



IRF26/150

Gateway determination report – PP-2025-2448

Review of Penrith Local Environmental Plan 2010

February 26



Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2025-2448

Subtitle: Review of Penrith Local Environmental Plan 2010

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal	1
1.1	Overview	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	29
1.5	Mapping.....	29
2	Need for the planning proposal.....	31
3	Strategic assessment.....	31
3.1	Regional Plan	31
3.2	District Plan	32
3.3	Local.....	32
3.4	Local planning panel (LPP) recommendation	33
3.5	Section 9.1 Ministerial Directions	33
3.6	State environmental planning policies (SEPPs).....	36
4	Site-specific assessment.....	37
4.1	Environmental	37
4.2	Social and economic	37
4.3	Infrastructure	37
5	Consultation.....	37
5.1	Community	37
5.2	Agencies.....	37
6	Timeframe.....	37
7	Local plan-making authority.....	38
8	Assessment summary.....	38
9	Recommendation.....	39

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal
Ordinary Meeting of Council Report 8 December 2025
Local Planning Panel Advice 22 October 2025
Government Gazette No 89 of Friday 24 February 2023 - Mulgoa Nature Reserve
Letter from Transport for NSW 16 January 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Penrith
PPA	Penrith City Council
NAME	Review of Penrith Local Environmental Plan 2010 (0 dwellings, 0 jobs)
NUMBER	PP-2025-2448
LEP TO BE AMENDED	Penrith Local Environmental Plan 2010 (PLEP 2010)
ADDRESS	Multiple Properties
DESCRIPTION	Multiple Properties
RECEIVED	16/12/2025
FILE NO.	IRF26/150
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to undertake administrative, non-policy amendments to the PLEP 2010 to:

- Fix anomalies;
- Improve clarity;
- Delete obsolete provisions;
- Remove duplication; and
- Respond to recent legislative changes.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal contains an explanation of provisions for 34 items as follows:

ITEM 1 - INTRODUCE A MINIMUM LOT SIZE CONTROL FOR SEMI-DETACHED DWELLINGS

This amendment proposes to:

- Introduce a minimum lot size control for the parent lot of semi-detached dwellings in Clause 4.1A of the PLEP 2010. It is intended to align the lot size control with the existing provisions for dual occupancy development in LEP 2010; and
- If necessary, amend the Land Use Table of the R2 Low Density Residential zone to permit semi-detached dwellings.

Department Comment

Chapter 6 of *State Environmental Planning Policy (Housing) 2021* permits semi-detached dwellings in the R2 Low Density Residential zone across the State with the exception of certain areas such as bush fire prone land, heritage items and flood prone land in the Hawkesbury-Nepean Catchment.

The proposed amendment to the R2 Land Use Table will apply a blanket permissibility and include potentially constrained land, which has not been assessed in this planning proposal. Council have acknowledged that further justification is required to address hazards, impacts, and relevant Ministerial Directions, which will form part of the next LEP review. As minimum lot size and permissibility operate as an integrated framework, it is appropriate for the next LEP review to address both amendments.

It is recommended Item 1 is removed from this planning proposal. Council officers have agreed with this approach.

ITEM 2 – DELETE APU PROVISION “4” – USE OF CERTAIN LAND AT TOWN TERRACE AND GLENMORE PARKWAY, GLENMORE PARK

This additional permitted use (APU) permits residential flat buildings on land at Town Terrace and Glenmore Parkway in Glenmore Park (zoned E1 Local Centre), identified as “3” on the APU map.

It is proposed to delete the APU, with associated removal of delineated areas “3” from the Additional Permitted Uses Map. Council’s rationale for this deletion is the subject land is already developed and established with a review of development approvals not identifying any residential flat building consents to date. It is also proposed to remove an area identified as “9” from the map sheet, which is a mapping error.

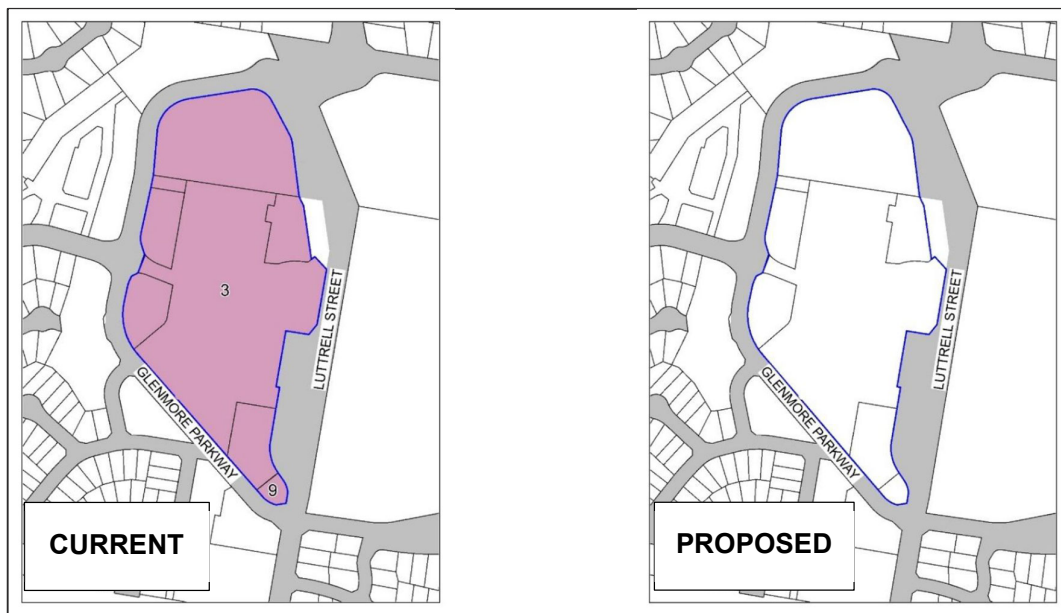


Figure 1 – Mapping Amendment (APU_006) for Item 2 (source: Planning Proposal)

Department Comment

The lack of previous development approvals for the land should not be inferred that no future applications would be lodged for a residential flat building on this site. It is recommended that a condition of the Gateway determination require the planning proposal to be updated to provide the history for this APU and further justification for its removal.

An updated planning proposal is to be submitted to the Department prior to exhibition for further consideration on whether the removal of this APU is appropriate.

ITEM 3 – CONSOLIDATE APU PROVISIONS “11”, “12” AND “13”

These APUs permit 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’.

It is proposed to:

- Consolidate the following Additional Permitted Uses into one single item in both Schedule 1 of the PLEP 2010 and associated APU map:
 - Instrument Item “11” (Mapped as “10”) - Use of certain land at 486–490 Londonderry Road, Londonderry;
 - Instrument Item “12” (Mapped as “11”) - Use of certain land at 364–368 and 370–372 Carrington Road, Londonderry; and
 - Instrument Item “13” (Mapped as “12”) - Use of certain land at 355–357 Carrington Road, Londonderry.
- Remove ‘health consulting rooms’, ‘kiosks’, and ‘markets’ from the consolidated provision.

Council’s rationale for this amendment is:

- All three sites are zoned RU5 Village, are in close proximity and have the same list of additional permitted land uses;
- ‘Health consulting rooms’, ‘kiosks’, and ‘markets’ are already permitted in the RU5 Village zone.



Figure 2 – Mapping Amendment (APU_010) for Item 3 (source: Planning Proposal)

ITEM 4 – AMEND APU PROVISION “18” – USE OF CERTAIN LAND AT 1216-1224 MULGOA ROAD, 4–12 ALLAN ROAD AND 25 THE STRAIGHT ROAD, MULGOA

This APU relates to land identified as “17” on the APU map and permits 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’.

The properties subject to this APU are zoned RU5 Village.

It is proposed to:

- Remove ‘health consulting rooms’ from item “18” - Use of certain land at 1216–1224 Mulgoa Road, 4–12 Allan Road and 25 The Straight Road, Mulgoa as ‘health consulting rooms’ are already permissible in the RU5 Village zone; and
- Apply a consistent mapping label “17” for the entire area subject to this provision.



Figure 3 – Mapping Amendment (APU_007) for Item 4 (source: Planning Proposal)

Department Comment

The planning proposal nominates a mapping amendment to Maps Sheets APU_007 and APU_008 for this Item; however, the label error only exists on Map Sheet APU_007 and Council have requested the Gateway determination to be conditioned to remove the reference to amending Map Sheet APU_008.

ITEM 5 – DELETE APU “21” – USE OF CERTAIN LAND AT COMBEWOOD AVENUE, PENRITH

This APU permits a ‘community facility’ on the North Penrith Commuter Carpark (identified as “20” on the APU map). The carpark is owned by Council and is currently leased to RailCorp to provide long-term public access to the commuter carpark. It is proposed to delete the APU as it is no longer required, with associated amendments to the APU map.

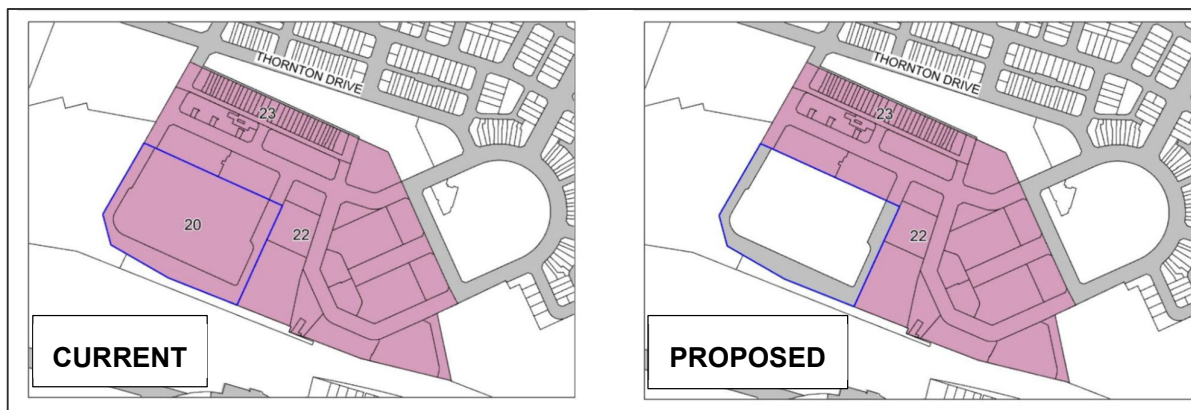


Figure 4 – Mapping Amendment (APU_005 and APU_012) for Item 5 (source: Planning Proposal)

ITEM 6 – APU 23 AND 24 - UPDATE PROPERTY DESCRIPTIONS FOR LAND AT LORD SHEFFIELD CIRCUIT, PENRITH AND FERNANDEZ LANE AND RADCLIFFE ROAD

It is proposed to update the property descriptions (**Table 3**) for these APUs to respond to subdivision approvals on the subject sites. No mapping changes are required for this amendment.

Table 3 Current and proposed property descriptions

APU	Current	Proposed
23	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. Lot 211, DP 1205092, 2 Lord Sheffield Circuit. SP 96468, 26 Lord Sheffield Circuit, Lot 2102, DP 1184494, 50 Lord Sheffield Circuit. SP 96192, 81 Lord Sheffield Circuit Lots 1 and 2, DP 1240166, 83 and 91 Lord Sheffield Circuit. SP 94606, 101 Lord Sheffield Circuit. Lots 3001–3005, 3011 and 3013, DP 1184498, 162, 172, 184, 192, 41, 51 and 160 Lord Sheffield Circuit. Lots 100 and 101, DP 1233225, 182A and 182 Lord Sheffield Circuit. SP 97026, 8 Aviators Way. SP 98229, 10 Aviators Way.	Lot 2 DP 1283984 SP 96467 SP 96468 SP 96849 SP 96850 Lot 2102 DP 1184494 Lot 3005 DP 1184498 Lot 3004 DP 1184498 Lot 3003 DP 1184498 Lot 100 DP 1233225 Lot 101 DP 1233225 Lot 3002 DP 1184498 Lot 3001 DP 1184498 Lot 3011 DP 1184498 Lot 1 DP 1240166 SP 102510 SP 96192

		SP 98229 SP 94606 SP 97026 Lot 3013 DP 1184498
24	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. SP 92424, 33 Fernandez Lane. SP 92425, 63 Fernandez Lane. Lot 212, DP 1205092, 212 Radcliffe Road.	SP 94464 Lot 179 to 193 DP 1205092 Lot 195 to 208 DP 1205092 Lot 212 DP 1205092 SP 92424 SP 92425

ITEM 7 – AMEND APU “30” - USE OF CERTAIN LAND AT 1590–1594 MULGOA ROAD, 1 PARK ROAD AND 11 PARK ROAD, WALLACIA

This APU permits 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’.

The properties subject to the APU are zoned RU5 Village. It is proposed to remove ‘health consulting rooms’, ‘kiosks’ and ‘markets’ as Additional Permitted Uses from item “30” as these uses are already permitted in the RU5 Village zone. No mapping changes are required for this amendment.

ITEM 8 – DELETE APU “31” - USE OF CERTAIN LAND AT LOT 1, WATER STREET, WERRINGTON AND “32” – USE OF CERTAIN LAND AT LOT 2, WATER STREET, WERRINGTON

These APUs permit ‘schools’ with development consent on the subject properties identified as “30” and “31” on the APU map.

It is proposed to delete this APU, with associated map amendments, as ‘educational establishments’ are permitted (and mapped) separately under APU 38 - Use of certain land at Werrington, Kingswood, Penrith, Cranebrook, Orchard Hills and Emu Plains (mapped as “37” for these properties).



Figure 5 – Mapping Amendment (APU_013) for Item 8 source: Planning Proposal)

ITEM 9 – AMEND PROPERTY DESCRIPTION OF HERITAGE ITEM 2, BEING ‘FARMHOUSE (COLLAPSED) AND OUTBUILDINGS’ AT 2 SPRINGWOOD ROAD, AGNES BANKS

It is proposed to update the property description in Schedule 5 of the PLEP 2010 for this Heritage Item (Item No. 2) from “Lot 930 DP 1129072” to “Lot 930 DP 1231701” in response to a Registered Redefinition in 2017.

No mapping changes are required for this amendment.

ITEM 10 – AMEND PROPERTY DESCRIPTION OF HERITAGE ITEM 144, BEING ‘PUMPING STATION (FORMER)’ AT 20 MEMORIAL AVENUE, PENRITH

It is proposed to update the property description in Schedule 5 of the PLEP 2010 for this Heritage Item (Item No. 144) from “Lot 1 DP 233967” to “Lot 21 DP 1236215” in response to a Registered Redefinition in 2017.

No mapping changes were nominated in the planning proposal for this amendment.

Department Comment

A review of the heritage mapping (HER_005) for this item indicates that the mapped extent of Heritage Item No. 144 does not align with the proposed listing of “Lot 21 DP 1236215” (**Figure 6**).

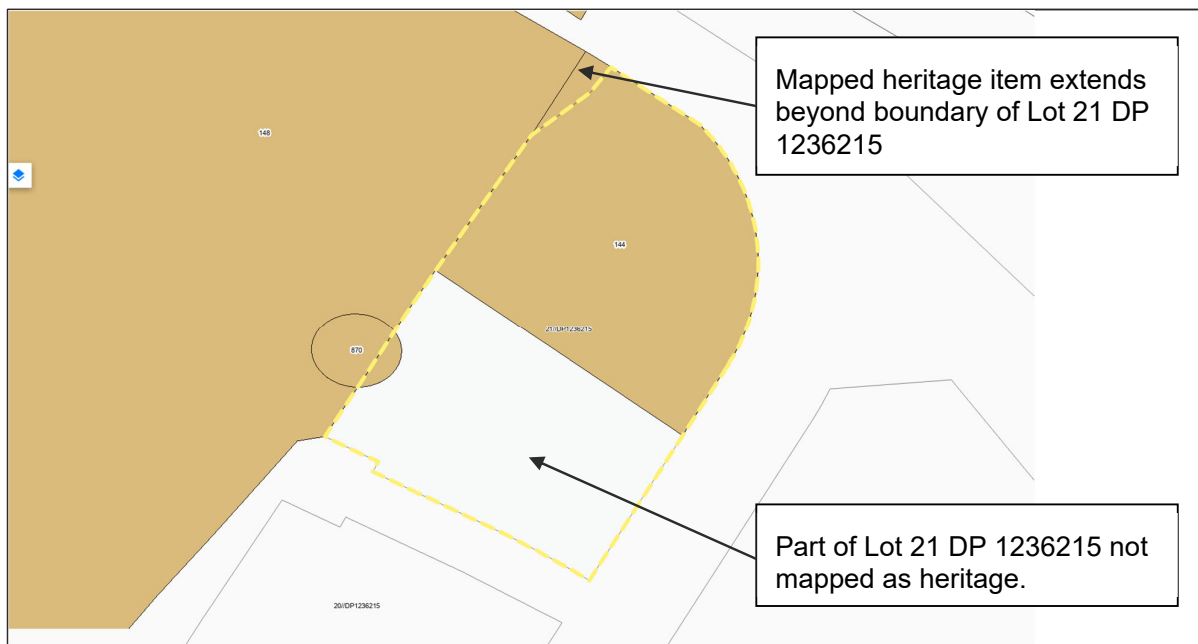


Figure 6 – Mapping of Heritage Item No. 144 in relation to boundary of Lot 21 DP 1236215 (source: NSW Spatial Viewer)

Council have confirmed that a map amendment will be required to:

- apply the heritage layer to the whole of Lot 21 DP 1236215; and
- remove mapping anomaly of historic lot boundaries (black lines).

A condition of the Gateway determination will require the planning proposal to be updated to include this mapping amendment.

ITEM 11 – AMEND PROPERTY ADDRESS AND DESCRIPTION AND ASSOCIATED MAP OF HERITAGE ITEM 298, BEING ‘BRICK COTTAGE’

It is proposed to update the address and property description in Schedule 5 of the PLEP 2010 for this Heritage Item (Item No. 298) from 38 Gidley Street, St Marys (Lot 1 DP 783200) to 42 Gidley Street, St Marys (Lot 1 DP 742493). The update also involves an amendment to the mapping.



Figure 7 – Proposed Mapping Amendment (HER_019) for Item 11 of this planning proposal (source: Planning Proposal)

Department Comment

The planning proposal intends to relocate the listing of Item No. 298 from 38 Gidley Street to 42 Gidley Street, St Marys, noting that the listing of Heritage Item No. 797 has been proposed to remain on 40 Gidley Street (refer current and proposed mapping above).

A comparison of the State Heritage Inventory in conjunction with Council has confirmed that Heritage Item No. 298 is actually located at 40 Gidley Street, St Marys and Heritage Item No. 797 is located at 42 Gidley Street, St Marys. This will require correction of the proposal map.

Council has requested a condition of the Gateway determination require the planning proposal be updated to correct these heritage items.

ITEM 12 – AMEND PROPERTY DESCRIPTION AND ASSOCIATED MAP OF HERITAGE ITEM 666, BEING ‘INTERNATIONAL STYLE HOUSE AND GARDEN’ AT 10 RIVER ROAD, EMU PLAINS

It is proposed to update the property description in Schedule 5 of the PLEP 2010 for this Heritage Item (Item No. 666) from Lot B DP 33205 to Lot C DP 33205. This will correct an administrative anomaly and accurately identify the heritage item consistent with the Penrith Heritage Study 2007. The update also involves an amendment to the mapping.



Figure 8 – Proposed Mapping Amendment (HER_005) for Item 12 (source: Planning Proposal)

ITEM 13 – AMEND PROPERTY ADDRESS AND DESCRIPTION OF HERITAGE ITEM 713, BEING ‘BANK OF NSW (FORMER)’

It is proposed to update the address and property description in Schedule 5 of the PLEP 2010 for this Heritage Item (Item No. 713) from 354-360 High Street, Penrith (Lot 10 SP 51611) to 354 High Street, Penrith (SP 51611).

The heritage significance should apply to all lots within SP 51611, not just Lot 10, and is consistent with the description of the heritage item within the Penrith Heritage Study 2007.

No mapping amendment is required.

ITEM 14 – AMEND PROPERTY ADDRESS AND DESCRIPTION AND ASSOCIATED MAP OF HERITAGE ITEM 811, BEING ‘BRICK HOUSE’

It is proposed to update the address and property description in Schedule 5 of the PLEP 2010 for this Heritage Item (Item No. 811) from 96-100 Greendale Road, Wallacia (Lot 317 DP 808445) to 90-94 Greendale Road, Wallacia (Lot 201 DP 776206). This will correct a clerical error from the Penrith Heritage Study 2007 and accurately identify the heritage item. The update also involves an amendment to the mapping.

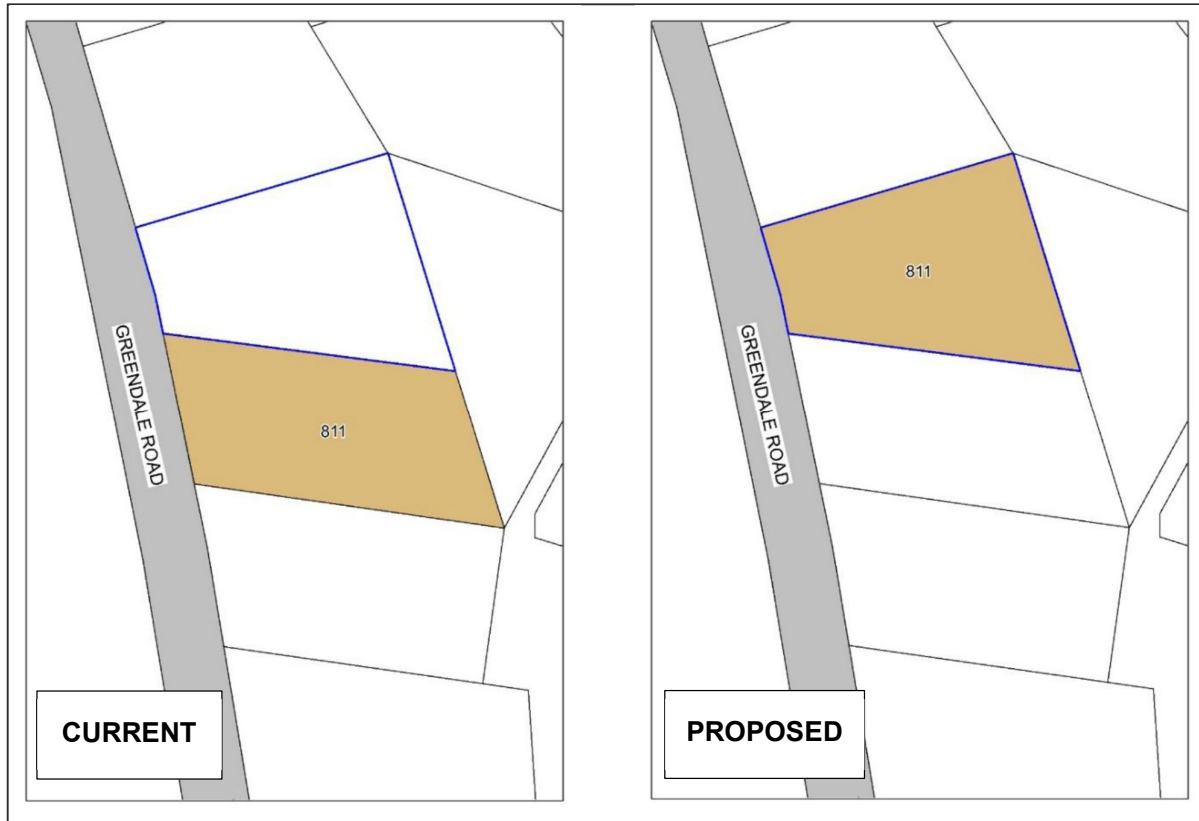


Figure 9 – Proposed Mapping Amendment (HER_008) for Item 14 (source: Planning Proposal)

ITEM 15 – AMEND PROPERTY ADDRESS AND DESCRIPTION AND ASSOCIATED MAP OF HERITAGE ITEM 829 AND 805

It is proposed to:

- Delete local heritage item 829 'Bennetts Wagons' at 2151(a) Castlereagh Road, Penrith from Schedule 5 of LEP 2010 and the associated heritage maps (HER_005 and HER_012); and
- Amend the property address of local item 805 in Schedule 5 of LEP 2010 from 'Pioneer Park, Great Western Highway' to 'South Creek Park, Great Western Highway'. The name of the heritage item will also be amended from 'Bennett Wagon' to 'Bennett Wagons'.

Bennett Wagons have relocated from 2151(a) Castlereagh Road, Penrith to St Marys to South Creek Park. This relocation is captured by the amendments to Schedule 5 for item 805.



Figure 10 – Proposed Mapping Amendment (HER_005 and HER_012) for Item 15 (source: Planning Proposal)

ITEM 16 – REMOVE HERITAGE ITEM 869, BEING ‘EXPLOSIVES STOREHOUSE’ AT 146 DUNHEVED CIRCUIT, ST MARYS AS THIS ITEM IS NO LONGER PRESENT ON SITE

Remove local heritage Item 869, being ‘Explosives storehouse’ at 146 Dunheved Circuit, St Marys, from Schedule 5 – Environmental heritage of LEP 2010 and amend the associated Heritage map (HER_018). This heritage item no longer exists.



Figure 11 – Proposed Mapping Amendment (HER_005 and HER_012) for Item 16 (source: Planning Proposal)

ITEM 17 – AMEND PROPERTY ADDRESS AND DESCRIPTION FOR ARCHAEOLOGICAL SITE A53 ‘POLICE STATION (FORMER)’ AT 30 AND 32 GREAT WESTERN HIGHWAY, EMU PLAINS

Amend the property address and description for the archaeological Heritage Item number A53 ‘Police station (former)’ under Schedule 5 Environmental Heritage of LEP 2010.

The correct address and property description is 30-32 Great Western Highway, Emu Plains (Lot 10 DP 1216230 and Lot 11 DP 1216230), instead of 30 Great Western Highway, Emu Plains (Lot 8, DP 228204).

No mapping amendment is required.

ITEM 18 – REZONE 90B FORESTWOOD DRIVE, GLENMORE PARK (MULGOA NATURE RESERVE) FROM C2 TO C1

It is proposed to rezone 90b Forestwood Drive, Glenmore Park (Lot 101 DP 1272622) from C2 Environmental Conservation to C1 National Parks and Nature Reserves as the site was added to the Mulgoa Nature Reserve via Government Gazette on 24 February 2023.

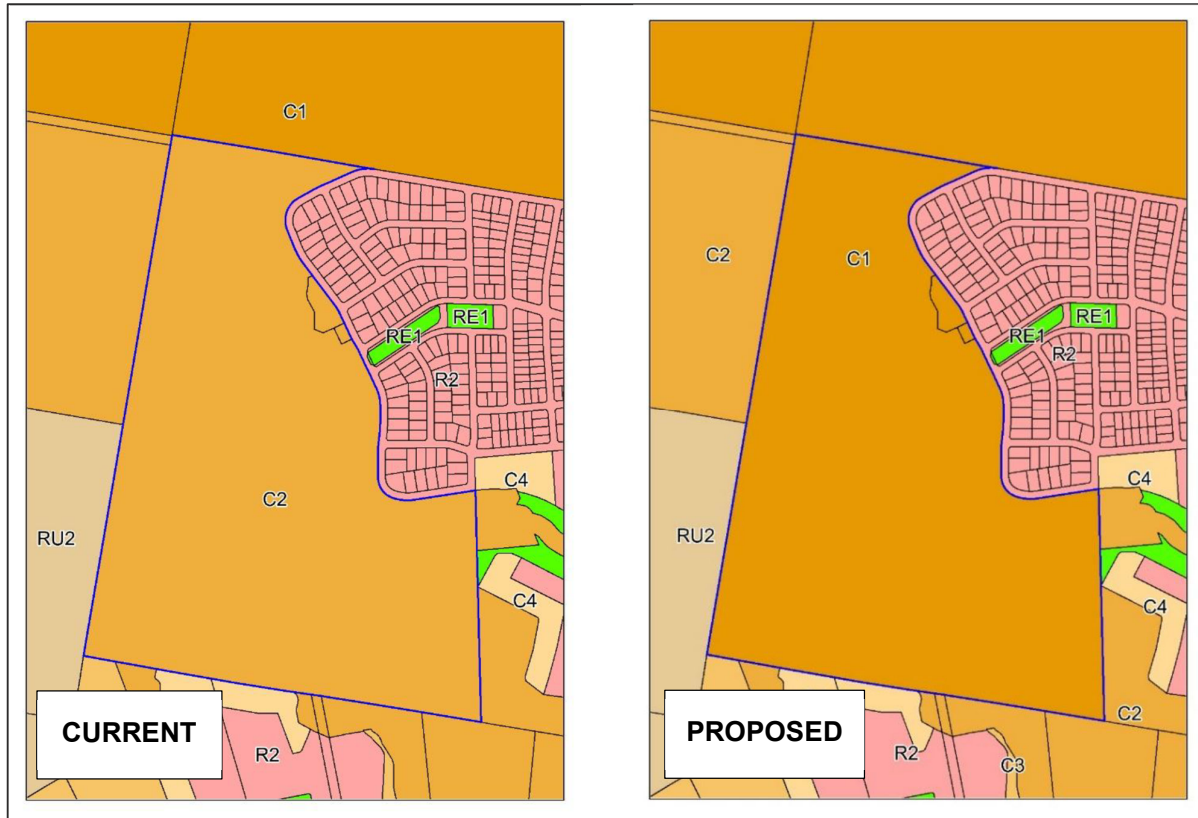


Figure 12 – Proposed Mapping Amendment (LZN_007) for Item 18 (source: Planning Proposal)

Department Comment

Council's proposed mapping amendment applies to the C1 zone to three lots, being Lot 101 DP 1272622 (90B Forestwood Road, Mulgoa), Lot 100 DP 1272622 (90C Forestwood Drive, Mulgoa and Lot 641 DP 1222236 (Forestwood Road, Mulgoa).

A review of the Government Gazette on 24 February 2023 confirms that only Lot 101 DP 1272622 (90B Forestwood Road, Mulgoa) was added to the Mulgoa Nature Reserve. Accordingly, Lot 100 DP 1272622 (90C Forestwood Drive, Mulgoa and Lot 641 DP 1222236 (Forestwood Road, Mulgoa) should remain zoned C2 (confirmed by Council) and this will be included as a Gateway condition.

ITEM 19 – REZONE PROPERTIES OWNED BY TRANSPORT FOR NSW THAT ARE NO LONGER REQUIRED FOR PUBLIC INFRASTRUCTURE

Rezone the following properties owned by Transport for NSW that are no longer required for public infrastructure, with consequential amendments to minimum lot size and height of building maps.

- Land at the Great Western Highway, St Marys (Lot 3 DP 261871) (refer **Table 4**); and
- 64 Gough Street, Emu Plains (Lot 5 DP 817264) (refer **Table 5**).

These amendments have been proposed at the request of Transport for NSW.

Table 4 Proposed amendments for Lot 3 DP 261871

Provision	Current	Proposed
Zone	SP2 Infrastructure (Classified Road)	R3 Medium Density Residential
Height of Building	Nil	8.5m

Table 5 Proposed amendments for Lot 5 DP 817264

Provision	Current	Proposed
Zone	SP2 Infrastructure (Classified Road)	R2 Low Density Residential
Minimum Lot Size	Nil	550m ²
Height of Building	Nil	8.5m

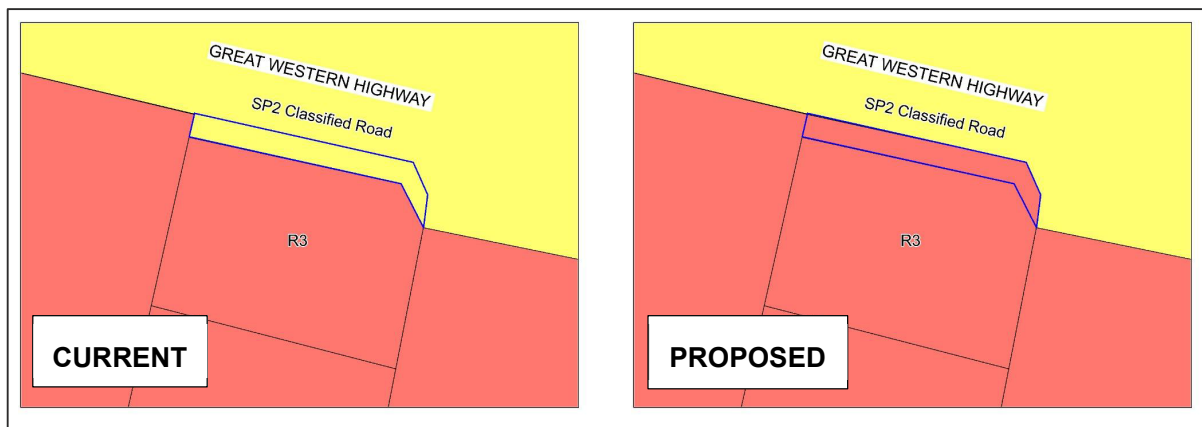
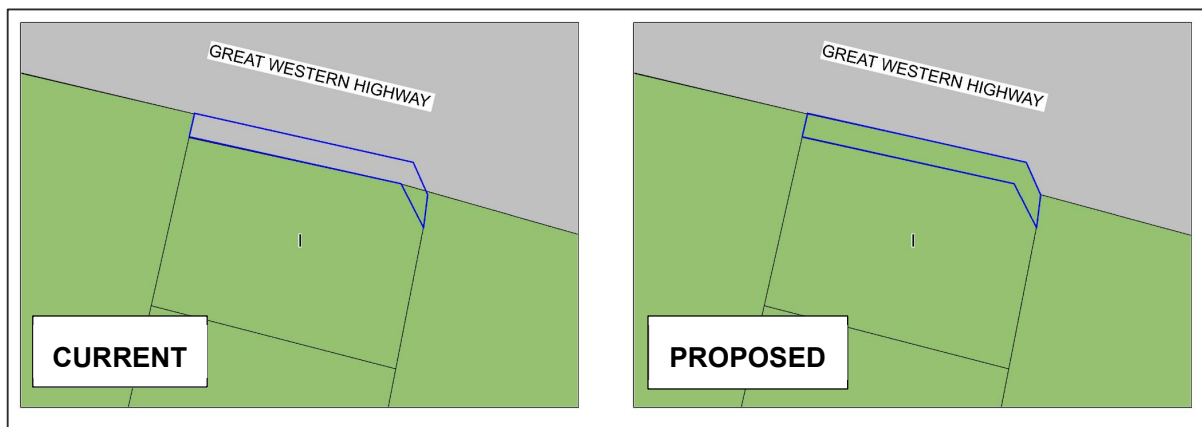
**Figure 13 – Proposed Zone Mapping Amendment (LZN_019) for land at the Great Western Highway, St Marys (Lot 3 DP 261871) (source: Planning Proposal)****Figure 14 – Proposed Height of Building Mapping Amendment (HOB_019) for land at the Great Western Highway, St Marys (Lot 3 DP 261871) (source: Planning Proposal)**



Figure 15 – Proposed Zone Mapping Amendment (LZN_006) for 64 Gough Street, Emu Plains (Lot 5 DP 817264) (source: Planning Proposal)



Figure 16 – Proposed Height of Building Mapping Amendment (HOB_006) for Item 18 of this planning proposal (source: Planning Proposal)



Figure 17 – Proposed Minimum lot Size Mapping Amendment (LSZ_006) for Item 18 of this planning proposal (source: Planning Proposal)

ITEM 20 – CORRECT MAPPING ERROR FOR 2 JOHN OXLEY AVENUE, WERRINGTON AND ADJOINING PROPERTIES

Amend the Land Reservation Acquisition mapping, to correct a mapping anomaly, so it only applies to 2 John Oxley Avenue, Werrington County (Lot 1 DP 1255168).

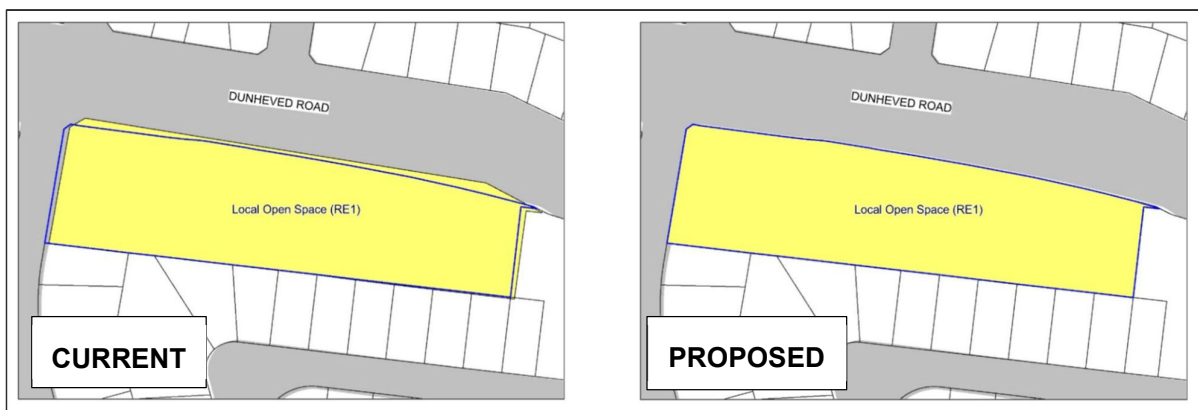


Figure 18 – Proposed Mapping Amendment (LRA_012) for Item 20 (source: Planning Proposal)

ITEM 21 – REMOVE 174 COREEN AVENUE, PENRITH FROM THE LAND RESERVATION ACQUISITION MAP

174 Corren Avenue, Penrith (Lot 81 DP 810416) is zoned E4 General Industrial and is in private ownership. The western portion of the site has been identified on the Land Reservation Acquisition map as 'Local Open Space'.

The Land Reservation Acquisition layer was applied to this site in February 2015 through the making of Amendment 4 to LEP 2010. Prior to this, the western portion of the site was zoned 6(b) Proposed Public Recreation and Community Uses under *Penrith Local Environmental Plan 1998 (Urban Land)*. The identification of this site on the LEP 2010 Land Reservation Acquisition map is a direct translation of the 6(b) zoning that previously applied under LEP 1998 (Urban Land).

This land is no longer required for recreational purposes and has not been identified in Council's Sport and Recreation Strategy. Accordingly, the acquisition layer has been proposed for removal.

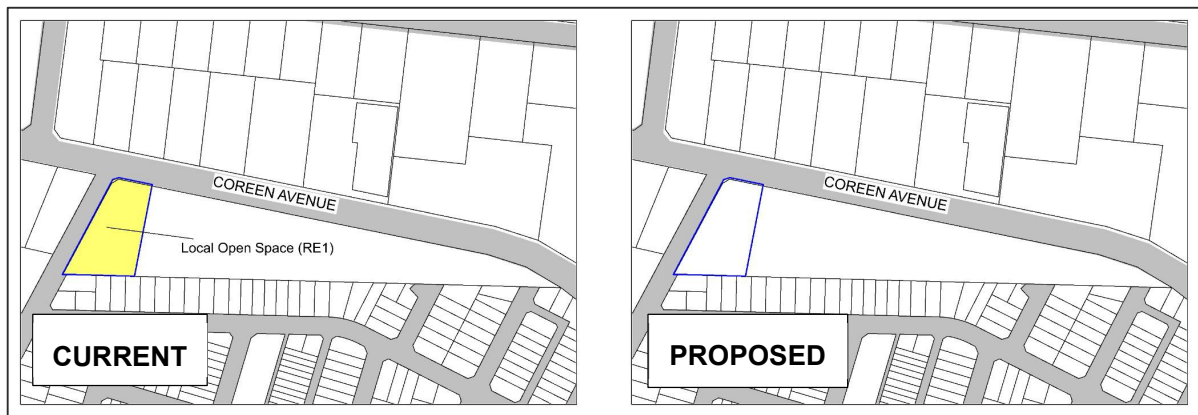


Figure 19 – Proposed Mapping Amendment (LRA_012) for Item 21 (source: Planning Proposal)

ITEM 22 – REMOVE 24 CHAPMAN STREET, WERRINGTON FROM LAND RESERVATION ACQUISITION MAP

The acquisition of 24 Chapman Street, Werrington (Lot 1069 DP 1272641) has been completed, and the property can be removed from the Land Reservation Acquisition Map.

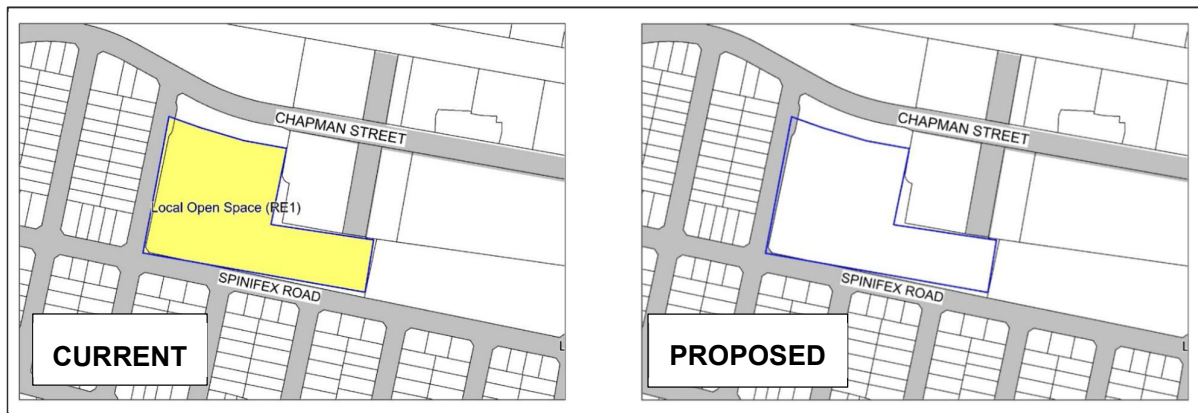


Figure 20 – Proposed Mapping Amendment (LRA_013) for Item 22 (source: Planning Proposal).

ITEM 23 – REMOVE 1 TRAMWAY AVENUE, WERRINGTON FROM LAND RESERVATION ACQUISITION MAP

The acquisition of 1 Tramway Avenue, Werrington (Lot 1226 DP 1272642) has been completed, and the property can be removed from the Land Reservation Acquisition Map.

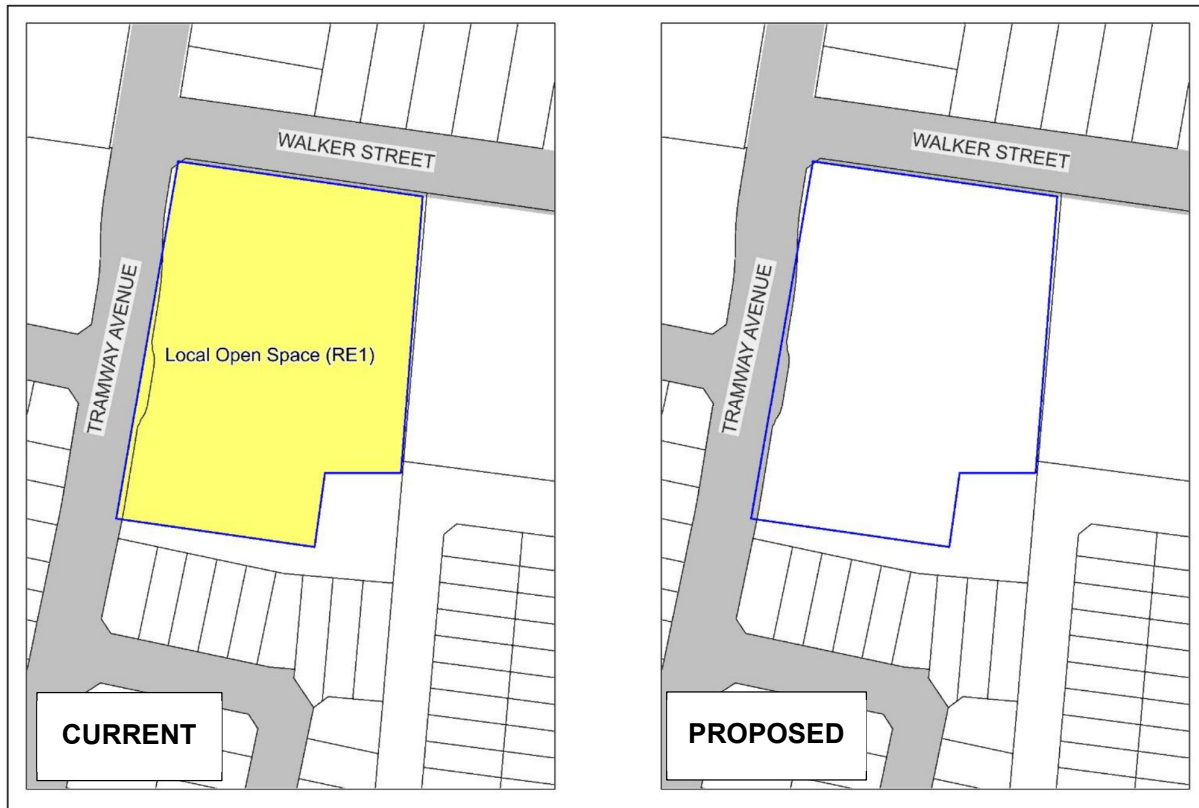


Figure 21 – Proposed Mapping Amendment (LRA_013) for Item 23 (source: Planning Proposal)

ITEM 24 – REMOVE 134 HENRY STREET, PENRITH FROM LAND RESERVATION ACQUISITION MAP

The acquisition of 134 Henry Street, Penrith (Lot 1 DP 1292057) has been completed, and the property can be removed from the Land Reservation Acquisition Map.



Figure 22 – Proposed Mapping Amendment (LRA_006) for Item 24 (source: Planning Proposal)

ITEM 25 – REMOVE 2166B CASTLEREAGH ROAD, PENRITH AND PUBLIC RESERVE JACK WILLIAMS DRIVE, PENRITH FROM LAND RESERVATION ACQUISITION MAP.

The acquisitions of 2166B Castlereagh Road, Penrith (Lot 2 DP 547010) and the Public Reserve, Jack Williams Drive, Penrith (Lot 440 DP 1092750) have been completed, and the properties can be removed from the Land Reservation Acquisition Map.

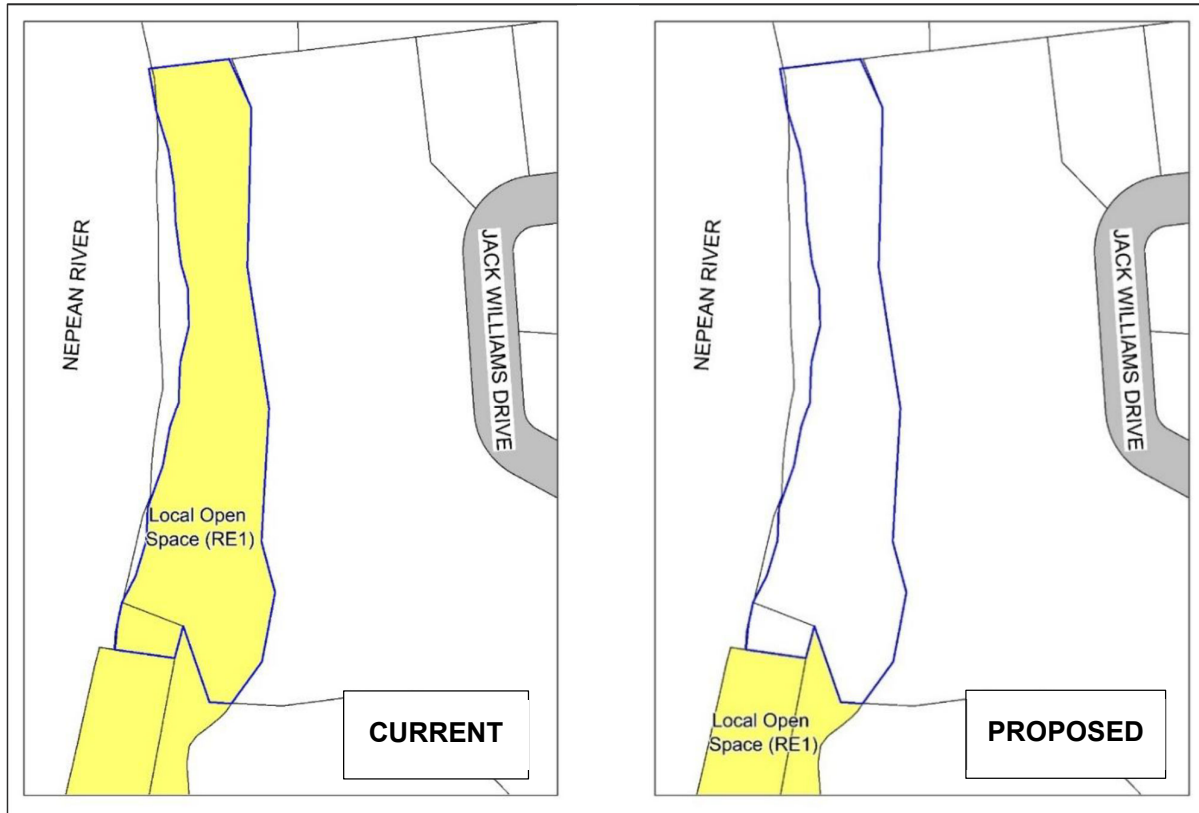


Figure 23 – Proposed Mapping Amendment (LRA_005) for Item 25 (source: Planning Proposal)

ITEM 26 – REMOVE 2-16 PARKWAY AVENUE, GLENMORE PARK FROM LAND RESERVATION ACQUISITION MAP

The acquisition of 2-16 Parkway Avenue, Glenmore Park (Lot 18 DP 1155005) has been completed, and the property can be removed from the Land Reservation Acquisition Map.

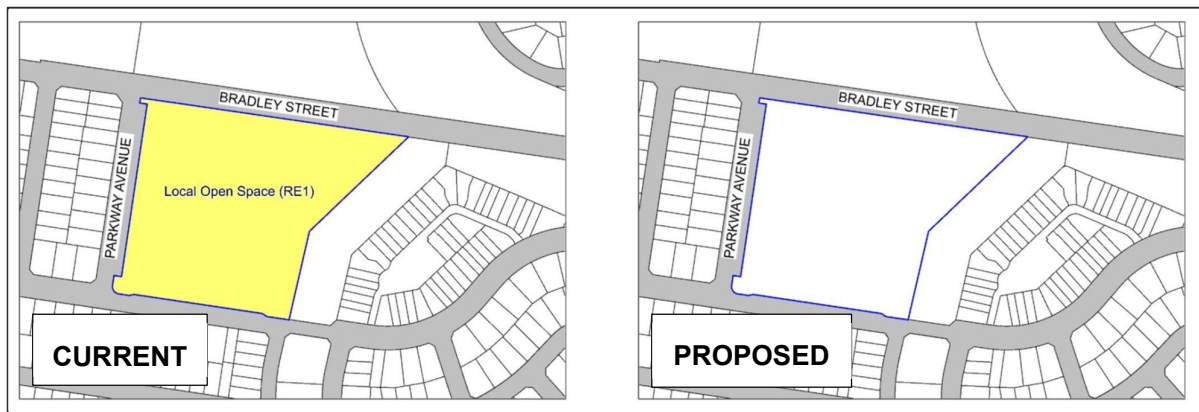


Figure 24 – Proposed Mapping Amendment (LRA_006) for Item 26 (source: Planning Proposal)

ITEM 27 – DELETE CLAUSE 7.20 ORCHARD HILLS AS THE NOISE AND FLOODING PROVISIONS WITHIN THIS CLAUSE ARE OUTDATED

Clause 7.20 of LEP 2010 provides provisions for residential development at Orchard Hills in relation to road traffic noise attenuation and flooding. These provisions were originally derived from *Sydney Regional Environmental Plan No 25—Orchard Hills* (SREP 25), where the provisions were moved into the PLEP 2010. SREP 25 was repealed upon the commencement of PLEP 2010.

Council proposes to delete Clause 7.20 from the PLEP 2010 on the basis that:

- The noise attenuation provisions in Clause 7.20 are out of date. Council's Development Control Plan chapter C12 Noise and Vibration contain appropriate provisions for addressing road traffic noise attenuation for residential properties at Orchard Hills. Furthermore, residential subdivision and development must also be designed to comply with the NSW Road Noise Policy, Development near Rail Corridors, Busy Roads Interim Guideline; and
- The PLEP 2010 and Penrith Development Control Plan 2014 contain appropriate provisions for addressing flood planning matters.

An amendment to the Clause Application Map to remove the area identified as "Orchard Hills" has been proposed.

Department Comment

Orchard Hills is a priority growth area identified in the Greater Penrith to Eastern Creek (GPEC) Strategic Framework. The Department of Planning, Housing and Infrastructure are currently working on a Stage 1 Rezoning Proposal and draft structure plan for this area, intended to be re-exhibited in February 2026.

Although Council's rationale for deletion of Clause 7.20 is acknowledged, it is considered appropriate for this clause to be retained in the PLEP 2010 while the Stage 1 Rezoning Proposal and draft structure plan are being exhibited and finalised. Once the Stage 1 Rezoning Proposal and draft structure plan have been finalised, Clause 7.20 of the PLEP 2010 can be deleted or amended (as appropriate) as part of the consolidated planning controls for the Orchard Hills area.

Accordingly, it is recommended that the Gateway determination be conditioned to remove Item 27 from the planning proposal. This condition has been discussed with Council.

ITEM 28 – REZONE PART OF 207 BENNETT ROAD, ST CLAIR FROM R2 TO RE1 TO PROVIDE FOR A CONSISTENT RE1 ZONING ACROSS THE ENTIRE SITE

207 Bennett Road, St Clair (Lot 61 DP 1218755) is Council-owned and contains a Children's Learning Centre. The land is classified as 'Operational'. The property is zoned RE1, with a small portion on the southern boundary zoned R2.

It is proposed to extend the RE1 zoning across the entire site to achieve a consistent zoning.

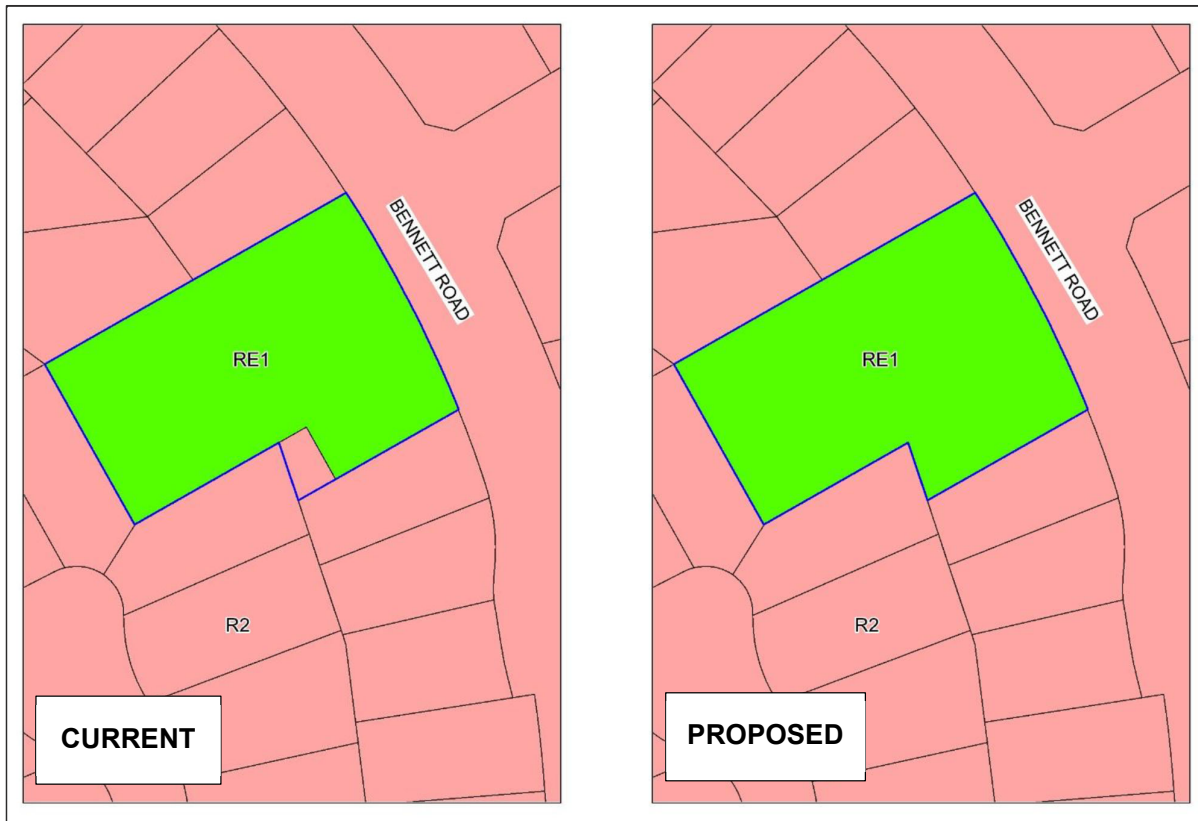


Figure 26 – Proposed Mapping Amendment (LZN_020) for Item 28 (source: Planning Proposal)

ITEM 29 – APPLY A MINIMUM SUBDIVISION LOT SIZE CONTROL OF 550SQM TO PROPERTIES AT 209A, 209B AND 209C BENNETT ROAD, ST CLAIR, CONSISTENT WITH ADJOINING R2 ZONES PROPERTIES

A minimum lot size has not been applied to 209a, 209b and 209c Bennett Road (Lots 62, 63 and 64 DP 1218755) and a small portion of the adjoining road reserve fronting these lots. This is an anomaly.

It is proposed to apply a minimum lot size control of 550m² to these lots consistent with other R2 zoned land in the vicinity (refer **Figure 27**).

ITEM 30 – APPLY A MINIMUM SUBDIVISION LOT SIZE CONTROL OF 550SQM TO NORTHERN PORTION OF 58 SMITH STREET, KINGSWOOD.

A minimum lot size has not been applied to the northern portion of 58 Smith Street, Kingswood (Lot 4 DP 210107). This is an anomaly.

It is proposed to apply a minimum lot size control of 550m² to this land consistent with other R2 zoned land in the vicinity (refer **Figure 28**).

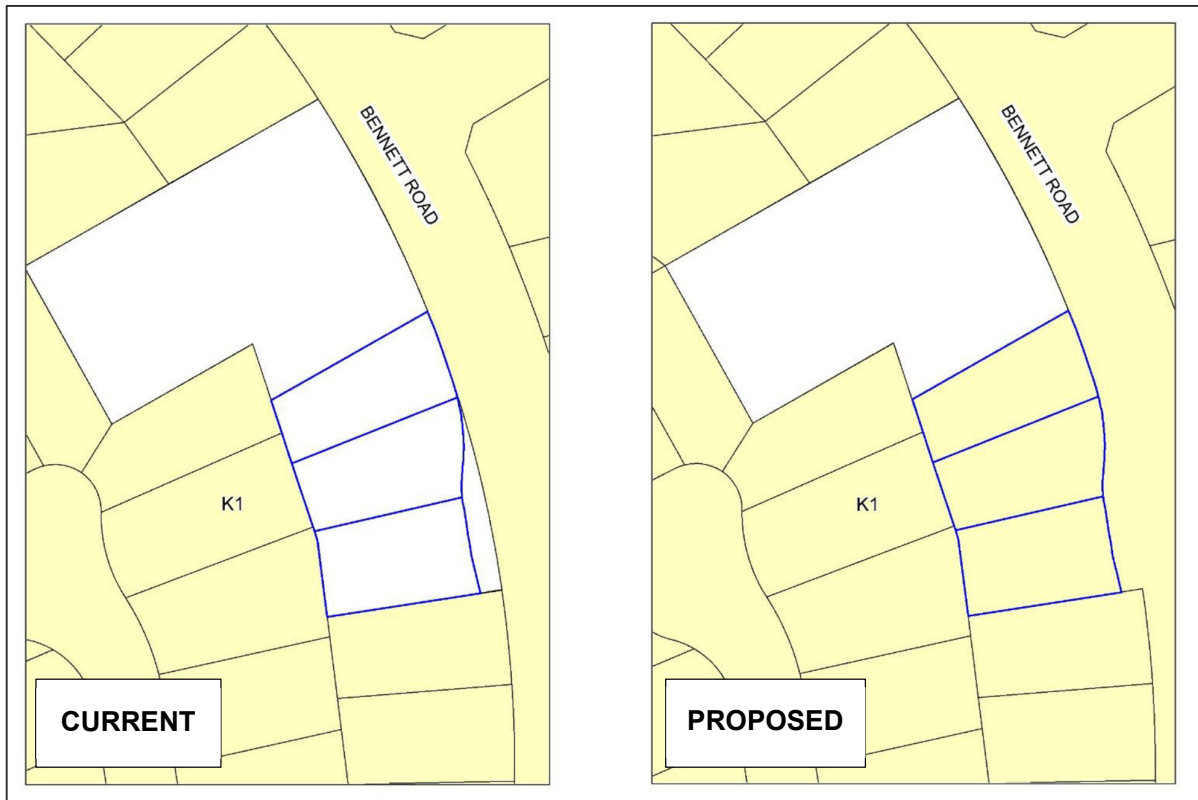


Figure 27 – Proposed Mapping Amendment (LSZ_020) for Item 29 (source: Planning Proposal)



Figure 28 – Proposed Mapping Amendment (LSZ_020) for Item 30 (source: Planning Proposal)

ITEM 31 – AMEND MAPPED CONTROLS FOR LAND AT MEMORIAL AVENUE, PENRITH, NEAR YANDHAI NEPEAN CROSSING PEDESTRIAN BRIDGE, INCLUDING AMENDMENTS TO THE LAND ZONE MAP, LAND RESERVATION ACQUISITION MAP AND HEIGHT OF BUILDINGS MAP

Council has acquired 16 and 20 Memorial Avenue (Lot 20 DP 1236215 and Lot 21 DP 1236215) and is proposed to amend mapped controls for this land and an adjoining of the road reserve as follows:

- Rezone from SP2 Infrastructure (Classified Road) to SP3 Tourist;
- Apply a 12m height control; and
- Remove from Land Reservation Acquisition map.

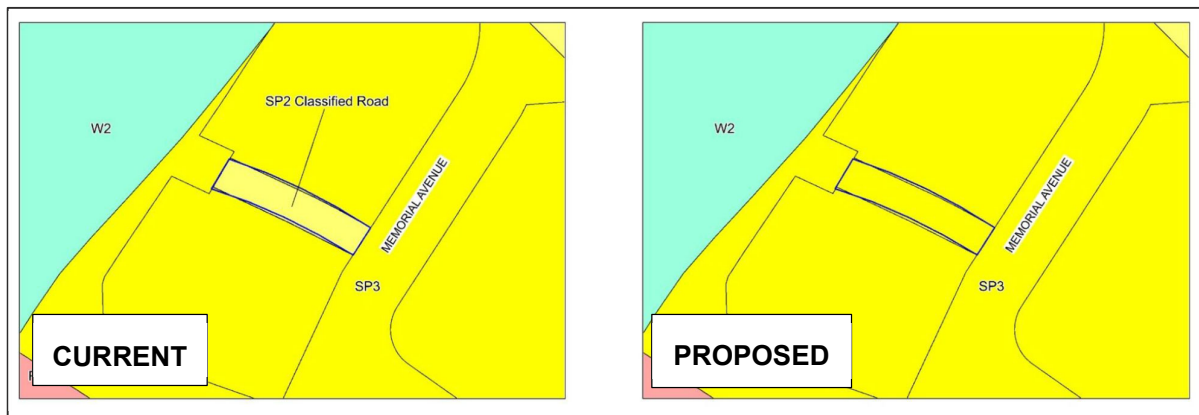


Figure 29 – Proposed Zone Mapping Amendment (LRA_005) for Item 31 (source: Planning Proposal)



Figure 30 – Proposed Height of Building Mapping Amendment (HOB_005) for Item 31 (source: Planning Proposal)

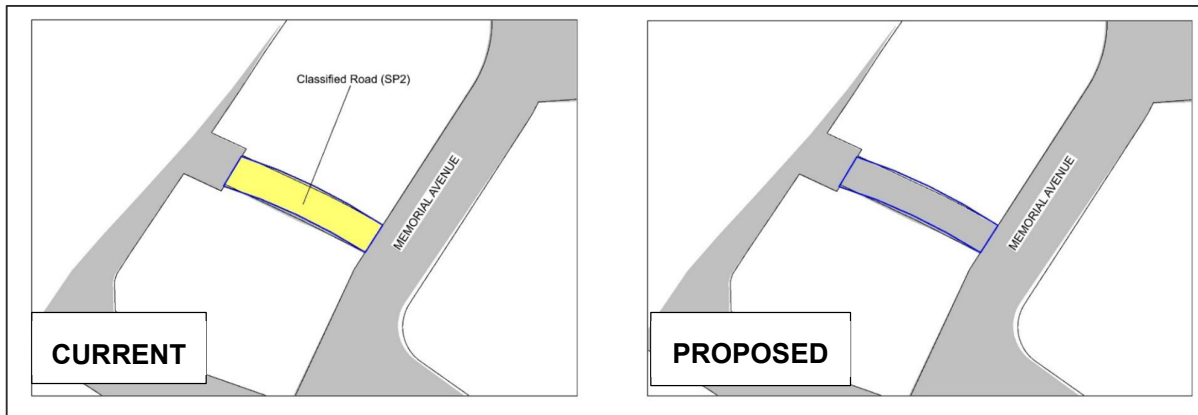


Figure 31 – Proposed Land Reservation Acquisition Mapping Amendment (LRA_005) for Item 31 (source: Planning Proposal)

Department Comment

As this land is identified as Classified Road, the relevant public authority is Transport for NSW. Further consultation is required with TfNSW for this amendment.

ITEM 32 – AMEND BUILDING HEIGHT CONTROLS FOR CERTAIN PROPERTIES IN CADDENS

Three sites (**Figure 32**) in the Caddens development were identified for water management facilities, associated with the Werrington Creek catchment, and an indicative 5 metre building height applied to this land. The land is zoned R1 General Residential.

These water management facilities have been developed, and the height of building boundaries require adjustment to reflect the final outcome. Accordingly, it is proposed to:

- apply a 5m height limit to land where the water management facilities have been confirmed and developed; and
- apply a 9m height control to land which is no longer earmarked for infrastructure.

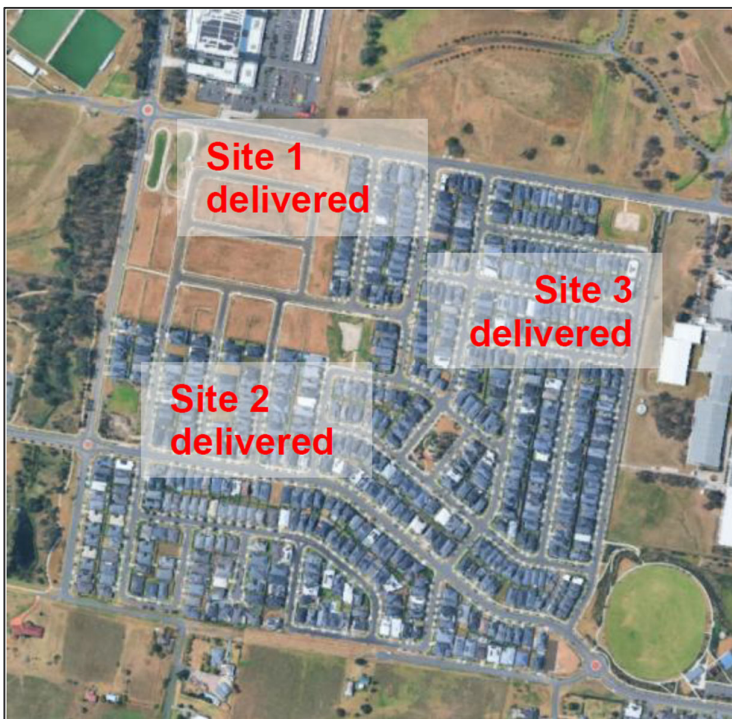


Figure 32 – Developed water management facilities in Caddens (source: Planning Proposal)



Figure 33 – Proposed Mapping Amendment (HOB_013) for Item 30 (Site 1) (source: Planning Proposal)



Figure 34 – Proposed Mapping Amendment (HOB_013) for Item 30 (Site 2) (source: Planning Proposal)



Figure 35 – Proposed Mapping Amendment (HOB_013) for Item 30 (Site 3) (source: Planning Proposal)

ITEM 33 – UPDATE PROPERTY ADDRESS AND DESCRIPTION FOR CERTAIN LAND IN ST MARYS - SCHEDULE 4 CLASSIFICATION AND RECLASSIFICATION OF PUBLIC LAND

Council proposes to amend property address and description for two properties in St Marys under Schedule 4 Classification and Reclassification of Public Land (Part 2 Land classified, or reclassified, as operational land—interests changed) as per the **Table 6**.

Table 6 Properties to be amended under Schedule 4 Classification and Reclassification of Public Land (Part 2 Land classified, or reclassified, as operational land—interests changed)

Current Address	Current Description	Proposed Address and Description
Carinya Avenue, St Marys	Lot 177, DP 26908	74-76 Carinya Avenue Lot 315 DP 1282433
Carinya Avenue, St Marys	Lots 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207 and 208 DP 26908 Note: 14 Lots listed	129 Queen Street, 12-28 Carinya Avenue, 21 Carinya Avenue, 6-10 Carinya Avenue, 2-4 Carinya Avenue Lots 1-15 DP 1300752, Lot 203-205 DP 26908, Lot 206-207 DP 26908. Note: 20 Lots listed.

Department Comment

A preliminary review of the proposed amendment to Schedule 4 identified the planning proposal has proposed an increase in the number of lots to be listed in the Schedule (refer **Table 6** Notes).

Advice was sought from Penrith City Council on the increase in the number of lots and whether Council is proposing any additional reclassification.

Penrith City Council have confirmed that there is no intention to reclassify additional land and the proposed property address and descriptions in the planning proposal are incorrect for the identified property. The corrected property description should exclude Lots 1, 2, 3, 4, 14 & 15 DP 1300752.

As there is no change to the boundary of the land (i.e. no lots added or removed), it is not necessary to update the lot/DPs in Schedule 4 of PLEP 2010. It is considered appropriate to retain the Schedule to reflect to the property details at the time they were reclassified. Rather than condition the Gateway determination to correct the property description, it is recommended that a gateway condition require this Item to be removed entirely.

It is noted that retention of the original lot/DPs in Schedule 4 does not affect the legal classification of the land, nor does it affect Council's ability to determine the current classification of land by reference to the Land Register kept under Section 53 of the *Local Government Act 1993*.

ITEM 34 – AMEND MAPPED CONTROLS APPLYING TO LAND AT THE INTERSECTION OF BRADLEY STREET AND THE NORTHERN ROAD, GLENMORE PARK, INCLUDING AMENDMENTS TO THE LAND ZONE MAP, LAND RESERVATION ACQUISITION MAP AND LOT SIZE MAP.

It is proposed to amend the zoning, minimum lot size and Land Reservation Acquisition map for land at the intersection of Bradley Street and The Northern Road, Glenmore Park to:

- Extend SP2 zoning 200m west of the intersection with The Northern Road and to a small portion of Bradley Street. This is intended to reflect that this intersection forms part of the broader classified road (The Northern Road), which is the responsibility of Transport for NSW to manage.
- Remove minimum lot size controls from land proposed to be zoned SP2 consistent with the lot size arrangement for other SP2 zoned land in the locality.
- Remove land from the Land Reservation Acquisition map as the acquisition has been completed.
- Rezone the SP2 zoned portions of Lot 2 DP 1240377 and Lot 3 DP 1240377 on the northern side of Bradley Street to C4 and apply 10,000m² lot size control to a small portion of Lot 3 DP 1240377, which reflects the final intersection works.

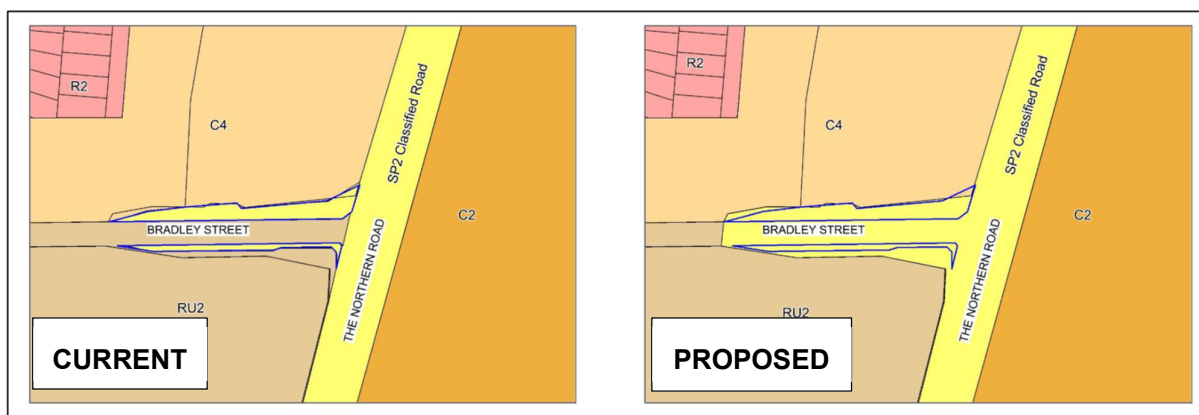


Figure 36 – Proposed Zoning Mapping Amendment (LZN_007) for Item 34 (source: Planning Proposal)

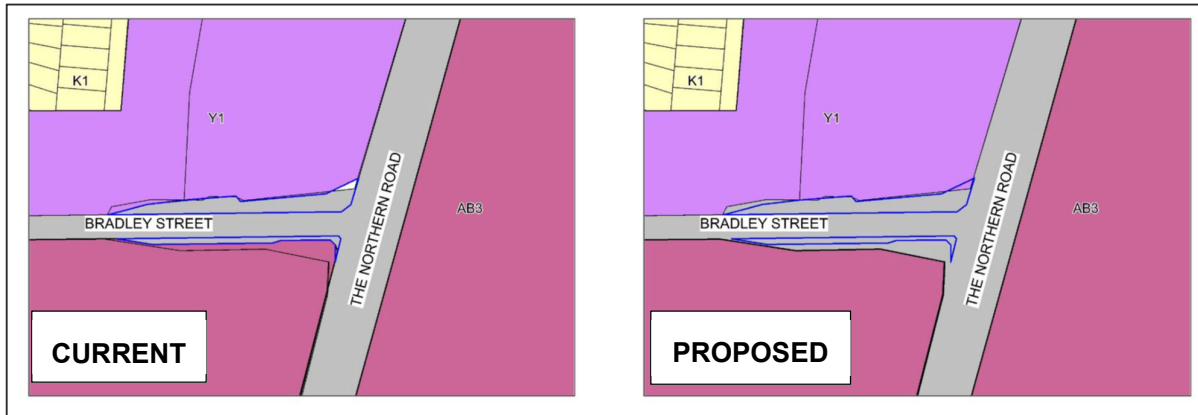


Figure 37 – Proposed Minimum Lot Size Mapping Amendment (LSZ_007) for Item 34 (source: Planning Proposal)

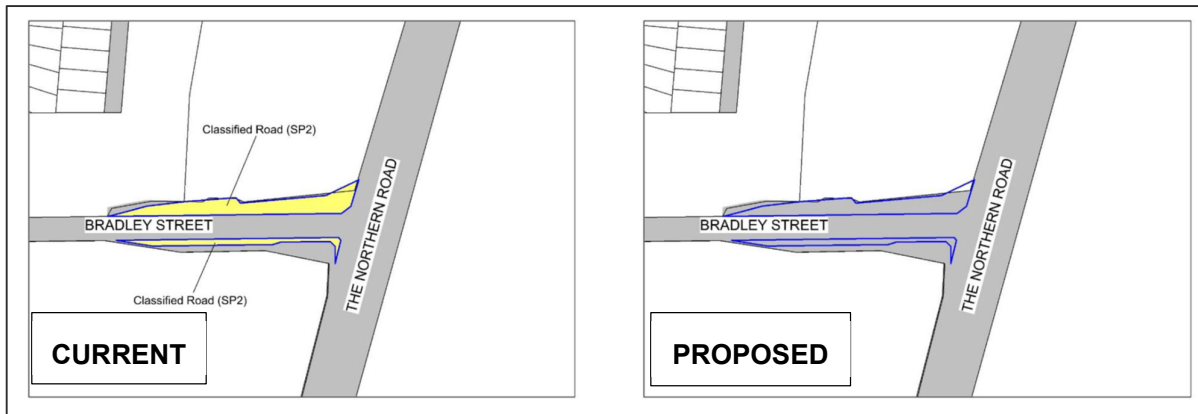


Figure 38 – Proposed Land Reservation Acquisition Amendment (LRA_007) for Item 34 (source: Planning Proposal)

Department Comment

As this Item relates to Classified Road zoning, further consultation with Transport for NSW is required. It is noted that the TfNSW letter dated 16 January 2025 provided with the planning proposal does not address this matter.

1.4 Site description and surrounding area

The planning proposal applies to multiple properties across the Penrith LGA as discussed above.

1.5 Mapping

The planning proposal includes mapping (refer Section 1.3 of this report) showing the proposed changes to relevant LEP maps, which are suitable for community consultation.

Correction of Additional Mapping Error

Items 22 and 23 of this planning proposal are amending Map Sheet LRA_013. A review of this map sheet identified a historic error where the rear of 128–132 Samuel Marsden Road (Lot 90 DP29388) dropped off the LRA_013 Map Sheet in 2016 (**Figure 39** and **Figure 40**). Council have consented to correcting this mapping error as part of this planning proposal. A condition of the Gateway will require the planning proposal to be updated to include this mapping correction.

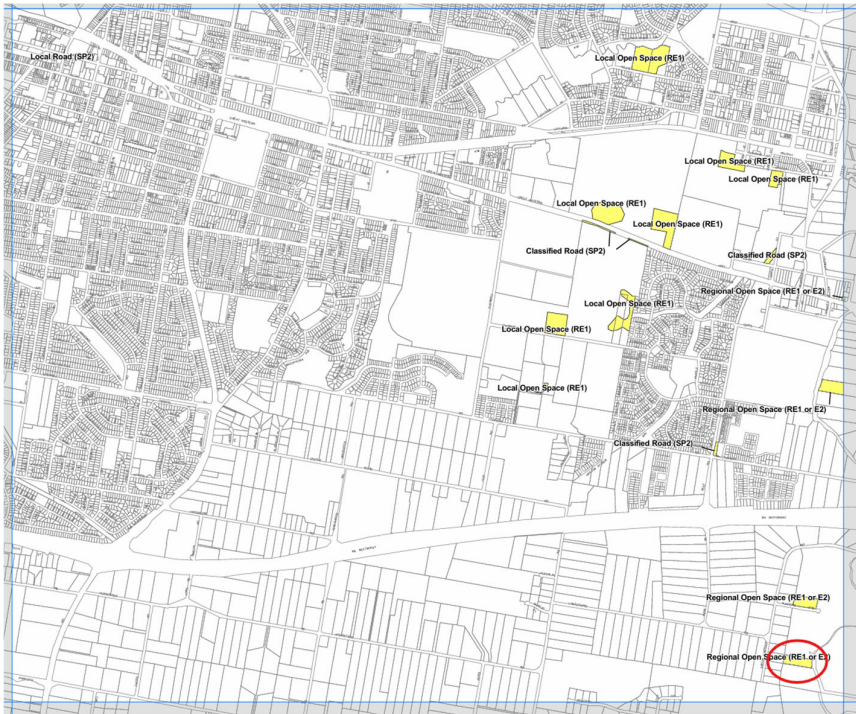


Figure 39 – Identification of 128–132 Samuel Marsden Road (Lot 90 DP29388) on Land Reservation Map (20140901)

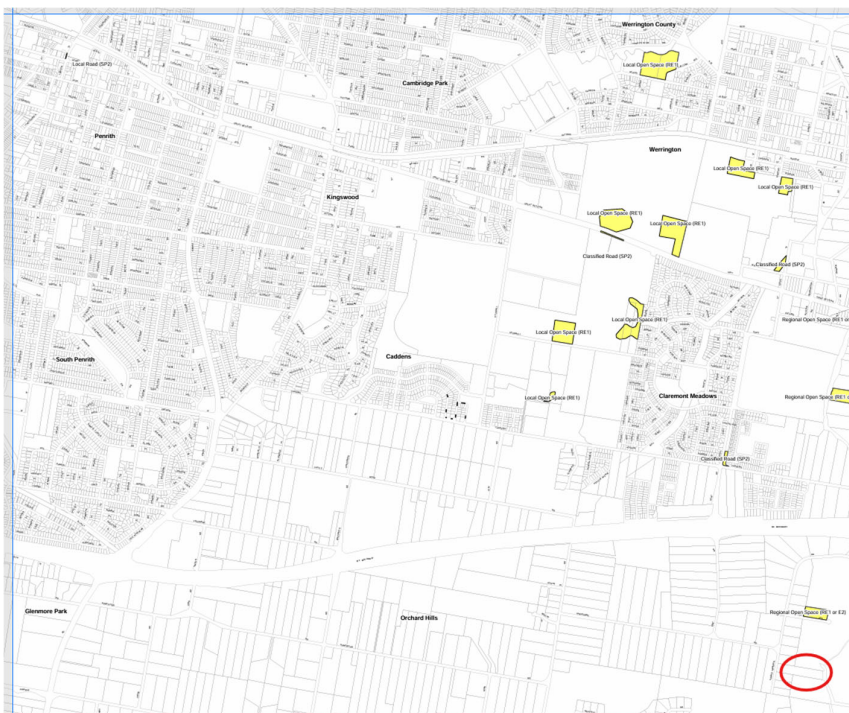


Figure 40 – Removal of 128–132 Samuel Marsden Road (Lot 90 DP29388) on Land Reservation Map (20160823) in 2016

2 Need for the planning proposal

The planning proposal is not the result of an endorsed local strategic planning statement of other strategy. It has been initiated in response to a review of the PLEP 2010 by Council staff to ensure that the provisions of the PLEP 2010 are current.

It is considered that the ongoing monitoring and maintenance of an LEP is important to ensure accurate and appropriate planning decisions can be made. The planning proposal, subject to the conditions recommended in Section 1.3 of this Report, proposes largely administrative amendments to:

- remove outdated provisions;
- correct a number of errors and outdated descriptions in the LEP Heritage Schedule and maps;
- re-zone government land to reflect its current use;
- remove land from acquisition maps where that land has now been acquired; and
- rectify a number of anomalies and alignment issues associated with the LEP maps.

The planning proposal is the appropriate mechanism to undertake the LEP amendments.

3 Strategic assessment

3.1 Regional Plan

Greater Sydney Region Plan – A Metropolis of Three Cities

It is considered that none of the items of the planning proposal are inconsistent with the Objectives of the Greater Sydney Regional Plan.

Draft Sydney Plan

The draft Sydney Plan was released on 10 December 2025 and is currently under exhibition. Once adopted, the Sydney Plan is intended to supersede the existing Greater Sydney Region Plan – A Metropolis of Three Cities, as the guiding strategic document which sets out how the NSW Government will address growth in Sydney over the next 20 years.

The draft plan establishes 12 key responses, with associated actions, to achieve the overarching purpose of the Sydney Plan. The planning proposal (subject to the conditions in Section 1.3 of this report), proposes administrative and minor amendments to the PLEP 2010, which are consistent with draft Sydney Plan. The following table includes an assessment of the planning proposal against relevant Responses.

Table 7 Draft Sydney Plan assessment

Draft Sydney Plan Responses	Justification
Response 5: Align infrastructure to planned growth	The planning proposal includes a number of mapping amendments to reflect the current use of land (or identified but no longer required) for infrastructure.
Response 6: Create a more vibrant Sydney	Appropriately identifying and managing heritage items supports land use planning for a vibrant city.

Draft Sydney Plan Responses	Justification
Response 7: Grow and connect public open space	The proposed amendments to the Land Reservation Acquisition maps are not considered to impact the availability of open space in the Penrith LGA as they reflect completed open space acquisitions.

3.2 District Plan

The site is within the Western City District and the Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal (subject to the recommended conditions in Section 1.3 of this report) against relevant directions and actions.

Table 8 District Plan assessment

District Plan Priorities	Justification
Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	The proposed amendments to Schedule 1 Additional Permitted Use relate to range of land uses, including residential, employment, health and education. These amendments are considered minor and not considered to adversely impact housing supply, access to jobs or availability of services to the community.
Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage	The planning proposal respects the District's heritage by amending Schedule 5 and associated mapping of the PLEP 2010 to correctly identify heritage items.
Planning Priority W14: Protecting and enhancing bushland and biodiversity	The application of the C1 zone to the Mulgoa Naure Reserve will provide additional protection to this area of biodiversity.
Planning Priority W18: Delivering high quality open space	The planning proposal does not impact the availability of open space in the Penrith LGA and is not inconsistent with this Planning Priority.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 9 Local strategic planning assessment

Local Strategies	Justification
Penrith Local Strategic Planning Statement 2020	The Implementation through the Planning Framework section of the LSPS identifies that Council will review the PLEP 2010, in phases, in response to the outcomes of its strategy program. It is considered that this first phase of LEP review, being minor and administrative amendments, is consistent with the LSPS implementation.

3.4 Local planning panel (LPP) recommendation

The Penrith Local Planning Panel (LPP) considered this planning proposal on 22 October 2025 and provided the following advice:

1. *The Planning Proposal is generally supported as it will:*
 - a) *Correct anomalies, improve clarity and remove outdated provisions*
 - b) *Ensure LEP 2010 is fit-for-purpose and responds to recent legislative amendments*
2. *It is recommended that the Planning Proposal be progressed through the Gateway process.*
3. *The Panel noted that further strategic planning work may be required to refine minimum lot sizes for future semi-detached dwellings and manor houses depending on development outcomes in the interim.*

The removal of Item 1 from this planning proposal (Gateway condition) and further work on semi-detached dwellings proposed by Council as part of the next phase of the LEP review is consistent with Point 3 of the LPP advice.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 10 9.1 Ministerial Direction assessment

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	This planning proposal is not inconsistent with the Greater Sydney Region Plan: A Metropolis of Three Cities or draft Sydney Plan (refer Section 3.1 of this Report).
3.1 Conservation Zones	Consistent	Rezoning the Mulgoa Nature Reserve from C2 Environmental Conservation to C1 National Parks and Nature Reserves will not reduce the conservation standards that apply to the land.
3.2 Heritage Conservation	Consistent	The amendment of Schedule 5 and associated heritage maps of the PLEP 2010 will ensure heritage items are accurately identified and protected. This is consistent with this Direction.
4.1 Flooding	Consistent	Items 5, 6, 10, 13, 21, 24, 25 and 31 of this planning proposal are located within or adjacent to the Penrith City Centre, which is subject to the Adaptive Management Framework for flooding. These amendments are largely minor or administrative amendments to additional permitted

		uses, heritage items or land reservation. None of these amendments will alter dwelling density, or significantly impact development potential, within the Penrith City Centre. These amendments will not impact the Adaptive Management Framework and are not considered inconsistent with this Direction. Subject to the conditions in Section 1.3 of this Report (including Removal of Items 1 and 27), it is considered that the remaining amendments are generally minor and no significant adverse flood impacts are expected. It is noted that the PLEP 2010 contains existing flood controls that will continue to apply.																																							
4.3 Planning for Bushfire Protection	Inconsistent	Mulgoa Nature Reserve is bush fire prone land. In addition, several heritage items and land identified for additional permitted uses are mapped bushfire prone land. In accordance with this Direction, consultation with the NSW Rural Fire Service is required. Until this consultation has been completed and the RFS advise of no objections, this Direction remains unresolved.																																							
5.2 Reserving Land for Public Purposes	Inconsistent	This Direction applies to: <table border="1"> <thead> <tr> <th>PP Item</th><th>Public Authority</th><th>Create/Alter/Reduce</th></tr> </thead> <tbody> <tr> <td>18</td><td>NPWS</td><td>Alter – Rezone</td></tr> <tr> <td>19</td><td>TfNSW</td><td>Reduce</td></tr> <tr> <td>20</td><td>Council</td><td>Alter – Map correction</td></tr> <tr> <td>21</td><td>Council</td><td>Reduce</td></tr> <tr> <td>22</td><td>Council</td><td>Alter – Acquired.</td></tr> <tr> <td>23</td><td>Council</td><td>Alter – Acquired.</td></tr> <tr> <td>24</td><td>Council</td><td>Alter – Acquired.</td></tr> <tr> <td>25</td><td>Council</td><td>Alter – Acquired.</td></tr> <tr> <td>26</td><td>Council</td><td>Alter – Acquired.</td></tr> <tr> <td>28</td><td>Council</td><td>Alter – Zone correction.</td></tr> <tr> <td>31</td><td>TfNSW</td><td>Alter – Acquired.</td></tr> <tr> <td>34</td><td>TfNSW</td><td>Alter – Zone correction.</td></tr> </tbody> </table> NPWS Land Although the rezoning of Mulgoa Nature Reserve (Item 18) has been proposed in accordance with the NSW Government Gazette; the agreement from NPWS for the	PP Item	Public Authority	Create/Alter/Reduce	18	NPWS	Alter – Rezone	19	TfNSW	Reduce	20	Council	Alter – Map correction	21	Council	Reduce	22	Council	Alter – Acquired.	23	Council	Alter – Acquired.	24	Council	Alter – Acquired.	25	Council	Alter – Acquired.	26	Council	Alter – Acquired.	28	Council	Alter – Zone correction.	31	TfNSW	Alter – Acquired.	34	TfNSW	Alter – Zone correction.
PP Item	Public Authority	Create/Alter/Reduce																																							
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26	Council	Alter – Acquired.																																							
28	Council	Alter – Zone correction.																																							
31	TfNSW	Alter – Acquired.																																							
34	TfNSW	Alter – Zone correction.																																							

		rezoning has not been provided. Until this consultation has been completed, the planning proposal is inconsistent with this Direction. Transport for NSW Land The rezoning of Transport for NSW owned land (Item 19) is consistent with this Direction, being undertaken at the request of TfNSW. Items 31 and 34 are considered minor mapping corrections, but as they involve TfNSW land/interests, consultation is required with TfNSW in respect to these Items. Until this consultation has been completed, the planning proposal is inconsistent with this Direction. Council Items The amendments to the Land Reservation Acquisition maps are largely administrative in response to mapping anomalies or completed acquisitions. One amendment (Item 21) proposes to remove a land reservation, which is discussed below. <u>Item 21 – Remove 174 Coreen Avenue, Penrith from the Land Reservation Acquisition map</u> This Item of the planning proposal intends to remove the western portion of 174 Coreen Avenue from the Land Reservation Acquisition. This land is privately owned (not acquired), measures approximately 3,800m² and was reserved for 'Local Open Space'. Council is this nominated authority for the acquisition of this land. The planning proposal indicates that identification of this land for acquisition was carried over from a previous LEP, and the land is no longer required for recreational purposes under Council's Sport and Recreation Strategy. It is recommended that the Planning Secretary's delegate approve the removal of the land reservation from 174 Coreen Avenue in consideration of Council's justification and the availability of other RE1 Public Recreation zoned land in the locality (Figure 41).
6.1 Residential Zones	Consistent	Items 11, 14, 28, 29, 30 and 32 relate to existing residential zoned land. These amendments are considered minor and will not adversely impact residential development or housing supply. Item 19 of this planning proposal intends to rezone surplus TfNSW land to residential, which will have minor positive impact on residential land supply. Item 2 of this planning proposal intends to remove residential flat buildings as an additional permitted use from E1 zoned land in Glenmore Park. It is noted that this site is already developed for commercial purposes and other forms of housing (i.e. shop top housing) remain permissible.

		Subject to further justification for removal of this APU (refer Section 1.3 if this report), Item 2 of the planning proposal is not inconsistent with this Direction.
7.1 Employment Zones	Consistent	Item 2 of this planning proposal is located on R1 zoned land, but residential flat buildings are not a commercial use subject to this Direction. Other additional permitted use and heritage amendments on employment lands are administrative and do reduce total potential floor space. <u>174 Coreen Avenue, Penrith (Item 21) is zoned E4 General Industrial. Removal of this property from the Land Reservation Acquisition map, may facilitate additional employment development consistent with this Direction.</u>
9.1 Rural Zones	Consistent	Several administrative amendments to additional permitted uses, heritage items and road reserves include land within a rural zone. These amendments are not inconsistent with this Direction.



Figure 41 – RE1 Public Recreation zoned land around 174 Coreen Avenue, Penrith (source: NSW Spatial Viewer)

3.6 State environmental planning policies (SEPPs)

Subject to the conditions in Section 1.3 of this report, the planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

It is considered that the planning proposal will have a minimal environmental impact, and no significant adverse impacts are anticipated. Most of the proposed changes to the PLEP 2010 are administrative or minor and not considered to have a significant effect on the environment.

The re-zoning of Transport for NSW owned land may result in this land being development in the future in accordance with their proposed residential zonings. It is considered that low-impact development could be undertaken through the exempt or complying process. Other development would be subject to the development application process, whereby the consent authority would consider environmental impacts.

4.2 Social and economic

It is considered that the proposal by correcting various errors and anomalies in the LEP along with implementing various minor changes to ensure the effective and efficient operation of the LEP will have a positive social and economic impact for the local community.

4.3 Infrastructure

The proposed amendments to the PLEP 2010 are not considered to result in any significant adverse impact on, or significant demand for, infrastructure or utilities.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The planning proposal does not identify any agencies to be consulted. Given that several proposals relate to roads land and Mulgoa Nature Reserve, further consultation with Transport for NSW and National Parks and Wildlife Service (NPWS) is recommended as part of exhibition of the planning proposal in accordance with s9.1 Direction 5.2. Consultation with the NSW Rural Fire Service is also required under s.91 Direction 4.3.

6 Timeframe

Council proposes a 7 month time frame to complete the LEP (July 2026).

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 27 November 2026 with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

Subject to the removal of Item 33 from the planning proposal (refer Section 1.3 of this report), the planning proposal indicates the following Items of the planning proposal relate to Council owned or managed land:

- Item 5 – Delete APU “21” – Use of certain land at Combewood Avenue, Penrith
- Item 15 – Amend property address and description and associated map of heritage item 829 and 805
- Item 17 – Amend property address and description for archaeological site A53 ‘Police station (former)’ at 30 and 32 Great Western Highway, Emu Plains
- Item 22 – Remove 24 Chapman Street, Werrington from Land Reservation Acquisition map
- Item 23 – Remove 1 Tramway Avenue, Werrington from Land Reservation Acquisition map
- Item 24 – Remove 134 Henry Street, Penrith from Land Reservation Acquisition map
- Item 25 – Remove 2166B Castlereagh Road, Penrith and Public Reserve Jack Williams Drive, Penrith from Land Reservation Acquisition map
- Item 26 – Remove 2-16 Parkway Avenue, Glenmore Park from Land Reservation Acquisition map
- Item 28 – Rezone part of 207 Bennett Road, St Clair from R2 to RE1 to provide for a consistent RE1 zoning across the entire site;
- Item 31 – Amend mapped controls for land at Memorial Avenue, Penrith, near Yandhai Nepean Crossing Pedestrian Bridge, including amendments to the Land Zone map, Land Reservation Acquisition map and Height of Buildings map; and
- Item 32 – Amend building height controls for certain properties in Caddens.

As the majority of the amendments to the PLEP 2010 are minor or administrative including those amendments relating to Council owned/managed land, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Remove Item 1 “Introduce a minimum lot size control for semi-detached dwellings”;
- Remove Item 20 “Delete Clause 7.20 Orchard Hills as the noise and flooding provisions within this clause are outdated”;
- Remove Item 33 “Update property address and description for certain land in St Marys - Schedule 4 Classification and reclassification of public land”;
- Update Item 2 “Delete APU provision “4” – Use of certain land at Town Terrace and Glenmore Parkway, Glenmore Park” to provide background of the Additional Permitted Use and further justification for its removal;
- Remove the reference to amending Map Sheet APU_008 from Item 4 “Amend APU provision “18” – Use of certain land at 1216 1224 Mulgoa Road, 4–12 Allan Road and 25 The Straight Road, Mulgoa”;
- Amend the proposed mapping of Item 10 “Amend property description of heritage item 144, being ‘Pumping station (former)’ at 20 Memorial Avenue, Penrith” to apply the heritage layer to the whole of Lot 21 DP 1236215 and remove mapping anomaly of historic lot boundaries;

- Amend Item 11 “*Amend property address and description and associated map of heritage item 298, being ‘Brick cottage’*” to correctly identify both Heritage Item No. 298 and Heritage Item No. 797;
- Amend the proposed mapping for Item 18 “*Rezone 90b Forestwood Drive, Glenmore Park (Mulgoa Nature Reserve) from C2 to C1*” to retain the C2 Environmental Conservation zoning of Lot 100 DP 1272622 (90C Forestwood Drive, Mulgoa and Lot 641 DP 122236 (Forestwood Road, Mulgoa); and
- Include an additional amendment to Map Sheet LRA_013 to reinstate the rear of 128–132 Samuel Marsden Road (Lot 90 DP29388), which was removed in error.

Subject to the updates above, the planning proposal is supported to proceed for the following reasons:

- The proposal is consistent with the Greater Sydney region Plan, draft Sydney Plan, Western Direct Plan and Penrith Local Strategic Planning Statement 2020;
- The proposal is consistent with the relevant Section 9.1 Directions and State Environmental Planning Policies; and
- The majority of the amendments are administrative and minor and will ensure a more accurate and effective LEP, including:
 - Protection of heritage items;
 - Update to land reservations;
 - Appropriate zoning of government land and infrastructure;
 - Correction of mapping errors and anomalies.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 4.3 Planning for Bushfire Protection and 5.2 Reserving Land for Public Purposes are unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:
 - Remove Item 1, Item 20 and Item 33;
 - Update Item 2;
 - Amend Items 4, Item 10, Item 11 and Item 18;
 - Include an amendment to Sheet LRA_013 to reinstate the rear of 128–132 Samuel Marsden Road (Lot 90 DP29388);
 - Update the proposal to clearly state which amendments apply to Council owned land; and
 - Update the proposal’s consistency with Section 9.1 Directions as required.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. The following public authorities to be consulted on the planning proposal as part of the public exhibition:
 - Transport for NSW
 - National Parks and Wildlife Service
 - NSW Rural Fire Service

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 27 November 2026 be included on the Gateway.



12/02/2026

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23/02/26

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