



New South Wales

## **Penrith Local Environmental Plan No 261**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P01/00279/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

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## **Penrith Local Environmental Plan No 261**

### **1 Name of plan**

This plan is *Penrith Local Environmental Plan No 261*.

### **2 Aims of plan**

This plan aims:

- (a) to allow, with the consent of Council of the City of Penrith, development for the purpose of a golf course on land within Zone No 2 (a) under *Penrith Local Environmental Plan No 43*, and
- (b) to allow, with the Council's consent, flood mitigation works to be carried out on land within Zone No 2 (a) under that Plan and on other specified land to which that Plan or *Interim Development Order No 28—Penrith* or *Interim Development Order No 93—Penrith* applies, and drainage works to be carried out on land within Zone No 6 (c) under that Plan and on other specified land to which that Plan or *Interim Development Order No 28—Penrith* or *Interim Development Order No 93—Penrith* applies, and
- (c) to allow earthworks to be undertaken without the Council's consent on specified land to which that Plan or *Interim Development Order No 28—Penrith* or *Interim Development Order No 93—Penrith* applies if undertaken in association with any other development requiring development consent under the instrument concerned and in respect of which consent is granted.

### **3 Land to which plan applies**

This plan applies:

- (a) to land within the City of Penrith to which *Interim Development Order No 28—Penrith* applies, and
- (b) to land within the City of Penrith to which *Interim Development Order No 93—Penrith* applies, and
- (c) to land within the City of Penrith to which *Penrith Local Environmental Plan No 43* applies.

#### **4 Amendment of environmental planning instruments**

This plan amends:

- (a) *Interim Development Order No 28—Penrith* as set out in Schedule 1, and
- (b) *Interim Development Order No 93—Penrith* as set out in Schedule 2, and
- (c) *Penrith Local Environmental Plan No 43* as set out in Schedule 3.

**Schedule 1    Amendment of Interim Development Order  
No 28—Penrith**

(Clause 4 (a))

**[1]   Clause 2 Definitions**

Insert in alphabetical order:

***Flood mitigation works*** means works for the purpose of eliminating, reducing or otherwise mitigating the effects of flooding.

***Golf course*** means any area adapted for the playing of golf and includes related earthworks and drainage, and related facilities such as a club house, golf driving or practice range, refreshment room, pro shop, parking, maintenance depot, and the like.

**[2]   Clause 30A**

Omit “educational establishments” from clause 30A (3).

Insert instead “drainage; educational establishments; flood mitigation works”.

**[3]   Clause 30AA**

Insert before clause 30A:

**30AA    Penrith Panthers Site, Mulgoa Road, Penrith**

- (1) This clause applies to that part of the land shown edged heavy black on the map deposited in the office of the Council and marked “Penrith Local Environmental Plan No 261” to which this Order applies.
- (2) Nothing in this Order operates so as to require development consent to be obtained for the winning of extractive material, or the carrying out of earthworks or operations concerning the winning of extractive material, undertaken for the purposes of any other development that may be carried out only with the consent of the Council under this Order and in respect of which consent is granted.

## **Schedule 2 Amendment of Interim Development Order No 93—Penrith**

(Clause 4 (b))

### **[1] Clause 2**

Insert in alphabetical order:

*flood mitigation works* means works for the purpose of eliminating, reducing or otherwise mitigating the effects of flooding.

*golf course* means any area adapted for the playing of golf and includes related earthworks and drainage, and related facilities such as a club house, golf driving or practice range, refreshment room, pro shop, parking, maintenance depot, and the like.

### **[2] Clause 37AA**

Insert before clause 37A:

#### **37AA Penrith Panthers Site, Mulgoa Road, Penrith**

- (1) This clause applies to that part of the land shown edged heavy black on the map deposited in the office of the Council and marked “Penrith Local Environmental Plan No 261” to which this Order applies.
- (2) Nothing in this Order operates so as to require development consent to be obtained for the winning of extractive material, or the carrying out of earthworks or operations concerning the winning of extractive material, undertaken for the purposes of any other development that may be carried out only with the consent of the Council under this Order and in respect of which consent is granted.

### **[3] Clause 37A**

Omit “educational establishments” from clause 37A (3).

Insert instead “drainage; educational establishments; flood mitigation works”.

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Schedule 3

Amendment of Penrith Local Environmental Plan No 43

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### **Schedule 3    Amendment of Penrith Local Environmental Plan No 43**

(Clause 4 (c))

#### **[1]   Clause 7 Interpretation**

Insert in alphabetical order in clause 7 (1):

*flood mitigation works* means works for the purpose of eliminating, reducing or otherwise mitigating the effects of flooding.

*golf course* means any area adapted for the playing of golf and includes related earthworks and drainage, and related facilities such as a club house, golf driving or practice range, refreshment room, pro shop, parking, maintenance depot, and the like.

#### **[2]   Clause 9**

Insert “flood mitigation works; golf courses;” after “educational establishments;” in Column III of the Table to clause 9 opposite the matter relating to Zone No 2 (a).

#### **[3]   Clause 9, Table**

Insert “drainage;” after “Bowling greens;” in Column III of the Table to clause 9 opposite the matter relating to Zone No 6 (c).

#### **[4]   Clause 19**

Omit “educational establishments” from clause 19 (3).

Insert instead “drainage; educational establishments; flood mitigation works”.

**[5] Clause 19A**

Insert after clause 19:

**19A Penrith Panthers Site, Mulgoa Road, Penrith**

- (1) This clause applies to that part of the land shown edged heavy black on the map deposited in the office of the Council and marked "Penrith Local Environmental Plan No 261" to which this plan applies.
- (2) Nothing in this plan operates so as to require development consent to be obtained for the winning of extractive material, or the carrying out of earthworks or operations concerning the winning of extractive material, undertaken for the purposes of any other development that may be carried out only with the consent of the Council under this plan and in respect of which consent is granted.
- (3) The Council, in determining an application for consent to carry out development for the purpose of a golf course on land to which this clause applies, must have regard to the following matters:
  - (a) the effect that the development would have upon the amenity of adjacent residential properties,
  - (b) the adequacy of existing and proposed fencing and landscape screening adjacent to adjoining residential properties,
  - (c) design solutions proposed to minimise the possibility of golf balls straying into adjoining residential properties,
  - (d) the effect that the development would have upon aboriginal cultural heritage.