



New South Wales

## **Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)**

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*. (P03/00393/PC)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

## 2008 No 486

Clause 1 Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)

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### **Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)**

under the

Environmental Planning and Assessment Act 1979

#### **1 Name of plan**

This plan is *Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)*.

#### **2 Aims of plan**

The aims of this plan are as follows:

- (a) to introduce a new zone into *Penrith Local Environmental Plan 1998 (Urban Land)* that provides for flora and fauna conservation,
- (b) to clarify how land is to be acquired by an authority of the State under that plan,
- (c) to provide that the Roads and Traffic Authority is the relevant authority of the State to acquire certain land at Gipps Street, Claremont Meadows,
- (d) to provide for development of land at Claremont Meadows, the objects of which include:
  - (i) protection of Cumberland Plain Woodland, and
  - (ii) ensuring that environmentally sensitive land is publicly owned, and
  - (iii) providing for site responsive development that achieves best practice in ecologically sustainable development and enhances the conservation values of the site, and
  - (iv) allowing for multiple lot sizes and a diverse housing mix, and
  - (v) ensuring a high level of pedestrian amenity, and
  - (vi) requiring that the form, design and function of all dwellings have regard to the principles of ecologically sustainable development and achieve a high level of water conservation and energy conservation.

**3 Land to which plan applies**

This plan applies:

- (a) in respect of the aims set out in clause 2 (a) and (b), to all land to which *Penrith Local Environmental Plan 1998 (Urban Land)* applies, and
- (b) in respect of the aim set out in clause 2 (c), to land at Gipps Street, Claremont Meadows that is within Zone No 5 (c) (State Road and State Road Widening) under that plan, and
- (c) in respect of the aims set out in clause 2 (d), to land shown edged heavy black on the map marked “Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)” deposited in the office of the Council of the City of Penrith.

**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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Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)

Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

**[1] Clause 8 Zones indicated on the map**

Insert in appropriate order in clause 8:

**Zone No 7 (a) Flora and Fauna Conservation**

**[2] Clause 9 Zone objectives and development control table**

Insert in appropriate order in the Development Control Table to clause 9:

**Zone No 7 (a) Flora and Fauna Conservation**

**(a) Objectives of the zone**

- (i) to reserve land for the purpose of biodiversity protection, and
- (ii) to conserve, restore and enhance native fauna and flora habitat and the ecological viability of the land identified for biodiversity protection purposes, and
- (iii) to conserve any Aboriginal heritage values of the land, and
- (iv) to enable development of the land only where it can be demonstrated that the development will not destroy, damage or compromise the extent, quality or integrity of the ecological or Aboriginal heritage attributes of the land.

**(b) (i) Without development consent**

Nil

**(b) (ii) Only with development consent**

- bushfire hazard reduction (not in accordance with a plan of management)
- drains
- environmental protection works
- fencing
- pedestrian pathways
- any other works or structures, only where compatible with the zone objectives.

**(b) (iii) Prohibited**

Any land use other than those included in item (b) (ii).

**[3] Clause 19A**

Insert after clause 19:

**19A Acquisition of land**

Nothing in this plan is to be construed as requiring an authority of the State to acquire land, except as required by Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

**[4] Clause 20 Acquisition of land reserved for roads**

Insert “or that is at Gipps Street, Claremont Meadows” after “notice” in clause 20 (2) (a).

**[5] Clause 22 Acquisition of land within Zone No 5 (b), 6 (b) or 7 (a)**

Omit “or 6 (b)” from clause 22 (1). Insert instead “, 6 (b) or 7 (a)”.

**[6] Clause 37A**

Insert after clause 37:

**37A Claremont Meadows Stage 2**

- (1) This clause applies to land shown edged heavy black on the map marked “Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)”.
- (2) The objectives for development on land to which this clause applies are set out in Part 1 of Schedule 5.
- (3) The controls for development on land to which this clause applies are set out in Part 2 of Schedule 5.

**[7] Schedule 2 Definitions**

Insert in appropriate order in the definition of *the map*:

Penrith Local Environmental Plan 1998 (Urban Land)  
(Amendment No 14)

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Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 14)

Schedule 1 Amendments

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### [8] Schedule 5

Insert after Schedule 4:

## Schedule 5 Claremont Meadows Stage 2

(Clause 37A)

### Part 1 Objectives

- 1 To rezone land to ensure the protection of Cumberland Plain Woodland.
- 2 To enhance the environmental qualities of the site and its locality through the identification of the conservation areas associated with Cumberland Plain Woodland.
- 3 To ensure that environmentally sensitive land is publicly owned.
- 4 To provide for 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.
- 5 To permit a diverse housing mix that provides a wide range of dwelling types and choice.
- 6 To ensure a high level of pedestrian amenity and good pedestrian linkages within Claremont Meadows Stage 2 and between Claremont Meadows Stage 2 and the existing Claremont Meadows estate, surrounding development and natural areas.
- 7 To allow for multiple lot sizes that promote higher density around open space.
- 8 To require that the form, design and function of all dwellings have regard to the principles of ecologically sustainable development and achieve a high level of water conservation and energy conservation.
- 9 To ensure that housing located in the vicinity of a major road takes account of the constraints imposed by noise and visual impact.

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## Part 2 Controls

### 10 Matters to be taken into consideration before granting development consent

The council must not grant consent to development on land to which clause 37A applies unless it has taken the following into consideration:

- (a) any measures that are proposed to promote pedestrian amenity, including provision of pathways and cycleways within the site, and to and from surrounding development,
- (b) any measures that are proposed to ensure an appropriate architectural presentation of development to the Gipps Street and Caddens Road frontages, avoiding high fences or walls so that dwellings have a high level of visual amenity and presentation,
- (c) any measures that are proposed to promote the environmental performance of buildings (including water management and energy efficiency),
- (d) protection of water quality in South Creek or Claremont Creek, through implementation of appropriate drainage solutions,
- (e) for development within 100 metres of the M4 Motorway road reserve, any measures that are proposed:
  - (i) to protect the viewscape into the subject land when viewed from the M4 Motorway from both the east and the west, so that residential development is not prominent, and
  - (ii) to provide a vegetated corridor on those lots that adjoin the M4 Motorway reserve, linking Claremont Creek to the South Creek Corridor, and
  - (iii) to provide a minimum setback of 20 metres from the M4 Motorway reserve to any dwelling or substantial structure.

### 11 Subdivision and dual occupancy

Despite any other provision of this plan, council may grant consent to subdivision of land within Zone No 2 (b) to lots with a minimum area of 250m<sup>2</sup>, if:

- (a) all lots will be directly opposite an area of public open space, not including land zoned 5 (c) or 7 (a), of at least 2,500m<sup>2</sup>, and

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Schedule 1 Amendments

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- (b) the minimum landscaped area for any such lots will be 40% of the site area, and
- (c) the subdivision will not result in any internal lots, and
- (d) the subdivision will not result in dual occupancy development other than on a corner lot.

### 12 Vehicle access

- (1) Subject to subclause (2), a person must not carry out development on land that adjoins the Werrington Arterial Road corridor unless vehicle access to the land from that road is made by way of another road (not being a State road).
- (2) Where, except for this clause, development may be carried out, the council may, in relation to that development, allow permanent vehicular access to the Werrington Arterial Road, if, in the opinion of the council, alternative access to that development is neither practicable nor provided by another road or a proposed road identified in the development control plan referred to in clause 10.

BY AUTHORITY

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