



New South Wales

# **Penrith Local Environmental Plan 2010 (Amendment No 4)**

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*.

CAROLYN McNALLY  
As delegate for the Minister for Planning

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### **1 Name of Plan**

This Plan is *Penrith Local Environmental Plan 2010 (Amendment No 4)*.

### **2 Commencement**

This Plan commences on the day that is 4 weeks after the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

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

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

### **[1]    Clause 1.2 Aims of Plan**

Omit clause 1.2 (2). Insert instead:

- (2) The particular aims of this Plan are as follows:
- (a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,
  - (b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,
  - (c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,
  - (d) to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,
  - (e) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,
  - (f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,
  - (g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,
  - (h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.

### **[2]    Clause 1.8 Repeal of planning instruments applying to land**

Insert the following, in appropriate order, in the note to clause 1.8 (1):

*Interim Development Order No 2—City of Penrith*  
*Interim Development Order No 9—City of Penrith*  
*Interim Development Order No 25—City of Penrith*  
*Interim Development Order No 26—City of Penrith*  
*Interim Development Order No 27—City of Penrith*  
*Interim Development Order No 28—City of Penrith*  
*Interim Development Order No 33—City of Penrith*  
*Interim Development Order No 34—City of Penrith*

*Interim Development Order No 35—City of Penrith*  
*Interim Development Order No 36—City of Penrith*  
*Interim Development Order No 62—City of Penrith*  
*Interim Development Order No 63—City of Penrith*  
*Interim Development Order No 64—City of Penrith*  
*Interim Development Order No 68—City of Penrith*  
*Interim Development Order No 75—City of Penrith*  
*Interim Development Order No 81—City of Penrith*  
*Interim Development Order No 82—City of Penrith*  
*Interim Development Order No 83—City of Penrith*  
*Interim Development Order No 85—City of Penrith*  
*Interim Development Order No 91—City of Penrith*  
*Interim Development Order No 98—City of Penrith*  
*Penrith City Centre Local Environmental Plan 2008*  
*Penrith Local Environmental Plan No 43*  
*Penrith Local Environmental Plan No 52*  
*Penrith Local Environmental Plan No 85*  
*Penrith Local Environmental Plan No 96*  
*Penrith Local Environmental Plan No 150*  
*Penrith Local Environmental Plan No 188*  
*Penrith Local Environmental Plan No 226*  
*Penrith Local Environmental Plan 1996—Classification of Public Land*  
*Penrith Local Environmental Plan 1997 (Penrith City Centre)*  
*Penrith Local Environmental Plan 1998 (Lakes Environs)*  
*Penrith Local Environmental Plan (Caddens) 2009*  
*Penrith Local Environmental Plan (Glenmore Park Stage 2) 2009*  
*Penrith Local Environmental Plan (South Werrington Urban Village) 2009*  
*Penrith Planning Scheme Ordinance*

**[3] Clause 2.1 Land use zones**

Omit the matter under the heading **Residential Zones**. Insert instead:

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential

**[4] Clause 2.1**

Omit the matter under the heading **Business Zones**. Insert instead:

- B1 Neighbourhood Centre
- B2 Local Centre

- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park

**[5] Land Use Table**

Insert at the end of the objectives in item 1 in the matter relating to Zone RU4 Primary Production Small Lots:

- To maintain the rural landscape character of the land.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

**[6] Land Use Table, Zone R1**

Insert before the matter relating to Zone R2 Low Density Residential:

**Zone R1 General Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that a high level of residential amenity is achieved and maintained.
- To ensure that new development reflects the desired future character and dwelling densities of the area.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential accommodation; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing

**4 Prohibited**

Rural workers' dwellings; Any other development not specified in item 2 or 3

**[7] Land Use Table, Zones R3 and R4**

Insert after the matter relating to Zone R2 Low Density Residential:

**Zone R3 Medium Density Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a concentration of housing with access to services and facilities.
- To enhance the essential character and identity of established residential areas.
- To ensure that a high level of residential amenity is achieved and maintained.
- To ensure that development reflects the desired future character and dwelling densities of the area.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone R4 High Density Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that a high level of residential amenity is achieved and maintained.

- To encourage the provision of affordable housing.
- To ensure that development reflects the desired future character and dwelling densities of the area.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Boarding houses; Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home-based child care; Home businesses; Information and education facilities; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential accommodation; Respite day care centres; Roads; Shop top housing

**4 Prohibited**

Rural workers' dwellings; Any other development not specified in item 2 or 3

**[8] Land Use Table, Zone R5**

Insert in alphabetical order in item 3:

Emergency services facilities;

**[9] Land Use Table, Zone B1, Zone B2 and Zone B3**

Insert before the matter relating to Zone B4 Mixed Use:

**Zone B1 Neighbourhood Centre**

**1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To provide retail facilities for the local community commensurate with the centre's role in the local and regional retail hierarchy.
- To create opportunities to improve the public domain and encourage the integration of centres with public transport and pedestrian networks.
- To ensure that development reflects the desired future character and dwelling densities of the area.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Health consulting rooms; Home businesses; Medical centres; Neighbourhood shops; Respite day care centres; Roads; Shop top housing

**4 Prohibited**

Pubs; Small bars; Any other development not specified in item 2 or 3

**Zone B2 Local Centre**

**1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide retail facilities for the local community commensurate with the centre's role in the local and regional retail hierarchy.
- To ensure that future housing does not detract from the economic and employment functions of a centre.
- To ensure that development reflects the desired future character and dwelling densities of the area.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Boarding houses; Building identification signs; Business identification signs; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Flood mitigation works; Function centres; Home businesses; Home industries; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone B3 Commercial Core**

**1 Objectives of zone**

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of Penrith City Centre as the business, retail and cultural centre of the region.

**2 Permitted without consent**

Nil



**3 Permitted with consent**

Amusement centres; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Sex services premises; Signage; Tourist and visitor accommodation; Veterinary hospitals

**4 Prohibited**

Bed and breakfast accommodation; Farm stay accommodation; Any other development not specified in item 2 or 3

**[10] Land Use Table, Zone B4**

Insert at the end of the objectives in item 1:

- To provide a wide range of retail, business, office, residential, community and other suitable land uses.

**[11] Land Use Table, Zone B4**

Omit “; Roads” from item 2.

**[12] Land Use Table, Zone B4**

Insert in alphabetical order in item 3:

Car parks;  
Residential accommodation;  
Roads;

**[13] Land Use Table, Zone B4**

Omit “Any development” from item 4.

Insert instead “Rural workers’ dwellings; Any other development”.

**[14] Land Use Table, Zone B5, Zone B6 and Zone B7**

Insert after the matter relating to Zone B4 Mixed Use:

**Zone B5 Business Development**

**1 Objectives of zone**

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To maintain the economic strength of centres in Penrith by limiting the retailing of food, groceries and clothing.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Bulky goods premises; Car parks; Child care centres; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Landscaping material supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Self-storage units; Signage; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres

**4 Prohibited**

Restaurants or cafes; Any other development not specified in item 2 or 3

**Zone B6 Enterprise Corridor**

**1 Objectives of zone**

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Business premises; Community facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Recreation areas; Roads; Service stations; Signage; Timber yards; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone B7 Business Park**

**1 Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To provide for a range of higher order job opportunities including health, cultural and high technology industries.
- To provide for a range of development that relates to university activities, creative and cultural industries, and business incubators.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Health services facilities; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Light industries; Markets; Neighbourhood shops; Office premises; Passenger transport facilities; Recreation areas; Respite day care centres; Roads; Signage; Warehouse or distribution centres

**4 Prohibited**

Any development not specified in item 2 or 3

**[15] Land Use Table, Zone IN1**

Omit the last objective in item 1. Insert instead:

- To permit facilities that serve the daily recreation and convenience needs of the people who work in the surrounding industrial area.

**[16] Land Use Table, Zone IN1**

Omit "Roads" from item 2. Insert instead "Nil".

**[17] Land Use Table, Zone IN1**

Insert in alphabetical order in item 3:

Boat building and repair facilities;  
Kiosks;  
Roads;  
Rural industries;  
Storage premises;

**[18] Land Use Table, Zone IN1**

Omit "Sawmill or log processing works;" from item 3.

**[19] Land Use Table, Zone IN2**

Insert at the end of the objectives in item 1:

- To limit the impact of industrial development on adjacent residential areas, in terms of its built form, scale, acoustic and visual privacy and air quality.

**[20] Land Use Table, Zone IN2**

Omit "Roads" from item 2. Insert instead "Nil".

**[21] Land Use Table, Zone IN2**

Insert in alphabetical order in item 3:

Kiosks;

Roads;

Take away food and drink premises;

**[22] Land Use Table, Zone SP1**

Insert “; Roads” after “that purpose” in item 3.

**[23] Land Use Table, Zone SP2**

Insert “Flood mitigation works;” after “works;” in item 3.

**[24] Land Use Table, Zone SP3**

Omit the following from item 3:

Advertising structures;

Building identification signs;

Business identification signs;

**[25] Land Use Table, Zone SP3**

Insert in alphabetical order in item 3:

Kiosks;

Markets;

Neighbourhood shops;

Signage;

**[26] Land Use Table, Zone RE1**

Insert at the end of the objectives in item 1:

- To ensure that development is secondary and complementary to the use of land as public open space, and enhances public use, and access to, the open space.
- To provide land for the development of services and facilities by public authorities for the benefit of the community.

**[27] Land Use Table, Zone RE1**

Insert in alphabetical order in item 3:

Car parks;

Child care centres;

Flood mitigation works;

Function centres;

Public administration buildings;

Respite day care centres;

Restaurants or cafes;

; Water storage facilities

**[28] Land Use Table, Zone RE2**

Insert in alphabetical order in item 3:

- Caravan parks;
- Child care centres;
- Function centres;
- Hotel or motel accommodation;
- Information and education facilities;
- Registered clubs;
- Respite day care centres;

**[29] Land Use Table, Zone E3**

Insert in alphabetical order in item 3:

- Cellar door premises;
- Eco-tourist facilities;
- Home industries;
- Roadside stalls;

**[30] Land Use Table, Zone E4**

Insert “Home industries;” in alphabetical order in item 3.

**[31] Land Use Table, Zone W2**

Omit “Moorings;” from item 3.

**[32] Clause 4.1 Minimum subdivision lot size**

Insert after clause 4.1 (4):

- (4A) Despite subclause (3), development consent must not be granted for the subdivision of land in Zone R2 Low Density Residential unless each lot to be created by the subdivision would have:
  - (a) if it is a standard lot—a minimum width of 15 metres, or
  - (b) if it is a battle-axe lot—a minimum width of 15 metres and a minimum area of 650 square metres.
- (4B) Despite subclause (3), development consent must not be granted for the subdivision of land in Zone R3 Medium Density Residential unless each lot to be created by the subdivision would have:
  - (a) if it is a standard lot—a minimum width of 12 metres, or
  - (b) if it is a battle-axe lot—a minimum width of 15 metres and a minimum area of 450 square metres.
- (4C) For the purposes of this clause, if a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

**[33] Clause 4.1A**

Omit the clause. Insert instead:

**4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings**

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Dual occupancy (attached)	Zone R2 Low Density Residential	650 square metres
Dual occupancy (attached)	Zone R3 Medium Density Residential	550 square metres for a standard lot
Dual occupancy (attached)	Zone R3 Medium Density Residential	600 square metres for a battle-axe lot
Dual occupancy (detached)	Zone R2 Low Density Residential	750 square metres
Dual occupancy (detached)	Zone R3 Medium Density Residential	650 square metres for a standard lot
Dual occupancy (detached)	Zone R3 Medium Density Residential	700 square metres for a battle-axe lot
Multi dwelling housing	Zone R3 Medium Density Residential; Zone R4 High Density Residential	800 square metres for a standard lot
Multi dwelling housing	Zone R3 Medium Density Residential; Zone R4 High Density Residential	900 square metres for a battle-axe lot
Residential flat building	Zone R4 High Density Residential	800 square metres for a standard lot
Residential flat building	Zone R4 High Density Residential	900 square metres for a battle-axe lot

- (3) Despite any other provision of this Plan, the consent authority must not grant development consent to a dual occupancy on a battle-axe lot on land in Zone R2 Low Density Residential.

**[34] Clause 4.1AB**

Insert after clause 4.1AA:

**4.1AB Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements,

- (b) to ensure that subdivisions under strata plan schemes maintain minimum lot sizes,
  - (c) to ensure that lot sizes are compatible with the environmental capabilities of the land, and the character and density of development in the area,
  - (d) 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 land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation:
- (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 for a strata plan scheme (other than any lot comprising common property within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- Note.** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that strata subdivision of a building in certain circumstances is specified complying development.

**[35] Clause 4.2A**

Insert after clause 4.2:

**4.2A Residential development and subdivision prohibited in certain rural, residential and environment protection zones**

- (1) The objective of this clause is to prohibit development that is residential accommodation on a lot resulting from the closure of a road.
- (2) This clause applies to land in 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 E3 Environmental Management,
  - (g) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house on a lot resulting from the closure of part or all of a road, whether before or after the commencement of this Plan.

- (4) Subclause (3) does not apply to a lot created by the consolidation of a lot resulting from a road closure with an adjoining lot that did not result from the closure of a road.

**[36] Clause 4.3 Height of buildings**

Omit clause 4.3 (1) (c) and (d). Insert instead:

- (c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,
- (d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

**[37] Clause 4.4 Floor space ratio**

Insert after clause 4.4 (1) (c):

- (d) to provide sufficient floor space for high quality development.

**[38] Clause 4.6 Exceptions to development standards**

Omit clause 4.6 (8) (ca). Insert instead:

- (ca) clause 6.1, 6.2, 6.6, 6.7, 6.16, 7.7, 7.17, 7.21 or Part 9.

**[39] Clause 5.4 Controls relating to miscellaneous permissible uses**

Omit “33%” from clause 5.4 (4) (a). Insert instead “25%”.

**[40] Clause 5.4 (9) (b)**

Omit “11%”. Insert instead “10%”.

**[41] Clause 5.6 Architectural roof features**

Omit “height” from clause 5.6 (1) (b). Insert instead “heights”.

**[42] Clause 5.13**

Omit the clause. Insert instead:

**5.13 Eco-tourist facilities**

- (1) The objectives of this clause are as follows:
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and



- (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

**[43] Parts 6–9**

Omit Part 6. Insert instead:

## **Part 6 Urban release areas**

### **6.1 Arrangements for designated State public infrastructure**

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

- (3) Subclause (2) does not apply to:
  - (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

## **6.2 Public utility infrastructure**

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

## **6.3 Development control plan**

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a 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 an urban release area 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.
- (4) Subclause (2) does not apply to development for any of the following purposes:
- (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) 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.

#### **6.4 Relationship between Part and remainder of Plan**

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

## **Part 7 Additional local provisions**

### **7.1 Earthworks**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
  - (b) to allow earthworks of a minor nature without separate development consent.
- (2) Development consent is required for earthworks unless:
  - (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
  - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
  - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,
- (i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.

**Note 1.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

**Note 2.** *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)* requires development consent for the “Filling of land, including submerged aquatic land, by raising the ground level through disposal of spoil from any landfill method (such as mining, dredging or refuse dumping), whether or not to enable the construction of a road or the erection of buildings or pylons or any other structure, where filling exceeds 1 metre in depth, or an area of 100 square metres”.

## 7.2 Flood planning

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of the land,
  - (b) to limit uses to those compatible with flow conveyance function and flood hazard,
  - (c) to manage uses to be compatible with flood risks,
  - (d) to enable safe and effective evacuation of land,
  - (e) to ensure the existing flood regime and flow conveyance capacity is not compromised,
  - (f) to avoid detrimental effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or waterways.
- (2) This clause applies to the following land:
  - (a) land at or below the flood planning level,
  - (b) land identified as “Flood planning land” on the Clause Application Map.
- (3) Development consent is required for any development on land to which this clause applies.
- (4) Development consent must not be granted for development on land that is at or below the flood planning level unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) if located in a floodway, is compatible with the flow conveyance function of the floodway and the flood hazard within the floodway, and
  - (c) is not likely to adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (d) is not likely to significantly alter flow distributions and velocities to the detriment of other properties or the environment, and

- (e) is not likely to adversely affect the safe and effective evacuation of the land and the surrounding area, and
  - (f) is not likely to significantly detrimentally affect the environment or cause avoidable erosion, destruction of riparian vegetation or affect the restoration and establishment of riparian vegetation, or a reduction in the stability of river banks or waterways, and
  - (g) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and
  - (h) incorporates appropriate measures to manage risk to life from flood, and
  - (i) is consistent with any relevant floodplain risk management plan.
- (5) Development consent must not be granted for development on land identified as “Flood planning land” on the Clause Application Map, unless the consent authority is satisfied that the development will not adversely affect the safe and effective evacuation of the land and the surrounding area.
- (6) A word or expression used in this clause has the same meaning as it has in the NSW Government’s *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.
- (7) In this clause:  
***flood planning level*** means the level of a 1:100 ARI (average recurrence interval) flood event plus 0.5 metres freeboard.

### **7.3 Development on natural resources sensitive land**

- (1) The objectives of this clause are as follows:
- (a) to protect, enhance and manage the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural waterways and riparian land,
  - (b) to enhance connections between remnants of indigenous vegetation,
  - (c) to prevent the fragmentation and degradation of remnant vegetation,
  - (d) to ensure that clearing and other development is located and designed to avoid or minimise the impact on the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural waterways and riparian land.
- (2) This clause applies to all land identified as “Natural resources sensitive land” on the Natural Resources Sensitivity Land Map.
- (3) Development consent is required for the following on land to which this clause applies:
- (a) the subdivision of land,
  - (b) earthworks (including removal of rock or other natural material or alteration of a natural waterway or drainage line),
  - (c) the carrying out of a work,
  - (d) clearing vegetation (including slashing or underscrubbing),
  - (e) irrigation with treated effluent.

- (4) Before deciding an application to carry out development mentioned in subclause (3), the consent authority must consider whether the development meets the objectives of this clause and such of the following as are relevant:
- (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,
  - (b) the importance of the vegetation in that particular location to native fauna,
  - (c) the strategic importance of the land as part of a biodiversity corridor,
  - (d) the sensitivity of the land and the effect of clearing vegetation,
  - (e) the relative stability of the bed and banks of any waterway that may be affected by the development, whether on the site, upstream or downstream,
  - (f) the effect of the development on waterway health, including pollution of the waterway, a significant increase or decrease in the amount or velocity of runoff entering the waterway, or a significant increase in siltation of the waterway,
  - (g) the effect of the development on the functions of aquatic ecosystems (such as habitat and connectivity).
- (5) Development consent must not be granted to development mentioned in subclause (3) unless the consent authority is satisfied that:
- (a) the development is designed and will be located and managed to avoid any potential adverse environmental impact, or
  - (b) if a potential adverse environmental impact cannot be avoided, the development:
    - (i) is designed and located so as to have minimum adverse impact, and
    - (ii) incorporates effective measures to remedy or mitigate any adverse impact caused.

#### **7.4 Sustainable development**

In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a “whole of building” approach by considering each of the following:

- (a) conserving energy and reducing carbon dioxide emissions,
- (b) embodied energy in materials and building processes,
- (c) building design and orientation,
- (d) passive solar design and day lighting,
- (e) natural ventilation,
- (f) energy efficiency and conservation,
- (g) water conservation and water reuse,
- (h) waste minimisation and recycling,
- (i) reduction of vehicle dependence,
- (j) potential for adaptive reuse.

### **7.5 Protection of scenic character and landscape values**

- (1) The objectives of this clause are as follows:
  - (a) to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,
  - (b) to ensure development in these areas is located and designed to minimise its visual impact.
- (2) This clause applies to land identified as “Land with scenic and landscape values” on the Scenic and Landscape Values Map.
- (3) Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.

### **7.6 Salinity**

- (1) The objectives of this clause are as follows:
  - (a) to protect natural hydrological systems by minimising soil disturbance and ensuring appropriate land use management,
  - (b) to avoid the adverse effects of rising salinity on land, including damage to infrastructure and buildings, loss of productive agricultural land and other adverse environmental effects.
- (2) Development consent must not be granted to any development unless the consent authority has considered:
  - (a) whether or not the proposed development is likely to have an impact on salinity processes, and
  - (b) whether or not salinity is likely to have an impact on the proposed development, and
  - (c) appropriate measures that can be taken to avoid or reduce any undesirable effects that may result from the impacts referred to in paragraphs (a) and (b).

### **7.7 Servicing**

- (1) The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services.
- (2) Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that:
  - (a) the development will be connected to a reticulated water supply, if required by the consent authority, and
  - (b) the development will have adequate facilities for the removal and disposal of sewage, and
  - (c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and
  - (d) the need for public amenities or public services has been or will be met.
- (3) Subclause (4) applies to land in Zone RU5 Village or Zone R5 Large Lot Residential that is not connected to a reticulated sewerage system provided by Sydney Water or licensed by the Council or the Environment Protection Authority.

- (4) Development consent must not be granted to a subdivision of land referred to in subclause (3) unless each resulting lot will have an area of at least 1 hectare.

#### **7.8 Active street frontages**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B3 Commercial Core and Zone B4 Mixed Use.
- (2) This clause applies to land identified as “Active Street Frontage” on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicular access.
- (5) In this clause, a building has an *active street frontage* if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

#### **7.9 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



- (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*.

#### **7.10 Dual occupancies and secondary dwellings in certain rural and environmental zones**

- (1) The objective of this clause is to ensure that effluent generated by dual occupancies or secondary dwellings is managed on site to protect waterways and the amenity of adjoining lots.
- (2) This clause applies to land in the following zones that is not connected to a sewage reticulation system:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone E3 Environmental Management,
  - (e) Zone E4 Environmental Living.
- (3) Development consent must not be granted for a dual occupancy on a lot to which this clause applies unless the lot has an area of at least 2 hectares.
- (4) Development consent must not be granted for a secondary dwelling on a lot to which this clause applies unless the lot has an area of at least 2 hectares or it can be demonstrated that the existing on-site effluent disposal system has sufficient capacity for the secondary dwelling.
- (5) Development consent must not be granted for the erection of more than 2 dwellings on a lot to which this clause applies.
- (6) Development consent must not be granted for the subdivision of a dual occupancy on a lot to which this clause applies into a strata, company or community title.

#### **7.11 Penrith Health and Education Precinct**

- (1) The objectives of this clause are as follows:
  - (a) to encourage a built form that is suitable for both residential and health services facilities,
  - (b) to encourage adaptive reuse of residential buildings for health services facilities in the Penrith Health and Education Precinct where the residential use within the building ceases in the future.
- (2) This clause applies to land identified as “Penrith Health and Education Precinct” on the Clause Application Map.
- (3) Despite clause 4.3, development consent may be granted to development on land that exceeds the maximum height shown for that land on the Height of Buildings Map by up to 20% if the floor to ceiling height of both the ground and first floors are equal to or greater than 3.5 metres.

### 7.12 Maximum gross floor area of commercial premises

- (1) The objective of this clause is to retain the existing hierarchy of Penrith's local commercial centres by imposing size limitations on certain commercial premises.
- (2) Development consent must not be granted to development for the purposes of commercial premises on any land specified in Column 1 of the table to this subclause unless the consent authority is satisfied that the total gross floor area of all buildings used for commercial premises will not exceed the gross floor area specified opposite that land in Column 2.

Column 1 Land	Column 2 Maximum GFA
31 Moore Street, St Clair, being Lot 41, DP 610847	650 square metres
37 Cook Parade, St Clair, being Lots 671 and 672, DP 739138	650 square metres
46–66 O'Connell Street, Caddens, being Lot 3, DP 1103503 and 14 Great Western Highway, Caddens, being Lot 14, DP 850402	10,000 square metres
182–186 Sunflower Drive, Claremont Meadows, being Lot 3202, DP 813518	650 square metres
180–190 Swallow Drive, Erskine Park, being Lot 100, DP 1134907	6,000 square metres
11 Caloola Avenue, Penrith, being Lot 1, DP 530855 and 35 and 41 Kareela Avenue, Penrith, being Lots 1–3, DP 530855	3,000 square metres
9 Birmingham Road, South Penrith, being Lot 12, DP 1120280	6,150 square metres
21 Lavin Crescent, Werrington County, being Lot 21, DP 1085064 and 201 Dunheved Road, Werrington County, being Lot 201, DP 627088	500 square metres

- (3) In this clause, the **gross floor area** of a building excludes the following:
  - (a) any space used by or for the purposes of centre management,
  - (b) any space used for common storage,
  - (c) terraces and balconies with outer walls less than 1.5 metres high,
  - (d) toilets.

### 7.13 Exhibition homes limited to 2 years

Despite any other provision of this Plan, development consent for the purposes of an exhibition home may only be granted for a maximum period of 2 years.

### 7.14 Cherrywood Village

- (1) The objectives of this clause are as follows:
  - (a) to allow development for the purpose of health services facilities and seniors housing on the land to which this clause applies,
  - (b) to protect and enhance the biodiversity values of that land by encouraging the conservation and rehabilitation of native flora and fauna.

- (2) This clause applies to land identified as “Cherrywood Village” on the Clause Application Map.
- (3) Despite any other provision of this Plan, development consent may be granted to development on land in Zone RU4 Primary Production Small Lots that is part of the land to which this clause applies for the purpose of:
  - (a) health services facilities and seniors housing, and
  - (b) the following development, if that development is ancillary to and supports the main use of the land for health services facilities and seniors housing:
    - (i) child care centres,
    - (ii) food and drink premises,
    - (iii) neighbourhood shops,
    - (iv) hotel or motel accommodation.
- (4) Development consent must not be granted to development on the land to which this clause applies unless a vegetation management plan has been prepared to the satisfaction of the consent authority for the ongoing management of native flora and fauna on that part of the land to which this clause applies that is in Zone E2 Environmental Conservation and on that part of the land to which this clause applies that is identified as “Natural Resources Sensitive Land” on the Natural Resources Sensitivity Land Map.
- (5) In this clause:  
*vegetation management plan* means a plan that specifies a program of action for the management of land, its ecosystems and native vegetation.

#### **7.15 Claremont Meadows**

- (1) This clause applies to land identified as “Claremont Meadows” on the Clause Application Map.
- (2) The objectives of this clause are as follows:
  - (a) to ensure a high level of pedestrian amenity and good pedestrian linkages within the land and between the land and the existing land forming Claremont Meadows estate, surrounding development and natural areas,
  - (b) to permit a diverse housing mix that provides a wide range of dwelling types and choice,
  - (c) to allow for multiple lot sizes that promote higher density around open space,
  - (d) to ensure that housing located in the vicinity of a major road takes account of the constraints imposed by noise and visual impact.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority has taken the following matters into consideration:
  - (a) any measures that are proposed to promote pedestrian amenity, including provision of pathways and cycleways within the land, 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) 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.
- (4) Despite any other provision of this Plan, development consent may be granted to the subdivision of land in Zone R2 Low Density Residential with each lot having a minimum area of 250 square metres, if:
  - (a) all lots will be directly opposite an area of public open space, not including land in Zone E2 Environmental Conservation, of at least 2,500 square metres, and
  - (b) the minimum landscaped area for any such lots will be 40% of the lot area, and
  - (c) the subdivision will not result in any battle-axe lots, and
  - (d) the subdivision will not result in dual occupancy development other than on a corner lot.
- (5) Subject to subclause (6), a person must not carry out development on land that adjoins the Werrington Arterial Road corridor unless vehicular access to the land from that road is made by way of another road that is not a classified road.
- (6) If, but for subclause (5), development may be carried out, the consent authority may, in relation to that development, allow permanent vehicular access to the Werrington Arterial Road, if, in the opinion of the consent authority, alternative access to that development is neither practicable nor provided by another road or a proposed road identified in the relevant development control plan.

#### **7.16 Glenmore Park Stage 2**

- (1) The objectives of this clause are as follows:
  - (a) to provide for a transition of lot sizes between the urban areas of Glenmore Park and the surrounding rural landscape and adjoining Mulgoa Nature Reserve,
  - (b) to restrict the maximum dwelling yield for certain land,
  - (c) to ensure existing extractive industries have ceased on land and that the land has been adequately rehabilitated for urban development.
- (2) This clause applies to land identified as “Glenmore Park Stage 2” on the Clause Application Map.
- (3) Land identified as “Area 4” on the Lot Size Map, being part of the land to which this clause applies, must not be developed for more than 90 dwellings.
- (4) Land identified as “Area 5” on the Lot Size Map, being part of the land to which this clause applies, must not be developed for more than 160 dwellings.
- (5) Despite any other provision of this Plan, development consent must not be granted for development on any of the land identified as “Glenmore Park

Stage 2” on the Clause Application Map unless the consent authority is satisfied that:

- (a) extractive activities on the land have permanently ceased, and
  - (b) the land has been adequately rehabilitated for the purpose of urban development.
- (6) Development consent may be granted for a purpose shown in Column 1 of the table to this subclause, on a lot to which this clause applies, if the area of the lot is equal to or greater than the area shown opposite in Column 2 of that table.

Column 1	Column 2
Dual occupancy (attached)	650 square metres
Dual occupancy (detached)	750 square metres
Multi dwelling housing or a residential flat building	For a standard lot—800 square metres
Multi dwelling housing or a residential flat building	For a battle-axe lot—900 square metres

- (7) Despite any other provision of this Plan and subject to subclause (8), the height of a type of dwelling specified in Column 2 of the table to this subclause, on land in an area specified opposite that dwelling in Column 1 of that table and identified on the Height of Buildings Map must not exceed the height specified opposite in Column 3 of that table.

Column 1	Column 2	Column 3
Area 1 and Area 2	Dwelling houses and dual occupancies	10 metres
Area 1 and Area 2	Dwelling houses and dual occupancies on a slope greater than 1 in 8	12.5 metres
Area 3	Residential flat buildings	15 metres
Area 3	Multi dwelling housing	10 metres
Area 3	Dwelling houses and dual occupancies on land in Zone B2 Local Centre	12.5 metres
Area 3	Dwelling houses and dual occupancies on a slope greater than 1 in 8	12.5 metres
Area 3	Shop top housing	15 metres

- (8) Development consent under subclause (7) may only be granted to a building of a height that the consent authority is satisfied would not have an adverse impact on views to or from The Northern Road.

**7.17 Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa**

- (1) The objective of this clause is to ensure that minimum lot sizes are retained or achieved through lot consolidation for dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa consistent with surrounding lot sizes.
- (2) This clause applies to land identified as “2,000m<sup>2</sup> for Dwelling House”, “2 Hectares for Dwelling House” and “10 Hectares for Dwelling House” on the Clause Application Map.

- (3) Development consent must not be granted for the erection of a dwelling house on land identified as “2,000m<sup>2</sup> for Dwelling House” on the Clause Application Map unless the land has an area of at least 2,000 square metres.
- (4) Development consent must not be granted for the erection of a dwelling house on land identified as “2 Hectares for Dwelling House” on the Clause Application Map unless the land has an area of at least 2 hectares or comprises any of the following lots:
  - (a) Lot 319, DP 2147, being 319 Eighth Avenue, Llandilo,
  - (b) Lot 2, DP 593786, being 2 Fifth Avenue, Llandilo (subject to the provision of permanent vehicular access to the land),
  - (c) Lot 25, DP 2147, being 24 Fourth Avenue, Llandilo,
  - (d) Lot 38A, DP 2147, being 38A Fourth Avenue, Llandilo,
  - (e) Lot 342, DP 707626, being 34 Fourth Avenue, Llandilo,
  - (f) Lot 187, DP 2147, being 187 Sixth Avenue, Llandilo.
- (5) Development consent must not be granted for the erection of a dwelling house on land identified as “10 Hectares for Dwelling House” on the Clause Application Map unless the land has an area of at least 10 hectares.
- (6) If 2 or more lots need to be consolidated to achieve a minimum area under subclause (3), (4) or (5), a consolidation plan must be lodged before or at the time of applying for development consent for the construction of a dwelling house on that land.

#### **7.18 Mulgoa Valley**

- (1) The objectives of this clause are as follows:
  - (a) to establish specific planning controls for land in the Mulgoa Valley (*the valley*),
  - (b) to protect and enhance the rural landscape of the valley, including its agricultural qualities, cultural heritage values and the setting of the villages of Mulgoa and Wallacia,
  - (c) to ensure development in the valley (including rural living opportunities) protects and utilises its tourism and recreational potential and is consistent with conserving its rural and natural landscape, heritage and agricultural qualities,
  - (d) to ensure traffic generating development is suitably located so as not to adversely affect the safety, efficiency and rural character of roads, particularly Mulgoa Road.
- (2) This clause applies to land identified as “Mulgoa Valley” on the Clause Application Map.
- (3) Before granting development consent for any purpose on land to which this clause applies, the consent authority must be satisfied of the following:
  - (a) that any proposed building will not be located on a ridgetop and will not intrude into the skyline when viewed from a road or other public place,
  - (b) that the proposed development will not adversely affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of any heritage item in the valley,
  - (c) that the proposed form and siting of buildings, colours, landscaping and building materials are appropriate for the rural character of the valley,

- (d) that the proposed development will not detract from the “Vistas of heritage items” specified on the Scenic and Landscape Values Map,
  - (e) that extensive areas of vegetation will not be cleared for the proposed development,
  - (f) that adequate provision has been made for the landscaping of the land to which the development relates and about whether any trees or other vegetation on the land should be preserved,
  - (g) that the agricultural viability of holdings and potential of the land will not be adversely affected,
  - (h) that Aboriginal and non-Aboriginal cultural heritage resources on the land will not be adversely affected,
  - (i) that the view from Mulgoa Road and the rural setting of the villages of Mulgoa and Wallacia will not be adversely affected,
  - (j) that the safety and efficiency of Mulgoa Road will not be adversely affected,
  - (k) that any upgrading required to maintain safety and efficiency will not detract from the present rural character of Mulgoa Road.
- (4) Before granting development consent for the subdivision of land to which this clause applies, the consent authority must be satisfied that consent for a building could be granted in accordance with subclause (3) on each lot proposed to be created.

#### 7.19 Villages of Mulgoa and Wallacia

- (1) The objectives of this clause are as follows:
  - (a) to establish specific planning controls for land in the villages of Mulgoa and Wallacia,
  - (b) to protect residential amenity by prescribing minimum dimensions for dual occupancy and the creation of new lots through subdivision.
- (2) This clause applies to land in the villages of Mulgoa and Wallacia, identified as “Mulgoa Wallacia Villages” on the Clause Application Map.
- (3) Despite any other provision of this Plan, development consent must not be granted for dual occupancy on land to which this clause applies unless the lot on which the development is to be constructed would have the minimum standards set out in the following Table:

Zone	Minimum standards
Any land not connected to a reticulated sewer (regardless of zone)	Minimum lot size—2 hectares Minimum lot width—30 metres
Land in Zone RU5 Village	Minimum area (attached dwellings)—650 square metres Minimum width (attached dwellings)—15 metres Minimum area (detached dwellings)—750 square metres Minimum width (detached dwellings)—15 metres
Land in Zone R5 Large Lot Residential	Minimum lot size—4000 square metres Minimum width—30 metres
Land in Zone E4 Environmental Living	Minimum lot size—2 hectares Minimum lot width—30 metres

- (4) Despite any other provision of this Plan, development consent must not be granted for the subdivision of land to which this clause applies unless all the lots to be created by the subdivision would have the minimum standards set out in the following Table:

Zone	Minimum area and dimensions
Land in Zone RU5 Village (identified as Area 1 on the Lot Size Map)	Standard lot:
	Minimum area—550 square metres
	Minimum width—15 metres
	Minimum depth—30 metres
	Battle axe lot:
	Minimum area—650 square metres
Land in Zone RU5 Village (identified as Area 2 on the Lot Size Map)	Maximum density—1 lot per 2000 square metres
	Standard lot:
	Minimum area—550 square metres
	Minimum width—15 metres
	Minimum depth—30 metres
	Battle axe lot:
Land in Zone R5 Large Lot Residential	Minimum area—4000 square metres
	Minimum width—30 metres
	Minimum depth—75 metres
Land in Zone E4 Environmental Living	Minimum area—1 hectare
	Minimum width—30 metres
	Minimum depth—75 metres

**Note.** Minimum lot sizes are indicated on the Lot Size Map. Lots must meet standards for area, width and depth. Meeting the standards for just width and depth is not sufficient.

#### 7.20 Orchard Hills

- (1) The objectives of this clause are as follows:
  - (a) to ensure residential development incorporates features necessary to protect occupiers against adverse noise impacts arising from traffic noise,
  - (b) to limit the potential risk to life and property from flood events.
- (2) This clause applies to certain land identified as “Orchard Hills” on the Clause Application Map.
- (3) Before granting development consent for development on land identified as “Orchard Hills” on the Clause Application Map and adjacent to or



immediately opposite the M4 Motorway or The Northern Road, the consent authority must be satisfied that:

- (a) the external facade of any habitable room would not be exposed to an  $L_{A10}$  (18 hour) traffic noise level exceeding 63 dBA, or
  - (b) appropriate noise attenuation measures have been or will be carried out that will reduce the internal noise level to meet AS 3671—1989, *Acoustics—Road traffic noise intrusion—Building siting and construction*.
- (4) Despite any other provision of this Plan, development consent must not be granted for the erection of a building on land identified as “Orchard Hills” on the Clause Application Map and subject to flooding or in a watercourse unless the consent authority is satisfied that:
- (a) no practical alternative location exists for the proposed building, and
  - (b) the building is not likely to be threatened by flood flows, and
  - (c) the erection or use of the building will not divert flood flows or adversely affect drainage flows, and
  - (d) the erection or use of the building will not cause soil erosion.

#### **7.21 Twin Creeks**

- (1) The objectives of this clause are as follows:
- (a) to allow development that has a maximum of 285 rural or residential lots on the land to which this clause applies,
  - (b) to protect localities of Aboriginal archaeological significance,
  - (c) to protect land downstream from the development from further flooding as a result of additional stormwater runoff from the development.
- (2) This clause applies to land identified as “Twin Creeks” on the Clause Application Map.
- (3) Despite any other provision of this Plan, development consent must not be granted for the subdivision of land to which this clause applies unless it is satisfied that:
- (a) no more than 54 lots will be created within Area 3 shown on the Lot Size Map, each with an area of not less than 1,500 square metres, and
  - (b) the development will be compatible with the environmental capabilities of the land, and
  - (c) all lots created by the development will be compatible in size and shape with the physical nature of the land, adjoining land uses and the likely use of the land in the future, and
  - (d) the size and layout of lots that have boundaries with rural properties consider the interface between the rural residential estate and the potential for land use conflict, and
  - (e) the scientific, cultural or aesthetic significance of any Aboriginal archaeological site will not be detrimentally affected by the development, and
  - (f) dwellings located on land to which this clause applies will be sited to minimise any adverse impact that might arise from a potential extractive industry situated to the south and west of the land, and
  - (g) the last 45 of the lots mentioned in subclause (a) will not be developed unless adequate community facilities are in place.

- (4) Despite any other provision of this Plan, development consent must not be granted for a dual occupancy or secondary dwelling on a lot to which this clause applies.

**7.22 Waterside**

- (1) The objectives of this clause are as follows:
- (a) to provide an acoustic, physical and visual buffer between industrial and residential development,
  - (b) to require a built form that protects the amenity (particularly with respect to noise) of residential development at Waterside.
- (2) This clause applies to land identified as “Waterside” on the Clause Application Map.
- (3) Despite any other provision of this Plan, the consent authority must not consent to development on land in Zone IN2 Light Industrial that is part of the land to which this clause applies unless the consent authority is satisfied that the carrying out of activities in the development will not generate any increase in existing background noise levels.
- (4) The consent authority must not consent to development on:
- (a) land in Zone R1 General Residential to which this clause applies unless the consent authority is satisfied that the noise levels outside the development will not exceed the outdoor noise level criterion shown in the following table:

Noise descriptor	Time period	Criterion
Industrial noise 50% of $L_{A90\ 15min}$	7:00 am to 10:00 pm	50 dBA
Industrial noise 50% of $L_{A90\ 15min}$	10:00 pm to 7:00 am	40 dBA
Industrial noise 10% of $L_{A90\ 15min}$	7:00 am to 10:00 pm	55 dBA
Industrial noise 10% of $L_{A90\ 15min}$	10:00 pm to 7:00 am	45 dBA
Traffic noise $L_{eq\ 9hr}$	7:00 am to 10:00 pm	55 dBA
Traffic noise $L_{eq\ 9hr}$	10:00 pm to 7:00 am	50 dBA

- (b) land in Zone R1 General Residential that is part of the land to which this clause applies unless the consent authority is satisfied that the noise levels inside the buildings will not exceed the noise level criterion shown in the following table:

Noise descriptor	Time period	Criterion
Recreation areas $L_{eq\ 24hr}$	24 hours	40 dBA
Sleeping areas $L_{eq\ 8hr}$	10:00 pm to 6:00 am	35 dBA
Sleeping areas 10% of $L_{A1\ 15min}$	10:00 pm to 7:00 am	60 dBA

- (c) land in Zone IN2 Light Industrial that is part of the land to which this clause applies unless the consent authority is satisfied that the noise

levels inside the buildings involved in the development will not exceed the noise level criterion shown in the following Table:

Noise descriptor	Time period	Criterion
Sleeping areas 10% of $L_{A1\ 15min}$	10:00 pm to 7:00 am	60 dBA

(5) In this clause:

**10% of  $L_{A1\ 15min}$**  means the noise level which is exceeded by 10% of all of the valid  $L_{A1\ 15min}$  noise levels within the specified period.

**10% of  $L_{A90\ 15min}$**  means the noise level which is exceeded by 10% of all of the valid  $L_{A90\ 15min}$  noise levels.

**50% of  $L_{A90\ 15min}$**  means the noise level which is exceeded by 50% of the valid  $L_{A90\ 15min}$  noise levels.

**Leq** means the energy average of a valid 15 minute noise level in any specified time period.

**non-valid noise level** means the noise level recorded when:

- (a) wind gusts exceed 15 metres per second, or
- (b) average wind speed exceeds 3 metres per second, or
- (c) it is raining.

**outdoor noise level** means the noise level measured at any point outside a building (including on balconies, in courtyards, terraces and garden areas) that does not include any correction for facade reflection.

**valid noise level** means the measured noise level excluding any non-valid noise level.

### 7.23 Location of sex services premises and restricted premises

- (1) The objective of this clause is to ensure that sex services premises and restricted premises are not visually prominent from public places or other locations regularly frequented by children.
- (2) Development consent must not be granted for development for the purposes of sex services premises or restricted premises if the premises would be located on land that adjoins land, or is separated only by a road from land:
  - (a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential or Zone RE1 Public Recreation, or
  - (b) that is used for community, school (including pre-school and child care centres), church or children's sporting or recreational activities, or
  - (c) that is used for sex services premises or restricted premises.
- (3) Development consent must not be granted to development for the purposes of sex services premises or restricted premises located in a mixed use development that contains a dwelling unless the consent authority is satisfied that the primary entrance of the premises is not on the same floor as the dwelling or any other place regularly frequented by children for recreational or cultural activities.
- (4) In deciding whether to grant development consent for the purposes of sex services premises or restricted premises, the consent authority must take into account the impact the proposed development would have on any place that is

regularly frequented by children for educational, recreational or cultural activities that adjoins or is in view of the proposed development.

## **Part 8 Local provisions—Penrith City Centre**

### **8.1 Application of Part**

This Part only applies to land identified as “Penrith City Centre” on the Clause Application Map.

### **8.2 Sun access**

- (1) The objective of this clause is to protect specified public space from overshadowing.
- (2) This clause applies to land in the vicinity of Allen Place, Memory Park and Judges Park and to High Street between Station Street and Lawson Street, identified as “Area 4” on the Height of Buildings Map, being part of the land to which this Part applies.
- (3) Despite clauses 4.3, 5.6 and 8.4, development consent may not be granted to development on land adjacent to land to which this clause applies if the development would result in overshadowing to a greater degree than would result from adherence to the controls indicated for the land on the Height of Buildings Map.
- (4) This clause does not prohibit development that does not alter the exterior of any existing building.

### **8.3 Minimum building street frontage**

- (1) Development consent must not be granted for the erection of a building on land in Zone B3 Commercial Core or Zone B4 Mixed Use that does not have at least one street frontage of 20 metres or more.
- (2) Despite subclause (1), development consent may be granted for the erection of a building on the land if the consent authority is satisfied that:
  - (a) due to the physical constraints of the site or an adjoining site or sites, it is not possible for the building to be erected with at least one street frontage of 20 metres or more, and
  - (b) the development is consistent with the aims and objectives of this Plan.

### **8.4 Design excellence**

- (1) Development consent must not be granted for development involving the construction of a new building, or external alterations to an existing building, on land to which this Part applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (2) In deciding whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (c) whether the development will detrimentally impact on view corridors,
  - (d) whether the development will detrimentally impact on any land identified as “Area 4” on the Height of Buildings Map,

- (e) how the development will address the following matters:
  - (i) the suitability of the land for development,
  - (ii) existing and proposed uses and use mix,
  - (iii) heritage issues and streetscape constraints,
  - (iv) the relationship of the development with other buildings (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - (v) bulk, massing and modulation of buildings,
  - (vi) street frontage heights,
  - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
  - (viii) the achievement of the principles of ecologically sustainable development,
  - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
  - (x) the impact on, and any proposed improvements to, the public domain.
- (3) Development consent must not be granted for any of the following development on land to which this Part applies unless an architectural design competition has been held in relation to the development:
  - (a) development in respect of a building that is, or will be, greater than 24 metres or 6 storeys (or both) in height,
  - (b) development that has a capital value of more than \$1,000,000 on a key site identified on the Key Sites Map,
  - (c) development for which the applicant has chosen to have an architectural design competition.
- (4) Subclause (3) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.
- (5) Development consent may not be granted for the erection or alteration of a building to which this clause applies that has a floor space ratio of up to 10% greater than that allowed by clause 4.4 or a height of up to 10% greater than that allowed by clause 4.3, unless:
  - (a) the design of the building or alteration is the result of an architectural design competition, and
  - (b) the concurrence of the Director-General has been obtained to the development application.
- (6) In deciding whether to give concurrence to the development application, the Director-General must take into account the matters set out in subclause (3) and the results of the architectural design competition.
- (7) In this clause:

***architectural design competition*** means a competitive process conducted in accordance with procedures approved by the Director-General from time to time.

### **8.5 Building separation**

Buildings on land to which this Part applies must be erected so that the separation distance:

- (a) from neighbouring buildings, and
- (b) between separate parts or other separate raised parts of the same building,

is not less than that provided for in a development control plan made by the Council.

### **8.6 Serviced apartments**

Development consent must not be granted for development for the purpose of the strata subdivision of a building or part of a building that is or has been used for serviced apartments, unless the consent authority is satisfied that the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* and the design principles of the *Residential Flat Design Code* (published by the Department of Infrastructure, Planning and Natural Resources in September 2002) are achieved for the development as if it were a residential flat development.

## **Part 9 Penrith Panthers site**

### **9.1 Objectives of Part**

The objectives of this Part are as follows:

- (a) to ensure that development of land at Penrith Panthers occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land,
- (b) to limit the density and type of retail premises on the land,
- (c) to set a minimum lot size for community title schemes or strata plan schemes on the land,
- (d) to manage the gross floor area of office premises on the land.

### **9.2 Application of Part**

This Part applies to land identified as “Panthers” on the Clause Application Map.

### **9.3 Density of retail premises (including outlet premises)**

- (1) Development consent must not be granted for development for the purpose of retail premises 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 for development for the purpose of outlet centres 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 area excluded by the definition of gross floor area, in this clause the gross floor area of a building does not include the following:
  - (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.

#### **9.4 Minimum lot size for outlet centres for community title schemes or strata plan schemes**

The size of any lot resulting from a subdivision of land identified as "Outlet centre" on the Clause Application Map for a strata plan scheme or under the *Community Land Development Act 1989* must not be less than 25,000 square metres.

#### **9.5 Campus style office development**

Development consent must not be granted for development for the purposes of office premises on land identified as "Campus style office development" on the Clause Application Map 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.

#### **9.6 Development control plan for land to which this Part applies**

- (1) Development consent must not be granted for development on land to which this Part applies unless a development control plan that provides for the following matters has been prepared for the land:
  - (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.
- (2) Subclause (1) 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) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

**[44] Schedule 1**

Omit the Schedule. Insert instead:

**Schedule 1 Additional permitted uses**

(Clause 2.5)

**1 Use of certain land at South and Ropes Creek Corridors**

- (1) This clause applies to land in Zone RE1 Public Recreation in South and Ropes Creek Corridors that is identified as “1” on the Additional Permitted Uses Map.
- (2) Development for the purposes of extensive agriculture and intensive plant agriculture is permitted with development consent.

**2 Use of certain land at Andrews Road, Cranebrook**

- (1) This clause applies to land at 111–167 and 177–215 Andrews Road, Cranebrook that is identified as “2” on the Clause Application Map.
- (2) Development for the purposes of a restaurant or cafe is permitted with development consent.



**3 Use of certain land at 2065–2113 The Northern Road and 1–29 Bradley Street, Glenmore Park**

- (1) This clause applies to land at 2065–2113 The Northern Road and 1–29 Bradley Street, Glenmore Park, being the land identified as “32” on the Additional Permitted Uses Map.
- (2) Development for the purposes of seniors housing consisting of 167 dwellings, including farmlets, villas, townhouses and associated development including community facilities and a residential care facility, is permitted with development consent.
- (3) This clause ceases to apply on and after 14 June 2015.

**4 Use of certain land at Town Terrace and Glenmore Parkway, Glenmore Park**

- (1) This clause applies to land at 1–41 Town Terrace and 9100, 9104, 9105 and 9108 Glenmore Parkway, Glenmore Park, being Lot 2, DP 865459 and Lots 9100–9101 and 9104–9108, DP 1022720 that is identified as “3” on the Additional Permitted Uses Map.
- (2) Development for the purposes of residential flat buildings is permitted with development consent.

**5 Use of certain land at 261 Mulgoa Road, Jamisontown**

- (1) This clause applies to land at 261 Mulgoa Road, being Lot 1, DP 884114 that is identified as “4” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a restaurant or cafe is permitted with development consent.

**6 Use of certain land at 51–55 Salisbury Avenue and 1451–1473 Elizabeth Drive, Kemps Creek**

- (1) This clause applies to land at 51–55 Salisbury Avenue and 1451–1473 Elizabeth Drive, Kemps Creek, being Lots 5–9, Section A, DP 2566, Lots 110–112, DP 1137261 and Lot B, DP 415712 that is identified as “5” on the Additional Permitted Uses Map.
- (2) Development for the purposes of child care centres, kiosks, markets, neighbourhood shops, recreation facilities (indoor) and restaurants or cafes is permitted with development consent.

**7 Use of certain land at 16–23 Clifton Avenue, Kemps Creek**

- (1) This clause applies to land at 16–23 Clifton Avenue, Kemps Creek, being Lot 230, DP 1134016 that is identified as “6” on the Additional Permitted Uses Map.
- (2) Development for the purposes of extractive industry and waste disposal facilities is permitted with development consent.

**8 Use of certain land at 707–711 Mamre Road, Kemps Creek**

- (1) This clause applies to land at 707–711 Mamre Road, Kemps Creek, being Lot X, DP 421633 that is identified as “7” on the Additional Permitted Uses Map.
- (2) Development for the purposes of rural supplies, with a maximum floor area of 950m<sup>2</sup>, is permitted with consent.

- (3) Development for the purposes of landscaping material supplies, and a plant nursery with a growing and propagation area not exceeding 1600m<sup>2</sup>, is permitted with development consent.

**9 Use of certain land at 141–151 Great Western Highway, Kingswood**

- (1) This clause applies to land at 141–151 Great Western Highway, Kingswood, being Part Lot 1, DP 316550, Lot 2, DP 656841, Part Lot C, DP 101602, Lot 1, DP 656840 and SP 50142 that is identified as “8” on the Additional Permitted Uses Map.
- (2) Development for the purposes of business premises and office premises is permitted with development consent.

**10 Use of certain land at 1–3 Morley Avenue, Kingswood**

- (1) This clause applies to land at 1–3 Morley Avenue, Kingswood, being Lots 9 and 10, DP 814801 that is identified as “9” on the Additional Permitted Uses Map.
- (2) Development for the purposes of business premises, office premises and vehicle sales or hire premises is permitted with development consent.

**11 Use of certain land at 486–490 Londonderry Road, Londonderry**

- (1) This clause applies to land at 486–490 Londonderry Road, Londonderry, being Part Lot 1, DP 17242 within Zone RU5 Village that is identified as “10” on the Additional Permitted Uses Map.
- (2) Development for the purposes of advertising structures, business premises, food and drink premises, health consulting rooms, kiosks, markets, medical centres, office premises, registered clubs, service stations, shops and vehicle repair stations is permitted with development consent.

**12 Use of certain land at 519–521 Londonderry Road, Londonderry**

- (1) This clause applies to land at 519–521 Londonderry Road, Londonderry, being Lot 6, DP 17634 that is identified as “11” on the Additional Permitted Uses Map.
- (2) Development for the purposes of advertising structures, business premises, food and drink premises, health consulting rooms, kiosks, markets, medical centres, office premises, registered clubs, service stations, shops and vehicle repair stations is permitted with development consent.

**13 Use of certain land at 355–357 Carrington Road, Londonderry**

- (1) This clause applies to land at 355–357 Carrington Road, Londonderry, being Lots 1 and 2, DP 604617 that is identified as “12” on the Additional Permitted Uses Map.
- (2) Development for the purposes of advertising structures, business premises, food and drink premises, health consulting rooms, kiosks, markets, medical centres, office premises, registered clubs, service stations, shops and vehicle repair stations is permitted with development consent.

**14 Use of certain land at 220–222 Seventh Avenue and 252–257c Seventh Avenue, Llandilo**

- (1) This clause applies to land at 220–222 and 252–257c Seventh Avenue, Llandilo, being Lots 220, 220A, 221, 221A, 222 and 252, DP 2147, Lot 253A, DP 5808, Lots 24 and 25, DP 633544, Lot 26, DP 1032388, Lot 1, DP 579313,

Lots 11 and 12, DP 1092204 and Lot 1, DP 724335, that is identified as “13” on the Additional Permitted Uses Map.

- (2) Development for the purposes of child care centres, kiosks, markets, neighbourhood shops, recreational facilities (indoor) and restaurants or cafes is permitted with development consent.

**15 Use of certain land at 3025–3035 The Northern Road, Luddenham**

- (1) This clause applies to land at 3025–3035 The Northern Road, Luddenham, being Part Lot 19, DP 1655 that is identified as “14” on the Additional Permitted Uses Map.
- (2) Development for the purposes of advertising structures, business premises, food and drink premises, health consulting rooms, kiosks, markets, medical centres, office premises, registered clubs, service stations, shops and vehicle repair stations is permitted with development consent.

**16 Use of certain land at 10 Twin Creeks Drive, Luddenham**

- (1) This clause applies to land at 10 Twin Creeks Drive, Luddenham, being Lot 221, DP 270417 that is identified as “15” on the Additional Permitted Uses Map.
- (2) Development for the purposes of hotel or motel accommodation, neighbourhood shops and recreation facilities (outdoor) is permitted with development consent.
- (3) Strata subdivision of the development referred to in subclause (2) (the approved resort development) is also permitted with development consent.

**17 Use of certain land at 19–105 Capitol Hill Drive, Mt Vernon**

- (1) This clause applies to land at 19–105 Capitol Hill Drive, Mt Vernon, being Lot 1672, DP 855001, Lot 4132, DP 857093 and Lot 902, DP 1149077 that is identified as “16” on the Additional Permitted Uses Map.
- (2) Development for the purposes of agriculture is permitted with development consent.

**18 Use of certain land at 1216–1224 Mulgoa Road, 4–12 Allan Road and 26 The Straight Road, Mulgoa**

- (1) This clause applies to land at 1216–1224 Mulgoa Road, 4–12 Allan Road and 26 The Straight Road, Mulgoa, being Lot 4, DP 739622, Lots 10, 11, 12 and 14, DP 23069 and Lots 101 and 102, DP 850809 that is identified as “17” on the Additional Permitted Uses Map.
- (2) Development for the purposes of advertising structures, business premises, food and drink premises, health consulting rooms, office premises, registered clubs, service stations, shops and vehicle repair stations is permitted with development consent.

**19 Use of certain land at 126–164 Castle Road, Orchard Hills**

- (1) This clause applies to land at 126–164 Castle Road, Orchard Hills, being Lot 1, DP 239091 that is identified as “18” on the Additional Permitted Uses Map.

- (2) Development for the purposes of subdivision is permitted with development consent, but only if:
  - (a) the land is subdivided in accordance with the approved 9 lot subdivision (DA 02/0230), creating 8 lots with areas ranging from 5,000 square metres to 1.26 hectares and one residue lot of 13.48 hectares, or
  - (b) the land is subdivided into lots with a minimum area of 2 hectares.

**20 Use of certain land bounded by Colless, Derby, High and Parkers Streets, Penrith**

- (1) This clause applies to land bounded by Colless, Derby, High and Parkers Streets, Penrith that is identified as “19” on the Additional Permitted Uses Map.
- (2) Development for the purposes of serviced apartments is permitted with development consent.

**21 Use of certain land at Coreen Avenue, Penrith**

- (1) This clause applies to land at Coreen Avenue, Penrith, being Lot 12, DP 1159973 that is identified as “20” on the Additional Permitted Uses Map.
- (2) Development for the purposes of community facilities is permitted with development consent.

**22 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 and that are identified as “21” on the Additional Permitted Uses Map:
  - (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 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.

**23 Use of certain land at The Crescent, Penrith**

- (1) This clause applies to land at The Crescent, Penrith, being Lot 1196 and Part Lots 1194 and 1198, DP 1171491, that is identified as “22” on the Additional Permitted Uses Map.
- (2) Development for the purposes of exhibition villages, high technology industries, multi dwelling housing, residential flat buildings and seniors housing are permitted with development consent.

**24 Use of certain land at The Crescent, Penrith**

- (1) This clause applies to land at The Crescent, Penrith, being Part Lot 1198, DP 1171491, that is identified as “23” on the Additional Permitted Uses Map.
- (2) Development for the purposes of food and drink premises, recreation facilities (indoor) and recreation facilities (outdoor) are permitted with development consent.

**25 Use of certain land at 164 Station Street, Penrith**

- (1) This clause applies to land at 164 Station Street, Penrith, being Part Lot 12, DP 234581, that is identified as “24” on the Additional Permitted Uses Map.
- (2) Development for the purposes of business premises, entertainment facilities, food and drink premises, function centres, hotel or motel accommodation, kiosks, markets, office premises, serviced apartments, signage and shops is permitted with development consent.
- (3) The gross floor area of development for the purpose of business premises or office premises, or a combination of those 2 uses, must not exceed 20,000m<sup>2</sup>.
- (4) The gross floor area of development for the purpose of entertainment facilities, hotel accommodation, function centres, or any combination of those uses, must not exceed 20,000m<sup>2</sup>.
- (5) The gross floor area of development for the purpose of food and drink premises, kiosks, markets and shops, or any combination of those uses, must not exceed 3,000m<sup>2</sup>.

**26 Use of certain land at 70 Glenbrook Street, South Penrith**

- (1) This clause applies to land at 70 Glenbrook Street, South Penrith, being Lot 88, DP 703021, that is identified as “25” on the Additional Permitted Uses Map.
- (2) Development for the purposes of shops and office premises not exceeding a gross floor area of 650m<sup>2</sup> is permitted with development consent.

**27 Use of certain land at corner of Forrester Road and Boronia Road, St Marys**

- (1) This clause applies to land at the corner of Forrester Road and Boronia Road, St Marys, being Lot 2, DP 1175275, that is identified as “26” on the Additional Permitted Uses Map.
- (2) Development for the purposes of bulky goods premises is permitted with development consent.

**28 Use of certain land at corner of Forrester Road and Boronia Road, St Marys**

- (1) This clause applies to land at the corner of Forrester Road and Boronia Road, St Marys, being Part Lot 1, DP 1175275, that is identified as “27” on the Additional Permitted Uses Map.
- (2) Development for the purposes of amusement centres, food and drink premises, hotel or motel accommodation and registered clubs is permitted with development consent.

**29 Use of certain land at 32–52 Harris Street, St Marys**

- (1) This clause applies to land at 32–52 Harris Street, St Marys, being Lot A, DP 152452 that is identified as “28” on the Additional Permitted Uses Map.
- (2) Development for the purposes of business premises and community facilities is permitted with development consent.

**30 Use of certain land at 1590–1594 Mulgoa Road, 1 Park Road and 11 Park Road, Wallacia**

- (1) This clause applies to land at 1590–1594 Mulgoa Road, 1 Park Road and 11 Park Road, Wallacia, being Lot A, DP 334601 and Lot 1 DP 1162029 that is identified as “29” on the Additional Permitted Uses Map.

- (2) Development for the purposes of advertising structures, business premises, food and drink premises, health consulting rooms, kiosks, markets, medical centres, office premises, registered clubs, service stations, shops and vehicle repair stations is permitted with development consent.

**31 Use of certain land at Lot 1, Water Street, Werrington**

- (1) This clause applies to land at Lot 1 Water Street, Werrington, being Lot 1, DP 1176624, that is identified as “30” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a school is permitted with development consent.

**32 Use of certain land at Lot 2, Water Street, Werrington**

- (1) This clause applies to land at Lot 2 Water Street, Werrington, being Lot 2, DP 1176624, that is identified as “31” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a school is permitted with development consent.

**[45] Schedule 2 Exempt development**

Omit the matter relating to “Signage” and “Tennis courts” (including the headings).

**[46] Schedule 5**

Omit the Schedule. Insert instead:

**Schedule 5 Environmental heritage**

(Clause 5.10)

**Part 1 Heritage items**

Suburb	Item name	Address	Property description	Significance	Item no
Agnes Banks	Castlereagh Road Alignment	Castlereagh Road		Local	261
Agnes Banks	Weatherboard cottage	410–450 Castlereagh Road	Lot 10, DP 792357	Local	660
Agnes Banks	Agnes Banks Public School (former)	475–479 Castlereagh Road	Lot 1, DP 776886	Local	3
Agnes Banks	“Osborne”, homestead, barn, outbuildings and plantings	580–600 Castlereagh Road	Lot 1, DP 1155198	Local	6
Agnes Banks	“Chestnut”, dwelling, slab cottage and trees	580–600 Castlereagh Road	Lot 1, DP 1155198	Local	8
Agnes Banks	“Tyreel”, dwelling and barn	626–652 Castlereagh Road	Lot 1, DP 739177	Local	10
Agnes Banks	Federation farmhouse and trees	706 Castlereagh Road	Lot 4, DP 570547	Local	12

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Agnes Banks	Brick farmhouse, trees and orchard	850–856 Castlereagh Road	Lot 1, DP 228165	Local	659
Agnes Banks	Agnes Banks Nature Reserve	2 Geebung Close, and 36–62 and 66–88 Rickards Road	Lots 149 and 157–159, DP 752021; Lot 7302, DP 1151861; Lot 12, DP 1049319	State	15
Agnes Banks	Farmhouse (collapsed) and outbuildings	2–22 Springwood Road	Lot 930, DP 1129072	Local	2
Badgerys Creek	McGarvie-Smith Farm	1793–1951 Elizabeth Drive	Lot 63, DP 1087838	Local	857
Castlereagh	Castlereagh Road Alignment	Castlereagh Road		Local	261
Castlereagh	Memorials—Smith Park	1151–1159 Castlereagh Road	Lots 1–3, DP 3784; Part Lot 58, DP 752021	Local	19
Castlereagh	Castlereagh Council Chambers (former)	1158–1160 Castlereagh Road	Lot 1, DP 198257	Local	18
Castlereagh	Christ Church Anglican Church	230–232 Church Lane	Lot 27, DP 581747	Local	28
Castlereagh	Farmhouse, garden planting and natural vegetation	259A–263 Church Lane	Lot 1000, DP 1100451	Local	26
Castlereagh	Castlereagh Public School (former)	13–25 West Wilchard Road	Lot 2, DP 780559	Local	20
Claremont Meadows	Milestone	Great Western Highway	Fronting Lot 1, DP 1126991	Local	859
Claremont Meadows	“Four Winds”, dwelling	568 Great Western Highway	Part Lot 11, Section 24, DP 111110	Local	321
Colyton	Milestone	Great Western Highway	Fronting Lot 1 DP538063	Local	862
Cranebrook	Cranebrook Public School (former)	216 Boundary Road	Lot 22, DP 809521	Local	40
Cranebrook	Site of Fulton’s Church and School	184–194 Church Street	Lot 287, DP 999655; Lot 288, DP 999656	Local	31
Cranebrook	St Thomas’ Anglican Church (former) and Palm trees	540A–544A Cranebrook Road	Lots 12–17, Section A, DP 1613	Local	42

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Cranebrook	Castlereagh General Cemetery and native vegetation	77–85 East Wilchard Road	Lot 281, DP 752021	Local	32
Cranebrook	Victorian farmhouse	46–54 Grays Lane	Lot 12, DP 825320	Local	35
Cranebrook	Johnson’s Cottage	Nepean Street	Lots 18–20, Section A, DP 1613	Local	41
Cranebrook	Olive trees	68 Soling Crescent	Lot 104, DP 261535	Local	39
Cranebrook	“Kenilworth”, dwelling and trees	6–9 Tallwood Road	Lot 26, DP 855247	Local	36
Emu Heights	Gosling Street and Hessel Place Reserves	22 Gosling Street	Lot 22, DP 1076016	Local	89
Emu Heights	House (Hall family)	13 Hessel Place	Lot 22, DP 250032	Local	88
Emu Plains	Bellbird Reserve	29 Barina Crescent	Lot 101, DP 577779	Local	90
Emu Plains	“Huntington Hall”, house and garden	48–52 Beach Street	Lots 12, 13 and 15, DP 243048	Local	71
Emu Plains	Uniting Church	5–7 Emerald Street	Lot 1, DP 650543	Local	82
Emu Plains	Weatherboard cottage	24 Forbes Street	Lot 22, DP 253187	Local	664
Emu Plains	Brick cottage	73 Forbes Street	Lot 181, DP 575962	Local	669
Emu Plains	War Memorial, Emu Park	Great Western Highway, Lawson and Park Streets	Lot 7051, DP 1055094	Local	75
Emu Plains	“Emu Hall”, dwelling, outbuildings and trees	2–26 Great Western Highway	Lot 2, DP 614436	Local	51
Emu Plains	Union Inn (former) and trees	36–42 Great Western Highway	Part Lots 1 and 2, DP 342116	Local	63
Emu Plains	Weatherboard house	66–70 Great Western Highway	Lot 17, SP 71124	Local	60
Emu Plains	Australian Arms Inn (former)	113 Great Western Highway	Lot 11, DP 1056135	Local	61
Emu Plains	Arms of Australia Inn	127 Great Western Highway	Lot 22, DP 242300	Local	327
Emu Plains	Stone house	143 Great Western Highway	Lot 111, DP 242913	Local	64



<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Emu Plains	Melrose Hall	169 Great Western Highway	Lot 7040, DP 751662	Local	73
Emu Plains	Emu Plains Public School (former) and trees	207–219 Great Western Highway	Part 1, Lot 1, DP 650753	Local	76
Emu Plains	Sandstone cottage	281 Great Western Highway	Lot 110, DP 802233	Local	84
Emu Plains	Emu Plains Assembly Hall	283 Great Western Highway	Lot 1, DP 780531	Local	85
Emu Plains	“Mountain View” house	39 Grey Street	Lot 1, DP 203655	Local	837
Emu Plains	Sandstone railway culvert	Lamrock Street		Local	667
Emu Plains	Concrete house	39a–43 Mackellar Street	Lot 980, DP 810551	Local	58
Emu Plains	“Westbank”, house	2 Nepean Street	Lot 1, DP 620712	Local	65
Emu Plains	“Gwandalan”, dwelling and garden	11 Nepean Street and 35 Cary Street	Lots 121 and 123, DP 807462	Local	92
Emu Plains	“Yodalla”, house and garden	28 Nepean Street	Lot 42, DP 524161	Local	66
Emu Plains	“Yamba”, cottage	32 Nixon Street	Lot 116, DP 242303	Local	80
Emu Plains	“Orange Grove”, cottage	15 Park Street	Lot 1, DP 703497	Local	74
Emu Plains	Ferry crossing	Punt Road, Nepean River		Local	147
Emu Plains	Police station residence (former)	4 Punt Road	Lot 7038, DP 94188	Local	52
Emu Plains	Federation cottage	9 Railway Row	Lot 9, DP 192672	Local	665
Emu Plains	International style house and garden	10 River Road	Lot B, DP 33205	Local	666
Emu Plains	Brick house and garden	80 River Road	Lot 2, DP 1024616	Local	151
Emu Plains	Lewers Bequest and Regional Art Gallery, houses and garden	84–88 River Road,	Lot 34, DP 1114973	Local	69
Emu Plains	Edwardian cottage	46 Russell Street	Lot 10, DP 1097496	Local	83
Emu Plains	St. Paul’s Anglican Church and Emu Plains General Cemetery	Land bounded by Short, Mundy and Nixon Streets and the Great Western Railway	Lot 1, DP 724148; Lot 1, DP 798650; Lot G, DP 751662	Local	78

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Emu Plains	Emu Plains Railway Station group	Main Western Railway, Station Street	Lot 1, DP 1133099	State	59
Emu Plains	“Killeen”, Federation house	34 Walkers Crescent	Lot 104, DP 1006488	Local	840
Emu Plains	Cottage	14 York Street	Lot 1, DP 563123	Local	55
Glenmore Park	Scarred tree and Aboriginal artefact scatter	Lot 200 Bradley Street	Lot 200, DP 1162982	Local	878
Jamisontown	Sir John Jamison Cemetery	14b and 14c Lilac Place	Lot 1, DP 724391; Lot 1, DP723986	Local	269
Jamisontown	Workmens’ cottages	56–62 Mulgoa Road	Lots 1–4, SP 39546	Local	94
Kemps Creek	Brick farmhouse	282 Aldington Road	Lot 142, DP 1033686	Local	106
Kemps Creek	Gateposts to Colesbrook	269–285 Mamre Road	Lot 8, DP 253503	Local	105
Kemps Creek	The Fleurs Radio Telescope site	885(a) Mamre Road	Lot 21, DP 258414	Local	832
Kemps Creek	“Bayley Park”, house	919–929 Mamre Road	Lot 35, DP 258414	Local	104
Kingswood	St. Phillip’s Anglican Church	32 Bringelly Road	Lot 64, DP 752022	Local	101
Kingswood	Penrith General Cemetery	Land bounded by Copeland and Phillips Streets, Richmond Road and Cox Avenue	Lots 1–28, DP 975352	Local	97
Kingswood	Federation house and garden	6 First Street	Lot 101, DP 1032987	Local	100
Kingswood	Milestone	Great Western Highway	Fronting Lot 1, DP 866081	Local	860
Kingswood	Milestone	Great Western Highway	Fronting Lot 10, DP 719064	Local	861
Kingswood	House	43 Park Avenue	Lot B, DP 409139	Local	672
Kingswood	Kingswood Public School	46–54 Second Avenue	Lot 172, DP 839785	Local	98
Kingswood	Teacher’s residence (former)	56 Second Avenue	Lot 2, DP 1130750	Local	670
Leonay	“Edinglassie”, house	22 Bunyan Road	Lot 185, DP 233104	Local	108

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Leonay	“Leo Buring” cottage, barn, glasshouse and memorial	3a Leonay Parade	Lot 12, DP 818741	Local	109
Llandilo	Federation farmhouse	330 Eighth Avenue	Lot 330, DP 2147	Local	676
Llandilo	Farmhouse	361 Ninth Avenue	Lot 3, DP 231946	Local	677
Llandilo	Llandilo Public School	222 Seventh Avenue	Lot 222, DP 2147	Local	841
Llandilo	St David’s Anglican Church (former)	257B Seventh Avenue	Lot 1, DP 724335	Local	673
Llandilo	Llandilo Community Hall	257C Seventh Avenue	Lot 11, DP 1092204	Local	675
Llandilo	Cottage and outbuildings	268 Seventh Avenue	Lot 269, DP 2147	Local	113
Llandilo	Farmhouse	170 Sixth Avenue	Lot A, DP 390397	Local	842
Londonderry	Londonderry Cemetery	325–331 Londonderry Road	Lot 100, DP 810236	Local	115
Luddenham	Brick cottage	21–55 Campbell Street	Lot 1, DP 972057	Local	117
Luddenham	Luddenham Road Alignment	Luddenham Road		Local	843
Luddenham	Weatherboard cottage	3065–3067 The Northern Road	Lot 1, DP 930372	Local	678
Luddenham	Weatherboard cottage	3075 The Northern Road	Lot 1, DP 304800	Local	118
Luddenham	Luddenham Progress Hall	3091–3095 The Northern Road	Lot 7, DP 1655	Local	119
Luddenham	Luddenham Uniting Church and Cemetery	3097–3099 The Northern Road	Lot 8, DP 1655	Local	120
Luddenham	St James Anglican Church and Cemetery	3101–3125 The Northern Road	Lot 2, DP 529143	Local	122
Luddenham	Brick cottage	406 Park Road	Part Lot 2, Section A, DP 1452	Local	830
Luddenham	Showground	428–452 Park Road	Lot 1, DP 931531; Lot 2, DP 972057	Local	679
Mulgoa	“Passadena”, house	45–61 Allan Road	Lot 1, DP 227674	Local	132

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Mulgoa	“Fairlight”, homestead, outbuildings and gardens	377–429 Fairlight Road	Lot 22, DP 625510	State	140
Mulgoa	Table Rock Lookout	716–782 Fairlight Road	Lot A, DP 164835	Local	141
Mulgoa	“Glenleigh”, estate	427–507 Mulgoa Road	Lot 2, DP 563748	State	273
Mulgoa	“Glenmore”	754–760 Mulgoa Road	Lot 3, DP 701949	State	124
Mulgoa	“Fernhill”, house, outbuildings and landscape	1041–1117 Mulgoa Road	Lots 10 and 11, DP 615085; Lot 2, DP 541825	State	128
Mulgoa	“Fernhill”, curtilage	1147–1187 Mulgoa Road and 10–156 Mayfair Road	Lot 100, DP 717549; Lot 1, DP 570484; Lot 6, DP 173159; Lot 5, DP 23781; Lot 12, DP 610186; Lot 2, DP 211795; Lots 1–4, DP 260373	Local	873
Mulgoa	Mulgoa Public School building, hall, residence and trees	1189–1193 Mulgoa Road	Lot 1, DP 853475	Local	130
Mulgoa	St Mary’s Catholic Church	1262–1266 Mulgoa Road	Lot 10, Section E, DP 2121	Local	133
Mulgoa	Weatherboard cottage	1296 Mulgoa Road	Lot 2, DP 226343	Local	134
Mulgoa	Mulgoa Irrigation Company office and police station (former)	1298–1304 Mulgoa Road	Lot 32, DP 585921	Local	135
Mulgoa	Cottage	1306 Mulgoa Road	Lot 39, Section A, DP 2882	Local	136
Mulgoa	“Winbourne”, house	1315 Mulgoa Road	Lot 4, DP 854076	Local	138
Mulgoa	St Thomas’ Anglican Church and Cemetery	43–57 and 59–119 St Thomas Road	Lot 1, DP 996994; Lot 1, DP 1035490	State	126

Suburb	Item name	Address	Property description	Significance	Item no
Mulgoa	Cox's Cottage	1012–1046 Mulgoa Road and 2–24 St Thomas Road	Lots 2–4, DP 241971	State	125
Mulgoa	Mulgoa Road Alignment (former)	St Thomas Road		Local	844
Orchard Hills	Brick farmhouse	80–88 Caddens Road	Lot 6, DP 1344	Local	155
Orchard Hills	“Lindfield”	182–188 Caddens Road	Lot 1, DP 583439	Local	845
Orchard Hills	Water reservoir	197–207 Castle Road	Lot 1, DP 430473	Local	657
Orchard Hills	Orchard Hills Uniting Church	3 Frogmore Road	Lot 101, DP 128254	Local	156
Orchard Hills	Memorial cairn	Luddenham Road		Local	230
Orchard Hills	Mamre	181–275 Mamre Road	Lot 1, DP 530579	State	228
Orchard Hills	Memorial cairn	181–275 Mamre Road	Lot 1, DP 530579	Local	229
Orchard Hills	Canine Council dwelling	391–395 Mamre Road	Lot 2, DP 547057	Local	846
Orchard Hills	Leeholme Horse Stud Rotunda	391–395 Mamre Road	Lot 2, DP 547057	Local	232
Penrith	“Craithes”, dwelling, trees, outbuildings and carriage loop	34–40 Borec Road	Lot 2, DP 802406	State	161
Penrith	Weir	Bruce Neale Drive, Nepean River		Local	848
Penrith	Weatherboard cottage	41–43 Camden Street	Lot 13, DP 712385	Local	695
Penrith	Edwardian cottage	2068 Castlereagh Road	Lot 3, DP 862636	Local	158
Penrith	Victorian house	2083–2089 Castlereagh Road	Lot 1, DP 623919	Local	160
Penrith	Bennetts Wagons	2151(a) Castlereagh Road	Lot 112 DP 774782	Local	829
Penrith	Penrith School of Arts (former)	7 Castlereagh Street	Lots 9–11, Section 1, DP 1582	Local	692
Penrith	Torin building	26 Coombes Drive	Lot 401–403, DP 1162312	State	827
Penrith	“Combewood”, house, garden, trees and original entrance drive	234–256 Coreen Avenue	Lot 2, DP 654378; Lots 51–55, DP 237090	Local	163

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Penrith	Cottage	169 Cox Avenue	Lot A, DP 984462	Local	853
Penrith	Thornton Hall	Lot 11, The Crescent	Lot 1, DP 33753	Local	166
Penrith	Presbyterian manse (former)	154 Derby Street	Lot 4, DP 25106	Local	697
Penrith	Victorian cottage	163 Derby Street	Lot Y, DP 389668	Local	698
Penrith	Victorian cottage	194 Derby Street	Lot 1, DP 2363	Local	699
Penrith	Ferry crossing	Nepean River— Ferry Road		Local	870
Penrith	Governor Phillip Special Hospital— original building	64 Glebe Place	Lot 1, DP 213072	Local	174
Penrith	Rectory (former)	95 Glebe Place	Lots 5 and 5A, DP 39162	Local	173
Penrith	Victoria Bridge	Great Western Highway		Local	146
Penrith	Penrith Infants Department (1884 building)	57 Henry Street	Lot 1, DP 724160	Local	177
Penrith	Methodist Church (former)	74 Henry Street	Lot 22, DP 586469	Local	179
Penrith	TAFE Building	115–119 Henry Street	Lot 111, DP 1028320	Local	689
Penrith	Penrith Council Chambers (former)	129–133 Henry Street	Lot 1123, DP 1106979	Local	189
Penrith	“Kelvin Brae”, Federation house	142 High Street	Lot 1, DP 1127355	Local	854
Penrith	Penrith Public School and palm trees	194 High Street	Lot 2, DP 502608; Lots 2–4, Section 19, DP 2296	Local	210
Penrith	Victorian terrace and Interwar shop	219–221 High Street	Lot 2, DP 224062	Local	212
Penrith	St Aubyn’s Terrace	255–265 High Street	Lot 3, DP 955837; Lot 4, DP 972	Local	209
Penrith	St Stephen’s Anglican Church, Hall and Cemetery	258–280 High Street	Lots 101 and 102, DP 597910	Local	206
Penrith	Cottage	288 High Street	Lot 1, Section 3, DP 1582	Local	723

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Penrith	Brick villa	318–320 High Street	Lot 4, Section 2, DP 1582	Local	711
Penrith	Memorials and lamp stand, St Nicholas of Myra Catholic Church	332–338 High Street	Lot 1, DP 782278	Local	688
Penrith	“Cram Place”, coach house, well, pump and cast iron fence	338–340 High Street	Lot 11, DP 1013730	Local	201
Penrith	Bank of NSW (former)	354–360 High Street	Lot 10, SP 51611	Local	713
Penrith	Australian Arms Hotel	359 High Street	Lot 2, DP 513015	Local	196
Penrith	High Street shops	361–365 High Street	Lots 2 and 4, SP 13804	Local	714
Penrith	High Street shop	371–375 High Street	Lot 13, DP 616937	Local	715
Penrith	High Street shop	377–381 High Street	Lot 12, DP 616937	Local	716
Penrith	High Street shop	383 High Street	Lot 11, DP 616937	Local	717
Penrith	High Street shop	387–389 High Street	Lot 1, DP 774671	Local	718
Penrith	High Street shop	391–393 High Street	Lots 23 and 24, DP 236390	Local	719
Penrith	Memory Park	400 High Street	Lot 1, DP 198339	Local	200
Penrith	Fulton’s Store (former)	413–423 High Street	Lot B, DP 322318	Local	197
Penrith	High Street shop	425–427 High Street	Lot A, DP 322318	Local	720
Penrith	High Street shop	437 High Street	Lot 2, DP 82325	Local	855
Penrith	High Street shop	449–451 High Street	Lot 12, DP 599349	Local	721
Penrith	High Street shop	538–540 High Street	Lot 1, DP 779550	Local	198
Penrith	High Street shop	542 High Street	Lot 2, DP 154388	Local	722
Penrith	High Street shop	550–556 High Street	Lot B, DP 152524	Local	199
Penrith	Red Cow Hotel	569–595 High Street	Lot 1, DP 1137699	Local	690

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Penrith	Penrith Ambulance Station	668–672 High Street	Lot 12, DP 37829	Local	256
Penrith	“Madang Park”, farmhouse and trees	475–487 Jamison Road	Lot 2, DP 567225	Local	95
Penrith	Station Master’s House (former)	Jane Street	Lot 31, DP 1086586	State	187
Penrith	Penrith Railway Station group	Railway land, Jane Street	Lot 31, DP 1086586	State	188
Penrith	The Lodge	48–56 Leland Street	Lot 5, DP 1049780	Local	159
Penrith	Lemongrove Lodge	22–24 Lemongrove Avenue	Lot C1, DP 162091	Local	172
Penrith	Victorian villa	150 Lethbridge Street	Lot 81, DP 526298	Local	214
Penrith	Explorers Memorial	Memorial Avenue		Local	258
Penrith	Pumping station (former)	20 Memorial Avenue	Lot 1, DP 233967	Local	144
Penrith	“The Willows”, house	65 Mulgoa Road	Lot 1021, DP 812335	Local	815
Penrith	Penrith Power Station (former)	1 Museum Drive	Lot 1, DP 1010950	Local	259
Penrith	“Seidler”, house	31–33 Nepean Avenue	Lot 1, DP 14827	Local	685
Penrith	Rowing course	Nepean River		Local	148
Penrith	Railway bridge	Over Nepean River		State	668
Penrith	Cottage	10–12 North Street	Lot 1, DP 794510; Lot B, DP 160112	Local	180
Penrith	Weatherboard cottage	71 Parker Street	Lot 1, DP 996540	Local	175
Penrith	Peachtree Creek Bridge	Peachtree Creek		Local	257
Penrith	Victorian house	6 Rawson Avenue	Lot 2, DP 206095	Local	253
Penrith	Prospect Electricity building (former)	59 Station Street	Lot 10, DP 1025026	Local	701
Penrith	“Broadville”, Victorian house	98 Station Street	Lot 910, DP 717451	Local	215
Penrith	“Kentucky”, villa	146 Station Street	Lot 11, DP 715161	Local	216



<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Penrith	Victorian house	148 Station Street	Lot 80, DP 709313	Local	217
Penrith	“The Cottage”, dwelling and pine tree	39 Warwick Street	Lot 11, DP 663880	Local	251
Penrith	“Minnamurra”, house	43 Warwick Street	Lot 1, DP 173533	Local	696
Penrith	Victorian house, dwelling and camphor laurel tree	50 Warwick Street	Lot 1, DP 21745	Local	250
Penrith	Federation cottage	80 Woodriff Street	Lot 18, DP 2167	Local	847
Regentville	Regentville Workers’ Terrace	1 Bundarra Road	Lots 1–3 and 19, DP 16540	Local	276
Regentville	Regentville Public School, residence and garden	32–34 School House Road	Lot 1, DP 906651	Local	270
St Marys	Dunheved Fire Station	50 Christie Street	Lot 142, DP 31911	Local	655
St Marys	Explosives storehouse	146 Dunheved Circuit	Lot 131, DP 701610	Local	869
St Marys	Brick cottage	38 Gidley Street	Lot 1, DP 783200	Local	298
St Marys	Brick cottage	40 Gidley Street	Lot 1, DP 710777	Local	797
St Marys	“Bronte”, villa	50 Gidley Street	Lot 4, DP 38617	Local	299
St Marys	Bennett Wagon	Pioneer Park, Great Western Highway	Lot B, DP 371329	Local	805
St Marys	Milestone	Great Western Highway (between Marsden Road and Day Street)		Local	304
St Marys	Victoria Park and memorial	Bounded by Great Western Highway, Pages Road, Putland and Princess Mary Streets	Lot 1, DP 1142771	Local	310
St Marys	St Marys General Cemetery	175–191 Great Western Highway	Lot 7300, DP 1141971	Local	303
St Marys	St Mary Magdalene Church, Hall, Cemetery and grounds	299–311 Great Western Highway	Lot 1, DP 1035601	Local	301

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
St Marys	“Mourilyan”	329–333 Great Western Highway	Lot 1, DP 997243	Local	300
St Marys	Shop	373 Great Western Highway	Lot 401, DP 601711	Local	806
St Marys	Wagon Wheel Hotel	449 Great Western Highway	Lot 102, DP 1031177	Local	308
St Marys	Wool Pack Inn (ruin)	556 Great Western Highway	Lot 1, DP 81099	Local	654
St Marys	St Marys Council Chambers (former)	2–6 Mamre Road	Lot 6, Section 1, DP 974985	Local	305
St Marys	“Margaret Farm”, house, barn and tannery site	Pages Road, Barker, Wilson and Schleicher Streets	Lots 1–6, DP 30962	Local	226
St Marys	“Mimosa”, stables (former)	11 Pages Road	Lot 1, DP 745809	Local	220
St Marys	“Mimosa”, dwelling, fence and garden	13 Pages Road	Lot 40, DP 58974	Local	219
St Marys	Brick cottage	31–33 Pages Road	Lot 101, DP 833732	Local	801
St Marys	St Marys Public School	2-6 Princess Mary Street	Lot 1, DP 798964; Lot 1, DP 121443; Lot 1, DP 216092; Lot 1, DP 798965; Lot 2, DP 183835	Local	307
St Marys	Brick cottage	18 Princess Mary Street	Lot 104, DP 1037465	Local	309
St Marys	Weatherboard cottage	20 Princess Mary Street	Lot 13, DP 38418	Local	798
St Marys	Weatherboard cottage	22 Princess Mary Street	Lot 14, DP 38418	Local	799
St Marys	Gothic revival cottage	24 Princess Mary Street	Lot 15, DP 38418	Local	800
St Marys	“Thompson’s Tannery” site, tannery pits (former) and well	94 Saddington Street	SP 73643; Lots 1–13, SP 73643	Local	235
St Marys	Brick cottage	100–104 Saddington Street	Lot 902, DP 1063929	Local	234
St Marys	Moore Cottage	8 Sainsbury Street	Lot 10, SP 72555	Local	221

Suburb	Item name	Address	Property description	Significance	Item no
St Marys	St Marys Railway Station	Corner Station and Queen Streets	Lot 1, DP 1040178	State	282
Wallacia	Bungalow	38 Greendale Road	Lot 60, DP 21083	Local	812
Wallacia	Wallacia Progress Association Hall	40 Greendale Road	Lot 61, DP 368083	Local	850
Wallacia	Brick house	96–100 Greendale Road	Lot 317, DP 808445	Local	811
Wallacia	Wallacia Public School	1573–1585 Mulgoa Road	Lot 50, DP 820512	Local	852
Wallacia	Wallacia Post Office	1589 Mulgoa Road	Lot 10, DP 1508	Local	851
Wallacia	Wallacia Hotel	1590–1594 Mulgoa Road	Part Lot A, DP 334601	Local	325
Wallacia	St Andrew's Anglican Church (former)	25 Park Road	Lot 1, DP 318587	Local	326
Werrington	"Torquay", house	555 Great Western Highway	Lot 11, DP 1170870	Local	319
Werrington	Brick house	565 Great Western Highway	Lot 565, DP 1121207	Local	810
Werrington	"Werrington Park House", garden and poplar avenue	653–729 Great Western Highway	Lot 101, DP 1140594	Local	315
Werrington	Rose Cottage and early slab hut	Corner of Water Street and Tennant Road	Lot 1, DP 827130	State	318
Werrington County	"Werrington House", dwelling, driveway and garden	108 Rugby Street	Lot 101, DP 605907	Local	248

## Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on Heritage Map	Significance
Hornseywood Avenue Conservation Area	Shown by an outline and identified as "HCA1"	Local
Lemongrove Conservation Area	Shown by an outline and identified as "HCA2"	Local
Warwick Street Conservation Area	Shown by an outline and identified as "HCA3"	Local
North St Marys Staff Cottages Conservation Area	Shown by an outline and identified as "HCA4"	Local

<b>Name of heritage conservation area</b>	<b>Identification on Heritage Map</b>	<b>Significance</b>
Mulgoa Road Conservation Area	Shown by an outline and identified as “HCA5”	Local
Park Road Conservation Area	Shown by an outline and identified as “HCA6”	Local

### **Part 3 Archaeological sites**

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Berkshire Park	Site of Berkshire Park homestead	844–848 Richmond Road	Lot 3, DP 1097876	Local	A662
Castlereagh	Site of Castlereagh township	East Wilchard Road and Church Lane	Various—see Heritage Map	Local	A30
Cranebrook	Castlereagh General Cemetery and native vegetation	132–156 Church Street, Cranebrook	Lot 245, DP 752021	Local	A880
Emu Plains	Police station (former)	30 Great Western Highway	Lot 8, DP 228204	Local	A53
Emu Plains	Government stockyard site	Hunter, Yodalla, Annett and Nepean Streets and River Road	Various—see Heritage Map	Local	A68
Emu Plains	“Dungarth” and remnant plantings site	4 Stockade Street	Lot 29, DP 250439	Local	A81
Leonay	Site of Edinglassie	Lapstone Place	Lot 102, DP 235829; Lot 2, DP 242718	Local	A112
Mulgoa	Irrigation canal	Mulgoa Road, Queenshill Drive, Littlefields Road and The Northern Road	Lots 5, 6, 8 and 9, DP 1046980; Lot 181, DP 230752; Lots 5 and 6, DP 718233	Local	A137
Mulgoa	Regentville Mansion (site) and vineyard terracing	460a–626 Mulgoa Road	Lot 40, DP 840788	Local	A271
Mulgoa	Slab cottage site	1177–1187 Mulgoa Road	Lot 6, DP 173159	Local	A858
Regentville	Regentville Windmill site	127–129 and 131–135 Martin Street	Lot 4, DP 249387; Lot 13, DP 633042	Local	A680

Suburb	Item name	Address	Property description	Significance	Item no
St Marys	Thompson's Tannery site (former)	Saddington Street	Various—see Heritage Map	Local	A236
Wallacia	Luddenham Homestead site	1–9 Park Road	Lots 1–3, DP 504928; Lots E–G, DP 390228	Local	A849

**[47] Dictionary**

Insert in alphabetical order:

**Active Street Frontages Map** means the Penrith Local Environmental Plan 2010 Active Street Frontages Map.

**Additional Permitted Uses Map** means the Penrith Local Environmental Plan 2010 Additional Permitted Uses Map.

**battle-axe lot** means a lot that has an access handle, an access corridor (a hatchet shaped lot) or a right-of-carriageway over another lot.

**City Centre** means the land identified as “Penrith City Centre” on the Clause Application Map.

**Clause Application Map** means the Penrith Local Environmental Plan 2010 Clause Application Map.

**designated State public infrastructure** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

**Key Sites Map** means the Penrith Local Environmental Plan 2010 Key Sites Map.

**public utility infrastructure**, in relation to an urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

**standard lot** means a lot that is not a battle-axe lot.

**urban release area** means the area of land identified as “Urban Release Area” on the Urban Release Area Map.

**Urban Release Area Map** means the Penrith Local Environmental Plan 2010 Urban Release Area Map.