



New South Wales

Penrith Local Environmental Plan No 297

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*.
(P00/00060/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

Sydney, 16th day of November 2001.

Penrith Local Environmental Plan No 297

1 Name of plan

This plan is *Penrith Local Environmental Plan No 297*.

2 Aims of plan

This plan aims to:

- (a) define the type of development which may be carried out on land within Zones Nos 3 (d) Special Business (Service Area) and 3 (d) Special Business (Highway Service Area) throughout the City of Penrith, and
- (b) ensure that certain types of retail development which may generate large volumes of traffic are not permitted on land within those zones.

3 Land to which plan applies

This plan applies to land within the City of Penrith that is within Zones Nos 3 (d) Special Business (Service Area) and 3 (d) Special Business (Highway 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 of the City of Penrith.

4 Relationship to other environmental planning instruments

- (1) *Penrith Planning Scheme Ordinance* is amended as set out in Schedule 1.
- (2) *Interim Development Order No 26—City of Penrith* is amended as set out in Schedule 2.
- (3) *Interim Development Order No 27—City of Penrith* is amended as set out in Schedule 3.
- (4) *Interim Development Order No 28—City of Penrith* is amended as set out in Schedule 4.
- (5) *Penrith Local Environmental Plan No 150* is amended as set out in Schedule 5.
- (6) This plan does not affect the operation of *Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)*.

Schedule 1 Amendment to Penrith Planning Scheme Ordinance

(Clause 4 (1))

Clause 49B

Omit the clause. Insert instead:

49B Land within Zone No 3 (d)

- (1) This clause 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.

- (2) Despite clause 4, in this Ordinance as it applies to land to which this clause applies:

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.

- (3) The Council must not consent to any development on land to which this clause 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.

Schedule 2 Amendment to Interim Development Order No 26—City of Penrith

(Clause 4 (2))

[1] Clause 2

Insert “and as amended by the map marked “Penrith Local Environmental Plan No 297” in the definition of *I.D.C. map* after “deposited in the office of the Council”.

[2] Clause 3

Omit the clause. Insert instead:

3 Model provisions

- (1) The *Environmental Planning and Assessment Model Provisions 1970 (the Model Provisions)* are adopted for the purposes of this Order, except:
 - (a) any definition in clause 1 of the Model Provisions for which there is a definition in clause 2 of this Order, and
 - (b) as provided by subclause (2).
- (2) In this Order as it applies to land within Zone No 3 (d) Special Business (Highway 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 Model Provisions 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, but does not include a building or place specifically defined elsewhere in clause 2, this clause or the Model Provisions, or a building or place used for a purpose specifically defined elsewhere in clause 2, this clause or the Model Provisions.

[3] Clause 19

Insert after clause 18:

19 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.

Schedule 3 Amendments to Interim Development Order No 27—City of Penrith

(Clause 4 (3))

[1] Clause 3

Omit the clause. Insert instead:

3 Model provisions

- (1) The *Environmental Planning and Assessment Model Provisions 1970 (the Model Provisions)* are adopted for the purposes of this Order, except:

- (a) any definition in clause 1 of the Model Provisions for which there is a definition in clause 2 of this Order, and
- (b) as provided by subclause (2).

- (2) In this Order as it applies to land within Zone No 3 (d) Special Business (Highway 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 Model Provisions 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.

[2] Clause 4

Insert “convenience store” in alphabetical order in the item relating to Zone No 3 (d) Special Business (Highway Service Area) in Column IV of the Table to the clause.

[3] Clause 20

Insert after clause 19:

20 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.

Schedule 4 Amendment to Interim Development Order No 28—City of Penrith

(Clause 4 (4))

[1] Clause 3

Omit the clause. Insert instead:

3 Model provisions

- (1) The *Environmental Planning and Assessment Model Provisions 1970 (the Model Provisions)* are adopted for the purposes of this Order, except:
 - (a) clauses 3–8, and
 - (b) any definition in clause 1 of the Model Provisions for which there is a definition in clause 2 of this Order, and
 - (c) as provided by subclause (2).

- (2) In this Order as it applies to land within Zone No 3 (d) Special Business (Highway 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 Model Provisions 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, but does not include a building or place specifically defined elsewhere in clause 2, this clause or the Model Provisions, or a building or place used for a purpose specifically defined elsewhere in clause 2, this clause or the Model Provisions.

[2] Clause 15

Omit the clause. Insert instead:

15 Floor space of certain shops

A person must not use more than 200 square metres in area of the floor space of a shop referred to in Schedule 3 for the retailing of goods.

15A 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.

Schedule 5 Amendments to Penrith Local Environmental Plan No 150

(Clause 4 (5))

[1] Clause 6 Interpretation

Insert at the end of the clause:

- (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.

[2] Clause 11A

Insert after clause 11A:

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.

[3] Clause 12 Convenience stores, general stores etc

Insert at the end of clause 12:

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