



New South Wales

Penrith Local Environmental Plan 2010 (Amendment No 29)

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 29)

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1 Name of plan

This plan is *Penrith Local Environmental Plan 2010 (Amendment No 29)*.

2 Commencement

This plan commences on 1 October 2023 and is required to be published on the NSW legislation website.

3 Land to which plan applies

This plan applies to land to which *Penrith Local Environmental Plan 2010* applies, including certain land in Orchard Hills.

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 5.3 Development near zone boundaries

Omit “20 metres.” from clause 5.3(2). Insert instead—

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- (a) for land identified as “Orchard Hills North” on the Clause Application Map—50m, and
 - (b) otherwise—20m.

[2] Clauses 7.20A–7.20C

Insert after clause 7.20—

7.20A Development on land at 126–164 Castle Road, Orchard Hills

- (1) This clause applies to Lot 1, DP 239091, 126–164 Castle Road, Orchard Hills, identified as “Area 6” on the Height of Buildings Map.
- (2) The maximum height of a building on land to which this clause applies is 15m if the consent authority is satisfied that all the buildings on the site will be used for the purposes of educational establishments.

7.20B Orchard Hills North

- (1) The objectives of this clause are as follows—
 - (a) to limit the number of dwellings for certain land in Orchard Hills,
 - (b) to encourage a diversity of lot sizes.
- (2) The number of dwellings on land identified as “Orchard Hills North” on the Clause Application Map must not be greater than 1,729.
- (3) Development consent must not be granted for the subdivision of land in Zone R1 General Residential that is specified in Column 1 of the table to this subclause if the subdivision will result in—
 - (a) more large lots on the land than the number specified in Column 2, or
 - (b) more small lots on the land than the number specified in Column 3.

Column 1	Column 2	Column 3
“Precinct 1” on the Lot Size Map	356	78
“Precinct 2” on the Lot Size Map	185	72
“Precinct 3” on the Lot Size Map	284	0
“Precinct 4” on the Lot Size Map	411	27
“Precinct 5” on the Lot Size Map	312	0

- (4) Development consent must not be granted for the subdivision of land in Zone R1 General Residential that is identified as “Orchard Hills North” on the Clause Application Map to create 2 or more small lots unless an attached dwelling, a semi-detached dwelling or a dwelling house will be erected on each resulting lot.
- (5) Development consent must not be granted for the subdivision of land identified as “Orchard Hills North” on the Clause Application Map if—

- (a) the subdivision will result in a lot smaller than 450m², and
 - (b) the consent authority is satisfied that the lot will have a slope equal to or greater than 5.7° after the completion of earthworks.
- (6) In this clause—
large lot means a lot equal to or greater than 300m².
small lot means a lot smaller than 300m².

7.20C Prohibited development in Orchard Hills North

Development for the following purposes is prohibited on land in Zone C2 Environmental Conservation that is identified as “Orchard Hills North” on the Clause Application Map—

- (a) environmental facilities,
- (b) flood mitigation works,
- (c) oyster aquaculture,
- (d) recreation areas.

[3] Part 7 Additional local provisions

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

Development of land in the transport investigation area

- (1) Development consent must not be granted to development on land in the Transport Investigation Area unless the consent authority has obtained the concurrence of the Planning Secretary.
- (2) In deciding whether to grant concurrence, the Planning Secretary must take into account the likely effect of the development on—
 - (a) the practicability and cost of carrying out public transport projects on the land in the future, and
 - (b) the structural integrity and safety of, and the ability to operate, public transport projects on the land in the future, and
 - (c) the land acquisition costs and the costs of the construction, operation and maintenance of public transport projects on the land in the future.
- (3) In this clause—
Transport Investigation Area means the land identified as “Transport Investigation Area” on the Land Zoning Map.

[4] Schedule 1 Additional permitted uses

Omit clause 19.

[5] Schedule 1

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

Use of certain land at 58–64 Castle Road, Orchard Hills

- (1) This clause applies to Lot 6, DP 239091, 58–64 Castle Road, Orchard Hills, identified as “45” on the Additional Permitted Uses Map.
- (2) Development for the purposes of emergency services facilities is permitted with development consent.