



New South Wales

# **State Environmental Planning Policy (Penrith Lakes Scheme) Amendment (Miscellaneous) 2020**

under the

**Environmental Planning and Assessment Act 1979**

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ROBERT STOKES, MP  
Minister for Planning and Public Spaces

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Penrith Lakes Scheme) Amendment (Miscellaneous) 2020*.

### **2 Commencement**

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

### **3 Repeal of Policy**

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5(6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

### **4 Maps**

The maps adopted by *State Environmental Planning Policy (Penrith Lakes Scheme) 1989* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy.

## **Schedule 1      Amendment of State Environmental Planning Policy (Penrith Lakes Scheme) 1989**

### **[1]    Clause 6B Suspension of covenants, agreements and instruments**

Omit clause 6B(2)(e) and (f). Insert instead—

- (e) to any property vegetation plan that was approved under the *Native Vegetation Act 2003* before the repeal of that Act and that was in force on that repeal, or
- (f) to any biodiversity stewardship agreement within the meaning of the *Biodiversity Conservation Act 2016*, or

### **[2]    Clause 6B(4)**

Omit “section 28”. Insert instead “section 3.16”.

### **[3]    Clause 21 Preservation of trees or vegetation**

Omit clause 21(8)(a) and (b). Insert instead—

- (a) the clearing of native vegetation—
  - (i) approved under Division 6 of Part 5A of the *Local Land Services Act 2013*, or
  - (ii) in accordance with a permit or approval under *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, or
  - (iii) authorised by a development consent or a property vegetation plan that was approved under the *Native Vegetation Act 2003* before the repeal of that Act and that was in force on that repeal, or

### **[4]    Clause 21(8)(c)**

Omit “*Forestry Act 1916*”. Insert instead “*Forestry Act 2012*”.

### **[5]    Clause 21(8)(e)**

Omit the paragraph. Insert instead—

- (e) a weed identified in a local strategic plan (approved by the Minister under Division 2 of Part 4 of the *Local Land Services Act 2013*) for a region that includes land to which this Policy applies, as a weed that is or should be prevented, managed, controlled or eradicated in the region.

### **[6]    Clause 22 Development on land zoned Employment**

Omit clause 22(d). Insert instead—

- (d) whether a stable foundation exists or can be developed for the development,
- (e) whether the existing development platform (including subgrade) is or can be adequately protected from scour by the discharge of a 1:100 ARI (average recurrence interval) flood event,
- (f) whether the proposed development appropriately allows for potential differential settlement given the existing geotechnical conditions and the proposed foundation and for the geotechnical conditions present at the site to prevent excessive total and differential settlement.

**[7] Clause 23(a), 24(a) and 27**

Insert “(if any)” after “plan of management” wherever occurring.

**[8] Clause 26 Development on land zoned Tourism**

Omit clause 26(c). Insert instead—

- (c) whether a stable foundation exists or can be developed for the development,
- (d) whether the existing development platform (including subgrade) can be adequately protected from scour by the discharge of a 1:100 ARI (average recurrence interval) flood event,
- (e) whether the proposed development appropriately allows for potential differential settlement given the existing geotechnical conditions and the proposed foundation and for the geotechnical conditions present at the site to prevent excessive total and differential settlement.

**[9] Clause 34**

Omit the clause. Insert instead—

**34 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 unless the Planning Secretary 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 land.
- (3) Subclause (2) does not apply to—
  - (a) a lot identified in the certificate as a residue lot, or
  - (b) a 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) a lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, education facilities or another public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on an existing lot.
- (4) This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is in a special contributions area (as defined by section 7.1 of the Act).
- (5) In this clause—

***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) social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).