



New South Wales

Penrith Local Environmental Plan 2010 (Amendment No 31)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

JANE GROSE

As delegate for the Minister for Planning and Public Spaces

Penrith Local Environmental Plan 2010 (Amendment No 31)

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1 Name of Plan

This Plan is *Penrith Local Environmental Plan 2010 (Amendment No 31)*.

2 Commencement

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

3 Land to which Plan applies

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

4 Maps

The maps adopted by *Penrith Local Environmental Plan 2010* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Penrith Local Environmental Plan 2010

[1] Clause 1.8A, heading

Omit “provision”. Insert instead “provisions”.

[2] Clause 1.8A(2)

Insert at the end of the clause—

- (2) If a development application has been made before the commencement of *Penrith Local Environmental Plan 2010 (Amendment No 31)* and the application has not been finally determined before that commencement, the application must be determined as if that Plan had not commenced.

[3] Land Use Table

Insert “Eco-tourist facilities;” in alphabetical order in item 3 of Zone E4 Environmental Living.

[4] Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

Omit the following from the table—

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

Insert instead—

Multi dwelling housing	Zone R3 Medium Density Residential; Zone R4 High Density Residential	1200 square metres
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[5] Clause 4.6 Exceptions to development standards

Insert “, 8.4(5)” after “7.24” in clause 4.6(8)(ca).

[6] Clause 7.17 Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa

Omit clause 7.17(4). Insert instead—

- (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 323, DP 2147, 323 Second Avenue Llandilo,
 - (b) Lot 25, DP 2147, 24 Fourth Avenue Llandilo,
 - (c) Lot 27A, DP 2147, 27 Fourth Avenue, Llandilo,
 - (d) Lot 342, DP 707626, 34 Fourth Avenue, Llandilo,
 - (e) Lot 38A, DP 2147, 38A Fourth Avenue, Llandilo,

- (f) Lot 45, DP 2147, 45 Fourth Avenue, Llandilo,
- (f) Lot 2, DP 593786, 2 Fifth Avenue, Llandilo, subject to the provision of permanent vehicular access to the land,
- (g) Lot 111A, DP 2147, 111A Fifth Avenue, Llandilo,
- (h) Lot 157, DP 2147, 157 Sixth Avenue, Llandilo,
- (i) Lot 173A, DP 2147, 173A Sixth Avenue, Llandilo,
- (j) Lot 182A, DP 2147, 182A Sixth Avenue, Llandilo,
- (k) Lot 187, DP 2147, 187 Sixth Avenue, Llandilo,
- (l) Lot 251A, DP 2147, 251A Seventh Avenue, Llandilo,
- (m) Lot 280, DP 2147, 280 Eighth Avenue, Llandilo,
- (n) Lots 310 and 310A, DP 2147, 310 Eighth Avenue, Llandilo,
- (o) Lot 319, DP 2147, 319 Eighth Avenue, Llandilo,
- (i) Lot 11, DP 1013818, 56–60 Cherrybrook Chase, Londonderry.

[7] Clause 7.19

Omit the clause. Insert instead—

7.19 Villages of Londonderry, Mulgoa and Wallacia

- (1) The objectives of this clause are as follows—
 - (a) to establish specific planning controls for land in the villages of Londonderry, 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—
 - (a) the village of Londonderry (*Londonderry Village*), identified as “Londonderry Village” on the Clause Application Map, and
 - (b) the villages of Mulgoa and Wallacia (*Mulgoa Wallacia Villages*), 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 will meet the minimum standards set out in the following table—

Zone	Minimum standards
Land in Zone RU5 Village in Londonderry Village	Minimum lot size (attached dwellings)—650 square metres Minimum lot size (detached dwellings)—750 square metres
Land not connected to a reticulated sewer (regardless of zone) in Mulgoa Wallacia Villages	Minimum lot size—2 hectares Minimum width—30 metres
Land in Zone RU5 Village in Mulgoa Wallacia Villages	Minimum lot size (attached dwellings)—650 square metres Minimum width (attached dwellings)—15 metres

Zone	Minimum standards
	Minimum lot size (detached dwellings)—750 square metres
	Minimum width (detached dwellings)—15 metres
Land in Zone R5 Large Lot Residential in Mulgoa Wallacia Villages	Minimum lot size—4000 square metres
	Minimum width—30 metres
Land in Zone E4 Environmental Living in Mulgoa Wallacia Villages	Minimum lot size—2 hectares
	Minimum 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 will meet the minimum standards set out in the following table—

Zone	Minimum area and dimensions
Land in Zone RU5 Village in Mulgoa Wallacia Villages (identified as “Area 1” on the Lot Size Map)	Standard lot—
	Minimum lot size—550 square metres
	Minimum width—15 metres
	Minimum depth—30 metres
	Battle axe lot—
	Minimum lot size—650 square metres
Land in Zone RU5 Village in Mulgoa Wallacia Villages (identified as “Area 2” on the Lot Size Map)	Minimum width—18 metres
	Minimum depth—30 metres
	Maximum density—1 lot per 2000 square metres
	Standard lot—
	Minimum lot size—550 square metres
	Minimum width—15 metres
Land in Zone R5 Large Lot Residential in Mulgoa Wallacia Villages	Minimum depth—30 metres
	Battle axe lot—
	Minimum lot size—650 square metres
	Minimum width—18 metres
	Minimum depth—30 metres
	Minimum lot size—4000 square metres
Land in Zone E4 Environmental Living in Mulgoa Wallacia Villages	Minimum width—30 metres
	Minimum depth—75 metres
	Minimum lot size—1 hectare
	Minimum width—30 metres

Zone	Minimum area and dimensions
	Minimum depth—75 metres

[8] Clause 7.27

Insert after clause 7.26—

7.27 Commercial and other non-residential development in St Marys Town Centre

- (1) The objectives of this clause are as follows—
 - (a) to protect and enhance the retail and commercial core of the St Marys Town Centre,
 - (b) to reinforce the status of the St Marys Town Centre as a strategic centre and as a place of employment,
 - (c) to promote active street frontages in the commercial core,
 - (d) to ensure residential development in the St Marys Town Centre achieves a high level of amenity.
- (2) This clause applies to land in the St Marys Town Centre outlined in blue and identified as “Active Street Frontage” on the Active Street Frontages Map.
- (3) Development consent must not be granted for 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 ground floor and first floor of the building are to be used for the purposes of commercial premises or other non-residential purposes only.
- (4) Subclause (3) does not apply if—
 - (a) the building has two street frontages and is not a building on a corner lot, and
 - (b) the ground floor and first floor of the building’s primary street frontage are used for non-residential purposes, and
 - (c) the development is consistent with the objectives of this clause, and
 - (d) the consent authority is satisfied that compliance with subclause (3) would be unreasonable.

[9] Clause 8.4 Design excellence

Omit “subclause (3)” from clause 8.4(6). Insert instead “subclause (2)”.

[10] Schedule 1 Additional permitted uses

Omit clause 21. Insert instead—

21 Use of certain land at Combewood Avenue, Penrith

- (1) This clause applies to land at Combewood Avenue, Penrith, being Lot 120, DP 1208440 that is identified as “20” on the Additional Permitted Uses Map.
- (2) Development for the purposes of community facilities is permitted with development consent.

[11] Schedule 1, clause 23(1)

Omit the subclause. Insert instead—

- (1) This clause applies to the following land in Penrith that is identified as “22” on the Additional Permitted Uses Map—

- (a) SP 96849 and SP 96850, 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37 and 39 Lord Sheffield Circuit,
- (b) Lot 211, DP 1205092, 2 Lord Sheffield Circuit,
- (c) SP 96468, 26 Lord Sheffield Circuit,
- (d) Lot 2102, DP 1184494, 50 Lord Sheffield Circuit,
- (e) SP 96192, 81 Lord Sheffield Circuit,
- (f) Lots 1 and 2, DP 1240166, 83 and 91 Lord Sheffield Circuit,
- (g) SP 94606, 101 Lord Sheffield Circuit,
- (h) Lots 3001–3005, 3011 and 3013, DP 1184498, 162, 172, 184, 192, 41, 51 and 160 Lord Sheffield Circuit,
- (i) Lots 100 and 101, DP 1233225, 182A and 182 Lord Sheffield Circuit,
- (j) SP 97026, 8 Aviators Way,
- (k) SP 98229, 10 Aviators Way.

[12] Schedule 1, clause 24

Omit the clause. Insert instead—

24 Use of certain land at Fernandez Lane and Radcliffe Road, Penrith

- (1) This clause applies to the following land in Penrith that is identified as “23” on the Additional Permitted Uses Map—
 - (a) Lots 178–193, 195–208 and 212, DP 1205092, 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59 and 61 Fernandez Lane,
 - (b) SP 92424, 33 Fernandez Lane,
 - (c) SP 92425, 63 Fernandez Lane,
 - (d) Lot 212, DP 1205092, 212 Radcliffe Road.
- (2) Development for the purposes of food and drink premises, recreation facilities (indoor) and recreation facilities (outdoor) is permitted with development consent.

[13] Schedule 1, clause 25(1)

Omit “Part”.

[14] Schedule 1, clause 35

Insert after clause 34—

35 Use of certain land at Castlereagh

- (1) This clause applies to the following land at Castlereagh that is identified as “35” on the Additional Permitted Uses Map—
 - (a) Lots 6 and 7, DP23618, 1117–1125 and 1097–1115 Castlereagh Road,
 - (b) part of Lot 4, DP 26525, 377–383 Hinxman Road,
 - (c) Lots 45–52, DP 3784, 366–370 Hinxman Road, 1 Castle Street and 1129–1131 and 1141–1143 Castlereagh Road.
- (2) Development for the purposes of centre-based child care facilities, kiosks, markets, neighbourhood shops, recreation facilities (indoor) and restaurants or cafes is permitted with development consent.

[15] Schedule 5 Environmental heritage

Omit the matters relating to items 665 and 815 from Part 1.