



New South Wales

# **Blacktown Local Environmental Plan (Central Business District) 2012 (Amendment No 1)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

NEIL McGAFFIN

As delegate for the Minister for Planning and Infrastructure

## **Blacktown Local Environmental Plan (Central Business District) 2012 (Amendment No 1)**

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### **1 Name of Plan**

This Plan is *Blacktown Local Environmental Plan (Central Business District) 2012 (Amendment No 1)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to the following land in Blacktown:

- (a) land known as the former Ashlar Golf Course at Springfield Avenue and Crudge Road (being Lot 1, DP 222469 and Lot 1, DP 785936, respectively),
- (b) 81 Richmond Road (being Lots 17 and 18, DP 29519).

### **4 Maps**

Each map adopted by *Blacktown Local Environmental Plan (Central Business District) 2012* that is specified in Column 1 of the following table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the table as approved by the Minister on the making of this Plan:

<b>Column 1</b>	<b>Column 2</b>
<b>Name of map being amended or replaced</b>	<b>Name of amending or replacement map</b>
Blacktown Local Environmental Plan (Central Business District) 2012 Land Application Map	Blacktown Local Environmental Plan (Central Business District) 2012 Land Application Map (0750_CEN_LAP_001_020_20140206)
Blacktown Local Environmental Plan (Central Business District) 2012 Land Zoning Map	Blacktown Local Environmental Plan (Central Business District) 2012 Land Zoning Map (0750_CEN_LZN_001_005_20140213)
	Blacktown Local Environmental Plan (Central Business District) 2012 Land Zoning Map (0750_CEN_LZN_002_006_20140213)

<b>Column 1</b>	<b>Column 2</b>
<b>Name of map being amended or replaced</b>	<b>Name of amending or replacement map</b>
Blacktown Local Environmental Plan (Central Business District) 2012 Height of Buildings Map	Blacktown Local Environmental Plan (Central Business District) 2012 Height of Buildings Map (0750_CEN_HOB_001_005_20140213)
	Blacktown Local Environmental Plan (Central Business District) 2012 Height of Buildings Map (0750_CEN_HOB_002_006_20140213)
Blacktown Local Environmental Plan (Central Business District) 2012 Floor Space Ratio Map	Blacktown Local Environmental Plan (Central Business District) 2012 Floor Space Ratio Map (0750_CEN_FSR_001_005_20140213)
Blacktown Local Environmental Plan (Central Business District) 2012 Land Reservation Acquisition Map	Blacktown Local Environmental Plan (Central Business District) 2012 Land Reservation Acquisition Map (0750_CEN_LRA_001_005_20140219)
	Blacktown Local Environmental Plan (Central Business District) 2012 Land Reservation Acquisition Map (0750_CEN_LRA_002_006_20140224)
Blacktown Local Environmental Plan (Central Business District) 2012 Heritage Map	Blacktown Local Environmental Plan (Central Business District) 2012 Heritage Map (0750_CEN_HER_001_005_20140213)

## **Schedule 1      Amendment of Blacktown Local Environmental Plan (Central Business District) 2012**

### **[1]    Clause 1.2 Aims of Plan**

Insert “and Marayong Railway Station” after “Blacktown central business district” in clause 1.2 (2) (f).

### **[2]    Clause 1.2 (2) (i) and (j)**

Insert after clause 1.2 (2) (h):

- (i) to facilitate the redevelopment of the former Ashlar Golf Course as an attractive and sustainable residential community in a landscaped setting,
- (j) to provide a local open space network on the site of the former Ashlar Golf Course that is visually and physically connected with other open spaces in Blacktown.

### **[3]    Land Use Table**

Insert after the note:

#### **Zone R1    General Residential**

##### **1    Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

##### **2    Permitted without consent**

Home occupations

##### **3    Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Veterinary hospitals

##### **4    Prohibited**

Any development not specified in item 2 or 3

## **Zone B1 Neighbourhood Centre**

### **1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Boarding houses; Business premises; Child care centres; Community facilities; Medical centres; Neighbourhood shops; Respite day care centres; Shop top housing; Water reticulation systems; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Garden centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home occupations (sex services); Hospitals; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Plant nurseries; Port facilities; Pubs; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Sewage treatment plants; Sex services premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

#### **[4] Clause 4.1**

Omit the clause. Insert instead:

#### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows:
  - (a) to set out minimum lot sizes for residential buildings, and
  - (b) to ensure that new residential buildings are compatible with the character of any surrounding residential area.

- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) Despite subclause (3), the size of any such lot may be less than the minimum size shown on the Lot Size Map in relation to land within the former Ashlar Golf Course if:
  - (a) the subdivision is carried out for the purposes of a semi-detached dwelling or an attached dwelling, and
  - (b) the size of any resulting lot is not less than:
    - (i) in the case of subdivision carried out for the purposes of a semi-detached dwelling—200 square metres, or
    - (ii) in the case of subdivision carried out for the purposes of an attached dwelling—140 square metres.
- (3B) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (5) In this clause, *former Ashlar Golf Course* means land comprised in Lot 1, DP 222469 and Lot 1, DP 785936, at Springfield Avenue and Crudge Road, Blacktown.

**[5] Clause 4.3 Height of buildings**

Insert after clause 4.3 (1) (f):

- (g) to minimise any visual impact on, or loss of solar access to, land in the vicinity of proposed development as a result of that development,
- (h) to minimise any loss of privacy to residential land as a result of proposed development,
- (i) to ensure that there is an appropriate interface between commercial centres and land in any adjoining residential zone or in any adjoining public land.

**[6] Clause 4.3A**

Insert after clause 4.3:

**4.3A Restrictions on storeys and height of buildings in Zone R1 General Residential**

- (1) The objectives of this clause are as follows:
  - (a) to minimise any visual impact on, or loss of solar access to, land in the vicinity of proposed development as a result of that development,
  - (b) to minimise any loss of privacy to residential land as a result of proposed development.
- (2) This clause applies to land in Zone R1 General Residential.
- (3) A building on land to which this clause applies that consists of a street corner lot is not to have more than 3 storeys.

- (4) One of the dwellings in a dual occupancy (detached) must be:
  - (a) located behind (and further from the street frontage than) the other dwelling, and
  - (b) not exceed 5.5 metres in height or have more than one storey.
- (5) Despite subclause (4), any dwelling in a dual occupancy (detached) on land to which this clause applies may exceed 5.5 metres in height if:
  - (a) the land consists of a street corner lot, and
  - (b) the dwelling is located directly above a rear entry garage facing a private road, and
  - (c) the dwelling occupies a single floor, and
  - (d) the combined height of the garage and dwelling does not exceed 10 metres.

**[7] Clause 4.6 Exceptions to development standards**

Insert after clause 4.6 (8) (b):

- (ba) clause 4.3A,

**[8] Clause 4.6 (8) (ca) and (cb)**

Insert after clause 4.6 (8) (c):

- (ca) clause 5A.1 or 5A.2,
- (cb) clause 6.7.

**[9] Clause 5.1 Relevant acquisition authority**

Insert at the end of the Table to clause 5.1 (2) under the columns headed **Type of land shown on Map** and **Authority of the State**, respectively:

Zone SP2 Infrastructure and marked "Local Road"	Council
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**[10] Clause 5.3**

Omit the clause. Insert instead:

**5.3 Development near zone boundaries**

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 100 metres.
- (3) This clause does not apply to:
  - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
  - (aa) land in Zone B3 Commercial Core or Zone B4 Mixed Use, or
  - (b) land within the coastal zone, or

- (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

**[11] Part 5A**

Insert after Part 5:

**Part 5A Urban release areas**

**5A.1 Arrangements for designated State public infrastructure**

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.
- (3) Subclause (2) does not apply to:
  - (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

**5A.2 Public utility infrastructure**

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate

arrangements have been made to make that infrastructure available when it is required.

- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

### **5A.3 Development control plan**

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
  - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of active and passive recreation areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to development for any of the following purposes:
  - (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
  - (d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

#### **5A.4 Relationship between Part and remainder of Plan**

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

#### **[12] Clause 6.1A**

Insert after clause 6.1:

#### **6.1A Riparian land and watercourses**

- (1) The objective of this clause is to protect and maintain the following:
  - (a) water quality within watercourses,
  - (b) the stability of the bed and banks of watercourses,
  - (c) aquatic and riparian habitats,
  - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to the following land:
  - (a) all watercourses,
  - (b) all land that is within 40 metres of the top of the bank of any watercourse.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:
  - (a) whether or not the development is likely to have any adverse impact on the following:
    - (i) the water quality and flows within the watercourse,
    - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
    - (iii) the stability of the bed and banks of the watercourse,
    - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
    - (v) any future rehabilitation of the watercourse and riparian areas, and
  - (b) whether or not the development is likely to increase water extraction from the watercourse, and
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

**[13] Clauses 6.5–6.7**

Insert after clause 6.4:

**6.5 Essential services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

**6.6 Development with frontage to local road**

- (1) The objectives of this clause are:
  - (a) to ensure that new development does not compromise the effective and ongoing operation and function of local roads, and
  - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to such roads.
- (2) Development consent must not be granted to development on land that has a frontage to a local road unless the consent authority is satisfied that:
  - (a) where practicable, vehicular access to the land is provided by a road other than the local road, and
  - (b) the safety, efficiency and ongoing operation of the local road will not be adversely affected by the development as a result of:
    - (i) the design of the vehicular access to the land, or
    - (ii) the emission of smoke or dust from the development, or
    - (iii) the nature, volume or frequency of vehicles using the local road to gain access to the land, and
  - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent local road.
- (3) In this clause, *local road* means a road in Zone SP2 Infrastructure that is shown marked “Local Road” on the Land Zoning Map.

**6.7 Consent may be granted to dual occupancy subdivisions in Zone R1 only in certain circumstances**

- (1) Development consent must not be granted for a subdivision on land in Zone R1 General Residential that would create separate titles for each of the two dwellings in a dual occupancy, unless:
  - (a) the two dwellings are in a dual occupancy (detached), and
  - (b) the frontage of each of the two dwellings faces a different street, and
  - (c) the resulting size of each lot is not less than 300 square metres.

- (2) This clause does not apply in relation to a subdivision under either of the following Acts:
- (a) the *Community Land Development Act 1989*,
  - (b) the *Strata Schemes (Freehold Development) Act 1973*.

**[14] Schedule 1 Additional permitted uses**

Omit “(When this Plan was made this Schedule was blank)”. Insert instead:

**1 Use of certain land at former Ashlar Golf Course**

- (1) This clause applies to so much of the land comprised in Lot 1, DP 222469 and Lot 1, DP 785936 (at Springfield Avenue and Crudge Road, Blacktown) as is in Zone RE1 Public Recreation.
- (2) The erection of a building and its use as a relevant sales office are permitted with development consent if the consent authority is satisfied that the building:
  - (a) will be used as a sales office for no more than 4 years, and
  - (b) will be removed from the land as soon as practicable after it ceases to be used as a sales office.
- (3) In this clause, *relevant sales office* means a sales office for land identified as “Former Ashlar Golf Course” on the Urban Release Area Map.

**[15] Dictionary**

Insert in alphabetical order:

*designated State public infrastructure* means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

*public utility infrastructure*, in relation to an urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

*urban release area* means the area of land identified as “Urban Release Area” on the Urban Release Area Map.

*Urban Release Area Map* means the Blacktown Local Environmental Plan (Central Business District) 2012 Urban Release Area Map.

**[16] Dictionary, definition of “Lot Size Map”**

Omit “[Not adopted. See clause 4.1.]”.