



New South Wales

Blacktown Local Environmental Plan 1988 (Amendment No 214)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P02/00115/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 465

Clause 1 Blacktown Local Environmental Plan 1988 (Amendment No 214)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 214)*.

2 Aim of plan

The aim of this plan is to revise the provisions of *Blacktown Local Environmental Plan 1988* that relate to exempt and complying development and advertising.

3 Land to which plan applies

This plan applies to all land to which *Blacktown Local Environmental Plan 1988* applies.

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 alphabetical order in clause 6 (1):

flood liable land means land which would be inundated as a result of a flood having an annual exceedence probability of 1% as determined in any study adopted by the council.

local overland flooding means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

virgin excavated natural material or *VENM* means natural material (such as clay, gravel, sand, soil and rock) that:

- (a) is not mixed with any other type of waste, and
- (b) has been excavated from areas of land that are not contaminated.

[2] Clause 9 Zone objectives and development control table

Omit “Agriculture (other than intensive lot feeding of livestock)” wherever occurring in item 2 of the matter relating to Zone No 1 (a) and Zone No 1 (b) in the Table to the clause.

Insert instead “Nil”.

[3] Clause 9, Table

Omit “Advertisements (other than advertisements identified as exempt development in Schedule 6); amusement centres;” from item 4 of the matter relating to Zone No 1 (a).

Insert instead “Amusement centres;”.

[4] Clause 9, Table

Omit “Advertisements (other than advertisements identified as exempt development in Schedule 6); drains;” from item 3 of the matter relating to Zone No 5 (b).

Insert instead “Drains;”.

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[5] Clauses 9A and 9B

Omit the clauses. Insert instead:

9A Exempt development

Development specified in Schedule 6 is *exempt development* provided 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 involve the removal, lopping, topping or ringbarking of a tree, and
- (d) does not encroach upon any easement or right-of-way, and
- (e) is carried out at least 1 metre from any easement or public sewer main and complies with the building over sewer requirements of Sydney Water Corporation applying to the land, and
- (f) meets the requirements of the Sydney Water Corporation, including obtaining a certificate of compliance if required, and
- (g) 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
- (h) does not contravene any condition of a development consent applying to the land, and
- (i) is not on land that is or contains an item of the environmental heritage listed in Schedule 2, and
- (j) 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

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- (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*, or
 - (xi) identified as a known archaeological site under *Blacktown Development Control Plan 1992*, or
 - (xii) contaminated, within the meaning of the *Contaminated Land 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 topographic 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) identified as bushfire prone on the council's bushfire prone land map.

Note. Section 76 (3) of the *Environmental Planning and Assessment Act 1979* states that exempt development cannot be carried out on land that is:

- (a) critical habitat (within the meaning of the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) within a wilderness area (within the meaning of the *Wilderness Act 1987*).

Exempt development identified in Schedule 6 to this plan may be carried out without development consent and without any environmental assessment under the *Environmental Planning and Assessment Act 1979*. The plan does not affect any other requirement for approval or authorisation required under another Act. If any of the applicable criteria for exempt development as listed above and in Schedule 6 cannot be met then that development may only be carried out with the consent of the council.

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9B Complying development

- (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* 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 *Environmental Planning and Assessment Act 1979*).
- (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

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- (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*, or
 - (xi) identified as a known archaeological site under *Blacktown Development Control Plan 1992*, or
 - (xii) contaminated, within the meaning of the *Contaminated Land 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 topographic 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* states 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

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- (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.

[6] Clause 37

Omit the clause. Insert instead:

37 Advertisements

- (1) The objectives of this clause are:
 - (a) to provide for the placement of outdoor advertisements on land in a manner and style that is directly related to and is compatible with the purpose for which the land is zoned, and
 - (b) to provide for signage that is complementary in scale, form and location with its surroundings, and
 - (c) to ensure that outdoor advertising does not detract from the safety, efficiency, appearance or amenity of the streetscape.
- (2) Before granting consent to development relating to an advertisement:
 - (a) the council must consider both the objectives of this clause and the relevant zone objectives, and
 - (b) the council must be satisfied that the applicant can demonstrate the following:
 - (i) the advertisement relates to a use of the land on which it is to be situated,
 - (ii) the advertisement will not detract from the amenity of the local environment because of its appearance, size, design, illumination or location, or as a result of the number and location of advertisements within the vicinity,

- (iii) the size and likely impact of the advertisement is compatible with the size and design of the premises on which the advertisement is to be constructed and with the size and design of the surrounding buildings,
 - (iv) the advertisement will not detract from any items of scenic, historic, architectural, scientific or cultural interest,
 - (v) appropriate setbacks, clearances and structural features are incorporated into the proposal to ensure safe pedestrian and vehicular traffic circulation,
 - (vi) the advertisement is not a flashing or moving sign.
- (3) This clause does not apply to development for the purpose of advertisements that is exempt development.

[7] Schedule 1

Omit “Advertisements (other than advertisements identified as exempt development in Schedule 6)”.

[8] Schedules 6–8

Omit the Schedules. Insert instead:

Schedule 6 Exempt development

(Clause 9A)

| Item | Type of development | Criteria |
|-------------|----------------------------|---|
| 1 | Access ramp | <ul style="list-style-type: none"> (a) Applies only to a Class 1 or private Class 10 building. (b) Maximum overall height 1m. (c) Maximum grade 1 (vertical): 8 (horizontal). (d) Located within the property boundaries. |

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| Item | Type of development | Criteria |
|-------------|---|--|
| 2 | Advertisement | <p><u>General provisions that are applicable to each advertisement including a street sign, directional sign or traffic management sign:</u></p> <ul style="list-style-type: none">(a) Does not cover, obstruct or interfere with facilities essential to the function or occupation of any building (eg ventilation ducts/openings and architectural features).(b) Does not incorporate flashing or moving components.(c) Each element incorporated in the advertisement is structurally adequate. |
| | 2.1 Awning or under awning sign (illuminated and non-illuminated) | <ul style="list-style-type: none">(a) Within a Business or Industrial zone.(b) One per premises.(c) Securely attached to the awning.(d) Maximum area 2m².(e) Under awning sign minimum height 2.6m above any footway.(f) Minimum horizontal distance 600mm from the road kerb/shoulder.(g) Minimum horizontal distance 3m from any other awning sign or under awning sign. |
| | 2.2 Business identification sign | <ul style="list-style-type: none">(a) Within a Residential, Rural or Special Uses zone.(b) Limited to a flush or painted wall sign and pole or pylon sign.(c) One per premises.(d) Maximum area 1m².(e) Located within the property boundaries.(f) Not directly illuminated by either an external or internal light source.(g) Maximum overall height 2m above any adjacent ground level. |

| Item | Type of development | Criteria |
|------|--|--|
| | 2.3 Development advisory sign and real estate sign | <ul style="list-style-type: none"> (a) Limited to a flush or painted wall sign and pole or pylon sign. (b) One per road frontage. (c) Maximum area 2.5m² in a Residential, Rural, Special Uses or Open Space zone and maximum area 4m² in a Business or an Industrial zone. (d) Does not obstruct pedestrian or road traffic vision or otherwise interfere with public safety. (e) Not erected or placed in, on, or above any public place. (f) Maximum overall height 2m in a Residential, Rural, Special Uses or Open Space zone and maximum overall height 3m in a Business or Industrial zone. (g) Not directly illuminated by either an external or internal light source where within a Residential, Rural, Special Uses or Open Space zone. (h) A development advisory sign relates to a property with an approved Development Application. (i) A development advisory sign must be removed within 10 days from completion of the development. |
| | 2.4 Fascia sign | <ul style="list-style-type: none"> (a) Within a Business or Industrial zone. (b) Not to project above or below the fascia or return end of the awning to which it is attached. |

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|------|---|---|
| 2.5 | Fin or projecting wall sign (illuminated and non-illuminated) | <ul style="list-style-type: none">(a) Within a Business or Industrial zone.(b) One per premises.(c) Securely attached to wall.(d) Maximum area 2.5m².(e) Minimum height 2.6m above any footway.(f) Minimum horizontal distance 600mm from the road kerb/shoulder.(g) Not to extend above the top of the wall to which it is attached. |
| 2.6 | Flush or painted wall sign | <ul style="list-style-type: none">(a) Within a Business or Industrial zone.(b) One per premises.(c) Securely attached to wall.(d) Minimum height 2.6m above any footway.(e) Maximum area 2.5m². |
| 2.7 | School sign | <ul style="list-style-type: none">(a) Within a school zone or on land used for a primary or secondary education purpose approved by the council.(b) Maximum area 1m² per sign.(c) Minimum distance 3.5m from any other sign.(d) Maximum overall height 1.5m above adjacent ground level.(e) Maximum of 6 signs per road frontage.(f) Not directly illuminated by any external or internal light source. |
| 2.8 | Temporary sign (such as a banner, notice board or the like) | <ul style="list-style-type: none">(a) Not erected or placed in, on or above any public place.(b) Maximum 1 per property.(c) Maximum area 4m². |
| 2.9 | Top hamper sign | <ul style="list-style-type: none">(a) Within a Business or Industrial zone only.(b) Securely attached to the wall transom.(c) Maximum area 2.5m².(d) Maximum height 500mm above the top of the door opening. |

| Item | Type of development | Criteria |
|------|--|---|
| | 2.10 Window sign | (a) Within a Business or Industrial zone. (b) Maximum aggregate area of signs on a window is 20% of the window area. |
| 3 | Air conditioning unit | (a) Applies only to a Class 1 or Class 10 building within a Residential or Rural zone. (b) Any openings in external walls to be adequately waterproofed. (c) Structural integrity of building not adversely affected. (d) Compliance with noise control requirements of the <i>Protection of the Environment Operations Act 1997</i> . |
| 4 | Amenities building, constructed by or for the council (including change room, toilet, kiosk, and other like facilities) | (a) Maximum area 100m ² . (b) Maximum overall height 3m above adjacent ground level. (c) Compliance with any relevant Australian Standard. (d) Located on land zoned 6 (a) Public Recreation or 5 (a) Special Uses—General Zone where drainage is the use indicated. (e) Located minimum 20m from any residential land. (f) Any roofwater drains to a street or interallotment drainage system or other existing approved stormwater drainage system. (g) Does not include a grandstand. |

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| Item | Type of development | Criteria |
|------|---|--|
| 5 | Animal enclosure | <ul style="list-style-type: none">(a) Maximum area 5m² (aggregate).(b) Maximum overall height 2.5m above adjacent ground level.(c) Located minimum 6m from any adjacent dwelling, shop, factory, school or place of public worship.(d) Located a minimum of 20m from any property boundary adjoining a public place or behind any existing authorised building setback (whichever is the lesser) and a minimum 6m from any other property boundary.(e) Applies to an enclosure for the housing of domestic pets.(f) Complies with the council's <i>Local Orders Policy for the Keeping of Animals on Private Property</i>.(g) Located behind the building line in the Rural zone. |
| 6 | Awning, including a deck or patio roof, shade canopy or storm blind | <ul style="list-style-type: none">(a) Maximum aggregate area 10m² for rigid structures and 20m² for flexible (sail-type) structures.(b) Maximum overall height 2.5m above adjacent ground level.(c) Located minimum 500mm from any property boundary.(d) Located behind the existing building line or, alternatively, minimum 20m from any property boundary or public place.(e) Any roofwater is drained to the existing stormwater drainage system. |
| 7 | Barbecue structure | <ul style="list-style-type: none">(a) Maximum area 5m² (aggregate).(b) Maximum overall height 2.5m above adjacent ground level.(c) Located minimum 500mm from any side or rear property boundary.(d) Located behind the existing building line, or where there is none, minimum 20m from the front property boundary. |

| Item | Type of development | Criteria |
|-------------|-------------------------------------|---|
| 8 | Cabana, greenhouse or gazebo | <ul style="list-style-type: none"> (a) Maximum area 10m² (aggregate). (b) Maximum height 2.5m above adjacent ground level. (c) Located behind existing building line, or where there is none, located a minimum 20m from the property boundary adjoining a public place. (d) Any roofwater drains to a street or interallotment drainage system or other existing approved stormwater drainage system. |
| 9 | Clothing recycling bin | <ul style="list-style-type: none"> (a) Installed within a building. (b) Has written consent from the owner of the building. (c) Does not interfere with required exits, paths of travel to exits and installed fire fighting equipment services. (d) Maintenance schedule in place to ensure bin and adjacent areas kept clean and tidy. |
| 10 | Cubbyhouse | <ul style="list-style-type: none"> (a) Associated with the existing residential use of land. (b) Maximum area 5m² (aggregate). (c) Maximum height 2.5m above adjacent ground level. (d) Located minimum 500mm from any side or rear property boundary. (e) Located behind the existing building line, or where there is none, minimum 20m from any property boundary. |
| 11 | Day care centre | Within a Residential or Rural zone. |

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| Item | Type of development | Criteria |
|------|--|--|
| 12 | Deck (unroofed) or landing | <ul style="list-style-type: none">(a) Not located within a swimming pool area.(b) Attached to existing dwelling.(c) Maximum area 10m² (aggregate).(d) Floor level maximum 500mm above adjacent ground level.(e) Minimum 500mm from any side or rear property boundary.(f) Located behind existing building line, or where there is none, minimum 20m from any property boundary. |
| 13 | Demolish a Class 10 building or other development that is “exempt development” | <ul style="list-style-type: none">(a) Maximum floor area 50m².(b) Undertaken in accordance with AS 2601—2001, <i>Demolition of structures</i>, and where applicable, the WorkCover Authority of NSW publications <i>Your guide to working with asbestos</i> (March 2003) and <i>Fibro and asbestos—a renovator and homeowner’s guide</i> (September 2004), or any succeeding Standard or publication.(c) All demolition works undertaken have regard to the council’s <i>Site Waste Management and Minimisation Development Control Plan</i>. |

| Item | Type of development | Criteria |
|------|--|--|
| 14 | Development ancillary to the private residential use of land (including play equipment, clothes line, landscaping, water feature, letter box, pavement, parking and stormwater drainage on private land connecting to a public stormwater or council approved drainage system or the like). | <ul style="list-style-type: none"> (a) Not ancillary to work involving any vehicular crossing or disturbance of the footway. (b) Installed to manufacturer's specifications or relevant Australian Standard, where applicable. (c) Any landscaping water feature (such as a fishpond) being maximum 300mm deep and maximum area 5m² (aggregate). (d) Not located on or over public land. (e) Any impervious pavement does not concentrate or alter the natural flow of surface water unless such water is graded and drained to a drainage system that complies with AS/NZS 3500.3:2003, <i>Plumbing and drainage</i>, Part 3: <i>Stormwater drainage</i> and connects to a public stormwater or council approved drainage system. |
| 15 | Fence, dividing or boundary (other than a fence required by the <i>Swimming Pools Act 1992</i>) | <p><u>General provisions that are applicable to all fencing:</u></p> <ul style="list-style-type: none"> (a) Not to interfere with the natural flow of surface water. (b) Not erected on or over a public place. (c) Maximum overall height 900mm above any adjacent ground level, if constructed of masonry or brickwork. (d) Not electrified or constructed of barbed wire or similarly dangerous materials. |
| | 15.1 Front or side fence forward of the building line | <ul style="list-style-type: none"> (a) Maximum overall height (including any retaining wall on which it may be erected) 900mm above any adjacent ground level if constructed of timber panels/palings or pre-coloured sheet metal. (b) Maximum overall height (including any retaining wall on which it may be erected) 1.2m above any adjacent ground level if constructed of open and decorative materials (eg picket, ranch style, wrought iron). |

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|-------------|---|---|
| | 15.2 Rear fence and side fence between the building line and rear boundary | Maximum overall height 1.8m above adjacent ground level if constructed of timber, pre-coloured sheet metal, chain mesh, or similar lightweight materials. |
| | 15.3 Security fence enclosing only a council or public authority depot/compound | No specific criteria. |
| 16 | Flagpole | <ul style="list-style-type: none">(a) Maximum overall height 6m above adjacent ground level.(b) Installed to manufacturer's specifications.(c) Maximum flag area 2m².(d) Maximum 1 flagpole for each property.(e) Located within the property boundaries.(f) Not used for general advertising purposes. |
| 17 | Garage sale | <ul style="list-style-type: none">(a) Associated with the existing residential use of land.(b) Maximum 2 sales in any one calendar year.(c) Conducted during daylight hours.(d) No goods, items, signs or the like are to be placed upon any public place.(e) Maximum 2 days per sale. |
| 18 | Garden shed/lawn locker | <ul style="list-style-type: none">(a) Within a Residential or Rural zone.(b) Freestanding.(c) Maximum floor area 10m².(d) Maximum overall height 2.5m above adjacent ground level.(e) Located behind the existing building line or, alternatively, minimum 20m from the front property boundary.(f) Maximum 2 sheds for each property.(g) Located minimum 500mm from any side or rear property boundary.(h) Installed to manufacturer's specifications, where applicable. |

| Item | Type of development | Criteria |
|------|---------------------------|--|
| 19 | Ground cut and/or filling | <ul style="list-style-type: none"> <li data-bbox="799 573 1283 685">(i) Any roofwater drains to a street or interallotment drainage system or other existing council approved stormwater drainage system. <li data-bbox="799 696 1161 723">(a) Within a Residential zone. <li data-bbox="799 734 1283 815">(b) Maximum aggregate area of cut and/or fill 100m² or 10% of the site, whichever is the greater. <li data-bbox="799 826 1283 929">(c) Minimum distance of any cut from any property boundary to be the maximum depth of the excavation/cut below adjacent ground level. <li data-bbox="799 940 1283 1043">(d) Minimum distance of any fill from any property boundary to be a maximum height of the fill above adjacent natural ground level. <li data-bbox="799 1055 1283 1117">(e) Maximum height/depth 500mm above/below adjacent ground level. <li data-bbox="799 1128 1283 1191">(f) Virgin Excavated Natural Material is the only acceptable form of fill material. <li data-bbox="799 1211 1283 1292">(g) Not located on or over any utility service access pit/structure, easement or right of way. <li data-bbox="799 1303 1283 1384">(h) Designed and located so as not to interfere with the natural flow of surface water. <li data-bbox="799 1395 1283 1498">(i) Where not supported by a structurally adequate retaining wall, battered/sloped at a maximum gradient of 30° to the horizontal. <li data-bbox="799 1509 1283 1572">(j) Does not compromise the structural integrity of any adjacent structure. <li data-bbox="799 1583 1283 1682">(k) Soil erosion control measures complying with the council's <i>Soil Erosion and Sediment Control Policy</i> are provided. |

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|------|---|--|
| 20 | Minor alteration to a dwelling, residential flat building or outbuilding | <ul style="list-style-type: none">(l) The dimensions of any terracing/stepping of ground incorporating a number or series of excavations/fillings are to be maximum 500mm vertical and minimum 1.5m horizontal for any one terrace/step.(m) Not associated with any other development requiring consent.(n) Does not undermine or fill around any existing structure on the land.(o) Does not undermine or fill around any existing tree on the land.(a) Applies to a Class 1, 2 or 10 building as defined in the <i>Building Code of Australia</i>.(b) Change internal features or materials of a non-structural nature only, such as:<ul style="list-style-type: none">(i) replacement of any door, wall lining, ceiling lining, flooring or deteriorated frame member with minimum equivalent materials.(ii) renovation of any bathroom or kitchen and inclusion of built-in furniture or fittings such as a vanity, cupboard or wardrobe.(c) Change external features or materials of a non-structural nature only, being the replacement of any wall cladding or roof covering with materials suitable for the purpose and of not more than equivalent weight.(d) Not reduce window arrangements for light and ventilation needs, doorways for egress purposes or involve closure of open areas.(e) Work does not change the configuration of rooms, whether by removal of walls, partitions or other means. |

| Item | Type of development | Criteria |
|------|---|--|
| 21 | Minor alteration to a shop or commercial premises | <ul style="list-style-type: none"> (a) Applies to a Class 3 and 5–9 (inclusive) building as defined in the <i>Building Code of Australia</i>. (b) Non-structural work only, such as shelving, benches, fittings, equipment and partitions. (c) Work must not compromise fire safety or affect access to any fire exit. (d) Work must not change the configuration of rooms, whether by removal of walls or other means of structural support. (e) Does not apply to a food shop, except where only pre-packaged food is sold. |
| 22 | Minor land remediation works | <ul style="list-style-type: none"> (a) Applies only to Category 2 works as defined in <i>State Environmental Planning Policy No 55—Remediation of Land</i>. (b) Work must be supervised by person(s) with appropriate qualifications and experience. |
| 23 | Minor telecommunications facility | No specific criteria. |
| 24 | Pergola | <ul style="list-style-type: none"> (a) Unroofed structure only. (b) Maximum 2 pergolas per property. (c) Maximum aggregate area 20m². (d) Maximum overall height 2.5m above any adjacent ground level. (e) Located behind the existing building line, or where there is none, minimum 20m from any property boundary. (f) Located minimum 500mm from any side or rear property boundary. |
| 25 | Permanent group home | <ul style="list-style-type: none"> (a) In an existing approved dwelling house. (b) Occupied by people with a disability or socially disadvantaged people and resident supervisory/assistant staff. (c) Maximum 5 bedrooms. (d) Maximum of 2 people per bedroom. |

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| Item | Type of development | Criteria |
|-------------|----------------------------|--|
| 26 | Privacy screen | <ul style="list-style-type: none">(a) May be a trellis, fence or panel, but not a dividing or boundary fence.(b) Located behind the existing building line, or where there is none, minimum 20m from any property boundary.(c) Located minimum 500mm from any side or rear property boundary.(d) Maximum overall height 2.5m above any adjacent ground level.(e) Maximum length 10m (aggregate).(f) Structurally adequate construction.(g) Not of masonry construction. |
| 27 | Rainwater tank | <p><u>General provisions</u></p> <ul style="list-style-type: none">(a) The tank cannot be installed/constructed on land the surface of which generally has a slope greater than 18° from the horizontal.(b) Does not apply to land that is a lot within the meaning of the <i>Strata Schemes (Freehold Development) Act 1973</i> or the <i>Strata Schemes (Leasehold Development) Act 1986</i>.(c) The rainwater tank must comply with the following requirements/criteria:<ul style="list-style-type: none">(i) The capacity or the combined capacity of tanks on a lot must not exceed 10,000 litres.(ii) Must be designed to capture and store roofwater from gutters or downpipes on a building.(iii) Must not collect water from a source other than gutters or downpipes on a building or a water supply service pipe.(iv) Must be fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank. |

| Item | Type of development | Criteria |
|------|---------------------|---|
| | | (v) Must be structurally sound. |
| | | (vi) Must be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank. |
| | | (vii) Must be assembled and installed in accordance with the instructions of the manufacturer or designer of the tank. |
| | | (viii) The tank, and any stand for the tank, must be installed and maintained in accordance with any requirements of the public authority that has responsibility for the supply of water to the premises on which the tank is installed. |
| | | (ix) The installation must not involve the excavation of more than 1 metre from the existing ground level, or the filling of more than 1 metre above the existing ground level. |
| | | (x) Must not be installed over or immediately adjacent to a water main or sewer main, unless it is installed in accordance with any requirements of the public authority that has responsibility for the main. |
| | | (xi) Must not be installed over any structure or fittings used by a public authority to maintain a water or sewer main. |
| | | (xii) No part of the tank or any stand for the tank may rest on a footing of any building or other structure, including a retaining wall. |
| | | (xiii) Must be located behind the front alignment to the street of the building to which the tank is connected (or, in the case of a building on a corner block, the tank must be located behind both the street front and street side alignments of the building). |

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| | | (xiv) Must not exceed 2.4m in height above the ground level, including any stand for the tank. |
| | | (xv) Must be located at least 450mm from any property boundary. |
| | | (xvi) A sign must be affixed to the tank clearly stating that the water in the tank is rainwater. |
| | | (xvii) Any overflow from the tank must be directed into an existing stormwater system. |
| | | (xviii) Must be enclosed, and any inlet to the tank must be screeded or filtered, to prevent the entry of foreign matter or creatures. |
| | | (xix) Must be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water. |
| | | (xx) Any plumbing work undertaken on or for the tank that affects a water supply service pipe or a water main must be undertaken: <ul style="list-style-type: none">(A) with the consent of the public authority that has responsibility for the water supply service pipe or water main, and(B) in accordance with any requirements by the public authority for plumbing work, and(C) by a licensed plumber in accordance with the <i>New South Wales Code of Practice—Plumbing and Drainage</i> produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales. |

| Item | Type of development | Criteria |
|-----------|----------------------------|---|
| | | <ul style="list-style-type: none"> (xxi) Any motorised or electric pump used to draw water from the tank or to transfer water between tanks: <ul style="list-style-type: none"> (A) must not create an offensive noise, and (B) in the case of a permanent electric pump, must be installed by a licensed electrician, and (C) a rainwater tank with a capacity exceeding 10,000 litres may be exempt development if another environmental planning instrument applying to the land concerned provides for such a rainwater tank to be exempt development. |
| | 27.1 Within the Rural zone | <ul style="list-style-type: none"> (a) Located minimum 3m from any side or rear property boundary. (b) Any water overflow to be drained away from the footing of any adjacent building and adjoining property. |
| 28 | Retaining wall | <ul style="list-style-type: none"> (a) Maximum height 500mm above lowest adjacent ground level. (b) Structurally adequate construction. (c) Masonry walls to comply with any relevant Australian Standard. (d) Designed and constructed so as not to interfere with the natural flow of surface water. (e) Minimum distance from any property boundary to be the maximum height of the wall above any adjacent ground level. (f) Does not compromise the structural integrity of any adjacent building or structure. |

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| | | (g) The dimensions of any terracing or stepping of ground incorporating a number or series of retaining walls are to be a maximum 500mm vertical and minimum 1.5m horizontal for any 1 terrace or step. |
| | | (h) Soil erosion control measures complying with the council's <i>Soil Erosion and Sediment Control Policy</i> . |
| 29 | Satellite dish | <u>General provisions that are applicable to all satellite dishes</u> |
| | | (a) Installed to manufacturer's specifications/engineering design. |
| | | (b) Compliance with any government communications authority requirements. |
| | | (c) Where attached to building: (i) maximum diameter 900mm. (ii) maximum height above roofline 1.2m at any point. (iii) located minimum 1.5m from any property boundary. |
| | | (d) Where freestanding: (i) maximum 1.8m diameter. (ii) maximum overall height 3m above adjacent ground level. (iii) located behind the existing building line, or where there is none, minimum 20m from any public place. (iv) no part closer than 2m from any property boundary. |
| | 29.1 Satellite dish—within Residential zones | (a) Maximum 1 attached dish per property. (b) Maximum 1 freestanding dish per property. |
| | 29.2 Satellite dish—within zones other than a Residential zone | (a) Maximum 4 attached dishes per property. (b) Maximum 2 freestanding dishes per property. |

| Item | Type of development | Criteria |
|-------------|--|--|
| 30 | Skylight roof window | <ul style="list-style-type: none"> (a) Maximum area 2m². (b) Located minimum 900mm from property boundaries or walls separating attached dwellings. (c) Structural integrity of the existing building not compromised. (d) Installed to manufacturer's instructions and adequately waterproofed. |
| 31 | Solar panel, including photo-voltaic panel | <ul style="list-style-type: none"> (a) Installed to manufacturer's specifications. (b) Installation does not compromise the structural integrity of the building or involve structural alterations. (c) Located within 500mm of the property boundaries. (d) Fitted on the roof of an existing building on the property. (e) Maximum height above roofline 1.2m at any point. (f) The aggregate surface area of panel(s) being 25% of the surface area of the respective roof elevation or 5m² whichever is the greater. (g) Any opening in the roof is suitably waterproofed. |
| 32 | Street furniture, bus shelter (including any advertisement thereon), street sign (other than an illuminated street sign), or directional or public information sign or the like | <ul style="list-style-type: none"> (a) Undertaken by or on behalf of the council or a government transport authority. (b) Located on land under the council's control. (c) Designed, fabricated and installed in accordance with any relevant Australian Standard or manufacturer's specification. |

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| Item | Type of development | Criteria |
|------|--------------------------------|---|
| 33 | Use and occupation of premises | <p><u>General provisions that are applicable to each use and occupation:</u></p> <ul style="list-style-type: none">(a) Within a Business or Industrial zone.(b) Does not apply to development operating under <i>existing use rights</i> within the meaning of the <i>Environmental Planning and Assessment Act 1979</i>.(c) Occupation must be for a type of use that is permissible in the applicable zone. |
| | 33.1 Commercial premises | <ul style="list-style-type: none">(a) Within Zones Nos 3 (a), 3 (b) and 3 (c).(b) Does not relate to the occupation of premises as a food shop except where only pre-packaged food is sold.(c) Does not relate to the occupation of premises as a liquor outlet.(d) Does not involve the sale of any restricted publications or sexual paraphernalia.(e) Occupation must be for a type of use that is permissible in the applicable zone.(f) Does not relate to bulky goods retailing in Zone No 3 (b).(g) In the case of development in Zone No 3 (c) the occupation must be for a purpose that is ancillary to the primary approved development on the land.(h) Does not involve any structural change to the building or premises.(i) Does not compromise fire safety or compliance with the <i>Building Code of Australia</i>.(j) Occupation must be in a building that has in the past received Development Consent for use as commercial premises (ie exemption does not apply to a new building). |

| Item | Type of development | Criteria |
|------|---------------------|--|
| | 33.2 Industry | <ul style="list-style-type: none"> (a) Within Zones Nos 4 (a), 4 (b), 4 (c) and 4 (d). (b) Limited to an industrial purpose only and not including hazardous development, offensive development, potentially hazardous development, potentially offensive development or designated development. (c) Does not involve any structural change to the building or premises. (d) Does not compromise fire safety or compliance with the <i>Building Code of Australia</i>. (e) Does not relate to bulky goods retailing in Zone No 4 (c). |
| 34 | Water heater | <ul style="list-style-type: none"> (a) Installed to manufacturer's specifications. (b) Work does not compromise the structural integrity of the building or involve structural alterations. (c) Any opening in the associated building envelope is suitably waterproofed. (d) Located within the property boundaries. |

Schedule 7 Complying development

(Clause 9B)

| Item | Type of development | Criteria |
|------|--|--|
| 1 | Awning or carport (freestanding or attached to another building) | <ul style="list-style-type: none"> (a) Within a Residential or Rural zone. (b) Ancillary to existing dwelling. (c) Minimum land area 450m². (d) Maximum overall height 2.7m above adjacent ground level. (e) Maximum floor area 40m². |

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| Item | Type of development | Criteria |
|------|---------------------|---|
| | | (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) 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</i> , Part 1: <i>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 open space. |

| Item | Type of development | Criteria |
|------|--|---|
| 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. |

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| Item | Type of development | Criteria |
|-------------|--|---|
| 3 | Dwelling-house addition (single storey), 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 or rear property boundary.(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 complement the existing dwelling house. |

| Item | Type of development | Criteria |
|------|--|---|
| 4 | Dwelling-house (single storey), including attached carports and garages | <p>(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.</p> <p>(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> <p>(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</i>, Part 1: <i>Off-street carparking</i> between the road reserve and the finished floor level of any garage, carport or car parking space.</p> <p>(a) Within Zone No 2 (a) Residential.</p> <p>(b) Sewered.</p> <p>(c) Floor level maximum 1.2m above adjacent natural ground level at any point.</p> <p>(d) Minimum lot area 450m².</p> <p>(e) Minimum building line of 6m to the front boundary.</p> <p>(f) Minimum building line of 3m to any secondary road boundary.</p> <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 side and rear boundaries.</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> |

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| Item | Type of development | Criteria |
|-------------|------------------------------|---|
| | | (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 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) Any vehicular crossing of the footway located at least 2m clear of any stormwater gully pit and clear of any other utility surface infrastructure. |
| | | (n) Any vehicular crossing of the footway not be located within 6m of the tangent of the kerb return on a corner allotment. |
| | | (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</i> , Part 1: <i>Off-street carparking</i> between the road reserve and the finished floor level of any garage, carport or car parking space. |
| 5 | Fire alarm conversion | (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. |

| Item | Type of development | Criteria |
|------|--|--|
| 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 any side or 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. |

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| Item | Type of development | Criteria |
|-------------|---|--|
| | | (n) 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 | (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) | (a) Within a Residential or Rural zone. (b) Minimum land area 450m ² . (c) Maximum floor area 20m ² . (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. |

| Item | Type of development | Criteria |
|------|---------------------|---|
| 9 | Swimming pool | <ul style="list-style-type: none"> <li data-bbox="799 573 1286 629">(k) Maximum overall height 2.7m above adjacent ground level. <li data-bbox="799 640 1286 719">(l) Each part of the structure setback a minimum 900mm from any side or rear property boundary. <li data-bbox="799 730 1286 808">(a) Ancillary to existing approved dwelling and for private and non-commercial use only. <li data-bbox="799 819 1286 853">(b) Minimum land area 450m². <li data-bbox="799 864 1286 920">(c) Located behind the existing dwelling setback from any road. <li data-bbox="799 931 1286 1010">(d) Water line setback minimum 1.5m from side and rear boundaries and any structure on the land. <li data-bbox="799 1021 1286 1077">(e) Floor level of any coping is maximum 500mm above adjacent ground level. <li data-bbox="799 1088 1286 1167">(f) Maximum site excavation/cut and/or fill of 500mm, which is structurally retained and drained. <li data-bbox="799 1178 1286 1256">(g) All adjacent paved areas to be graded and drained away from any adjoining property. <li data-bbox="799 1267 1286 1402">(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>. <li data-bbox="799 1413 1286 1514">(i) Complies with the <i>Swimming Pools Act 1992</i>, the <i>Swimming Pools Regulation 1998</i> and any applicable Australian Standard. <li data-bbox="799 1525 1286 1715">(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. <li data-bbox="799 1727 1286 1859">(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. |

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| Item | Type of development | Criteria |
|------|-----------------------|--|
| 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 1992</i>.(c) Not roofed.(d) Maximum area 10m² (aggregate).(e) Floor level maximum 500mm above adjacent ground level. |

Schedule 8 Complying development conditions

(Clause 9B (2))

General conditions (applicable to all development)

Prior to development work commencing

- 1 Two days before any site works, building or construction begins, the applicant must:
 - (a) forward a *Notice of Commencement of Work and Appointment of Principal Certifying Authority* to the council, and
 - (b) notify the adjoining owners and occupiers that the site works, building or construction will commence.
- 2 Before any site works, building or construction begins, the applicant must ensure the following criteria are met:
 - (a) Toilet facilities are to be provided, at or in the vicinity of the land on which work involved in the development is being carried out, at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

 - (i) a standard flushing toilet, and
 - (ii) connected:
 - (A) to a public sewer, or
 - (B) if connection to a public sewer is not practicable, to an accredited sewage

-
- management facility provided by the council,
or
- (C) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
- (b) A sign is to be erected in a prominent position on any land on which the development is being carried out:
- (i) stating that unauthorised entry to the work site is prohibited, and
 - (ii) indicating the name of the Principal Contractor for any building work and a telephone number at which that person may be contacted outside working hours, and
 - (iii) indicating the name and telephone number of the Principal Certifying Authority.

This provision does not apply in relation to building work that is carried out inside an existing building that does not affect the external walls of the building.

- (c) If the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed, rendered inconvenient or involve the enclosure of a public place, a protective security fence or barrier must be erected between the land and the public place. Such a fence or barrier is to be designed and erected in accordance with the council's current local approvals policy under the *Local Government Act 1993*.
- (d) If necessary, an overhead protective structure must be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such protective security fence or barrier or overhead protective structure must be removed within 7 days of the issue of any occupation certificate in relation to the development.
- (e) Any site cut and/or fill work associated with the development must be in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent it from being dangerous to life or property.
- (f) If any site cut and/or fill associated with the development extends below the level of the base of the footings of a building or any other structure (that is, within the footings'

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zone of influence) on adjoining land (including a public place):

- (i) that building or structure must be:
 - (A) preserved and protected from damage, and
 - (B) underpinned and supported in accordance with structural design details accompanying the Complying Development Certificate, and
- (ii) the owner or owners of that adjoining land must, at least 7 days before any such excavation or supporting works, be given notice of such intention and particulars of the excavation or supporting works.
- (g) Soil erosion and sediment control measures must be provided in accordance with the council's *Soil Erosion and Sediment Control Policy*.

- 3** Any fee, bond or deposit required by the council's current *Fees and Services Schedule* to provide for the inspection, maintenance or repair of any public asset or infrastructure must be paid to the council prior to the commencement of works. Evidence of such payment must be submitted to the council.

During development work

- 4** During any site works, building or construction the applicant must ensure that the following criteria are met:
- (a) Toilet facilities required by clause 2 (a) are provided and maintained.
 - (b) The sign required by clause 2 (b) is maintained.
 - (c) Any protective security fence or barrier required by clause 2 (c) is be maintained.
 - (d) Any protective security fence or barrier required by clause 2 (c) and which may be hazardous to persons in the public place is effectively illuminated between sunset and sunrise.
 - (e) Any site cut and/or fill associated with the ongoing development works is executed safely and in accordance with appropriate professional standards, and protected to prevent it from being dangerous to life or property.
 - (f) If any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure (that is,

within the footings' zone of influence) on adjoining land (including a public place), that building or structure is properly preserved, protected, underpinned and supported (as necessary).

- (g) Soil erosion and sediment control measures (including the connection of any roofwater downpipes to stormwater drainage lines upon fixing of any roof covering) required by clause 2 (g) are maintained.
- (h) Building and construction materials, plant, equipment and the like are not to be placed or stored at any time on the council's footway, roadway or any public place.

- 5 The hours of work for any noise generating development work are to be limited to between 7am and 6pm, Mondays to Saturdays inclusive, with no such work to be conducted at any time on Sundays or public holidays.
- 6 Any tree beyond 3 metres of any building or proposed building on the site, not otherwise separately approved by the council to be removed, lopped or topped, must be suitably protected.
- 7 The sorting, storage and re-use of waste materials is to be in accordance with any waste management plan approved by the council.

Additional conditions for awnings, screened weather-protected enclosures, dwelling-houses, dwelling-house additions, carports, garages and sheds

During development work

- 8 The applicant must notify the Principal Certifying Authority in advance (in the case of the council being the PCA, at least 48 hours in writing or 24 hours by phone) to enable the mandatory critical stage inspections of building work to occur, as required by the *Environmental Planning and Assessment Regulation 2000*.
If the council is the Principal Certifying Authority, the following applicable stages of the building development are to be inspected in order that the nominated work may immediately progress:

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| Stage | Nominated work |
|--|------------------------------|
| (a) Soil erosion and sedimentation controls, site works and site set out | commence development work |
| (b) Footing system | place concrete or covering |
| (c) Floor slab | place concrete |
| (d) Stormwater drainage | covering or backfilling |
| (e) Frame (including any termite barriers) | affixing internal linings |
| (f) Wet area flashing | affixing wall or floor tiles |

- 9** A survey plan, prepared by a Registered Surveyor, is to be submitted to the Principal Certifying Authority, to indicate compliance with setback requirements, on completion of floor slab formwork before concrete is poured, detailing the location of the structure in relation to the property boundaries.

Prior to occupation

- 10** A final inspection is to be conducted by the Principal Certifying Authority to ascertain that all conditions of the Complying Development Certificate have been satisfied.
- 11** Any retaining walls or other effective methods to retain cut and/or filled ground (including those site works which may be exempt development identified in this Plan), together with any associated groundwater drainage system, are to be constructed or provided in accordance with the details attached to the Complying Development Certificate.

Additional conditions for internal alteration to a shop or commercial premises

During development work

- 12** The applicant must notify the Principal Certifying Authority in advance (in the case of the council being the PCA, at least 48 hours in writing or 24 hours by phone) to enable the mandatory critical stage inspections of building work to occur, as required by the *Environmental Planning and Assessment Regulation 2000*.

If the council is the Principal Certifying Authority, the following applicable stages of the building development are to be inspected in order that the nominated work may immediately progress:

| Stage | Nominated work |
|---|-------------------------------|
| (a) Frame (including any required termite barriers) | affixing internal linings |
| (b) Wet area flashing | affixing wall and floor tiles |

Prior to occupation or use

- 13** A final inspection is to be conducted by the Principal Certifying Authority to ascertain that all conditions of the Complying Development Certificate have been satisfied, and the work completed in accordance with the approved documents attached to the Certificate.

Conditions for swimming pools

During development work

- 14** The applicant must notify the Principal Certifying Authority in advance (in the case of the council being the PCA, at least 48 hours in writing or 24 hours by phone) to enable the mandatory critical stage inspections of building work to occur, as required by the *Environmental Planning and Assessment Regulation 2000*.

If the council is the Principal Certifying Authority, the following applicable stages of the building development are to be inspected in order that the nominated work may immediately progress:

| Stage | Nominated work |
|--|--|
| (a) Soil erosion and sedimentation controls, site works and site set out | commencement of development work |
| (b) Foundation excavation | install any moulded or pre-fabricated pool |
| (c) Steel reinforcing and coping | place any concrete |
| (d) Child resistant barrier | fill, or allow pool to be filled with water to a depth exceeding 300mm |
| (e) Completed pool | ongoing use |

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- 15** Any retaining walls or other effective methods to retain cut and/or filled ground (including those site works which may be exempt development under this Plan), together with any associated groundwater drainage system, are to be constructed or provided in accordance with the details attached to the Complying Development Certificate.

Prior to use

- 16** A final inspection is to be conducted by the Principal Certifying Authority to ascertain that all conditions of the Complying Development Certificate have been satisfied, and the work completed in accordance with the approved documents attached to the Complying Development Certificate.

BY AUTHORITY
