive and accessible green and public spaces.</p> <ul style="list-style-type: none"> • Action 8: Protecting environmentally sensitive areas within employment precincts in line with the Green Grid Strategy <p>GGs – Project 4.4 Werrington Creek</p> <ul style="list-style-type: none"> • Shared path and creek restoration from Victoria Street , under Penrith Rail Line Corridor to Cosgrove Crescent Part of project 4.3. (Priority Project)
4	Permit <i>service stations</i> in E4 General Industrial zone.
	ELS – Outcome 3.2 Growth of micro, small and medium sized enterprises that support productive activities, decent job creation, entrepreneurship, creativity and innovation. (ELS)
5	Correct obsolete property descriptions and update mapping for E4 General Industrial zoned land at Cranebrook
	Housekeeping update.
6	Introduce an additional permitted use for certain land zoned E4 General Industrial at Castlereagh Road Penrith to allow vehicle sales or hire premises.
	<p>LSPS – Planning Priority 12: Enhance and grow Penrith’s economic triangle.</p> <ul style="list-style-type: none"> • Action 12.1 Prepare an Employment Lands Strategy.
7	Remove certain land uses from Additional Permitted Uses Clause 38 that are permissible under State Environmental Planning Policy (Transport & Infrastructure) 2021 or are no longer required.
	Housekeeping update.

A copy of the Employment Lands Strategy is provided as Appendix 3.

A copy of the Green Grid Strategy is provided as Appendix 4.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the only means of achieving the objectives and intended outcomes.

The Planning Proposal proposes to remove Clause 7.12; introduce height of building controls to two sites; rezone Council owned land to RE1 Public Recreation; introduce a new Additional Permitted Use in the E4 General Industrial zone; and undertake housekeeping changes to LEP 2010.

The preparation of a Planning Proposal is required for Council to amend the LEP. It is important these changes are made to ensure LEP 2010 reflects current strategies and contributes to a contemporary planning framework.

Section B – Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission published the *Greater Sydney Region Plan – A Metropolis of Three Cities* (the Region Plan). The Plan sets a 40-year vision (to 2056) of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The Plan also establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters, and guide the delivery of infrastructure. It also informs district and local plans and the assessment of planning proposals. The planning proposal gives effect to the relevant objectives of the *Greater Sydney Region Plan – A Metropolis of Three Cities* as shown below:

Table 5: Planning Proposal's consistency with objectives in the Greater Sydney Region Plan

Objective 23: Industrial and urban	<u>Planning Proposal's Consistency</u>
<p>services land is planned, retained and managed.</p> <p>The retention, growth and enhancement of industrial and urban services land should reflect the needs of each of local government area. It should provide land for a wide range of businesses that support the city's productivity and integrated economy. The Plan identifies three approaches to managing industrial land. The two approaches that apply to the Penrith LGA include:</p>	<p>Item 3 to rezone Council owned land at 79 Great Western Highway Kingswood to RE1 Public Recreation, will result in an outcome where 1.6 hectares of E4 General Industrial zoned land will be rezoned (therefore not retained for industrial purposes). This is an inconsistency with the 'retain and manage' approach identified in the Plan for Penrith's existing industrial lands. This inconsistency is considered of minor significance. Further commentary on</p>

<ul style="list-style-type: none"> - To retain and manage existing productive employment lands; and - To plan and manage new future employment lands to meet the needs of a growing population and thriving economy. <p>The retain and manage principle applies to all existing productive employment, industrial and urban services land to safeguard it from competing pressures especially residential and mixed use zones. This approach has the objective to retain land for economic and employment purposes.</p>	<p>this inconsistency is provided in Part 3 Section B Question 7 of this report.</p> <p>All other matters in the planning proposal are consistent with the objective by increasing flexibility by inserting additional industrial land uses and removing maximum gross floor areas. These amendments respond to the need for management of these lands to change as required to meet industry needs.</p>
<p>Objective 22: Investment and business activity in centres</p>	<p><u>Planning Proposal's Consistency</u></p> <p>Inserting <i>service stations</i> into the E4 zone supports business activities in established centres. This Planning proposal is consistent with this objective and will facilitate business activity.</p>
<p>Objective 30: Urban tree canopy cover is increased.</p> <p>Objective 31: Public open space is accessible, protected and enhanced</p> <p>Objective 32: Green grid links parks, open space, bushland and walking and cycling paths.</p>	<p><u>Planning Proposal's Consistency</u></p> <p>This planning proposal is consistent with these objectives regarding Item 3 as it assists and facilitates the safeguarding of land to deliver the Werrington Creek project identified in Council's Green Grid Strategy. This project will:</p> <ul style="list-style-type: none"> - enable a green corridor north and south of the Penrith rail line to be connected, - public land to be converted from an industrial zone to facilitate open space and recreation uses including shared paths and active transport.

	<ul style="list-style-type: none"> - Contribute to the urban tree canopy. - balance the loss of industrial land (constrained by flood affectation and not suitable for industrial uses) with future benefits associated with green infrastructure and a green grid link.
Objective 31: Public open space is accessible, protected and enhanced	This planning proposal is consistent with the objective regarding Item 3 which assists in delivering a Green Grid strategy project.
Objective 32: Green grid links parks, open space, bushland and walking and cycling paths	The planning proposal is consistent with this objective by facilitating Penrith's Green Grid strategy.

Western City District Plan

In March 2018, the Greater Sydney Commission published the *Western City District Plan*. This is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It guides the implementation of the Greater Sydney Region Plan at a district level and provides the link between regional and local planning. The District Plan informs local strategic planning statements, like the Penrith LSPS, and local environmental plans, like Penrith LEP 2010. It also informs the assessment of planning proposals.

The planning proposal will give effect to the relevant planning priorities and objectives of the *Western City District Plan* as shown below.

Table 6: Planning Proposal's consistency with objectives in the Western City District Plan

<p>Planning Priority W10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land.</p> <p>Objective 23 Industrial and urban services land is planned, retained and managed.</p>	<p>The planning proposal is consistent with this objective. Proposed amendments will remove obsolete and historical controls; make updates to land uses permitted with consent to reflect current approvals and land uses where appropriate; and undertake</p>
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<p>For Penrith, the Plan states that industrial land approaches shall be consistent with the <i>retain and manage</i> principles. All existing industrial and urban services land should be safeguarded from competing pressures, especially residential and mixed-use zones. This approach retains this land for economic activities required for Greater Sydney's operation, such as urban services (economic and employment purposes).</p>	<p>housekeeping updates to ensure the LEP provides a contemporary planning framework for the future management of industrial and urban services land.</p> <p>However, Item 3 to rezone Council owned land at 79 Great Western Highway Kingswood to RE1 Public Recreation, will result in an outcome where 1.6 hectares of E4 General Industrial zoned land will be rezoned (therefore not retained for industrial purposes). This is an inconsistency with the 'retain and manage' approach identified in the Plan for Penrith's existing industrial lands. This inconsistency is considered of minor significance. Further commentary on this inconsistency is provided in Part 3 Section B Question 7 of this report.</p>
<p>Planning Priority W11: Growing investment, business opportunities and jobs in strategic centres</p>	<p>This planning priority builds on the Greater Sydney Region Plan objective 22. The proposed amendments are consistent with growing investment and business opportunities, such as increasing flexibility for the private sector to choose where and when to invest.</p>
<p>Planning Priority W15: Increasing urban tree canopy cover and delivering Green Grid connections.</p>	<p>This planning priority builds on the Greater Sydney Region Plan objective 30 and 32. This proposed amendment facilitates a Project 4.4 Werrington Creek from Penrith's Green Grid strategy.</p>

Q4. Is the planning proposal consistent with a council local strategic planning statement that has been endorsed by the Planning Secretary or Greater Cities Commission, or another endorsed local strategy or strategic plan?

Yes. The following section outlines the strategic merit of the Planning Proposal against planning priorities in the Penrith Local Strategic Planning Statement.

Table 7: Summary of LSPS Planning Priorities

Local Strategic Planning Statement	
<p>Planning Priority 12: Enhance and grow Penrith's economic triangle</p> <p>The LSPS introduces the concept of the economic triangle with Penrith, St Marys and Western Sydney airport at its apexes. The economic triangle encompasses the main areas for economic activity across the LGA.</p>	<p>The planning proposal is consistent with PP12, as it will contribute to the enhancement and growth of employment lands by contemporising the planning framework, providing flexibility and certainty, and remove administrative barriers. Additionally, as employment land in the economic triangle and existing urban areas experience urban renewal and future growth, it is important that the green grid is locked in place as a priority.</p>
<p>Planning Priority 14: Grow our tourism, arts and culture industries.</p> <ul style="list-style-type: none"> Action 14.3 Review planning controls to ensure there are opportunities for tourism, arts and culture. 	<p>The Planning Proposal (Item 3) is consistent with PP14. The development of art and cultural industries and strategies to develop tourism visitation contribute significantly to the local economy. The planning proposal (Item 3) will safeguard land within Council's green grid which plays an important part in linking art and cultural locations and natural assets.</p>
<p>Planning Priority 18: Connect our green and blue grid.</p> <ul style="list-style-type: none"> Action 18.2 Review mapping and planning and development controls to update our green and blue grid. 	<p>The planning proposal is an action of the LSPS. Item 3 LEP amendment will safeguard land through zoning identified as part of the green grid network to support green infrastructure (that delivers multiple social, environmental and economic benefits).</p>
<p>Planning Priority 21: Cool our City.</p> <ul style="list-style-type: none"> Action 21.3 - Introduce objectives, planning and development controls to deliver a cooler city. 	<p>The planning proposal is consistent with PP21. Item 3 LEP amendment will safeguard land through zoning, to deliver a project in the Green Grid Strategy that includes creek restoration,</p>

	landscaping and tree canopy. This work when delivered will contribute to a cooler city.
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Yes. The following section outlines the strategic merit of the Planning Proposal (specifically Item 3) against actions in the Penrith Employment Lands Strategy (ELS) and Green Grid Strategy (GGS).

Table 7: Summary of Employment Lands Strategy and Green Grid Strategy Actions

Employment Lands Strategy	
Action 8 – Protecting and enhancing environmentally sensitive areas within employment precincts in line with the Green Grid Strategy.	This amendment is consistent with Action 8 as it will result in an outcome where land identified as important to provide green link connections, can be protected by rezoning it from a General Industrial zone to a Public Recreation zone. Council has commenced significant restoration and tree planting efforts on this site enhancing this area and preparing it as a future green link.
Green Grid Strategy	
4.4 Werrington Creek, shared path and creek restoration from Victoria Street, under Penrith Rail Line Corridor to Cosgrove Crescent.	This amendment is consistent with Project 4.4, as rezoning the land to RE1 supports efforts to connect our green and blue grid. The Green Grid Strategy provides the basis for recognising and highlighting the existing green infrastructure (bushland, waterways, open and recreation space), as well as developing opportunities to reinforce this network with new green links. The amendment will rezone land at 79 Great Western Highway to RE1 Public Recreation that is identified in Project 4.4. Appendix 2 provides an extract from the Green Grid Strategy and provides further details and concept plans relating to this project.

Q5. Is the planning proposal consistent with any other applicable State and regional studies and strategies?

There are no other applicable State and regional studies or strategies that need to be considered.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The NSW Government publishes State Environmental Planning Policies (SEPPs), which deal with matters of State or regional planning significance. The Planning Proposal is consistent with applicable SEPPs, as demonstrated in Table 8, (and Appendix 5).

Table 8: State Environmental Planning Policies

SEPP	Applicable	Comment
SEPP (Biodiversity and Conservation) 2021		
Chapter 2 – Vegetation in Non-rural Areas	Yes.	Consistent. The Planning Proposal is consistent with the objectives and provisions of the SEPP. Biodiversity values of trees and other vegetation are preserved. The proposed amendments do not affect the application of the Chapter 2 of the SEPP (protection of biodiversity values and preservation of amenity, trees and other vegetation in non-rural areas of the State).
Chapter 6 – Water Catchments	No.	The Planning Proposal does not incorporate any land within the Sydney Drinking Water Catchment.
Chapter 13 – Strategic Conservation Planning	Yes.	Consistent. Nothing in the Planning Proposal will prevent the application of this SEPP and will not impede the objectives of this SEPP.
<i>Note: other chapters do not apply to Penrith LGA or have been repealed</i>		

SEPP	Applicable	Comment
SEPP (Exempt and Complying Development Codes) 2008		
	Yes.	Consistent. Nothing in the Planning Proposal will prevent the application of this SEPP.
SEPP (Housing) 2021		
Chapter 2 – Affordable Housing Chapter 3 – Diverse Housing Chapter 4 – Design of Residential Apartment Development Chapter 5– Transport Oriented Development	No.	The Planning Proposal does not affect residential zoned land. Proposed amendments do not affect housing.
SEPP (Industry and Employment) 2021		
Chapter 2 – Western Sydney Employment Area	No.	Chapter 2 applies to land in the Penrith LGA at the Erskine Park Employment Area (which is zoned under this SEPP). This planning proposal relates to amendments to the Penrith LEP 2010 only.
Chapter 3 – Advertising and Signage	Yes.	Consistent. Nothing in the Planning Proposal will prevent the application of this SEPP.
SEPP (Planning Systems) 2021		
Chapter 2 – State and Regional Development	No.	Nothing in the Planning Proposal will prevent the application of this SEPP.
Chapter 3 Aboriginal Land	No.	Nothing in the Planning Proposal will prevent the application of this SEPP.

SEPP	Applicable	Comment
SEPP (Precincts – Western Parkland City) 2021		
Chapter 2 State Significant Precincts	No.	Nothing in the Planning Proposal will prevent the application of this SEPP.
Chapter 4 – Western Sydney Aerotropolis	No.	Chapter 4 applies to land in the Penrith LGA mapped as the Western Sydney Aerotropolis (which is zoned under this SEPP). This planning proposal relates to amendments to the Penrith LEP 2010 only.
Chapter 5 – Penrith Lakes Scheme	No.	Chapter 5 applies to land in the Penrith LGA mapped as the Penrith Lakes Scheme (which is zoned under this SEPP). This planning proposal relates to amendments to the Penrith LEP 2010 only.
Chapter 6 – St Marys	No.	The proposed amendments do not affect land zoned under the SEPP Chapter 6 St Marys.
SEPP (Primary Production) 2021		
Chapter 2 – Primary Production and Rural Development	No.	Nothing in the Planning Proposal will prevent the application of this SEPP.
SEPP (Resilience and Hazards) 2021		
Chapter 2 – Coastal Management	N/A	N/A to LGA
Chapter 3 – Hazardous and	N/A	N/A to LGA
Chapter 4 – Remediation of Land	Yes.	Consistent. Nothing in the Planning Proposal will prevent the application of this SEPP. Noting that Item 3 will rezone the land from General Industrial to Public Recreation, and Item 4 will introduce service stations into the E4 land use table.

SEPP	Applicable	Comment
		An assessment of the planning proposal and Local Direction 4.4 Remediation of Contaminated Land is provided in Table 9 of this report.
SEPP (Resources and Energy) 2021		
Chapter 2 – Mining, Petroleum Production and Extractive Industries	No.	Nothing in the Planning Proposal will prevent the application of this SEPP.
Chapter 3 – Extractive Industries in Sydney Area	No.	Nothing in the Planning Proposal will prevent the application of this SEPP.
SEPP (Sustainable Buildings) 2022		
Chapter 2 – Standards for Residential Development – BASIX	No.	Nothing in the Planning Proposal will prevent the application of this SEPP.
Chapter 3 – Standards for Non-residential Development	Yes.	The proposed amendments relate to non-residential development. The proposed amendments do not affect the application of the SEPP and there are no inconsistencies.
SEPP (Transport and Infrastructure) 2021		
Chapter 2 – Infrastructure	Yes.	Consistent. Nothing in the Planning Proposal will prevent the application of this SEPP. Item 7 involves the removal of land uses from APU Clause 38. The removal is due to these uses already being permitted with consent under the SEPP (T&I) 2021. The proposed amendment aligns with and is consistent with the SEPP.
Chapter 3 – Educational	Yes.	Consistent.

SEPP	Applicable	Comment
Establishments and Child Care Facilities		Nothing in the Planning Proposal will prevent the application of this SEPP
Chapter 4 – Major Infrastructure Corridors	No.	Consistent. Nothing in the Planning Proposal will prevent the application of this SEPP
<i>Note: other chapters do not apply to Penrith LGA</i>		

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 directions)?

The Minister for Planning issues Local Planning Directions that councils must follow when preparing planning proposals. The directions cover the following focus areas:

- Planning systems;
- Planning systems – place-based;
- Biodiversity and conservation;
- Resilience and hazards;
- Transport and infrastructure;
- Housing;
- Industry and employment;
- Resources and energy; and
- Primary production.

The Planning Proposal is consistent with most of the applicable Section 9.1 Local Planning Directions, as demonstrated in Table 9 (and Appendix 6).

Council's assessment has identified an inconsistency with proposed LEP amendment Item 3 and local directions:

- 1.2 Implementation of Regional Plans, and
- 7.1 Employment Zones.

LEP amendment, *Item 3 Rezone Council owned land at 79 Great Western Highway Kingswood from E4 General Industrial to RE1 Public Recreation*, will result in an outcome where 1.6 hectares of industrial land will be rezoned and not retained for industrial purposes.

For the Penrith LGA, the Region Plan applies a retain and manage principle to existing productive employment, industrial and urban services land to safeguard it from competing pressures especially residential and mixed-use zones.

The inconsistency with the local planning directions identified above has been assessed as of minor significance and can be justified as follows:

- The subject land is not productive industrial land.
- The subject land is constrained by flooding. Therefore, the rezoning will not reduce the quantum of existing industrial and urban services land.
- Item 3 will safeguard the land for public recreation purposes in line with Council's adopted Employment Lands Strategy and Green Grid Strategy.
- The subject land is Council owned. It is unlikely Council will activate this land for industrial purposes due to the land constraints and the vision for the land outlined in the supporting strategic documents.
- Significant restoration and tree planting has occurred on the subject land which supports the Region Plan's vision and:
 - o Objective 30: Urban tree canopy cover is increased.
 - o Objective 31: Public open space is accessible, protected and enhanced
 - o Objective 32: Green grid links parks, open space, bushland and walking and cycling paths.

Table 9: Section 9.1 Ministerial Directions – Local Planning Directions

Direction	Applicable	Comment
Focus Area 1: Planning Systems		
1.1 Implementation of Region Plans	Yes.	Inconsistent. Item 3 – Minor Inconsistency <i>Item 3 Rezone Council owned land at 79 Great Western Highway Kingswood from E4 General Industrial to RE1 Public Recreation.</i> See discussion above. All other items are consistent with the planning outcomes of the region plan.
1.2 Development of Aboriginal Land Council land	N/A	N/A
1.3 Approval and Referral Requirements	Yes	Consistent. The Proposal is consistent with the objectives of this direction and seeks to encourage efficient and appropriate assessment of development. The planning proposal does not minimise or introduce provisions relating to

Direction	Applicable	Comment
		concurrence, consultation or referrals to a Minister or public authority. All items are consistent.
1.4 Site Specific Provisions	Yes	Consistent. The Proposal is consistent with the objectives and outcomes of this direction.
Focus Area 1: Planning Systems – Place based		
1.10 Implementation of the Western Sydney Aerotropolis Plan	N/A	The Planning Proposal applies to employment lands that are zoned under Penrith LEP 2010, and does not apply to land shown on the Western Sydney Aerotropolis Plan.
Focus Area 2: Design and Place (No Directions)		
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	Yes.	Consistent. The Proposal is consistent with the objectives and outcomes of this direction. Item 3 will rezone land identified for environmental and recreational value (in Penrith's Green Grid Strategy) from E4 to RE1. This will result in safeguard the land and will facilitate the protection and conservation of this area. This outcome is consistent with the objectives of this direction.
3.2 Heritage Conservation	Yes	Consistent. The Proposal is consistent with the objectives and outcomes of this direction. All items are consistent.
3.3 Sydney Drinking Water Catchments	N/A to LGA	
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A to LGA	
3.5 Recreation Vehicle Areas	No.	The Proposal does not enable land to be developed for the purpose of a recreation vehicle area.
3.6 Strategic Conservation Planning	Yes.	Consistent.

Direction	Applicable	Comment
		The Proposal is consistent with the direction.
3.7 Public Bushland	N/A	N/A
<i>Note: all other directions do not apply to Penrith LGA</i>		
Focus Area 4: Resilience and Hazards		
4.1 Flooding	Yes.	<p>The Planning Proposal will not affect existing provisions in Penrith LEP 2010 relating to flood planning and the flood planning area.</p> <p>The Planning Proposal does not propose to increase development densities or create any additional impacts. With regard to Item 4 Permit service stations in E4 General Industrial zone. Direction 4.1 (3) states that <i>a planning proposal must not contain provisions that apply to the flood planning area which permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</i> Council notes that in the E4 land use table:</p> <ul style="list-style-type: none"> • Hazardous industries are listed as a prohibited land use. • Hazardous storage establishments – the overarching group term Heavy Industrial Storage Establishment are not listed as permissible development. <p>Therefore, these uses are prohibited development in the E4 zone and Item 4 is consistent with this direction.</p>
4.2 Coastal Management	N/A to LGA	
4.3 Planning for Bushfire Protection	Yes	<p>Consistent.</p> <p>The planning proposal is in proximity to land mapped as bushfire prone land. Council will consult with NSW Rural Fire Service following a Gateway</p>

Direction	Applicable	Comment
		determination in accordance with the Act and consider any comments provided.
4.4 Remediation of Contaminated Land	Yes	<p>This direction is applicable to Item 3 of this planning proposal.</p> <p>Item 3 proposes to rezone 1.6ha of E4 zoned land to RE1 Public Recreation. Council's preliminary investigations (to be carried out in accordance with the contaminated land planning guidelines) and any subsequent findings will form part of this planning proposal when complete.</p> <p>Council will action any related Gateway conditions provided by DPHI's Gateway determination process.</p>
4.5 Acid Sulfate Soils	N/A	N/A
4.6 Mine Subsidence and Unstable Land	N/A	N/A
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	Yes.	<p>Consistent.</p> <p>The Planning Proposal will amend a zone and provisions relating to urban land (primarily land zoned for employment uses). Item 3 will allow an outcome where access to cycling and walking is improved, reducing dependence on cars, and is therefore consistent with the objectives of this direction.</p>
5.2 Reserving Land for Public Purposes	Yes.	<p>Consistent.</p> <p>Item 3 of the Planning Proposal will rezone land zoned E4 to RE1. This will create a reservation of land for a public purpose. Penrith Council are the landowners of the subject land. This PP will be reported to the Ordinary Meeting of Council where it will seek endorsement to be forwarded to the DPHI to seek a Gateway determination. Council is the relevant public authority to</p>

Direction	Applicable	Comment
		<p>approve reservations of land for public purposes.</p> <p>The Planning Proposal is consistent with the objectives of this direction.</p>
5.3 Development Near regulated Airports and Defence Airfields	N/A	The planning proposal will not create, alter or remove a zone or provision relating to land near a regulated airport (including a defence airfield).
5.4 Shooting Ranges	N/A	N/A
5.5 High Pressure Dangerous Goods Pipeline	N/A	The planning proposal does not permit development for either sensitive land uses or uses that may result in a significant population increase.
Focus Area 6: Housing		
6.1 Residential Zones	N/A	The planning proposal does not affect residential zoned land or land where significant residential development is permitted or proposed to be permitted.
6.2 Caravan Parks and Manufactured Home Estates	N/A	The planning proposal does not seek to identify suitable zones, locations and provisions for caravan parks or manufactured home estates.
Focus Area 7: Industry and Employment		
7.1 Employment Zones	Yes	<p>Inconsistent.</p> <p><i>Item 3 – Minor Inconsistency Item 3 Rezone Council owned land at 79 Great Western Highway Kingswood from E4 General Industrial to RE1 Public Recreation. See discussion above.</i></p> <p>All other items are consistent with the direction.</p> <p><i>Item 1 Remove Clause 7.12 Maximum gross floor area for commercial premises – does not reduce the total potential floor space for employment. The outcome of this amendment will allow more flexibility within the employment zones.</i></p>

Direction	Applicable	Comment
		<i>Item 7 Remove certain land uses from Clause 38 that are permissible under SEPP, is consistent with this direction. The removal of land uses, already permitted with consent under the SEPP (Transport & Infrastructure) 2021, does not reduce the potential floor space are for employment uses.</i>
7.2 Reduction in non-hosted short-term rental accommodation period.	N/A to LGA	
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	N/A	N/A
Focus Area 9: Primary Production		
9.1 Rural Zones	N/A	The planning proposal does not affect land within an existing or proposed rural zone.
9.2 Rural Lands	N/A to LGA	This Direction does not apply to land in the Penrith LGA (being part of the Greater Sydney Region).
9.3 Oyster Aquaculture	N/A	N/A

Section C – Environmental, Social and Economic Impacts

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The proposed amendments will not adversely affect the critical habitat or threatened species, populations or ecological communities or their habitats.

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The proposed amendments will not have any environmental effects.

Q10. Has the planning proposal adequately addressed any social and economic effects?

The proposed amendments should have positive social and economic effects as the planning proposal seeks to create flexibility in the employment zones by introducing additional land uses to complement an employment zone and amendments to *Additional Permitted Use* clauses to better align the employment zones permissibility across the LGA.

Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

Yes. The proposed amendments take place in established employment centres or are legislative amendments only and do not require infrastructure.

Section E – State and Commonwealth Interests

Q12. What are the views of State and Federal public authorities and government agencies consulted in order to inform the Gateway determination?

The Gateway Determination will provide details on the consultation to be undertaken with State and Commonwealth public authorities.

Part 4 – Mapping

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

Map	Tile Number
Land Zoning	LNZ_013
Lot Size	LSZ_013
Height of Buildings	HOB_006, HOB_013
Additional Permitted Uses	APU_005, APU_012, APU_013

The proposed LEP 2010 map tiles are provided at Appendix 7.

Part 5 – Community Consultation

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

The public exhibition will be undertaken in accordance with the Gateway Determination, the community consultation requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*, and Council's Community Participation Plan.

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

Exhibition material will be made available on Council's Your Say webpage and the NSW Planning Portal.

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

In response to Section 117 Direction 4.4, Council will consult the NSW Rural Fire Service on the planning proposal, which will provide the information to demonstrate compliance with the provisions of this Direction.

Part 6 – Project Timeline

Milestone	Timeframe
Local Planning Panel's advice on the Planning Proposal	September 2024
Council's endorsement to send the Planning Proposal to the Department of Planning, Housing and Infrastructure	March 2025
Submission to the Department of Planning, Housing and Infrastructure	March 2025
Gateway Determination issued	May 2025
Post Gateway	May 2025
Commencement of Public exhibition and assessment	May 2025 – July 2025
Consideration of submissions	
Reporting of the Planning Proposal to Council	
Submission to Department of Planning, Housing and Infrastructure for Finalisation - Legal Drafting	July 2025–December 2025
Gazettal of LEP Amendment	February 2026

These timeframes are estimates only and subject to change due, in part, to factors beyond Council's control.

Appendices
