

# Penrith Local Environmental Plan 2010

[2010-540]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

### Notes—

- **Does not include amendments by**  
Sch 1, cl 36 of this Plan (Sch 1, cl 36 repeals Sch 1, cl 36 of this Plan on 31.12.2027)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 20 May 2024

# Penrith Local Environmental Plan 2010



New South Wales

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# Penrith Local Environmental Plan 2010



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Penrith Local Environmental Plan 2010*.

### 1.1AA Commencement

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

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Penrith in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
  - (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.

### **1.3 Land to which Plan applies**

(1) This Plan applies to the land identified on the [Land Application Map](#).

(1A) Despite subclause (1), this Plan does not apply to the land identified on the [Land Application Map](#) as “Deferred matter”.

### **1.4 Definitions**

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

### **1.5 Notes**

Notes in this Plan are provided for guidance and do not form part of this Plan.

### **1.6 Consent authority**

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

### **1.7 Maps**

(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—

(a) approved by the local plan-making authority when the map is adopted, and

(b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made.

(1AA) (Repealed)

(2) Any 2 or more named maps may be combined into a single map. In that case, a

reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.

- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note—**

The maps adopted by this Plan are to be made available on the NSW Planning Portal. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Environment.

### **1.8 Repeal of planning instruments applying to land**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

**Note—**

The following local environmental plans are repealed under this provision—

*Interim Development Order No 2—City of Penrith*  
*Interim Development Order No 9—City of Penrith*  
*Interim Development Order No 11—City of Penrith*  
*Interim Development Order No 17—City of Penrith*  
*Interim Development Order No 21—City of Penrith*  
*Interim Development Order No 22—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 32—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 56—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 69—City of Penrith*  
*Interim Development Order No 71—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 87—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 1994 (Erskine Park Employment Area)*

*Penrith Local Environmental Plan 1996—Classification of Public Land*

*Penrith Local Environmental Plan 1996 (Industrial Land)*

*Penrith Local Environmental Plan 1997 (Penrith City Centre)*

*Penrith Local Environmental Plan 1998 (Lakes Environs)*

*Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia)*

*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*

- (1A) *Sydney Regional Environmental Plan No 13—Mulgoa Valley* is repealed.
- (1B) *Sydney Regional Environmental Plan No 25—Orchard Hills* is repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

### **1.8A Savings provisions relating to development applications**

- (1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

**Note—**

However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal

environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

- (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.

### **1.9 Application of SEPPs**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

#### **1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.

- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Plan are as follows—

#### **Rural Zones**

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU5 Village

#### **Residential Zones**

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

#### **Employment Zones**

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial

#### **Mixed Use Zones**

- MU1 Mixed Use

#### **Special Purpose Zones**

- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- SP4 Enterprise

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Conservation Zones**

C1 National Parks and Nature Reserves

C2 Environmental Conservation

C3 Environmental Management

C4 Environmental Living

**Waterway Zones**

W1 Natural Waterways

W2 Recreational Waterways

**2.2 Zoning of land to which Plan applies**

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

**2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

**Notes—**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

**2.4 Unzoned land**

- (1) Development may be carried out on unzoned land only with development consent.
- (2) In deciding whether to grant development consent, the consent authority—
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

**2.5 Additional permitted uses for particular land**

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

**2.6 Subdivision—consent requirements**

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

**Notes—**

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
  - 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.
- (2) Development consent must not be granted for the subdivision of land on which a

secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

**Note—**

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## **2.7 Demolition requires development consent**

The demolition of a building or work may be carried out only with development consent.

**Note—**

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), as exempt development, the Act enables it to be carried out without development consent.

## **2.8 Temporary use of land**

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office

mentioned in subclause (4).

## 2.9 Canal estate development prohibited

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
  - (a) a constructed canal, or other waterway or waterbody, that—
    - (i) is inundated by surface water or groundwater movement, or
    - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and
  - (b) the erection of a dwelling, and
  - (c) one or both of the following—
    - (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,
    - (ii) excavation to create a waterway.
- (3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—
  - (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
  - (b) limited to the minimum reasonable size and capacity.
- (4) In this clause—

**flood planning area** has the same meaning as in clause 5.21.

## Land Use Table

### Note—

State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

[State Environmental Planning Policy \(Housing\) 2021](#)

[State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports,

railways, roads, waste management and water supply systems

*State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 2

*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 3

*State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3

*State Environmental Planning Policy (Primary Production) 2021*, Chapter 2

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To protect and enhance the existing agricultural landscape character of the land.
- To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.
- To preserve and improve natural resources through appropriate land management practices.

### **2 Permitted without consent**

Extensive agriculture; Home occupations; Intensive plant agriculture

### **3 Permitted with consent**

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Home-based child care; Home businesses; Home industries; Information and education facilities;

Intensive livestock agriculture; Open cut mining; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Stock and sale yards

#### **4 Prohibited**

Any other development not specified in item 2 or 3

### **Zone RU2 Rural Landscape**

#### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To preserve and improve natural resources through appropriate land management practices.
- To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.

#### **2 Permitted without consent**

Extensive agriculture; Home occupations

#### **3 Permitted with consent**

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals

#### **4 Prohibited**

Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

### **Zone RU4 Primary Production Small Lots**

#### **1 Objectives of zone**

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.
- To maintain the rural landscape character of the land.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

#### **2 Permitted without consent**

Extensive agriculture; Home occupations

#### **3 Permitted with consent**

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Information and education facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals

#### **4 Prohibited**

Dairies (restricted); Feedlots; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

### **Zone RU5 Village**

#### **1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To provide limited housing development opportunities for existing and new residents, including an ageing population, where this is consistent with the other objectives of this zone.
- To ensure development is compatible with the role and character of the village, available infrastructure, services and facilities and with the environmental capabilities of the land.

#### **2 Permitted without consent**

Home occupations

#### **3 Permitted with consent**

Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Funeral homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Kiosks; Markets; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Schools; Secondary dwellings; Seniors housing; Sewage treatment plants; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation

#### **4 Prohibited**

Serviced apartments; Any other development not specified in item 2 or 3

### **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; Centre-based child care facilities; 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; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential accommodation; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture

## **4 Prohibited**

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

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.
- To enhance the essential character and identity of established residential areas.
- To ensure a high level of residential amenity is achieved and maintained.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential care facilities; Respite day care centres; Roads; Secondary dwellings; Shop top housing; Tank-based aquaculture

## **4 Prohibited**

Any development not specified in item 2 or 3

## **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; Centre-based child care facilities; 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; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture

## **4 Prohibited**

Any other 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; Centre-based child care facilities; 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; Oyster aquaculture; 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

### **Zone R5 Large Lot Residential**

#### **1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure development is of a scale and nature that is compatible with the environmental capabilities of the land.

#### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Home-based child care; Home businesses; Home industries; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential care facilities; Respite day care centres; Roads; Schools; Secondary dwellings; Sewage treatment plants; Tank-based aquaculture; Tourist and visitor accommodation

### **4 Prohibited**

Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

## **Zone E1 Local Centre**

### **1 Objectives of zone**

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- 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 promote development that is of a size and scale that is appropriate to meet local needs and does not adversely affect the amenity or character of the surrounding residential neighbourhood.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Home businesses; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone E2 Commercial Centre**

#### **1 Objectives of zone**

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

#### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Sex services premises; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals

### **4 Prohibited**

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

## **Zone E3 Productivity Support**

### **1 Objectives of zone**

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To maintain the hierarchy and economic strength of commercial centres in

Penrith by limiting the size and scale of office and business premises development.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Animal boarding or training establishments; Boat building and repair facilities; Business premises; Car parks; Centre-based child care facilities; Community facilities; Depots; Environmental protection works; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Roads; Rural supplies; Service stations; Signage; Small bars; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone E4 General Industrial**

#### **1 Objectives of zone**

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Recreation areas; Roads; Rural industries; Signage; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres

## **4 Prohibited**

Hazardous industries; Offensive industries; Any other development not specified in item 2 or 3

### **Zone MU1 Mixed Use**

#### **1 Objectives of zone**

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To allow for residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Home businesses; Home-based child care; Information and education facilities; Light industries; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Roads; Sex services premises; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals

## **4 Prohibited**

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

### **Zone SP1 Special Activities**

#### **1 Objectives of zone**

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Aquaculture; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP2 Infrastructure**

#### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose; Aquaculture; Environmental protection works; Flood mitigation works; Roads

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP3 Tourist**

#### **1 Objectives of zone**

- To provide for a variety of tourist-oriented development and related uses.
- To provide for diverse tourist and visitor accommodation and activities that are compatible with the promotion of tourism in Penrith.
- To create an appropriate scale that maintains important views to and from the Nepean River as well as to the Blue Mountains escarpment, while also improving important connections to the Penrith City Centre and the Nepean River.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Aquaculture; Amusement centres; Boat launching ramps; Boat sheds; Car

parks; Charter and tourism boating facilities; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Helipads; Health services facilities; Information and education facilities; Jetties; Kiosks; Markets; Neighbourhood shops; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Signage; Tourist and visitor accommodation; Water recreation structures

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP4 Enterprise**

#### **1 Objectives of zone**

- To provide for development and land uses that support enterprise and productivity.
- 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 in 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**

Building identification signs; Business identification signs; Business premises; Car parks; Centre based child care facilities; Community facilities; Educational establishments; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Health services facilities; Hotel or motel accommodation; Industrial

retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Light industries; Local distribution premises; Markets; Neighbourhood shops; Office premises; Passenger transport facilities; Recreation areas; Respite day care centres; Roads; Signage; Take away food and drink premises; Warehouse or distribution centres

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE1 Public Recreation**

#### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- 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.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Information and education facilities; Jetties; Kiosks; Markets; Moorings; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structures; Water storage facilities

#### **4 Prohibited**

Any other development not specified in item 2 or 3

## **Zone RE2 Private Recreation**

### **1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Aquaculture; Building identification signs; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Function centres; Hotel or motel accommodation; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone C1 National Parks and Nature Reserves**

### **1 Objectives of zone**

- To enable the management and appropriate use of land that is reserved under the [National Parks and Wildlife Act 1974](#) or that is acquired under Part 11 of that Act.
- To enable uses authorised under the [National Parks and Wildlife Act 1974](#).
- To identify land that is to be reserved under the [National Parks and Wildlife Act 1974](#) and to protect the environmental significance of that land.

### **2 Permitted without consent**

Uses authorised under the [National Parks and Wildlife Act 1974](#)

### **3 Permitted with consent**

Nil

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone C2 Environmental Conservation**

#### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.
- To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Environmental facilities; Environmental protection works; Flood mitigation works; Oyster aquaculture; Recreation areas; Roads

#### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone C3 Environmental Management**

#### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse

effect on those values.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.
- To preserve and improve natural resources through appropriate land management practices.

## **2 Permitted without consent**

Extensive agriculture; Home occupations

## **3 Permitted with consent**

Animal boarding or training establishments; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Funeral homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals

## **4 Prohibited**

Aquaculture; Hotel or motel accommodation; Industries; Intensive livestock agriculture; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Serviced apartments; Turf farming; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Zone C4 Environmental Living**

### **1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Home-based child care; Home businesses; Home industries; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Schools; Secondary dwellings; Tank-based aquaculture

## **4 Prohibited**

Industries; Local distribution premises; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone W1 Natural Waterways**

#### **1 Objectives of zone**

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Aquaculture; Environmental facilities; Environmental protection works; Flood

mitigation works

#### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone W2 Recreational Waterways**

#### **1 Objectives of zone**

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Aquaculture; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Jetties; Kiosks; Marinas; Mooring pens; Recreation areas; Recreation facilities (outdoor); Water recreation structures

#### **4 Prohibited**

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Part 3 Exempt and complying development**

### **3.1 Exempt development**

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is

exempt development.

- (3) To be exempt development, the development—
  - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2-9 is exempt development only if—
  - (a) the building has a current fire safety certificate or fire safety statement, or
  - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) To be exempt development, the development must—
  - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
  - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

**Note—**

See *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 and the *Local Land Services Act 2013*, Part 5A.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

### **3.2 Complying development**

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—
  - (a) the development standards specified in relation to that development, and
  - (b) the requirements of this Part,

is complying development.

**Note—**

See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must—
- (a) be permissible, with development consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### **3.3 Environmentally sensitive areas excluded**

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

- (2) For the purposes of this clause—

***environmentally sensitive area for exempt or complying development*** means any of the following—

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of

- high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
  - (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
  - (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*,
  - (ja) land in Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone W1 Natural Waterways or Zone W2 Recreational Waterways,
  - (jb) land shown as “Natural Resources sensitive land” on the *Natural Resources Sensitivity Land Map*,
  - (jc) land that is, or adjoins, the Hawkesbury-Nepean River,
  - (jd) land that is part of or adjoins—
    - (i) a Riverine Scenic Area under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6, or
    - (ii) a Hawkesbury-Nepean conservation area sub-catchment under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6.

## **Part 4 Principal development standards**

### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that lot sizes are compatible with the environmental capabilities of the land being subdivided,
  - (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
  - (c) to ensure that lot sizes and dimensions allow developments to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views,
  - (d) to regulate the density of development and ensure that there is not an unreasonable increase in the demand for public services or public facilities,

(e) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

(2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(3A) In calculating the size of a battle-axe lot, the area of the access laneway must not be included.

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or

(b) by any kind of subdivision under the [Community Land Development Act 2021](#).

(4A)–(4C) (Repealed)

#### **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	1200 square metres
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.

#### **4.1AA Minimum subdivision lot size for community title schemes**

- (1) The objectives of this clause are as follows—
- (a) to ensure that subdivisions under community title schemes maintain minimum lot sizes,
  - (b) to ensure that lot sizes are compatible with the environmental capabilities of the land, and the character and density of development in the area,
  - (c) 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 a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 2021* of land in any of 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 C2 Environmental Conservation,
  - (g) Zone C3 Environmental Management,
  - (h) Zone C4 Environmental Living,

but does not apply to a subdivision by the registration of a strata plan.

- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 2021*) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause applies despite clause 4.1.

**4.1AB Minimum subdivision lot size for strata plan schemes in certain rural, residential and conservation 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 C2 Environmental Conservation,
  - (g) Zone C3 Environmental Management,
  - (h) Zone C4 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.

**4.1B Minimum subdivision lot size for land in Zones R2 and R3**

- (1) Development consent must not be granted for the subdivision of land in Zone R2 Low Density Residential unless each resulting lot will have—
  - (a) for a battle-axe lot—a width of at least 15m and an area of at least 650m<sup>2</sup>, or
  - (b) otherwise—a width of at least 15m.
- (2) Development consent must not be granted for the subdivision of land in Zone R3 Medium Density Residential unless each resulting lot will have—
  - (a) for a battle-axe lot—a width of at least 15m and an area of at least 450m<sup>2</sup>, or
  - (b) otherwise—a width of at least 12m.
- (3) In calculating the size of a battle-axe lot, the area of the access laneway must not be included.
- (4) This clause does not apply—
  - (a) to land identified as “Glenmore Park Stage 3” on the [Clause Application Map](#), or
  - (b) to a subdivision—
    - (i) by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*, or
    - (ii) under the *Community Land Development Act 2021*.

**4.2 Rural subdivision**

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (baa) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots,

(d) Zone RU6 Transition.

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note—**

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

**4.2A Residential development and subdivision prohibited in certain rural, residential and conservation 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 C3 Environmental Management,
  - (g) Zone C4 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.

**4.3 Height of buildings**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,
  - (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.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

#### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows—
- (a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
  - (b) to minimise the adverse impact of development on heritage conservation areas and heritage items,
  - (c) to regulate density of development and generation of vehicular and pedestrian traffic,
  - (d) to provide sufficient floor space for high quality development.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

#### 4.5 Calculation of floor space ratio and site area

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to define **floor space ratio**,
  - (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
    - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
    - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
    - (iii) require community land and public places to be dealt with separately.
- (2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

- (3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—
- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
  - (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)-(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

- (4) **Exclusions from site area** The following land must be excluded from the site area—
- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
  - (b) community land or a public place (except as provided by subclause (7)).
- (5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.
- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted

lot.

(10) **Covenants affect consolidated sites** If—

- (a) a covenant of the kind referred to in subclause (9) applies to any land (***affected land***), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, ***public place*** has the same meaning as it has in the [Local Government Act 1993](#).

#### **4.6 Exceptions to development standards**

(1) The objectives of this clause are as follows—

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

**Note—**

The [Environmental Planning and Assessment Regulation 2021](#) requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under

subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note—**

When this Plan was made it did not include Zone RU3 Forestry or Zone RU6 Transition.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,

(c) clause 5.4,

(caa) clause 5.5,

(ca) clause 6.2, 7.7, 7.16A(3) or (4), 7.17, 7.21, 8.4(5), Part 9 or Schedule 1, clause 42(2)(a) or (b).

## **Part 5 Miscellaneous provisions**

### **5.1 Relevant acquisition authority**

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (**the owner-initiated acquisition provisions**).

**Note—**

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone SP2 Infrastructure and marked "Educational establishment"	Department of Education
Zone SP2 Infrastructure and marked "Local road"	Council
Zone C1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone C2 Environmental Conservation and marked "Local open space"	Council
Zone C2 Environmental Conservation and marked "Regional open space"	The corporation constituted under section 8 of the Act

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

## **5.2 Classification and reclassification of public land**

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

### **Note—**

Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*.

Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### **5.3 Development near zone boundaries**

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is—
  - (a) for land identified as “Orchard Hills North” on the *Clause Application Map*—50m, and

(b) otherwise—20m.

(3) This clause does not apply to—

(a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or

(b) land within the coastal zone, or

(c) land proposed to be developed for the purpose of sex services or restricted premises, or

(ca) land in Zone MU1 Mixed Use.

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Plan.

#### **5.4 Controls relating to miscellaneous permissible uses**

(1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is

permitted under this Plan, the retail floor area must not exceed—

(a) 25% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or

(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms in buildings.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 200 square metres.

(7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

(a) 60 square metres,

(b) 10% of the total floor area of the principal dwelling.

(10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—

(a) 25% of the gross floor area of the industry, or

(b) 400 square metres,

whichever is the lesser.

### **5.5 Controls relating to secondary dwellings on land in a rural zone**

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
  - (i) 60 square metres,
  - (ii) 10% of the total floor area of the principal dwelling, and
- (b) [Not adopted]

### **5.6 Architectural roof features**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that architectural roof features to which this clause applies are decorative elements only,
  - (b) to ensure that the majority of the roof features are contained within the prescribed building heights.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that—
  - (a) the architectural roof feature—
    - (i) comprises a decorative element on the uppermost portion of a building, and
    - (ii) is not an advertising structure, and
    - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
    - (iv) will cause minimal overshadowing, and
  - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

### **5.7 Development below mean high water mark**

[Not applicable]

## 5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of—
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause—

**private service provider** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

## 5.9 Dwelling house or secondary dwelling affected by natural disaster

[Not adopted]

## 5.9AA (Repealed)

## 5.10 Heritage conservation

### Note—

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) **Objectives** The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Penrith,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this clause is not

required if—

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
  - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
  - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development—
  - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### **5.11 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note—**

The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

### **5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### **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.

**5.14 Siding Spring Observatory—maintaining dark sky**

[Not adopted]

**5.15 Defence communications facility**

[Not adopted]

**5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**

[Not applicable]

**5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations**

[Not applicable]

**5.18 Intensive livestock agriculture**

(1) The objectives of this clause are—

- (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
- (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.

(2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.

(3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—

- (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
- (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
- (c) the potential for the pollution of surface water and ground water,
- (d) the potential for the degradation of soils,
- (e) the measures proposed to mitigate any potential adverse impacts,

- (f) the suitability of the site in the circumstances,
  - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
  - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—
- (a) the development is of a type specified in subclause (5), and
  - (b) the consent authority is satisfied that the development will not be located—
    - (i) in an environmentally sensitive area, or
    - (ii) within 100 metres of a natural watercourse, or
    - (iii) in a drinking water catchment, or
    - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
    - (v) for a poultry farm used for breeding poultry—within 5km of another poultry farm, or
    - (vi) for a poultry farm not used for breeding poultry—
      - (A) within 5km of a poultry farm used for breeding poultry, or
      - (B) within 1km of a poultry farm not used for breeding poultry, or
    - (vii) for a pig farm—within 3km of another pig farm.
- (5) The following types of development are specified for the purposes of subclause (4)—
- (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,
  - (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
  - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,
  - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),

- (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
  - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.
- (7) In this clause—

**environmentally sensitive area** has the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**residential zone** means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E3 Productivity Support, Zone MU1 Mixed Use, Zone C3 Environmental Management or Zone C4 Environmental Living.

#### **5.19 Pond-based, tank-based and oyster aquaculture**

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
  - (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.
- (2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—
- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
  - (b) in the case of—
    - (i) pond-based aquaculture in Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use—that the development is for the purpose of small scale

aquarium fish production, and

- (ii) pond-based aquaculture in Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
  - (iii) tank-based aquaculture 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, Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
  - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones**  
Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
- (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
  - (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application**  
In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—
- (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
  - (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.
- (6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas**  
Development for the purpose of oyster aquaculture may be carried out without development consent—
- (a) on land that is wholly within a priority oyster aquaculture area, or
  - (b) on land that is partly within and partly outside a priority oyster aquaculture area,

but only if the land outside the area is no more than 0.1 hectare in area.

(7) **Definitions** In this clause—

**aquaculture industry development plan** means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

**extensive aquaculture** has the same meaning as in the *Fisheries Management (Aquaculture) Regulation 2017*.

**NSW Oyster Industry Sustainable Aquaculture Strategy** means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

**priority oyster aquaculture area** means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

#### **5.20 Standards that cannot be used to refuse consent—playing and performing music**

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
- (a) the playing or performance of music, including the following—
    - (i) the genre of music played or performed, or
    - (ii) whether the music played or performed is live or amplified, or
    - (iii) whether the music played or performed is original music, or
    - (iv) the number of musicians or live entertainment acts playing or performing, or
    - (v) the type of instruments played,
  - (b) whether dancing occurs,
  - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
  - (d) the direction in which a stage for players or performers faces,
  - (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.

(3) In this clause—

**licensed premises** has the same meaning as in the *Liquor Act 2007*.

### 5.21 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 land,
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
- (b) the intended design and scale of buildings resulting from the development,
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

(5) In this clause—

**Considering Flooding in Land Use Planning Guideline** means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

**flood planning area** has the same meaning as it has in the Flood Risk Management Manual.

**Flood Risk Management Manual** means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

## 5.22 Special flood considerations

[Not adopted]

## 5.23 Public bushland

(1) The objective of this clause is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas, by—

(a) preserving biodiversity, habitat corridors and links between public bushland and other nearby bushland, and

(b) preserving bushland as a natural stabiliser of the soil surface, and

(c) preserving existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, and

(d) preserving the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of bushland, and

(e) mitigating disturbance caused by development.

(2) Development that will disturb, or is reasonably likely to disturb, public bushland is permitted with development consent.

(3) Development consent must not be granted to development that will disturb, or is reasonably likely to disturb, public bushland unless the consent authority is satisfied of the following—

(a) the disturbance of the bushland is essential for a purpose in the public interest,

- (b) there is no reasonable alternative to the disturbance,
  - (c) the development minimises the amount of bushland to be disturbed,
  - (d) the development includes measures to remediate the disturbed bushland.
- (4) Despite subclause (2), development that will disturb, or is reasonably likely to disturb, public bushland is permitted without development consent if the development is for the following purposes—
- (a) the construction, operation or maintenance of pipelines to carry water, sewerage or gas or pipelines licensed under the *Pipelines Act 1967*,
  - (b) the construction, operation or maintenance of electricity or telecommunication lines,
  - (c) bush fire hazard reduction,
  - (d) the construction or maintenance of classified roads,
  - (e) facilitating the recreational use of the public bushland.
- (5) Development specified in subclause (4)(e) is permitted without development consent only if it is carried out in accordance with a plan of management for the public bushland, adopted by the Council in the same way a plan of management is required to be adopted for community land under the *Local Government Act 1993*, Chapter 6, Part 2, Division 2, that includes measures for the following—
- (a) the recreational use of the land,
  - (b) bush fire hazard reduction,
  - (c) the prevention of degradation, including the alteration of drainage patterns, rubbish dumping, vehicle intrusion and infestation with weeds or non-native plants,
  - (d) the remediation of degraded public bushland.
- (6) This clause does not require development consent for clearing of native vegetation if the clearing is of a kind that is authorised under the *Local Land Services Act 2013*, section 600.
- (7) In deciding whether to grant development consent to development on land adjoining public bushland, the consent authority must consider the following—
- (a) the need to retain public bushland adjoining the site of the development,
  - (b) the likely effect of the development on public bushland, including the following—
    - (i) the erosion of soil,

- (ii) the siltation of streams and waterways,
- (iii) the spread of weeds and non-native plants within public bushland,
- (c) other matters the consent authority considers relevant to the protection and preservation of public bushland.

(8) This clause does not apply to the following land that is public bushland—

- (a) land in Zone RU1, RU2, RU3, RU4 or RU5,
- (b) land reserved, dedicated or acquired under the *National Parks and Wildlife Act 1974*,
- (c) land within a State forest, flora reserve or timber reserve within the meaning of the *Forestry Act 2012*,
- (d) land to which *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 7 applies.

(9) In this clause—

**disturb** public bushland means—

- (a) remove vegetation from public bushland, or
- (b) cause a change in the natural ecology of public bushland that results in the destruction or degradation of the public bushland.

**non-native plant** means a plant that is not native vegetation.

**public bushland** means land—

- (a) on which there is vegetation that is—
  - (i) a remainder of the natural vegetation of the land, or
  - (ii) representative of the structure and floristics of the natural vegetation of the land, and
- (b) that is owned, managed or reserved for open space or environmental conservation by the Council or a public authority.

#### **5.24 Farm stay accommodation**

[Not adopted]

#### **5.25 Farm gate premises**

[Not adopted]

## **Part 6 Urban release areas**

### **6.1 (Repealed)**

### **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.

### **6.3A Concurrence of Planning Secretary**

- (1) Development consent must not be granted to development on land identified as “Glenmore Park Stage 3” or “Orchard Hills North” on the [Clause Application Map](#) unless the consent authority has obtained the concurrence of the Planning Secretary.
- (1A) Subclause (1) does not apply if the consent authority is satisfied a contributions plan or planning agreement applies to the land.
- (2) In deciding whether to grant concurrence, the Planning Secretary must consider the following—
  - (a) the impact of the development on the relevant planning matters,
  - (b) the steps taken to address the impacts, including whether a planning agreement will be entered into to improve or contribute to the relevant planning matters.

(3) In this clause—

**contributions plan** has the same meaning as in the Act, Division 7.1.

**planning agreement** has the same meaning as in the Act, Division 7.1.

**relevant planning matters** means the following—

- (a) transport and traffic management,

- (b) water cycle management,
- (c) land used for public open space or recreational purposes.

#### **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.

#### **6.5-6.19 (Repealed)**

### **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—**

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

**7.2 (Repealed)**

**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 E1 Local Centre, Zone E2 Commercial Centre and Zone MU1 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 (Repealed)**

### **7.10 Dual occupancies and secondary dwellings in certain rural and conservation 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 C3 Environmental Management,
  - (e) Zone C4 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.

<b>Column 1</b>	<b>Column 2</b>
<b>Land</b>	<b>Maximum GFA</b>
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 certain land at Western Sydney University, Great Western Highway, being Lot 100, DP 1194481	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 and 35 and 41 Kareela Avenue, Penrith, being Lots 1-3, DP 530855	3,000 square metres
2 Birmingham Road, South Penrith, being Lot 12, DP 1120280	6,150 square metres
Lot 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) centre-based child care facilities,
    - (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 C2 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 C2 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 344 dwellings.
- (4) (Repealed)
- (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 E1 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.

### 7.16A Glenmore Park Stage 3

- (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 Mulgoa Nature Reserve,
  - (b) to restrict the maximum dwelling yield for certain land.
- (2) This clause applies to land identified as “Glenmore Park Stage 3” on the [Clause Application Map](#).
- (3) Development on land specified in the table to this subclause must not result in more dwellings on the land than the maximum number of dwellings specified opposite.

Land identified on <a href="#">Lot Size Map</a>	Zone	Maximum number of dwellings
Area 6	Zone R2	463
Area 6	Zone R3	172
Area 7	Zone R2	177
Area 8	Zone R2	294
Area 9	Zone R2	50
Area 9	Zone R3	27
Area 10	Zone R2	122
Area 10	Zone R3	52
Area 11	Zone R2	477
Area 11	Zone R3	261
Area 12	Zone R2	58

- (4) Development consent must not be granted to development for the purposes of a dual occupancy on a lot in Zone C4 Environmental Living unless the area of the lot is at least 8,000m<sup>2</sup>.
- (5) Development consent must not be granted for the subdivision of land in Zone R3 Medium Density Residential unless a single development application proposes both of the following—
  - (a) the subdivision of the land,
  - (b) the erection on each resulting lot of—
    - (i) an attached dwelling, or

- (ii) a dwelling house, or
  - (iii) multi dwelling housing in accordance with subclause (7).
- (6) The maximum height of a building on land identified as “Area 4” on the [Height of Buildings Map](#) is 12.5m if—
- (a) the building is a dwelling house or dual occupancy, and
  - (b) the land has a slope of more than 1 in 8.
- (7) Development consent must not be granted to development for the purposes of multi dwelling housing on a corner lot on land in Zone R3 Medium Density Residential and identified as “Area 11” on the [Lot Size Map](#) unless—
- (a) the lot has an area of at least 360m<sup>2</sup>, and
  - (b) the development involves the erection of no more than 3 dwellings on the lot, and
  - (c) 1 of the dwellings is located above a garage that fronts a rear lane.

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

<b>Zone</b>	<b>Minimum standards</b>
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
	Minimum lot size (detached dwellings)—750 square metres
Land in Zone R5 Large Lot Residential in Mulgoa Wallacia Villages	Minimum width (detached dwellings)—15 metres
	Minimum lot size—4000 square metres
Land in Zone C4 Environmental Living in Mulgoa Wallacia Villages	Minimum width—30 metres
	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—

<b>Zone</b>	<b>Minimum area and dimensions</b>
Land in Zone RU5 Village in Mulgoa Wallacia Villages (identified as “Area 1” on the <a href="#">Lot Size Map</a> )	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 Minimum width—18 metres Minimum depth—30 metres Maximum density—1 lot per 2000 square metres
Land in Zone RU5 Village in Mulgoa Wallacia Villages (identified as “Area 2” on the <a href="#">Lot Size Map</a> )	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 Minimum width—18 metres Minimum depth—30 metres
Land in Zone R5 Large Lot Residential in Mulgoa Wallacia Villages	Minimum lot size—4000 square metres Minimum width—30 metres Minimum depth—75 metres
Land in Zone C4 Environmental Living in Mulgoa Wallacia Villages	Minimum lot size—1 hectare Minimum width—30 metres Minimum depth—75 metres

## 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.

#### **7.20A 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 <a href="#">Lot Size Map</a>	356	78
"Precinct 2" on the <a href="#">Lot Size Map</a>	185	72
"Precinct 3" on the <a href="#">Lot Size Map</a>	284	0
"Precinct 4" on the <a href="#">Lot Size Map</a>	411	27
"Precinct 5" on the <a href="#">Lot Size Map</a>	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 450m<sup>2</sup>, 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 300m<sup>2</sup>.

**small lot** means a lot smaller than 300m<sup>2</sup>.

### 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.

### **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 E4 General 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 E4 General 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 centre-based child care facilities), 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.

#### **7.24 Minimum number of lots at 221-325 Luddenham Road, Orchard Hills**

(1) This clause applies to land at 221-325 Luddenham Road, Orchard Hills, identified as “Area 5” and “Area 6” on the [Lot Size Map](#).

(2) Development consent must not be granted for the subdivision of the land to which this clause applies unless the consent authority is satisfied that—

(a) at least 40 lots will be created in “Area 5” on the [Lot Size Map](#), and

(b) at least 60 lots will be created in “Area 6” on the [Lot Size Map](#).

#### **7.25 Warehouses and distribution centres on land zoned SP4 Enterprise**

(1) The objective of this clause is to promote business activity within Zone SP4 Enterprise that provides for a range of higher order job opportunities in health, cultural and high technology industries.

(2) This clause applies to land identified as SP4 Enterprise within the Penrith Health and Education Precinct on the [Clause Application Map](#).

(3) Development consent must not be granted to development on land to which this clause applies for the purpose of a warehouse or distribution centre unless the warehouse or distribution centre—

(a) is ancillary to a health, cultural or technology industry, and

(b) occupies no more than 50% of the gross floor area of the development.

#### **7.26 Serviced apartments**

Development consent must not be granted for the strata subdivision of a building that is

or has been used for serviced apartments unless the consent authority has considered the following in relation to the development—

- (a) the design principles for residential apartment development within the meaning of [State Environmental Planning Policy \(Housing\) 2021](#),
- (b) the Apartment Design Guide within the meaning of that policy.

#### **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.

#### **7.28 Development on certain land in Londonderry**

- (1) This clause applies to land identified as “Hawkesbury Reclassification” on the [Clause Application Map](#).
- (2) This clause applies to the following development for the purposes of a specified land use—

- (a) the erection of a new building,
  - (b) a change of use of an existing building,
  - (c) development that will increase the gross floor area of an existing building.
- (3) Development consent must not be granted for development unless the consent authority is satisfied that the waste management facility to the north of the land has permanently ceased to operate.

(4) In this clause—

***specified land use*** means any of the following land uses—

- (a) dual occupancies,
- (b) dwelling houses,
- (c) home-based child care,
- (d) home businesses,
- (e) home industries,
- (f) schools,
- (g) secondary dwellings,
- (h) tourist and visitor accommodation.

#### **7.29 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 a competitive design process 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) (Repealed)

### **7.30 Urban heat**

- (1) The objectives of this clause are to—
  - (a) ensure development incorporates planning and design measures to reduce the urban heat island effect in Penrith, and
  - (b) ensure buildings and outdoor spaces are thermally comfortable for people living and working in Penrith, particularly during summer, and

(c) promote the cooling benefits of green infrastructure and water in the landscape.

(2) This clause applies to land in the following zones—

(a) Zone RU5 Village,

(b) a residential zone,

(c) an employment zone,

(d) a mixed use zone,

(e) a special purpose zone,

(f) a recreation zone,

(g) Zone C4 Environmental Living.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that planning and design measures are incorporated to reduce the urban heat island effect that—

(a) maximise green infrastructure, and

(b) retain water in the landscape, and

(c) use design measures to ensure the thermal performance of the development achieves a high degree of passive cooling, and

(d) use building, paving and other materials that minimise heat impacts, and

(e) reduce reliance on mechanical ventilation and cooling systems, to conserve energy and to minimise heat sources.

(4) In this clause—

**green infrastructure** means the network of green spaces, natural systems and semi-natural systems including waterways, bushland, tree canopy, green ground cover, parks and open spaces, that—

(a) supports sustainable communities, and

(b) is strategically designed and managed to support a good quality of life in an urban environment.

**urban heat island effect** is a result of conditions that contribute to higher temperatures in urban areas, including—

(a) use of roads, car parks, pavements, roofs, walls and other hard and dark surfaces, and

- (b) activities that generate heat, including waste air from mechanical cooling systems, and
- (c) reduction in green infrastructure.

### 7.31 Affordable housing contributions

- (1) This clause applies to development for the purposes of residential accommodation on land identified as “Affordable Rental Housing Contribution Area” on the [Affordable Rental Housing Contribution Scheme Map](#).
- (2) When granting development consent to development to which this clause applies, the consent authority may impose a condition requiring an affordable housing contribution (a **contribution**).
- (3) A condition imposed under this clause must require a person to satisfy the contribution by a monetary contribution paid to the Council.
- (4) The contribution must be calculated in accordance with the *Glenmore Park and Orchard Hills North Affordable Rental Housing Contributions Scheme* adopted by the Council on 20 March 2023.
- (5) To avoid doubt, the demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of a contribution.
- (6) In this clause—

**Affordable Rental Housing Contribution Scheme Map** means the [Penrith Local Environmental Plan 2010 Affordable Rental Housing Contribution Scheme Map](#).

### 7.32 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](#).

## **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 public open space from overshadowing.
- (2) (Repealed)
- (3) Despite clauses 4.3, 5.6 and 8.4, development consent may not be granted to development on land to which this Part applies if the development would result in overshadowing of public open space 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 E2 Commercial Centre or Zone MU1 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) (Repealed)
  - (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 a competitive design process 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 an estimated development cost 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 a competitive design process.
- (4) Subclause (3) does not apply if—

- (a) the consent authority certifies in writing that a competitive design process is not required, and
  - (b) a design review panel reviews the development, and
  - (c) the consent authority takes into account the advice of the design review panel.
- (5) Development consent may not be granted for the erection or alteration of a building to which this clause applies that has either or both of the following unless the design of the building or alteration is the result of a competitive design process—
- (a) a height of up to 10% greater than that allowed by clause 4.3,
  - (b) a floor space ratio of up to 10% greater than that allowed by clause 4.4.
- (6) (Repealed)
- (7) In this clause—

***design review panel*** means a panel of at least 3 persons established by the consent authority.

***estimated development cost*** has the same meaning as in the [Environmental Planning and Assessment Regulation 2021](#).

### **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 (Repealed)**

### **8.7 Community infrastructure on certain key sites**

- (1) The objectives of this clause are—
- (a) to allow higher density development on certain land in the City Centre where the development includes community infrastructure, and
  - (b) to ensure that the greater densities reflect the desired character of the localities in which they are allowed and minimise adverse impacts on those localities.
- (2) This clause applies to land identified as a key site on the [Key Sites Map](#).
- (3) Despite clauses 4.3, 4.4 and 8.4 (5), the consent authority may consent to

development on land to which this clause applies (including the erection of a new building or external alteration to an existing building) that exceeds the maximum height shown for the land on the [Height of Buildings Map](#) or the floor space ratio for the land shown on the [Floor Space Ratio Map](#), or both, if the proposed development includes community infrastructure.

- (4) The consent authority must not consent to the erection of a building on land to which this clause applies if the floor space ratio for the building exceeds the following floor space ratio—
  - (a) in relation to development on land identified as “Key Site 1”, “Key Site 2”, “Key Site 8” or “Key Site 9”—5.5:1,
  - (b) in relation to development on land identified as “Key Site 3” or “Key Site 10”—6:1,
  - (c) in relation to development on land identified as “Key Site 4”, “Key Site 7” or “Key Site 11”—5:1,
  - (d) in relation to development on land identified as “Key Site 5”—2:1,
  - (e) in relation to development on land identified as “Key Site 6”—2.5:1,
  - (f) in relation to development on land identified as “Key Site 12”—6:1,
  - (g) in relation to development on land identified as “Key Site 13”—6.5:1.
- (5) In deciding whether to grant development consent under this clause, the consent authority must have regard to the following—
  - (a) the objectives of this clause,
  - (b) whether the development exhibits design excellence,
  - (c) the nature and value of the community infrastructure to the City Centre.
- (6) In this clause, **community infrastructure** means development for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), recreation facilities (major), public car parks or public roads.

## 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 of retail premises on the land,
- (c) (Repealed)
- (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**

- (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 used for the purposes of retail premises will not exceed 12,500 square metres, and
  - (b) the parts of the development used for retail premises 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 for every 10 square metres of gross floor area used for other purposes.
- (2) In addition to other areas excluded by the definition of gross floor area, in this clause the gross floor area of a building does not include the following—
  - (a) space used by or for the purposes of centre management,
  - (b) toilets,
  - (c) space used for common storage,
  - (d) terraces and balconies with outer walls less than 1.5 metres high.

## **9.4**

## **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.

### **9.7 Area 5—Maximum residential density**

- (1) The objective of this clause is to limit the density of residential development for certain land to which this Part applies.
- (2) This clause applies to land identified as “Area 5” on the *Height of Buildings Map*.
- (3) Despite clause 4.4, the consent authority may consent to development on land for the purposes of residential accommodation if the consent authority is satisfied that—
  - (a) the total gross floor area of all buildings will not exceed 80,400 square metres, and
  - (b) the land to which this clause applies is not developed for more than 850 dwellings.

## **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 [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a restaurant or cafe is permitted with development consent.

### **3 (Repealed)**

### **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 1437-1473 Elizabeth Drive, Kemps Creek**

- (1) This clause applies to land at 51-55 Salisbury Avenue and 1437-1473 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 centre-based child care facilities, 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 (Repealed)**

**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 364-368 and 370-372 Carrington Road, Londonderry**

- (1) This clause applies to land at 364-368 and 370-372 Carrington Road, Londonderry, being Lots 1 and 2, DP 1179316, 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 centre-based child care facilities, kiosks, markets, neighbourhood shops, recreation facilities (indoor) and restaurants or cafes is permitted with development consent.

**15 Use of certain land at 3019-3035 The Northern Road, Luddenham**

- (1) This clause applies to land at 3019-3035 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 (Repealed)**

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

- (1) This clause applies to so much of the 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—
  - (a) identified as “16” on the [Additional Permitted Uses Map](#), and
  - (b) to which this Plan applies.
- (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 25 The Straight Road, Mulgoa**

- (1) This clause applies to land at 1216-1224 Mulgoa Road, 4-12 Allan Road and 25 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 (Repealed)**

**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 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.

## **22 Use of certain land in Zone SP3, Penrith**

- (1) This clause applies to land in Zone SP3 Tourist in Penrith that is identified as “21” on the [Additional Permitted Uses Map](#).
- (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 Lord Sheffield Circuit, Penrith**

- (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.
- (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 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.

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

- (1) This clause applies to land at 164 Station Street, Penrith, being 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 (Repealed)**

#### **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 11, DP 1192443, 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, community facilities and recreation facilities (indoor) 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 1169209 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.

**33 Use of certain land at 61-63 and 69-73 Christie Street, St Marys**

- (1) This clause applies to land at 61-63 and 69-73 Christie Street, St Marys, being Lots 4 and 3, DP 701087, respectively, that is identified as “33” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a service station is permitted with development consent.

**34 (Repealed)**

**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.

### **36 Use of land at 57 Henry St, Penrith**

(1) This clause applies to the following land at 57 Henry St, Penrith that is identified as “36” on the [Additional Permitted Uses Map](#)—

(a) Lot 1, DP 905016,

(b) Lot 1, DP 103609,

(c) Lot 1, DP 1122794,

(d) Part of Part Lot 1, DP 795083,

(e) Part of Lot A, DP 159402,

(f) Part of Lot B, DP 159402.

(2) Development for the purposes of residential flat buildings and shop top housing is permitted with development consent if the consent authority is satisfied that a floor space ratio of at least 0.75:1 will be used for non-residential purposes on the land.

(3) This clause is repealed on 31 December 2027.

### **37 Use of certain land at 144 Henry Lawson Avenue, Werrington County**

(1) This clause applies to Lot 2, DP 1218801, identified as “43” on the [Additional Permitted Uses Map](#).

(2) Development for the purposes of registered clubs is permitted with development consent.

### **38 Use of certain land at Werrington, Kingswood, Penrith, Cranebrook, Orchard Hills and Emu Plains**

(1) This clause applies to the land identified as “37”, “38”, “39”, “40”, “41” and “48” on the [Additional Permitted Uses Map](#).

(2) Development for the following purposes is permitted with development consent—

(a) amusement centres,

- (b) centre-based child care facilities,
- (c) community facilities,
- (d) crematoria,
- (e) educational establishments,
- (f) electricity generating works,
- (g) function centres,
- (h) hotel or motel accommodation,
- (i) medical centres,
- (j) recreation facilities (indoor),
- (k) resource recovery facilities,
- (l) respite day care centres,
- (m) service stations,
- (n) vehicle sales or hire premises,
- (o) veterinary hospitals,
- (p) waste or resource transfer stations.

**39 Use of certain land in Zone E3**

- (1) This clause applies to land in Zone E3, identified as “42” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of restaurants or cafes is permitted with development consent.

**40 Use of certain land at Chain-O-Ponds Road, Mulgoa**

- (1) This clause applies to land identified as “44” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of business premises used as a sales office for a land release area or housing estate is permitted with development consent.
- (3) This clause ceases to have effect on 30 June 2028.

**41 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.

#### **42 Use of land at 61-79 Henry Street, Penrith**

- (1) This clause applies to Lot 1, DP 771927, 61-79 Henry Street, Penrith, identified as “46” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of residential accommodation is permitted with development consent if—
  - (a) the residential accommodation is part of a mixed use development, and
  - (b) the floor space ratio for the buildings used for non-residential purposes is at least 2:1.
- (3) This clause does not apply to development for which a development application is made on or after 18 December 2028.

#### **43 Use of certain land at Station Street, Penrith**

- (1) This clause applies to the following land in Penrith, identified as “47” on the [Additional Permitted Uses Map](#)—
  - (a) Lot 1, DP 1147219, 143 Station Street,
  - (b) Lot 2, DP 1147219, 171-199 Station Street.
- (2) Development for the purposes of recreation facilities (major) is permitted with development consent.

## **Schedule 2 Exempt development**

(Clause 3.1)

### **Note 1—**

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

### **Note 2—**

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners’ property rights and the common law still apply.

### **Signage—bus shelter advertising (in residential, employment, mixed use and special purpose zones)**

- (1) Must not extend beyond the perimeter of the bus shelter.
- (2) A maximum of 2 advertising panels per bus shelter that may comprise an

advertisement on 2 sides.

- (3) Must not contain flashing or neon signage.
- (4) Must not obscure pedestrian paths of travel.
- (5) Must be able to increase or decrease the intensity of illumination.
- (6) Illumination must not adversely impact on the amenity of residential dwellings, serviced apartments or other tourist and visitor accommodation.
- (7) Must not be located on land that comprises a heritage item or is within a heritage conservation area.
- (8) Illumination must not adversely impact on the safety of pedestrians, cyclists or drivers of motor vehicles.

**Truck parking areas (in Zones RU1, RU2, RU4, C3 and C4)**

- (1) Must be for a maximum of 2 trucks per property.
- (2) May also be for associated plant transported by the trucks.
- (3) Must be for trucks and associated plant owned or operated by the occupier of the property.
- (4) Must not include the construction of a shed or earthworks to create the parking area.
- (5) Must be at least 5m from each property boundary.
- (6) Maximum area for parking and manoeuvring (excluding driveway)—200m<sup>2</sup> (to facilitate parking and manoeuvring in accordance with AS 2890.2—2002, *Parking facilities—Off-street commercial vehicle facilities*).
- (7) Must connect to vehicular entrance via a sealed driveway.
- (8) Must be screened from view from adjoining properties.
- (9) Must not interfere with the functioning of existing drainage fixtures or flow paths or be located to obstruct, prevent use of or reduce the effective operation of any existing facilities, services or development on the site (such as on-site effluent disposal).
- (10) Must not require the removal of any tree or native vegetation, unless that removal is undertaken in accordance with a permit or development consent.

**Schedule 3 Complying development**

(Clause 3.2)

**Note—**

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

## **Part 1 Types of development**

### **Demolition or removal of dwelling houses or ancillary development (in Zones C3 and C4)**

#### **(1) Application and general**

- (a) Must be carried out in accordance with AS 2601—2001, *The demolition of structures*.
- (b) Must be completed in accordance with the requirements of the WorkCover Authority.
- (c) Maximum height of structure to be demolished—2 storeys above ground level (existing).
- (d) Must not be a heritage item or a building in a heritage conservation area.
- (e) All services must be suitably disconnected and capped off or sealed.

#### **(2) Asbestos**

- (a) The removal of asbestos material must be carried out by a licensed asbestos removal contractor.
- (b) All asbestos laden waste must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos waste.

(3) **Dust control** Dust suppression techniques must be used to reduce any potential nuisance to surrounding properties.

(4) **Waste management** A waste management plan including details of the proposed locations for the disposal of all excavated material and waste from the site must be prepared.

(5) **Noise** Demolition works to be restricted to the hours permitted in accordance with the NSW Government's *Interim Construction Noise Guideline* published in July 2009.

### **Dwelling houses (in Zone RU5 Village)**

#### **(1) Application and general**

- (a) Must be the erection of a new dwelling house.
- (b) Minimum lot size—500m<sup>2</sup>.
- (c) Only 1 dwelling house per property.

- (d) Must not be a moveable dwelling.
- (e) Must not be on land to which clause 6.3 applies.
- (f) Must not require the removal of a tree or native vegetation.
- (g) Must not include a basement or roof terrace.

**(2) Bulk and scale**

- (a) Maximum height of floor above ground level (existing)—600mm.
- (b) Maximum height of wall above ground level (existing)—3.3m for a single storey dwelling house, or 6.5m for a two storey dwelling house.
- (c) Maximum overall height at any point above ground level (existing)—8m for a single storey dwelling house, or 9m for a two storey dwelling house.
- (d) Roof pitch must be between 17 and 30 degrees (excluding skillions for attached verandahs etc).
- (e) If a two storey dwelling house—
  - (i) maximum wall length between corners, articulations, verandahs or awnings—10m, and
  - (ii) must be designed as a combination of 1 and 2 storey elements with a variation in setbacks from both side boundaries, and
  - (iii) must not reduce the sunlight available to the living areas and private open space of any adjoining dwelling to less than 3 hours between 9am and 3pm on 21 June in any year.

**(3) Setbacks and siting**

- (a) Minimum setback from primary street frontage—5.5m or the average of adjoining properties, whichever is the greater.
- (b) Minimum setback from any secondary street frontage—3m for a single storey dwelling house or 3.5m for a two storey dwelling house (except garage entrances which must be setback 5.5m).
- (c) Minimum setback from rear property boundary—4m for a single storey dwelling house or 6m for a two storey dwelling house.
- (d) Minimum setback from other property boundaries—1m.
- (e) Minimum setback for eaves and gutters—675mm.
- (f) Must not be constructed in a registered easement.

- (g) Must not be constructed within 3m of a sewer or water main without approval of the relevant authority.

**(4) Design and finishes**

- (a) Building facades facing any street frontage must be designed to address the frontage and incorporate elements such as wall articulation, windows, verandahs and roof variation.
- (b) Garages must be integrated in the building facade and be setback further than the dwelling house.
- (c) Garages facing public streets must not exceed 50% of the facade width or 6.3m in width, whichever is the lesser.
- (d) The entry and at least one principal living room must be visible from the street.
- (e) External building materials must have a non-reflective finish and be in neutral earthy tones consistent with the setting and compatible with surrounding development.
- (f) Projecting roofs, awnings or verandahs must be incorporated to accentuate articulation.

**(5) Site works**

- (a) Maximum excavation—500mm (to be stabilised or retained and drained).
- (b) Maximum filling—500mm (to be stabilised or retained and drained).
- (c) Must not impact on any overland drainage path.

**(6) Landscaping and open space**

- (a) Minimum site area to be soft landscaped—50% (areas less than 2m in width must not be included in the calculation).
- (b) Main living area must open onto usable private open space with minimum area of 80m<sup>2</sup> that is capable of receiving a minimum of 3 hours sunlight between 9am and 3pm on 21 June in any year.

**(7) Visual privacy (if a two storey dwelling house)**

- (a) Living areas and balconies that overlook the street must incorporate screening or other measures that maintain the privacy of adjoining properties.
- (b) Living areas and balconies that face an adjoining property are not permitted on the first floor.
- (c) Windows to rooms on first floor elevations that face boundaries other than the

street must have—

- (i) a minimum sill height of 1.2m, and
- (ii) a maximum glazed area of 3.6m.

(d) Windows to staircases located at or above first floor level facing boundaries other than the street must be of fixed obscure glazing.

(8) **Stormwater** Roof and surface water (including overflow from rainwater tanks) must be disposed of to a piped stormwater drainage system discharging to the street gutter or an approved inter-allotment drainage system.

(9) **Access, parking and traffic**

- (a) Only 1 vehicular access point per site.
- (b) Must provide 2 parking spaces behind the setback to any street frontage.

**Dwelling houses (in Zones RU1, RU2, RU4, R5 and C4) and additions to dwelling houses (in Zone C4)**

(1) **Application and general**

- (a) Must be the erection of a new dwelling house or an addition to an existing dwelling house.
- (b) Minimum lot size—500m<sup>2</sup>.
- (c) Only 1 dwelling house per property.
- (d) Must not be a moveable dwelling.
- (e) Must not be on land to which clause 6.3 applies or on land shown as “2 Hectares for Dwelling House”, “10 Hectares for Dwelling House” or “Twin Creeks” on the [Clause Application Map](#).
- (f) Must not be on a heritage item, in a heritage conservation area or on an archaeological site.
- (g) Must not be within 50m of land on which there is category 1 vegetation as shown on the Council’s [Bushfire Prone Land Map](#).
- (h) Must not be on land in the 20 ANEF contour, or a higher ANEF contour, of the proposed Badgery’s Creek Airport.
- (i) Must not require the removal of a tree or native vegetation.
- (j) Must not include a basement or roof terrace.

- (k) Must not be on an Aboriginal place within the meaning of the *National Parks and Wildlife Act 1974*.

**(2) Bulk and scale**

- (a) Maximum height of floor above ground level (existing)—900mm.
- (b) Maximum height of wall above ground level (existing)—3.8m for a single storey dwelling house, or 6.5m for a two storey dwelling house.
- (c) Maximum overall height at any point above ground level (existing)—8.5m for a single storey dwelling house, or 10m for a two storey dwelling house.
- (d) Roof pitch must be between 22 and 30 degrees (excluding skillions for attached verandahs etc).
- (e) Maximum total floor area—400m<sup>2</sup> for a single storey dwelling house, or 600m<sup>2</sup> for a two storey dwelling house (including garage and verandahs etc).
- (f) Width of front facade of building must not be more than 30m, or 60% of width of lot measured in alignment with building setback, whichever is the lesser.
- (g) If a two storey dwelling house, first floor area must not be more than 70% of the ground floor area, excluding area of any garage or verandah.
- (h) If a two storey dwelling house, must not reduce the sunlight available to the living areas and private open space of any adjoining dwelling to less than 3 hours between 9am and 3pm on 21 June in any year.

**(3) Setbacks and siting**

- (a) Minimum setback from street frontage on Greendale Road, Londonderry Road, Mamre Road, The Northern Road, Park Road or the M4 Motorway—30m.
- (b) Minimum setback from any other street frontage—15m.
- (c) Minimum setback from secondary street frontage—15m.
- (d) Minimum setback from other property boundaries—10m.
- (e) Minimum setback from Nepean River—100m.
- (f) Minimum setback from other watercourse or riparian corridors—40m.
- (g) Must be sited clear of any overland flow path, drainage depression, dam or overflow of any dam.
- (h) Must not be located within the drip line of any existing tree having a height greater than 3.5m.

- (i) Must not be located on ridgelines or so as to protrude into the skyline.
- (j) Must not be constructed in a registered easement.
- (k) Must not be constructed within 3m of a sewer or water main without approval of the relevant authority.

**(4) Design and finishes**

- (a) Building facades facing any street frontage must be designed to address the frontage and incorporate elements such as wall articulation, windows, verandahs and roof variation.
- (b) Building design must contain elements of rural character including use of verandahs to shadow and soften building facades and relate buildings back to ground level.
- (c) The entry and at least one principal living room must be visible from the street.
- (d) Must not have drive through entrance features.
- (e) Garages must be integrated in the building facade and setback further than the dwelling.
- (f) Garages facing public streets must not exceed 50% of the facade width or 6.3m in width, whichever is the lesser.
- (g) External building materials must have a non-reflective finish and be in neutral earthy tones consistent with the setting and compatible with surrounding development.
- (h) Projecting roofs, awnings or verandahs must be incorporated to accentuate articulation.
- (i) If a two storey dwelling house, maximum wall length between corners, articulations, verandahs or awnings—10m.
- (j) If a two storey dwelling house, must be designed as a combination of 1 and 2 storey elements with a variation in setbacks from both side boundaries.

**(5) Site works**

- (a) Maximum excavation—800mm (to be stabilised or retained and drained).
- (b) Maximum filling—800mm (to be stabilised or retained and drained).
- (c) Excavation and filling not to extend further than 3m beyond the building footprint.
- (d) Excavation must not be within 5m of any existing tree that has a height greater

than 5m.

(e) Must not impact on any overland drainage path.

**(6) Landscaping and open space**

(a) Main living area must open onto usable private open space with minimum area of 80m<sup>2</sup> that is capable of receiving a minimum of 3 hours sunlight between 9am and 3pm on 21 June in any year.

(b) Site must be provided with landscaping in predominantly native species.

**(7) Stormwater**

Roof and surface water (including overflow from rainwater tanks) must be disposed of to a piped stormwater drainage system discharging to the street gutter or an approved inter-allotment drainage system, or via a level spreader system. Flows must not be concentrated or directed toward adjoining properties.

**(8) Access, parking and traffic**

(a) Only 1 vehicular access point per site.

(b) Must provide 2 parking spaces behind the setback to any street frontage.

**Garages associated with an existing or proposed dwelling house (in Zone C4)**

**(1) Application and general**

(a) Minimum lot size—500m<sup>2</sup>.

(b) Only 1 garage per property.

(c) Must not be used for any habitable, industrial or commercial purpose.

(d) Must not be on land to which clause 6.3 applies or on land shown as “Twin Creeks” on the [Clause Application Map](#).

(e) Must not be development on a heritage item, in a heritage conservation area or on an archaeological site.

(f) Must not require the removal of a tree or native vegetation.

(g) Must not be on an Aboriginal place within the meaning of the [National Parks and Wildlife Act 1974](#).

**(2) Bulk and scale**

(a) Maximum height of floor above ground level (existing)—500mm.

(b) Maximum height of wall above ground level (existing)—2.7m.

- (c) Maximum overall height at any point above ground level (existing)—3.6m.
- (d) Roof pitch must be between 10 and 25 degrees (excluding skillions for attached verandahs etc).
- (e) Maximum total floor area—40m<sup>2</sup>.

**(3) Setbacks and siting**

- (a) Must be located behind the building line for dwellings to any street frontage.
- (b) Minimum setback from other property boundaries—10m.
- (c) Minimum setback from Nepean River—100m.
- (d) Minimum setback from other waterway or riparian corridor—40m.
- (e) Must be located within 20m of the dwelling house.
- (f) Must not be constructed in a registered easement.
- (g) Must not be constructed within 3m of a sewer or water main without approval of the relevant authority.

**(4) Design and finishes**

- (a) If facing a public street, must not exceed 6.3m in width.
- (b) External building materials must have a non-reflective finish and be in neutral earthy tones consistent with the setting and compatible with surrounding development.

**(5) Site works**

- (a) Maximum excavation—500mm (to be stabilised or retained and drained).
- (b) Maximum filling—500mm (to be stabilised or retained and drained).
- (c) Must not impact on any overland drainage path.

**(6) Landscaping** Minimum site area to be soft landscaped—50% (areas less than 2m in width must not be included in the calculation).

**(7) Stormwater** Roof and surface water (including overflow from rainwater tanks) must be disposed of to a piped stormwater drainage system discharging to the street gutter or an approved inter-allotment drainage system, or via a level spreader system. Flows must not to be concentrated or directed toward adjoining properties.

**(8) Access, parking and traffic** Only 1 vehicular access point per site.

## Part 2 Complying development certificate conditions

### Note—

Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

### General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
2-6 Reynolds Road, Londonderry	Lot 1, DP 25981
2-8, 18-24, 26-32, 34-40, 42-48 and 50-56 The Driftway, Londonderry	Lots 24, 22, 21, 20, 19 and 18, Section D, DP 25020
11-13 Chesham Street, St Marys	Lots 1-3, DP 542707

### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
11A Canopus Close (part of), Erskine Park	Part of Lot 2174, DP 776426, identified as “Operational Land” on the <a href="#">Land Reclassification (Part Lots) Map</a>	Nil
25 Chameleon Drive (part of), Erskine Park	Part of Lot 1106, DP 709078, identified as “Operational Land” on the <a href="#">Land Reclassification (Part Lots) Map</a>	Nil
29 Chameleon Drive (part of), Erskine Park	Part of Lot 1107, DP 709078, identified as “Operational Land” on the <a href="#">Land Reclassification (Part Lots) Map</a>	Easement for electricity purposes (DP 709078) as noted on Certificate of Title Folio Identifier 1107/709078

9A Dilga Crescent, Erskine Park	Lot 148, DP 703879	Easement for electricity purposes (DP 703879) and easement for underground mains (DP 703879), as noted on Certificate of Title Folio Identifier 148/703879
27A Phoenix Crescent (part of), Erskine Park	Part of Lot 1444, DP 788282, identified as "Operational Land" on the <a href="#">Land Reclassification (Part Lots) Map</a>	Easement for underground mains (DP 788282) as noted on Certificate of Title Folio Identifier 1444/788282
73 Swallow Drive, Erskine Park	Lot 3280, DP 786811	Easement to drain water (DP 786811) as noted on Certificate of Title Folio Identifier 3280/786811
85 Swallow Drive (part of), Erskine Park	Part of Lot 3281, DP 786811, identified as "Operational Land" on the <a href="#">Land Reclassification (Part Lots) Map</a>	Easement to drain water (DP 786811) as noted on Certificate on Title Folio Identifier 3281/786811
Henry Street, Penrith	Lot 100, DP 872220	Right of carriageway 5.485m wide (J731359), easement for underground mains 0.915m wide (P241544), easement for underground mains 1m wide (P317795), easement for electricity purposes 2.75m wide (Bk 3341 No 634) and easement for underground mains 1m wide (Bk 3341 No 633) as noted on Certificate of Title Folio Identifier 100/872220
Soper Place Car Park (part of), 5-7 Lawson Street, Penrith	Lots 1-3, DP 1159119	Nil
Union Road, Penrith	Lots 16 and 17, Section 2, DP 976320	Nil
11 Ashwick Circuit, St Clair	Lot 35, DP 812241	Covenant (M158323), all the easements to drain water (DP 808666), as noted on Certificate of Title Folio Identifier 35/812241
Carinya Avenue, St Marys	Lots 1, 2, 3, 4, 5 and 6, DP 26908	Nil
Carinya Avenue, St Marys	Lot 2, DP 1156169	Nil
Carinya Avenue, St Marys	Lot 5, DP 609430	Nil
Carinya Avenue, St Marys	Lot 177, DP 26908	Nil
Carinya Avenue, St Marys	Lot 179, DP 26908	Nil
Carinya Avenue, St Marys	Lot 180, DP 26908	Nil
Carinya Avenue, St Marys	Lot 181, DP 26908	Nil
Carinya Avenue, St Marys	Lot 185, DP 26908	Nil

Carinya Avenue, St Marys	Lots 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207 and 208, DP 26908	Nil
Carinya Avenue, St Marys	Lot 301, DP 609746	Nil
Christie Street, St Marys	Lot 2141, DP 772116	Nil
Christie Street, St Marys	Lot 2151, DP 740147	Nil
Dunheved Circuit, St Marys	Lot 205, DP 31908	Nil
Dunheved Circuit, St Marys	Lots 212 and 213, DP 31909	Nil
Link Road, St Marys	Lot 210, DP 31908	Nil
Queen Street, St Marys	Lot A, DP 164781	Easement for electrical purposes 0.915 metre wide affecting the part shown as proposed easement for underground mains in plan with Deed Book 3088 No 985, as noted on Certificate of Title Folio Identifier A/ 164781
Station Street, St Marys	Lot 8, DP 734738	Right of carriageway variable width (DP 734738), easement to drain water 3.5 metres wide (DP 734738) and easement to drain water variable width (DP 734738), as noted on Certificate of Title Folio Identifier 8/ 734738
Station Street, St Marys	Lot 9, DP 840717	Easement for electricity purposes (Q944030), easement to drain water 3.5 metres wide (DP 840717), easement to drain water variable width (DP 840717), right of carriageway variable width (DP 840717), easement for underground mains 2 metres wide (DP 840717), easement for underground mains 1 metre wide (DP 840717) and easement for overhanging eave and gutter 0.7 metre wide (DP 649557), as noted on Certificate of Title Folio Identifier 9/840717

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

## 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
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
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 DP 538063	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
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 Tallowood Place	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
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 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	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
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 2000 Bradley Street	Lot 2000, DP 1204777	Local	878
Jamisontown	Sir John Jamison Cemetery	14b and 14c Lilac Place	Lot 1, DP 724391; Lot 1, DP 723986	Local	269
Jamisontown	Workmens' cottages	56-62 Mulgoa Road	Lots 1-4, SP 39546	Local	94
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
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	Luddenham Road Alignment	Luddenham Road		Local	843
Mulgoa	"Passadena", house	45-61 Allan Road	Lot 1, DP 227674	Local	132
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
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	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
Penrith	Cottage	169 Cox Avenue	Lot A, DP 984462	Local	853
Penrith	Thornton Hall	Thornton House 33 Mountain View Crescent, Penrith	Lot 2032, DP 1181618	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		State	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
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
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 Road	Lot 1C, 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	Penrith Power Station (former)	1 Museum Drive	Lot 1306, DP 1234327	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	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
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, 2 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
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
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 <a href="#">Heritage Map</a>	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
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

Suburb	Item name	Address	Property description	Significance	Item no
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
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

## Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

### Part 1 Pond-based and tank-based aquaculture

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,

(c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

(2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—

(a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,

(b) land declared as a marine park under the *Marine Estate Management Act 2014*.

**Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

## **Division 2 Operational requirements**

### **2 Species selection**

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

### **3 Pond-based aquaculture that is also intensive aquaculture—pond design**

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

### **4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges**

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

### **5 Outlets from culture ponds etc**

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

### **6 Definition**

In this Division—

**intensive aquaculture** has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2017*.

## **Part 2 Extensive pond-based aquaculture**

### **Division 1 Site location requirements**

#### **7 Conservation exclusion zones**

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

**Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

#### **8 Flood liability**

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

### **Division 2 Operational requirements**

#### **9 Species selection**

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

#### **10 Pond design**

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

#### **11 Culture water**

Must use freshwater.

## Dictionary

(Clause 1.4)

### Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Plan.

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the [Heritage Map](#), that is—

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

### Note—

The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act 1974](#) to be Aboriginal places for the purposes of that Act.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**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](#).

**advertisement** has the same meaning as in the Act.

### Note—

The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

### Note—

The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

**Note—**

The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**Note—**

Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**agriculture** means any of the following—

- (aaa) agritourism,
- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note—**

Part 6 of the [Plantations and Reafforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

**agritourism** means the following—

- (a) farm gate premises,
- (b) farm experience premises.

**Note—**

Agritourism is a type of **agriculture**—see the definition of that term in this Dictionary.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

**Note—**

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

**aquaculture** has the same meaning as in the [Fisheries Management Act 1994](#). It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

**Note—**

Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**archaeological site** means a place that contains one or more relics.

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

**Note—**

See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

**attached dwelling** means a building containing 3 or more dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Note—**

Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**backpackers' accommodation** means a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note—**

Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**battle-axe lot** means a lot that has access to a road by an access laneway.

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

**Note—**

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

**Note—**

Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**biodiversity** or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**Note—**

Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**boarding house** means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

**Note—**

This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act.

**Note—**

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height (or height of building)** means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note—**

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line or setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—

- (a) a building wall, or

(b) the outside face of any balcony, deck or the like, or

(c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bush fire hazard reduction work** has the same meaning as in the [Rural Fires Act 1997](#).

**Note—**

The term is defined as follows—

**bush fire hazard reduction work** means—

(a) the establishment or maintenance of fire breaks on land, and

(b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note—**

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the [Rural Fires Act 1997](#) for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign—

(a) that indicates—

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Note—**

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which—

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does

not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note—**

Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**camping ground** means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

**canal estate development**—see clause 2.9.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

**catchment action plan** has the same meaning as in the [Catchment Management Authorities Act 2003](#).

**Note—**

The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the [Catchment Management Authorities Act 2003](#).

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note—**

Cellar door premises are a type of **farm gate premises**—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**centre-based child care facility** means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
  - (i) long day care,
  - (ii) occasional child care,

(iii) out-of-school-hours care (including vacation care),

(iv) preschool care, or

(b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

**Note—**

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

(c) a building or place used for home-based child care or school-based child care, or

(d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or

(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**Note—**

Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

**City Centre** means the land identified as “Penrith City Centre” on the [Clause Application Map](#).

**classified road** has the same meaning as in the *Roads Act 1993*.

**Note—**

The term is defined as follows—

**classified road** means any of the following—

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See [Roads Act 1993](#) for meanings of these terms.)

**Clause Application Map** means the [Penrith Local Environmental Plan 2010 Clause Application Map](#).

**clearing native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**clearing vegetation** has the same meaning as in [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 2.

**coastal hazard** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal lake** means a body of water specified in [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Schedule 1.

**coastal protection works** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal waters of the State**—see section 58 of the [Interpretation Act 1987](#).

**coastal zone** has the same meaning as in the [Coastal Management Act 2016](#).

**co-living housing** means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note—**

Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**commercial farm** means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the [Local Government Act 1993](#), section 515, or

- (b) a primary production business within the meaning of the *Income Tax Assessment Act 1997* of the Commonwealth, or part of a primary production business, including a business that—
- (i) was a primary production business, and
  - (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

**commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the *Local Government Act 1993*.

**competitive design process** means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

**correctional centre** means—

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Penrith City Council.

**creative industry** means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

**Note—**

Creative industries are a type of **light industry**—see the definition of that term in this Dictionary.

**crematorium** means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note—**

Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note—**

Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**data centre** means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

**Note—**

Data centres are a type of **high technology industry**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note—**

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note—**

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note—**

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing only one dwelling.

**Note—**

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

**eco-tourist facility** means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note—**

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of—

- (a) making or generating electricity, or
- (b) electricity storage.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following—

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the [Coal Industry Act 2001](#),
- (h) an accredited rescue unit within the meaning of the [State Emergency and Rescue Management Act 1989](#).

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the [Water Management Act 2000](#).

**Note—**

The term is defined as follows—

**estuary** means—

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the [Water Management Act 2000](#)) to be an estuary,

but does not include anything declared by the regulations (under the [Water Management Act 2000](#)) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

**Note—**

Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note—**

Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm experience premises** means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—
  - (i) horse riding,
  - (ii) farm tours,
  - (iii) functions or conferences,

- (iv) farm field days.

**Note—**

Farm experience premises are a type of **agritourism**—see the definition of that term in this Dictionary.

**farm gate premises—**

- (a) means a building or place—

- (i) on a commercial farm, and

- (ii) ancillary to the farm, and

- (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—

- (A) processing, packaging and sale of the products, but not the processing of animals,

- (B) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,

- (C) tastings or workshops,

- (D) the provision of information or education related to the products, and

- (b) includes cellar door premises.

**Note—**

Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.

**farm stay accommodation** means a building or place—

- (a) on a commercial farm, and

- (b) ancillary to the farm, and

- (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

**Note—**

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

**Note—**

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include—

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include—

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the [Fisheries Management Act 1994](#).

**Note—**

The term is defined as follows—

**Definition of “fish”**

(1)

**Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

**Fish** includes—

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

**Fish** also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the [Penrith Local Environmental Plan 2010 Floor Space Ratio Map](#).

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**Note—**

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**forestry** means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note—**

Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

**Note—**

Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is

used to carry out an industrial activity.

**Note—**

General industries are a type of **industry**—see the definition of that term in this Dictionary.

**goods repair and reuse premises** means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

**Note—**

Goods repair and reuse premises are a type of **business premises**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
  - (b) habitable rooms in a basement or an attic, and
  - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement—
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

**Note—**

Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**group home (permanent) or permanent group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note—**

Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note—**

Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note—**

Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note—**

Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials

used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

**Note—**

Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the [Penrith Local Environmental Plan 2010 Height of Buildings Map](#).

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes—

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

**Note—**

Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance—

- (a) shown on the [Heritage Map](#) as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the [Heritage Act 1977](#) that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of—

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note—**

An inventory of heritage items is also available at the office of the Council.

**heritage management document** means—

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the [Penrith Local Environmental Plan 2010 Heritage Map](#).

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

and includes a data centre, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note—**

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

**Note 1—**

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

**Note 2—**

Home-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

**home business** means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**Note—**

See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation or sex services premises.

**Note—**

See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

**Note—**

Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following—

- (a) day surgery, day procedures or health consulting rooms,

- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

**Note—**

Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

**hostel** means premises that are generally staffed by social workers or support providers and at which—

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**Note—**

Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
  - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note—**

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**independent living unit** means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) used to house seniors or people with a disability, and

- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

**Note—**

Independent living units are a type of **seniors housing**—see the definition of that term in this Dictionary.

**Industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**Industrial retail outlet** means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note—**

See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

**Industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**Industry** means any of the following—

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include—

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

**Information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum,

library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Note—**

Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following—

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Note—**

Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**internal lot** means a lot the only means of access to which is an access corridor (a hatchet-shaped lot) or a right-of-carriageway over another lot.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**Key Sites Map** means the [Penrith Local Environmental Plan 2010 Key Sites Map](#).

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items.

**Note—**

See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

**Land Application Map** means the [Penrith Local Environmental Plan 2010 Land Application Map](#).

**Land Reclassification (Part Lots) Map** means the [Penrith Local Environmental Plan 2010 Land Reclassification \(Part Lots\) Map](#).

**Land Reservation Acquisition Map** means the [Penrith Local Environmental Plan 2010 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Penrith Local Environmental Plan 2010 Land Zoning Map](#).

**landholding** means an area of land—

- (a) constituted or worked as a single property, and
- (b) if comprising more than 1 lot—the lots are—
  - (i) contiguous, or
  - (ii) separated only by a road or watercourse.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note—**

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

**Note—**

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

**liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

**Note—**

Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

**Note—**

Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**local distribution premises** means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

**Lot Size Map** means the [Penrith Local Environmental Plan 2010 Lot Size Map](#).

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**manufactured home** has the same meaning as in the [Local Government Act 1993](#).

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Note—**

Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note—**

Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not

include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

**mining** means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes—

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

**Note—**

Mining is not a type of **industry**—see the definition of that term in this Dictionary.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the [Local Government Act 1993](#).

**Note—**

The term is defined as follows—

**moveable dwelling** means—

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Note—**

Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the [Fisheries Management Act 1994](#).

**native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**Natural Resources Sensitivity Land Map** means the [Penrith Local Environmental Plan 2010 Natural Resources Sensitivity Land Map](#).

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

**Note—**

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

**Note—**

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that—

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note—**

Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note—**

Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note—**

Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the [Local Government Act 1993](#).

**oyster aquaculture** means the cultivation of any species of edible oyster for a commercial purpose.

**Note—**

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**people who are socially disadvantaged** means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

**people with a disability** means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

**pig farm** means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Pig farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the

sale of landscape and gardening supplies and equipment and the storage of these items.

**Note—**

Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**pond-based aquaculture** means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

**Note—**

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**poultry farm** means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Poultry farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**primitive camping ground** means a camping ground approved under the [Local Government Act 1993](#), Chapter 7, Part 1 as a primitive camping ground.

**Note—**

Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the [Biodiversity Conservation Act 2016](#)).

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note—**

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the *Local Government Act 1993*.

**public reserve** has the same meaning as in the *Local Government Act 1993*.

**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.

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Public Service agency, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the [Liquor Act 2007](#).

**registered community housing provider** has the same meaning as in the [Community Housing Providers \(Adoption of National Law\) Act 2012](#), section 13.

**relic** has the same meaning as in the [Heritage Act 1977](#).

**Note—**

The term is defined as follows—

**relic** means any deposit, artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,

- (e) group homes,
- (f) hostels,
- (faa) (Repealed)
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note—**

Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

**Note—**

Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note—**

Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

**Note—**

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

**Note—**

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note—**

See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**Note—**

Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**Note—**

Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

**Note—**

Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Note—**

Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

**Scenic and Landscape Values Map** means the [Penrith Local Environmental Plan 2010 Scenic and Landscape Values Map](#).

**school** means a government school or non-government school within the meaning of the [Education Act 1990](#).

**Note—**

Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

**school-based child care** means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

**Note 1—**

Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

**Note 2—**

School-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

**secondary dwelling** means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note—**

See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

**Note—**

Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

**Note—**

Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5, or
- (c) a group of independent living units, or

- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—
  - (e) seniors or people who have a disability, or
  - (f) people who live in the same household with seniors or people who have a disability, or
  - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
- but does not include a hospital.

**Note—**

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note—**

Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated—

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note—**

Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note—**

Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewerage system** means any of the following—

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**Note—**

Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

**shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

**Note—**

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note—**

The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**small bar** means a small bar within the meaning of the *Liquor Act 2007*.

**Note—**

Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**spa pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note—**

The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

**Note—**

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note—**

Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business

premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment, local distribution premises or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

The term is defined as follows—

**swimming pool** means an excavation, structure or vessel—

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the [Swimming Pools Act 1992](#) not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note—**

Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**tank-based aquaculture** means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

**Note—**

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

**telecommunications facility** means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

**Note—**

The term is defined as follows—

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note—**

Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
  - (b) bed and breakfast accommodation,
  - (c) farm stay accommodation,
  - (d) hotel or motel accommodation,
  - (e) serviced apartments,
- but does not include—
- (f) camping grounds, or
  - (g) caravan parks, or
  - (h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note—**

Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**underground mining** means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and

(b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**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](#).

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**Note—**

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

**Note—**

Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**Note—**

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following—

(a) a resource recovery facility,

- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note—**

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated—

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**Note—**

Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

**Note—**

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**Note—**

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note—**

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means—

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wharf or boating facilities** means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the [A New Tax System \(Australian Business Number\) Act 1999](#) of the Commonwealth.