



New South Wales

Penrith Local Environmental Plan 2010 (Amendment No 35)

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*.

CATHERINE VAN LAEREN

As delegate for the Minister for Planning and Public Spaces

Penrith Local Environmental Plan 2010 (Amendment No 35)

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1 Name of Plan

This Plan is *Penrith Local Environmental Plan 2010 (Amendment No 35)*.

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 Lot 1, DP 38950, 2 Tench Avenue, Jamisontown.

Schedule 1 Amendment of Penrith Local Environmental Plan 2010

Part 7 Additional local provisions

Insert at the end of the Part, with appropriate clause numbering—

Development on land at 2 Tench Avenue, Jamisontown

- (1) This clause applies to Lot 1, DP 38950, 2 Tench Avenue, Jamisontown.
- (2) Development consent must not be granted to development for the purposes of recreation facilities (indoor) that include an indoor ski slope on the land to which this clause applies unless the consent authority is satisfied of the following—
 - (a) a development control plan has been prepared for the land that provides for all of the following—
 - (i) design excellence criteria,
 - (ii) sustainability measures,
 - (iii) built form controls, including an indicative building envelope, building design and articulation, landscaping and public domain design,
 - (iv) the visual impact of the development,
 - (v) measures to mitigate overshadowing and visual and acoustic privacy impacts on surrounding land,
 - (vi) traffic, parking and access,
 - (vii) flooding and stormwater management,
 - (b) the design of the development is the winner of an architectural design competition held in relation to the development,
 - (c) the development exhibits design excellence,
 - (d) the development minimises adverse impacts on surrounding land,
 - (e) the development will not result in the entire northern facade of any of the following on Lot 1, DP 788126, 6–22 Tench Avenue, Jamisontown receiving less than 3 hours of direct sunlight between 9am and 3pm daily—
 - (i) a dwelling house,
 - (ii) a moveable dwelling,
 - (iii) tourist and visitor accommodation.
- (3) The building that is used for the purposes of recreation facilities (indoor) that include an indoor ski slope may have—
 - (a) a height of up to 54m if the increased height is necessary to accommodate the height of the indoor ski slope, and
 - (b) a maximum floor space ratio of—
 - (i) 1.2:1, or
 - (ii) if the building is also used for the purposes of tourist and visitor accommodation—1.45:1.
- (4) This clause does not apply to development for which a development application is lodged on or after 31 December 2024.
- (5) In this clause—

architectural design competition means a competitive process conducted in accordance with procedures approved by the consent authority and the NSW Government Architect.