

**INTERIM DEVELOPMENT ORDER NO. 25 –
CITY OF PENRITH**

**Government Gazette No. 21 of 26th February 1971.
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. 25 – 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. (S.10/65/6)

P.H. MORTON, Minister for Local Government.

Department of Local Government
Sydney, 17th February, 1971.

SCHEDULE "A"

All those pieces or parcels of land situate in the City of Penrith, Parish of Mulgoa and County of Cumberland, being part of portion 90 shown in plan with Application No. 37078 and part of the land in Certificate of Title, volume 6301, folio 239 as shown by red edgings on plan catalogued No. 245:1507 in the office of The State Planning Authority of New South Wales.

SCHEDULE "B"

1. This Order may be cited as "Interim Development Order No. 25 – 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)).

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

“Council” means the Penrith City Council.

“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).

“I.D.C. Map” means the map deposited in the office of the Council, marked “Map referred to in Interim Development Order No. 25 – City of Penrith”, or a duplicate of the said map, similarly identified, deposited in the office of The State Planning Authority of New South Wales.

“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).

“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.

3. The set of standard or model provisions adopted by the Minister for Local Government and published in Government Gazette No. 88 of 17th July, 1970, (except the definition of “professional consulting rooms” in clause 1 thereof) shall be adopted for the purpose of this Order.

Clause 3 amended G.G. No. 111 of 12/8/83 (LEP 84).

4. 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; and
- (c) may not be carried out;

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

TABLE

Column I	Column II	Column III	Column IV	Column V
Zone	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 not be carried out
Residential	Light scarlet	_____	Dwelling-houses; drainage; home occupations; open space; professional consulting rooms; residential flat buildings; roads; utility installations.	Development other than that permitted by Column IV.
Open Space	Light green with dark green edging.	_____	Development authorized by Division 2 or 3 of Part XIII of the Act; drainage; roads; sports grounds; utility installations other than generating works and gas holders.	Development other than that permitted by Column IV.

Residential zone amended G.G. No. 111 of 12/8/83 (LEP 84).

5. The Council shall not approve of any application for consent or approval to carry out development unless it is satisfied that arrangements satisfactory to the Metropolitan Water Sewerage and Drainage Board have been made by the applicant, and, where the applicant is not the owner of the

subject land, by each owner also with the Board for required services of water.

6. The Council shall not approve of any application for consent or approval to carry out development unless it is satisfied that satisfactory arrangements have been made by the applicant and, where the applicant is not the owner of the subject land, by each owner also with the Council for the required services of sewerage.

7. (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 in such order 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 City or any divisions thereof.

(4) The Council shall forthwith upon the making of a tree preservation order cause notice of the making of such order 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) Any person who contravenes or causes or permits to be contravened the provisions of a tree preservation order shall be 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.

Clause 7 added G.G. No. 108 of 1/10/71.

8. *Clause 8 added G.G. No. 193 of 18/12/81 and omitted G.G. No. 104 of 19/6/87.*

THE STATE PLANNING AUTHORITY OF NEW SOUTH WALES
PLAN

Description Part laid in Appa 37073

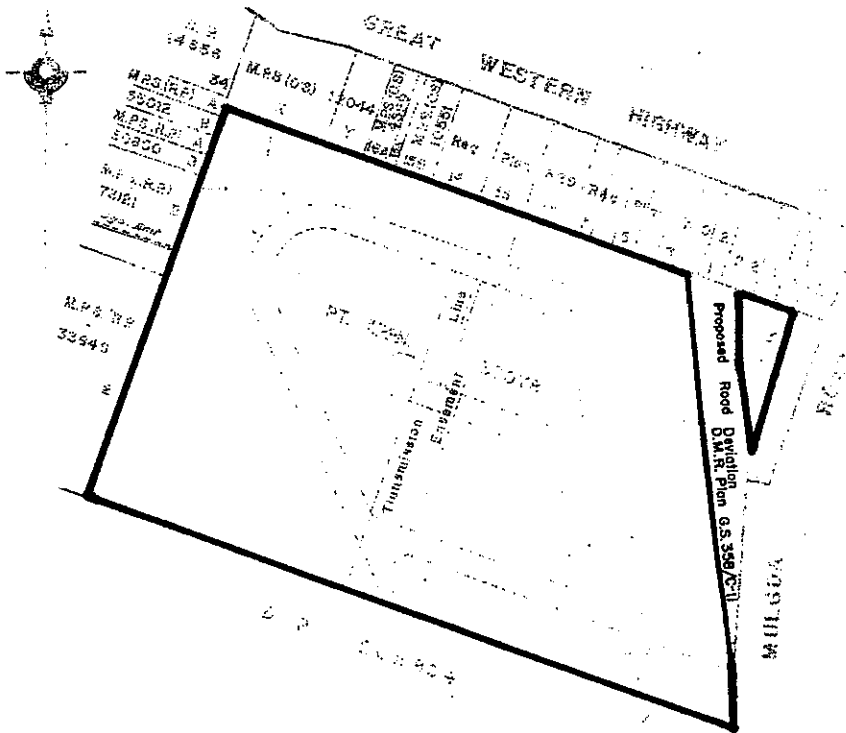
Parish/City of Penrith

Locality - Penrith

Parish of Mulgoa

County of Cumberland

Scale = 4 chains to an inch



FILED BY THE TRANSPORT DEPARTMENT
 401 map 319 and plan on file
 DATE 2 10 70
 810 68 3
H. W. Gilson 4031

25
 City of Penrith
 21 26/2/71 245:1507

THE STATE PLANNING AUTHORITY OF NEW SOUTH WALES

INTERIM DEVELOPMENT CONTROL MAP

(Under Section 342 U Local Government Act)

Description Part land in Appn. 37078

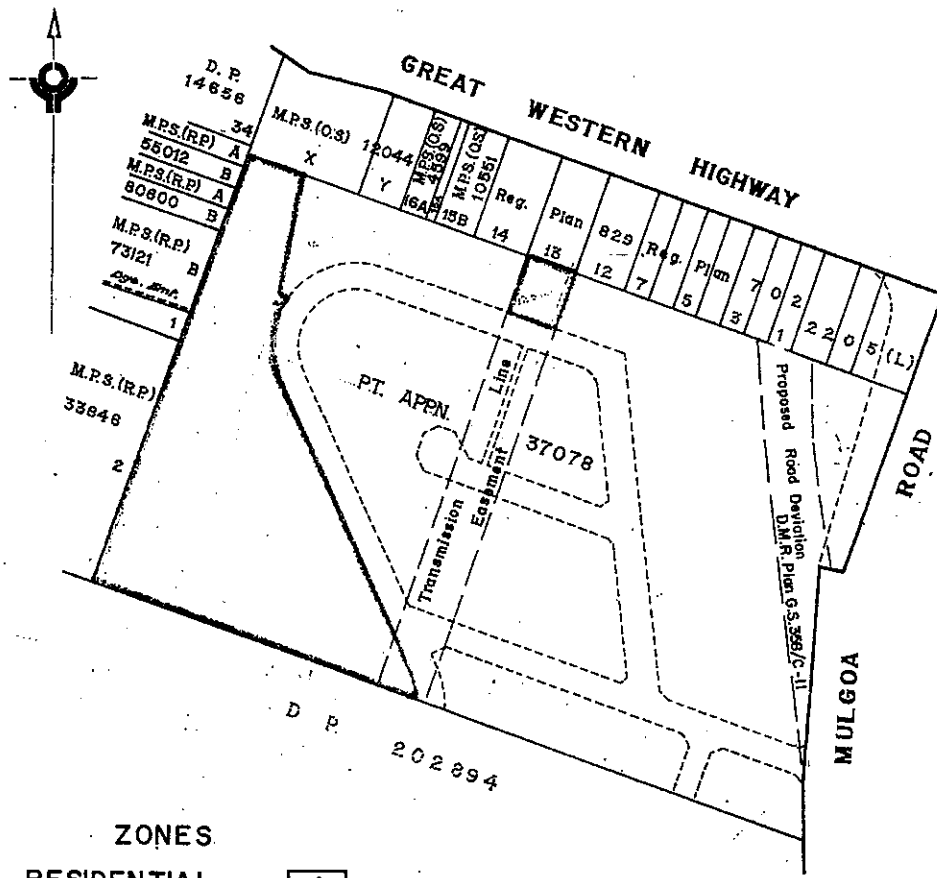
Mun. Shire City Penrith

Locality Penrith

Parish of Mulgoa

County of Cumberland

Scale 4 chains to an inch



ZONES
RESIDENTIAL 
OPEN SPACE 

COMPILED FROM INFORMATION IN C. of C. 4 ch. map 319 and plan on file	FILE REFERENCE S10/65/6	PLAN APPROVED <i>H. W. Gilman</i> CHIEF CARTOGRAPHER	PLAN NUMBER 4031
BY L.G.W.	DATE 11-11-70		

PENRITH
 PLANNING SCHEME
 PLAN REFERRED TO IN INTERIM DEVELOPMENT ORDER NUMBER **25**
 MUN./SHIRE/CITY OF PENRITH
 N.S.W. GOVT. GAZETTE No. 21 OF 26/2/71
 MINISTER FOR LOCAL GOVERNMENT
 DATE

FORM C