



New South Wales

Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia) (Amendment No 1)

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*. (P04/00113/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia) (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia) (Amendment No 1)*.

2 Aims of plan

The aims of this plan are:

- (a) to provide for minimum standards for lot area, width and depth for lots created by the subdivision of land within a certain area (designated Area A) in Zone 1 (vr) under *Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia) (the principal plan)*, and
- (b) to make provision with respect to development on bush fire prone land (including to require that the Council consider or be satisfied of certain matters before consenting to such development), and
- (c) to allow development for the purposes of water storage tanks in conjunction with a dwelling for which consent has been granted, and home activities, without the consent of Penrith City Council, and to allow development for the purposes of telecommunications facilities and telecommunications networks with the consent of the Council, on land within certain zones under the principal plan, and
- (d) to amend the definition of *local retail or commercial premises* to exclude brothels, and
- (e) to define *telecommunications facility* and *telecommunications network* for the purposes of the principal plan.

3 Land to which plan applies

This plan applies to land within the City of Penrith which is shown edged heavy black on the map marked "Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia)" deposited in the office of Penrith City Council.

4 Amendment of Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia)

Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia) is amended as set out in Schedule 1.

2006 No 639

Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia)
(Amendment No 1)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 9 Zone objectives and development control table

Insert in alphabetical order in item (b) (i) of the matter relating to Zone 1 (rc) (Rural Conservation (Residential)) in the development control table to the clause:

- home activities
- water storage tanks in conjunction with a dwelling for which consent has been granted

[2] Clause 9

Omit “• water storage tanks” from item (b) (ii) relating to Zone 1 (rc) (Rural Conservation (Residential)) in the development control table to the clause.

[3] Clause 9

Insert in alphabetical order in item (b) (ii) of the matter relating to Zone 1 (rc) (Rural Conservation (Residential)) in the development control table to the clause:

- telecommunications facilities
- telecommunications networks

[4] Clause 9

Insert in alphabetical order in item (b) (i) of the matter relating to Zone 1 (vc) (Village Centre) in the development control table to the clause:

- home activities

[5] Clause 9

Insert in alphabetical order in item (b) (ii) of the matter relating to Zone 1 (vc) (Village Centre) in the development control table to the clause:

- telecommunications facilities
- telecommunications networks

[6] Clause 9

Insert in alphabetical order in item (b) (i) of the matter relating to Zone 1 (vr) (Village Residential) in the development control table to the clause:

- home activities
- water storage tanks in conjunction with a dwelling for which consent has been granted

[7] Clause 9

Omit “• water storage tanks” from item (b) (ii) relating to Zone 1 (vr) (Village Residential) in the development control table to the clause.

[8] Clause 9

Insert in alphabetical order in item (b) (ii) of the matter relating to Zone 1 (vr) (Village Residential) in the development control table to the clause:

- telecommunications facilities
- telecommunications networks

[9] Clause 9

Insert in alphabetical order in item (b) (i) of the matter relating to Zone 6 (a) (Public Recreation and Community Uses) in the development control table to the clause:

- water storage tanks in conjunction with development for which consent has been granted

[10] Clause 9

Omit “• water storage tanks” from item (b) (ii) relating to Zone 6 (a) (Public Recreation and Community Uses) in the development control table to the clause.

[11] Clause 9

Insert in alphabetical order in item (b) (ii) of the matter relating to Zone 6 (a) (Public Recreation and Community Uses) in the development control table to the clause:

- telecommunications facilities
- telecommunications networks

[12] Clause 12 Subdivision

Omit the matter relating to Zone 1 (vr) in the Table to clause 12 (2).

Insert instead:

1 (vr)	Area A	550m ²	15m	30m	650m ²	18m	30m
	Area B	550m ²	15m	30m	650m ²	18m	30m

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(Amendment No 1)

Schedule 1 Amendments

[13] Clause 20 Bush fire prone land

Omit clause 20 (1). Insert instead:

- (1) This clause applies to bush fire prone land.

[14] Clause 20 (2)

Insert “on land to which this clause applies” after “development” where firstly occurring.

[15] Clause 20 (3)

Insert “to which this clause applies” after “land”.

[16] Clause 20 (4)

Omit “within a bushfire-prone area”.

Insert instead “on land to which this clause applies”.

[17] Clause 20 (5) and (6)

Insert after clause 20 (4):

- (5) Before granting consent to any development on bush fire prone land, the consent authority must:
 - (a) have regard to the guidelines in *Planning for Bushfire Protection* produced by the NSW Rural Fire Service and be satisfied that the development will comply with those guidelines, and
 - (b) consider whether the measures proposed to avoid or mitigate the threat from bushfire, including the siting of the proposed development, the design and construction of any structures involved, the clearing of vegetation, and the provision of asset protection zones, landscaping and fire control aids (such as roads and water supplies), are adequate for the locality, and
 - (c) consider the potential environmental impacts of measures proposed to avoid or mitigate threat from bushfire.
- (6) In this clause:
bush fire prone land has the same meaning as in the Act.

[18] Schedule 2 Definitions

Insert “, but which do not include a brothel” after “banks” in the definition of *local retail or commercial premises*.

[19] **Schedule 2, definitions of “telecommunications facility” and
“telecommunications network”**

Insert in alphabetical order:

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, and
- (b) any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network,

but does not include a low impact facility within the meaning of the *Telecommunications (Low-impact Facilities) Determination 1997* of the Commonwealth.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided (or both) electromagnetic energy.