

**INTERIM DEVELOPMENT ORDER NO. 47 –  
CITY OF PENRITH**

**Government Gazette No 45 of 14<sup>th</sup> March, 1975.  
As amended**

## 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. 47 – CITY OF PENRITH MADE IN RESPECT THEREOF

IN pursuance of section 342Y of the Local Government Act, 1919, I, the Minister for Planning and Environment, having considered a report furnished by the New South Wales Planning and Environment Commission, do hereby notify that the provisions of the Penrith Planning Scheme are suspended as respects such part of the land to which such scheme applies as is described in Schedule “A” hereto and do, by this my notification, make an interim development order as set out in Schedule “B” hereto.  
(M. 7/3/1/6)

JOHN B. FULLER,  
Minister for Planning and Environment.

Sydney, 14<sup>th</sup> March, 1975.

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#### SCHEDULE “A”

All those pieces or parcels of land situate in the City of Penrith in the vicinity of Cranebrook Road, Farrells Lane and Richmond Road, Cranebrook, being lot 8 and part lot 9, Deposited Plan 522490, lots A and B, File Plan 416909, lots 1 to 20 inclusive, Deposited Plan 245411, lots B and C and part lot A, File Plan 375804, lot 1, File Plan 104757, lot 3 and part lot 2, Deposited Plan 9108, lots 1 and 2, Deposited Plan 554917, together with the site of the Cranebrook Public School, that part of Farrells Lane and that part of Cranebrook Road and adjacent lands as shown by red edging on plan catalogued number 245:2310 in the office of the New South Wales Planning and Environment Commission.

#### SCHEDULE “B”

1. This Order may be cited as “Interim Development Order No. 47 – 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-

- “Appointed day” means the day upon which this Order is gazetted.
- “Boarding-house” includes a house let in lodgings or a hostel but does not include a motel.
- “Council” means the Council of the City of Penrith.
- “Dwelling-house” means a building designed, constructed or adapted for use as a dwelling for a single family but does not include a flat.
- “Dwelling unit” means a dwelling-house or a flat.
- “Flat” means a room or suite of rooms occupied or used or so designed, constructed or adapted as to be capable of being occupied or used as a separate domicile and includes a group dwelling but does not include a dwelling-house.
- “Group dwelling” means a building designed, constructed or adapted for use as a dwelling for a single family which forms part of a group of two or more dwellings such as are commonly known as group houses, villa homes, town houses, semi-detached or terrace buildings and the like.
- “Residential flat building” means a building or group of buildings containing two or more flats.
- “Residential flat building Class A” means a residential flat building containing two but not more than two flats and includes buildings commonly known as duplex flats, maisonettes or semi-detached cottages.
- “Residential flat building Class B” means a residential flat building containing more than two flats in a group such as are commonly known as group houses, villa homes, town houses, terrace buildings and the like.
- “The Act” means the Local Government Act, 1919.
- “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.

3. The set of standard or model provisions adopted by the Minister for Local Government and published in Government Gazette No. 88 of 17<sup>th</sup> July, 1970, other than the definitions of “dwelling-house”, “residential building” and “residential flat building” contained in clause 1 thereof, shall be adopted for the purposes of this Order.

4. (i) Interim development may be carried out with the consent of the Council for the purposes of drainage; dwelling-houses; educational establishments; home industries; open space; places of public worship; road; subdivision; residential flat

buildings class A and class B; units of single storey construction for aged persons; utility installations other than gas holders or generating works.

(ii) Development may not be carried out for any of the following purposes:

Bulk stores; caravan parks; car repair stations; clubs; 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; places of assembly; refreshment rooms; residential flat buildings other than units, of single storey construction, for aged persons and residential flat buildings Class A and Class B; roadside stalls; shops; stables; stock and sale yards; transport terminals other than bus stations and bus depots.

(iii) Development other than that referred to in subclause (i) or subclause (ii) of this clause may be carried out only with the consent of the Council and the concurrence of the New South Wales Planning and Environment Commission.

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 and the Council have been made with the Board and 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 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 fence, 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 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, proposed reserve or proposed expressway;
- (b) to the carrying out of any 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 Cranebrook Road or Richmond Road shall not be opened without the consent of the New South Wales Planning and Environment Commission.

10. In granting consent to any application to carry out development on land having frontage to Cranebrook Road or Richmond Road, 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, the subject of such development application to such road except with the concurrence of the New South Wales Planning and Environment Commission.

11. (1) The ratio of the total number of dwelling units erected, or to be erected on that part of any parcel of land which is to be developed for residential purposes, to the area of that part, as expressed in hectares shall, subject to the provisions of subclause (2) of this clause, be not greater than 10.5:1.

- (2) Notwithstanding the provisions of subclause (1) of this clause, in any case where such part has an area of not less than 2 hectares and where –
- (a) by an agreement satisfactory to the Council provision is made for pathways, landscaping, open space, or land for community purposes; and
  - (b) in the opinion of the Council the design of any development proposed to be carried out on such land is of a sufficiently high standard,

then, in any such event the ratio referred to in subclause (1) of this clause may, at the discretion of the Council be increased to a figure not exceeding 20.2:1.

12.(1) A dwelling-house shall not be erected on any allotment of land the subject of this Order which has an area of less than 550 square metres and a width of less than 15 metres at the front alignment of the building.

(2) For the purposes of this clause, in assessing the area of a hatched-shaped allotment, the area of the access corridor shall be excluded.

(3) Notwithstanding the provisions of subclause (1) of this clause, a dwelling-house may with the consent of the Council be erected on an allotment of land the area or width of which is to a minor extent less than the area or width prescribed in subclause (1) of this clause.

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

13. (1) Notwithstanding the provisions of clause 4 of this Order, no development shall be carried out except in accordance with a development control plan approved by the New South Wales Planning and Environment Commission.

(2) Notwithstanding the provisions of subclause (1) of this clause, in any case where application is made for the consent of the Council to the carrying out of development for a purpose referred to in clause 4 of this Order, on any land in respect of which a development control plan has not been approved by the New South Wales Planning and Environment Commission, the Council may, with the concurrence of the New South Wales Planning and Environment Commission, consent to the carrying out of such development.

14. Development shall not take place on any land the subject of this Order until such land has been filled to a level satisfactory to the Council.

15. Development shall not take place on any land, the subject of this Order, unless and until 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.

16. *Clause 16 omitted G.G. No 139 of 26/9/80.*

# NEW SOUTH WALES PLANNING AND ENVIRONMENT COMMISSION

## PLAN

Description Land in the vicinity of Farrell's Lane, Richmond and Cranebrook Road

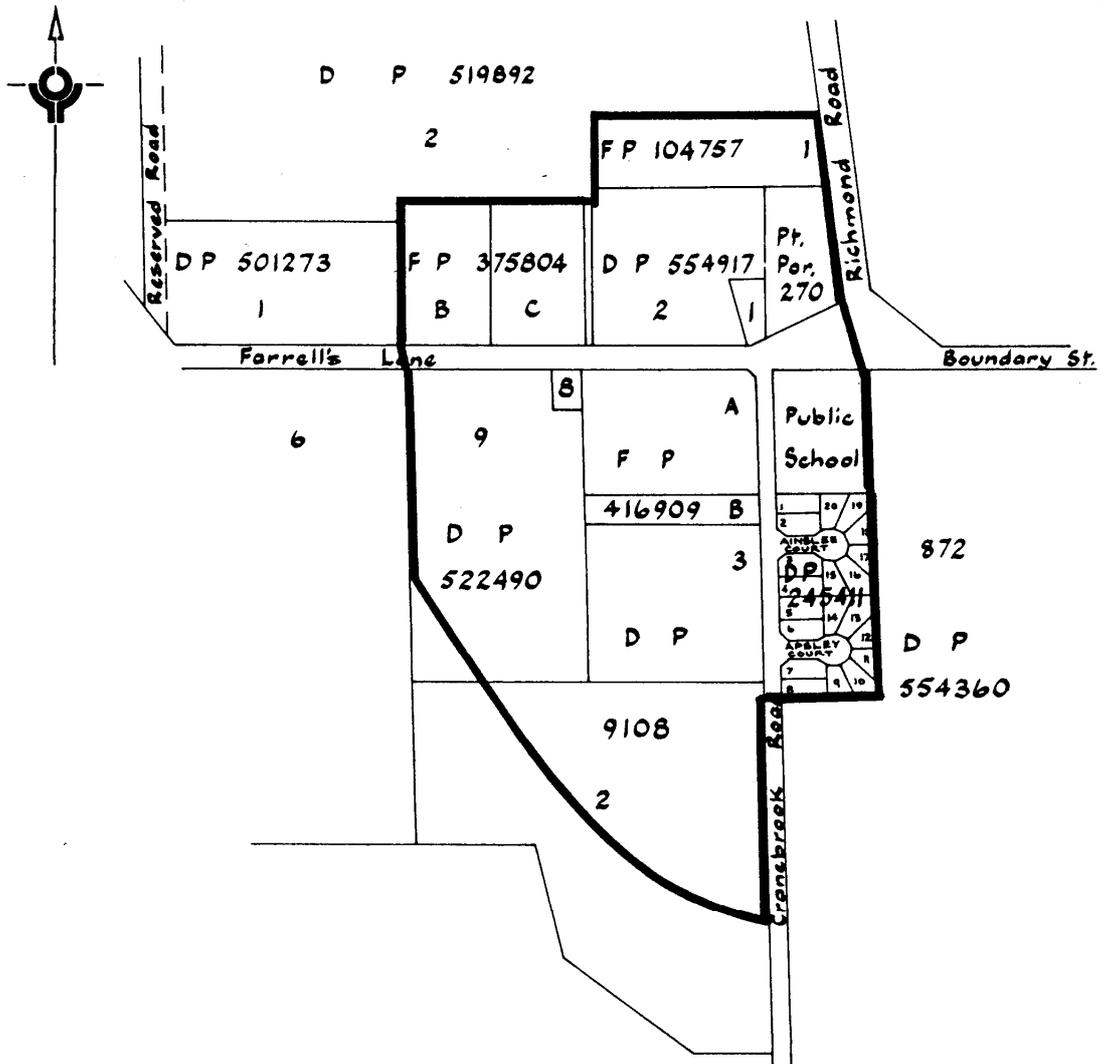
Mun. Shire City Penrith

Locality Cranebrook

Parish of Castlereagh

County of Cumberland

Scale 1-5000



COMPILED FROM INFORMATION IN <b>574/425</b> D.M.D.	FILE REFERENCE <b>M7/3/1/6</b>	PLAN APPROVED  CHIEF CARTOGRAPHER	PLAN NUMBER <b>8606</b>
DATE <b>30-7-74</b>		PLANNING SCHEME FOR <b>PENRITH</b>	

This is the plan referred to in  
 Interim Development Order No. **47**  
 Shire/Municipality **City of Penrith**

LAND SUSPENDED UNDER SEC. 342Y, LOCAL GOVERNMENT ACT SHOWN THUS   
 N.S.W. GOVT. GAZETTE No. **45** OF **14-3-75** PLAN No. **245:2310**