



New South Wales

Penrith Local Environmental Plan 2010 (Amendment No 2)

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*.

RICHARD PEARSON

As delegate for the Minister for Planning and Infrastructure

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Clause 1 Penrith Local Environmental Plan 2010 (Amendment No 2)

Penrith Local Environmental Plan 2010 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Penrith Local Environmental Plan 2010 (Amendment No 2)*.

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 the land to which *Penrith Local Environmental Plan 2010* applies and, in particular, to the following land at Penrith:

- (a) Lot 1021, DP 812335, being 63 Mulgoa Road,
- (b) Lot 1, DP 1043008, being 73 Mulgoa Road,
- (c) Lots 151 and 152, DP 863625, being 83 and 109 Mulgoa Road,
- (d) Lot 12 and part of Lot 13, DP 710086, being 123–135 Mulgoa Road,
- (e) Lot 1, DP 1064526, being Lot 1 Retreat Road.

4 Maps

Each map adopted by *Penrith Local Environmental Plan 2010* 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 Land Application Map (6350_COM_LAP_001_120_20100623)	Penrith Local Environmental Plan 2010 Land Application Map (6350_COM_LAP_001_120_20130121)
Penrith Local Environmental Plan 2010 Clause Application Map (6350_COM_CAP_002_080_20120223)	Penrith Local Environmental Plan 2010 Clause Application Map (6350_COM_CAP_002_080_20130228)
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_006_020_20130326)
Penrith Local Environmental Plan 2010 Lot Size Map (6350_COM_LSZ_006_020_20100511)	Penrith Local Environmental Plan 2010 Lot Size Map (6350_COM_LSZ_006_020_20130228)
Penrith Local Environmental Plan 2010 Scenic and Landscape Values Map (6350_COM_SLV_006_020_20100512)	Penrith Local Environmental Plan 2010 Scenic and Landscape Values Map (6350_COM_SLV_006_020_20130121)
Penrith Local Environmental Plan 2010 Natural Resources Sensitivity Land Map (6350_COM_NRL_006_020_20100812)	Penrith Local Environmental Plan 2010 Natural Resources Sensitivity Land Map (6350_COM_NRL_006_020_20130121)
Penrith Local Environmental Plan 2010 Land Reservation Acquisition Map (6350_COM_LRA_006_020_20120626)	Penrith Local Environmental Plan 2010 Land Reservation Acquisition Map (6350_COM_LRA_006_020_20130326)
Penrith Local Environmental Plan 2010 Height of Buildings Map (6350_COM_HOB_006_020_20100510)	Penrith Local Environmental Plan 2010 Height of Buildings Map (6350_COM_HOB_006_020_20130228)

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Clause 4 Penrith Local Environmental Plan 2010 (Amendment No 2)

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Penrith Local Environmental Plan 2010 Heritage Map (6350_COM_HER_006_020_20100 723)	Penrith Local Environmental Plan 2010 Heritage Map (6350_COM_HER_006_020_20130 121)
Penrith Local Environmental Plan 2010 Flood Planning Land Map (6350_COM_FLD_006_020_201005 12)	Penrith Local Environmental Plan 2010 Flood Planning Land Map (6350_COM_FLD_006_020_201302 28)
Penrith Local Environmental Plan 2010 Floor Space Ratio Map	Penrith Local Environmental Plan 2010 Floor Space Ratio Map (6350_COM_FSR_006_020_201302 28)

Schedule 1 Amendment of Penrith Local Environmental Plan 2010

[1] Clause 2.1 Land use zones

Insert after “SP2 Infrastructure” under the heading **Special Purpose Zones:**

SP3 Tourist

[2] Land Use Table

Insert after the matter relating to Zone SP2 Infrastructure:

Zone SP3 Tourist

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To provide for diverse tourist and visitor accommodation and activities that are compatible with the promotion of tourism in Penrith.
- To create an appropriate scale that maintains important views to and from the Nepean River as well as to the Blue Mountains escarpment, while also improving important connections to the Penrith City Centre and the Nepean River.

2 Permitted without consent

Nil

3 Permitted with consent

Advertising structures; Amusement centres; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Charter and tourism boating facilities; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Helipads; Health services facilities; Information and education facilities; Jetties; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Tourist and visitor accommodation; Water recreation structures

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4 Prohibited

Any development not specified in item 2 or 3

[3] Clause 4.6 Exceptions to development standards

Omit “or 6.12” from clause 4.6 (8) (ca).

Insert instead “, 6.12, 6.16, 6.17 or 6.18”.

[4] Clauses 6.16–6.19

Insert after clause 6.15:

6.16 Minimum lot size for outlet centres for community title schemes or strata plan schemes

- (1) This clause applies to land in Zone SP3 Tourist that is identified as “Outlet Centre” on the Clause Application Map.
- (2) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme or from a subdivision of land to which this clause applies under the *Community Land Development Act 1989* is not to be less than 25,000 square metres.

6.17 Density of retail premises in Zone SP3

- (1) Development consent must not be granted to development for the purpose of retail premises on land in Zone SP3 Tourist unless the consent authority is satisfied that:
 - (a) the total gross floor area of all buildings will not exceed:
 - (i) 12,500 square metres for retail premises other than outlet premises, and
 - (ii) 25,000 square metres for outlet centres, and
 - (b) any part of the development used for retail premises other than outlet centres will be integrated with other development on the land, and
 - (c) the development will result in a maximum of 1 square metre of gross floor area used for retail premises (excluding outlet centres) for every 10 square metres of gross floor area used for any other purpose.
- (2) Development consent must not be granted to development for the purpose of outlet centres on land in Zone SP3 Tourist unless the consent authority is satisfied that development comprising at least 15,000 square metres of gross floor area used for a purpose other than commercial premises or residential accommodation is or will be located on the land.

- (3) Retail premises are *outlet centres* if:
 - (a) the principal purpose of the building or place is the sale, by one or more retailers, of goods that are surplus, seconds, samples, discontinued stock or the like at prices below the manufacturer's normal recommended retail prices, and
 - (b) the retail premises attract, or are likely to attract, a substantial number of customers and tourists from outside the local area, and
 - (c) the retail premises are not bulky goods premises.
- (4) In addition to any other areas excluded by the definition of *gross floor area* in the Dictionary, the *gross floor area* of a building does not include the following for the purposes of this clause:
 - (a) any space used by or for the purposes of centre management,
 - (b) toilets,
 - (c) any space used for common storage,
 - (d) terraces and balconies with outer walls less than 1.5 metres high.

6.18 Office premises in Zone SP3

- (1) This clause applies to land in Zone SP3 Tourist that is identified as "Campus Style Office Development" on the Clause Application Map.
- (2) Development consent must not be granted to development for the purposes of office premises on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development will not result in a combined gross floor area of all office premises on that land of more than 25,000 square metres, and
 - (b) each floor of any building in which the development will be carried out will have a gross floor area of at least 1,500 square metres, and
 - (c) the development will not result in office premises being located in more than 5 buildings on that land.

6.19 Development control plan

- (1) The objective of this clause is to ensure that development on land in Zone SP3 Tourist occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a

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Schedule 1 Amendment of Penrith Local Environmental Plan 2010

development control plan that includes specific controls has been prepared for the land.

- (2) Development consent must not be granted for development on land in Zone SP3 Tourist unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (d) a network of active and passive recreation areas,
 - (e) stormwater and water quality management controls,
 - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
 - (g) detailed urban design controls for significant development sites,
 - (h) measures to encourage higher density living around transport, open space and service nodes,
 - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking,
 - (k) the protection and enhancement of the amenity of residents in the vicinity of the development.

- (4) Subclause (2) does not apply to any of the following developments:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

[5] Schedule 1 Additional permitted uses

Insert after clause 4:

4A Use of certain land at 63, 73, 83, 109 and 123–135 Mulgoa Road and Lot 1 Retreat Road, Penrith

- (1) This clause applies to those parts of the following land that are in Zone SP3 Tourist at Penrith:
- (a) 63 Mulgoa Road, being Lot 1021, DP 812335,
 - (b) 73 Mulgoa Road, being Lot 1, DP 1043008,
 - (c) 83 and 109 Mulgoa Road, being Lots 151 and 152, DP 863625,
 - (d) 123–135 Mulgoa Road, being Lot 12 and part of Lot 13, DP 710086,
 - (e) Lot 1 Retreat Road, being Lot 1, DP 1064526.
- (2) Development for the purposes of multi dwelling housing, office premises, residential flat buildings, retail premises and seniors housing is permitted with development consent.

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Schedule 2 Amendment of State Environmental Planning Policy (Exempt and
Complying Development Codes) 2008

Schedule 2 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

[1] Schedule 2 Exempt development codes—variations

Insert at the end of the Table in Columns 1 and 2, respectively:

Land at Penrith, being Lot 1021, DP 812335, 63 Mulgoa Road; Lot 1, DP 1043008, 73 Mulgoa Road; Lots 151 and 152, DP 863625, 83 and 109 Mulgoa Road; Lot 12 and part of Lot 13, DP 710086, 123–135 Mulgoa Road; Lot 1, DP 1064526, 1 Retreat Road	The General Exempt Development Code is varied in its application by omitting Subdivision 10A
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[2] Schedule 3 Complying development codes—variations

Insert after the matter relating to Palerang in Columns 1 and 2, respectively:

Penrith

Lot 1021, DP 812335, 63 Mulgoa Road; Lot 1, DP 1043008, 73 Mulgoa Road; Lots 151 and 152, DP 863625, 83 and 109 Mulgoa Road; Lot 12 and part of Lot 13, DP 710086, 123–135 Mulgoa Road; Lot 1, DP 1064526, 1 Retreat Road	The General Commercial and Industrial Code is varied in its application by omitting Subdivision 2 of Division 1
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