

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

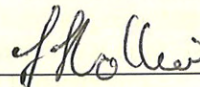
- From 1 July 2008 Council's 149(5) information does not include development consent or easement information. Details of development consents may be obtained by making enquiries with Council's Development Services Department pursuant to section 12 of the Local Government Act 1993 or (for development applications lodged after January 2007) by viewing the Online Services area at www.penrithcity.nsw.gov.au. 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.

**Alan Stoneham,
General Manager.**

Per



Exempt and Complying Development

NOTE: For development to be "Exempt Development" or "Complying Development" it **MUST** comply with the requirements specified within Penrith Local Environmental Plan No. 255 – Exempt and Complying Development, and Penrith Development Control Plan 2006 Part 5 Exempt and Complying Development.

Exempt Development

<div style="border: 1px solid black; padding: 5px;"> <p>Advertisement / Signs</p> <ul style="list-style-type: none"> Advertisement displaying a message changed from that displayed by a previously approved advertisement. Advertisement erected on land zoned Rural Conservation under SREP No. 13 – Mulgoa Valley; or land zoned Agriculture Protection or Rural under SREP No. 25 – Orchard Hills. Advertisement within a site being a sign which is not visible from outside the site on which it is displayed. Advisory or directional sign (traffic directional, street signs). Business identification sign. Exhibition village sign being an advertisement erected on a property on which Council has approved an "exhibition home or homes". Public notice. Real estate sign. Sponsorship advertising in sporting fields or grounds. Temporary sign. </div>	<div style="border: 1px solid black; padding: 5px;"> <p>Minor Ancillary Development (cont.)</p> <ul style="list-style-type: none"> Minor internal (non-structural) alterations to existing business or office premises, and shops (other than food shop, take-away food shop or restaurant). Minor internal (non-structural) alterations to existing dwelling or dwelling house. Outdoor eating area in conjunction with a restaurant or refreshment room. Outdoor trading area in conjunction with an approved shop. Park and street furniture (seats, bins, picnic tables, minor shelters and bus shelters) by Penrith City Council. Pergola (no roof covering). Playground equipment on land classified as Community Land by Penrith City Council. Privacy screen for domestic purposes on a residential property. Re-cladding of walls to existing dwelling, dwelling house, ancillary residential or rural building. Replace or repair existing roof to a dwelling, dwelling house, ancillary residential or rural building. Retaining walls required as a result of excavations associated with the construction of a building or structure. Satellite dish for domestic purposes. Screen enclosure attached to existing dwelling house. </div>
<div style="border: 1px solid black; padding: 5px;"> <p>Minor Ancillary Development</p> <ul style="list-style-type: none"> Access ramps for people with disabilities. Aerials and antennae but not including satellite dishes. (Domestic purposes only.) Air conditioners and exhaust fans for existing dwelling house. Awning, canopy or stormblind attached to existing dwelling house. Aviary (an enclosure in which birds are kept for domestic purposes, not including poultry or pigeons). Barbecue associated with existing dwelling or dwelling house. Bollards erected for security purposes to existing business premises, office premises, or shop. Bridges and staircases in Penrith City Council's public parks and recreation areas. Cabana or gazebo. Carport for existing dwelling house. Childproof enclosures for dangerous dogs or restricted dogs as defined under the Companion Animals Act, 1998. Clothes line or hoist for domestic purposes. Cubby house at ground level. Deck or patio attached to existing dwelling house. Flag pole not to be used for the display of corporate flags for the purposes of advertisement. Garden shed, greenhouse, and the like. Goal posts, sightscreens and similar ancillary sporting structures on sporting or playing fields (excludes grandstands, dressing sheds and the like). Isolation swimming pool safety fencing for existing pools installed prior to the 1 August 1990, for domestic properties. Lighting of Penrith City Council's sporting or playing fields. Minor external repairs to existing dwelling or dwelling house. </div>	<div style="border: 1px solid black; padding: 5px;"> <ul style="list-style-type: none"> Shade structure to be erected on land owned by Penrith City Council. Skylight or rooflight for existing dwelling or dwelling house. Solar water heater, solar panels and solar lighting. Tennis court for private / non-commercial use on a rural zoned property and associated with a dwelling house. Waste storage container (waste / skip bin) temporarily being placed in a public place. Water heater excluding solar systems. Windows, glazed areas and external door replacement for existing dwelling, dwelling house, or other ancillary residential building. Water storage tank. <ul style="list-style-type: none"> In Residential zones (water tanks at or above ground level). In Rural zones (water tanks at or above ground level, or below ground level). On land owned, controlled or managed by Penrith City Council (water tank at or above ground level.) </div>
	<div style="border: 1px solid black; padding: 5px;"> <p>Use of Land or Building.</p> <ul style="list-style-type: none"> Agriculture not including aquaculture, dams, intensive animal industries and intensive horticulture establishments. Ancillary building associated with the agricultural use of the land. Bed and breakfast establishment in existing dwelling house. Class 9b building for the purpose of a public meeting. Family day-care home in existing dwelling house. Home activity or home occupation in existing dwelling or dwelling house. New use of existing business premises or office premises to another business premises or office premises. New use of existing business premises to another business premises. New use of existing shop to another shop (other than a food shop, take-away food shop or a shop trading principally in bulky goods). Temporary use of existing building as a place of public entertainment. </div>

Other Minor Development

- Boundary adjustment.
- Demolition of:
 - Single storey residential construction and ancillary, single storey development (including swimming pools), and
 - All exempt activities in this Schedule (other than 'Isolation Swimming Pool Fencing').
- Fences other than swimming pool fencing covered by the Swimming Pools Act 1992.
 - In Industrial zones.
 - In Residential zones.
 - In Rural zones (including entrance gates).
 - In Open Space zones.

Complying Development

- Dwelling house (single storey detached dwelling house, but not a re-sited dwelling).
- Single storey additions and alterations to existing single storey dwelling house (including awning, screen enclosure and / or pergola).
- Ground and first floor additions and alterations to existing dwelling house in rural areas (including awning, screen enclosure and / or pergola).
- Carport or garage (including garden shed) associated with existing dwelling house.
- Farm shed (building used for farm or agricultural purposes only).
- Swimming pool (above or in-ground) associated with existing dwelling house. Non – commercial swimming pool.
- Internal structural works associated with a bed and breakfast establishment in an existing dwelling house.
- Demolition of a building up to 2 storeys (of residential construction).
- Strata subdivision of completed development only.
- New use to a business premises in an approved industrial building or unit.
- New use to a light industry in an approved industrial building or unit.
- Change in building classification as a result of new use of existing unit or building and may include internal alterations. New use may involve a commercial premises, business premises, office premises, or shop (other than a food shop or take-away food shop).
- Internal alterations to existing commercial, business or office premises, or shop (other than a food shop or take-away food shop).
- Internal alterations to existing industrial unit or building.
- New use of existing commercial or industrial unit or shop as a food shop or take-away food shop including internal alterations.
- Internal alterations to an existing food shop or take-away food shop.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
DRAFT PENRITH LOCAL ENVIRONMENTAL PLAN 1998 (URBAN LAND)
AMENDMENT NO. 17

I, the Minister for Infrastructure, Planning and Natural Resources, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder (P^{1998/1999/17}).

Minister for Infrastructure, Planning and Natural Resources
 Sydney, 2004.

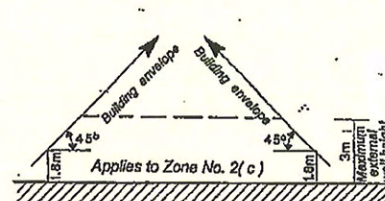
1. Name of plan
 This plan may be cited as Penrith Local Environmental Plan 1998 (Urban Land) Amendment No.17.
2. Aim of plan
 The plan aims to amend *Penrith Local Environmental Plan 1998 (Urban Land)*:
 (a) to clarify the aim and objectives of the plan, and
 (b) to add a provision regarding the minimum width for an access corridor or right of carriageway, and
 (c) to update a number of requirements applying to the Zone No. 2(c) Residential (Low-Medium Density), and
 (d) to update the solar design principles as applying to all new dwellings and dwelling houses, and
 (e) to add provisions that ensures developments are adequately serviced, and
 (f) to update a number of existing definitions and add a new definition.
3. Land to which plan applies
 This plan applies to all land covered by *Penrith Local Environmental Plan 1998 (Urban Land)*.
4. Amendment of the Penrith Local Environmental Plan 1998 (Urban Land)
Penrith Local Environmental Plan 1998 (Urban Land) is amended as set out in Schedule 1.
5. Relationship to Other Environmental Planning Instruments
 This plan amends *Penrith Local Environmental Plan 1998 (Urban Land)* in the manner set out in Schedule 1.

DRAFT

Schedule 1 Amendment of Penrith Local Environmental Plan 1998 (Urban Land)
 (Clause 4)

- [1] Clause 7
 At the end of subclause (1) (c) (iv) delete "," and insert instead " and "
- [2] Clause 7
 At the end of subclause (1) (d) (v) delete "," and insert instead " and "
- [3] Clause 7
 Delete subclause (1) (e) (iv) and insert instead the following words-
 "(iv) to encourage a variety of housing forms within each development where the individual dwellings or a multi-storey residential building that align the street directly addresses the street including locating the building entrance or entrances to individual dwellings to face the street, while the remaining dwellings within the development site have an address to another public place and locate their dwelling entrance to face that public place;"
- [4] Clause 7
 At the end of subclause (1) (f) (i) delete "," and insert instead " and "
- [5] Clause 7
 At the end of subclause (1) (f) (ii) delete "," and insert instead " and "
- [6] Clause 7
 Delete subclause (1) (h) (i) and insert instead the following words-
 "(i) to promote development which safeguards the environment, in particular protect the habitat of native fauna species and vegetation endemic to Penrith City, and"
- [7] Clause 7
 Delete subclause (1) (h) (ii) and insert instead the following words-
 "(ii) to improve the effective performance of residential development by:
 • reducing demand for mechanical heating or cooling of dwellings through effective solar access and landscaping, and
 • reducing discharge of contaminated stormwater run-off to the Nepean-Hawkesbury River through suitable design and management, and"
- [8] Clause 9, Zoning Table to Zone 2(c) Residential (Low-Medium Density)
 Delete subclause (a) (iv) and insert instead the following words-
 "(iv) to expand housing choices by allowing multi-unit housing that is single storey and attic storey villas, and"

- [9] Clause 11
 Insert new subclause after subclause (5)-
 "(5) Notwithstanding subclause (4) above, the minimum width of the access corridor or right-of-carriageway is 7.5 metres."
- [10] Clause 12, Table 4
 In relation to Zone 2(c) of Table 4, delete the maximum external wall height of "3.5 m" and insert instead "3 m".
- [11] Clause 12
 Delete subclause (5) (a) and insert instead the following words-
 "(a) the erection of a second dwelling on an allotment in Zone No. 2(a), 2(b) or 2(c) on which there is an existing dwelling house if the external wall height of the second dwelling will exceed 3.5 metres; or"
- [12] Clause 12
 Delete subclause (5) (b) and insert instead the following words-
 "(b) the erection of two detached dwellings on a vacant allotment in Zone No. 2(a), 2(b) or 2(c) if the external wall height of the dwelling furthest from the street will exceed 3.5 metres; or"
- [13] Clause 12, Diagram 1
 Delete the first diagram relating to Zone No. 2 (c) and insert instead the following diagram-



- [14] Clause 13
 Delete subclause (1) (b) and insert instead the following words-
 "(b) reduce the consumption of energy used in dwellings or a dwelling-house by ensuring that solar design principles are used in the design of dwellings or a dwelling-house."
- [15] Clause 13
 Delete subclause (2) and insert instead the following words-
 "(2) The council must not grant consent to the erection of a dwelling or dwelling-house if, in the opinion of the council, that dwelling or dwelling-house:
 (a) does not allow for at least 3 hours of direct sun to the windows of living areas of the dwelling or dwelling-house between 9am and 3pm on June 21, and
 (b) does not allow for at least 3 hours of direct sun to the principal private open space areas of the ground floor dwelling or dwelling house between 9am and 3pm on June 21, and
 (c) will reduce direct sun to the windows of neighbouring living areas to less than 3 hours between 9am and 3pm on June 21, and
 (d) does not include roof and top floor ceiling insulation to an equivalent thermal rating of at least R3.0 and wall insulation to an equivalent thermal rating of at least R1.5, and
 (e) does not include protection from the entry of summer sunlight by shading devices on external openings to habitable rooms."
- [16] Clause 14
 At the end of subclause (e) delete "," and insert instead " and "
- [17] New Clause 14B
 Insert after Clause 14A, new Clause 14B and the following words-
 "14B. Servicing the Site
 (1) The objective of this clause is to ensure that utility services are available to and can accommodate the development being carried out on the site.
 (2) The council must not grant consent to development unless all relevant service utility authorities have been consulted and the council is of the opinion that the development has taken into account the following:
 (a) ensure that service provision will be available at a capacity that can adequately service the development, and
 (b) where required, obtain the service utility authorities' requirements to ensure the service infrastructure is accommodated within the development for utility service provision, and incorporate the requirements into the design of the development without compromising the other requirements in this Plan."
- [18] Clause 29
 Insert after Clause 29, the following words-
 "Advisory
 This clause applies to roads that may require the approval or concurrence from the Roads and Traffic Authority under the Roads Act. This will be required for work within the road reserve of a road, particularly new access arrangements to a road that this clause applies. In these instances, the development application is Integrated Development under Section 91 of the Environmental Planning and Assessment Act."

[19] Schedule 2 - Definitions

Insert after the definition of 'appointed day' the definition of 'attic storey'-

"attic storey" means a storey that is contained within a maximum 35 degrees pitched roof and having:
(a) a ceiling height of 2.4 metres across two-thirds of its floor area; and
(b) a minimum 1.8 metres ceiling height at any point within this storey;

[20] Schedule 2 - Definitions


Insert after the definition of 'classified road' the following words:-

*"Advisory
Work on the road reserve of a classified road, particularly new access arrangements onto the classified road, requires the approval or concurrence of the Roads and Traffic Authority under the Roads Act. In these instances, the development application is Integrated Development under Section 91 of the Environmental Planning and Assessment Act."*

[21] Schedule 2 - Definitions

Delete the definition of 'internal lot' and insert instead the following:

"internal lot" means a lot that does not have direct frontage to the street except via another lot or an access corridor or a right of carriageway, and the only means of vehicular access to a street is an access corridor, a right of carriageway over another lot, or another lot;"



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