

1996—No. 382

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979  
SYDNEY REGIONAL ENVIRONMENTAL PLAN No. 25—  
ORCHARD HILLS (AMENDMENT No. 1)**

NEW SOUTH WALES



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I, the Minister for Urban Affairs and Planning, in pursuance of section 51 of the Environmental Planning and Assessment Act 1979, make the regional environmental plan set out hereunder.

**CRAIG KNOWLES MP**  
Minister for Urban Affairs and Planning.

Sydney, 13 May 1996.

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**Citation**

1. This plan may be cited as Sydney Regional Environmental Plan No. 25—Orchard Hills (Amendment No. 1).

**Aims, objectives etc.**

2. The aims of this plan are:

- (a) to apply Sydney Regional Environmental Plan No. 25—Orchard Hills to the land that was deferred from its application; and
- (b) to prohibit certain development on land that is within Zone No. 1 (b)—Rural under that plan; and
- (c) to prohibit the further subdivision of certain land that was subdivided when that plan was in draft form; and
- (d) in certain cases, to prohibit the further subdivision of land that has already been subdivided in accordance with that plan.

**Land to which this plan applies**

3. This plan applies to the land within the City of Penrith shown edged heavy black on the map marked “Sydney Regional Environmental Plan No. 25—Orchard Hills (Amendment No. 1)” deposited in the Parramatta office of the Department and a copy of which is deposited in the office of the Council of the City of Penrith.

**Relationship to other environmental planning instruments**

4. This plan amends Sydney Regional Environmental Plan No. 25—Orchard Hills in the manner set out in clause 6.

**Amendment of Sydney Regional Environmental Plan No. 25—Orchard Hills**

5. Sydney Regional Environmental Plan No. 25—Orchard Hills is amended:

- (a) by omitting clause 3 (2);
- (b) by inserting in clause 5 (1), in alphabetical order, the following definition:

**“food outlet”** means a building or place (such as a restaurant, cafe, tea room, eating house, take-away restaurant, drive-in take-away restaurant or the like) where food is prepared or offered for consumption, whether the food is consumed in the building or at the place or elsewhere;
- (c) by omitting from clause 5 (1) the definition of “map” and by inserting instead the following definition:

**“map”** means the map marked “Sydney Regional Environmental Plan No. 25—Orchard Hills (Amendment No. 1)” deposited in the Parramatta office of the Department and a copy of which is deposited in the office of the Council of the City of Penrith;
- (d) by inserting in clause 9 (3), after the words “is generally consistent with”, the words “, and promotes,”;
- (e) by inserting in the Table to clause 9, in item 1 of the matter relating to Zone No. 1 (b), after paragraph (b), the following paragraph:

(b1) to ensure that development of land along main and arterial roads does not detract from the rural landscape;
- (f) by inserting in the Table to clause 9, in item 4 of the matter relating to Zone No. 1 (b), in alphabetical order, the following words:

bus depots;  
clubs;

food outlets;  
light industries;  
motels;  
places of assembly;  
reception centres;  
recreation facilities;  
road transport terminals;

- (g) by inserting at the end of clause 14 the following subclauses:
- (2) The consent authority must not grant consent to an application to subdivide land listed in Schedule 1.
- (3) State Environmental Planning Policy No. 4—Development Without Consent applies to the land listed in Schedule 1 despite subclause (2).
- (h) by inserting in clause 16 (1) after the matter “Zone No. 1 (a)”, the matter “, but”;
- (i) by inserting after clause 19 the following clause:

**Subdivision within Zone No. 1 (b)—“Area C”**

19A. (1) This clause applies to land within Zone No. 1 (b) shown edged heavy black and marked “C” on sheet 2 of the map.

(2) The objectives of this clause are:

- (a) to identify the long-term potential for urban development of the land to which this clause applies; and
- (b) to provide for a settlement pattern that will not adversely affect the potential of the land for orderly and efficient urban development.

(3) Except as provided by subclause (4), the consent authority must not grant consent to an application to subdivide land to which this clause applies.

(4) The consent authority may grant a consent referred to in subclause (3) only if:

- (a) each allotment to be created by the proposed subdivision has an area of not less than 4,000 square metres; and
- (b) the number of allotments to be created by the proposed subdivision will not exceed 1 for each 2 hectares of land to which the application relates; and

- (c) the pattern of allotments to be created by the proposed subdivision and the location of any proposed buildings on those allotments conform to a development control code that makes provision for the matters specified in subclause (5).
- (5) For the purposes of subclause (4) (c), a development control code must:
  - (a) promote the aims of this plan and, in particular, contain provisions designed to maintain a low density settlement pattern; and
  - (b) provide for adequate water supply, waste water disposal and drainage; and
  - (c) take into account existing and likely future road patterns and soil erosion, and the noise, dust, vibration and safety factors relating to nearby defence facilities and extractive industries; and
  - (d) identify and protect land suitable for future urban development.
- (j) by omitting clause 21 (b) and by inserting instead the following subclause:
  - (b) the allotment was created in accordance with clause 15, 16, 18, 19, 19A or 20.
- (k) by inserting after clause 21 the following clause:

**Restriction on further subdivision of certain land within Zone No. 1 (a) or 1 (b)**

21A. (1) This clause applies to land within Zone No. 1 (a) or 1 (b) which has been subdivided in accordance with clause 15 or 19A after the appointed day.

(2) In this clause:

  - (a) the **“original subdivision”** of an area of land means the first subdivision of the area of land carried out in accordance with clause 15 or 19A after the appointed day; and
  - (b) **“current lots”** means lots in current plans within the meaning of section 327AA of the Local Government Act 1919.

(3) The consent authority must not consent to a subdivision which would result in the area of land which was the subject of an original subdivision being divided into a greater number of current lots than the maximum number of lots into which that area might have been lawfully divided by the original subdivision.

(4) This clause has effect despite anything in clause 15, 16 or 19A.

- (l) by omitting from clause 24 the matter “F4 Freeway” and by inserting instead the matter “M4 Motorway”;
- (m) by inserting in clause 25 (2), after the matter “19”, the matter “, 19A”;
- (n) by inserting after clause 26 the following clause:

**Development related to agriculture in rural locality**

26A. (1) Nothing in this plan prevents a person, with the consent of the consent authority, from carrying out, on land to which this plan applies, development that is related and subordinate to an agricultural use of the land (such as development for the purpose of a winery on land used for a vineyard).

(2) The consent authority must not grant a consent referred to in subclause (1) unless it is satisfied that:

- (a) the land to which the application for consent relates is (and will continue to be) used for the purpose of agriculture; and
  - (b) the proposed development is (and will continue to be) related and subordinate to the use of the land ‘for that purpose; and
  - (c) the carrying out of the development will not give rise to any use of the land that would have an adverse impact on the scenic values of the landscape, particularly when the land concerned is viewed from the M4 Motorway or The Northern Road; and
  - (d) the carrying out of the development will not detract from the rural amenity of Orchard Hills.
- (o) by inserting after clause 29 the following Schedule:

**SCHEDULE 1**

(Cl. 14 (2))

**LAND THAT IS NOT TO BE SUBDIVIDED**

Lots 42 and 53, D.P. 846098

Lot 15, D.P. 803128

Lot 101, D.P. 841269

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