

Penrith Local Environmental Plan 1997 (Penrith City Centre) (1997 EPI 646)

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New South Wales

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Penrith Local Environmental Plan 1997 (Penrith City Centre) (1997 EPI 646)



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Penrith Local Environmental Plan 1997 (Penrith City Centre)*.

2 Aims and objectives

(1) The aims of this plan are:

- (a) to encourage the development of the Penrith City Centre as the principal retail, commercial, cultural and social centre in the local government area of Penrith with an environment which responds to the needs of those who will use it, and
- (b) to promote development which is consistent with the council's vision for the City of Penrith contained in its strategic management plan, namely, one of a region having a harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement.

(2) The objectives, policies and strategies of this plan are:

- (a) to provide a planning framework which allows development control plans to supplement the controls embodied in this plan, and
- (b) to provide an environmental planning base which will encourage diversity by permitting a wide range of activities in order that the needs of the people served by the centre can be realised, and
- (c) to allow strategies to be developed that will result in improved public amenities and services including traffic and carparking improvements and improved environmental quality within public spaces, and
- (d) to create conditions which are conducive to investment and will increase the economic potential of the City Centre, and
- (e) to promote development of the City Centre by ensuring that adequate land to

accept the extent and range of future development is available in appropriate locations in the City Centre, and

(f) to improve the environmental quality of the City Centre, and

(g) to foster employment generating businesses, and

(h) to identify land which will need to be acquired by public authorities for the provision of additional public amenities and services and identify the responsible authorities.

(3) The council must consider the aims and objectives of this plan in determining development applications. This plan also includes objectives for each zone.

3 Land to which this plan applies

This plan applies to the land within the City of Penrith which is shown edged by a heavy black line on the map.

4 Relationship to other plans

(1) With the exception of *Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)*, this plan repeals all other local environmental plans and deemed environmental planning instruments in so far as they relate to land to which this plan applies.

(2) Nothing in this plan affects the application, to land to which this plan applies, of *Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)*.

(3) *State Environmental Planning Policy No 22—Shops and Commercial Premises* is amended:

(a) by omitting from clause 4 (1) the matter “subclause (2)” and by inserting instead the words “this clause”,

(b) by inserting after clause 4 (2) the following subclause:

(2A) Clause 6 (1) does not apply to land within Zone No 3 (b) or 3 (c) under *Penrith Local Environmental Plan 1997 (Penrith City Centre)*.

(4) Development consent must not be granted for development of land to which this plan applies unless development of that land will be generally consistent with the provisions and the objectives of any development control plan applying to the land.

5 Model Provisions

Clause 35 of, and Schedule 1 to, the *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan.

6 Definitions

- (1) Terms used in this plan which are defined in Schedule 1 have the meanings set out in that Schedule.
- (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, and
 - (b) a reference to a map is a reference to a map deposited in the office of the council.

7 Consent authority

The council is the consent authority for all development applications made in relation to land to which this plan applies.

Part 2 Land use zones

8 Zones indicated on the map

The land to which this plan applies is divided into the following identified zones and land in each zone is identified on the map in the following manner:

Zone No 2 (f) Residential "F" Zone	coloured light scarlet and lettered 2 (f)
Zone No 3 (a) General Business Zone	coloured light blue and lettered 3 (a)
Zone No 3 (b) Service Business Zone	coloured light blue, hatched and lettered 3 (b)
Zone No 3 (c) Special Business Zone	coloured light blue, hatched and lettered 3 (c)
Zone No 5 (a) Special Uses "A" Zone	coloured yellow and lettered 5 (a) and with the nominated use
Zone No 5 (b) Local Road and Local Road Widening Zone	coloured grey and lettered 5 (b)
Zone No 5 (c) State Road and State Road Widening Zone	broken black band between firm black lines and lettered 5 (c)
Zone No 6 (a) Public Recreation and Community Uses Zone	coloured dark green and lettered 6 (a)

9 Zone objectives and development control table

- (1) The development control Table which follows indicates for each zone:
 - (a) the objectives of the zone, and
 - (b) the land uses for the purpose of which:
 - (i) development may be carried out without development consent, and

- (ii) development may be carried out only with development consent, and
 - (iii) development is prohibited.
- (2) The council must consider the zone objectives in determining development applications relating to land within the zone.
- (3) Except as otherwise provided by this plan, the council must not grant consent to an application to carry out development on land to which this plan applies that, in the opinion of the council, is contrary to one or more of the aims and objectives of this plan, or one or more objectives of the zone within which the development is proposed to be carried out.

Development Control Table

Zone No 2 (f) Residential “F” Zone

(a) Objectives of Zone

- (i) to maintain land in this zone as a residential area, and
- (ii) to exclude commercial, professional or other business uses, and
- (iii) to provide specific land within this zone which makes provision for the location of civic or community facilities and services, and
- (iv) to encourage a diverse range of civic or community facilities and services located conveniently to Penrith’s commercial centre.

(b) (i) Without development consent

- home activities

(b) (ii) Only with development consent

- buildings or other structures ordinarily associated with dwelling-houses
- demolition of buildings or other structures
- drains
- dwelling-houses
- home businesses
- public parks and gardens
- roads

- utility installations

(b) (iii) Prohibited

Any land use other than those included in items (b) (i) and (b) (ii).

Zone No 3 (a) General Business Zone

(a) Objectives of the zone

- (i) to encourage the provision of a diverse range of uses reflecting the role of Penrith as an urban centre, and
- (ii) to encourage development which enhances the quality of the environment of the Penrith City Centre and the convenience of those who use it, and
- (iii) to foster consolidation of the retail, commercial and administrative functions of the Penrith City Centre, and
- (iv) to encourage community and recreation facilities for Penrith City's residents and workers, and
- (v) to enhance the economic potential of the land within the zone, and
- (vi) to promote the improvement and expansion of pedestrian movement within the Penrith City Centre.

(b) (i) Without development consent

Nil.

(b) (ii) Only with development consent

Any land use.

(b) (iii) Prohibited

Nil.

Zone No 3 (b) Service Business Zone

(a) Objectives of the zone

- (i) to allow a wide range of service activities reflecting the role of Penrith as an urban centre, but which are inappropriate in the general business zone, and

(ii) to accommodate those uses which depend upon a high level of vehicular visits to the site in a way that will minimise the need for vehicles to unnecessarily enter more central parts of the Penrith City Centre, and

(iii) to limit the range of commercial and retailing activities on the land.

(b) (i) Without development consent

Nil.

(b) (ii) Only with development consent

Any land use other than those included in item (b) (iii).

(b) (iii) Prohibited

- office premises
- general stores
- public buildings
- shops (other than drive-in take away food shops, drive-in liquor shops, shops trading in motor vehicle parts and accessories, shops trading principally in bulky goods and shops where it can be demonstrated to the satisfaction of the council that they principally serve demand generated from development within the zone).

Zone No 3 (c) Special Business Zone

(a) Objectives of the zone

(i) to promote a range of uses which reflect the zone's potential to accommodate significant tourism, service and recreational development, and

(ii) to allow a limited range of service activities reflecting the role of Penrith as an urban centre, but which are inappropriate in the general business zone, and

(iii) to limit the range of commercial and retailing activities on the land.

(b) (i) Without development consent

- dwelling-houses

- home activities

(b) (ii) Only with development consent

Any land use other than those included in items (b) (i) and (b) (iii).

(b) (iii) Prohibited

- convenience stores
- office premises
- general stores
- motor showrooms
- public buildings
- service stations
- shops (other than drive-in take away food shops, and shops trading principally in bulky goods).

Zone No 5 (a) Special Uses “A” Zone

(a) Objectives of the zone

To reserve land for the uses nominated on the map.

(b) (i) Without development consent

Nil.

(b) (ii) Only with development consent

- the particular purpose indicated by lettering on the map and any purpose ordinarily incidental or ancillary to that purpose
- drains
- landscaping
- public parks and gardens
- roads
- utility installations

(b) (iii) Prohibited

Any land use other than those included in item (b) (ii).

Zone No 5 (b) Local Road and Local Road Widening Zone

(a) Objectives of the zone

To reserve land which will be required for local road and local road widening purposes.

(b) (i) Without development consent

- road widening
- roads

(b) (ii) Only with development consent

- drains
- landscaping
- parking areas
- site filling
- utility installations

(b) (iii) Prohibited

Any land use other than those included in items (b) (i) and (b) (ii).

Zone No 5 (c) State Road and State Road Widening Zone

(a) Objectives of the zone

To reserve land which will be required for state roads and state road widening purposes.

(b) (i) Without development consent

- road widening
- roads

(b) (ii) Only with development consent

- drains

- landscaping
- parking areas
- site filling
- utility installations

(b) (iii) Prohibited

Any land use other than those included in items (b) (i) and (b) (ii).

Zone No 6 (a) Public Recreation and Community Uses Zone

(a) Objectives of the zone

To provide and maintain land for a variety of recreational and community pursuits.

(b) (i) Without development consent

- works for the purpose of gardening, landscaping and bushfire hazard reduction

(b) (ii) Only with development consent

- buildings for the purpose of gardening and landscaping
- child care centres
- community facilities
- drains
- public utility undertakings
- recreation areas
- recreation facilities
- roads
- utility installations
- uses or buildings associated with these land uses and which are under the care, control and management of the council

(b) (iii) Prohibited

Any land use other than those included in items (b) (i) and (b) (ii).

Part 3 Special provisions

Division 1 Provisions applying generally

10 Subdivision generally

- (1) A person must not subdivide land to which this plan applies without the consent of the council.
- (2) A person must not open a road on land to which this plan applies without the consent of the council.

11 Development for the purpose of advertisements

- (1) This clause applies to all land to which this plan applies with the exception of land within Zone No 2 (f).
- (2) Notwithstanding any other provision of this plan, development for the purpose of an advertisement, described in the Table to this clause, but not being an advertisement of a form, type or size listed in Schedule 2, may be carried out without development consent, but only in accordance with the conditions (if any) specified in the Table.
- (3) Development for the purpose of an advertisement of a form, type or size listed in Schedule 2 is prohibited.

Table Advertisements allowed without consent

Description of advertisement	Conditions to be met
<i>Advertisement within a site</i> being an advertisement which is not visible from outside the site on which it is displayed.	Advertisement must not be displayed on a heritage item or on a site within a heritage conservation area.

Business identification sign being an advertisement that displays any or all of the following information relating to the place or premises to which it is fixed:

- the identity or a description of the place or premises,
- the identity or a description of any person residing or carrying on an occupation at the place or premises,
- particulars of any occupation carried on at the place or premises,
- such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there,
- particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act,
- particulars relating to the goods, commodities or services dealt with or provided at the place or premises,
- particulars of any activities held or to be held at the place or premises,
- a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.

For each place or premises, one of each of the following type of advertisements may be displayed on the outside of the place or premises:

- under awning
- top hamper
- fascia (painted on a conventional awning).

Advertisement displaying a message changed from that displayed by a previously lawful advertisement. None.

Public notice being a notice for public information displayed by a public authority giving information or directions about services provided. None.

Real estate sign being an advertisement that contains only a notice that the place or premises to which it is fixed is or are for sale or letting (together with the particulars of the sale or letting) and that is not displayed for more than 14 days after the letting or completion of the sale.

Maximum of 2 signs per property.
Signs must not exceed 4.5m² in area.

Temporary sign being an advertisement of a temporary nature that:

(a) announces any local event of a religious, educational, cultural, political, social, or recreational character or relates to any temporary matter in connection with such an event, and

Signs must not be displayed earlier than 28 days before the event to which it relates is to take place.

(b) does not include advertising of a commercial nature.

Signs must be removed within 14 days after that event.

Temporary signs may consist of advertisements in the form of banners, bunting, posters, inflatable structures and the like.

12 Tree preservation

- (1) A person is prohibited from ringbarking, cutting down, digging up, topping, lopping, removing or injuring by mechanical or chemical means any tree, and from taking any other action which could cause the death of any tree, except with the consent of the council.
- (2) Notwithstanding subclause (1), the consent of the council is not required for:
 - (a) the pruning of a tree for the purpose of its regeneration or shaping, or
 - (b) necessary action in relation to a tree to prevent imminent personal injury or imminent damage to property, or
 - (c) the taking of appropriate action where the tree has otherwise become dangerous, but only if 7 days' notice of the action proposed has been given to the council, or
 - (d) the removal of noxious plants, being plants listed as noxious plants in a pamphlet published by the Hawkesbury River County Council and available to the public in the office of the council.
- (3) This clause does not apply to tree trimming, tree removal or other similar measures carried out by an electricity supply authority, which is in accordance with any tree management agreement approved by the council.

Division 2 Provisions applying to particular land

13 Convenience stores

The council must not consent to the use of land for the purposes of a convenience store if that part of the gross floor area of the convenience store that will be used for retailing exceeds 200 square metres.

14 Acquisition of land reserved for roads

(1) In this clause and clause 15:

the corporation means the corporation constituted by section 8 (1) of the Act.

the RTA means the Roads and Traffic Authority constituted under the [Transport Administration Act 1988](#).

vacant land means land on which, immediately before the day on which a notice under subclause (2) is given, or an application for development consent pursuant to clause 15 (1) is lodged, there were no buildings other than fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, tables, fowl houses, pig sties, barns or the like.

(2) The owner of any vacant land within Zone No 5 (c) may, by notice in writing, require:

(a) the RTA in the case of land that is included in the 5 year works programme of the RTA current at the time of the receipt of the notice, or

(b) the corporation in any other case,

to acquire the land.

(3) The owner of any land within Zone No 5 (c) that is not vacant may, by notice in writing, require the RTA to acquire the land if:

(a) the land is included in the 5 year works programme of the RTA current at the time of the receipt of the notice, or

(b) the RTA has decided not to give concurrence pursuant to clause 15 (1) to an application for consent to the carrying out of development on the land, or

(c) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.

(4) On receipt of a notice under this clause, the RTA or the corporation, as the case may be, must acquire the land unless the land might reasonably be required to be dedicated for public roads.

15 Development of land reserved for roads

- (1) Despite clause 9, a person may, with the consent of the council and:
 - (a) in the case of vacant land, with the concurrence of the RTA and the corporation, or
 - (b) in the case of the land that is not vacant, with the concurrence of the RTA,carry out development on land within Zone No 5 (c) if the development may be carried out on land within an adjoining zone created by this plan.
- (2) In deciding whether to grant concurrence to any such development pursuant to this clause, the RTA and the corporation must take the following matters into consideration:
 - (a) the need to carry out development on the land for the purpose of classified roads or proposed classified roads,
 - (b) the imminence of the acquisition of the land by the RTA or the corporation, and
 - (c) the likely additional cost to the RTA or the corporation resulting from the carrying out of the proposed development.
- (3) Land acquired under this clause may be developed, with the consent of the council, for the purpose of any land use permitted on land within an adjoining zone under this plan, until such time as it is required for the land use for which it was acquired.

16 Acquisition of land within Zone No 5 (b) or 6 (a)

- (1) The owner of any land within Zone No 5 (b) or 6 (a) may, by notice in writing, require the council to acquire the land.
- (2) On receipt of a notice referred to in subclause (1), except during the currency of a consent granted pursuant to clause 17, the council must acquire the land.
- (3) This clause does not apply to lot 910, DP 717451 corner Station Street and The Broadway, Penrith; lots 1, 2 and 3, DP 797336 Station Street, Penrith; and lot 56, DP 752044 Woodriff Street, Penrith.

17 Development of land within Zone No 5 (b) or 6 (a)

- (1) Notwithstanding clause 9, the council may consent to the development of land within Zone No 5 (b) or 6 (a) for any purpose where, in the opinion of the council:
 - (a) the land cannot be used within a reasonable time for the purposes for which the land is zoned, or
 - (b) the land is surplus to the area of land needed for the purposes for which the land is zoned, or

(c) the land has been developed for the purposes for which it is zoned and the proposed development is compatible with those purposes.

(2) A consent referred to in subclause (1) shall not be granted unless the council is satisfied that any necessary arrangements have been made (whether by the imposition of conditions under section 91 of the Act or otherwise) with respect to each of the following:

(a) the removal or alteration of any building, work or excavation to be erected or carried out on the land pursuant to the consent,

(b) the reinstatement of the land,

(c) the removal of any waste material or refuse from the land.

(3) Nothing in this clause shall operate to prohibit, on land referred to in subclause (1):

(a) the erection of a fence, or

(b) with the consent of the council, the erection or construction of a utility installation.

18 Assessment of development in Zone No 6 (a)

The council shall not consent to the carrying out of development on land within Zone No 6

(a) unless consideration has been given to:

(a) the need for the carrying out of that development on the land, and

(b) the impact of the carrying out of that development on the existing or likely future use of the land, and

(c) the need to retain the land for its existing or likely future use.

19 Development of certain land within Zone No 2 (f)

(1) This clause applies to land bounded by Station, Reserve, Woodriff and Derby Streets.

(2) Notwithstanding clause 9, a person may, with the consent of the council, carry out development on the land to which this clause applies for the purposes of a child care centre, civic premises and community facilities.

20 Development of land within Zone No 3 (a)

Notwithstanding any other provision of this plan, development consent is not required for the use of any existing building (other than a heritage item) within Zone No 3 (a) for the purposes of business premises, office premises, shops or take away food shops where the new use does not involve structural or internal alterations or external building works.

21 Development along particular roads

The council must not consent to the development of land within Zone No 3 (a), 3 (b) or 3 (c) for any purpose if, as a result of carrying out the development, there will be direct vehicular access between that land and the Penrith City Centre by-pass (including Jane, Belmore, North and Henry Streets) or High Street (between Station Street and Mulgoa Road).

22 Development of certain land at Union Road, Penrith

- (1) This clause applies to lot 21, DP 743191 Union Road, Penrith.
- (2) Notwithstanding any other provision of this plan, development may be carried out on the land to which this clause applies for the purpose of office premises, but only with the consent of the council.
- (3) A person shall not demolish, alter, enlarge or carry out any work on the building erected on the land to which this clause applies without the consent of the council.
- (4) The council shall not grant consent to the carrying out of development on the land to which this clause applies if that development will result in the gross floor area of the building exceeding 300 square metres.
- (5) The council shall not grant consent to the erection, addition or alteration of a building on the land to which this clause applies unless it has made an assessment of:
 - (a) the pitch and form of the roof of the building,
 - (b) the style, size, proportion and position of the openings for windows and doors of the building, and
 - (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials of any existing building on the site.

Schedule 1 Definitions

(Clause 6)

advertisement means a display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

amusement park means a place where amusements or mechanical or electronic entertainments are permanently situated, and includes pool halls and billiard saloons.

area of an advertisement in the form of a sign means:

- (a) for a sign with only one side occupied by the matter displayed, the area within the outline of that sign, or

- (b) for a sign with two sides occupied by the matter displayed, the area within the outline of that sign or, where one side is larger than the other, the area within the outline of the larger side, or
- (c) for any other sign, one third of the total surface area of the sign.

boarding house means a building or place:

- (a) where accommodation, meals and laundry facilities are provided to the residents of the building or place, and
- (b) which is not licensed to sell liquor within the meaning of the [Liquor Act 1982](#).

building includes any structure or part of a structure.

bulky goods means large goods which are, in the opinion of the council, 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 agricultural products, beverages, clothing, food, footwear, leisure goods, paper or stationery products, small electrical appliances, electronic goods or toys.

business premises means a building or place in which there is carried on an occupation, light industry or trade which provides a service directly and regularly to the public, for the purposes of the development control table, but does not include a building or place elsewhere defined in this Schedule.

child care centre means a building or place used for the purpose of supervising or caring for children which:

- (a) caters for 5 or more under school-age children whether or not those children are related to the owner or operator of the child care centre, and
- (b) may include an educational function, and
- (c) may operate for the purpose of gain,

but does not include a building or place providing residential care for those children.

classified road means a road or work declared under Part 5 of the [Roads Act 1993](#) to be a main road, a secondary road, a State highway, a tourist road, a State work, a freeway, a tollway or a controlled access road within the meaning of that Act.

civic premises means a building or place owned or controlled by the council which consists of, or includes, a child care centre, a club, community facilities, an educational establishment, a hotel, a motel, parking spaces, a place of assembly, a place of public worship, a public building, recreation facilities, a refreshment room, a tavern, tourist facilities or units for aged persons, and may also include commercial premises, office premises or shops which are used in conjunction with, or ancillary to, any such building or place.

community facilities means buildings, places or facilities provided for use by groups having similar cultural, social, recreational, ethnic or other interests or beliefs, whether or not provided by the

council, but does not include a club registered under the [Registered Clubs Act 1976](#).

convenience store means a building or place:

- (a) used for the purpose of selling, exposing or offering for sale by retail principally groceries, smallgoods and associated small items which is open for business in the interests of public convenience at hours beyond the normal trading hours of a general shop (other than a small shop), and
- (b) used in conjunction with the sale by retail of petrol, oil and other petroleum products.

council means the Council of the City of Penrith.

drain means any drain used for removing water other than sewage.

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.

educational establishment means a building or place used for education (including teaching) and includes:

- (a) a school, and
- (b) a tertiary institution, being a university, teachers' college, technical college or other tertiary college providing formal education which is constituted by or under an Act, and
- (c) an art gallery or museum, not used to sell the items displayed in it,

whether or not accommodation for staff and students is provided and whether or not used for the purposes of gain.

floor means that space within a building which is situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above.

general store means a shop used for the sale by retail of general merchandise and which may include the facilities of a post office.

gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1400 millimetres about each floor level, excluding:

- (a) columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external walls, and
- (b) lift towers, cooling towers, machinery and plant rooms, ancillary storage space and air-conditioning ducts, and
- (c) carparking needed to meet any requirements of the council and any internal designated vehicular or pedestrian access thereto, and
- (d) space for the loading and unloading of goods, and

(e) internal public arcades and thoroughfares, terraces and balconies with outer walls less than 1400 millimetres high.

health care consulting rooms means a dwelling-house used by not more than 3 health care professionals for the purpose of providing health care services only to outpatients of those health care consulting rooms, and who employ not more than 3 employees in connection with such health care services.

health care professional means a person who provides traditional or complementary professional health care services to members of the public.

health care services means services ordinarily provided by a health care professional to members of the public, but does not include any procedures such as x-rays, ultrasounds, cat scans, radiography or pathology tests or the like.

height, in relation to a building, means the vertical distance measured between natural ground level at any point at which the building is sited and the roof of the topmost floor of the building above that point.

heritage item, and **heritage conservation area** have the same meanings as in [Penrith Local Environmental Plan 1991 \(Environmental Heritage Conservation\)](#).

home activity means the use of a room or a number of rooms in a dwelling or dwelling-house, or on land within the curtilage of the dwelling or dwelling-house, for the purpose of a business related activity but only if:

- (a) the activity is undertaken by the permanent residents of the dwelling or dwelling-house,
- (b) the activity does not involve the employment of persons other than those residents,
- (c) the activity does not involve any visitation at any time by persons other than those residents to the dwelling or dwelling-house, or the allotment on which it is situated, and
- (d) the activity does not interfere in any way with the environment, the amenity of adjoining properties or the amenity of the neighbourhood or locality in which the dwelling or dwelling-house is situated.

home business means the use of a room or a number of rooms in a dwelling or dwelling-house, or on land within the curtilage of the dwelling or dwelling house, for the purpose of a business but only if:

- (a) the business is undertaken by the permanent residents of the dwelling or dwelling-house,
- (b) the business does not involve the employment of any more than two persons other than those residents,
- (c) the business is not a brothel, and
- (d) the business does not interfere in any way with the environment, the amenity of adjoining properties or the amenity of the neighbourhood or locality in which the dwelling or dwelling-house is situated.

hotel means premises specified or proposed to be specified in a hotelier's licence granted under the

Liquor Act 1982.

industry means:

- (a) any manufacturing process within the meaning of the *Factories, Shops and Industries Act 1962*, or
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business,

but does not, for the purposes of the development control table, include an extractive industry or other land use elsewhere defined in this Schedule.

motel means premises, not being a hotel, used for the temporary or short-term accommodation of travellers.

motor showroom means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are also sold or displayed there.

multi-unit housing means development containing or comprising two or more dwellings, and includes forms of residential development commonly known as apartments, cluster housing, dual occupancy, integrated housing, row houses, terrace houses, townhouses and villas.

office premises means a building or place used for the purpose of carrying out professional, administrative, clerical or public duties but, for the purposes of the development control table, does not include an office used in conjunction with or ancillary to a land use elsewhere specifically defined in this Schedule.

parking area means a building or place, such as a ground level parking area or deck parking structure, used for parking vehicles and includes any associated vehicle manoeuvring areas whether the building or place is used for the purposes of gain or not.

place of assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

public building means a building or place used as a business or office by a public authority or an organisation established for public purposes.

public parking space means parking space owned or controlled by the council.

recreation area means:

- (a) a children's playground,
- (b) land used for sporting activities or sporting facilities,
- (c) land used by the council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) land used by a body of persons associated together with the purposes of the physical, cultural or

intellectual welfare of the community to provide recreational facilities for those purposes.

recreation facility means a building or place used for sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain, but does not include a building or place elsewhere defined in this Schedule.

restaurant means a building or place, the principal purpose of which is the provision of food to people for consumption on the premises, whether or not a drive-through food retail facility is included.

road means a public thoroughfare used for the passage of vehicles or animals and includes a classified road.

service station means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following:

- (a) the hiring of trailers,
- (b) the retail selling or the installing of spare parts and accessories for motor vehicles,
- (c) washing and greasing of motor vehicles,
- (d) repairing or servicing of motor vehicles,
- (e) the retail selling or hiring of small consumer goods,

but does not include a building or place used for vehicle body building or the panel beating or spray painting of vehicles.

shop means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but, for the purposes of the development control table, does not include a building or place elsewhere specifically defined in this Schedule, or a building or place used for a land use elsewhere specifically defined in this Schedule.

site filling means the use of clean, non-putrescible material, such as soil, sand, and building materials, to change the existing ground level of an area of land.

take-away food shop means a building or place principally used for the purpose of selling fast food and other foodstuffs prepared on the premises to people for consumption elsewhere, does not include a drive-through food retail facility.

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

the map means the map marked “Penrith Local Environmental Plan 1997 (Penrith City Centre)” as amended by the maps (or, if any sheets of the maps are specified, by the specified sheets of maps) marked as follows:

tree means:

- (a) a living perennial plant which:
 - (i) has one or more self supporting trunks, any one or more of which has a circumference of 30cm or more (at a height of 40cm above the ground), or

- (ii) has a height of 3 metres or more, or a branch spread of more than 3 metres, or
- (b) any tree or plant, irrespective of size, listed in a register of significant trees, which is a register kept at the office of the council.

tourist facilities means an establishment providing for holiday accommodation or recreation and may include a hotel, motel, playground, restaurant, or club used in conjunction with any such activities.

utility installation means a building or work used for a utility undertaking.

utility undertaking means any undertaking carried on by or by authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purposes of:

- (a) railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage, sewage treatment or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities, or
- (e) water quality control facilities.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel beating or spray painting.

vehicle repair station means a building or place (other than a vehicle body repair workshop) used for the purpose of carrying out repairs or the selling and fitting of accessories to vehicles or agricultural machinery.

Schedule 2 Prohibited advertisements

(Clause 11)

- advertisements in the form of a roof sign
- advertisements in the form of a sky sign controlled from land to which this plan applies
- advertisements in the form of a flashing sign
- advertisements in the form of a moving sign on a site of land to which this plan applies
- signs made of canvas, calico or the like (other than a temporary sign)
- signs that are displayed on an awning blind or external window blind
- hoardings
- billboards
- bulletin boards
- signs in the nature of posters attached directly onto walls or roof surfaces

- signs that exceed 7 metres in height above natural ground level