

BLACKTOWN CITY COUNCIL

GENERAL INFORMATION
ON
COMPLYING DEVELOPMENT

BLACKTOWN LOCAL ENVIRONMENTAL PLAN 1988
(AMENDMENT NO. 214)
under the
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

COMPLYING DEVELOPMENT is **routine development** which generally has minimal environmental impact and can be certified in its entirety, provided the plans and specifications comply with **each and every** development standard/criteria listed in Clause 9B and Schedule 7 (Complying Development Table) of the Blacktown Environmental Plan 1988 (BLEP 88).

A Complying Development Certificate (CDC) is essentially an "amalgamated" Development Consent and Construction Certificate. A CDC certifies that the design of a development proposal satisfies the relevant development standards/criteria.

There is no right of appeal against the determination of the application (s85(10) of the Act).

A CDC lapses after 5 years if the development is not physically commenced (s86A of the Act).

The proponent/enquirer should be satisfied that the proposed development complies with each of the applicable development standards/criteria listed in the attached copy of Clause 9B and Schedule 7 (Complying Development Table) of BLEP 88, otherwise a separate Development Consent and Construction Certificate are required for the development.

These Complying Development provisions were proclaimed in the NSW Government Gazette on 18 August 2006 and replace the former provisions.

Should further information be required, please contact the Blacktown City Information Centre on (02) 9839 6000.

BLACKTOWN LOCAL ENVIRONMENTAL PLAN 1988

COMPLYING DEVELOPMENT

Clause 9B. (1) Development specified in Schedule 7 is *complying development* if it is local development of a kind that can be carried out with consent on the land on which it is proposed and provided that it satisfies all of the applicable criteria, if any in that Schedule and the development:

- (a) complies with any deemed - to - satisfy provisions of the Building Code of Australia relevant to the development, and
- (b) does not result in a total roofed coverage of the land that exceeds 0.66:1, and
- (c) does not encroach upon any easement or right-of-way, and
- (d) is not on land that contains threatened species, threatened populations or endangered ecological communities or land that is subject to a recovery plan or threat abatement plan under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*, and
- (e) meets the requirements of the Sydney Water Corporation; including obtaining a certificate of compliance, if required, and
- (f) has had a BASIX Certificate issued in relation to it, if required, and
- (g) does not contravene any condition of a development consent applying to the land, and

Note: Section 76A (6) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) states the following development can not be complying development:

- (a) designated development;
- (b) any development, if consent for it requires the concurrence of a person (other than the consent authority or the Director-General of National Parks and Wildlife as referred to in section 79B (3) of the EP&A Act).

- (h) is not on land that is or contains an item of the environmental heritage listed in Schedule 2, and
- (i) is not on land that is:
 - (i) dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
 - (ii) dedicated or reserved under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
 - (iii) an Aboriginal place, or contains an Aboriginal relic, under the *National Parks and Wildlife Act 1974*, or
 - (iv) subject to an order under the *Heritage Act 1977*, or
 - (v) identified in an environmental planning instrument as a wetland, or within 20 metres of a wetland, or
 - (vi) an aquatic reserve declared under the *Fisheries Management Act 1994*, or
 - (vii) flood liable land, or

- (viii) identified as subject to local overland flooding under Blacktown Development Control Plan 1992, or
- (ix) steeper than 33% slope (to the horizontal) within any building footprint; or
- (x) within an area identified as being of high archaeological significance under Blacktown Development Control Plan 1992.
- (xi) identified as a known archaeological site under Blacktown Development Control Plan 1992, or
- (xii) contaminated, within the meaning of the *Contaminated Lands Management Act 1997*, or
- (xiii) subject to subsidence or slip, or
- (xiv) within 40 metres of a perennial watercourse identified by a 1:50,000 topographical map held by Land and Property Information NSW, or
- (xv) identified as a riverine scenic area under Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No 2 - 1997), or
- (xvi) within an area marked as clause 12(3) or clause 12(4) on the map, or
- (xvii) identified as bushfire prone on the Council's bushfire prone land map.

Note: Section 76A (6) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) says development cannot be complying development if it is carried out on land:

- (a) that is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) that is within a wilderness area (within the meaning of the *Wilderness Act 1997*), or
- (c) that comprises, or on which there is, an item of the environmental heritage to which an order under the *Heritage Act 1977* applies or that is identified as such an item in an environmental planning instrument, or
- (d) that is identified as an environmentally sensitive area in the environmental planning instrument providing for the complying development.

(2) A complying development certificate issued for any such development (other than development for the purpose of a bed and breakfast establishment) must include those conditions specified in Schedule 8 that are applicable to that particular type of development the subject of the certificate.

Note: Complying development identified in Schedule 7 to this Plan does not affect any other requirement for approval or authorisation required under another Act. If any of the applicable criteria for the relevant complying development as listed above and in Schedules 7 and 8 cannot be met then that development may only be carried out with the consent of the Council.

SCHEDULE 7

(Clause.9B)

COMPLYING DEVELOPMENT

Type of Development		Criteria
1	<p>Awning or carport (freestanding or attached to another building)</p>	<ul style="list-style-type: none"> (a) Within a Residential or Rural zone. (b) Ancillary to an existing dwelling. (c) Minimum land area 450m². (d) Maximum overall height 2.7m above adjacent ground level. (e) Maximum floor area 40m². (f) Minimum building line to the front boundary of 6m in a Residential zone or 18m in a Rural zone. (g) Minimum building line to any secondary road boundary 3m in a Residential zone or 6m in a Rural zone. (h) Each part of the structure being a minimum 900mm from any side or rear property boundary. (i) Roofwater drains to street or interallotment drainage system or other existing effective drainage system. (j) Maximum roof span 3.5m where relying on another roof structure for support. (k) Any vehicular crossing of the footway is located at least 2m clear of any stormwater gully pit and clear of any other utility surface infrastructure located within the road reserve. (l) Any vehicular crossing of the footway is not located within 6m of the tangent of the kerb/road shoulder return on a corner allotment. (m) Any vehicular driveway (whether constructed or not) has minimum width of 2.5m and the gradient complies with clause 3.5 of AS 2890.1 - 1993, <i>Parking facilities, Part 1: Off-street carparking</i> between the road reserve and the finished floor level of any carport. (n) Does not apply to an area previously approved as, or required for, private

Type of Development		Criteria
		open space.
2	Bed and breakfast establishment	<ul style="list-style-type: none"> (a) Within a Residential or Rural zone. (b) In an existing approved dwelling-house occupied by the permanent residents. (c) Maximum 3 guest bedrooms. (d) Maximum 6 guests. (e) No guest accommodation to include kitchen facilities. (f) Not to involve extension, alteration or enlargement of existing dwelling-house. (g) Smoke detection/alarm system which complies with the <i>Building Code of Australia</i> is installed. (h) Maximum of 1 business identification sign. (i) A suitable fire extinguisher and fire blanket are provided in the kitchen. (j) Provision of 1 off-street parking space per guest bedroom, for each additional guest bedroom exceeding 1. (k) Any vehicular crossing of the footway is located at least 2m clear of any stormwater gully pit and clear of any other utility surface infrastructure. (l) Any vehicular crossing of the footway is not located within 6m of the tangent of the kerb return on a corner allotment.
3	Dwelling-house addition (single storey extension), including a habitable screened enclosure	<ul style="list-style-type: none"> (a) Within Zone No. 2(a) Residential. (b) Sewered. (c) Floor level maximum 1.2m above adjacent ground level at any point. (d) Minimum land area 450m². (e) Minimum building line of 6m to the front boundary. (f) Minimum building line of 3m to any secondary road boundary. (g) Maximum ceiling height of 2.7m and maximum 30° roof pitch (in the case of a level ceiling) or 4m (in the case of a raked/cathedral ceiling). (h) External walls and/or supporting structure setback a minimum 900mm from any side and rear property boundary.

Type of Development		Criteria
		<ul style="list-style-type: none"> (i) Any part of any roof guttering, eave or other roof projection be setback a minimum 675mm from any side and rear property boundary. (j) Roofwater drains to street or interallotment drainage system or other existing effective drainage system. (k) Maximum site excavation/cut and/or fill of 500mm, which is structurally retained and drained. (l) Where a garage or carport is not existing or incorporated in the proposed development, provision for 1 car parking space of 3m x 6m behind the building line setback/s which is accessible by a motor vehicle. (m) External materials to compliment the existing dwelling house. (n) Any vehicular crossing of the footway is located a minimum 2m clear of any stormwater gully pit and clear of any other utility surface infrastructure within the road reserve. (o) Any vehicular crossing of the footway is not located within 6m of the tangent of the kerb/road shoulder return on a corner allotment. (p) The minimum width of any vehicular driveway (whether constructed or not) is 2.5m and the gradient complies with clause 3.5 of AS 2890.1 - 1993, <i>Parking facilities, Part 1: Off-street carparking</i> between the road reserve and the finished floor level of any garage, carport or car parking space.
4	Dwelling-house (single storey), including attached carports and garages	<ul style="list-style-type: none"> (b) Within Zone No. 2(a) Residential. (b) Sewered. (c) Floor level maximum 1.2m above adjacent natural ground level at any point. (d) Minimum lot area 450m². (e) Minimum building line of 6m to the front boundary. (f) Minimum building line of 3m to any secondary road boundary.

	Type of Development	Criteria
		<p>(g) Maximum ceiling height of 2.7m and maximum 30° roof pitch (in the case of a level ceiling) or 4m (in the case of a raked/cathedral ceiling).</p> <p>(h) External walls setback a minimum 900mm from any side or rear property boundary.</p> <p>(i) Any part of any roof guttering, eave or other roof projection be setback a minimum 675mm from any side and rear property boundary.</p> <p>(j) Roofwater drains to street or interallotment drainage system or other existing effective drainage system.</p> <p>(k) Maximum site excavation/cut and/or fill of 500mm, which is structurally retained and drained.</p> <p>(l) Where a garage or carport is not incorporated in the proposed development, provision for 1 car parking space of 3m x 6m behind the building line setback/s which is accessible by a motor vehicle.</p> <p>(m) Any vehicular crossing of the footway is located at least 2m clear of any stormwater gully pit and clear of any other utility surface infrastructure.</p> <p>(n) Any vehicular crossing of the footway not to be located within 6m of the tangent of the kerb/road shoulder return on a corner allotment.</p> <p>(o) The minimum width of any vehicular driveway (whether constructed or not) is 2.5m and the gradient complies with clause 3.5 of AS 2890.1 - 1993, <i>Parking facilities, Part 1: Off-street carparking</i> between the road reserve and the finished floor level of any garage, carport or car parking space.</p>

Type of Development		Criteria
5	Fire Alarm conversion	<ul style="list-style-type: none"> (a) Consists of internal alterations to a building. (b) May include the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.
6	Garage or shed (freestanding or attached to another building)	<ul style="list-style-type: none"> (a) Within a Residential or Rural zone. (b) Does not apply to an area previously approved as, or required for, private open space. (c) Minimum land area 450m². (d) Maximum overall height 3m above adjacent ground level. (e) Maximum floor area 40m² in a Residential zone or maximum 100m² in a Rural zone. (f) Minimum building line to the front boundary of 6m in a Residential zone or 18m in a Rural zone. (g) Minimum building line to any secondary road boundary of 3m in a Residential zone or 6m in a Rural zone. (h) In a Residential zone, each part of the structure being a minimum 900mm from side and rear property boundary. (i) In a Rural zone, each part of the structure being a minimum 3m from any side or rear property boundary. (j) Roofwater drains to street or interallotment drainage system or other existing effective drainage system. (k) Maximum site excavation/cut and/or fill of 500mm, which is structurally retained and drained. (l) Any vehicular crossing of the footway is located at least 2m clear of any stormwater gully pit and clear of any other utility surface infrastructure located within the road reserve. (m) Any vehicular crossing of the footway is not located within 6m of the tangent of the kerb/road shoulder return on a corner allotment.

Type of Development		Criteria
		(m) Any vehicular driveway (whether constructed or not) has a minimum width of 2.5m and the gradient complies with clause 3.5 of AS 2890.1 - 1993, <i>Parking facilities</i> , Part 1: <i>Off-street carparking</i> between the road reserve and the finished floor level of any garage.
7	Internal alteration to a shop or commercial premises	<ul style="list-style-type: none"> (a) Within a Business zone. (b) Complies with the construction requirements of the council's <i>Code for Food Premises</i>, where relevant. (c) No increase in floor area. (d) Does not apply to food shops, except those where only pre-packaged food is sold.
8	Screened weather-protected enclosure (non-habitable)	<ul style="list-style-type: none"> (a) Within a Residential or Rural zone. (b) Minimum land area 450m². (c) Maximum floor area 20m². (d) Minimum building line to the front boundary of 6m in Residential zones or 18m in Rural zones. (e) Minimum building line to any secondary road boundary of 3m in Residential zones or 6m in Rural zones. (f) Roofwater drains to street or interallotment drainage system or other existing effective drainage system. (g) Maximum site excavation/cut and/or fill of 500mm, which is structurally retained and drained. (h) Any opening between the dwelling house and enclosure is fitted with a solid door or window. (i) Maximum length of 4m of one wall may be of solid construction. (j) Minimum 50% of the surface area of each remaining wall is unenclosed or consists of translucent or transparent material. (k) Maximum overall height 2.7m above adjacent ground level. (l) Each part of the structure setback a

Type of Development		Criteria
		minimum 900mm from any side or rear property boundary.
9	Swimming pool	<ul style="list-style-type: none"> (a) Ancillary to existing approved dwelling and for private and non-commercial use only. (b) Minimum land area 450m². (c) Located behind the existing dwelling setback from any road. (d) Water line setback minimum 1.5m from side and rear boundaries and any structure on the land. (e) Floor level of any coping is maximum 500mm above adjacent ground level. (f) Maximum site excavation/cut and/or fill of 500mm, which is structurally retained and drained. (g) All adjacent paved areas to be graded and drained away from any adjoining property. (h) Pumps, filtration and other equipment to be located so as to comply with the noise requirements of the <i>Protection of the Environment Operations Act 1997</i>. (i) Complies with the <i>Swimming Pools Act 1992</i>, the <i>Swimming Pools Regulation 1998</i> and any applicable Australian Standard. (j) An exemption under section 22 of the <i>Swimming Pools Act 1992</i> has been granted in respect of any window, door or similar opening in any wall of any residential building wall relied upon as part of a child-resistant barrier. (k) Any existing or proposed child resistant barrier fencing complies with the <i>Swimming Pools Act 1992</i>, the regulations under that Act and any applicable Australian Standard.
10	Swimming pool decking	<ul style="list-style-type: none"> (a) Located behind the existing dwelling setback from any road. (b) Located a minimum 900mm from the child-resistant barrier (including dividing/boundary fences) which complies with the <i>Swimming Pools Act</i>

Type of Development		Criteria
		<p><i>1992.</i></p> <ul style="list-style-type: none"> (c) Not roofed. (d) Maximum area 10m² (aggregate). (e) Floor level maximum 500mm above adjacent ground level.