

2 Proposed Amendment to Penrith Development Control Plan 2014

Compiled by: Wendy Connell, Senior Environmental Planner
 Brooke Levingston, City Planning Coordinator
 Danielle Fox, Senior Planner
 Lucy Goldstein, Senior Planner

Authorised by: Christine Gough, Head of City Planning
 Andrew Jackson, Director Planning and Regulatory Services

Outcome	<i>Shape our growing city</i>
Strategy	<i>Navigate balanced growth and plan strategically</i>
Principal Activity	<i>Ensure our strategic framework and vision are contemporary and guide land use planning to meet the needs of our community and growing population</i>

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Executive Summary

This purpose of this report is to seek Council's endorsement to publicly exhibit a draft amendment to Penrith Development Control Plan 2014 (DCP 2014).

The draft amendment introduces a new structure and format to improve the readability and useability of the document and includes updated references, corrects typographical errors, and other administrative updates. The amendment also includes minor amendments to the Waste Management chapter and supporting Waste Management Guidelines (WMG) and to the Luddenham Business Park chapter.

The proposed amendment includes:

- new structure and format, as well as updated references to legislation, policy, government agencies and cross-references within the DCP
- typographical corrections and other minor administrative changes
- amendment to Chapter C5 Waste Management and supporting WMG
- amendment to Chapter E18 Luddenham Road Industrial Business Park
- removal of Chapter E16 Sydney Science Park as it is superseded and captured in the State-led Aerotropolis DCP.

This report recommends that Council endorse the draft amendment to DCP 2014 (separately enclosed) for public exhibition.

Background

LEP 2010 is a statutory planning instrument that guides land use and development outcomes in Penrith Local Government Area (LGA). It sets out zoning and land uses, as well as built form, minimum subdivision lot sizes, environmental provisions, heritage protection, maps and overlays.

DCP 2014 is a non-statutory document that provides detailed provisions that support the implementation of LEP 2010. For example, it includes controls for design and built form (setbacks, bulk and scale), development in rural zones, landscaping and urban heat management, public domain and safety, environmental management (vegetation, water and flood management), car parking and road design, waste management, and other controls for

specific land uses (residential dwelling types, childcare centres, places of worship, restricted premises).

Development control plans should be reviewed periodically to ensure they remain accurate, user-friendly, to correct errors or remove obsolete provisions. Council is guided by provisions in *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021* in the preparation, exhibition and the adoption of a development control plan.

It is noted that Council staff have also commenced a comprehensive review of DCP 2014. This involves a more thorough review of the existing planning controls to ensure they:

- are consistent with Council's Local Strategic Planning Statement (LSPS) and other strategic documents.
- are compatible and complimentary to the LEP and the concurrent review that is being undertaken of this statutory document.
- are contemporary and reflect the community's needs.
- are consistent with recent legislative and standardisation changes.

The proposed draft amendment to DCP 2014 (the subject of this report), and the comprehensive review of DCP 2014 will continue to occur concurrently with further updates to be provided to Councillors as both projects progress.

Current situation

The draft amendment consists of primarily administrative and non-policy updates. The amendment is needed to ensure the DCP 2014 is accurate, user friendly and responds to legislation and the community's needs. Proposed amendments to DCP 2014 are summarised in the table below.

Amendment	Description and purpose of amendment	Current provision
Introduce a new structure and format	A new structure and format is proposed to improve readability, useability and consistency across the document. The new structure includes 5 parts, which are summarised below: • Part A Introduction: This purpose of this part is to introduce the DCP, where it applies, its relationship to other plans and policies and how to use the DCP. Current Parts A and B have been consolidated. • Part B City wide controls: The new structure will group chapters that should be considered early when preparing a development application across most development proposals. Certain chapters have been consolidated where the controls are related or similar in theme. For example, all environmental chapters have been consolidated into one chapter rather than having several standalone chapters (water and land management, noise, urban heat, landscape design and site planning).	All chapters • Part A and B Introductory material and overarching DCP Principles • Part C-City wide controls

Amendment	Description and purpose of amendment	Current provision
	Certain sections of existing chapters have been made standalone chapters to acknowledge their importance and assist users of the DCP. For example, Access and Adaptability, and Safety and Security. • Part C Land Use Controls: The chapters in this part prescribe controls for specific development types within specific zones, including rural, residential, employment (including industrial), and child care centres, educational establishments and places of public worship. • Part D Key Precincts: This part includes additional requirements relating to specific sites or areas in the Penrith LGA. Minor amendments are proposed to this section, apart from the removal of E16 Sydney Science Park chapter, as this area is captured by the State-led Aerotropolis DCP. • Part E: Appendices: This part contains resources to assist DCP users to prepare their development application including definitions and technical information. It is proposed to combine the existing appendices into one standalone chapter, rather than four separate chapters. Otherwise, only minor amendments are proposed to this section. It is anticipated that further refinements to the structure, chapter headings, formatting and the addition of new chapters will be required as we progress further into the DCP Review. This new structure will streamline the DCP and facilitate a more orderly future review process. A copy of the proposed structure is separately enclosed.	• Part D Land Use Controls • Part E Key Precincts • Part F Other Relevant Information
Remove obsolete controls and references, update cross references and typographical corrections.	A preliminary 'health check' of each chapter has been undertaken to ensure that references to legislation, policy, or other Government agencies are current, as well as cross-references to other chapters of the DCP are correct having regard to the new structure and format. Duplications and outdated provisions have been removed as well as other minor corrections. There are occasions within chapters where some references have not been updated. This has occurred where updating the reference would	All chapters

Amendment	Description and purpose of amendment	Current provision
	materially impact controls and is not a straightforward or administrative update. As the comprehensive review of the DCP is progressed, these occurrences will be captured and updated.	
Remove/repeal the Sydney Science Park chapter	The State-led Aerotropolis DCP includes the Sydney Science Park site. This means the E16 chapter has now been superseded, and, therefore, it is appropriate to remove this chapter from the DCP 2014. The numbering of chapters has been adjusted to ensure it remains consecutive.	Chapter E16 Sydney Science Park
Additional controls relating to Luddenham Road Industrial Business Park	Chapter E18 commenced on 20 May 2024 to support a rezoning of land in Orchard Hills from rural to industrial. Proposed amendments to the E18 chapter include: • amend chapter title from E18 to D16. • new DCP provisions relating to lot yield to support LEP Clause 7.24 that requires at least 40 lots to be delivered in Area 5 and 60 lots in Area 6. This is consistent with the Master Plan that has already been endorsed by Council at the Planning Proposal stage and will ensure appropriate distribution of the allotments across the site. • minor amendments to fix drafting errors relating to road cross section diagrams. • a requirement to demonstrate compliance with an estate wide cumulative noise assessment, provided as an appendix to the chapter.	Chapter E18 Luddenham Road Industrial Business Park
Amendments to the Waste Management chapter and Waste Management Guidelines (WMG)	Amendments to Chapter C5 are proposed to provide greater clarity of existing controls and introduce contemporary information on policy and legislative changes. Proposed amendments include: • introduce information on the <i>NSW Protection of the Environment Legislation Amendment (FOGO Recycling) Act 2025</i> which mandates the collection of Food Organics and Garden Organics from residential development from 1 July 2030 and certain non-residential developments from 1 July 2026, 1 July 2028 and 1 July 2030 (depending on the weekly waste capacity of a development). • introduce principles of circular economy, which seeks to minimise waste and encourage re-use and recycling. • clarify controls that apply to group homes, boarding houses, co-living housing and manor houses. • consolidation of the existing 5 WMG's into one	C5 Waste Management Chapter and supporting WMG

Amendment	Description and purpose of amendment	Current provision
	to improve useability and other minor amendments. It is noted that this report does not seek Council's endorsement to exhibit the WMG, as the WMG is a non-statutory document and is not required to be exhibited under legislation or Council's Community Participation Plan. It is anticipated that the WMG will form part of the exhibition material as supporting information only. Minor clarifying amendments.	
Expand existing savings provisions applying to the Child care centre chapter	Part A of DCP 2014 includes a savings provision that exempts six development applications (as listed in Part A) from applying the updated child care centre controls in Chapter D5, Section 5.2 that came into force on 29 July 2025. The savings provisions clause allows for these six development applications to be assessed under the controls that were in effect at the time the applications were lodged. The current amendment (subject of this report) seeks to expand the savings provision to capture all development applications lodged prior to the commencement date of Chapter D5, Section 5.2, being 29 July 2025 to ensure a consistent approach.	Part A Introduction

Financial Implications

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

Risk Implications

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

Next steps

Should Council endorse the recommendations of this report, the next steps include:

1. The draft amendment to Penrith DCP 2014 (provided as an enclosure to this report) will be placed on public exhibition.
2. Public exhibition will be undertaken for a minimum of 28 days in accordance with the community consultation requirements of the *Environmental Planning and Assessment Act 1979* (the Act) and *Environmental Planning and Assessment Regulation 2021* (Regulations), and Council's Community Participation Plan.
3. It is intended to exhibit the draft amendment to Penrith DCP 2014 at the same time as the Planning Proposal – LEP Review (also being reported at this meeting) for community feedback.

It is noted that alignment of the LEP and DCP exhibition will depend on a timely Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI) for the Planning Proposal. The target timeframe for exhibition is February-March 2026. Should there be a delay in the Gateway determination, the DCP exhibition will progress.

4. Submissions received in response to the public exhibition will be reviewed and recommendations prepared for Council's consideration.
5. A further report will be presented to Council detailing the results of the exhibition and recommendations, including whether to adopt the draft amendments.

Conclusion

Council officers have prepared a draft amendment to DCP 2014 that seeks to make updates to improve useability and readability, address outdated references and cross references, make administrative and minor changes. In addition, interim amendments to the waste management chapter and guidelines are proposed to provide contemporary guidance to applicants and respond to new legislation.

A comprehensive review of DCP 2014 has also commenced. This review involves a more thorough review of the existing planning controls that will be aligned to the Penrith Local Environmental Plan 2010 controls and State policy. The proposed draft amendment to DCP 2014 (the subject of this report), and the comprehensive review of DCP 2014 will continue to occur concurrently, with further updates to be provided to Councillors as both projects progress.

Should Council endorse the recommendations of this report, the draft amendment to DCP 2014 will be placed on public exhibition in accordance with legislative requirements and Council's Community Participation Plan.

RECOMMENDATION

That:

1. The information contained in the report on Proposed Amendment to Penrith Development Control Plan 2014 be received.
2. Council endorse the draft amendment to Penrith Development Control Plan 2014 (separately enclosed) for public exhibition.
3. The General Manager be granted delegation to make any minor changes to the draft amendment to Penrith Development Control Plan 2014 prior to public exhibition (e.g. to address typographic errors, incorrect references, formatting and the like).
4. The draft amendment to Penrith Development Control Plan 2014 be publicly exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulations 2021* and Council's Community Participation Plan.
5. A further report be prepared for Council following public exhibition.

ATTACHMENTS/APPENDICES

There are no attachments for this report