

BLACKTOWN CITY COUNCIL

EXPLANATION OF INTENDED EFFECT

**Blacktown Local Environmental Plan 1988 Draft Amendment No. 241 –
Amendment to Sydney Region Growth Centres SEPP – “Townson Road
Precinct” (Part West Schofields Precinct Release)**

INTRODUCTION

The proposed LEP will amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) by:

1. Amending Appendix 12 – Blacktown Growth Centres Precinct Plan 2013 (the “Precinct Plan”) to make it apply to certain land in the West Schofields Precinct in the vicinity of Townson Road (the “Townson Road Precinct”).
2. Making other amendments to the provisions and the maps to the Growth Centres SEPP to make the Townson Road Precinct amendments to the Precinct Plan effective.

The Precinct Plan will identify the land to which the planning controls will apply, establish objectives for development of that land and specify development that is permissible without consent, with consent and development that is prohibited. The Precinct Plan will also establish controls for development within the Townson Road Precinct such as the maximum height of buildings, minimum lot sizes for the subdivision of land and minimum dwelling densities (number of dwellings per hectare of land) for residential areas. The purpose and application of these controls is explained in later sections of this document.

The Precinct Plan sets the broad legislative framework for development of land within the North West Growth Centre that is located within the Blacktown LGA. This will include land in the Townson Road Precinct if the proposed amendments are approved and enacted. The Precinct Plan will be amended to incorporate planning controls that are specifically related to the future development of the land in the Townson Road Precinct. Once the land in the Townson Road Precinct is rezoned, the Precinct Plan (as amended) will apply to all future development.

The proposed amendment contains 6 parts. This Explanation of Intended Effect provides a “plain English” description of the planning controls that are intended to apply to the Precinct.

The following sections explain the planning controls that exist and will be adopted for the Townson Road Precinct under the Blacktown Growth Centres Precinct Plan, those that are to be updated or amended and any new controls:

Part 1 Preliminary. This part of the Precinct Plan sets out things like the land to which the planning controls will apply, who the consent authority is for development (i.e. who assesses and approves development applications) and other administrative matters. This part will be updated to also refer to land within the Townson Road Precinct.

Part 2 Permitted and prohibited development. This part of the Precinct Plan establishes the zoning of land and the land uses that are permitted without consent, permitted with consent or are prohibited in each zone. This part will remain unchanged to maintain consistency with other Blacktown Council Growth Centre Precincts.

Part 3. This part has been repealed.

Part 4 Principal development standards. This part of the Precinct Plan establishes controls on the size and scale of development. No changes are proposed to this part.

Part 5 Miscellaneous provisions. These provisions control particular types of development in more detail than the controls in the previous parts of the Precinct Plan. No changes are proposed to this part.

Part 6 Additional local provisions. These provisions specify controls for development that are required to address issues that are unique or of particular importance in the Precinct. No changes are proposed to this part.

The Precinct Plan contains Schedules with additional land uses that may be carried out in addition to those identified in Part 2, and the location and type of any heritage items in the Precinct.

The proposed amendments to the Blacktown Growth Centres Precinct Plan will establish planning controls which have legislative force. The controls are based on the draft Indicative Layout Plan (ILP) which provides an indication of how the Townson Road Precinct will develop over time. The draft ILP is proposed to be part of the *Blacktown Growth Centre Precincts Development Control Plan (DCP) 2010* amendments which will apply to the land and be publicly exhibited at the same time as this Explanation of Intended Effect. The DCP provides further detailed guidance for development, and supports the controls in the Precinct Plan.

If the proposed SEPP amendments are made by the Governor, the new planning controls will only take effect when they are published on the NSW Legislation website. Until this time land in the Townson Road Precinct will continue to be governed by the *Blacktown Local Environmental Plan 1988*. The draft DCP schedule will be adopted by the Director General of the Department of Planning & Environment when the proposed SEPP comes into effect.

PART 1 PRELIMINARY

1.1 Name of Precinct Plan

This clause states the name of the Precinct Plan. This Precinct Plan is known as the *Blacktown Growth Centres Precinct Plan 2013*. No changes are proposed to the name of the Precinct Plan.

1.2 Aims of Precinct Plan

This clause states the aims of the Precinct Plan, as follows:

- a) to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan and the indicative layout for the land to which this Precinct Plan applies.
- b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity.
- c) to guide the bulk and scale of future development within the Precinct.
- d) to protect and enhance riparian corridors and areas of significant native vegetation by establishing development controls that prevent the clearing of existing native vegetation.
- e) to protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites.
- f) to rezone land to allow for retail and commercial uses to meet the needs of future residents of the land to which this Precinct Plan applies and surrounding areas.
- g) to identify a transport corridor within the Marsden Park Precinct.

It is intended that the above aims will be amended to remove any specific references to a particular Precinct so that they will apply equally and consistently to all land to which the Precinct Plan applies (both now and in the future).

1.3 Land to which Precinct Plan applies

This clause defines the land to which the Precinct Plan applies. This clause will be amended to include certain land within the West Schofields Precinct in the vicinity of Townson Road (known as the Townson Road Precinct). This will be achieved by simply stating that the Precinct Plan applies to land as shown on the [Land Application Map](#).

1.4 Definition

This clause defines specific terms and indicates where to find definitions for other words and expressions used in the Precinct Plan. No changes are proposed to this clause.

1.5 Notes

This clause explains the use of notes throughout the Precinct Plan. No changes are proposed to this clause.

1.6 Consent Authority

This clause states that Council is the consent authority for the purposes of the Precinct Plan. No changes are proposed to this clause.

1.7 [clause does not exist]

1.8 Repeal of other local planning instruments applying to land

This clause states that all local environmental plans and deemed environmental planning instruments applying to the land to which the Precinct Plan applies are either repealed or cease to apply. No changes are proposed to this clause.

1.8A Savings provision relating to pending development applications

This clause provides that any development application lodged but not determined before the commencement of the Precinct Plan is to be assessed and determined as if the Precinct Plan had not commenced. No changes are proposed to this clause.

1.9 Application of SEPPs

This clause explains how other state environmental planning policies apply to the land to which the Precinct Plan applies and how to deal with an inconsistency between the provisions of any other environmental planning instrument. No changes are proposed to this clause.

1.9A Suspension of covenants, agreements and instruments

This clause states that any agreement, covenant or other similar instrument that restricts the carrying out of development on land within any zone in accordance with the Precinct Plan will not apply to the extent necessary to serve that purpose. The clause also explains the circumstances in which it would not apply. No changes are proposed to this clause.

PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

2.1 Land use zones

This clause outlines the range of land use zones under the Precinct Plan. No new land use zones are proposed to be included in the Precinct Plan. It is intended to apply the following land use zones to land within the Townson Road Precinct as follows:

- R2 Low Density Residential, providing for a mix of dwelling types in a predominately low density residential environment.
- SP2 Infrastructure, applying to land required for trunk drainage infrastructure.
- RE1 Public Recreation, applying to land required for public open space and recreational purposes.
- E2 Environmental Management, applying to land within the Bells Creek riparian corridor.

2.2 Zoning of land to which Precinct Plan applies

This clause states that for the purposes of the Precinct Plan the zoning of land is shown on the Land Zoning Map. No changes are proposed to this clause.

2.3 Zone objectives and Land Use Table

This clause explains the Land Use Table for each zone as included in the Precinct Plan. The Land Use Table specifies objectives for development, development that may be carried out with and/or without consent and development that is prohibited. The clause also states that the consent authority must have regard to the objectives for development in a zone when determining a development application. No changes are proposed to this clause.

2.4 Unzoned land

This clause outlines considerations for the consent authority when assessing development proposals on unzoned land. No changes are proposed to this clause.

2.5 Additional permitted uses for particular land

This clause permits certain land uses (as listed in Schedule 1 to the Precinct Plan) to be carried out on certain land despite the provisions in the land use tables. No changes are proposed to this clause and no specific additional uses are proposed to be listed in Schedule 1 in respect of land in the Townson Road Precinct.

2.6 Subdivision – consent requirements

The clause requires development consent to enable the subdivision of land to which the Precinct Plan applies. No changes are proposed to this clause.

2.7 Demolition

This clause requires development consent to enable the demolition of a building or work on land to which the Precinct Plan applies. No changes are proposed to this clause.

2.8 Temporary use of land

This clause permits the temporary use of land in certain circumstances where the use does not compromise the future development of that land, or have detrimental economic, social, amenity or environmental effects. No changes are proposed to this clause.

Land Use Table

For each land use zone, the Precinct Plan will have a land use table that defines whether land uses are:

- Permitted without consent (meaning that a development application is not required)
- Permitted with consent (meaning that a development application is required)
- Prohibited

The proposed land use tables use “group terms” to describe a range of similar or related land uses. For example “residential accommodation” includes all dwelling types (for example “dwelling houses”, “attached dwellings” and “residential flat buildings”). Where group terms are used this means that all the uses included under that group term are permitted or prohibited (depending upon which column the term is used in). Exceptions to this apply in some instances, such as where a particular land use that is part of a group term is listed in another column in the land use table.

The words used in the zoning tables have particular meanings that are not always exactly the same as that found in common usage. The Dictionary to the Growth Centres SEPP gives the legal interpretation to the meaning of these terms. The following land use tables are intended to apply to and within the Townson Road Precinct.

Column 1	Column 2	Column 3	Column 4
Zone	Permitted without consent	Permitted with consent	Prohibited
Zone R2 Low Density Residential	Home occupations	Attached Dwellings, Bed and breakfast accommodation; Boarding Houses, Business identification signs; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Seniors Housing; Shop top housing; Veterinary hospitals	Any development not specified in Column 2 or 3

Column 1	Column 2	Column 3	Column 4
Zone	Permitted without consent	Permitted with consent	Prohibited
Zone SP2 Infrastructure	Nil	The purpose shown on the <u>Land Zoning Map</u> , including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Sewerage systems; Water recycling facilities; Waterbodies (artificial)	Any development not specified in Column 2 or 3

Column 1	Column 2	Column 3	Column 4
Zone	Permitted without consent	Permitted with consent	Prohibited
Zone RE1 Public	Nil	Building identification signs; Business	Any development

Recreation		identification signs; Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Sewerage systems; Waterbodies (artificial)	not specified in Column 2 or 3
Column 1	Column 2	Column 3	Column 4
Zone E2	Permitted without consent	Permitted with consent	Prohibited
Environmental Conservation	Nil	Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)	Any development not specified in Column 2 or 3

PART 3 [This part has been repealed]

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

4.1 Minimum subdivision lot size

The objectives of this clause are as follows:

- to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space.
- to facilitate and encourage a range of residential lot types.
- to encourage the efficient use of land for residential purposes.

The clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent. The clause states that the size of any lot resulting from such a subdivision must not be less than the minimum size as shown on the map in relation to that land. No changes are proposed to this clause.

4.1A Minimum lot sizes for residential development

This clause establishes minimum lot sizes for certain types of residential for which there is no minimum lot size shown on the Lot Size Map. The minimum lot sizes for development in the Precinct are:

Dwelling type	Minimum lot size
Dwelling houses	225m ²
Attached dwellings	375m ²
Semi-detached dwellings	400m ²
Secondary dwellings	450m ²
Dual occupancy	500m ²
Multi dwelling housing	1,500m ²
Residential flat buildings	2,500m ²

No changes are proposed to the minimum lot sizes.

4.1B Residential density

This clause states that development must achieve the minimum residential density requirement as shown on the Residential Density Map. The purpose of the clause is to ensure the efficient use of land for urban development and the cost-effective provision of essential infrastructure. The minimum residential density proposed for land in the Townson Road Precinct is 15 dwellings per hectare.

4.2 [clause does not exist]

4.3 Height of Buildings

This clause states that development must not exceed the maximum building height as shown on the Height of Buildings Map. The purpose of the clause is to minimise the visual impact and protect the amenity of adjoining development. The proposed maximum building height for development in the Townson Road Precinct is 9m.

4.4 Floor space ratio

This clause states that development must not exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map. An FSR is not proposed for any land in the Townson Road Precinct.

4.5 Calculation of floor space ratio and site area

This clause defines “floor space ratio” and sets out rules for the calculation of the site area of development for the purpose of applying permitted FSRs. No changes are proposed to this clause.

4.6 Exceptions to development standards

This clause outlines the circumstances in which exceptions to development standards are permitted to provide flexibility and achieve better development outcomes. The clause requires that the variation to the standard must be justified, be in the public interest and have the concurrence of the Director General. No changes are proposed to this clause.

PART 5 MISCELLANEOUS PROVISIONS

5.1 Relevant acquisition authority

The clause identifies the relevant authority to acquire land reserved for certain public purposes under the owner-initiated provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*. The reserved land is shown on the Land Reservation Acquisition Map and the following table identifies the acquisition authorities.

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked “Local open space”	Blacktown City Council
Zone SP2 Infrastructure and marked “Local drainage”	Blacktown City Council
Zone SP2 Infrastructure and marked “Classified road”	Roads and Maritime Services

5.2 Classification and reclassification of public land

This clause enables the classification and reclassification of public land as either “operational land” or “community land” under the *Local Government Act 1993*. It is not proposed to classify or reclassify any land in the Townson Road Precinct at this stage.

5.3 Development near zone boundaries

This clause provides flexibility by allowing certain development to occur within a specified distance on either side of adjoining land use zones, without the need to rezone land, if investigations reveal that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site. No changes are proposed to this clause.

5.4 Controls relating to miscellaneous permissible uses

This clause establishes controls relating to miscellaneous permissible uses including bed and breakfast accommodation, home businesses, home industries, industrial retail outlets, farm stay accommodation, kiosks, neighbourhood shops, roadside stalls and secondary dwellings. No changes are proposed to this clause.

5.6 Architectural roof features

This clause establishes controls relating to architectural roof features to ensure that they are decorative elements only and that the majority are contained within the prescribed building height. No changes are proposed to this clause.

5.8 Conversion of fire alarms

This is a standard clause relating to the conversion of fire alarms. No changes are proposed to this clause.

5.9 Preservation of trees or vegetation

This clause provides strict controls to preserve the amenity of the area through the preservation of trees and other vegetation. No changes are proposed to this clause.

5.10 Heritage conservation

This clause lists requirements to assess the impacts of proposed development on heritage items and consider the heritage values of the item by the consent authority when determining an application. The provisions also relate to archaeological sites, Aboriginal places of heritage significance and Aboriginal objects. Heritage items (if any) are listed and described in Schedule 5 to the Precinct Plan. Heritage Conservation Areas are also described in Schedule 5 and are shown on the [Heritage Map](#). There are no heritage listings pertaining to properties in the Townson Road Precinct.

5.11 Bush fire hazard reduction

This clause provides that bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent. No changes are proposed to this clause.

5.12 Infrastructure development and use of existing buildings of the Crown

This clause ensures that the Precinct Plan does not place any restrictions on infrastructure development by a public authority that is enabled by *State Environmental Planning Policy (Infrastructure) 2007* and use of existing buildings by the Crown. No changes are proposed to this clause.

5.13 Eco-tourist facilities

This clause provides controls to ensure that eco-tourist facilities are sensitively designed and managed and have minimal impacts on the environment both on and off-site. No changes are proposed to this clause.

PART 6 ADDITIONAL LOCAL PROVISIONS

6.1 Public utility infrastructure

This is a standard clause stating that Council must not grant consent to development unless public utility infrastructure (which includes water and electricity supply or sewage disposal and management) is available to the site or will be made available when required. No changes are proposed to this clause.

6.2 Information and education facilities in Zone R2 Low Density Residential

This clause provides locational criteria for the development of information and education facilities on land within the R2 Low Density Zone. No changes are proposed to this clause.

6.3 Development controls – native vegetation retention areas

This clause provides controls to prevent the clearing of certain native vegetation within areas shown on the Native Vegetation Protection Map. Certain areas along the Bells Creek corridor are to be included on the Map.

6.4 Development controls – existing native vegetation

This clause details matters that must be addressed before development consent can be granted in respect of land shown on the Native Vegetation Protection Map. No changes are proposed to this clause.

6.5 Development in Zone E2 Environmental Conservation

This clause states that the consent authority must not grant consent for development on land within the E2 Zone unless it has considered a vegetation management plan that relates to all of that land. No changes are proposed to this clause.

6.6 Subdivision of land adjoining Zone E2 Environmental Conservation

This clause provides controls to ensure the rehabilitation and revegetation of land that is within the E2 Zone. The clause applies to any lot that includes land within the E2 Zone and land within another zone. No changes are proposed to this clause.

6.7 Sex services premises

This clause includes controls to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children. No changes are proposed to this clause.

6.8 Restricted premises

This clause restricts the approval of restricted premises if the premises will be located on land that abuts, or is separated only by a road from land in the R2 Low Density Zone, R3 Medium Density Zone or RE1 Public Recreation Zone, or used for the purposes of a community facility, school or place of public worship. No changes are proposed to this clause.

6.9 Active street frontages

This clause provides controls to promote uses that attract pedestrian traffic along ground floor street frontages in the B2 Local Centre Zone. No changes are proposed to this clause.

6.10 Development of land within or adjacent to public transport corridor

This clause states that consent must not be granted to development in the area marked "I" on the Land Zoning Map without the concurrence of Transport for NSW. The purpose of the clause is to ensure the practicability and cost of carrying out public transport projects on the land in the future. This clause does not apply to land in the Townson Road Precinct at this stage.

SCHEDULE 1 ADDITIONAL PERMITTED USES

This schedule lists certain additional permitted land uses for certain properties within the Precinct. There are no additional permitted uses proposed for land in the Townson Road Precinct.

SCHEDULE 4 CLASSIFICATION AND RECLASSIFICATION OF PUBLIC LAND

This clause identifies properties that are classified or reclassified under the Precinct Plan. No properties are proposed to be listed at this stage.

SCHEDULE 5 HERITAGE ITEMS

This clause lists identified heritage items within the Precinct. There are no heritage items or heritage conservation areas listed in the Townson Road Precinct.