

# **PENRITH LOCAL ENVIRONMENTAL PLAN NO. 150**

**Government Gazette No. 68 of 16<sup>th</sup> April, 1987.  
As amended.**

# ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

## PENRITH LOCAL ENVIRONMENTAL PLAN NO. 150

I, the Minister for Planning and Environment, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder. (86-0079)

BOB CARR,  
Minister for Planning and Environment.

Sydney, 8th April, 1987.

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### PART 1

#### Preliminary

##### Citation

1. This plan may be cited as "Penrith Local Environmental Plan No. 150".

##### Relationship to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)

1A. In the event of an inconsistency between this plan and Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation), that plan shall prevail to the extent of the inconsistency.

*Clause 1A added G.G. No. 180 of 20/12/91 (LEP 1991 Environmental Heritage Conservation)*

##### Aims, objectives, etc.

2. The aims, objectives, policies and strategies of this plan are set out in Schedule 1.

##### Land to which plan applies

3. This plan applies to certain land within the City of Penrith, as shown edged heavy black on the map.

## **Relationship to other environmental planning instruments**

4. This plan -
  - (a) amends the Penrith Planning Scheme Ordinance in the manner set out in clause 5;
  - (b) repeals Interim Development Order No. 88 - City of Penrith; and
  - (c) repeals Penrith Local Environmental Plan No. 50.

## **Amendment of the Penrith Planning Scheme Ordinance**

5. The Penrith Planning Scheme Ordinance is amended by omitting clause 5 (2) and by inserting instead the following subclause:

(2) This Ordinance does not apply to land to which the following instruments apply:

State Environmental Planning Policy No. 3 - Castlereagh Liquid Waste Disposal Depot.

Penrith Local Environmental Plan No. 80.

Penrith Local Environmental Plan No. 150.

## **Interpretation**

6. (1) In this plan, except in so far as the context or subject matter otherwise indicates or requires -

“bulky goods” means large goods which are of such a size and shape as to require -

- (a) a large area for handling, storage or display; and
- (b) easy and direct vehicular access so as to allow for their collection by customers,

but does not include food, clothing or agricultural products;

“convenience store” means a shop trading principally in groceries, smallgoods and other similar items;

“council” means the Council of the City of Penrith;

“group home” has the meaning ascribed to that expression in State Environmental Planning Policy No. 9 - Group Homes;

“housing for aged or disabled persons” has the meaning ascribed to that expression in State Environmental Planning Policy No. 5 - Housing for Aged or Disabled Persons;

“road” includes a street, lane, highway, pathway or thoroughfare, including a bridge, culvert, causeway, road-ferry, ford, crossing, and the like, on the line of a road through or over a watercourse;

“the map” means the map marked “Penrith Local Environmental Plan No. 150”, as amended by the maps marked as follows:

Penrith Local Environmental Plan No. 157.  
*Added G.G. No. 80 of 15/5/87*

Penrith Local Environmental Plan No. 196.  
*Added G.G. No. 31 of 2/3/90*

Penrith Local Environmental Plan No. 205.  
*Added G.G. No. 8 of 11/1/91*

Penrith Local Environmental Plan No. 222.  
*Added G. G. No. 21 of 5/3/93*

(2) In this plan -

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose;
- (b) a reference to a map is a reference to a map deposited in the office of the council; and
- (c) a reference to land within a zone specified in clause 9 is a reference to land shown on the map in the manner indicated in that clause as the means of identifying land of the zone so specified.

(3) Despite subclause (1), in this Plan as it applies to land within Zone No 3 (d) Special Business – Service Area shown edged by a heavy black line on the map marked “Penrith Local Environmental Plan No 297” deposited in the office of the Council, the definitions of “general store” and “shop” are not adopted from the *Environmental Planning and Assessment Model Provisions 1970* and the following definitions apply:

**convenience store** means a building or place:

- (a) used for the purpose of selling, exposing or offering for sale by retail principally groceries, small goods and associated small items, and

- (b) used in conjunction with the sale by retail of petrol, oil and other petroleum products, and
- (c) which does not exceed 200 square metres in gross floor area.

**general store** means a shop:

- (a) used for the sale by retail of general merchandise and which may include the facilities of a post office, and
- (b) which does not exceed 200 square metres in gross floor area.

**shop** means a building or place used for the purpose of selling, exposing or offering goods for sale by retail, goods, merchandise or materials.

*Clause 6 amended G.G. No. 182 of 26/11/01 (LEP 297).*

### **Model Provisions**

7. The Environmental Planning and Assessment Model Provisions 1980 (except the definitions of “map” and “units for aged persons” in clause 4 (1) and clauses 15 and 16 (2)) are adopted for the purposes of this plan.

### **Consent authority**

8. The council is the consent authority for the purposes of this plan.

## **PART 2**

### **GENERAL RESTRICTIONS ON DEVELOPMENT OF LAND**

#### **Zone indicated on the map**

9. For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone:

Zone No. 3(d) (Special Business - Service Area) - coloured light blue and lettered 3(d).

Zone No. 3(e) (Special Business - Leisure and Tourism) - coloured light blue and lettered 3(e).

*Zone No. 3(e) added G.G. No. 31 of 2/3/90 (LEP 196)*

#### **Zone objectives and development control table**

10. (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.

(2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purpose (if any) for which -

- (a) development may be carried out without development consent;
- (b) development may be carried out only with development consent; and
- (c) development is prohibited,

are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.

(3) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

## **TABLE**

### **ZONE No. 3(d) (SPECIAL BUSINESS - SERVICE AREA ZONE)**

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

The objective is to allow a wide range of activities associated with major roads or activities inappropriate to traditional and general business centres.

#### **2. Without development consent**

Nil.

#### **3. Only with development consent**

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

#### **4. Prohibited**

Commercial premises (other than those used in conjunction with purposes included in Item 3 of the matter relating to this zone); extractive industries; generating works; industries (other than light industries); liquid fuel depots; mines; offensive or hazardous industries; road transport terminals; sawmills; shops (other than convenience stores, general stores and shops trading principally in bulky goods); stock and sale yards.

### **3(e) (SPECIAL BUSINESS - LEISURE AND TOURISM)**

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

The objectives are -

- (a) to help foster development opportunities linked to tourism and leisure industries within the City of Penrith;
- (b) to promote development which enhances the role of the City of Penrith as a focus of leisure, entertainment and tourism;
- (c) to promote the integration of activities to enhance the function of the zone as a focus of leisure, entertainment and tourism;
- (d) to encourage development of leisure, entertainment and tourism activities which serve local and regional needs;
- (e) to permit a variety of activities within the zone which are compatible with the surrounding area; and
- (f) to prohibit development which will prejudice the function of the zone as a focus of leisure, entertainment and tourism.

#### **2. Without development consent**

Nil.

#### **3. Only with development consent**

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

#### **4. Prohibited**

Car repair stations; convenience stores; industries; junk yards; motor showrooms; office premises; professional consulting rooms; service stations; shops (other than driveway-in, take-away food shops).

*Zone No. 3(e) added G.G. No. 31 of 2/3/90 (LEP 196)*

## PART 3

### SPECIAL PROVISIONS

#### **Development of shops within Zone No. 3(d) (Special Business - Service Area)**

11. (1) This clause applies to land within Zone No. 3(d).
- (2) The council shall not consent to the carrying out of development for the purpose of a shop trading principally in bulky goods unless it has taken into consideration -
- (a) whether the development would be more suitably carried out in some other business centre in the locality;
  - (b) whether the carrying out of the development is likely to have an adverse effect on the viability of any other business centre in the locality; and
  - (c) whether the proposed development would detrimentally affect the viability of any general business centre or neighbourhood business centre in the City of Penrith.

#### **11A Restrictions on development on land within Zone No 3 (d)**

The Council must not consent to any development on land to which *Penrith Local Environmental Plan No 297* applies unless the Council is satisfied that:

- (a) the type, location and form of development is consistent with the objectives of any development control plan applying to the land, and
- (b) any development will not generate large volumes of traffic.

*Clause 11A added G.G. No. 182 of 26/11/01 (LEP 297).*



### **Convenience stores, general stores, etc.**

12. Such part of the floor space of a convenience store or a general store as is used for the retailing of goods shall not exceed 200 square metres in area.

(2) This clause does not apply to land within Zone No 3 (d).

*Clause 12 amended G.G. No. 182 of 26/11/01 (LEP 297).*

### **Development of certain land at St. Marys**

13. (1) This clause applies to the land shown edged heavy black on the map marked "Penrith Local Environmental Plan No. 196".

(2) A person shall not carry out development on Lots 101 and 102, D.P. 703830 (resubdivision of Lot 100, D.P. 614725) until drainage works, satisfactory to the council, on, or associated with, the drainage of the land have been undertaken.

(3) A person shall not construct a means of access to and egress from Mamre Road and Ainsbury Road and any allotment created in a subdivision of land to which this clause applies.

(4) A person shall not subdivide land to which this clause applies except with the consent of the council.

(5) The council shall not consent to the erection of buildings on land to which this clause applies within Zone No. 3(d) where the ratio of the total gross floor area of the buildings to the site area exceeds 0.4:1.

(6) The council shall not grant consent to development on the land to which this clause applies unless arrangements satisfactory to the Water Board have been made with the Board for the provision of water and sewerage services to that land.

(7) The council may require as a condition of its consent to the carrying out of development on land to which this clause applies that arrangements, satisfactory to Prospect Electricity be made with Prospect Electricity by the owner of the land and, where the applicant for development consent is not the owner, by that applicant also, for the provision of underground low voltage electricity reticulation supply to the land.

(8) Neither an owner nor an applicant shall be required under a condition referred to in subclause (7) to contribute more than the difference between the cost of overhead low voltage electricity reticulation to the land and the cost of underground low voltage electricity reticulation to the land.

(9) The council may require, as a condition of its consent to the carrying out of development on land to which this plan applies, that arrangements satisfactory to Telecom Australia be made by the owner of the land for the provision of underground telephone services to the land.

*Clause 13 added G.G No. 31 of 2/3/90 (LEP 196)*

#### **Development of land near zone boundaries**

14. (1) This clause applies to land which is within 20 metres of a boundary between any 2 zones.

(2) Development may, with the consent of the Council, be carried out on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone on the other side of the boundary, but only if the land within the adjoining zone is land to which this clause applies.

*Clause 14 added G.G No. 8 of 11/1/91 (LEP 205)*

## SCHEDULE 1

(Cl. 2)

### AIMS, OBJECTIVES, POLICIES AND STRATEGIES OF THIS PLAN

1. The general aim, objective, policy and strategy of this plan is, with respect to the land to which this plan applies, to identify by means of zoning that land which is suitable to be used for a broad range of purposes associated with a location adjacent to an arterial road.

2. The specific aims, objectives, policies and strategies of this plan are, with respect to the land to which this plan applies -

- (a) to encourage the provision of a range of uses which -
  - (i) serve the needs of adjacent arterial roads and the needs of the City of Penrith; and
  - (ii) are consistent with the basic structure and functions of the City of Penrith;
- (b) to limit the range of business development on the land so as to limit the retail impact of development and protect major business and industrial zones in the City of Penrith;
- (c) to encourage the development of a wide range of major road service activities;
- (d) to promote the integration of activities to encourage a focus of services for users of adjacent arterial roads;
- (e) to regulate the retailing of bulky goods on the land;
- (f) to permit a variety of other uses on the land, to maximise the urban development of the land consistent with the principles of traffic management, urban design and the objectives of this plan; and
- (g) to require consent for development, so necessitating proper consideration of proposals under section 90 of the Act.

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#### **SCHEDULE 1**