

**INTERIM DEVELOPMENT ORDER NO. 28 – CITY
OF PENRITH**

**Government Gazette No. 103 of 17th September, 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. 28 – PENRITH MADE IN RESPECT THEREOF

IN pursuance of section 342Y of the Local Government Act, 1919, I, the Minister for Local Government, having considered a report furnished by The State Planning Authority of New South Wales, do hereby notify that the provisions of the Penrith Planning Scheme are suspended as respects such part of the land to which the scheme relates 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. 7/3/1/3. Plan No. 245:1642-245:1643)

P.H. MORTON, Minister for Local Government.

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

SCHEDULE “A”

All those pieces or parcels of land, situate in the City of Penrith, Parish of Mulgoa, County of Cumberland: Commencing at a point being the intersection of the southern alignment of Preston Street and the western alignment of York Road being more particularly the northeastern corner of lot 1, Miscellaneous Plan of Subdivision (Real Property) 1057, and bounded thence on part of the east by part of the western alignment of York Road to its intersection with the southern alignment of Maxwell Street, and thence on part of the north by part of the southern alignment of Maxwell Street to its intersection with the western alignment of Bringelly Road, and thence again on part of the east and on part of the southeast by successively the western and northwestern alignments of Bringelly Road as widened by Deposited Plans 235264 and 238741 to the intersection with the generally northern alignment of the proposed Motorway as delineated by Deposited Plan 238741, and thence generally on the south by the generally northern alignment of the proposed Motorway as delineated by successively Deposited Plans 238741, 238713 and 238821 to the westernmost corner of lot 31, Deposited Plan 238821, and thence on part of the northwest by a line passing through successively lot 31, Deposited Plan 238821, Filed Plan 309868, and lot 11, Deposited Plan 30354, crossing Riverlands Road and passing through lot 8, Deposited Plan 30354, to the southeastern corner of lot 15, Deposited Plan 30354, and thence on part of the west by the western boundary of that lot 15 to the northwestern corner of lot 15, Deposited Plan 30354, and thence again on part of the northwest by successively a line passing through lot 1, Deposited Plan 206553, to the southwestern corner of land in Transfer 492689, the northwestern boundary of that land and the northwestern boundary of lot 3, Deposited Plan 207528, to the northwestern corner of that

lot, and thence again on part of the north by part of the southern alignment of Jamison Road to its intersection with the western alignment of Harris Street, and thence again on part of the northwest by a line crossing Jamison Road to a point on the northern alignment of Jamison Road distant 720 feet 0 inches westerly along that alignment from its intersection with the northwestern alignment of Mulgoa Road, and thence again on part of the northwest by lines passing through portion 58 bearing and distant successively 18 degrees 10 minutes 20 seconds 514 feet 9^{3/4} inches and 40 degrees 44 minutes 50 seconds 739 feet 4 inches to a point on the northeastern boundary of portion 58 distant 550 feet northwesterly from its intersection with the northwestern alignment of Mulgoa Road as widened by Deposited Plan 220719, and thence again on part of the west by lines passing through lot 2, Deposited Plan 228331, bearing and distant successively 31 degrees 22 minutes 00 seconds 270 feet 7^{5/8} inches, 15 degrees 28 minutes 50 seconds 824 feet 6^{1/2} inches, and 354 degrees 05 minutes 30 seconds 608 feet 10^{3/4} inches to a point on the northeastern boundary of lot 2, Deposited Plan 228331, distant 390 feet 0 inches northwesterly along that boundary from the northernmost corner of lot 1, Deposited Plan 202894, and thence on the northeast by successively part of the northeastern boundary of lot 2, Deposited Plan 228331 and the northeastern boundary of lot 1, Deposited Plan 202894, to the northeastern corner of that lot, and thence again on part of the southeast by part of the generally northwestern alignment of Mulgoa Road as widened by Deposited Plans 220720 and 220719 to its intersection with the westerly prolongation of the southern alignment of Preston Street, and thence again on part of the north by that prolongation and southern alignment of Preston Street to the point of commencement.

Also all those pieces or parcels of land situate in the City of Penrith, Parish of Melville, County of Cumberland: Commencing at a point on the southwestern alignment of Shepherd Street, being more particularly the northeastern corner of lot 10, Deposited Plan 15603; and bounded thence on part of the southeast by the southeastern boundary of lot 10, Deposited Plan 15603, to the northwestern corner of lot 12, Deposited Plan 15603, and thence on part of the northeast by the northeastern boundaries of lots 12 to 15 inclusive, Deposited Plan 15603, to the northeastern corner of lot 15, Deposited Plan 15603, and thence again on part of the southeast by the southeastern boundary of that lot and its southwesterly prolongation to the southwestern alignment of Chatsworth Road, and thence again on part of that southwestern alignment to the northeastern corner of lot 44, Deposited Plan 2054, and thence again on part of the southeast by the southeastern boundary of lot 44, Deposited Plan 2054, to the northwestern corner of lot 46, Deposited Plan 2054, and thence on part of the north by the northern boundary of lot 46 to the northwestern alignment of Hewitt Street, and thence again on part of the southeast by the northwestern alignment of Hewitt Street to its intersection with the northern alignment of Moore Street, and thence again on part of the northeast by a line joining that intersection and the southwestern corner of lot 51, Deposited Plan 2054, and thence again on part of the north by part of the northern boundary of portion 74 to a point distant 1,400 feet 0 inches easterly along that boundary from the northwestern corner of that portion, and thence on part of the east by a line from that point passing through portion 74 to a

point on the southern boundary of portion 74 distant 1,400 feet 0 inches easterly along that southern boundary from the southwestern corner of portion 74, and thence again on part of the northeast by a line passing through Filed Plan 71636 to a point on the northwestern alignment of Roper Street distant 1,200 feet 0 inches northeasterly along that alignment from the southernmost corner of Filed Plan 71636, and thence again generally on part of the southeast by part of the generally northwestern alignment of Roper Street to its intersection with the northern boundary of the Transmission Line Easement in Conveyance Book 2888, Number 290, and thence on the south by that northern boundary to its intersection with the northwestern alignment of Mamre Road, and bounded thence generally on the southwest and west successively by the generally northeastern and eastern alignments of Mamre Road to the intersection with the southwestern alignment of Margaret Street; and thence on part of the northeast by part of that alignment to its intersection with the northwestern alignment of Collin Street, and thence again on part of the southeast by part of that alignment to its intersection with the northwesterly prolongation across Collin Street of the northernmost northeastern boundary of lot 2, Deposited Plan 209645, and thence again on part of the northeast by that prolongation and the northeastern boundaries of Deposited Plan 209645 to the northwestern alignment of Monfarville Street, and thence again on part of the northwest by part of the northwestern alignment of Monfarville Street to its intersection with the northwesterly prolongation across Monfarville Street of the northwestern boundary of lot X, Deposited Plan 29205, and thence again on part of the northeast successively by that prolongation, the northeastern boundary of lot X, Deposited Plan 29205, the northeastern boundary of lot 25, section E, Deposited Plan 2131, its prolongation southeasterly across Thomas Street to the northwestern corner of lot 24, section F, Deposited Plan 2131 and the northeastern boundaries of lots 24 and 13, section F, Deposited Plan 2131, to the northwestern alignment of Oxford Street, and thence again on part of the southeast by part of the northwestern alignment of Oxford Street and its prolongation southwesterly to the southwestern alignment of Shepherd Street, and thence again on part of the northeast by part of the southwestern alignment of Shepherd Street to the point of commencement.

SCHEDULE “B”

1. This Order may be cited as “Interim Development Order No. 28 – City of Penrith”.

1A. This Order does not apply to the following land:

Land in the vicinity of Mulgoa Road and Jamison Street, Penrith as shown edged heavy black on the map marked “Penrith Local Environmental Plan No. 43” deposited in the office of the Council.

Land in the vicinity of Mamre Road, South St Mary’s, as shown edged heavy black on the map marked “ Penrith Local Environmental Plan No. 52” deposited in the office of the Council.

Land in the vicinity of Aspen Street, Penrith, as shown edged heavy black on the map marked “Penrith Local Environmental Plan No. 144” deposited in the office of the Council.

Land shown edged heavy black on the map marked “Penrith Local Environmental Plan No. 205” deposited in the office of the Council.

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

Land being Lot 2227, DP 857962, Wolseley Street, Jamisontown, as shown coloured purple, edged heavy black and lettered “4(b)” on the map marked “Penrith Local Environmental Plan 1996 (Industrial Land) (Amendment No 6)” deposited in the office of the Council.

Clause 1A added G.G. No. 94 of 9/7/82 and amended G.G. No. 101 of 30/7/82, G.G. No. 127 of 8/8/86, G.G. No. 8 of 11/1/91, G.G. No. 4 of 8/1/99 and G.G. No. 69 of 10/06/05.

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

“Appointed day” means the day upon which this Order is published in the Gazette.

“Appointed day” definition amended G.G. No 157 of 10/12/76.

“Boarding-house” includes a house let in lodgings or a hostel but does not include a motel.

“Commission” definition added G.G. No. 157 of 10/12/76 and omitted G.G. No. 34 of 2/2/01 (LEP 253).

“Convenience store” means a building or place used for a shop trading principally in groceries, smallgoods and associated small items, being a shop that -

- (a) is open for business at hours beyond the normal trading hours of a general shop (other than a small shop) as prescribed under the Factories, Shops and Industries Act 1962; and
- (b) involves the sale of petrol.

“Convenience store” definition added G.G. No. 167 of 30/10/87 (LEP 170).

“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.

Flood mitigation works means works for the purpose of eliminating, reducing or otherwise mitigating the effects of flooding.

“Flood mitigation works” definition added G.G. No. 144 of 13/9/02 (LEP 261).

Golf course means any area adapted for the playing of golf and includes related earthworks and drainage, and related facilities such as a club house, golf driving or practice range, refreshment room, pro shop, parking, maintenance depot, and the like.

“Golf course” definition added G.G. No. 144 of 13/9/02 (LEP 261).

“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.

“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. 111 of 12/8/83 (LEP 84) and amended 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).

“I.D.C. Map” means the series of 4 maps each to the scale of 4 chains to the inch bound in a book the title sheet of which is marked “Interim Development Control Map referred to in Interim Development Order No. 28 – City of Penrith” deposited in the office of the Council, as amended by maps so deposited and marked as follows:-

Amendment No. 1 of the map referred to in Interim Development Order No. 28 – City of Penrith.

Amendment No. 2 of the map referred to in Interim Development Order No. 28 – City of Penrith.

Amendment No. 3 of the map referred to in Interim Development Order No. 28 – City of Penrith.

Amendment No. 5 of the map referred to in Interim Development Order No. 28 – City of Penrith (being the amendment referred to in the alteration to that Order published in Gazette No. 84 of 22nd June, 1979).

Amendment No. 5 of the map referred to in Interim Development Order No. 28 – City of Penrith (being the amendment referred to in the alteration to that Order published in Gazette No. 93 of 11th July, 1980).

Amendment No. 6 of the map referred to in Interim Development Order No. 28
– City of Penrith.

Penrith Local Environmental Plan No. 24.

Penrith Local Environmental Plan No. 31.

Penrith Local Environmental Plan No. 36.

Penrith Local Environmental Plan No. 66.

Penrith Local Environmental Plan No. 91.

Penrith Local Environmental Plan No. 109.

Penrith Local Environmental Plan No. 138.

Penrith Local Environmental Plan No. 149.

Penrith Local Environmental Plan No. 152.

Penrith Local Environmental Plan No. 194.

Penrith Local Environmental Plan No. 214.

Penrith Local Environmental Plan No. 247.

Penrith Local Environmental Plan No. 249

“I.D.C. Map” definition amended G.G. No. 18 of 22/2/74 (Amend. No. 1), G.G. No. 143 of 7/11/75 (Amend. No. 2), G.G. No. 120 of 24/9/76 (Amend. No. 3), G.G. No. 84 of 22/6/79 (Amend. No. 5), G.G. No. 93 of 11/7/80 (Amend. No. 5 & No. 6), G.G. No. 23 of 12/2/82 (LEP 24), G.G. No. 65 of 14/5/82 (LEP 31), G.G. No. 65 of 14/5/82 (LEP 36), G.G. No. 45 of 11/3/83 (LEP 66), G.G. No. 42 of 16/3/84 (LEP 91), G.G. No. 9 of 11/1/85 (LEP 109), G.G. No. 60 of 11/4/86 (LEP 138), G.G. No. 139 of 5/9/86 (LEP 149), G.G. No. 62 of 3/4/87 (LEP 152), G.G. No. 92 of 1/9/89 (LEP 194), G.G. No. 89 of 17/7/92 (LEP 214), G.G. No. 137 of 29/11/96 (LEP 247), and G.G. No. 146 of 12/12/97 (LEP 249).

“Professional consulting rooms” definition added G.G. No. 111 of 12/8/83 (LEP 84) and omitted G.G. No. 22 of 11/2/00 (LEP 252).

“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.

“Retail plant nursery” means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are sold therein.

“Retail plant nursery” definition added G.G. No. 167 of 30/10/87 (LEP 170).

“Shop” means a building or place used or intended for use for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Order, or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause or for a roadside stall.

“Shop” definition added G.G. No. 167 of 30/10/87 (LEP 170).

“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.

“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) clauses 3 – 8, and
- (b) any definition in clause 1 of the Model Provisions for which there is a definition in clause 2 of this Order, and
- (c) 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, but does not include a building or place specifically defined elsewhere in clause 2, this clause or the Model Provisions, or a building or place used for a purpose specifically defined elsewhere in clause 2, this clause or the Model Provisions.

Clause 3 amended G.G. No. 111 of 12/8/83 (LEP 84), G.G. No. 167 of 30/10/87 (LEP 170), G.G. No. 22 of 11/2/00 (LEP 252) 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; and
 - (c) may not be carried out,

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

Clause 4 and Table amended G.G. No. 157 of 10/12/76 and G.G. No. 34 of 2/2/01 (LEP 253).

TABLE

Column I	Column II	Column III	Column IV
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 not be carried out
2.(a) Residential "A". Light Scarlet.	-----	Drainage; dwelling-houses; educational establishments; health care consulting rooms; home industries; home occupations; open space; places of public worship; roads; 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).	Bulk stores; caravan parks; car repair stations; clubs; commercial premises (other than health care consulting rooms); convenience stores; forestry; gas holders; 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"); retail plant nurseries; roadside stalls; sawmills; service stations; shops; stables; stock and sales yards; transport terminals; warehouses.
2.(d) Residential "D". Light scarlet with dark red edging and lettered 2(d).	-----	Drainage; dwelling-houses; educational establishments; health care consulting rooms; home industries; home occupations; open space; places of public worship; roads; 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.	Bulk stores; caravan parks; car repair stations; clubs; commercial premises (other than health care consulting rooms); convenience stores; 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; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stables; stock and sale yards; transport terminals; warehouses.

Column I	Column II	Column III	Column IV
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 not be carried out
2.(e) Residential "E" Light scarlet with red edging and lettered 2(e).	_____	Drainage; dwelling-houses; educational establishments; health care consulting rooms; home occupations; open space; places of public worship; roads; 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.	Bulk stores; caravan parks; car repair stations; clubs; commercial premises (other than health care consulting rooms); convenience stores; 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; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stables; stock and sale yards; transport terminals; warehouses.
3.(a) General Business (Group Neighbourhood Centre). Light blue.	_____	Development other than that prohibited by Column IV.	Amusement parks; caravan parks; dwelling-houses other than those used in conjunction with shops and commercial premises; extractive industries; hotels; industries referred to in Schedule 2; institutions; junk yards; liquid fuel depots; mines; roadside stalls; stock and sale yards; transport terminals other than bus stations and bus depots.

Column I	Column II	Column III	Column IV
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 not be carried out
3.(c) Neighbourhood Business. Dark blue.	_____	Clubs; commercial premises (other than health care consulting rooms); shops; development referred to in Schedule 1; dwelling-houses and flats occupied and used in conjunction with shops; open space; parking; roads; subdivision; utility installations other than gas holders or generating works.	Development other than that permitted by Column III .
3. (d) Special Business (Highway Service Area). Light blue with dark red edging and lettered 3 (d).	_____	Car-washing station; clubs; convenience stores; drive-in restaurants; hotels; motels; motor show-rooms; open space; parking; refreshment rooms; roads; service stations; subdivisions; utility installations other than gas holders or generating works.	Development other than that permitted by Column III.
4. (a) General Industrial. Purple.	_____	Development other than that prohibited by Column IV.	Amusement parks; boarding houses; caravan parks; commercial premises, other than banks and timber yards; dwelling-houses and residential flat buildings other than those used in conjunction with industry and situated on the land on which such industry is conducted; educational establishments; extractive industries; health care consulting rooms; hospitals; hotels; institutions; mines; motels; offensive or hazardous industries; places of public worship; roadside stalls; shops other than those referred to in Schedule 3.

Column I	Column II	Column III	Column IV
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 not be carried out
4 (b) Light Industrial. Purple with dark red edging and lettered 4(b).	_____	Development other than that prohibited by Column IV.	Amusement parks; boarding houses; caravan parks; commercial premises (other than agricultural machinery and parts sales, automotive equipment and parts sales, banks, builders' supply establishments, display and sales centres referred to in Schedule 4, public buildings and timber yards); dwelling-houses and residential flat buildings other than those used in conjunction with industry and situated on land on which the industry is conducted; extractive industries; health care consulting rooms; hospitals; hotels; institutions; industries referred to in Schedule 2; junk yards; liquid fuel depots; mines; motels; roadside stalls; shops other than those referred to in Schedule 3.

Column I	Column II	Column III	Column IV
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 not be carried out
(c) Special Industrial. Purple with dark red edging and lettered 4 (c)	_____	Development other than that prohibited by Column IV.	Amusement parks; boarding-houses; caravan parks; commercial premises (other than auction rooms, banks, builders' supply establishments, display and sales centres referred to in Schedule 4 and research establishments); dwelling-houses and residential flat buildings other than those used in conjunction with industry and situated on land on which such industry is conducted; educational establishments; extractive industries; health care consulting rooms; hospitals; hotels; industries referred to in Schedule 2 and cigar and cigarette manufacture; and paint manufacture; institutions; junk yards; liquid fuel depots; mines; motels; retail clothing store (men and women); road side stalls; supermarkets; shops other than those referred to in Schedule 3; stock and sale yards.
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 generating works.	Development other than that permitted by Column III.

Column I	Column II	Column III	Column IV
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 not be carried out
5. (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. (a) Open Space (Existing Recreation). Dark green.	_____	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.
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.

Zone No. 2(a) added G.G. No. 84 of 22/6/79 and amended G.G. No. 111 of 12/8/83 (LEP 84), G.G. No. 167 of 30/10/87 (LEP 170), and G.G. No. 22 of 11/2/00 (LEP 252).

Zone No. 2(d) amended G.G. No. 111 of 12/8/83 (LEP 84), G.G. No. 167 of 30/10/87 (LEP 170) and G.G. No. 22 of 11/2/00 (LEP 252).

Zone No. 2(e) added G.G. No. 143 of 7/11/75 and amended G.G. No. 111 of 12/8/83 (LEP 84), G.G. No. 167 of 30/10/87 (LEP 170) and G.G. No. 22 of 11/2/00 (LEP 252).

Zone No. 3(a) amended G.G. No. 34 of 2/2/01 (LEP 253).

Zone No. 3(c) amended G.G. No. 34 of 2/2/01 (LEP 253).

Zone No. 3(d) amended G.G. No. 167 of 30/10/87 (LEP 170).

Zone No. 4(a) amended G.G. No. 167 of 30/10/87 (LEP 170), G.G. No. 22 of 11/2/00 (LEP 252) and G.G. No. 34 of 2/2/01 (LEP 253).

Zone No. 4(b) amended G.G. No. 60 of 11/4/86 (LEP 138), G.G. No. 167 of 30/10/87 (LEP 170), G.G. No. 22 of 11/2/00 (LEP 252) and G.G. No. 34 of 2/2/01 (LEP 253).

Zone No. 4(c) amended G.G. No. 9 of 11/1/85 (LEP 109), G.G. No. 167 of 30/10/87 (LEP 170), G.G. No. 22 of 11/2/00 (LEP 252) and G.G. No. 34 of 2/2/01 (LEP 253).

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

4A. (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 4A added G.G. No. 165 of 17/10/86 (LEP 148).

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. *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 –
 - (i) within view of or adjacent to any road, public reserve or proposed reserve; or
 - (ii) within view of or adjacent to the proposed Western Expressway,

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 erection or use of a hotel, motel, service station, car repair station, place of assembly or industrial premises 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; and
 - (iii) *Omitted.*
 - (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;
- (c) to the erection of a building, to the carrying out of a work or to the use of a building, work or land for the purpose of a transport terminal, the Council shall take into consideration –
- (i) *Omitted.*
 - (ii) the standard of the roads in the locality in relation to the size and weight of the vehicles likely to use the terminal;
 - (iii) traffic conditions and facilities generally in the vicinity of the approaches to the terminal;
 - (iv) the means of ingress and egress;
 - (v) the provision on land other than a public road of space for the parking and standing of vehicles; and
 - (vi) the layout of buildings on the site in relation to the provision of space for the parking and standing of vehicles, to the provision of space for the loading, unloading and fuelling of vehicles and to the traffic facilities within the site.

Clause 8 amended, and 8(b)(iii) and 8(c)(i) omitted G.G. No. 201 of 17/12/04 (effective 28/02/05) (SEPP (Repeal of Conc. and Ref. Provs.) 2004).

9. A road which forms a junction or intersection with Mamre Road, Roper Road, Mulgoa Road, Bringelly Road, Maxwell Street or any road or road

widening shown by grey colouring on the I.D.C. Map shall not be opened without development consent.

Clause 9 amended G.G. No. 157 of 10/12/76 and G.G. No. 34 of 2/2/01 (LEP 253).

10. *Amended G.G. No. 157 of 10/12/76 and G.G. No. 34 of 2/2/01 (LEP 253) and omitted G.G. No. 201 of 17/12/04 (effective 28/02/05) (SEPP (Repeal of Conc. and Ref. Provs.) 2004).*

10A. (1) Subject to sub-clause (1A), this clause applies to the land shown edged heavy black on the map marked "Penrith Local Environmental Plan No. 31", deposited in the office of the council.

(1A) This clause does not apply to the land to which Penrith Local Environmental Plan No. 91 applies.

(2) The owner of any land to which this clause applies may, by notice in writing, require the Department of Education to acquire that land.

(3) Upon receipt of a notice referred to in subclause (2), the Department of Education shall acquire the land to which the notice relates.

Clause 10A added G.G. No. 65 of 14/5/82 (LEP 31) and amended G.G. No. 42 of 16/3/84 (LEP 91).

11. (1) This clause applies to land within Zone Nos 2(d) and 2 (e).

(2) Subject to subclause (3) the Council shall not approve an application to carry out development for residential purposes unless the ratio of the total number of dwelling units comprised in that development to the area of the land to which the application relates (expressed in hectares) does not exceed 10.5:1.

(3) If-

(a) in the case of land within Zone No. 2(d) the area of the land to which the application relates is not less than 2 hectares;

(b) an agreement satisfactory to the Council has been entered into by the applicant for the provision of pathways, landscaping, open space or land for community purposes; and

(c) in the opinion of the Council the design of the proposed development is of a satisfactorily high standard

the Council may increase the ratio referred to in subclause (2) to a ratio not exceeding, in the case of land within Zone No. 2 (d), 20:1 and in the case of land within Zone No. 2 (e1), 30:1.

(4) Notwithstanding any other provision of this order the Council shall not grant its approval to the development of any land within the area bounded by Graham Street, McNaughton Street, Jamison Road and Mulgoa Road, except in accordance with a site amalgamation plan prepared by the Council and unless provision is made for alternative access to any adjoining parcel of land which has an existing access and frontage to Mulgoa Road.

(5) Subclause (4) does not apply to the development of land to which that subclause applies for the purpose of a dwelling-house.

Clause 11 amended G.G.No. 143 of 7/11/75, G.G. No. 5 of 9/1/76 and G.G. No. 62 of 18/4/80.

11A. (1) This clause applies to land within Zone No. 2 (a).

(2) Subject to subclause 3, the council shall not approve an application to carry out development for residential purposes unless the ratio of the total number of dwelling units comprised in that development to the area of the land to which the application relates (expressed in hectares) does not exceed 20:1.

(3) A person shall not carry out development for the purposes of a dwelling unit on any land which is within 15 metres of Mamre Road.

Clause 11A added G.G. No. 84 of 22/6/79.

12. (1) A dwelling-house shall not be erected in Zone No. 2(d) on any allotment of land 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 hatchet-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.

(4) A building shall not be erected or used in Zone No. 4 (a) for the purpose of an industry on any allotment which has an area of less than 2000 square metres and an average width of less than 40 metres.

(5) A building shall not be erected or used in Zone No. 4 (b) for the purpose of an industry on any allotment which has an area of less than 1000 square metres and an average width of less than 20 metres.

Clause 12 amended G.G. No. 100 of 16/8/74 and G.G. No. 143 of 7/11/75.

13. (1) Notwithstanding the provisions of clause 4 of this order, no development shall be carried out within Zone No. 2 (d), 2 (e), 3 (a), 3 (d), 4 (a), 4 (b) or 4 (c) unless it is generally in accordance with any development control plan applying to the land.

(2) Despite subclause (1), the Council may consent to development referred to in Column III of the Table to clause 4 that is not generally in accordance with a development control plan, where it is of the opinion that the development otherwise satisfies the objectives of that plan.

Clause 13 amended G.G. No. 143 of 7/11/75, G.G. No. 157 of 10/12/76 and G.G. No. 34 of 2/2/01 (LEP 253).

14. A person shall not carry out development, other than for the purpose of landscaping on any land within Zone No. 4 (a) or 4 (b) -

- (a) which is within 20 metres of the proposed new alignment of Mamre Road, Mulgoa Road, Riverlands Road, Maxwell Street;
- (b) which is within 20 metres of any road or road widening shown by grey colouring on the I.D.C. Map;
- (c) which is within 20 metres of the proposed Western Expressway;
- (d) which is within 10 metres of any other road; and
- (e) where that land is a corner allotment having frontages to main roads, within 20 metres of those frontages to a main road;
- (f) where that land is a corner allotment having frontage to a main road and frontage to a local road, within 20 metres of any frontage to a main road and within 5 metres of the frontage to the local road; or
- (g) where that land is a corner allotment having frontages to local roads, within 5 metres of one local road and within 10 metres of any other local road.

Clause 14 amended G.G. No. 143 of 7/11/75, G.G. No. 57 of 3/4/80 and G.G. No. 9 of 11/1/85 (LEP 109).

Dwelling-houses – Dual Occupancy.

14A. *Added G.G. No. 193 of 18/12/81 (SREP 2) and omitted G.G. No. 104 of 19/6/87 (SREP 12).*

15 Floor space of certain shops

A person must not use more than 200 square metres in area of the floor space of a shop referred to in Schedule 3 for the retailing of goods.

Clause 15 amended G.G. No. 143 of 7/11/75, G.G. No. 57 of 3/4/80, G.G. No. 167 of 30/10/87 (LEP 170) and replaced G.G. No. 182 of 26/11/01 (LEP 297).

15A 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 15A added G.G. No. 9 of 11/1/85 (LEP 109), amended G.G. No. 48 of 1/3/85, omitted G.G. No. 167 of 30/10/87 (LEP 170) and replaced G.G. No. 182 of 26/11/01 (LEP 297).

16. (1) Development shall not take place on any allotment of land within Zone No. 4 (b) having frontage to Mamre Road or any road or road widening shown by grey colouring on the I.D.C. Map which has an area of less than 1.2 hectares and a frontage of less than 60 metres.

(2) Notwithstanding the provisions of subclause (1) of this clause, development may, with the consent of Council, be carried out on an allotment of land the area or width of which is to a minor extent less than the area or width prescribed in such subclause.

Clause 16 amended G.G. No. 143 of 7/11/75 and G.G. No. 9 of 11/1/85 (LEP 109).

16A. Notwithstanding the provisions of clauses 12 (5) and 16, lots 25 to part lot 35 inclusive and lots part 81 to 84 inclusive, Deposited Plan 1119, may be used for the purposes of industry provided that there shall be no subdivision of any of the said lots except for the purposes of a new road or a road widening.

Clause 16A added G.G. No. 143 of 7/11/75.

17. (1) In this clause -

“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 spaces provided in excess of those standards) or any internal access thereto;
- (b) space used for the loading or unloading of goods; and
- (c) lift towers, cooling towers, machinery and plant rooms and any storage space related thereto;

“parcel of zoned land” means the parcel comprised of all contiguous areas of land within a zone; and

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

(2) Subject to subclause (3) on any land within a zone specified in one of the following paragraphs the ratio of the total floor space of any building or buildings erected or proposed to be erected to the site area shall not exceed the ratio specified in that paragraph -

- (a) Zone No. 3 (a), 3 (c) or 3 (d) – 1:1;
- (b) Zone No. 4 (a) or 4 (b) – 0.7:1; or
- (c) Zone No. 4 (c) - 0.75:1.

(3) The total floor space which is used for shops of all buildings erected on a parcel of zoned land within a zone specified in one of the following paragraphs shall not exceed the area specified in that paragraph -

- (a) Zone No. 3 (a) - 3250 square metres; or
- (b) Zone No. 3 (c) – 650 square metres.

Clause 17 amended G.G. No. 60 of 10/6/77 and G.G. No. 9 of 11/1/85 (LEP 109).

18. A liquid fuel depot having an aboveground storage capacity of 455,000 litres or more of inflammable liquid shall not be established or used except with the consent of the Council.

Clause 18 amended G.G. No. 143 of 7/11/75 and G.G. No. 201 of 17/12/04 (effective 28/02/05) (SEPP (Repeal of Conc. and Ref. Provs.) 2004).

19. 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.

20. 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.

21. Amended G.G. No. 157 of 10/12/76 and *omitted G.G. No. 139 of 26/9/80.*

22. (1) Notwithstanding any other provision of this Order, interim development may be carried out only with the consent of the Council on Lot 1, Deposited Plan 235092 for the purposes of a riding school.

(2) Any consent granted under this clause shall include as conditions any requirements which the Department of Main Roads and the New South Wales Police Department (Traffic Branch) require to be imposed which relate to parking or access to the land the subject of this clause.

Clause 22 added G.G. No. 57 of 23/4/76.

23. (1) This clause applies to lot 1, M.P.S. (R.P.) 1057, having frontage to York and Preston Streets, Penrith.

(2) Notwithstanding any other provision of this Order, but subject to this clause, interim development may be carried out for sport and recreation purposes and for purposes ordinarily incidental or subsidiary thereto.

(3) No development (other than the use of land for access, or landscaping) shall be carried out within 15 metres of the frontage of the land to a public road.

(4) The Council shall impose as conditions of any consent granted under this clause -

(a) a requirement that the site shall be landscaped and that landscaping maintained to its satisfaction; and

(b) that, subject to subclause (5) so many off-street parking spaces, and proper vehicular access thereto, shall be provided as are required by the New South Wales Police Department (Traffic Branch).

(5) No less than 3 spaces for each squash court or tennis court to be provided within the building shall be provided on the site.

Clause 23 added G.G. No. 157 of 10/12/76.

24. (1) This clause applies to the land shown by orange edging in plan catalogued number 10530.

(2) Subject to this clause, interim development may be carried out only with the consent of the council for the purposes of a recreation and sport complex comprising a club building, squash courts and tennis courts.

(3) Any development permitted under this clause shall be generally in accordance with sketch plan 2, Project No. S. 25, Drawings No. 06-08

(inclusive), prepared by Allen Holdings Pty Limited as submitted to and retained by the Council.

(4) Provision for entrance to and egress from the land shall be separately located on the Wolseley Street frontage but shall not be located within 50 metres from the intersection of that street and Mulgoa Road.

(5) The intersection of Wolseley Street and Mulgoa Road shall be constructed to the standards of Department of Main Roads.

(6) 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 24 added G.G. No. 173 of 15/12/78 and amended G.G. NO. 34 of 2/2/01 (LEP 253).

Clause 25 added G.G. No. 55 of 20/4/79 and omitted G.G. No. 34 of 2/2/01 (LEP 253).

26. (1) This clause applies to land shown by purple colouring on the map marked "Amendment No. 5 of map referred to in Interim Development Order No. 28 – City of Penrith" copies of which are deposited in the office of the council.

(2) In this clause, "Building Line" means the broken black line shown on the map referred to in subclause (1).

(3) No building shall be erected on land to which this clause applies to the north of the building line.

(4) In addition to any condition imposed by the council, any development consent granted under this order in respect of the land to which this clause applies is subject to the condition that landscaping be provided and maintained to the satisfaction of the council on land to the north of the building line.

Clause 26 added G.G. No. 84 of 22/6/79 and amended G.G. No. 34 of 2/2/01 (LEP 253).

27. (1) This clause applies to land to the east of Mamre Road shown on the map marked "Amendment No. 5 of Map referred to in Interim Development Order No. 28 – City of Penrith" copies of which are deposited in the office of the council.

(2) No means of vehicular access to or egress from Mamre Road shall be created over the land to which this clause applies, other than that in existence at the date upon which notification of this clause is published in the Gazette.

Clause 27 added G.G. No. 84 of 22/6/79 and amended G.G. No. 34 of 2/2/01 (LEP 253).

28. *There is no Clause 28.*

Clause 29 added G.G. No. 69 of 2/5/80 and omitted G.G. No. 34 of 2/2/01 (LEP 253).

Drive-in restaurant, Penrith Leagues Club

29A. (1) This clause applies to the land situated within the City of Penrith, as shown hatched on the map marked "Penrith Local Environmental Plan No. 129" deposited in the office of the Council.

(2) Notwithstanding the provisions of clause 4, development on the land to which this clause applies may be carried out only with the consent of the Council for the purposes of a drive-in restaurant.

Clause 29A added G.G. No. 176 of 20/12/85 (LEP 129).

Development of certain land at South Penrith

29B. (1) This clause applies to the land shown edged heavy black on the map marked "Penrith Local Environmental Plan No. 152" deposited in the office of the council.

(2) The land to which this clause applies may be developed, with the consent of the council, for any purpose for which land within Zone No. 3 (c) may be developed.

(3) The total gross floor area of all buildings (including shops) approved in accordance with this clause shall not exceed 4050 square metres.

(4) The total gross floor area of all shops approved in accordance with this clause shall not exceed 650 square metres.

Clause 29B added G.G. No. 62 of 3/4/87 (LEP 152).

Clause 30 added G.G. No. 80 of 30/5/80 and omitted G.G. No. 34 of 2/2/01 (LEP 253).

30AA Penrith Panthers Site, Mulgoa Road, Penrith

(1) This clause applies to that part of the land shown edged heavy black on the map deposited in the office of the Council and marked "Penrith Local Environmental Plan No 261" to which this Order applies.

(2) Nothing in this Order operates so as to require development consent to be obtained for the winning of extractive material, or the carrying

out of earthworks or operations concerning the winning of extractive material, undertaken for the purposes of any other development that may be carried out only with the consent of the Council under this Order and in respect of which consent is granted.

Clause 30AA added G.G. No. 144 of 13/9/02 (LEP 261).

30A. (1) This clause applies to that part of the land shown edged heavy black on the map deposited in the office of the Council and marked "Penrith Local Environmental Plan No. 160" to which this Order applies.

(2) Terms used to describe the purposes referred to in subclause (3) have the same meaning as in clause 4 (1) of the Environmental Planning and Assessment Model Provisions 1980.

(3) Subject to subclauses (4), (5), (6), (7) and (8), nothing in this Order prevents a person, with the consent of the Council, from carrying out development on the land to which this clause applies for the following purposes:

Agriculture; bowling greens; child care centres; clubs; community facilities; drainage; educational establishments; flood mitigation works; golf courses; motels; open air community markets; open space; parking space; places of assembly; places of public worship; recreation areas and any development ordinarily incidental or subsidiary thereto; recreation establishments; recreation facilities; refreshment rooms; roads; tourist facilities; utility installations (other than gas holders or generating works).

(4) Subclause (3) 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.

(5) The Council, in determining an application for development under subclause (3), shall take into consideration in relation to the construction or operation phase of the proposed development the following matters:

- (a) any relevant floodplain management plan or policy of the Council on flood prone land;
- (b) details of flooding relating to the subject lands;
- (c) any social and economic impact of flooding on the development;
- (d) the extent and nature of any impact of the proposed development on the floodplain, including the impact on –

- (i) the Shire of Hawkesbury;
 - (ii) water quality;
 - (iii) flood behaviour, in particular whether development is likely to substantially divert or detain floodwaters or substantially reduce flood storage capacity within the catchment;
 - (iv) any native plant and wildlife communities;
 - (v) any wetlands still largely in a natural state; and
 - (vi) any other flood liable development;
- (e) any matter likely to significantly change the predictability of duration of or warning time in regard to, floods;
 - (f) any matter which may increase the risk of flood damage to regional infrastructure or commit the State Government or local government bodies to more expenditure in mitigation or relief measures;
 - (g) any availability of alternative flood free sites and reasonable alternative uses for the subject site;
 - (h) the potential for cumulative adverse impact;
 - (i) the need for buildings and works to be flood-proofed.

(6) The Council in determining an application for development under subclause (3) which will include the creation of a lake shall take into consideration in relation to both the construction and operation phases of the proposed development, in addition to the matters referred to in subclause (4), the following matters:

- (a) the source of water needed to fill any lake (including the quality and quantity of water from that source);
- (b) water reticulation systems from the Nepean River to any lake, from lake to lake and from any lake to the Nepean River;
- (c) the water quality of any lake (including the aquatic ecosystem);
- (d) water treatment facilities;
- (e) water depth of any lake;

- (f) flood control;
- (g) storm water control and site drainage;
- (h) the effect that development would have upon the quantity and quality of the existing groundwater, the level of the existing water table and groundwater movement;
- (i) lake usage;
- (j) noise control;
- (k) lake wall and river bank erosion control, including stability and thickness of the lake liner;
- (l) stability of the river bank;
- (m) control of aquatic plants;
- (n) mechanisms to monitor the water quality of the lakes having regard to their intended use;
- (o) the effect upon the Hawkesbury and Nepean River system;
- (p) lighting.

(7) *Omitted G.G. No. 34 of 2/2/01 (LEP 253).*

(8) The Council shall not grant consent under subclause (3) to the carrying out of any development unless satisfactory arrangements have been made by the applicant or the owner of the land with -

- (a) the Metropolitan Water Sewerage and Drainage Board for the provision of water services to that development; and
- (b) the Metropolitan Water Sewerage and Drainage Board or the Council, whichever is the responsible body, for the provision of sewerage and drainage services to that development.

9) A person must not use land to which this clause applies for the purposes of an open air community market at any time other than between 8 a.m. and 3 p.m. on Sundays.

Clause 30A added G.G. No. 73 of 1/5/87 (LEP 160) and amended G.G. No. 183 of 27/12/91 (LEP 213,) G.G. No. 34 of 2/2/01 (LEP 253) and G.G. No. 144 of 13/9/02 (LEP 261).

Development of land on the corner of Blaikie and Mulgoa Roads for sale and display of bulky goods

30B. (1) This clause applies to that land within the City of Penrith, as shown edged heavy black on the map marked “Penrith Local Environmental Plan No. 200” deposited in the office of the Council.

(2) A purpose referred to in subclause (4) that is defined in clause 4(1) of the Environmental Planning and Assessment Model Provisions 1980 has the same meaning as it has in those Provisions.

(3) In this clause -

“bulky goods” means large goods which are of such a size and shape as to require –

- (a) a large area for handling, storage or display; and
- (b) easy and direct vehicular access so as to allow for their collection by customers,

but does not include food, clothing, sporting goods, small household and electrical items or agricultural products.

(4) Subject to subclauses (5) and (6), nothing in this Order prevents a person, with the consent of the Council, from carrying out development on the land to which this clause applies for the following purposes:

Auction rooms; banks; builders’ supply establishments; clubs; dwelling-houses and residential flat buildings used in conjunction with industry and situated on land on which such industry is conducted; educational establishments; light industry; places of assembly; public utility undertakings; recreation facilities; research establishments; retail plant nurseries; shops referred to in Schedule 3; shops trading principally in bulky goods; warehouses.

(5) Subclause (4) does not affect the application of any other provisions of this Order which are relevant to development referred to in that subclause.

(6) The Council shall not consent to the carrying out of development for the purpose of a shop trading principally in bulky goods unless it has taken into consideration:

- (a) whether the development would be more suitably carried out in some other business centre in the locality; and
- (b) whether the carrying out of the development is likely to have an adverse effect on the viability of any other business centre in the locality; and

- (c) whether the proposed development would detrimentally affect the viability of any general business centre or neighbourhood business centre in the City of Penrith.

Clause 30B added G.G. No. 71 of 1/6/90 (LEP 200).

Development of certain land – Mulgoa Road between Glenbrook and Cameron Streets, Penrith

30C. (1) This clause applies to land known as Lot 22, DP844394, located on the corner of Mulgoa Road and Cameron Street and fronting Glenbrook Street, Penrith, as shown heavy black on the map marked “Penrith Local Environmental Plan No. 243” deposited in the office of the Council.

(2) Despite any other provision of this Order, a person may, with the consent of the Council, carry out development for the purposes of a bulky goods salesroom or showroom or the retail sale of toys on the land to which this clause applies.

(3) In determining whether to grant consent to development referred to in subclause (2), the Council must take into consideration:

- (a) the likely adverse impact of the development on the existing or likely future amenity of any adjoining residential land;
- (b) the quality of the architectural design and external materials and finishes of development, having regard to the established and likely future development in the immediately surrounding locality;
- (c) the adequacy of any on-site parking proposed for the development; and
- (d) the adequacy of vehicular and pedestrian access arrangements proposed for the development.

(4) The Council must not grant consent to development referred to in subclause (2) unless it is satisfied that the development is consistent with the provisions of a development control plan relating to that land.

(5) The Council must not grant consent to development on the land to which this clause applies for any purpose if the development will require more than one direct vehicular access point between that land and Mulgoa Road.

(6) In this clause:

“bulky goods salesroom or showroom” means a building or place used primarily for the sale by retail or auction of goods which are, in the opinion of the Council, of such size, shape or weight as to require:

- (a) a large area for handling, storage or display; and
- (b) easy and direct vehicular access so as to allow for their collection by customers,

not being agricultural products, beverages, clothing, food, footwear, leisure or sporting goods (except leisure or sporting goods ordinarily sold in connection with the retail sale of toys), paper and stationery products, small electrical appliances or electronic goods;

“toys” include leisure and sporting goods ordinarily sold in connection with the retail sale of toys.

Clause 30C added G.G. No. 55 of 3/5/96 (LEP 243).

Development of certain land – Cameron Street, Penrith

30D. (1) This clause applies to land within the City of Penrith, described as the unmade portion of Cameron Street, Penrith, as shown edged heavy black on the map marked “Penrith Local Environmental Plan No. 249” deposited in the office of the Council.

(2) Notwithstanding any other provision of this Order, the Council must not grant consent to the use of the land to which this clause applies for any purpose other than ground level carparking, footpavings or landscaping, and only where those uses are undertaken in conjunction with uses that are permissible on adjoining land. The Council must not grant consent to the erection of any buildings on the land to which this clause applies.

Clause 30D added G.G. No. 146 of 12/12/97 (LEP 249).

31. (1) Nothing in this order prevents a person, with the consent of the council, from carrying out development on the land referred to in Column I of the Table to this clause for the purposes specified in Column II of that Table shown opposite that land.

(2) Where under subclause (1) land specified in Column I of the Table to this clause may be developed for the purposes for which land reserved for a purpose or included within a zone specified in Column II may be developed, the provisions of this order relating to land reserved for a purpose or included within a zone specified in Column I of the Table shall, on and from the date of inclusion of that land in the Table, cease to apply to that land and the provisions of this order relating to land reserved for a purpose or included within a zone specified in Column II of the Table shall thereupon apply to that land.

Clause 31 added G.G. No. 182 of 28/11/80 (LEP 2).

TABLE.

Column I	Column II
<p>So much of the land within Zone No. 5 (b) as is shown edged heavy black on the map marked "Penrith Local Environmental Plan No. 2".</p>	<p>The purposes included in Columns III and IV shown opposite Zone 2(a) in the Table to clause 3.</p> <p><i>(Added G.G. No. 182 of 28/11/80 (LEP 2)).</i></p>
<p>Part lot 2, D.P. 589130, corner of Maxwell Street, Evan Street and Birmingham Road, South Penrith.</p>	<p>A parking area where the use is limited to a period of 7 years, or until such time as the land is required for road widening purposes.</p> <p><i>(Added G.G. No. 30 of 13/2/81 (LEP 9)).</i></p>
<p>Part Lot 13, D.P. 30354, Corner Blaikie Road and Mulgoa Road, Penrith, as shown edged heavy black on the map marked "Penrith Local Environmental Plan No. 64" deposited in the office of the council.</p>	<p>T.A.B. Agency.</p> <p><i>(Added G.G. No. 6 of 14/1/83 (LEP 64)).</i></p>
<p>Land at the corner of Mamre Road and Banks Drive, St Clair, as shown edged heavy black on the map marked "Penrith Local Environmental Plan No. 66" deposited in the office of the council.</p>	<p>T.A.B. Agency; convenience store in association with a service station.</p> <p><i>(Added G.G. No. 45 of 11/3/83 (LEP 66)).</i></p>
<p>Lot 40, D.P. 1119, Regentville Road, Penrith, as shown edged heavy black on the map marked "Penrith Local Environmental Plan No. 122" deposited in the office of the council.</p>	<p>Auction room.</p> <p><i>(Added G.G. No. 91 of 7/6/85 (LEP 122)).</i></p>

Wholesale and retail warehouse: Gibbes Street, Regentville

32. (1) This clause applies to land known as Lot 2 D.P. 309868 Gibbes Street, Regentville.

(2) Despite any other provisions of this Order, a person may, with the consent of the Council, carry out development for the purposes of a wholesale and retail warehouse on land to which this clause applies, but only if the Council is satisfied that not less than 60% of the goods sold from the land will be resold by retail after being removed from the land.

(3) In this clause, “wholesale and retail warehouse” means a building occupying an area of not less than 6,000 square metres used for storing goods, including groceries, in bulk quantities and for the sale of those goods in bulk quantities.

Clause 32 added G.G. No. 65 of 6/5/94 (LEP 231).

Development of certain land – Fragar Road, South Penrith

33. (1) This clause applies to land in the vicinity of Fragar Road, Penrith, as shown edged heavy black on the map marked “Penrith Local Environmental Plan No. 247” deposited in the office of the Council.

(2) The Council must not consent to the subdivision of, or the carrying out of other development on, the land to which this clause applies unless prior consideration is given by the Council to the retention of the remnant bushland on the site.

(3) Notwithstanding any other provision of this Order, the Council must not consent to the carrying out of development for the purposes of residential flat buildings, terrace houses, town houses or villa homes on land to which this clause applies.

(4) For the purpose of this clause:

“town house” means an attached, self-contained dwelling having a separate private entrance and open space;

“villa home” means a single storey residential building containing two or more dwellings in a group, arranged so that each dwelling has attached private open space and separate access.

Clause 33 added G.G. No. 137 of 29/11/96 (LEP 247).

Development of land bounded by Wolseley Street, and Mulgoa and Blaikie Roads, Penrith

34. (1) This clause applies to land known as Lot 1, DP 710465, Lots 2221 and 2223, DP 852657 and Lots 2224, 2225, 2226 and 2227, DP 857962, bounded by Wolseley Street, Mulgoa Road and Blaikie Road, Penrith, as shown edged heavy black on the map marked "Penrith Local Environmental Plan No. 251" deposited in the office of the Council.

(2) Despite any other provision of this Order, a person may, with the consent of the Council, carry out development on land to which this clause applies, for the purpose of one or more car repair stations.

(3) The Council must not grant consent to a development application for a car repair station on the land unless it is satisfied that:

- (a) the development is generally consistent with the provisions of any development control plan, and any guidelines approved by the Council, applying to the land to which the application relates; and
- (b) the proposed form, architectural design, siting, building materials and colours of the new development complement existing development in the surrounding locality, and recognise and enhance the gateway significance of the land.

(4) The Council must not grant consent to development of the land if the development will involve the use of direct vehicular access between that land and Mulgoa Road.

Clause 34 added G.G. No. 39 of 1/4/99 (LEP 251).

35. Development of certain land – Wolseley Street and Mulgoa Road, Jamisontown

(1) This clause applies to land known as Lot 2221 DP 852657 in the vicinity of Wolseley Street and Mulgoa Road, Jamisontown, as shown edged heavy black on the map marked "Penrith Local Environmental Plan No 257" deposited in the office of the Council.

(2) Despite any other provision of this Order, a person may, with the consent of the Council, carry out development on land to which this clause applies for the purpose of a plant hire establishment.

(3) In this clause, ***plant hire establishment*** means premises that are used for the purpose of providing short term rental of building, renovation or landscaping tools and equipment.

(4) The Council must not grant consent to a development application for a plant hire establishment on the land unless it is satisfied that:

- (a) the proposed form, architectural design, siting, building materials, colours and landscaping of the new development complement existing development in the surrounding locality, and recognise and enhance the gateway significance of the land, and
- (b) the development will not result in the loss of any of the eucalyptus trees on the site, and
- (c) the development will not have a significant impact on the road safety and free flow of traffic along Wolseley Street and Mulgoa Road.

(5) The Council must not grant consent to development on land to which this clause applies unless it is satisfied that all vehicles accessing the land will only use the existing right of carriageway on the land.

Clause 35 added G.G. No. 97 of 15/6/01 (LEP 257).

SCHEDULE 1

Boot and shoe repairing.
Bread, cake and pastry manufacture.
Dental surgery.
Dressmaking.
Dry cleaning and dyeing agency.
Electrician's workshop.
Home industry.
Lending library.
Photographic studio.
Health care consulting rooms.
Refreshment rooms.
Residential flats over shops.
Radio and television mechanic's workshop.
Service station.
Tailoring.

Schedule 1 amended G.G. No. 22 of 11/2/00 (LEP 252).

SCHEDULE 2

Abattoirs.
Agricultural machinery manufacture.
Aluminium products manufacture.
Bag and sack (textile) manufacture.
Boiler manufacture.
Boot and shoe manufacture.
Brick, tile, pipe and pottery manufacture.
Cement manufacture.
Cement products manufacture.
Electrical machinery manufacture.
Fibrous plaster manufacture.
Glass products manufacture.
Grain milling.
Hardboard manufacture.
Heavy engineering.
Hot mix (bitumen) manufacture.
Machinery manufacture (heavy).
Match manufacture.
Metal founding.
Motor body building.
Motor vehicle manufacture and assembly.
Offensive and hazardous industries.
Panel beating or spray painting.
Plastics manufacture.
Ready mixed concrete manufacture.
Sawmilling.
Steel products manufacture (heavy).

Stone cutting and crushing.
Wire manufacture.
Wool scouring.
Any industry which in the opinion of the Council would adversely affect the amenity of the neighbourhood.

SCHEDULE 3

Chemist's shop.
Confectionery shop and milk bar.
Fish and chip shop.
Fruit shop.
Newsagent's shop.
Smallgoods and sandwich shop.
Tobacconist's and hairdresser's shop.

SCHEDULE 4

Centres for the display and retail sale of the following goods where the display and sale of the goods is ancillary and subordinate to the manufacture, assembling or warehousing of the goods and where only goods manufactured, assembled or stored on the site are sold from the site:

Camping equipment.
Data processing equipment.
Garages.
Glass.
Home renovation materials.
Home decoration materials.
Home improvement and building materials.
Knocked down furniture.
Office equipment.
Swimming pools.

Schedule 4 added G.G. No. 9 of 11/1/85 (LEP 109).