



New South Wales

Penrith Local Environmental Plan No 188 (Amendment No 5)

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. (P00/00361/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 398

Clause 1 Penrith Local Environmental Plan No 188 (Amendment No 5)

Penrith Local Environmental Plan No 188 (Amendment No 5)

1 Name of plan

This plan is *Penrith Local Environmental Plan No 188 (Amendment No 5)*.

2 Aims of plan

This plan aims:

- (a) to protect identified remnant endangered vegetation and to enhance its biodiversity function by establishing an Environmental Protection Zone, and
- (b) to rezone certain land that previously had a deferred status to Zone No 2 (Urban Zone) or Zone No 7 (a) (Environmental Protection Zone) under *Penrith Local Environmental Plan No 188*, and
- (c) to control the siting of new dwellings so as to ensure that appropriate standards of residential amenity, privacy, private open space and landscape buffers between dwellings are maintained.

3 Land to which plan applies

This plan applies to land within the City of Penrith, being land shown edged heavy black on the map marked “Penrith Local Environmental Plan No 188 (Amendment No 5)” deposited in the office of the Council of the City of Penrith.

4 Amendment of Interim Development Order No 93—Penrith

Interim Development Order No 93—Penrith is amended by omitting from clause 1A the words “Land shown edged heavy black on the map marked ‘Penrith Local Environmental Plan No 188’ deposited in the office of the council” and by inserting instead “Land to which Penrith Local Environmental Plan No 188 applies”.

5 Amendment of Penrith Local Environmental Plan No 188

Penrith Local Environmental Plan No 188 is amended as set out in Schedule 1.

Schedule 1 Amendment of Penrith Local Environmental Plan No 188

(Clause 5)

[1] Clause 6 Interpretation

Insert in alphabetical order in clause 6 (1):

bushfire hazard reduction means a reduction or modification (by controlled burning or by mechanical or manual means) of material that constitutes a bushfire hazard.

bush regeneration means the rehabilitation of native vegetation from a weed-infested or other degraded plant community to a healthy community composed of native species:

- (a) by natural regeneration, (which relies on natural germination and resprouting of plants and focuses on weed removal, management of disturbance and the maintenance of natural processes and does not normally include replanting of vegetation), or
- (b) by assisted regeneration (which includes intervention actions such as site replanting with locally indigenous seed or plant material derived from the locality, or other similar plant communities to that occurring on the site, or controlled management of disturbance), or
- (c) by both natural regeneration or assisted regeneration.

community signage means signs providing directional, educative or community information, but does not include any form of commercial advertising.

native vegetation means any of the following types of indigenous vegetation:

- (a) a tree,
- (b) a shrub,
- (c) understorey plants,
- (d) groundcover,
- (e) plants occurring in a wetland.

plant community means a group of organisms living together in a definable region or habitat defined by the vegetation.

[2] Clause 6 (1), definition of “the map”

Insert at the end of the definition:

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[3] Clause 8 Zones indicated on the map

Insert at the end of the clause:

Zone No 7 (a) (Environmental Protection Zone) - edged black and lettered 7 (a)

[4] Clause 9 Zone objectives and development control table

Insert in the Table to clause 9 after the matter relating to Zone No 2r1 (Rural Residential Zone):

Zone No 7 (a) (ENVIRONMENTAL PROTECTION ZONE)

1 Objectives of zone

The objectives of this zone are:

- (a) to reserve land for the protection and preservation of native vegetation and places of natural ecological significance, and
- (b) to ensure that places of Aboriginal significance are conserved, and
- (c) to improve the condition of existing native vegetation and encourage the revegetation and rehabilitation of land with appropriate native vegetation management, and
- (d) to maintain flora and fauna corridors between remnant areas of native vegetation, and
- (e) to allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.

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Schedule 1 Amendment of Penrith Local Environmental Plan No 188

2 Without development consent

Bushfire hazard reduction; bush regeneration.

3 Only with development consent

Cycleways or pedestrian pathways; community signage; drainage; purposes specifically permitted by a plan of management for the land prepared pursuant to the *Local Government Act 1993*, which are under the care, control and management of the Council.

4 Prohibited

Any purpose other than a purpose included in Item 2 or 3.

[5] Clause 11

Omit the clause. Insert instead:

11 Advertised development to which section 79A of the Act applies

- (1) Development of land that is inconsistent with any development control plan applying to the land is identified as advertised development for the purposes of the Act.
- (2) Subclause (1) does not apply so as to identify the residential development of land in Zone No 2 (Urban Zone) that is shown hatched on the map if that development involves the erection of a garage on a side lot boundary and that boundary abuts an adjoining residential lot.

[6] Clause 16

Insert after clause 15:

16 Site controls for dwellings in Zone No 2 (Urban Zone)

- (1) The council must not consent to the erection of a dwelling on land in Zone No 2 (Urban Zone) that is shown hatched on the map unless:
 - (a) a rear building setback of 4 metres minimum is achieved—in the case of a single storey dwelling, and
 - (b) a rear building setback of 6 metres minimum is achieved—in the case of a two-storey dwelling, and

- (c) a restriction on the use of the land is created that specifies:
 - (i) the rear building setbacks referred to in paragraphs (a) and (b), and
 - (ii) the resultant area of the lot on which a dwelling may be erected, and
 - (d) all the provisions of the *Glenmore Park Eastern Hamlets Development Control Plan* are complied with.
- (2) In this clause:
- storey** means a floor or level of a building which may be intersected by the same vertical line, not being a line which passes through any wall of the building.