



Civic Centre  
601 High Street, Penrith

PO Box 60 Penrith NSW 2751  
DX 8017 Penrith  
Email: [pencit@penrithcity.nsw.gov.au](mailto:pencit@penrithcity.nsw.gov.au)

Telephone: 02 4732 7777  
Facsimile: 02 4732 7958

## PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Property No:	784167	Issue Date:	11/08/2011
Your Reference:	NM-Erskine Park Fax Urgent	Certificate No:	11/03457
Contact No:	0488 298 618	Receipt Date:	11/08/2011
		Receipt No:	2406712

Issued to: McKenzie Group Consulting  
Level 6/189 Kent Street  
SYDNEY NSW 2000

PRECINCT 996

### DESCRIPTION OF LAND

**County:** CUMBERLAND

**Parish:** MELVILLE

**Location:** 23-107 Erskine Park Road ERSKINE PARK NSW 2759

**Land Description:** Lot 1 DP 1128233

### - PART 1 PRESCRIBED MATTERS -

In accordance with the provisions of Section 149(2) of the Act the following information is furnished in respect of the abovementioned land:

#### 1 *NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPs*

*1(1) The name of each environmental planning instrument that applies to the carrying out of development on the land:*

Penrith Local Environmental Plan 1994 (Erskine Park Employment Area), gazetted 25 November 1994, as amended; and Interim Development Order No.93 - Penrith, gazetted 8 August 1980, as amended by Penrith Local Environmental Plan No.250, gazetted 26 February 1999, apply to the land.

Penrith Local Environmental Plan No. 255 – Exempt and Complying Development, gazetted 24 March 2000, as amended, (also) applies to land within the City of Penrith. (Note: This plan does not apply to the land to which Sydney Regional Environmental Plan No.30 – St Marys applies, except as provided by clause 43 of SREP No. 30 – St Marys.)

Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development, gazetted 29 June 2001, (also) applies to all land within the City of Penrith.



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Sydney Regional Environmental Plan No.9 - Extractive Industry (No.2), gazetted 15 September 1995, as amended, applies to the local government area of Penrith.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997), gazetted 7 November 1997, as amended, applies to the local government area of Penrith (except land to which Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme applies).

The names of each State environmental planning policy applying to the land are:

State Environmental Planning Policy No.1 - Development Standards.

State Environmental Planning Policy No.4 - Development Without Consent and Miscellaneous Exempt and Complying Development. (Note: This policy may not apply to land reserved for certain public purposes. See clause 4 of the policy).

State Environmental Planning Policy No.6 - Number of Storeys in a Building.

State Environmental Planning Policy No.19 - Bushland in Urban Areas. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974 and the Forestry Act 1916).

State Environmental Planning Policy No.21 - Caravan Parks.

State Environmental Planning Policy No.22 - Shops and Commercial Premises.

State Environmental Planning Policy No.30 - Intensive Agriculture.

State Environmental Planning Policy No.32 - Urban Consolidation (Redevelopment of Urban Land).

(Note: This policy does not apply to land identified as coastal protection, environmental protection, escarpment, floodway, natural hazard, non-urban, rural, rural residential, water catchment or wetland.)

State Environmental Planning Policy No.33 - Hazardous and Offensive Development.

State Environmental Planning Policy No.50 - Canal Estate Development. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 1998 (Lakes Environs) and Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme apply.)

State Environmental Planning Policy No.55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No.64 - Advertising and Signage.

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes).

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Note: This policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only as detailed in clause 4 of the policy.)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

State Environmental Planning Policy (Major Development) 2005.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

State Environmental Planning Policy (Temporary Structures) 2007.

State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

State Environmental Planning Policy (Affordable Rental Housing) 2009.

State Environmental Planning Policy (Western Sydney Employment Area) 2009 applies to the land. Under the terms of this Policy the land is partly zoned Zone IN1 General Industrial.



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### Zone IN1 General Industrial

#### 1 Objectives of zone

- To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.
- To encourage employment opportunities along motorway corridors, including the M7 and M4.
- To minimise any adverse effect of industry on other land uses.
- To facilitate road network links to the M7 and M4 Motorways.
- To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.
- To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.

#### 2 Permitted without consent

Nil.

#### 3 Permitted with consent

Depots; Food and drink premises; Freight transport facilities; Industrial retail outlets; Industries (other than offensive or hazardous industries); Neighbourhood shops; Roads; Service stations; Transport depots; Truck depots; Warehouse or distribution centres.

#### 4 Prohibited

Any development not specified in item 2 or 3.

Note 1: Under the terms of Clause 12 of State Environmental Planning Policy (Western Sydney Employment Area) 2009 development may be carried out on unzoned land only with consent.

Note 2: Land to which State Environmental Planning Policy (Western Sydney Employment Area) 2009 applies may be subdivided but only with consent. Consent is not required for subdivision detailed in Clause 14(2) of this Policy.

Note 3: Under the terms of Clause 15 of State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite any other provision of this Policy, a person may, with consent, carry out development for the purposes of a child care centre on land to which this Policy applies.



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***1(2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act:***

(Information is provided in this section only if a proposed environmental planning instrument that is or has been the subject of community consultation or on public exhibition under the Act will apply to the carrying out of development on the land.)

***1(3) The name of each development control plan that applies to the carrying out of development on the land:***

Penrith Development Control Plan 2010 applies to all land subject to Penrith Local Environmental Plan 2010. Penrith Development Control Plan 2006 applies to all land not subject to Penrith Local Environmental Plan 2010.

## **2 ZONING AND LAND USE UNDER RELEVANT LEPs**

***For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):***

***2(a)-(d) the identity of the zone; the purposes that may be carried out without development consent; the purposes that may not be carried out except with development consent; and the purposes that are prohibited within the zone. If these sections apply to the land details are shown below and/or in annexures.***

Under the terms of Penrith Local Environmental Plan 1994 (Erskine Park Employment Area) the land is partly zoned as Zone No. 4(e1) (Employment - Restricted); and under the terms of Interim Development Order No.93 - Penrith the land is partly zoned Rural 1(a1).

Zone No. 4(e1) (Employment - Restricted)

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

The objectives of this zone are:

- (a) to prohibit certain development which is likely to have an adverse environmental effect on the amenity of adjoining localities; and
- (b) to promote development which does not have an adverse environmental effect on the adjoining residential and rural communities arising from air, noise or other pollution, and
- (c) to permit retail activities which are:
  - (i) compatible with the concept of the employment area; and
  - (ii) unlikely to prejudice the viability of existing business centres, or are primarily intended to service persons working in the Erskine Park Employment Area; and
- (d) to permit office development of a type which:
  - (i) would not be readily located in a traditional business zone; and



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- (ii) would be unlikely to prejudice the viability of existing business centres; and
- (e) to permit development for the purposes of recreation facilities, child care centres and community facilities in association with, or independent of, other permitted development to serve the needs of the workforce of the Area and the adjoining residential and rural communities; and
- (f) to prohibit development of land for any purpose if, as a result of carrying out the development, there will be direct vehicular access between that land and either Erskine Park Road or Mamre Road; and
- (g) to promote development of land with frontage to Mamre Road and Erskine Park Road if the buildings or works resulting from the carrying out of the development will, by their architectural and landscape design, enhance the rural scenic character of those roads and their roles as gateways to the City of Penrith.

### 2. Without development consent

Nil.

### 3. Only with development consent

Any land use other than those included in Item 4.

### 4. Prohibited

Amusement parks; boarding houses; camp or caravan sites; dwellings (other than those used in conjunction with other land uses that are not prohibited in this zone and situated on the land on which such other uses are conducted); general stores; generating works; industries listed in Schedule 2; junk yards; materials recycling yards; motor showrooms; offensive or hazardous industries; offensive or hazardous storage establishments; shops (other than those primarily intended to service persons working in the Erskine Park Employment Area or shops trading principally in bulky goods or motor vehicle parts and accessories); vehicle body repair workshops; waste disposal.

#### Schedule 2 - Prohibited Industries

abattoirs;  
chemical factories or works;  
crushing, grinding or milling works;  
extractive industries;  
gasholders;  
liquid, chemical, oil or petroleum waste works;  
liquid fuel depots;  
metallurgical works in which more than 100 tonnes per annum of ferrous or non-ferrous metals or their ores are processed;  
mines;  
oil refineries;  
paper or pulp works;  
petroleum product storage and processing works;



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pre-mix bitumen works;  
rubber or plastic works;  
sawmills;  
scrap recovery or drum reconditioning works.

### **Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development**

In addition to any controls detailed above Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development sets out further circumstances where development consent will be required for particular development. A copy of this LEP is attached.

#### ***2(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed:***

(Information is provided in this section only if any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.)

For land zoned Rural 1(a1) under Interim Development Order No.93 - Penrith provisions fixing the minimum area upon which a dwelling-house may be erected at 40 hectares apply to the land. Council may also consent to the erection of a dwelling-house on an allotment zoned Rural 1(a1) under Interim Development Order No.93 - Penrith that was in existence as a separate allotment, lot or portion of land as at 8 August, 1980.

Note: There are also certain performance requirements with regard to land dimensions affecting the construction of a dwelling-house on the land. In this regard Council has not considered the physical configuration or suitability of this particular land for the erection of a dwelling-house.

#### ***2(f) whether the land includes or comprises critical habitat:***

(Information is provided in this section only if the land includes or comprises critical habitat.)

#### ***2(g) whether the land is in a conservation area (however described):***

(Information is provided in this section only if the land is in a conservation area (however described).)

#### ***2(h) whether an item of environmental heritage (however described) is situated on the land:***

(Information is provided in this section only if an item of environmental heritage (however described) is situated on the land.)



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### ***2A ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006***

(Information is provided in this section only if the land is within any zone under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.)

### ***3 COMPLYING DEVELOPMENT***

#### ***GENERAL HOUSING CODE***

Complying development under the General Housing Code **may** be carried out on the land.

#### ***RURAL HOUSING CODE***

Complying development under the Rural Housing Code **may** be carried out on the land.

#### ***HOUSING ALTERATIONS CODE***

Complying development under the Housing Alterations Code **may** be carried out on the land.

#### ***GENERAL DEVELOPMENT CODE***

Complying development under the General Development Code **may** be carried out on the land.

#### ***GENERAL COMMERCIAL AND INDUSTRIAL CODE***

Complying development under the General Commercial and Industrial Code **may** be carried out on the land.

#### ***SUBDIVISIONS CODE***

Complying development under the Subdivisions Code **may** be carried out on the land.

#### ***DEMOLITION CODE***

Complying development under the Demolition Code **may** be carried out on the land.

(NOTE: Council has relied on Department of Planning Circulars and Fact Sheets in the preparation of this information. Applicants should seek their own legal advice in relation to this matter with particular reference to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.)



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### **4 COASTAL PROTECTION**

The land is not affected by the operation of sections 38 or 39 of the Coastal Protection Act 1979, to the extent that council has been so notified by the Department of Public Works.

### **5 MINE SUBSIDENCE**

The land is not proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

### **6 ROAD WIDENING AND ROAD REALIGNMENT**

The land is not affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993, or
- (b) an environmental planning instrument, or
- (c) a resolution of council.

### **7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

#### **(a) Councils Policies**

The land is not affected by a policy adopted by the council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

#### **(b) Other Public Authority Policies**

The Bush Fire Co-ordinating Committee has adopted a Bush Fire Risk Management Plan that covers the local government area of Penrith City Council, and includes public, private and Commonwealth lands.

The land is not affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

### **7A FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

(1) Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) (if such uses are permissible on the land) is subject to flood related development controls.



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(2) Development on the land or part of the land for industrial or commercial purposes (if such uses are permissible on the land) is subject to flood related development controls.

Development on the land or part of the land for purposes other than industrial or commercial, or for purposes other than those referred to in (1) above, will be considered on a merits based approach and flood related development controls may apply.

Note: The land is subject to Penrith Development Control Plan 2010 Section C3.5 Flood Liable Lands and/or Penrith Development Control Plan 2006 Section 2.10 Flood Liable Land. On application and payment of the prescribed fee Council may be able to provide in writing a range of advice in regard to the extent of flooding affecting the property.

### **8 LAND RESERVED FOR ACQUISITION**

No environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

### **9 CONTRIBUTIONS PLANS**

The Library Facilities (Amendment No.1) in the City of Penrith Development Contributions Plan applies to the land.

The Cultural Facilities Development Contributions Plan applies to the land.

The Erskine Business Park - Development Contributions Plan 2008 applies to the land.

### **9A BIODIVERSITY CERTIFIED LAND**

(Information is provided in this section only if the land is biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*).

### **10 BIOBANKING AGREEMENTS**

(Information is provided in this section only if Council has been notified by the Director-General of the Department of Environment, Climate Change and Water that the land is land to which a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates.)

### **11 BUSH FIRE PRONE LAND**

Some of the land is identified as bush fire prone land according to Council records. Guidance as to restrictions that may be placed on the land as a result of the land being bush fire prone can be obtained by contacting Council. Such advice would be subject to further requirements of the NSW Rural Fire Services.



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### **12 PROPERTY VEGETATION PLANS**

(Information is provided in this section only if Council has been notified that the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies.)

### **13 ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

(Information is provided in this section only if Council has been notified that an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.)

### **14 DIRECTIONS UNDER PART 3A**

(Information is provided in this section only if there is a direction by the Minister in force under section 75P(2)(c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.)

### **15 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS AFFECTING SENIORS HOUSING**

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (seniors housing), of which the council is aware, issued under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 18(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.)

### **16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

(Information is provided in this section only if there is a valid site compatibility certificate (infrastructure), of which council is aware, in respect of proposed development on the land.)

### **17 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 have been imposed as a condition of consent to a development application in respect of the land.)



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*NOTE: The following matters are prescribed by section 59(2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate*

- (a) (Information is provided in this section only if, as at the date of this certificate, the land (or part of the land) is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.)
- (b) (Information is provided in this section only if, as at the date of this certificate, the land is subject to a management order within the meaning of the Contaminated Land Management Act 1997.)
- (c) (Information is provided in this section only if, as at the date of this certificate, the land is the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.)
- (d) (Information is provided in this section only if, at the date of this certificate, the land subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.)
- (e) (Information is provided in this section only if the land is the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997 – a copy of which has been provided to Council.)

Note: Section 149(5) information for this property may contain additional information regarding contamination issues.

Note: The Environmental Planning and Assessment Amendment Act 1997 commenced operation on the 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Regulation 2000.

Information is provided only to the extent that Council has been notified by relevant government departments.

### **149(5) Certificate**

**This Certificate is directed to the following  
relevant matters affecting the land**

When information pursuant to section 149(5) is requested the Council is under no obligation to furnish any of the information supplied herein pursuant to that section. Council draws your attention to section 149(6) which states that a council shall not incur any liability in respect of any advice provided in good faith pursuant to sub-section (5). The absence of any reference to any matter affecting the land shall not imply that the land is not affected by any matter not referred to in this certificate.



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Note:

- From 1 July 2008 Council's 149(5) information does not include development consent or easement information. Details of development consents may be obtained by making enquiries with Council's Development Services Department pursuant to section 12 of the Local Government Act 1993 or (for development applications lodged after January 2007) by viewing the Online Services area at [www.penrithcity.nsw.gov.au](http://www.penrithcity.nsw.gov.au). Details of any easements may be obtained from a Title Search at Land and Property Information New South Wales.
- This certificate does not contain information relating to Complying Development Certificates.
- This certificate may not provide full details of development rights over the land.

\* When considering any development application Council must have regard to the Threatened Species Conservation Act 1995. Please note that this legislation may have application to any land throughout the city. Interested persons should make their own enquiries in regard to the impact that this legislation could have on this land.

\* The land is affected by a Tree Preservation Order.

\* Penrith Development Control Plan 2006 Section 6.10 Erskine Business Park should be consulted to determine building setback requirements for the subject land.

\* This property is subject to restriction(s) as to user. See current or previous Section 88B Instrument(s) for details.

\* This land is affected by a covenant.

**Alan Stoneham,  
General Manager.**

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# Penrith Local Environmental Plan No 258 – Consent for Dwelling Houses and Other Development

## 1 Name of plan

This plan is *Penrith Local Environmental Plan No 258 – Consent for Dwelling Houses and Other Development*.

## 2 Aims of plan

This plan aims to:

- (a) require development consent for dwelling houses on residentially zoned land within the City of Penrith, and
- (b) require development consent for dwelling houses on land within the Non-urban zone under the *Penrith Planning Scheme Ordinance* and on land within the Special Business zone under *Penrith Local Environmental Plan 1997 (Penrith City Centre)*, and
- (c) require development consent for dwelling houses attached to and used in conjunction with shops on land within the Neighbourhood Business zone under the *Penrith Planning Scheme Ordinance*, and
- (d) require development consent for the following:
  - (i) the erection of a building or structure ordinarily associated with a dwelling house,
  - (ii) a change of building use,

**Note.** At the commencement of this plan, a **change of building use** meant a change of use of a building from a use that the *Building Code of Australia* recognises as appropriate to one class of building to a use that the *Building Code of Australia* recognises as appropriate to a different class of building.

- (iii) demolition of a building or structure,
- (iv) carrying out structural alterations to a building, internal alterations to a building, or external building work in association with business premises, a bed and breakfast establishment, office premises, commercial premises or take away food shops,
- (v) the subdivision of land,

to the extent to which such development does not already require development consent because of another environmental planning instrument in order to be carried out.

## 3 Land to which plan applies

This plan applies to all land within the City of Penrith.

## 4 Relationship to other environmental planning instruments

- (1) In the event of an inconsistency between this plan and any other local environmental planning instrument or deemed environmental planning instrument, this plan shall prevail to the extent of the inconsistency, subject to section 36 (4) of the Act.
- (2) This plan amends:
  - (a) *Penrith Planning Scheme Ordinance* in the manner set out in Schedule 1,
  - (b) *Penrith Local Environmental Plan 1997 (Penrith City Centre)* in the manner set out in Schedule 2, and
  - (c) *Penrith Local Environmental Plan 1998 (Urban Land)* in the manner set out in Schedule 3.
- (3) This plan does not affect the application of:
  - (a) *State Environmental Planning Policy No 3 – Castlereagh Liquid Waste Disposal Depot*,
  - (b) *State Environmental Planning Policy No 27 – Prison Sites*,
  - (c) *Sydney Regional Environmental Plan No 9 – Extractive Industry*,

- (d) *Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme,*
  - (e) *Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2-1997),*
  - (f) *Sydney Regional Environmental Plan No 30 – St Marys, or*
  - (g) *Penrith Local Environmental Plan No 255 – Exempt and Complying Development,*
- to land to which this plan applies.

## 5 Definitions

- (1) In this plan:

*a building or structure ordinarily associated with a dwelling house* means a garage, carport, pergola, swimming pool, and the like, and includes alterations and additions to an existing dwelling house.

*change of building use* has the same meaning as in the Act.

**Note.** At the commencement of this plan, a *change of building use* meant a change of use of a building from a use that the *Building Code of Australia* recognises as appropriate to one class of building to a use that the *Building Code of Australia* recognises as appropriate to a different class of building.

*dwelling* means a room or number 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 dwelling which is the only dwelling erected on an allotment of land.

*subdivision of land* has the same meaning as in the Act.

*the Act* means the *Environmental Planning and Assessment Act 1979*.

- (2) The list of contents and notes in this plan are not part of this plan.

## 6 Dwelling houses require development consent

- (1) The erection of a dwelling house must not be carried out without development consent.
- (2) This clause applies to residentially zoned land within the City of Penrith.
- (3) This clause applies if the development:
- (a) does not require development consent because of another environmental planning instrument, and
  - (b) is not prohibited by another environmental planning instrument.

## 7. Miscellaneous development that requires development consent

- (1) The following development must not be carried out without development consent:
- (a) erection of a building or structure ordinarily associated with a dwelling house, or
  - (b) development that results in a change of building use, or
  - (c) demolition of a building or structure, or
  - (d) structural, internal or external building work in association with business premises, a bed and breakfast establishment, office premises, commercial premises or take away food shops.
- (2) This clause applies if the development:
- (a) does not require development consent because of another environmental planning instrument, and
  - (b) is not prohibited by another environmental planning instrument, and
  - (c) is not identified in *Penrith Local Environmental Plan No 255 – Exempt and Complying Development* as exempt development, and
  - (d) does not involve Crown building work as defined in section 116G of the Act.

**8 Subdivisions require development consent**

- (1) A subdivision of land must not be carried out without development consent.
- (2) This clause applies if the subdivision of land:
  - (a) does not require development consent because of another environmental planning instrument, and
  - (b) is not prohibited by another environmental planning instrument, and
  - (c) is not identified in *Penrith Local Environmental Plan No 255 – Exempt and Complying Development* as exempt development, and
  - (d) does not involve Crown building work as defined in section 116G of the Act.

## Schedule 1    Amendment of Penrith Planning Scheme Ordinance

(Clause 4 (2) (a))

- [1]    **Clause 4 Interpretation**  
Omit the definition of *Country dwelling*.
- [2]    **Clause 26 Erection or use of buildings or works**  
Omit “country dwellings;” from Column III for Zone No 1 of the Table to the clause.
- [3]    **Clause 26, Table**  
Omit “dwelling-houses other than country dwellings and rural dwellings;” from Column V for Zone No. 1.
- [4]    **Clause 26, Table**  
Omit “Dwelling-houses other than semi-detached and terrace buildings.” from Column III for Zone No 2(a).
- [5]    **Clause 26, Table**  
Omit “Residential buildings.” from Column III for Zone No 2 (b).
- [6]    **Clause 26, Table**  
Omit “Dwelling-houses other than semi-detached or terrace buildings.” from Column III for Zone No 2 (c).
- [7]    **Clause 26, Table**  
Omit “;dwelling-houses attached to and used in conjunction with shops” from Column III for Zone No 3 (c).
- [8]    **Clause 26, Table**  
Omit “Purposes” from Column IV for Zone No 3(c).  
  
Insert instead “Buildings or other structures ordinarily associated with dwelling houses; changes of building use (as defined in the *Environmental Planning and Assessment Act 1979*); dwelling-houses attached to and used in conjunction with shops; demolition of buildings or other structures; land uses and premises”.
- [9]    **Clause 26, Table**  
Insert “; structural or internal alterations to, or external building work in association with, commercial premises or refreshment rooms” after “roads” in Column IV for Zone No 3(c).
- [10]    **Clause 38 Development in residential zones**  
Omit the clause.
- [11]    **Clause 46 Variation of area required for country dwelling**  
Omit the clause.

## Schedule 2 Amendment of Penrith Local Environmental Plan 1997 (Penrith City Centre)

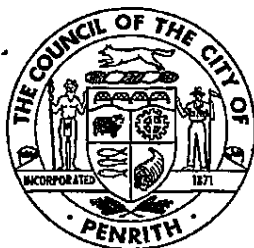
(Clause 4 (2) (b))

- [1] **Clause 9 Zone objectives and development control table**  
Omit from item (b) (i) **Without development consent** for Zone No 2 (f) in the Development Control Table:
- dwelling-houses
- [2] **Clause 9, table**  
Insert in alphabetical order in item (b) (ii) **Only with development consent** for Zone No 2 (f):
- buildings or other structures ordinarily associated with dwelling-houses
  - demolition of buildings or other structures
  - dwelling-houses
- [3] **Clause 20 Development of land within Zone No 3 (a)**  
Insert “where the new use does not involve structural or internal alterations or external buildings works” after the words “or take away food shops”.

## Schedule 3 Amendment of Penrith Local Environmental Plan 1998 (Urban Land)

(Clause 4 (2) (c))

- [1] **Clause 9 Zone objectives and development control table**  
Omit wherever occurring from item (b) (i) **Without development consent** for Zones Nos 2 (a1), 2 (a), 2 (b), 2 (c), 2 (d) and 2 (e) in the Development Control Table:
- dwelling houses
- [2] **Clause 9, table**  
Insert in alphabetical order in item (b) (ii) **Only with development consent** for Zones Nos 2 (a1), 2 (a), 2 (b), 2 (c), 2 (d) and 2 (e):
- buildings or other structures ordinarily associated with dwelling houses
  - changes of building use (as defined in the Act)
  - demolition of buildings or other structures
  - dwelling houses
  - internal structural work in bed and breakfast establishments
- [3] **Clause 9, table**  
Insert in alphabetical order in item b (ii) **Only with development consent** for Zones Nos 2 (r) and 2 (r1);
- buildings or other structures ordinarily associated with dwelling houses
  - changes of building use (as defined in the Act)
  - demolition of buildings or other structures
  - structural or internal alterations to bed and breakfast establishments
- [4] **Clause 9, table**  
Insert in alphabetical order in item (b) (ii) **Only with development consent** for Zone No 3 (f):
- changes of building use (as defined in the Act)
  - demolition of buildings or other structures
  - external building work associated with an existing land use carried out with consent
  - structural or internal alterations to a building or other structure erected with consent or building approval



# PENRITH CITY COUNCIL

DX 8017 PENRITH

PO BOX 60, PENRITH NSW 2751

Email address: [pencit.penrithcity.nsw.gov.au](mailto:pencit.penrithcity.nsw.gov.au)

Phone: 02 4732 7777

Fax: 02 4732 7958

## ANNEXURE TO CERTIFICATE UNDER SECTION 149 Environmental Planning and Assessment Act, 1979

The Environmental Planning Instrument/s nominated in this certificate may affect the purposes for which development may or may not be carried out on the land. This/These instrument/s may contain development standards which may affect the carrying out of development on the land. The instrument/s is/are available for inspection at Council's Enquiry Counter during office hours.

### BELOW IS AN EXTRACT OF THE INSTRUMENT

#### INTERIM DEVELOPMENT ORDER No. 93

#### TABLE

Column I	Column II	Column III
Zone and colour or indication on I.D.C. Map	Purposes for which interim development may be carried out without the consent of the council	Purposes for which interim development may be carried out only with the consent of the council
1. RURAL: (a1) Rural "A1". Light brown	Agriculture (other than pig keeping or poultry farming establishments); forestry.	Advertising structures; amusement parks; animal boarding, breeding and training establishments; car repair stations; caravan parks; cemeteries; clubs; development referred to in Schedule 3; drive-in theatres; dwelling-houses; educational establishments; extractive industries; home industries; home occupations; institutions; offensive or hazardous industries; open space; places of assembly; places of public worship; pig keeping establishments; plant nurseries; poultry farming establishments; recreation establishments; research establishments; roads; rural industries; stables; stock and saleyards; utility installations; veterinary establishments; waste disposal.
(a2) Rural "A2". Light brown with dark red edging and lettered 1 (a2).	Agriculture (other than pig keeping or poultry farming establishments).	Advertising structures; dwelling-houses; educational establishments; extractive industries; home occupations; open space; roads; sand and gravel processing; utility installations.
(d) Rural "D". (Future Urban). Light brown with dark red edging and lettered 1 (d).	_____	Agriculture (other than pig keeping or poultry farming establishments); advertising structures; dwelling-houses; educational establishments; home occupations; open space; roads; utility installations.
5. SPECIAL USES: (a) Special Uses "A". Yellow with scarlet lettering.	_____	Development for the particular purpose indicated by scarlet lettering on the I.D.C. Map and any purpose ordinarily incidental or subsidiary thereto; drainage; open space; roads; utility installations (other than gas holders or generating works).
(b) Special Uses "B". (Roads). Grey.	_____	Any purpose authorized by Part IX of the Act; drainage; roads; utility installations.
6. OPEN SPACE: (a) Existing Recreation. Dark green and lettered 6 (a).	Children's playgrounds; drill grounds; gardens; parks; public baths; public reserves, sports grounds; uses or buildings associated with those purposes which are under the care, control and management of the council.	Drainage; parking incidental to recreation; roads, sportsgrounds; utility installations (other than gas holders or generating works).
(b) Private Recreation. Dark green with yellow edging.	_____	Agriculture; any development ordinarily incidental to sports clubs, golf courses or recreation areas; drainage; golf courses; recreation areas; roads; sports clubs; utility installations (other than gas holders or generating works).
7. RURAL ENVIRONMENT PROTECTION: (d) Rural Environment Protection "D". (Scenic).	_____	Agriculture (other than pig keeping or poultry farming establishments); advertising structures; dwelling-houses; home occupations; open space; recreation establishments; roads; utility installations (other than gas holders or generating works).

### **Setbacks**

9. A building shall not be erected on any land having a frontage to a designated road if the distance between that building and the nearest alignment of that road is less than 30 metres.
10. (1) This clause applies to land –
- (a) which is within 300 metres of the road alignment of a designated road, or
  - (b) which has direct vehicular access to a designated road.
- (2) Land to which this clause applies shall not be developed for the purposes of amusement parks, caravan parks, clubs, drive-in theatres, educational establishments, places of public worship, plant nurseries, places of assembly or recreation establishments.

### **Land in Zone No. 7 (d) – special controls**

8. (1) This clause applies to all land within Zone No. 7 (d).
- (2) No building shall be erected on land within 100 metres of the banks of the Hawkesbury – Nepean River without the concurrence of the Commission.
- (3) A building shall not be erected on land to which this clause applies the height of which (measured at any point of the building) exceeds 8 metres.
- (4) Subject to subclause (5) the external surfaces of any building shall be constructed of prescribed materials.
- (5) The council may permit –
- (a) an external surface of any existing building or work the surfaces of which are not composed of prescribed materials; or
  - (b) no more than 10 per centum of the external surface of any building, to be constructed of materials other than prescribed materials.
- (6) The council may require as a condition of any consent granted under this clause –
- (a) the retention of any or all existing trees, shrubs, and vegetation on the site; and
  - (b) the planting of additional trees and shrubs to screen the development from view from any public place.

### **Schedule 3**

Any development carried out by or on behalf of –

The Department of Agriculture (New South Wales).  
 The Department of Education (New South Wales).  
 The Department of Main Roads (New South Wales).  
 The Department of Mines (New South Wales).  
 The Department of Public Works (New South Wales).  
 The Department of Technical and Further Education (New South Wales).  
 The Department of Youth and Community Services (New South Wales).  
 The Department of Motor Transport (New South Wales).  
 The Police Department (New South Wales).  
 The Department of Tourism (New South Wales).  
 The Public Transport Commission of New South Wales.  
 The Electricity Authority of New South Wales.  
 The Electricity Commission of New South Wales.  
 The Forestry Commission of New South Wales.  
 The Health Commission of New South Wales.

The Metropolitan Waste Disposal Authority (New South Wales).  
 The National Parks and Wildlife Service (New South Wales).  
 The Metropolitan Water Sewerage and Drainage Board (New South Wales).  
 The Sport and Recreation Service (New South Wales).  
 The Water Resources Commission (New South Wales).  
 The Soil Conservation Service (New South Wales).  
 The Prospect County Council.  
 The Department of Transport (Commonwealth).  
 The Department of Administrative Services (Commonwealth).  
 The Australian Postal Commission (Commonwealth).  
 The Australian Telecommunications Commission (Commonwealth).  
 The Australian Gas Light Company.

## Penrith Local Environmental Plan No. 250

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the Environmental Planning and Assessment Act 1979. (P98/00064/S69)

CRAIG KNOWLES MP

Minister for Urban Affairs and Planning.

Sydney, 22 February 1999.

### 1. Citation

This plan may be cited as *Penrith Local Environmental Plan No. 250*.

### 2. Aims, objectives etc

This plan aims to allow for attached dual occupancy on land within Zone No. 1(a1), Zone No. 1(a2) and Zone No. 1(d) under Interim Development Order No. 93 – Penrith.

### 3. Land to which plan applies

This plan applies to land affected by Interim Development Order No. 93 – Penrith.

### 4. Amendment of other environmental planning instruments

This plan amends Interim Development Order No. 93 - Penrith in the manner set out in Schedule 1.

## Schedule 1 Amendment of Interim Development Order No. 93 – Penrith

[Clause 4]

### [1] Clause 2 Definitions

After the definition of “designated road” in clause 2(1), insert:

“dual occupancy” means two attached dwellings on a single allotment of land;

### [2] Clause 6A Dual occupancy

After clause 6, insert:

#### Dual occupancy

6A. The council may grant consent to an application to erect a dual occupancy on an allotment of land within Zone No. 1(a1), 1(a2) or 1(d) only if:

- (a) development for the purpose of a dwelling-house may be carried out on that allotment in accordance with clause 6; and
- (b) no more than two dwellings will be on that allotment as a result of the development being carried out.