



Penrith Local Environmental Plan No 263

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00293/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 721

Clause 1 Penrith Local Environmental Plan No 263

Penrith Local Environmental Plan No 263

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Penrith Local Environmental Plan No 263*.

2 Aims of plan

The aims of this plan are:

- (a) to amend the *Penrith Planning Scheme Ordinance* to make outdoor eating and trading permissible uses of the footpath of Queen Street, St Marys, and
- (b) to amend *Penrith Local Environmental Plan No 255—Exempt and Complying Development* to insert a reference to the most recent version of *Penrith Development Control Plan—Exempt and Complying Development*.

3 Land to which plan applies

This plan applies:

- (a) in respect of the aim set out in clause 2 (a)—to the footpath of Queen Street, St Marys, between the Great Western Highway and Belar Street on the western side, and between the Great Western Highway and the northern boundary of Lot 1 DP 216932 on the eastern side, as shown hatched on the map marked “Penrith Local Environmental Plan No 263” deposited in the office of the Council of the City of Penrith, and
- (b) in respect of the aim set out in clause 2 (b)—to all land within the City of Penrith to which *Penrith Local Environmental Plan No 255—Exempt and Complying Development* applies.

4 Amendment of Penrith Planning Scheme Ordinance

The *Penrith Planning Scheme Ordinance* is amended as set out in Schedule 1.

5 Amendment of Penrith Local Environmental Plan No 255—Exempt and Complying Development

Penrith Local Environmental Plan No 255—Exempt and Complying Development is amended as set out in Schedule 2.

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Schedule 1 Amendment of Penrith Planning Scheme Ordinance

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(Clause 4)

[1] Clause 4 Interpretation

Insert at the end of the definition of *Scheme map*:

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[2] Clause 61N

Insert after clause 61M:

61N Use of the footpaths in Queen Street, St Marys

- (1) This clause applies to the footpath of Queen Street, St Marys between the Great Western Highway and Belar Street on the western side, and between the Great Western Highway and the northern boundary of Lot 1 DP 216932 on the eastern side, as shown hatched on the map marked "Penrith Local Environmental Plan No 263" deposited in the office of the Council.
- (2) Nothing in this Ordinance prevents a person, with the consent of the Council, from carrying out development for the purpose of a shop or a refreshment room on a section of the footpath to which this clause applies.
- (3) The Council must not grant the consent referred to in subclause (2) unless it is satisfied that the section of footpath concerned:
 - (a) is located in front of a shop or refreshment room for which consent has been granted, and
 - (b) is intended to be used in conjunction with, and for the same purpose as, that shop or refreshment room.

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Amendment Penrith Local Environmental Plan No 255—Exempt and
Complying Development

Schedule 2

**Schedule 2 Amendment Penrith Local Environmental
Plan No 255—Exempt and Complying
Development**

(Clause 5)

Clause 7 What is exempt and complying development?

Omit “amended by the Development Control Plan approved by the
Council on ” wherever occurring in clause 7 (1), (2) and (3).

Insert instead “amended by the Development Control Plan approved by
the Council on 1 March 2004”.