

# Penrith Local Environmental Plan No 258—Consent for Dwelling Houses and Other Development (2001 EPI 516)

[2001-516]



New South Wales

## Status Information

### Currency of version

Current version for 21 November 2022 to date (accessed 3 May 2024 at 1:43)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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New South Wales

## 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) (Repealed)
- (3) This plan does not affect the application of the following environmental planning instruments to land to which this plan applies—
  - (a) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2,
  - (b) *State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 3,
  - (c) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapters 5 and 6,
  - (d) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6,
  - (e) *Penrith Local Environmental Plan No 255—Exempt and Complying Development*.

### 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.

## **Schedules 1-3 (Repealed)**