



New South Wales

# Penrith Local Environmental Plan 2010 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

## 2012 No 376

Clause 1 Penrith Local Environmental Plan 2010 (Amendment No 1)

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## Penrith Local Environmental Plan 2010 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of Plan

This Plan is *Penrith Local Environmental Plan 2010 (Amendment No 1)*.

### 2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

### 3 Land to which Plan applies

This Plan applies to land to which *Penrith Local Environmental Plan 2010* applies.

### 4 Maps

Each map adopted by *Penrith Local Environmental Plan 2010 (Amendment No 1)* that is specified in Column 1 of the following Table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the Table as approved by the Minister on the making of this Plan.

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Penrith Local Environmental Plan 2010 Clause Application Map (6350_COM_CAP_002_080_20100721)	Penrith Local Environmental Plan 2010 Clause Application Map (6350_COM_CAP_002_080_20120223)
Penrith Local Environmental Plan 2010 Heritage Map (6350_COM_HER_005_020_20100723)	Penrith Local Environmental Plan 2010 Heritage Map (6350_COM_HER_005_020_20120223)

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<b>Column 1</b>	<b>Column 2</b>
<b>Name of map being amended or replaced</b>	<b>Name of amending or replacement map</b>
Penrith Local Environmental Plan 2010 Land Reservation Acquisition Map (6350_COM_LRA_006_020_20100512)	Penrith Local Environmental Plan 2010 Land Reservation Acquisition Map (6350_COM_LRA_006_020_20120626)
Penrith Local Environmental Plan 2010 Land Zoning Map (6350_COM_LZN_006_020_20100616)	Penrith Local Environmental Plan 2010 Land Zoning Map (6350_COM_LZN_006_020_20120223)
Penrith Local Environmental Plan 2010 Land Zoning Map (6350_COM_LZN_013_020_20100625)	Penrith Local Environmental Plan 2010 Land Zoning Map (6350_COM_LZN_013_020_20120511)
Penrith Local Environmental Plan 2010 Land Zoning Map (6350_COM_LZN_019_020_20100616)	Penrith Local Environmental Plan 2010 Land Zoning Map (6350_COM_LZN_019_020_20120511)
Penrith Local Environmental Plan 2010 Land Zoning Map (6350_COM_LZN_021_020_20100423)	Penrith Local Environmental Plan 2010 Land Zoning Map (6350_COM_LZN_021_020_20120511)
Penrith Local Environmental Plan 2010 Lot Size Map (6350_COM_LSZ_011_020_20100511)	Penrith Local Environmental Plan 2010 Lot Size Map (6350_COM_LSZ_011_020_20120223)

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## 2012 No 376

Penrith Local Environmental Plan 2010 (Amendment No 1)

Schedule 1 Amendment of Penrith Local Environmental Plan 2010

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### Schedule 1 Amendment of Penrith Local Environmental Plan 2010

#### [1] Clause 4.1AA

Insert after clause 4.1:

#### 4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
  - (a) to ensure that subdivisions under community title schemes maintain minimum lot sizes,
  - (b) to ensure that lot sizes are compatible with the environmental capabilities of the land, and the character and density of development in the area,
  - (c) to ensure that lot sizes and dimensions allow development to be sited to protect natural or cultural features and to have a minimal impact on the amenity of neighbouring properties.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU5 Village,
  - (e) Zone R5 Large Lot Residential,
  - (f) Zone E2 Environmental Conservation,
  - (g) Zone E3 Environmental Management,
  - (h) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

#### [2] Clause 6.3 Flood planning

Omit “recurrent” from the definition of *flood planning level* in clause 6.3 (7).

Insert instead “recurrence”.

**[3] Clause 6.12 Twin Creeks**

Insert “or secondary dwelling” after “dual occupancy” in clause 6.12 (4).

**[4] Clause 6.14**

Omit the clause. Insert instead:

**6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport**

- (1) The objective of this clause is to ensure that development in the vicinity of the proposed Badgery’s Creek airport site:
  - (a) has regard to the use or potential future use of the site as an airport, and
  - (b) does not hinder or have any other adverse impact on the development or operation of an airport on that site.
- (2) This clause applies to development that:
  - (a) is on land that:
    - (i) is near the proposed Badgery’s Creek airport site, and
    - (ii) is in an ANEF contour of 20 or greater, and
  - (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- (3) Before determining a development application for development to which this clause applies, the consent authority:
  - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
  - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and
  - (c) must be satisfied that the development will meet AS 2021—2000 with respect to interior noise levels for the purposes of:
    - (i) if the development will be in an ANEF contour of 20 or greater—child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation, and

## 2012 No 376

Penrith Local Environmental Plan 2010 (Amendment No 1)

Schedule 1 Amendment of Penrith Local Environmental Plan 2010

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- (ii) if the development will be in an ANEF contour of 25 or greater—commercial premises, hostels or hotel or motel accommodation.

- (4) In this clause:

*ANEF contour* means a noise exposure contour shown as an ANEF contour on the map in Appendix U of the draft environmental impact statement for the Second Sydney Airport, copies of which are deposited in the office of the Council and of the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government.

*AS 2021—2000* means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

**[5] Schedule 1 Additional permitted uses**

Omit “Lot 1, DP 541967 and Lots 21 and 22, DP 624086” from clause 5 (1).

Insert instead “Lot 23, DP 1142130”.

**[6] Schedule 2 Exempt development**

Omit “30m<sup>2</sup>” from item (1) of the matter relating to **Signage (building identification signs)**.

Insert instead “3m<sup>2</sup>”.

**[7] Schedule 5 Environmental heritage**

Omit the matter relating to Castlereagh Road, Castlereagh from Part 1.

Insert instead:

Castlereagh	Castlereagh Road Alignment	Castlereagh Road	Local	2260261C
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**[8] Schedule 5**

Omit the matter relating to Luddenham Road, Luddenham from Part 1.

Insert instead:

Luddenham	Luddenham Road Alignment	Luddenham Road	Local	2260843
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**[9] Schedule 5**

Omit “State” from the matter relating to the Former Mulgoa Road Alignment in the column headed “**Significance**” in Part 1.

Insert instead “Local”.

**[10] Schedule 5**

Insert “and Lot 1, DP 1035490” after “Lot 1, DP 996994” in the matter relating to 43–57 St Thomas Road, Mulgoa in the column headed “**Property description**” in Part 1.

**[11] Schedule 5**

Omit the matter relating to 43–119 St Thomas Road, Mulgoa from Part 1.

Insert instead:

Mulgoa	Winbourne	1315 Mulgoa Road	Lot 4, DP 854076	Local	2260138
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**[12] Schedule 5**

Omit the matter relating to 1012–1046 Mulgoa Road, Mulgoa from Part 1.

Insert instead:

Mulgoa	The Cottage	1012–1046 Mulgoa Road and 2–24 St Thomas Road	Lots 2–4, DP 241971	State	2260125
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**[13] Schedule 5**

Omit the matter relating to 1 Bundarra Road, Regentville from Part 1.

**2012 No 376**

Penrith Local Environmental Plan 2010 (Amendment No 1)

Schedule 2      Amendment of Sydney Regional Environmental Plan No 25—Orchard Hills

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**Schedule 2      Amendment of Sydney Regional  
Environmental Plan No 25—Orchard  
Hills**

**Clause 3 Land to which plan applies**

Omit clause 3 (1), insert instead:

- (1) This plan applies to land in the City of Penrith, being that part of Lot 21, DP 1151724, No 17–53 Caddens Road, Kingswood, identified as “Deferred matter” on the Penrith Local Environmental Plan 2010 Land Application Map.