

NOTIFICATION OF DEVELOPMENT APPLICATIONS



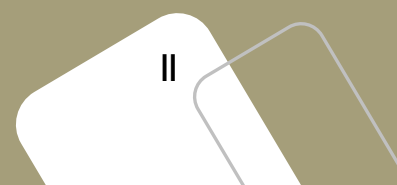
1.0 INTRODUCTION	1
1.1 Scope	1
1.2 Purpose	1
1.3 Definitions	1
2.0 APPLICATION OF THIS SECTION	3
2.1 Persons to be Notified	3
2.2 Matters to be Considered in Forming an Opinion that Enjoyment of Land may be Detrimentially Affected	3
2.3 Forming an Opinion under Clause 2.2	3
2.4 Other Referrals	4
2.5 Notice to be given to Amended Applications	4
2.6 Notice to be given for Applications for Modified Approvals	4
2.7 Applications which will not be Notified	4
2.8 2 Storey Dwelling-Houses within the Stanhope Gardens Area	5
3.0 FORM OF NOTICE	6
3.1 Information to be included in Written Notice and Notification Plan	6
3.2 Other Types of Notification	6
4.0 SUBMISSIONS	7
4.1 Period during which a Person may Inspect a Plan Relating to an Application and make Submissions	7
4.2 Form of Submissions from Persons Notified and the General Public	7
4.3 Considerations of Submissions	7
4.4 Notification of Determination	7

ATTACHMENTS

	PAGE
Attachment 1 Neighbourhood Notification Matrix	8
Attachment 2 Criteria for 2 Storey Dwelling Houses within the Stanhope Gardens Area	10
Attachment 3 Location of land where notification may not be required for 2 Storey Dwelling House Development Applications	11

Amendments to Part K – Notification of Development Applications
(as of 2 July 2008)

Amendment No.	Location	Description	Adoption Date	Enforcement Date



1.0 INTRODUCTION

1.1 Scope

This Part of Blacktown Development Control Plan (DCP) 2006 has been prepared and adopted in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979*.

This Part relates to development that may be carried out only with development consent.

Examples include:

- (a) development Applications for approval to erect a building;
- (b) amendments to an undetermined Application to erect a building;
- (c) certain Development Applications involving the use of a building or another specified work; and
- (d) modifications to Development Approvals.

1.2 Purpose

This Part has been prepared to:

- (a) provide for public participation in the development assessment processes where it is considered that the proposed activity may have detrimental effect upon the enjoyment of other property;
- (b) set out the matters for which the Council will have regard when forming its opinion as to whether or not the enjoyment of adjoining land may be detrimentally affected by a proposed development;
- (c) set out the criteria for notifying potentially affected persons;
- (d) specify the circumstances when notification is not required; and
- (e) detail the form that notification will take and an applicant's responsibility to provide a notification plan.

1.3 Definitions

adjoining land means land which abuts an application site or is separated from it only by a pathway, driveway or similar thoroughfare.

affected person means a person who owns or occupies *adjoining land* or *neighbouring land* the enjoyment of which may be detrimentally affected by a proposed development; or

application site means the parcel of land to which a Development Application relates.

building includes any building, part of a building and any structure or part of a structure.



Development Application means an application for consent under Division 1 of Part 4 of the *Environmental Planning and Assessment Act 1979* to carry out development.

neighbouring land means any land, other than adjoining land, which is nearby a development site (and may include land in a neighbouring local Council area).

notification plan means the plan showing the height and external configuration of buildings which accompanies a Development Application and includes such detail as described in Section 3.0.

land includes any building or part of a building erected on the land.

owner means:

- (a) The person or persons who appear on Council's computer records to be the owner of the land at the date of notification.
- (b) In the case of land that is the subject of a strata scheme under the *Strata Titles Act 1973*, or a leasehold strata scheme under the *Strata Titles (Leasehold) Act 1986*, the Owners' Corporation.
- (c) In the case of land that is a community, precinct or neighbourhood parcel within the meaning of the *Community Land Development Act 1989*, the Association for the parcel



2.0 APPLICATION OF THIS SECTION

2.1 Persons to be Notified

Written notice of a Development Application will be sent to those persons who appear to the Council's assessing officer to own or occupy adjoining land and neighbouring land if, in the Council's assessing officer's opinion, the enjoyment of that land may be detrimentally affected by the development proposal. This could include land opposite or otherwise distanced from the application site.

Where adjoining or neighbouring land comprises a strata titled or community titled development Council may notify, in addition to the relevant Owners' Corporation or Association, those individual owners/occupiers of land within the complex, which may, in Council's assessing officer's opinion, be detrimentally affected by the development proposal.

2.2 Matters to be considered in Forming an Opinion that Enjoyment of Land may be Detrimentially Affected

Council will give notice of an application to affected persons where, in its opinion, the enjoyment of land may be detrimentally affected by or in relation to:

- (a) the views to and the view from the land;
- (b) overshadowing;
- (c) privacy;
- (d) noise, odour or any other potential polluting emission;
- (e) the visual quality of the development in relation to the streetscape;
- (f) the scale or bulk of the proposed development;
- (g) the siting of the proposed development in relation to site boundaries;
- (h) the proposed hours of use for the development;
- (i) light spillage or reflection;
- (j) means of access to or provision of parking on the proposed development site;
- (k) the amount of traffic likely to be generated by the proposed development;
- (l) drainage; and
- (m) the social and economic impacts of the proposal.

2.3 Forming an Opinion under Clause 2.2

Upon the lodgement of a Development Application, Council's assessing officer will determine who may be detrimentally affected in terms of the matters to be considered.

2

APPLICATION OF THIS SECTION

The Council may also broaden the extent of notification following any inspection of the development site.

2.4 Other Referrals

Certain Development Applications will attract a need for notification of other government authorities and the seeking of their comments. This notification shall occur at the discretion of Council's assessing officer.

2.5 Notice to be given to Amended Applications

An applicant may make an amendment to an application at any time prior to the determination of the application. Council will re-notify amendments which either alter the external configuration or siting of a development and which, in Council's opinion, cause a greater or more serious impact on any affected person.

2.6 Notice to be given for Applications for Modified Approvals

An applicant may lodge an application to modify an approval (under Section 96 of the *Environmental Planning and Assessment Amendment Act 1979*) if Council is satisfied that the development as proposed to be modified remains substantially the same development as that originally approved.

Council will re-notify those affected persons who were notified of the original application and any other affected person, inviting comment on the amendments.

Submissions received in relation to the modified proposal will be considered in the Council's assessment of the application.

2.7 Applications which will not be Notified

Notification is not required where, in the opinion of Council's assessing officer, the enjoyment of land will not be detrimentally affected in terms of the matters listed under Clause 2.2 (page 3) of this Part of the DCP.

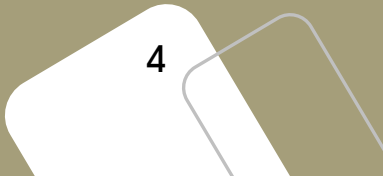
Notification will not be made of a Development Application if:

- (a) it is exempt or complying development as set out in Clause 9 of Blacktown Local Environmental Plan (LEP) 1988.

Examples of Development Applications which do not require notification include:-

- (a) strata subdivision proposals;
- (b) subdivisions involving adjustments to property boundaries;
- (c) land subdivisions except where they depart in a significant way from Council's adopted DCP road pattern and where the development expectations of adjoining land are affected;
- (d) uses of buildings, except at Council's discretion;

2
APPLICATION OF
THIS SECTION

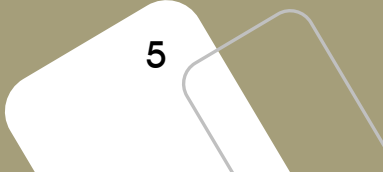


- (e) single rural dwellings on properties with an area greater than 4000sq.m, where the proposed dwelling is located a minimum of 20m from the boundaries of the site; and
- (f) single residential dwellings within the 2(a) Residential zone.

2.8 2 Storey Dwelling-Houses within the Stanhope Gardens Area

Notification is not required for 2 storey dwelling-houses within Neighbourhood 1 - Stage 1 of the Stanhope Gardens area, as indicated on the map at [Attachment 3](#) (see Part J Stanhope Gardens of the DCP for further details), where all the criteria specified at [Attachment 2](#) are met.

2
APPLICATION OF
THIS SECTION



3.0 FORM OF NOTICE

3.1 Information to be included in Written Notice and Notification Plan

The written notice to be forwarded by Council to any affected person shall contain the following information:

- (a) a description and address of the site;
- (b) the proposed use of any building;
- (c) the name of the applicant;
- (d) the time period within which written submissions are to be made; and
- (e) a notification plan.

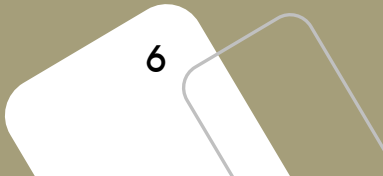
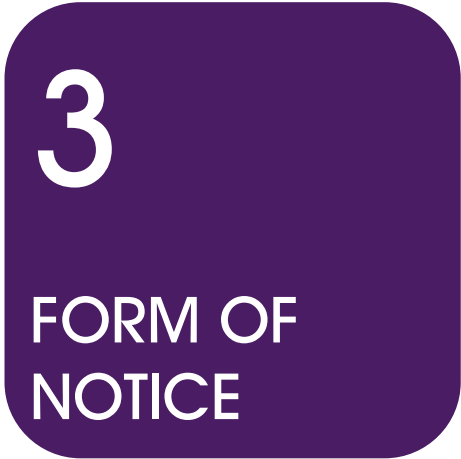
For the purposes of this Clause, the notification plan shall:

- (i) be provided on an A4 or A3 size sheet;
- (ii) be of a scale which will clearly delineate the features of any proposed building;
- (iii) show the height and external configuration of any proposed building in relation to the site on which it is proposed to be erected;
- (iv) include a site plan showing the relationship of any proposed building to the boundaries of any allotment;
- (v) clearly define any new building or additions to existing buildings by appropriate means of cross hatching; and
- (vi) be appropriately dimensioned to indicate size, height and position of any proposed building in relation to the site.

3.2 Other Types of Notification

Further to the written notification required in Clause 2.0 above and in addition to the form of notification that may be legally specified in certain circumstances, Council also requires that other types of development, as listed in Attachment 1, be advertised in a local newspaper.

Attachment 1 specifies in part, the minimum advertising period required for particular development types.



4.0 SUBMISSIONS

4.1 Period during which a Person may inspect a Plan Relating to an Application and make Submissions

A person may inspect a plan and make a submission within a period of fourteen (14) days from the commencement of the notification.

A copy of the notification plan will be available for inspection at the Council's Administration Centre during the notification period.

All submissions must be received by Council within the fourteen (14) day period.

4.2 Form of Submissions from Persons Notified and the General Public

Submissions made in respect of applications must be in writing and addressed to the General Manager.

Submissions must clearly indicate the name and address of the person making the submission and details of the proposal to which the submission relates.

Should an objection be part of the submission, the reasons for the objection are to be provided.

4.3 Considerations of Submissions

Council will consider all submissions received within the specified time period before determining a Development Application.

Council is not bound to adopt or support any objection that may be made in response to its notification of potentially affected persons in its determination of an application. Each application will be assessed on its merits.

As Council is keen to ensure that all Development Applications are processed in a timely manner it is imperative that all submissions be lodged with and received by Council within the notification period.

4.4 Notification of Determination

Each person who made a submission will be informed of the final decision in determining an application. In addition, all determined Development Applications - Planning shall be notified in the local press pursuant to Section 104A of the *Environmental Planning and Assessment Act 1979*.

Attachments:

1. Neighbour Notification matrix.
2. Criteria for 2 storey dwelling-houses within Stanhope Gardens DCP Area.
3. Location of land where notification may not be required for 2 storey dwelling-house Development Applications.

4

SUBMISSIONS

ATTACHMENT 1

Category	Development Type	Adjoining Land	Neighbouring Land	Local Newspaper	Public Authority	Notification Period
RESIDENTIAL	Carport	✓	✗	✗		14
	Detached Dwelling	*	✗	✗		14
	Dual Occupancy	✓	✓	✗		14
	Medium Density	✓	✓	*		14
	Residential Flat Building	✓	✓	✓		14
	SEPP 5 Development	✓	✓	✓		14
	Non-Residential Uses (Minor)	✓	*	✗		14
	Non-Residential Uses (Significant)	✓	✓	✓		14
COMMERCIAL	New building	✓	*	✗		14
	Additions/Alterations	✓	*	✗		14
	Change of Use/Internal Alterations	✗	✗	✗		✗
INDUSTRIAL	New Building	✓	*	✗		14
	Additions/Alterations	✓	*	✗		14
	Change of Use/Internal Alterations	✗	✗	✗		✗
	Potentially Offensive or Hazardous Industries	✓	✓	✓		14
SUBDIVISION	Subdivision where no departure from DCP	✗	✗	✗		✗
	Subdivision where a non-minor departure from DCP or where expectations of adjoining land is affected	✓	*	✗		14
	Strata Subdivision	✗	✗	✗		✗
	Community Subdivision	✗	✗	✗		✗
* Application only notified in the Local Newspaper where 10 or more dwellings are proposed as part of the medium density development.						
	Boundary Subdivision	✗	✗	✗		✗
	Rural Lands Subdivision	✓	*	✗		14

Category	Development Type	Adjoining Land	Neighbouring Land	Local Newspaper	Public Authority	Notification Period
RURAL	Plant Nursery	✓	*	✗		14
	Recreation Area	✓	✓	✗		14
	Storage yard	✓	*	✗		14
	Timber yard	✓	*	✗		14
OTHER	Major Modification to Development Consent*	✓	*	✗		14
	Demolition	✓	*	✗		14
	Designated Development	✓	✓	✓	*	Min 30 days after 1 st day of notice
	Applications involving items of Environmental Heritage	✓	✓	✓	*	14 days
	Local Environmental Plan	✓	✓	✓	*	28 days
	Development Control Plan	✓	✓	✓	*	28 days
	Section 94 Plans	✓	✓	✓	*	28 days

An Application for a major modification to Development Consent is also to be notified to persons previously notified at the initial Development Application stage.

LEGEND

- ✓ Requires Notification
- ✗ Doesn't Require Notification
- * At Officer's Discretion whether to Notify

ATTACHMENT 2

Criteria for 2 storey dwelling-houses within Stanhope Gardens DCP Area

1. Within Stanhope Gardens DCP (Amendment No. 44 to Blacktown DCP 1992 now 2006) area, Neighbourhood 1 - Stage 1, as shown at Attachment 3, excluding fringe Lots adjacent to other Deposited Plans.
2. Within Zone No. 2(a).
3. May include carports and garages, either attached or detached.
4. Sewered and provided with services as per Section 73 of the *Sydney Water Act 1994*.
5. On lots with a minimum area of 300sq.m.
6. Has a minimum building line of 4.5m to the front boundary from habitable room external walls, with a minimum setback of 5.5m to any external garage wall.
7. On corner lots the minimum setback from the property boundary to the secondary frontage is 2m to collector streets and 1m for all other streets.
8. The building envelope achieves a minimum score of 3.5 stars on the Energy Smart scorecard or NatHERS, or alternatively, satisfies Clause 3(a)(ii) of Council's Energy Smart Homes Interim Policy (as in force on 16 November 1999).
9. Maximum ceiling height of 2.7m on the ground and first floors (in case of a level ceiling) or 4m (in the case of a raked/cathedral ceiling).
10. External walls setback a minimum of 900mm from side and rear boundaries, with a minimum setback of 1.2m to zero-lot boundaries.
11. Any part of any roof guttering, eave or other roof projection be setback a minimum 675mm from side and rear boundaries.
12. Stormwater drains to street or interallotment drainage system.
13. Has a principal private sunny open space area of 25sq.m, with one part of this area to be capable of containing a rectangle of 3m x 6m which is accessible from the dwelling.
14. Maximum site cut and fill of 900mm, which is structurally retained and drained and not steeper than 1 vertical:8 horizontal.
15. Provision on site for 1 covered car parking space of 3m x 6m behind the building line setback/s.
16. Any vehicular crossing of the footway located at least 1m clear of any stormwater gully pit and clear of any other utility surface infrastructure.
17. Any vehicular crossing of the footway not be located within 6m of the tangent of the kerb return on a corner allotment.
18. The gradient of any vehicular driveway (whether constructed or not), between the road reserve and the car parking space or finished floor level of any proposed garage or carport, complies with Clause 3.5 of Australian Standard 2890.1 - 1993.
19. No second floor balconies or living area windows to overlook habitable room windows or private open space areas of adjoining properties or to be located within 9m of an adjoining private courtyard.
20. External finishes and colours as per the agreed brochures/samples to be provided with the Development Application.
21. Submission of a waste management plan that addresses the relevant provisions of Part O (Site Waste Management and Minimisation) of Blacktown DCP 2006.
22. May include 3 storey feature on corner allotments to a maximum height of 10m measured from the finished ground level to the ridge line where the design of the building does not interfere with the amenity of adjoining land.

