

**INTERIM DEVELOPMENT ORDER NO. 27 –
CITY OF PENRITH**

**Government Gazette No. 9 of 29th January, 1971.
As amended.**

I.D.O. NO. 27
LOCAL GOVERNMENT ACT, 1919

SUSPENSION OF THE PROVISIONS OF THE PENRITH PLANNING SCHEME IN RESPECT OF CERTAIN LAND WITHIN THE CITY OF PENRITH AND NOTIFICATION OF INTERIM DEVELOPMENT ORDER NO. 27 – PENRITH MADE IN RESPECT THEREOF

WHEREAS a resolution of the Penrith City Council for the preparation of a Town and Country Planning Scheme (hereinafter called the Varying Scheme) to vary the Penrith Planning Scheme (hereinafter called the Prescribed Scheme) under Part XIIA of the Local Government Act, 1919, was passed by the Council on 10th November, 1970; and whereas, after consideration of a report of The State Planning Authority of New South Wales, it appeared to me as Minister, expedient so to do for securing that development may be carried out notwithstanding the provisions of the Prescribed Scheme: Now, I, the Minister aforesaid, in pursuance of the provisions of section 342Y of the Local Government Act, 1919, hereby notify the suspension of the provisions of the Prescribed Scheme as respects all development on the land described in Schedule "A" hereto and do, by this my notification, make an interim development order as set out in Schedule "B" hereto regulating, restricting, or prohibiting, or conferring on the Penrith City Council powers, authorities, duties, and functions with respect to regulating, restricting, or prohibiting interim development on the said land in the manner and to the extent set out in the said Order pending the coming into operation of the Varying Scheme. (M. 7/3/1/2. Plan No. 245-1521)

P.H. MORTON, Minister for Local Government.

Department of Local Government,
Sydney, 29th January, 1971.

SCHEDULE "A"

All those pieces or parcels of land, situate in the City of Penrith, Parish of Londonderry, County of Cumberland, commencing at a point being the intersection of the northern boundary of the Transmission Line Easement as shown in Plan annexed to Dealing G. 211479 and bounded thence on part of the east by the western alignment of Lethbridge Avenue and its prolongation northerly to the northern alignment of Dunheved Road and thence again on part of the east by a line bearing and distant 341 degrees 42 minutes 35 seconds 2,623 feet 3^{7/8} inches to its intersection with the northern boundary of Real Property Application 26115 and thence on part of the north by the generally northern boundary of Real Property Application 26115 a distance of 3,000 feet to the northwestern corner of that Real Property Application and

thence on part of the west by the western boundary of Real Property Application 26115 to its intersection with the northern alignment of Dunheved Road and thence again on part of the north successively by part of that northern alignment, the northern boundaries of lots 6 to 3 inclusive, section G, Deposited Plan 2460 and the northern boundary of lot 1, Deposited Plan 531810, and thence again on part of the west by part of the eastern alignment of Wrench Street and thence on part of the south by the northern alignment of Rugby Street to the northeast corner of Rugby and Francis Streets and thence again on part of the west by the eastern alignment of Francis Street and its southerly prolongation to the southeastern alignment of Herbert Street and thence on the northwest by that alignment to the southwestern alignment of William Street and thence on the southwest by that alignment and its southerly prolongation to the southern alignment of Victoria Street and thence again on part of the west by a line passing through part lot 2 and lot 3, section D, Deposited Plan 2460, bearing and distant in all 165 degrees 10 minutes and 30 seconds 673 feet 0^{5/8} inch to its intersection with the northern boundary of the Transmission Line Easement in Plan annexed to Dealing F, 980337 and thence generally on the south successively by the northern boundary of that Transmission Line Easement a distance of 735 feet 7^{1/8} inches to its intersection with the western alignment of Burton Street, the line crossing Burton Street to the northwestern corner of the Transmission Line Easement shown in Plan annexed to Dealing G. 211479 and the northern boundary of that Transmission Line Easement to the point of commencement.

SCHEDULE “B”

1. This Order may be cited as “Interim Development Order No. 27 – 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)).

Land to which this Order does not apply

1B. This Order does not apply to the land to which the following instruments apply:
Penrith Local Environmental Plan 1998 (Urban Land).

Clause 1B added G.G. No. 4 of 8/1/99 (LEP 1998 (Urban Land)).

2. In this Order, unless inconsistent with the context or subject-matter –

“Appointed day” means the day upon which this Order is gazetted.

“Commission” means the New South Wales Planning and Environment Commission.

“Commission” definition added G.G. No. 87 of 29/6/79.

“Council” means the Council of the City of Penrith.

“Health care professional” means a person who renders professional health services to members of the public, and includes –

- (a) a chiropodist registered under the Chiropodists Registration Act, 1962;
- (b) a chiropractor or an osteopath or a chiropractor and an osteopath registered under the Chiropractic Act, 1978;
- (c) a physiotherapist registered under the Physiotherapists Registration Act 1945;
- (d) an optometrist registered under the Optometrists Act, 1930.

“Health care professional” definition added G.G. No. 111 of 12/8/83 (LEP 84).

“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 1,400 millimetres above each floor level, excluding the following:

- (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,
- (b) lift towers, cooling towers, machinery and plant rooms, ancillary storage space and air-conditioning ducts,
- (c) car parking needed to meet any requirements of the council, and any internal designated vehicular or pedestrian access to that car parking,
- (d) internal public arcades, thoroughfares, terraces, balconies and any area used solely for the purpose of storage.

“gross floor area” definition added G.G. No.165 of 17/10/03 (LEP 262).

“I.D.C. map” means the map which is marked “Map referred to in Interim Development Order No. 27 – City of Penrith”, deposited in the office of

the Council, or a duplicate of the said map similarly identified deposited in the office of the Commission as amended by the map marked “Amendment No. 1 of I.D.C. Map referred to in Interim Development Order No. 27 – City of Penrith” copies of which map are deposited in the office of the Council and of the Commission as amended by the map marked “Amendment No. 2 of map referred to in Interim Development Order No. 27 – City of Penrith” copies of which are deposited in the offices of the Council and of the New South Wales Planning and Environment Commission.

“I.D.C. map” definition amended G.G. No. 134 of 19/10/73, G.G. No. 147 of 14/11/75 and G.G. No. 87 of 29/6/79.

“Professional consulting rooms” means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of, a dwelling-house and used by not more than 3 legally qualified medical practitioners or by not more than 3 dentists within the meaning of the Dentists Act, 1934, or by not more than 3 health care professionals, who practise therein the profession of medicine, dentistry or health care respectively, and if more than one, practise in partnership, and who employ not more than 3 employees in connection with that practice.

“Professional consulting rooms” definition added G.G. No. 111 of 12/8/83 (LEP 84).

“The Act” means the Local Government Act, 1919, as amended.

“Units for aged persons” means a residential flat building used or intended to be used to house aged persons as defined in the Aged Persons Homes Act 1954 as amended, of the Parliament of the Commonwealth, erected or to be erected by an eligible organization as defined in that Act, the Housing Commission of New South Wales or any other Department or instrumentality of the Crown.

“Zone” means land shown on the I.D.C. map by distinctive colouring or edging or in some distinctive manner for the purpose of indicating the restrictions imposed by this Order on development.

3 Model provisions

(1) The *Environmental Planning and Assessment Model Provisions 1970* (**the Model Provisions**) are adopted for the purposes of this Order, except:

- (a) any definition in clause 1 of the Model Provisions for which there is a definition in clause 2 of this Order, and
- (b) as provided by subclause (2).

(2) In this Order as it applies to land within Zone No 3 (d) Special Business (Highway Service Area) shown edged by a heavy black line on the map marked "Penrith Local Environmental Plan No 297" deposited in the office of the Council, the definitions of "general store" and "shop" are not adopted from the Model Provisions and the following definitions apply:

convenience store means a building or place:

- (a) used for the purpose of selling, exposing or offering for sale by retail principally groceries, small goods and associated small items, and
- (b) used in conjunction with the sale by retail of petrol, oil and other petroleum products, and
- (c) which does not exceed 200 square metres in gross floor area.

general store means a shop:

- (a) used for the sale by retail of general merchandise and which may include the facilities of a post office, and
- (b) which does not exceed 200 square metres in gross floor area.

shop means a building or place used for the purpose of selling, exposing or offering goods for sale by retail, goods, merchandise or materials.

Clause 3 amended G.G. No. 111 of 12/8/83 (LEP 84) and replaced G.G. No. 182 of 26/11/01 (LEP 297).

4. Subject to the provisions of this Order, development which –
- (a) may be carried out without the consent of the Council;
 - (b) may be carried out only with the consent of the Council;
 - (c) may be carried out only with the consent of the Council and the concurrence of the Commission; and
 - (d) may not be carried out

in each of the zones specified in Column I to the Table to this clause is shown opposite the respective zones in Columns II, III, IV, and V of the Table.

Clause 4 amended G.G. No. 87 of 29/6/79.

TABLE

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. map	Development which may be carried out without the consent of the Council	Development which may be carried out only with the consent of the Council	Development which may be carried out only with the consent of the Council and the concurrence of the Commission	Development which may not be carried out
2. (a) Residential "A". Light scarlet.	_____	Drainage; dwelling-houses; educational establishments; home industries; home occupations; open space; places of public worship; professional consulting rooms; roads; subdivision; units for aged persons; utility installations other than gas holders or generating works.	Development other than that permitted by Column III or prohibited by Column V.	Bulk stores; caravan parks; car repair stations; commercial premises; forestry; gas holders; general advertising structures; generating works; hotels; industries other than home industries; institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; refreshment rooms; residential buildings other than units for aged persons; roadside stalls; sawmills; service stations; shops; stables; stock and sale yards; transport terminals; warehouses.
3. (b) Special Business. Light blue with dark red edging and lettered 3 (b). (d) Special Business (Highway Service Area). Light blue with dark red edging and lettered 3 (d).	_____ _____	Hotels	_____ Car-washing stations; clubs; convenience store; drive-in bottle shops; drive-in restaurants; hotels; motels; motor showrooms; open space; recreation buildings; refreshment rooms; roads; service stations; sports buildings; subdivision; utility installations.	Development other than that permitted by Column III. Development other than that permitted by Column IV.
5. (a) Special Uses "A". Yellow with scarlet lettering.	_____	Development for the particular purpose indicated by scarlet lettering on the I.D.C. map; any purpose ordinarily incidental or subsidiary to the special use; drainage; open space; roads; subdivision; utility installations other than gas holders or	_____	Development other than that permitted by Column III.

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. map	Development which may be carried out without the consent of the Council	generating works. Development which may be carried out only with the consent of the Council	Development which may be carried out only with the consent of the Council and the concurrence of the Commission	Development which may not be carried out
(b) Special Uses "B" (Roads). Grey.	_____	Roads; utility installations; drainage; any purpose authorized by Part IX of the Act.	_____	Development other than that permitted by Column III.
6. (b) Open Space (Proposed Recreation). Light green with dark green edging.	_____	Drainage; roads; utility installations other than gas holders or generating works; development authorized by Division 2 or 3 of Part XIII of the Act; showgrounds; sportsgrounds.	_____	Development other than that permitted by Column III.

Column IV heading amended G.G. No. 87 of 29/6/79.

Zone No. 2(a) amended G.G. No. 111 of 12/8/83 (LEP 84).

Zone No. 3(d) amended G.G. No. 87 of 29/6/79 and G.G. No. 182 of 26/11/01 (LEP 297).

5. The Council shall not grant consent to the carrying out of development on any land the subject of this Order unless and until arrangements satisfactory to the Metropolitan Water Sewerage and Drainage Board or the Council have been made with the Board or the Council by the owner of such land and, where the applicant for development consent is not the owner, by such applicant also, for the amplification and reticulation of water supply and sewerage services to such land.

6. The Council may require as a condition of its consent to the carrying out of development on any land the subject of this Order that arrangements satisfactory to the Prospect County Council be made with the County Council by the owner of such land and, where the applicant for development consent is not the owner, by such 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.

7. *Clause 7 omitted G.G. No. 139 of 26/9/80.*

8. In respect of any interim development application for the consent of the Council –

- (a) to the erection of a building or a fence, to the carrying out of work or to the use of land within view of or adjacent to any road, public reserve or proposed reserve, the Council shall take into consideration the probable aesthetic appearance of such development or work when used for the proposed purpose and viewed from such road, public reserve or proposed reserve;
- (b) to the erection or use of an hotel, motel, service station, club or place of assembly or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the vicinity thereof, the Council shall take into consideration whether, having regard to the proposed use of any such building or development –
 - (i) adequate vehicular exits and entrances to the site have been provided so that vehicles using such entrances and exits will not endanger persons and vehicles using any such road;
 - (ii) space, sufficient to provide for the parking or standing of such number of vehicles as the Council may determine, is provided on the site or on land adjoining the site not being a public road;
 - (iii) any representations made by the Police Department (Traffic Branch) and by the Department of Main Roads have been met; and
 - (iv) adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers.

9. A road which forms a junction or intersection with Dunheved Road, Francis Street, William Street or with any road or road widening shown by grey colouring on the I.D.C. map shall not be opened without the consent of the Commission.

Clause 9 amended G.G. No. 87 of 29/6/79.

10. In granting consent to any application to carry out development on land having frontage to Dunheved Road and its westerly extension, other than the alteration or enlargement of an existing building, the Council shall impose a condition that there shall be no direct access from the land subject of such development application to such road except with the concurrence of the Commission.

Clause 10 amended G.G. No. 87 of 29/6/79.

11. Notwithstanding the provisions of clause 4 of this Order, no development shall be carried out within Zone No. 2 (a) or 3 (d) except in accordance with a development control plan approved by the Commission.

Clause 11 amended G.G. No. 87 of 29/6/79.

12. (1) Within Zone No. 3 (b) or 3 (d), the ratio of the total floor space of any building to the area of the land on which the building is or is proposed to be erected shall be not greater than 1:1 –

(2) For the purposes of this clause :

“Area of land” means the net area of the land excluding the area of any adjoining public road or adjoining public place.

“Floor space” includes all wall thicknesses, ducts, vents, staircases and lift wells, but does not include –

- (a) any car parking space in the building, provided to meet the standards required by the Council (but not such space provided in excess of such standards) or any internal access thereto;
- (b) space used for the loading or unloading of goods;
- (c) lift towers, cooling towers, machinery and plant rooms and any storage space related thereto.

13. Development shall not take place on any land the subject of this Order unless and until such land has been filled to a level satisfactory to the Council and arrangements satisfactory to the Council have been made for the carrying out of drainage works on such land.

14. *Clause 14 omitted G.G. No. 139 of 26/9/80.*

15. (1) This clause applies to the land shown in plan catalogued number I.P. 10529 in the office of the Commission.

(2) Interim development may be carried out –

- (a) only with the consent of the council for the purposes specified in Column III shown opposite Zone No. 2 (a) in Column I;
- (b) only with the consent of the council and the concurrence of the Commission for the purposes specified in Column IV shown opposite Zone No. 2 (a) in Column I;

which columns are contained in the Table to that clause, and for no other purpose.

Clause 15 added G.G. No. 87 of 29/6/79.

Dwelling-houses – Dual Occupancy.

16. *Clause 16 added G.G. No. 193 of 18/12/81 (SREP 2) and omitted G.G. No. 104 of 19/1/89 (SREP 12).*

Development for certain additional purposes

17. (1) Nothing in this Order prevents a person, with the consent of the council, from carrying out development on land referred to in Schedule 1 for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.

(2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this Order as are not inconsistent with that subclause or with a consent granted by the council in respect of the development.

Clause 17 added G.G. No. 15 of 3/2/84 (LEP 92).

Subdivision of certain land

18. (1) This clause applies to the land being lot 1, D.P. 616032, having frontage to Dunheved Road, Werrington, as shown edged heavy black on the map marked “Penrith Local Environmental Plan No. 92” deposited in the office of the council.

(2) Nothing in this Order prevents a person, with the consent of the council, from subdividing the land to which this clause applies.

Clause 18 added G.G. No. 15 of 3/2/84 (LEP 92).

General store and take-away food shop – Zone No. 5 (a)

19. (1) This clause applies to land which is within Zone No. 5 (a) and which is indicated on the I.D.C. Map as being for Community Uses.

(2) In this clause, “gross floor area” has the same meaning as in clause 4 (1) of the Environmental Planning and Assessment Model Provisions 1980.

(3) Notwithstanding clause 4, a person may, with the consent of the Council, carry out development on land to which this clause applies for the purposes of a general store or take-away food shop where the gross floor area of any building or part of any building used or intended to be used for those purposes does not exceed 200 square metres.

Clause 19 added G.G. No. 165 of 17/10/86 (LEP 148).

20 Restrictions on development on land within Zone No 3 (d)

The Council must not consent to any development on land to which *Penrith Local Environmental Plan No 297* applies unless the Council is satisfied that:

- (a) the type, location and form of development is consistent with the objectives of any development control plan applying to the land, and
- (b) any development will not generate large volumes of traffic.

Clause 20 added G.G. No. 182 of 26/11/01 (LEP 297).

Schedule 1

(Cl. 17)

Development for Certain Additional Purposes

Lot 1, D.P. 616032, Dunheved Road, Werrington, as shown edged heavy black on the map marked "Penrith Local Environmental Plan No. 92" deposited in the office of the council – child care centre, open space, parking, roads, shops, utility installations.

Part lots 8 and 9, D.P. 2460, Burton Street, Werrington, as shown edged heavy black on the map marked "Penrith Local Environmental Plan No. 128" deposited in the office of the Council – scout and girl guide facilities, community clubs and other community uses and ancillary uses.

Lots 1 and 2, DP 791751 and Lot 201, DP 627088, Lavin Crescent, Werrington County, as shown edged heavy black on the map marked "Penrith Local Environmental Plan No 262" deposited in the office of the council – shops (excluding any shop with a gross floor area that exceeds 500 square metres).

Schedule 1 added G.G. No. 15 of 3/2/84 (LEP 92) and amended G.G. No. 128 of 13/9/85 (LEP 128) and G.G. No. 165 of 17/10/03 (LEP 262).