

4 Planning Proposal Employment Zones Review - Results of Public Exhibition

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Outcome	<i>We plan and shape our growing City</i>
Strategy	<i>Undertake strategic planning that will ensure balanced growth and liveability</i>
Principal Activity	<i>Facilitate appropriate land use outcomes for our city that are consistent with our Local Strategic Planning Statement</i>

Previous Items: Planning Proposal - Employment Zones Review - Ordinary Meeting - 03 Mar 2025

Executive Summary

The purpose of this report is to present the results of the public exhibition for the Planning Proposal - Employment Zones Review. This council-initiated Planning Proposal seeks to amend Penrith Local Environmental Plan 2010 (LEP 2010) to align with the outcomes of Council's review of its employment lands across the City.

The Planning Proposal was placed on public exhibition from Friday 16 May to Monday 16 June 2025 and no submissions were received. A post-exhibition amendment is proposed to retain *Clause 7.12 Maximum gross floor area for commercial premises* in LEP 2010, but to only apply this clause to land currently identified in the Caddens/Kingswood area, excluding land zoned R3 Medium Density Residential.

The post-exhibition amendment will allow further strategic work to be undertaken to determine whether this clause is appropriate in the Caddens/Kingswood area, noting the recently lodged Planning Proposal for the Western Sydney University – Werrington Precinct (WSU Precinct) and an upcoming State Significant Development Application for the Caddens Corner Shopping Centre.

This report recommends that Council endorse the Planning Proposal to be made and make a request directly to Parliamentary Counsel's Office to draft the LEP amendment. The updated Planning Proposal and supporting Appendices are provided at Attachment 1 and Attachment 2 of this report. Attachment 3 provides a map of the Caddens/Kingswood area currently identified in Clause 7.12, and the proposed post-exhibition application of Clause 7.12.

Background

The Planning Proposal (as exhibited) seeks to amend LEP 2010 relating to certain employment zoned land including:

1. Remove Clause 7.12 Maximum gross floor areas for commercial premises.
2. Introduce a Height of Buildings control for all lots within the E1 Local Centre in Leonay and Lemongrove, Penrith.
3. Rezone Council owned land at 79 Great Western Highway Kingswood to RE1 Public Recreation.

4. Permit service stations in E4 General Industrial zone.
5. Correct obsolete property descriptions and update mapping for E4 General Industrial zoned land at Cranebrook.
6. Introduce an additional permitted use for certain land zoned E4 General Industrial at Castlereagh Road Penrith, to allow vehicle sales or hire premises, and
7. Remove certain land uses from Clause 38 that are permissible under State Environmental Planning Policies.

Council at its Ordinary Meeting of 3 March 2025, endorsed:

- the Planning Proposal to be forwarded to Department of Planning, Housing and Infrastructure (DPHI) to seek a Gateway Determination, and
- the public exhibition of the Planning Proposal in accordance with the Gateway Determination conditions and relevant legislation.

On 5 May 2025, DPHI forwarded Council the Gateway Determination (provided as Attachment 4) that:

- allows the Planning Proposal to proceed to public exhibition, with no requirement for consultation with public authorities or government agencies, and
- allows Council to exercise local plan-making authority functions.

Public Exhibition

The Planning Proposal was publicly exhibited from Friday 16 May to Monday 16 June 2025. The public exhibition was undertaken in accordance with the Gateway Determination, community consultation requirements under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulations 2021*, and Council's Community Participation Plan.

Exhibition materials were made available on Council's YourSay page, the NSW Planning Portal, Penrith Civic Centre, and Penrith and St Marys libraries. Newspaper advertisements were placed in the Western Weekender throughout the exhibition period.

Notification letters were sent to landowners and occupiers of properties zoned E1 Local Centre in Lemongrove, Penrith and Leonay as the Planning Proposal seeks to introduce a building height control in these locations. Notification letters were also sent to landowners and occupiers of properties in the vicinity of these properties.

Submissions and Post-Exhibition Amendment

The Gateway Determination did not require any consultation with public authorities or government agencies. Three enquiries were received during the public exhibition period, but no submissions were made.

Item 1 of the Planning Proposal – Employment Zones Review, as exhibited, proposed the removal of *Clause 7.12 Maximum gross floor area of commercial premises* from LEP 2010. This clause currently applies to eight locations.

One of the locations identified in Clause 7.12 is in the Caddens/Kingswood area, which includes the WSU Werrington South Campus, Caddens Corner Shopping Centre, R4 zoned land to the east, and E1 Local Centre and part of the R3 Medium Density zoned land to the north. A 10,000m² maximum gross floor area for commercial premises applies to this land. A map of this area is provided as Attachment 3.

Since Council's endorsement of the Planning Proposal, rezoning and development proposals have been submitted for the WSU Precinct and on land adjacent to the Caddens Corner Shopping Centre.

While the clause does not apply to the campus itself, further consideration has been given to Clause 7.12 and its application to the Caddens/Kingswood area.

It is proposed to amend Item 1 in the Planning Proposal to retain *Clause 7.12 Maximum gross floor area for commercial premises* in the LEP but only apply this clause to land identified in the Caddens/Kingswood area, except for land zoned R3 Medium Density Residential. This post-exhibition change will allow further strategic work to be undertaken to determine how this area is placed within the hierarchy of centres and to assess the appropriateness of this control in an area that is subject to change. The reason for excluding R3 zoned land is because commercial premises are not the core use for R3 zoned land and this land has already received approval for a residential subdivision.

Attachment 3 provides a map of the Caddens/Kingswood area currently identified in Clause 7.12, and the proposed post-exhibition application of Clause 7.12.

The Planning Proposal has been updated to reflect this post-exhibition amendment. As the proposed amendment only seeks to retain the current control, re-exhibition of the Planning Proposal is not required.

Next Steps

Should Council resolve to endorse the recommendations in this report, the next steps are:

- the Planning Proposal will be forwarded to the Parliamentary Counsel's Office with a request to draft the LEP, in accordance with the LEP plan-making process for finalisation. A copy of the request will also be forwarded to DPHI.
- notification of the LEP amendment will be included in the NSW Government Gazette.

Financial Implications

There are no financial implications for Council associated with this report.

Risk Implications

There are no risk implications for Council associated with this report.

Conclusion

The public exhibition for the Planning Proposal – Employment Zones Review ended on 16 June 2025. No submissions were received. A post-exhibition change is proposed to item 1 of the Planning Proposal which is outlined within this report. This change seeks to retain an existing control, and therefore does not require the Planning Proposal to be re-exhibited.

This report recommends that Council endorse the amendment to LEP 2010 and for the Planning Proposal to be forwarded to the Parliamentary Counsel Office in accordance with the Gateway Determination.

RECOMMENDATION

That:

1. The information contained in the report on Planning Proposal Employment Zones Review - Results of Public Exhibition be received.

2. Council endorse the Planning Proposal and its supporting Appendices attached to this report as Attachment 1 and Attachment 2.
3. Council adopts the relevant amendments to Penrith Local Environmental Plan 2010 as discussed in this report and the attached Planning Proposal.
4. Council forwards the Planning Proposal and its supporting Appendices to the Minister for Planning and Public Spaces and Parliamentary Counsel's Office with a request to make the LEP amendment in accordance with the Gateway determination and under s 3.34(6) of the Act.
5. The General Manager is granted delegation to:
 - a. make any necessary minor changes to the Planning Proposal
 - b. execute all necessary documents and actions to give effect to Council's decision to make the LEP amendment.

ATTACHMENTS/APPENDICES

1. Planning Proposal - Employment Zones Review	64 Pages	Attachments Included
2. Planning Proposal - Appendix 1 - 10	50 Pages	Attachments Included
3. Amendment to Clause 7.12 - Current and Post-Exhibition Maps	2 Pages	Attachments Included
4. Gateway Determination and Letter to Council	3 Pages	Attachments Included

For	Against
Councillor Ross Fowler OAM	
Councillors Kirstie Boerst	
Councillor Robin Cook	
Councillor Sue Day	
Councillor Libby Austin	
Councillor Glenn Gardiner	
Councillor Sabbie Kaur	
Councillor Hollie McLean	
Councillor John Thain	
Councillor Edwin Mifsud	
Councillor Reece Nuttall	
Councillor Vanessa Pollak	
Councillor Faithe Skinner	
Councillor Garion Thain	

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186 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Reece Nuttall

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 - a. make any necessary minor changes to the Planning Proposal
 - b. execute all necessary documents and actions to give effect to Council's decision to make the LEP amendment.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For	Against
Councillor Ross Fowler OAM	
Councillors Kirstie Boerst	
Councillor Robin Cook	
Councillor Sue Day	
Councillor Libby Austin	
Councillor Glenn Gardiner	
Councillor Sabbie Kaur	