



New South Wales

Blacktown Local Environmental Plan 1988 (Amendment No 193)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/03385/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2005 No 181

Clause 1 Blacktown Local Environmental Plan 1988 (Amendment No 193)

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1 Name of plan

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 193)*.

2 Aims of plan

The aims of this plan are:

- (a) to allow for a variety of development forms that will meet the economic, environmental and social needs of the residents of the Colebee release area, and
- (b) to introduce a planning framework for the development of the Colebee release area having regard to its special characteristics, and
- (c) to identify and protect significant archaeological areas, and
- (d) to identify and protect riparian environmental corridors and introduce appropriate development controls in these corridors, recognising their significant environmental, scenic and aesthetic values, and
- (e) to ensure the protection of significant natural and ecological elements within the Colebee release area.

3 Land to which plan applies

This plan applies to land shown edged heavy black on the map marked “Blacktown Local Environmental Plan 1988 (Amendment No 193)” deposited in the office of the Council of the City of Blacktown.

4 Amendment of Blacktown Local Environmental Plan 1988

Blacktown Local Environmental Plan 1988 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Interpretation

Insert in appropriate order in the definition of *the map* in clause 6 (1):

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[2] Clause 48 Development of land in Zones Nos 2 (a), 2 (b) and 2 (c)

Insert after clause 48 (6):

- (7) Notwithstanding any of the above provisions, land to which clause 50 applies is excluded from the provisions of this clause.

[3] Clauses 50 and 51

Insert after clause 49:

50 Development of certain land in the Colebee Release Area

- (1) This clause applies to the land shown edged heavy black on the Colebee Release Area map.

- (2) In this clause:

Colebee Release Area map means the map marked “Blacktown Local Environmental Plan 1988 (Amendment No 193)”.

the Aboriginal Heritage Site means the area so identified on the Colebee Release Area map.

the riparian environmental corridor means the riparian zone along Eastern Creek or Bells Creek, the general extent of which is shown hatched on the Colebee Release Area map.

Note. The area marked “Aboriginal Heritage Site” shown edged heavy black on that map is covered by a voluntary conservation order.

- (3) The council must not consent to the carrying out of development for any purpose on the land to which this clause applies unless it is satisfied that appropriate arrangements have been made for the ongoing protection and management of the Aboriginal Heritage Site.
- (4) The council must refer any development application relating to an area directly adjacent to the Aboriginal Heritage Site to the NSW Department of Environment and Conservation for comment and must not consent to the carrying out of the development until:

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- (a) the council has received and considered advice with respect to the development application from the Department, or
 - (b) the council has been notified by the Department that it does not wish to provide any advice with respect to the development application, or
 - (c) 28 days have elapsed since a copy of the development application was referred to the Department for comment, whichever first occurs.
- (5) The council must not consent to the carrying out of development for any purpose (other than a golf course) on the land to which this clause applies unless it is satisfied that:
- (a) any facilities that are to be provided to serve the needs of the residents are located to ensure convenience of access and are to be provided at the earliest opportunity, and
 - (b) adequate provision has been or is to be made for pedestrian and bicycle access within the land and connecting to other land, and
 - (c) the proposed development of the land is capable of accommodating bus access and bus stops for the provision of public transport services throughout the development site, and
 - (d) satisfactory road connections to the external road network are in place, and
 - (e) the proposed development will not restrict the obtaining of extractive material from the adjoining extractive industry, and
 - (f) consistently with relevant NSW Department of Environment and Conservation policies and guidelines, the impacts of particulates, noise and odours associated with the adjoining extractive industry have been assessed and appropriate mitigation arrangements have been or are to be made.
- (6) The council must not consent to development for the purpose of a sewage treatment plant on the land to which this plan applies until, consistently with relevant NSW Department of Environment and Conservation policies and guidelines, an odour impact assessment has been undertaken demonstrating, in accordance with section 129 of the *Protection of the Environment Operations Act 1997*, that any offensive odour will not impact on any existing dwellings.

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- (7) The council must not consent to the subdivision of land to which this clause applies that is within 400 metres of a sewage treatment plant (or any associated effluent storage pond) until, consistently with relevant NSW Department of Environment and Conservation policies and guidelines, an odour impact assessment has been undertaken demonstrating, in accordance with section 129 of the *Protection of the Environment Operations Act 1997*, that any offensive odour will not impact on any dwellings erected on the subdivided land.
- (8) In addition to the purposes for which development on land within Zone No 2 (a) is permitted with the consent of the council, an area of land to which this clause applies that is not greater in total than 4 hectares may, with the consent of the council, be used for the following purposes:
- (a) a club related to a golf course located on land within Zone No 6 (b),
 - (b) access to the club from a public road,
 - (c) a connection between different parts of the golf course,
 - (d) tourist accommodation (up to a maximum of 150 rooms) associated with the golf course.
- (9) Prior to the commencement of operations of a golf course on land within Zone No 6 (b), the council must not consent to the carrying out of any other development on land within that Zone that is not associated with the golf course or the provision of utilities or services to adjoining land within Zone No 2 (a).
- (10) In deciding whether to consent to any development on land to which this clause applies that is within 40 metres of Eastern Creek or Bells Creek (when measured from the top of the bank of the creek), the council is to have regard to the following:
- (a) the nature and function of the riparian environmental corridors affected by the proposed development,
 - (b) the impact of the proposed development on the riparian environment,
 - (c) whether the area has high biological diversity, and
 - (d) whether the land has connective importance as part of the corridor of bushland that allows for the potential passage of species of flora or fauna between two or more areas of bushland.
- (11) Any incursion into the riparian environmental corridor along Eastern Creek related to development for the purposes of a golf course must not exceed a total area of 0.8 hectare.

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(12) This clause has effect despite any other provisions of this plan.

51 Restriction on certain subdivisions in Colebee Release Area

- (1) This clause applies to land to which clause 50 applies that is within a residential zone.
- (2) The council must not consent to the subdivision of land to which this clause applies that will create a lot with an area of less than 40 hectares unless:
 - (a) the Director-General has certified in writing to the council that satisfactory arrangements have been made for contributions to the provision of regional transport infrastructure and services in relation to the land comprising that lot, and
 - (b) the provisions of any agreement for those or any other contributions relating to the proposed development have been complied with.
- (3) The object of contributions referred to in subclause (2) (a) is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from intensive urban development of land to which this clause applies.
- (4) The reference in subclause (2) to a lot of less than 40 hectares does not include a reference to any such lot:
 - (a) that is identified in the certificate of the Director-General as a residue lot, or
 - (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities or any other public purpose.
- (5) This clause does not apply to a subdivision of land for the purpose of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to development to which this clause applies.
- (7) This clause has effect despite any other provisions of this plan.

BY AUTHORITY
