

**INTERIM DEVELOPMENT ORDER NO. 73 –
CITY OF PENRITH**

**Government Gazette No. 154 of 16 December 1977.
As amended.**

LOCAL GOVERNMENT ACT, 1919

NOTIFICATION OF –

Suspension of the Penrith Planning Scheme, Rescission or Partial Rescission of Certain Interim Development Orders within the City of Penrith and making of Interim Development Order No. 73 – 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 –

- (1) in pursuance of section 342Y of the Local Government Act, 1919, suspend the provisions of the Penrith Planning Scheme as respects such part of the land to which such scheme applies as is described in Schedule “A” hereto;
- (2) in pursuance of section 342u (5) of that Act, rescind each of the Interim Development Orders specified in Schedule “B” hereto to the extent specified in that Schedule and not further or otherwise;
- (3) in pursuance of section 342u (5) rescind the Interim Development Orders specified in Schedule “C” hereto; and
- (4) in pursuance of those sections, make an Interim Development Order as set out in Schedule “E” hereto in relation to the land described in Schedule “D” hereto. (76-15,017 (z) 1)

PAUL LANDA,
Minister for Planning and Environment.

Sydney, 16th December, 1977

SCHEDULE “A”

All those pieces or parcels of land situate in the City of Penrith as shown by red edging, on plan catalogued number 245:2975 in the office of the New South Wales Planning and Environment Commission.

SCHEDULE “B”

- (a) Interim Development Order No. 2 – City of Penrith, only in so far as it relates to lands shown edged blue on the plan catalogued number 9597 in the office of the New South Wales Planning and Environment Commission;
- (b) Interim Development Order No. 56 – City of Penrith, only in so far as it relates to lands shown edged blue on the plan catalogued number

9597 in the office of the New South Wales Planning and Environment Commission;

- (c) Interim Development Order No. 66 – City of Penrith, only in so far as it relates to lands shown edged blue on the plan catalogued number 9597 in the office of the New South Wales Planning and Environment Commission.

SCHEDULE “C”

- (a) Interim Development Order No. 6 – City of Penrith as published in Government Gazette No. 28 of the 26th February, 1965;
- (b) Interim Development Order No. 8 – City of Penrith as published in Government Gazette No. 4 of the 14th January, 1966;
- (c) Interim Development Order No. 12 – City of Penrith as published in Government Gazette No. 12 of the 26th January, 1968;
- (d) Interim Development Order No. 30 – City of Penrith as published in Government Gazette No. 16 of the 18th February, 1972;
- (e) Interim Development Order No. 50 – City of Penrith as published in Government Gazette No. 17 of the 17th January, 1975; and
- (f) Interim Development Order No. 58 – City of Penrith as published in Government Gazette No. 47 of the 2nd April, 1976.

SCHEDULE “D”

All the land shown by red edging on plan catalogued numbers 245:741, 245:843, 245:1060, 245:1695, 245:2413, 245:2800 and 245:2975, and all land shown by blue edging on plan catalogued number 9597 in the office of the New South Wales Planning and Environment Commission.

SCHEDULE “E”

INTERIM DEVELOPMENT ORDER No. 73 – CITY OF PENRITH

Citation and Interpretation

1. This Order may be cited as “Interim Development Order No. 73 – City of Penrith”.
2. (1) In this Order unless the context or subject-matter otherwise indicates or requires -

“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;

“appointed day” means the day upon which this Order is published in the Gazette;

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

“designated road” means

- (a) Bringelly Road, Castlereagh Road, Richmond Road, Elizabeth Drive, Mamre Road, Mulgoa Road, Penrith – Windsor Road, Western Freeway;
or
- (b) any land within Zone No. 5 (b);

“dwelling-house” means a building designed or constructed or adapted for use as a dwelling for a single family together with such out-buildings as are ordinarily used therewith;

“existing building”, and “existing work” mean respectively a building or work lawfully erected, constructed or carried out before the appointed day;

“existing use” means

- (a) the lawful use of a building, work or land for the purpose for which it was used immediately before the appointed day; or
- (b) a use in respect of which the Council has given its consent under clause 28;

“external surfaces”, in relation to a building, includes external walls and any cladding thereon, doors, door and window frames (but not window panes), columns, roofs, fences, and any other surfaces of the building visible from the exterior;

“I.D.C. Map” means the map deposited in the office of the Council marked “Map referred to in Interim Development Order No. 73 – City of Penrith”, or a duplicate of that map, similarly identified, deposited in the office of the Commission;

“natural ground level”, in relation to any land, means the actual physical level of the land at the appointed day;

“plant nursery” means a building or place used or intended for use for the principal purpose of growing of plants, including the retailing of plants, but does not include the retailing of plant or garden accessories;

“prescribed materials” means materials of a low reflective quality that blend with the landscape of the site and its surroundings;

“recreation establishment” means health farms, religious retreat houses, rest homes, youth camps, any other recreation or sporting activity and the like, but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause;

“rural industry” means handling, treating, processing or packing primary products produced in the locality and includes the servicing in a workshop of plant or equipment used for agricultural purposes in the locality;

“site area” means the area of land to which an application for consent under this Order relates; and

“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 any restrictions imposed by this Order on development.

(2) The set of standard or model provisions (other than the definitions of “dwelling-house”, “general advertising structure” and “rural industry” in clause 1 thereof, and clause 5 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 17th July, 1970, are adopted, by reference for the purposes of this Order.

General Development Control

3. Subject to this Order, on any land within a zone specified in Column 1 of the Table to this clause, the interim development -

- (a) specified in Column II of that Table opposite that zone may be carried out without the consent of the Council; and
- (b) specified in Column III of that Table opposite that zone may be carried out only with the consent of the Council,

and no other development may be carried out.

TABLE

Column I	Column II	Column III
Zone and colour or indication on I.D.C. Map	Development which may be carried out <i>without</i> the consent of the Council	Development which <i>may</i> be carried out only with the consent of the Council
<p>1. NON-URBAN.</p> <p>(a) Non-Urban "A". Light brown</p> <p>(b) Non-Urban "B" Light brown with dark red edging and lettered 1 (b).</p> <p>(c) Non-Urban "C". Light brown with dark red edging and lettered 1(c).</p> <p>(d) Non-Urban "D". Light brown with dark red edging and lettered 1(d).</p>	<p>Agriculture (other than pig keeping or poultry farming establishments); forestry.</p> <p>Agriculture (other than pig keeping or poultry farming establishments).</p> <p>Agriculture (other than pig keeping or poultry farming establishments).</p> <p>Agriculture (other than pig keeping or poultry farming establishments).</p>	<p>Advertising structures; amusement parks; animal boarding, breeding and training establishments; caravan parks; cemeteries; clubs; development referred to in Schedule 3; drive-in theatres; dwelling-houses; educational establishments; extractive industries; home industries; home occupations; institutions; offensive or hazardous industries; open space; pig keeping establishments; plant nurseries; poultry farming establishments; recreation establishments; research establishments; roads; rural industries; stables; stock and sale yards; subdivision; utility installations; veterinary establishments; waste disposal.</p> <p>Advertising structures; dwelling-houses; educational establishments; home occupations; open space; roads; utility installations.</p> <p>Advertising structures; dwelling-houses; educational establishments; extractive industries; home occupations; open space; roads; utility installations.</p> <p>Advertising structures; dwelling-houses; home occupations; open space; recreation establishments; roads; subdivision; utility installations (other than gas holders or generating works).</p>

Column I	Column II	Column III
Zone and colour or indication on I.D.C. Map	Development which may be carried out <i>without</i> the consent of the Council	Development which <i>may</i> be carried out only with the consent of the Council
5. SPECIAL USES. (a) Special Uses "A". Yellow with scarlet lettering.	-----	Development for the particular purpose indicated by scarlet lettering on the I.D.C. Map and any purpose ordinarily incidental or subsidiary thereto; drainage; open space; roads; utility installations (other than gas holders or generating works).
(b) Special Uses "B" (Roads). Grey.	-----	Any purpose authorized by Part IX of the Act; drainage; roads; utility installations.
6. OPEN SPACE. Private recreation. Dark green with yellow edging.	-----	Agriculture; any development ordinarily incidental to sports clubs, golf courses or recreation areas; drainage; golf courses; recreation areas; roads; sports clubs; subdivision; utility installations (other than gas holders or generating works).

Advertising Structures

4. An advertising structure may be erected on land within Zone No. 1(a), 1(b), 1(c) or 1 (d) only if it is to display advertisements related to the use of the land on which it is erected provided that the Council may erect advertising structures on land within Zone No. 1 (a), 1(b), 1(c) or 1(d), for the purposes of directing the travelling public to tourist areas or the display on such structures of private advertisements for tourist facilities.

Subdivision

5. (1) Subject to this clause land within Zone No. 1 (a) or 1(d) shall not be subdivided unless each separate allotment to be created thereby has an area of not less than 40 hectares.

(2) Notwithstanding any other provision of this Order land within any zone may be subdivided only with the consent of the Council if that subdivision is for the purpose of -

- (a) creating an allotment or allotments intended to be used for open space or other public purposes;
- (b) making minor adjustments to common property boundaries;

- (c) enlarging the area of any existing allotment without reducing the area of any existing allotment;
- (d) rectifying any encroachment upon an existing allotment; or
- (e) amalgamating allotments.

Dwelling-houses

6. Subject to clauses 7, 8, 9, 11 and 26 a dwelling-house shall not be erected on any land within a zone specified in one of the following paragraphs unless that land has an area of not less than the area specified in that paragraph -

- (a) Zone No. 1 (a) or 1 (d) – 40 hectares;
- (b) Zone No. 1 (b) or 1 (c) – 2 hectares.

Dwelling-houses – Land within Certain Zones

7. (1) This clause applies to land (other than land referred to in Schedule 1 or Schedule 2) within Zone No. 1 (a) or 1 (d).

(2) One dwelling-house, may, with the consent of the Council, be erected and used on any allotment, lot or portion of land, the area of which is not less than 4000 square metres, in existence as a separate allotment, lot or portion of land at the appointed day.

Dwelling-houses – Land in Schedule 1

8. (1) This clause applies to the land referred to in Schedule 1 (edged green on the I.D.C. Map).

(2) One dwelling-house, may, with the consent of the Council, be erected and used on any land if the area of that land exceeds 2 hectares.

Dwelling-houses – Land in Schedule 2

9. (1) This clause applies to the land referred to in Schedule 2 (edged green on the I.D.C. Map).

(2) One dwelling-house, may, with the consent of the Council, be erected and used on any land if the area of that land exceeds 10 hectares.

10. The Council shall impose as a condition of its consent under clause 8 or 9 a requirement that the land be amalgamated into a single allotment.

Number of dwelling-houses

11. A second dwelling-house may be erected and used on any land within Zone No. 1 (a) or 1 (d) only if -

- (a) the area of that land is not less than 10 hectares; and
- (b) that dwelling-house will only be used to accommodate a person employed or engaged by the owner of that land in the use of that land or adjacent or adjoining land for the purposes of agriculture.

Junctions or Intersections with Main Roads

12. A road (other than a driveway) which forms a junction or intersection with a main road shall not be opened without the consent of the Commissioner of Main Roads.

Land in Zone No. 1 (d) – Special Controls

13. (1) This clause applies to all land within Zone No. 1 (d).

(2) Notwithstanding any other provision of this Order land shall not be developed or cleared of vegetation or trees without the consent of the Council.

(3) No building shall be erected on land within 100 metres of the bank of the Hawkesbury – Nepean River without the concurrence of the Commission.

(4) A building, the height of which (measured at any point on the building) exceeds 8 metres, shall not be erected; provided that the Council may consent to the erection of a building which departs from the height prescribed in this clause to a minor extent only.

(5) Subject to subclause (6) the external surfaces of any building shall be constructed of prescribed materials.

(6) The Council may permit -

(a) an external surface of any building (being the alteration or extension of any existing building or work the surfaces of which are not composed of prescribed materials); or

(b) no more than 10 per centum of the external surface of any building, to be constructed of materials other than prescribed materials.

(7) The Council may require as a condition of any consent -

- (a) the retention of any or all existing trees, shrubs, and vegetation on the site; and
- (b) the planting of additional trees and shrubs to screen the development from view from any public place.

Setbacks

14. A building shall not be erected on any land having a frontage to a designated road if the distance between that building and the nearest alignment of that road is less than 30 metres.

15. (1) This clause applies to land -

- (a) which is within 300 metres of the road alignment of a designated road, or
- (b) which has direct vehicular access to a designated road.

(2) Land shall not be developed for the purposes of amusement parks, caravan parks, clubs, drive-in theatres, educational establishments, places of public worship, plant nurseries, places of assembly or recreation establishments.

Drive-in Theatres

16. (1) The Council shall, upon receipt of an application for the development for the purposes of a drive-in theatre, refer the application to the Traffic Authority of New South Wales, and shall take into consideration any representation made by that Authority.

(2) The screen of a drive-in theatre shall be so located or protected that no image projected thereon shall be visible and identifiable from any main road.

(3) A vehicular entrance to or exit from a drive-in theatre shall not be located within 90 metres of a main road.

(4) Within the site of a drive-in theatre there shall be a vehicular driveway, at least 60 metres long and 20 metres wide leading from the entrance to the site to the ticket office.

Industries

17. (1) The Council shall, upon receiving an application for development for the purpose of an offensive or hazardous industry -

- (a) refer the application to the Commission; and
- (b) give notice of the application in a newspaper circulating in the area.

(2) The notice referred to in subclause (1) (b) shall state that any person may, within 14 days of publication of the notice, object to the granting of a consent to the development.

(3) The Council shall take into account in dealing with the application any objections made by the Commission, or made under subclause (2), and the likely effect of the proposed development on the environment of the area.

Flood Liable Land

18. The Council shall as soon as possible after the appointed day prepare a plan showing the location and extent of lands liable to flooding.

Consents

19. In respect of any interim development application the Council shall take into consideration -

- (a) the character of the proposed development in relation to the character of the development on the adjoining land and in the locality;
- (b) the size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the adjoining land and the development thereon;
- (c) whether the proposed means of entrance to and egress from the site are adequate and whether provision has been made for the loading, unloading and parking of vehicles on the site;
- (d) any representations made by any statutory authority in relation to the application or to the development of the area and the rights and powers of any such authority;
- (e) any plan, design or code whether detailed or otherwise adopted by resolution of the Council for the development of the locality in which the land to which the application relates is situated;
- (f) whether any environmental issues are involved in and by the proposed development and if so, whether adequate safeguards have been or will be made to prevent pollution and protect the environment of the locality;
- (g) whether adequate provision has been made for the landscaping and treatment of the site;
- (h) the existing and future amenity of the neighbourhood;
- (i) the circumstances of the case and the public interest;

- (j) whether any existing trees or shrubs on the site should be retained; and
- (k) the provisions of this Order.

20. In respect of any application for the consent of the Council to the carrying out of the following development, namely -

- (a) any development within view of any waterway, or adjacent to a designated road the Council shall take into consideration the probable aesthetic appearance of the land or of the proposed building or work when used for the proposed purpose and viewed from the waterway or road;
- (b) to the erection or use of an amusement park, cemetery, club, drive-in theatre, industry, place of assembly, plant nursery or recreation establishment 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 –
 - (i) adequate vehicular exits from and entrances to the site have been provided so that vehicles using those entrances and exits will not endanger persons and vehicles using that road;
 - (ii) space, sufficient to provide for the parking or standing of so many vehicles as the Council may determine, is provided on the site or on land adjoining the site (other than a public road);
 - (iii) any representations made by the Traffic Authority of New South Wales 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; or
- (c) the erection of a dwelling-house, the Council shall take into consideration the likelihood of floodwaters entering the dwelling-house and may attach conditions to any consent requiring the floor to be erected at a height sufficient, in its opinion, to obviate the frequent flooding of the dwelling-house.

21. Wherever in this Order the Council is required to obtain the concurrence of the Commission or the consent of the Commissioner for Main Roads before consenting to any application for development, any consent so given without having obtained that concurrence or consent, shall be null and void.

22. The Council shall not refuse to grant any application for consent to carry out development made to it under this Order by the Crown or a public utility undertaking or a statutory body or the Totalizator Agency Board nor attach conditions to its consent to any such application except with the concurrence of the Minister for Planning and Environment.

Tree Preservation

23. (1) Where it appears to the Council that it is expedient for the purpose of securing amenity or of preserving existing amenities it may for that purpose by resolution, make an order (hereinafter referred to as a tree preservation order) and may by like resolution rescind or vary any such order.

(2) A tree preservation order may prohibit the ringbarking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified therein except with the consent of the Council and any such consent may be given subject to such conditions as the Council may think fit.

(3) A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described in such order and such land may be described particularly or generally by reference to the land the subject of this Order or any part thereof.

(4) The Council shall forthwith upon the making of a tree preservation order cause notice of its making to be published in the Gazette and in a newspaper circulating in the area in which the land described in the order is situate.

(5) A person who contravenes, or causes or permits to be contravened, a tree preservation order, is guilty of an offence.

(6) In any proceedings under this clause it shall be sufficient defence to prove that the tree or trees ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed, was or were dying or dead or had become dangerous.

(7) The powers conferred upon the Council by this clause shall not extend to any trees within a State Forest or land reserved from sale as a Timber or Forest Reserve under the Forestry Act, 1916, nor to any trees which are under the control or management of the Metropolitan Water Sewerage and Drainage Board.

Places of Scientific or Historic Interest

24. (1) The Minister, on the application of the Council, may, by proclamation, declare any land, building or work to be a place of scientific or historic interest.

(2) A copy of that proclamation shall be served by the Council on the owner and occupier of the land, building or work.

(3) Where any land, building or work has been declared under this clause a place of scientific or historic interest, a person shall not make any alterations or additions to the land, building or work nor demolish the building or work, without the consent of the Council.

(4) The Council may acquire any such land, building or work for the purpose of preserving it for public use and enjoyment.

(5) Where any land, building or work has been declared under this clause to be a place of scientific or historic interest, the owner of such land, building or work may, by notice in writing, require the Council to acquire the land, building or work. Upon receipt of any such notice the Council shall acquire the land, building or work to which the notice relates.

(6) The Council may with the consent of any trustees or any authority established for that purpose place any such land, building or work under the care, control and management of such trustees or authority.

25. Notwithstanding any other provision of this Order, a person shall not make any alterations or additions to or paint the exterior of the buildings referred to in Schedule 4, nor demolish such buildings without the consent of the Council and the concurrence of the Commission.

Existing Buildings, etc.

26. (1) This clause applies -

- (a) to an existing building which is a dwelling-house lawfully erected before the appointed day; and
- (b) notwithstanding any other clause.

(2) A building may be altered, enlarged or rebuilt only with the consent of the Council.

27. (1) This clause -

- (a) applies to existing buildings and existing works (other than dwelling-houses) lawfully erected, constructed, carried out, continued or used immediately before the appointed day;
- (b) does not apply to an existing building or work erected, constructed, carried out, continued or used in contravention of the provisions of Division 7 of Part XIA of the Act or any Ordinance made under that Division, the County of Cumberland Planning Scheme Ordinance, the Penrith Planning Scheme Ordinance or any Interim Development Order made under that Part; and
- (c) applies notwithstanding any other clause.

- (2) A building or work may be altered, enlarged or rebuilt -
 - (a) if –
 - (i) the land on which the existing building or work is situated is within Zone No. 1 (b) or 1 (c) or has a frontage to a designated road – only with the consent of the Council and the concurrence of the Commission; and
 - (ii) the land on which the building or work is erected is within any other zone and has a frontage to any other road – only with the consent of the Council; and
 - (b) only if the floor space of the building or work as altered or rebuilt from time to time does not exceed by more than 10 per centum the floor space of the existing building or work as it was at the appointed day.

28. The existing use of an existing building or existing work or of any land, for a purpose for which development may not be carried out on any land within the zone within which the existing building or work or the land is situated may be changed to another use for a purpose for which development on any land within that zone cannot be carried out -

- (a) if the land is within Zone No. 1 (b) or 1 (c) or has frontage to a designated road – only with the consent of the Council and the concurrence of the Commission; or
- (b) if the land is within any other zone and has a frontage to any other road – only with the consent of the Council only if the proposed use is, in the opinion of the Council, less objectionable and will have a less adverse effect on the amenity of the area than the existing use.

Foreshore Building Lines

29. (1) The Council may by resolution fix building lines (in this clause called “foreshore building lines”) in respect of any land fronting any river, creek, or other natural watercourse.

(2) A foreshore building line shall, when fixed by the Council be marked upon a plan or clearly described in the resolution and that plan or resolution shall be open for inspection by the public during office hours of the Council.

(3) A building shall not be erected between a foreshore building line and the river creek or natural watercourse in respect of which it is fixed.

(4) The Council may alter or abolish any foreshore building line where the levels or depth of the allotment or other exceptional conditions of the site make it necessary to do so.

Exceptions

30. (1) This clause applies notwithstanding any other clause.
- (2) The Council may consent to the subdivision of any land if -
- (a) before the appointed day it had approved or approved in principle of that subdivision; and
 - (b) the subdivision proposed to be approved is substantially in accordance with the terms of that approval or approval in principle.

(3) A dwelling-house may, with the consent of the Council, be erected and used on any land referred to in Schedule 5 subject to the conditions, if any, specified in that Schedule in relation to that land.

30A. Notwithstanding clause 3, interim development may, with the consent of the council, be carried out on land within zone No. 1 (c) for the purposes of sand and gravel processing plants.

Clause 30A added G.G. No. 33 of 2/3/79.

30B. (1) This clause applies to lot 2, Deposited Plan 215632, Russell Street, Emu Plains.

(2) Notwithstanding any other clause, interim development may be carried out only with the consent of the council for the purposes of extractive industries.

(3) Any consent granted under subclause (2) shall be subject to the following conditions:

- (a) such conditions as may be imposed by the council;
- (b) the condition that a landscape plan at the scale 1:500 shall be prepared by or on behalf of the applicant to the satisfaction of the Commission showing final contours of the land the subject of the consent at 1 metre intervals and providing for the planting of indigenous trees as a shade screen on the southern bank of the Nepean River; and
- (c) the condition that the applicant shall plant the southern bank of the Nepean River to the satisfaction of the Commission in accordance with the said landscape plan.

(4) The uses provided for in subclause (2) are in addition to and not in derogation of any other uses permissible under this order in respect of the land to which this clause applies.

Clause 30B added G.G. No. 76 of 8/6/79.

30C. (1) This clause applies to lots 2 to 32 inclusive, section A, Deposited Plan 1895, having frontage to Mamre Road, Atchison, Hall and Wilson Streets, St Marys.

(2) Notwithstanding any other clause, interim development may be carried out, only with the consent of the council, for the purposes of a club.

(3) Crossings in or into Mamre Road are prohibited.

(4) The use provided for in subclause (2) is in addition to and not in derogation of any other uses permissible under this Order in respect of the land to which this clause applies.

(5) For the purposes of this clause "crossing" means a pedestrian or vehicular bridge, ramp, road, or way joining an allotment (or a drive therein) to a public road.

Clause 30C added G.G. No. 2 of 4/12/80.

Incomplete Development

31. Nothing in this Order shall prevent the carrying out of any development in accordance with any consent or permission granted under the County of Cumberland Planning Scheme, the provisions of Division 7 of Part XIIA of the Act or any Ordinance made under that Division, the Penrith Planning Scheme or any Interim Development Order, which consent or permission is in force at the appointed day, if the development has been commenced but not completed at the appointed day or is substantially commenced within a period of 12 months after that day.

32. Notwithstanding any other provision of this Order subdivision of land which is the subject of an approval under Part XII of the Act given by the Council on 1st July, 1977, to V. Morgan, Surveyor, on behalf of Annwrack Pty, Limited in relation to certain land at Mulgoa known as the "Fairlight Estate" (Council reference S4182) is prohibited.

33. Notwithstanding clause 7 one, but not more than one, dwelling-house may be erected on lot 26, section 6, Kenmare Road, Londonderry, with the consent of the council but not otherwise.

Clause 33 added G.G. No. 71 of 25/5/79.

34. (1) Notwithstanding clause 5, the land situate at Cranebrook as shown by orange edging on plan catalogued No. 10807 in the office of the

Commission may, only with the consent of the council, be subdivided, so that each separate allotment to be created has an area of not less than 2 hectares.

(2) Notwithstanding any other provisions of this order, a dwelling-house may, with the consent of the council, be erected on each of the allotments so created.

Clause 34 added G.G. No. 73 of 1/6/79.

35. Lot 2, Deposited Plan 550050, Mulgoa Road, Regentville, may, notwithstanding clause 15 of this order, be developed for the purpose of a recreation establishment in addition to any other purpose for which land zoned 1 (a) may be developed under this order provided that development for the purpose of a recreation establishment (other than development for the purposes of landscaping and roads) shall be placed at least 300 metres from Mulgoa Road and no crossing to the development shall be created within 300 metres of that road.

Clause 35 added G.G. No. 189 of 28/12/79.

36. (1) This clause applies to lots 9 and 29, Deposited Plan 2566, Elizabeth Drive and Clifton Avenue, Kemps Creek.

(2) For the purposes of this clause, "produce store" means a building or place used or intended for use for the sale by retail of grain, stock feed, fertilizer and veterinary medicine, whether or not it is also used or intended for use for the sale by retail of light farm equipment and garden equipment and accessories, but does not include a building or place used or intended for use for the sale by retail of ornamental plants, shrubs and trees.

(3) Notwithstanding clause 3, but subject to subclause (4), interim development may, with the consent of the Council, be carried out on the land to which this clause applies for the purpose of a produce store.

(4) No interim development for the purpose referred to in subclause (3) shall be consented to unless all means of access to the land to which this clause applies is by way of Clifton Avenue.

Clause 36 added G.G. No. 4 of 11/1/80.

37. (1) This clause relates to lot 3, Deposited Plan 201196, and lot 10, Deposited Plan 574020, Factory Road, Regentville.

(2) Notwithstanding clause 7, but subject to subclause (3), a dwelling-house may, with the consent of the Council, be erected and used on lot 3, Deposited Plan 201196.

(3) No consent to the erection and use of a dwelling-house on lot 3, Deposited Plan 201196, shall be given until that lot 3, Deposited Plan 201196,

and lot 10, Deposited Plan 574020, have been consolidated into a single allotment.

Clause 37 added G.G. No. 8 of 18/1/80.

38. (1) This clause applies to lot 39, Deposited Plan 25981, having frontage to Reynolds Road, Londonderry.

(2) Notwithstanding any other provision of this Order, interim development may be carried out, only with the consent of the Council, for the purposes of one dwelling-house additional to the existing dwelling-house.

(3) That additional dwelling-house may be erected and used only if it will be used to accommodate a person employed or engaged by the owner of that land in the use of that land for the purposes of rural industry.

(4) The use provided for in subclause (2) is in addition to and not in derogation of any other use permissible under this Order in respect of the land to which this clause applies.

Clause 38 added G.G. No. 51 of 28/3/80.

39. (1) This clause applies to lot 12A, Deposited Plan 69261, Gipps Street, Werrington.

(2) Interim development may be carried out only with the consent of the council for the purposes of a roller skating rink, squash courts and tennis courts.

Clause 39 added G.G. No. 57 of 3/4/80.

41. (1) This clause applies to lot 7, Deposited Plan 232448, Castlereagh Road, Agnes Banks.

(2) A person may, only with the consent of the council -

(a) add a dwelling to the dwelling-house so as to create 2 dwellings; or

(b) convert the dwelling-house into 2 dwellings.

(3) In subclause (2) -

"dwelling" means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile; and

"dwelling-house" means a dwelling-house erected on the land to which this clause applies on the day upon which notification of this clause is published in the Gazette.

Clause 41 added G.G. No. 80 of 30/5/80.

42. (1) This clause applies to lot 6, Deposited Plan 2566, Elizabeth Drive, Kemps Creek.

(2) Notwithstanding clause 3, interim development may be carried out, only with the consent of the council, on the land to which this clause applies, for the purpose of a butcher's shop.

Clause 42 added G.G. No. 80 of 30/5/80.

SCHEDULE 1

All the land within the area bounded by Londonderry Road, Studley Street and Rickaby's Creek, Londonderry.

All the land within the Richmond Park Estate, being lots 1 – 537 inclusive in 387 (1), Londonderry.

Lots 1 – 52 inclusive, Deposited Plan 3784, Castle Street and Castlereagh Road, Castlereagh.

All the land within the area bounded by Terrybrook Road, Ninth Avenue, Second Avenue and an unnamed road, Llandilo.

Lots 144 – 149 inclusive and lots 151 – 178 inclusive, Deposited Plan 16708, Martin Road, Regentville.

Part lots 182, 182A, 182B, 183, 183A and 184, section D, Mulgoa Road and Spencer Street, Regentville.

Lot 2, Deposited Plan 214036, lots 232A, 232, 231A, 231, 230A, 230, 229 and part lots 238, 238A, 239B, 239A and 239, Deposited Plan 1687 and lots 11-19 inclusive, Deposited Plan 238713, Jeannette Street, Regentville.

Lots 41 and 42, section A, Deposited Plan 2566, Salisbury Avenue, Kemp's Creek.

Schedule 1 amended G.G. No. 184 of 21/12/79.

SCHEDULE 2

All the land within the area bounded by King's Hill Road, Vineyard Road, Pall Mall and Cheapside Street, Mulgoa.

All the land bounded by Mulgoa Road, Church Road and Littlefields Road, Mulgoa.

Part lots 1 – 16 inclusive, lots 17 – 29 inclusive, lots 32-37 inclusive, Lots 39 and 40, section A, Deposited Plan 2566, lots A and B, M.P.S. (R.P.) 115712,

lots A and B, M.P.S. (R.P.) 116720 and part lot Y, M.P.S. (O.S.) 10439, Clifton Avenue, Salisbury Avenue and Elizabeth Drive, Kemp's Creek.

Schedule 2 amended G.G. No. 184 of 21/12/79.

SCHEDULE 3

Any development carried out by or on behalf of –

The Department of Agriculture (New South Wales).
The Department of Education (New South Wales).
The Department of Main Roads (New South Wales).
The Department of Mines (New South Wales).
The Department of Public Works (New South Wales).
The Department of Technical and Further Education (New South Wales).
The Department of Youth and Community Services (New South Wales).
The Department of Motor Transport (New South Wales).
The Police Department (New South Wales).
The Department of Tourism (New south Wales).
The Public Transport Commission of New South Wales.
The Electricity Authority of New South Wales.
The Electricity Commission of New South Wales.
The Forestry Commission of New South Wales.
The Health Commission of New South Wales.
The Metropolitan Waste Disposal Authority (New South Wales).
The National Parks and Wildlife Service (New South Wales).
The Metropolitan Water Sewerage and Drainage Board (New South Wales).
The Sport and Recreation Service (New South Wales).
The Water Resources Commission (New South Wales).
The Soil Conservation Service (New South Wales).
The Prospect County Council.
The Department of Transport (Commonwealth).
The Department of Administrative Services (Commonwealth).
The Australian Postal Commission (Commonwealth).
The Australian Telecommunications Commission (Commonwealth).
The Australian Gas Light Company.

SCHEDULE 4

St Thomas Church of England and cemetery, Mulgoa.
Christ Church, Church of England, Church Lane, Castlereagh.
Fernhill, Mulgoa Road, Mulgoa.
Fleurs, Mamre Road, St Marys.
Glenmore, Mulgoa Road, Mulgoa.
Glenleigh, Mulgoa Road, Regentville.

SCHEDULE 5

Any allotment created in a subdivision in respect of which the Council has given its consent under clause 30 (2).

Lots 50A Deposited Plan 2147, Fourth Avenue, Llandilo.

Lot 160 Deposited Plan 16501, Riverside Road, Emu Plains: Provided that the dwelling-house is only erected on land above the 22.8 metre (A.H.D.) contour level.

Lot 36, Deposited Plan 1344, Castle Road, Orchard Hills

Lot 37, Deposited Plan 1344, Castle Road, Orchard Hills

Lot 38, Deposited Plan 1344, Castle Road, Orchard Hills

Lot 39, Deposited Plan 1344, Castle Road, Orchard Hills

Each of lots 165 and 166 Deposited Plan 16501, Riverside Road, Emu Plains.

*Schedule 5 amended G.G. No. 64 of 9/6/78; G.G. No. 105 of 10/8/79;
G.G. No. 4 of 11/1/80; and G.G. No. 80 of 30/5/80.*

INTERIM DEVELOPMENT ORDER No. 73 – CITY OF PENRITH

EXPLANATORY NOTES

THIS Interim Development Order will serve to control the development of the rural lands in the City of Penrith.

The Order will be placed on exhibition for a period of 2 months after gazettal to allow representations to be made on its provisions and to give an opportunity for review in the light of those representations.

AIMS OF THE INTERIM DEVELOPMENT ORDER

- (a) To enable future growth of the urban area to occur in accordance with the Sydney Region Outline Plan by providing land for future urban use and communications and services infrastructures.
- (b) To provide for urban support activities such as extraction of mineral resources, establishment of major special uses and recreational facilities.
- (c) To protect the scenic areas of the region.
- (d) To protect the rural areas from encroachment of urban development.
- (e) To maintain land in productive use.
- (f) To minimize the costs of development to the community.
- (g) To provide the opportunity for a rural life.
- (h) To provide facilities in accordance with rural needs.

ZONES

The rural lands in Penrith have been divided into four zones –

- (1) Non-Urban “A”.
- (a) This area covers the Londonderry – Llandillo lands.

The controls for this zone aim to protect the lands from development which would prejudice its urban support function. However, it will be possible to build dwellings on existing subdivided blocks of 4000 square metres or more, with the exception of those areas shown with a green edge on the Interim Development Control Map. In those areas a parcel must have a minimum area of 2 hectares.

- (b) This area covers the Mulgoa – Kemps Creek lands.

The controls for this zone aim to protect the lands from inappropriate development, to prevent fragmentation of land holdings, to assist in maintaining agricultural use of the land, and to protect the existing environmental quality. Although a 40 hectare minimum is required for subdivision, dwelling-houses may be erected on previously subdivided blocks 4000 square metres or more, with the exception of those areas with a green edge on the Interim Development Control Map, where a parcel must have a minimum area of 10 hectares.

- (2) Non-Urban “B”.

This zone is a holding zone to ensure the implementation of proposals under the Sydney Region Outline Plan.

The Sydney Region Outline Plan identifies areas for possible future urban development or for development associated with the urban use of adjoining lands. Although these areas have been included in this zoning, this does not *guarantee* that urban development of the land will take place.

The controls for this zone aim to protect the land from development which would be incompatible with proposed future development under the Outline Plan. In these areas, no further subdivision will be allowed, other than for public purposes, and the range of permissible uses will be restricted. Dwellings will be permitted, however, on lots of 2 hectares or more, as under the previously existing controls.

- (3) Non-Urban “C”.

This zone covers the Penrith Lakes area.

The controls for this zone will prevent further subdivision to facilitate the implementation of the Lakes recreation centre, but will permit the extraction of the gravel resources.

- (4) Non-Urban “D”.

This zone covers the areas along the Nepean River.

The controls for this zone aim to protect the lands from inappropriate development and to preserve its environmental and landscape qualities including the extensive areas of natural vegetation, and its recreational potential in connection with the proposed Hawkesbury / Nepean National Park as proposed under the Sydney Region Outline Plan.

GENERAL COMMENTS

The permitting of dwelling-houses on existing lots will create a large number of potential sites for hobby farms or small scale agricultural activities and

obviate the need for variations of the minimum area provision to allow development to proceed.

The main limitations (apart from subdivision controls) imposed by the order relate to the range of uses permissible in the Non-Urban zones, restricting most forms of commercial development and in some areas limiting certain types of agricultural activity where visually disruptive operations (i.e., poultry sheds, piggeries, etc.) would be involved.

The Order also restricts traffic generating development along important traffic arteries.

NOTE: These Explanatory Notes are not part of the Interim Development Order. They have been prepared to explain in general terms the aims and intentions of the Order and are not intended to answer specific enquiries. People concerned about particular areas of land should make their own enquiries at Penrith City Council office about the effect of the Order on that land.