

Penrith Local Environmental Plan No 255—Exempt and Complying Development (2000 EPI 122)

[2000-122]



New South Wales

Status Information

Currency of version

Current version for 21 November 2022 to date (accessed 5 May 2024 at 1:00)

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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Penrith Local Environmental Plan No 255—Exempt and Complying Development (2000 EPI 122)



New South Wales

1 Name of plan

This plan is *Penrith Local Environmental Plan No 255—Exempt and Complying Development*.

2 Area covered by this plan

- (1) This plan applies to all land within the City of Penrith.
- (2) Despite subclause (1), this plan does not apply to land that—
 - (a) is critical habitat or contains a threatened species or an endangered population or an endangered ecological community within the meaning of the *Threatened Species Conservation Act 1995*, or
 - (b) is affected by a recovery plan or threat abatement plan under the *Threatened Species Conservation Act 1995*, or
 - (c) is, or is part of, a wilderness area within the meaning of the *Wilderness Act 1987*, or
 - (d) is an Aboriginal relic or area within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (e) is listed in the Register of the National Estate compiled by the Australian Heritage Commission or is on the Interim list of that Register, or
 - (f) is dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
 - (g) is an aquatic reserve under the *Fisheries Management Act 1994*, or
 - (h) is reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or

- (i) is or adjoins the Hawkesbury-Nepean River, or
- (j) is part of or adjoins—
 - (i) a Riverine Scenic Area under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6, or
 - (ii) a Hawkesbury-Nepean conservation area sub-catchment under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6, or
- (ja) is identified as “coastal wetlands” on the *Coastal Wetlands and Littoral Rainforests Area Map*, within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2, or
- (k) is identified by an environmental planning instrument or a deemed environmental planning instrument as an item of environmental heritage, or
- (l) is subject to an order under the *Heritage Act 1977*, or
- (m) is shown in hatching edged by a heavy black line and referred to on the map as either “EXCLUDED LAND” or “DEFERRED MATTER”.

3 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 this clause and section 36 of the Act.
- (2) (Repealed)
- (3) Nothing in this plan affects the application of *Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)* to land to which this plan applies.
- (4) 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*, Chapter 5,
 - (d) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6.

4 Suspension of certain covenants etc

- (1) Any agreement, covenant or similar instrument which would otherwise prohibit or restrict exempt development allowed by this plan does not apply to the extent necessary to allow that development.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.
- (3) In accordance with section 28 of the Act, the Governor approved of subclauses (1) and (2) before this plan was made.

5 Aim of plan

The aim of this plan is to provide for exempt and complying development in the City of Penrith.

6 Definitions

In this plan—

Council means the Council of the City of Penrith.

the map means the map marked “Penrith Local Environmental Plan No 255—Exempt and Complying Development” deposited in the office of the Council, as amended by the maps deposited in the office of the Council and marked as follows—

Editorial note—

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Penrith Local Environmental Plan No 255—Exempt and Complying Development
(Amendment No 1)*

7 What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in Part 5 (Exempt and Complying Development) of *Penrith Development Control Plan 2006*, as adopted by the Council on 21 August 2006, is **exempt development**, despite the provisions of any other environmental planning instrument applying to the land to which this plan applies.
- (2) Development listed as complying development in Part 5 (Exempt and Complying Development) of *Penrith Development Control Plan 2006*, as adopted by the Council on 21 August 2006, is **complying development** if—
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act.

- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Part 5 (Exempt and Complying Development) of *Penrith Development Control Plan 2006*, as adopted by the Council on 21 August 2006.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Part 5 (Exempt and Complying Development) of *Penrith Development Control Plan 2006* adopted by the Council, as in force when the certificate is issued.