



New South Wales

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)— Werrington Mixed-Use Area

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*. (P00/00506/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—Werrington Mixed-Use Area

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—Werrington Mixed-Use Area*.

2 Aims of plan

The aims of this plan are as follows:

- (a) to rezone certain land for urban development that provides for residential opportunities and employment opportunities, particularly in high technology industries,
- (b) to permit a diverse housing mix which provides affordability and choice,
- (c) to maximise the benefits of proximity to public transport by providing residential development at a minimum average net density of 30 dwellings per hectare, encouraging high intensity employment uses and limiting the provision of on-site car parking,
- (d) to implement an integrated transport network that optimises safe and direct access to public transport and associated services or facilities,
- (e) to reduce and limit car dependency by way of providing safe and direct access to public transport, and by providing walking and cycling facilities and direct pedestrian linkages between the proposed university railway station and the surrounding education precinct,
- (f) to promote urban design outcomes that deliver active and vibrant street frontages with a high degree of surveillance particularly along prominent access routes, streets and boulevards in both residential and employment areas,

- (g) to provide, within site constraints, a site responsive development that achieves best practice in ecologically sustainable development and enhances the conservation values of the site by protecting and enhancing waterbodies, riparian land, remnant native vegetation, corridor linkages and native fauna habitat and the level of biodiversity on the site both during and after development.

3 Land to which plan applies

This plan applies to land within the City of Penrith, as shown edged heavy black on the map marked “Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—Werrington Mixed-Use Area” deposited in the office of Penrith City Council.

4 Amendment of Penrith Local Environmental Plan 1998 (Urban Land)

Penrith Local Environmental Plan 1998 (Urban Land) is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 8 Zones indicated on the map

Insert in appropriate order:

Zone No 10 (a) Mixed-Use—Residential

Zone No 10 (b) Mixed-Use—Employment

[2] Clause 9 Zone objectives and development control table

Insert in appropriate order in the Development Control Table to the clause:

Zone No 10 (a) Mixed-Use—Residential

(a) Objectives of the zone

- (i) to provide for a residential environment that is vibrant, attractive and safe for residents and visitors, and
- (ii) to provide a safe and efficient pedestrian access that directly links people with public transport facilities, housing and employment areas and the surrounding education precinct, and
- (iii) to create a public transport node that provides opportunity for a range of transport services and access to the proposed university railway station, and
- (iv) to promote opportunities for a range of housing types, including affordable housing, and
- (v) to promote residential development at a density which maximises the benefits of proximity to public transport, and
- (vi) to integrate recreational, community and educational activities, and
- (vii) to permit retail or commercial activities that do not undermine the regional, district and local commercial centre hierarchy, and
- (viii) to conserve areas of biological diversity, heritage significance and environmental sensitivity.

(b) (i) Without development consent

- bushfire hazard reduction
- family day-care homes
- home activities

(b) (ii) Only with development consent

- backpacker's hostels
- bed and breakfast establishments
- child care centres
- commercial premises
- community facilities
- drains
- dual occupancies
- dwelling houses
- general stores
- guesthouses
- health care consulting rooms
- home businesses
- motels
- multi-unit housing
- parking areas
- pedestrian bridges
- places of assembly
- places of worship
- public parks and gardens
- recreation areas
- restaurants
- roads
- serviced apartments
- shops
- transport interchanges
- utility installations
- utility undertakings

(b) (iii) Prohibited

Any land use other than those included in items (b) (i) and (b) (ii).

Zone No 10 (b) Mixed-Use—Employment

(a) Objectives of the zone

- (i) to provide for an employment environment that is prosperous, vibrant, attractive and safe, and
- (ii) to promote opportunities for a range of businesses capable of generating employment in high technology developments, and

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- (iii) to provide a safe and efficient access that directly links employment generating activities with the local and regional marketplace and the surrounding education precinct, and
- (iv) to promote the use of public transport, and
- (v) to ensure compatibility of development with the surrounding built form, and
- (vi) to ensure employment uses integrate with surrounding residential, recreational and educational activities, and
- (vii) to conserve areas of biological diversity, heritage significance and environmental sensitivity, and
- (viii) to ensure development recognises existing prominent landscape features and vistas, and
- (ix) to promote development that provides a high density of employment to take advantage of the proximity to the proposed railway station.

(b) (i) Without development consent

- bushfire hazard reduction

(b) (ii) Only with development consent

- advertising structures
- child care centres
- commercial premises
- drains
- education establishments
- high technology development
- hospitals
- motels
- parking areas
- pedestrian bridges
- public parks and gardens
- recreational facilities
- roads
- utility installations
- utility undertakings

(b) (iii) Prohibited

Any land use other than those included in items (b) (i) and (b) (ii).

[3] Clause 38

Insert after clause 37:

38 Development of the Werrington Mixed-Use Area

- (1) This clause applies to land shown edged heavy black on Sheet 1 of the map marked “Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—Werrington Mixed-Use Area”.
- (2) The objectives of this clause are as follows:
 - (a) to permit a balanced mix of land uses that optimise employment opportunities for the City of Penrith and Western Sydney by allocating an area of 8 ha for mixed uses with an employment focus and an area of 6 ha for mixed uses with a residential focus, excluding land required for drainage, bushland conservation and transport interchange purposes,
 - (b) to promote business activities involved in high technology development which facilitates links to surrounding tertiary institutions,
 - (c) to enhance the environmental qualities of the site and its locality by identifying a conservation area associated with the woodland and creek,
 - (d) to establish a transport interchange to service the proposed university railway station.
- (3) The council must not grant consent to development on land to which this clause applies unless it is satisfied the development demonstrates the following:
 - (a) a high degree of accessibility, that is safe and direct, both within the site and between the surrounding residential areas and educational institutions,
 - (b) extensive provision has been made for pedestrian, vehicular and public transport access to and egress from the transport interchange,
 - (c) no direct vehicular access to development fronting the Great Western Highway,
 - (d) active street frontages with a high degree of surveillance along French Street,
 - (e) a high level of pedestrian amenity, including provision of pathways and cycleways within the site, and to and from surrounding development,

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- (f) a high level of environmental performance of buildings (including water management and energy efficiency),
 - (g) substantial compliance with the structure plan.
- (4) The council must not grant consent to development on land to which this clause applies unless it has taken into account the following (to the extent that they are relevant to the proposed development):
- (a) whether the development enhances and protects the environmental qualities of watercourses, riparian land, remnant bushland and biological corridor linkages,
 - (b) whether the development provides employment opportunities, particularly high technology developments,
 - (c) whether the development provides for the delivery of community facilities, services and recreational opportunities,
 - (d) in the case of any proposed residential or other development located in the vicinity of the Main Western Railway Line or the Great Western Highway, the impact of noise or vibration on any such development.
- (5) Nothing in this plan prevents the council from consenting to the subdivision of land to which this clause applies for the following purposes:
- (a) the extension of French Street north to the railway line,
 - (b) the identification or allocation of land for the purposes of the transport interchange to be provided in conjunction with the proposed railway station,
 - (c) the creation of a road link from French Street to the western boundary of the adjoining land, between the Werrington campus of the University of Western Sydney,
 - (d) the division of a single allotment of land that is within two or more zones so as to create, in relation to each of the those zones, a single allotment that is wholly within the zone.
- (6) The council must not grant consent to development on land to which this clause applies unless it is of the opinion that the proposed development has taken into account the following matters (to the extent that they are relevant to the proposed development):
- (a) the presence of threatened species, populations and ecological communities,

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- (b) the local and regional significance of the vegetation on the land,
 - (c) the impact of the proposed development, including the effect of clearing or bushfire mitigation measures or both or any other threatening processes, on flora and fauna species existing on or likely to utilise the land,
 - (d) any measures to be taken to ameliorate any impacts,
 - (e) the significance of any flora and fauna species, population or ecological community listed under the *Threatened Species Conservation Act 1995*,
 - (f) the requirements of any threat abatement plan under the *Threatened Species Conservation Act 1995*.

[4] Schedule 2 Definitions

Insert in alphabetical order:

high technology development means an enterprise that:

- (a) has, as a primary function, research into or the manufacture, development, production, processing, distribution or assembly of:
 - (i) computer software or hardware, or
 - (ii) electronics or micro electronic systems or goods, or
 - (iii) communications or telecommunications systems, goods or components, or
 - (iv) other information based technology, and
- (b) may include ancillary office and storage accommodation, and
- (c) does not present a hazard or potential hazard to the neighbourhood and does not involve the use of potentially offensive or offensive materials, and
- (d) does not, by reason of the scale and nature of its manufacturing, development, production or assembly, interfere with the amenity of the neighbourhood, and
- (e) does not involve sales directly to the public from the premises other than online sales.

online sales means sales that have all of the following characteristics:

- (a) the vendor and purchaser communicate only by telephone, fax or the Internet or similar communications systems,
- (b) the purchaser does not attend the premises,

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- (c) the purchaser does not collect the required goods from the premises. (The required goods are delivered to the purchaser via the telecommunications system or collected by or delivered to the purchaser from premises remote from the site of the premises from which the sale was made.)

structure plan means Sheet 2 of the map marked “Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—Werrington Mixed-Use Area”.

[5] Schedule 2, definition of “the map”

Insert in appropriate order:

Penrith Local Environmental Plan 1998 (Urban Land)
(Amendment No 13)—Werrington Mixed-Use Area—
(Sheet 1)

BY AUTHORITY
