

**INTERIM DEVELOPMENT ORDER NO.75 –  
CITY OF PENRITH**

Government Gazette of 15<sup>th</sup> July, 1977  
As amended

LOCAL GOVERNMENT ACT, 1919

NOTIFICATION OF PARTIAL RESCISSION OF INTERIM DEVELOPMENT ORDER NO.  
28 – CITY OF PENRITH AND THE MAKING OF INTERIM DEVELOPMENT  
ORDER NO. 75 – CITY OF PENRITH

I, the Minister for Planning and Environment, having considered a report furnished by the New South Wales Planning and Environment Commission, do, by this my notification, in pursuance of section 342U (5) of the Local Government Act, 1919, rescind Interim Development Order No. 28 – City of Penrith only in so far as it relates to the land described in Schedule “A” hereto and not further or otherwise and make an Interim Development Order as set out in Schedule “B” hereto in relation to that land. (75-10, 048/11 (z) 3)

PAUL LANDA,  
Minister for Planning and Environment.

Sydney, 15<sup>th</sup> July, 1977.

---

**SCHEDULE “A”**

All that piece or parcel of land situate in the City of Penrith in the vicinity of Roper Street and Lukes Lane, South St Marys, as shown by blue edging on plan catalogued number 1002 in the office of the New South Wales Planning and Environment Commission.

**SCHEDULE “B”**

INTERIM DEVELOPMENT ORDER NO. 75 – CITY OF PENRITH

*Citation and Interpretation*

1. This Order may be cited as “Interim Development Order No. 75 – City of Penrith”.

**Relationship to Penrith Local Environmental Plan 1991  
(Environmental Heritage Conservation)**

1A In the event of an inconsistency between this Order and Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation), that plan shall prevail to the extent of the inconsistency.

*Clause 1A added G. G. No. 180 of 20-12-91 (LEP 1991 (Environmental Heritage Conservation)).*

**1B Land to which this plan does not apply**

This plan does not apply to the land to which the following instruments apply:

---

*Interim Development Order No. 75 – City of Penrith, as amended  
Version 1.5*

Page No. 2

*Penrith Local Environmental Plan 1998 ( Urban Land).*

*Clause 1B added G.G No. 4 of 06-01-06 (LEP 1998 (Urban Land) (Amendment No.18)).*

2. (1) In this Order –  
“advertising structure” has the meaning ascribed to it in Ordinance No. 55 under the Act, but does not include “temporary advertising structure” or “advertising structure for the purpose only of displaying a commercial sign” within the meaning of that Ordinance.

(2) The set of standard or model provisions (other than the definition of “general advertising structure” in clause 1 thereof, and clause 8 thereof) adopted by the Minister for Local Government on the recommendation of The State Planning Authority of New South Wales and published in Government Gazette No. 88 of the 17<sup>th</sup> July, 1970, are adopted wholly, by reference, for the purposes of this Order.

*General Development Control*

3. Subject to this Order, interim development may be carried out only with the consent of the Council and the concurrence of the New South Wales Planning and Environment Commission for any purpose other than the following purposes -

Advertising structures; bulk stores; caravan parks; car repair stations; forestry; gas holders; generating works; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; roadside stalls; sawmills; stables; stock and sale yards; transport terminals (other than bus stations or bus depots); warehouses.

3A. For the purposes of permitting, regulating, restricting or prohibiting, or conferring on the Council, powers, authorities, duties or functions with respect to permitting, regulating, restricting or prohibiting interim development the land, the subject of this Order, is included within Zone No. 2 (d).

*Clause 3A added G.G. of 26-8-77.*

*Dwelling-houses – Minimum areas*

4. (1) A dwelling-house shall not be erected on any land, the area of which is less than 550 square metres, and which is less than 15 metres wide at the front alignment of the building.

(2) In computing the area of a hatched shaped allotment the area of the access corridor shall not be taken into account.

### *Services*

5. The Council shall not grant consent to the carrying out of development of any land, the subject of this Order unless –

- (a) arrangements satisfactory to the Metropolitan Water Sewerage and Drainage Board and to the Council have been made with the Board and with the Council by the owner of that land (and where the applicant for development consent is not the owner by the applicant also) for the amplification and reticulation of water and sewerage services to the land; and
- (b) arrangements satisfactory to the Council have been made with the Council for the carrying out of drainage works on all land, the subject of this Order.

6. The Council may require as a condition of its consent to the carrying out of any development that arrangements satisfactory to the Prospect County Council be made with the County Council by the owner of the land (and where the applicant for development consent is not the owner by the applicant also), for the provision of underground low voltage electricity reticulation: Provided that neither the owner, nor the applicant, shall be required in any case to contribute more than the difference between the cost of overhead reticulation to each block and the cost of underground reticulation thereto.

### *Consents – Matters to be taken into account*

7. The Council shall when considering any interim development application take into consideration, in addition to the matters referred to in clause 5 of the set of standard or model provisions-

- (a) any representations made by any statutory authority in relation to the application, the development of the area, and the rights and powers of that authority;
- (b) any code, whether detailed or otherwise, adopted by resolution of the Council for the development of the locality;
- (c) whether adequate provision has been made for the landscaping of the site;
- (d) the provisions of any development control plan adopted by the Council and approved by the New South Wales Planning and Environment Commission;
- (e) whether any existing trees or shrubs on the site should be maintained; and
- (f) if the application relates to the erection of a building or a fence or to the carrying out of a work or to the use of land within view of or adjacent to any road, public reserve or proposed reserve, the probable aesthetic appearance of that development or work when used for the proposed purpose and viewed from the road, public reserve or proposed reserve.

7A. *Clause 7A added G .G. No. 193 of 18-12-81 and omitted G. G.No. 104 of 19-6-87.*

8. The Council shall not refuse to consent to any application for permission to carry out any development under this Order made by the Crown, a public utility undertaking or a statutory body or the Totalizator Agency Board, nor attach conditions to its consent to any of those applications without the concurrence of the Minister for Planning and Environment.

9. Wherever in this Order the Council is required to obtain the concurrence of the New South Wales Planning and Environment Commission before consenting to any application for development a consent given without having obtained such concurrence shall be null and void. (8196)

# NEW SOUTH WALES PLANNING AND ENVIRONMENT COMMISSION PLAN

Showing *Partial Recission of Interim Development Order No. 28*

Description *Land in the vicinity of Moore & Roper Sts., Lukes Lane and Bennett Rd*

Mun/Shire/City *Penrith*

Locality *South St Marys*

Parish of *Melville*

County of *Cumberland*



*Subject land edged blue*

|                              |                |  |             |
|------------------------------|----------------|--|-------------|
| COMPILED FROM INFORMATION IN | FILE REFERENCE | PLAN APPROVED                                | PLAN NUMBER |
| BY D.C.                      | 75/10048/1123  | <i>H.W. Glover</i><br>PRINCIPAL CARTOGRAPHER | 10002       |
| DATE 17.6.77                 | REFERENCE      |  |             |

*Map referred in Interim Development Order No. 75  
City of Penrith*