

**INTERIM DEVELOPMENT ORDER NO. 83 –
CITY OF PENRITH**

**Government Gazette No. 169 of 1st December 1978.
As amended.**

LOCAL GOVERNMENT ACT, 1919

NOTIFICATION OF PARTIAL RESCISSION OF INTERIM DEVELOPMENT ORDER NO. 73 – CITY OF PENRITH AND MAKING OF INTERIM DEVELOPMENT ORDER NO. 83 – 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 –

- (a) rescind Interim Development Order No. 73 – City of Penrith in so far as it relates to the land described in Schedule “A” but not further or otherwise; and
- (b) make an Interim Development Order in relation to that land, as set out in Schedule “B”. (78-10178)

PAUL LANDA,
Minister for Planning and Environment.

Sydney, 1st December, 1978.

SCHEDULE “A”

All that piece or parcel of land situate in the City of Penrith as shown by blue edging on plan catalogued 10520 in the office of the New South Wales Planning and Environment Commission.

SCHEDULE “B”

INTERIM DEVELOPMENT ORDER No. 83 – CITY OF PENRITH

Citation and Interpretation

1. This Order may be cited as “Interim Development Order No. 83 – City of Penrith”.

1A. Nothing in this Order applies to the following land:

Land in the vicinity of The Northern Road, Boundary and Vincent Roads, Cranebrook, as shown edged heavy black on the map marked “Penrith Local Environmental Plan No. 176” deposited in the office of the Council of the City of Penrith.

Land as shown edged heavy black on the map marked “Penrith Local Environmental Plan 1998 (Urban Land)” deposited in the office of the Council.

Clause 1A added G.G. No. 77 of 22/4/88 (LEP 176) and amended G.G. No. 4 of 8/1/99 (LEP 1998 (Urban Land)).

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

1B. 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 1B added G.G. No. 180 of 20/12/91 (LEP 1991 (Environmental Heritage Conservation)).

2. (1) In this Order -

“advertising structure” has the meaning ascribed to it in Ordinance No. 55 under the Act, but does not include an advertising structure referred to in clause 5 (2) (a) or (c) of that Ordinance;

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

“Designated frontage” means the frontage of any land to Castlereagh Road, Andrews Road or Richmond Road;

“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;

“dwelling-house” means a building containing one but not more than one dwelling;

“health care consulting rooms” means a dwelling-house used by not more than 3 health care professionals for the purpose of providing health care services only to outpatients of those health care consulting rooms, and who employ not more than 3 employees in connection with such health care services;

“health care consulting rooms” definition added G.G. No. 22 of 11/2/00 (LEP 252).

“health care professional” means a person who provides traditional or complementary professional health care services to members of the public;

“health care professional” definition added G.G. No. 22 of 11/2/00 (LEP 252).

“health care services” means services ordinarily provided by a health care professional to members of the public, but does not include any procedures such as x-rays, ultrasounds, cat scans, radiography or pathology tests or the like;

“health care services” definition added G.G. No. 22 of 11/2/00 (LEP 252).

“Units for aged persons” means a residential flat building used or intended to be used to house aged persons as defined in the Aged and Disabled Persons Homes Act, 1954, 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.

(2) The provisions of clauses 1 (except for the definitions of “dwelling-house”, “general advertising structure”, “health care professional” and “professional consulting rooms”), 2, 3, 4 and 8 of the set of standard or model provisions adopted by the Minister for Local Government on the recommendation of the State Planning Authority of New South Wales and published in the Government Gazette No. 88 of 17th July, 1970, are adopted, by reference, for the purposes of this Order.

Clause 2(2) amended G.G. No. 22 of 11/2/00 (LEP 252).

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 Commission for any purpose other than the purposes of caravan parks; offensive or hazardous industries; institutions; mines or roadside stalls.

Dwelling-houses

4. (1) A dwelling-house shall not be erected on any allotment which -
- (a) has an area of less than 550 square metres; or
 - (b) a width at the front alignment of the building of less than 15 metres.

(2) Assessments of the area of hatchet shaped allotments shall exclude the area of the access corridor.

(3) Development for the purposes of units for aged persons shall not be carried out unless there is provided within the site area so many vehicular parking spaces as the Council may require, having regard to the location of the building in relation to public transport and the availability of alternative car parking facilities but there shall not be provided less than 1 such space for each 10 dwellings within the building and the Council may not

require that more than 1 such space for each 5 dwellings within the building be provided.

4A. *Added G.G. No. 193 of 18/12/81 and omitted G.G. No. 104 of 19/6/87.*

Variation of Minimum Requirements

5. A dwelling-house may, with consent of the Council, be erected on any land the area or width of which is less than the area or width prescribed by clause 4 but which departs therefrom to a minor extent only.

Units for Aged Persons

6. (1) In this clause -

“parking space” includes any garage or court available for use by vehicles.

(2) A parking space required under this clause is not to be less than 5.5 metres long and 2.6 metres wide.

Services

7. In clauses 8 and 9 a reference to the owner of any land includes a reference, if the applicant for development consent is not the owner, to the applicant also.

8. 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 for the amplification and reticulation of water and sewerage services to such land.

9. 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 for the provision of underground low voltage electricity reticulation: provided that the owner shall not be required in any case to contribute more than the difference between the cost of the overhead reticulation to each lot and the cost of underground reticulation thereto.

10. Development shall not take place on 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.

11. A liquid fuel depot having an above-ground storage capacity of 500 000 litres or more of inflammable liquid shall not be established or used except

with the consent of the Council and the concurrence of the Department administering the Dangerous Goods Act, 1975.

12. 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.

13. A road which forms a junction or intersection with Richmond Road, Andrews Road or Castlereagh Road or any road-widening of those roads shall not be opened without the consent of the Commission.

14. The Council shall not consent to any application (other than an application for the alteration or enlargement of any existing building) to carry out development on land having a designated frontage involving direct access from the land to the roads adjoining that land on the designated frontage except with the concurrence of the Commission.

15. *Clause 15 omitted G.G. No. 139 of 26/9/80.*

16. In respect of any application for the consent of the Council –

- (a) to the erection of a building (including a fence) the carrying out of work or to the use of land within view of or adjacent to any road or public reserve, the Council shall take into consideration the probable aesthetic appearance of that development or work when used for the proposed purpose and viewed from that road, public reserve or, proposed public reserve; or
- (b) to the erection or use of a place of assembly or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the locality, 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 the entrances and exits will not endanger persons and vehicles using any 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 not being 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.

Crown Development

17. 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.

18. *Clause 18 omitted G.G. No. 139 of 26/9/80.*

Tree Preservation

19. (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.

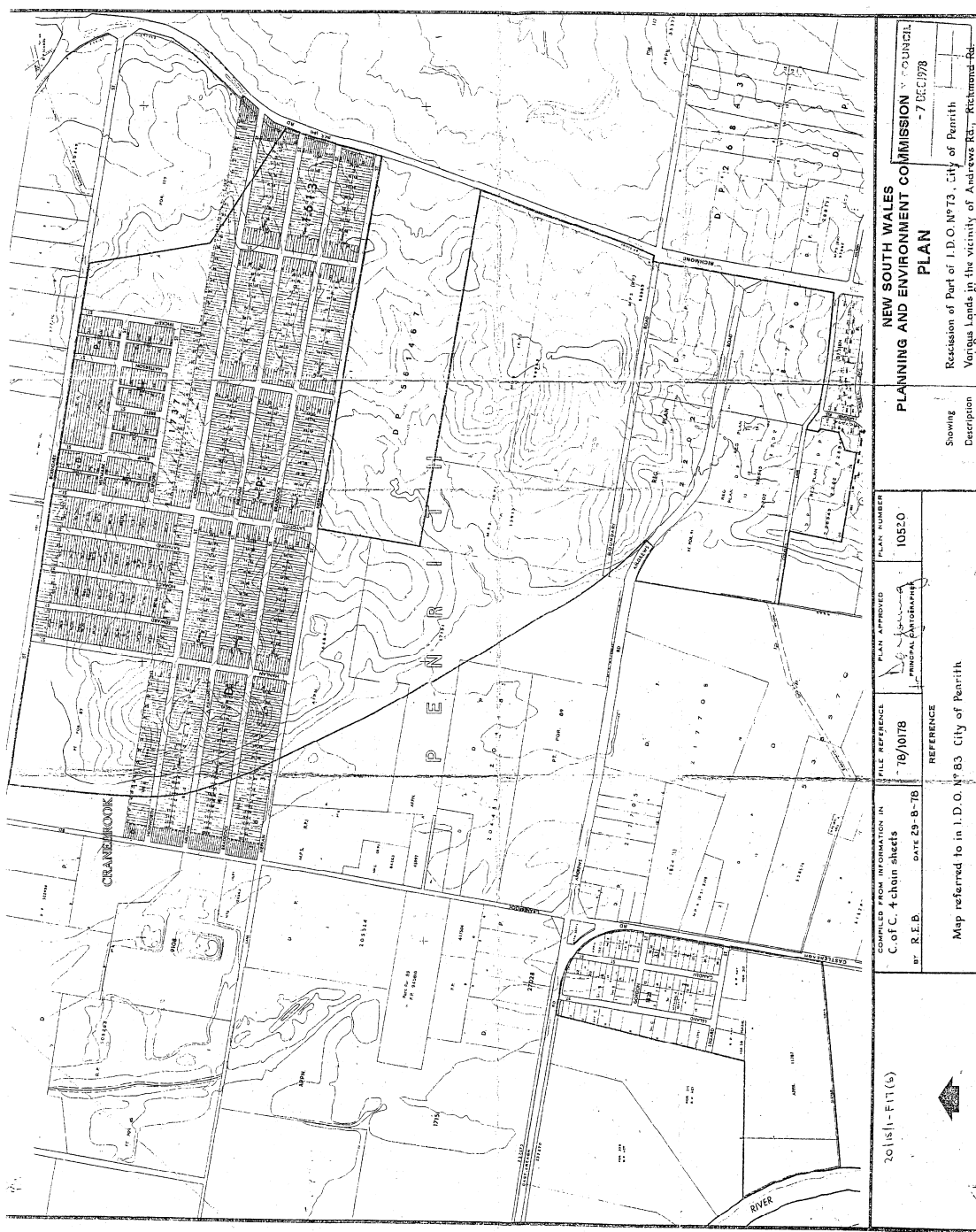
(2) A tree preservation order may prohibit the ringbarking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified therein, except with the consent of the Council and any such consent may be given subject to such conditions as the Council may think fit.


(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 ring-barked, cut down, topped, lopped, removed, injured or wilfully destroyed, was or were dying or dead or had become dangerous (4561).



20111-171 (s)	COMPILED FROM INFORMATION IN C. of C. 4 chain sheets BY R.E.B. DATE 29-B-78	FILE REFERENCE 79/10178	PLAN APPROVED  J. Pennington Municipal Engineer	PLAN NUMBER 10520	NEW SOUTH WALES PLANNING AND ENVIRONMENT COMMISSION PLAN Revision of Part of I.D.O. No 83, City of Penrith Showing Various Lands in the vicinity of Andrews Rd., Richmond Rd. and ... - 7 DEC 1978
		REFERENCE Map referred to in I.D.O. No 83 City of Penrith	SHOWING Description		