



# Community Participation Plan 2019

How we engage on planning and development in Blacktown City  
Adopted 25 September 2019

# Translation Information

## IMPORTANT ENGLISH

If you need help with reading and understanding this document, staff of Blacktown City Council will be happy to arrange interpreter services for you. To arrange an interpreter, please contact Council on 9839 6000 or come to Council's Administration Centre at 62 Flushcombe Road, Blacktown.

### عربي

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Si necesita ayuda para leer y entender este documento, el atento personal del Concejo Municipal de Blacktown contratará los servicios de un intérprete. Para solicitar los servicios de un intérprete, póngase en contacto con el Concejo, llamando al 9839 6000 o diríjase al Centro Administrativo del Concejo (Council's Administration Centre), en 62 Flushcombe Road, Blacktown.

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### هام

### IMPORTANTI

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### QUAN TRỌNG

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ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ਼ ਨੂੰ ਪੜ੍ਹਣ ਅਤੇ ਸਮਝਣ ਵਿੱਚ ਸਹਾਇਤਾ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਬਲੈਕਟਾਊਨ ਸਿਟੀ ਕੌਂਸਲ ਦਾ ਸਟਾਫ਼ ਨੂੰ ਤੁਹਾਡੇ ਲਈ ਦੁਬਾਸੀਆ ਸੇਵਾਵਾਂ ਦਾ ਪ੍ਰਬੰਧ ਕਰਨ ਵਿੱਚ ਖੁਸ਼ੀ ਹੋਵੇਗੀ। ਦੁਬਾਸੀਏ ਦਾ ਪ੍ਰਬੰਧ ਕਰਵਾਉਣ ਲਈ, ਕਿਰਪਾ ਕਰਕੇ 9839 6000 ਤੇ ਕੌਂਸਲ ਨਾਲ ਸੰਪਰਕ ਕਰੋ ਜਾਂ 62 Flushcombe Road, Blacktown ਤੇ ਕੌਂਸਲ ਦੇ ਪ੍ਰਬੰਧਕ ਨਾਲ ਮਿਲੋ।

### 重要!

如果您需要帮助阅读理解本文件, Blacktown 市议会的员工将竭诚为您安排传译员服务。如果您需要安排传译员, 请致电 9839 6000 联系市议会或前往市议会政务中心 (62 Flushcombe Road, Blacktown)。

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### MALTI

### СПИСКИ

### FAA-SAMOA

### TIẾNG VIỆT

### POLSKI

### ਪੰਜਾਬੀ

### 简体中文

### 繁體中文

### हिंदी

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# 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.
- **Application site** means the parcel of land to which a Development Application, Planning Proposal and Development Control relates.
- **Building** includes any building, part of a building and any structure or part of a structure.
- **Community** includes any person that may have an interest in or be impacted by a planning or development matter. This may include stakeholders, interest groups, community groups and residents across Blacktown City.
- **Development Application (DA)** 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 this section.
- **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 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 Schemes (Freehold Development) Act 1973, or a leasehold strata scheme under the Strata Schemes (Leasehold Development) 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.
- **Public Exhibition** means Development Application (DA) is advertised in local papers, sign installed on property and DA details on webpage.

# Glossary

|      |                                |          |  |
|------|--------------------------------|----------|--|
| BLPP | Blacktown Local Planning Panel | EP&A Act | Environmental Planning and Assessment Act 1979 |
| CPP  | Community Participation Plan   | LEP      | Local Environmental Plan                       |
| DA   | Development Application        | LSPS     | Local Strategic Planning Statement             |
| DCPs | Development Control Plans      | SCCPP    | Sydney Central City Planning Panel             |

# 1. Introduction

## 1.1 What is the purpose of this plan?

Our Community Participation Plan (CPP) includes information about how and when you can expect Blacktown City Council to engage on particular planning and development related issues. The CPP provides a single reference point on planning and development community engagement.

We recognise that community participation in relation to planning and development matters delivers better outcomes for people in Blacktown City. We use the word 'engagement' throughout our CPP to cover all levels of community participation.

The level of engagement we undertake depends on a number of factors, including but not limited to, the nature, scale and likely impact of the strategy, plan, policy, proposal or project being considered or assessed.

## 1.2 How does this relate to Council's Community Engagement Strategy?

We have prepared a Community Engagement Strategy which provides the organisation with a strategic framework for how and when it undertakes engagement across the organisation. The Community Engagement Strategy is supported by a number of documents which help our stakeholders and communities in understanding how and when we engage with the community on a broad range of issues. Our CPP is one of these supporting documents.

## 1.3 Who does this CPP apply to?

Our CPP applies to the planning functions of Blacktown City Council, and meets the requirements for engagement set out in Division 2.6 and Schedule 1 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

### What are our planning functions?

We have two main planning functions.

#### Strategic Planning

Strategic planning is setting the vision and direction for land across Blacktown City.

This may include planning for individual areas, precincts and/or specific parcels of land within Blacktown City to ensure any development and change aligns with our strategic vision.

We produce a number of Strategic Planning documents to guide our planning. We play various roles when it comes to the development and delivery of strategic planning in Blacktown City.

#### Development Assessment

We make planning decisions about a range of developments in Blacktown City. We make decisions on development through a formal Development Application (DA) process. This process varies depending on the type of development proposed by the applicant.

The DAs Council is responsible for assessing range from small scale residential modifications to major regionally significant development projects. We play various roles when it comes to development assessment and determination in Blacktown City.

Sections 2 and 3 provide further details on how and when you will be engaged on each of these functions.

## 1.4 Why do we engage?

We engage with local communities and key stakeholders to understand their needs and aspirations, and to ensure our community strategic plan, various programs, services and projects reflect these needs and aspirations appropriately and effectively.

Community engagement is a critical part of our day-to-day businesses at Blacktown City Council. It helps us achieve our organisation vision and mission, and organisational values of teamwork, customer focus, innovation and safety.



### Our vision

A 'City of Excellence: diverse, dynamic and progressive'.



### Our mission

To provide our community with the best living and working environment through commitment to service.

## The benefits of community engagement

Working with our community helps us make better informed and more sustainable decisions that align with our community needs.

Inclusive, accessible and considered engagement benefits both Blacktown City Council and the community because it:

- increases community awareness about what we do
- increases our Councillor and staff understanding about the diverse needs, expectations and priorities of our community so that we can improve our delivery and decision-making
- helps us identify emerging issues to allow for proactive planning
- helps us consider a broader range of possibilities when making decisions
- helps us build and create relationships with our growing and changing community
- helps us identify and resolve issues early to reduce negative consequences.

We value the diversity of opinions, interests and experience that our community bring to conversations. Community engagement helps us understand the broad range of perspectives to make better decisions on behalf of our community.

## 1.5 Engagement principles

We have developed 10 principles to guide our engagement approach.

**Clear** – we will explain why, how and when we are engaging with our community.

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**Timely** – we will engage early and allow sufficient time for community feedback.

**Relevant** – we will use tools and activities that suit the purpose of engagement and the community we seek to engage.

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**Inclusive** – we will undertake engagement in a way that allows participation from a range of stakeholders, who have a right to be informed and consulted.

**Accessible** – we will provide information in plain language and in a format that encourages community engagement.

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**Respectful** – we will be respectful of different community views and needs, and treat all with respect.

**Meaningful** – we will provide meaningful opportunities for community input to decision-making.

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**Open** – we will be transparent about the reasons why we have made decisions and let our community know how their feedback has influenced the outcome.

**Evaluated** – we will evaluate our engagement processes to identify lessons learned for future activities.

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**Valued** – we will thank our community for their input, regardless of the outcome.

These principles have been developed with consideration of the social justice principles of equity, access, participation and rights (set out in Section 402(4) of the LGA 1993), and the community participation principles (set out in Section 2.23(2) of the EP&A Act).



## 2. Strategic planning

### 2.1 The importance of strategic planning

Our City is a major centre of metropolitan Sydney and a critical part of our future success is to seize the opportunities which arise from Sydney's growth and development.

As Blacktown City continues to grow and change, our role in strategic planning becomes increasingly important to ensure land use and development reflects our community's wants and needs, respects the nature, heritage and character of our City; promotes quality development and supports our community's health and wellbeing.

This section includes information about:

- our strategic planning roles and our role in the engagement process
- how and when we inform you of opportunities to give us feedback
- how and when you can provide feedback.

### 2.2 Our strategic planning roles

We play a number of roles when it comes to strategic planning.

| Our strategic planning role |   | Our community engagement role  |
|-----------------------------|---|--|
| 1.                          | We collaborate with State Government agencies on the preparation of, and/or analyse and respond to, district and regional plans, strategies, policies and projects. | State Government agencies lead this engagement.                                |
| 2.                          | We have a direct responsibility for the preparation of local plans, strategies and policies which support strategic planning within Blacktown City.                 | We lead engagement.<br>Information on this engagement is included in this CPP. |
| 3.                          | We have a statutory role in the preparation of development control plans and Planning Proposals to amend environmental planning instruments.                        | We lead engagement.<br>Information on this engagement is included in this CPP. |



## 2.3 Plans and policies

We prepare the strategic planning documents listed below. Copies of these documents are located on our website.

| Strategies, plans and policies                | Purpose of document   |
|---|---|
| Community Participation Plan                  | <p>The CPP is a document that sets out how and when planning authorities will engage with their communities across all of the planning functions they perform. This includes the minimum public exhibition timeframes that are provided in Schedule 1 to the Environmental Planning and Assessment Act 1979 (EP&amp;A Act).</p> <p>This requirement is set out in Division 2.6 of the EP&amp;A Act.</p>   |
| Local Strategic Planning Statement            | <p>The Blacktown Local Strategic Planning Statement sets out our 20 year vision for land use in our local area and how change will be managed into the future.</p> <p>The LSPS includes planning priorities that are consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities, the Central City District Plan, and our Community Strategic Plan.</p> <p>The LSPS will help shape how the development controls in our Local Environmental Plan 2015 (LEP) evolve over time to meet the community's needs.</p> <p>This requirement is set out in Division 3.1 of the EP&amp;A Act.</p>   |
| Blacktown Local Environmental Plan 2015 (LEP) | <p>The Blacktown LEP is the principal planning instrument for the City of Blacktown. The LEP contains statutory controls that provide the framework for development in Blacktown City and therefore determines what can be built, where it can be built and what land can be used for. The LEP includes a written instrument and maps, that need to be viewed together to understand zoning and building controls in a specific area.</p> <p>The most up-to-date version of the Blacktown LEP 2015 can be found on the NSW Legislation website <a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a></p> <p>This requirement is set out in Division 3.4 of the EP&amp;A Act.</p> |

## PLANS AND POLICIES (continued)

| Strategies, plans and policies | Purpose of document   |
|--------------------------------|---|
| Development Control Plans      | <p>The Blacktown Development Control Plan and Blacktown City Council Growth Centre Precincts Development Control Plan detail the various standards, policies and guidelines related to the design of development in Blacktown City.</p> <p>When assessing Development Applications (DAs), Council must consider the relevant provisions of these DCPs.</p> <p>This requirement is set out in in Division 3.6 EP&amp;A Act.</p>  |
| Developer Contribution Plans   | <p>Developer contributions are essential in funding infrastructure and facilities that support the high quality of life Blacktown residents enjoy.</p> <p>Council has adopted a number of Contributions Plans which have been prepared under Section 7.11 of the EP&amp;A Act.</p> <p>These plans require people or organisations developing land within the Blacktown Local Government Area to pay monetary contributions, provide capital works (works in kind), and/or dedicate land in order to help fund the increased demand for public amenities and infrastructure generated as a result of their developments.</p>   |
| Voluntary Planning Agreements  | <p>We may consider an offer from a developer to enter into a voluntary planning agreement (VPA) under Section 7.4 of the EP&amp;A Act.</p> <p>A VPA is an agreement entered into by a planning authority and a developer. Under the agreement a developer may agree to provide or fund public amenities, public services, affordable housing, transport infrastructure or other infrastructure.</p> <p>Contributions may be made through:</p> <ul style="list-style-type: none"> <li>• the dedication of land</li> <li>• monetary contributions</li> <li>• the construction of infrastructure</li> <li>• the provision of materials for public benefit and/or use.</li> </ul> <p>VPAs cannot be entered into unless public notice has been given.</p> |

## PLANS AND POLICIES (continued)

| Strategies, plans and policies | Purpose of document   |
|--------------------------------|---|
| Planning Proposals (PPs)       | <p>A Planning Proposal is required to amend the Blacktown LEP 2015. In most cases a Planning Proposal is undertaken by Council but may be proposed by an external applicant. A Planning Proposal must demonstrate the strategic merit of the proposed amendment.</p> <p>Most Planning Proposals, except those of a very minor nature, will be considered by the Blacktown Local Planning Panel (BLPP) for advice. The BLPP is made up of 3 professional members (1 Chair and 2 experts in a planning related field) and 1 community representative. More info on the BLPP can be found on Council's website. Planning Proposals are then submitted to the Department of Planning, Industry and Environment (DPIE) for assessment to determine whether they have sufficient merit to proceed. This is called a 'Gateway Determination'.</p> <p>A 'Gateway Determination' will be issued by DPIE specifying if the proposal may proceed and any conditions which must be met, such as additional studies, and stakeholder or community engagement. If engagement is required, Council must lead this engagement process, review public submissions and assess the Planning Proposal.</p> <p>Should the Minister (or delegates, including Council where matters have been delegated) approve the local environmental plan, it is published on the NSW legislation website and becomes law.</p> <p>This requirement is set out in Division 3.4 of the EP&amp;A Act.</p> |



## 2.4 Engagement for strategic planning

We have a minimum standard for engaging communities on strategic planning matters. This includes a period of informing and consulting the community.



We recognise that some strategic planning projects require an additional community engagement. This may include engaging earlier in the process and/or us preparing additional communications and/or doing more engagement activities to make sure you have a greater opportunity to provide feedback.

Our Community Engagement Strategy (CES) guides our broader approach to community engagement. An important component of the CES is the International Association of Public Participation's (IAP2) Public Participation Spectrum. We use this spectrum to define the engagement goal (to inform, consult, involve and/or collaborate) and to determine the appropriate engagement approach.

### 2.4.1 Notification and advertising

The majority of strategic planning documents are notified in writing to surrounding and potentially affected residents and property owners, as well as communicated more broadly through our communication channels.

Notification aims to inform the community of the proposed strategic document and provide the opportunity for the community to have their say, which in turn may bring to light matters that may influence the final document.

#### When does notification apply?

Notification is required if any of the existing documents are updated and/or new strategic planning documents are required to reflect updates to the EP&A Act.

Notification of Planning Proposals is also required, as these would result in a change to our LEP.

#### Who do we notify of changes to strategic planning documents?

We notify the broader community of changes to strategic planning documents via adverts in relevant local newspapers and a listing on our website.

Written notice of Planning Proposals will be sent to those persons who appear to us to own or occupy adjoining land and neighbouring land. This could include land adjoining, opposite or otherwise distanced from the site. The extent of the notification will be determined by us and will depend on a number of factors including the complexity, nature and scale of the Planning Proposal.

Where adjoining or neighbouring land comprises a strata titled or community titled development, we 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 opinion, be detrimentally affected by the Planning Proposal.





## 2.4.2 Public exhibition

### What is a public exhibition?

A public exhibition provides an opportunity to the community to provide feedback on a particular planning matter. In conducting an exhibition, we invite submissions from anyone who would like to comment on a document on public exhibition.

### What information is available during the public exhibition?

During a public exhibition, the planning documents are made available for inspection, either in hard copy or digital form. During the exhibition period print versions of the documents are available at the counter of the Civic Centre and digital copies can be downloaded from Council's website. The gateway determination detailing the length of the exhibition is included in the displayed documents.

Planning Proposals can also be downloaded and monitored on the Department's LEP tracker website, <http://leptracking.planning.nsw.gov.au/>.

If the reclassification of land from 'community' land to 'operational' land is proposed, a public hearing must be held a minimum of 21 days after the close of the public exhibition period. Details of the public hearing are made available during the public exhibition period. Interested parties are invited to inform us of their intention to attend and speak at the public hearing.



## How long does the community have to inspect the document(s) and make a submission?

The table below specifies the minimum exhibition periods for Council's strategic planning documents, as defined by Schedule 1 to the EP&A Act. All submissions must be received by us within the specified period from the commencement of the notification.

### PUBLIC EXHIBITION

| Document   | Exhibition period   |
|--|---|
| Community Participation Plan<br>Local Strategic Planning Statement<br>Local Environmental Plan<br>Development Control Plans<br>Developer Contribution Plans<br>Voluntary Planning Agreements | 28 days   |
| Planning Proposals   | 28 days, or:<br>a. if a different period of public exhibition is specified in the gateway determination for the proposal, the period specified,<br>or<br>b. if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal, no public exhibition. |

After the notification period has closed you have the right to request access to the information we hold. Under the Government Information (Public Access) Act 2009 (the Act) and the Government Information (Public Access) Regulation 2018 (the Regulation), we make information available to the public, provided there is no overriding public interest against doing so. For further information visit our website.

## What form should submissions be in?

Submissions made in respect of applications must be in writing (hard or soft copy) and addressed to the Chief Executive Officer. Submissions can be made via Council's website.

Submissions must clearly indicate the name and address of the person making the submission and details of the matter to which the submission relates. A disclosure about political donations is required to be included in the submissions.

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



### 2.4.3 Update document

Following a review and consideration of the submissions received, we will update the document so it can be issued to Councillors for consideration.

### 2.4.4 Decision

A decision is made about whether to adopt the updated strategic planning document. This decision is either made by Council or, in the case of Planning Proposals, the delegated planning authority.

Council has the authority to change all the strategic planning documents noted in this strategy, excluding changes to the LEP. The Minister for Planning is responsible for approving changes to the LEP, which is then published on the NSW legislation website and becomes law.



# 3. Development assessment

## 3.1 The importance of development assessment

The development assessment process is a key link to the supply of key developments and housing in Blacktown City. The majority of Development Applications (DAs) are processed and determined by local government which means that we plays a vital role in delivering housing, infrastructure and other desired development.

Our development assessment is guided by the information in our Development Control Plan (DCP) and statutory controls under various environmental planning instruments including the Blacktown Local Environmental Plan 2015 (LEP).

This section includes information about:

- our development assessment and determination roles, including our role in the engagement process
- how and when we will inform you of opportunities to give us feedback
- how and when you can provide feedback.

The information in this section does not include detailed information about what to do when preparing a DA. Please refer to our website for information on how to prepare a DA.

This section should be read in conjunction with Part A of the Blacktown Development Control Plan 2015 (available on our website), particularly Section 3 – Notification.



## 3.2 Our development assessment and determination roles

We play a number of roles when it comes to assessing and/or determining DAs in Blacktown City.

| Our development assessment and approval role |  | Our community engagement role   |
|--|--|---|
| 1.   | <p>We assess and determine local DAs</p> <p>Local development categories include residential, commercial, industrial, subdivision or other specific uses.</p>  | <p>We lead engagement.</p> <p>Information on this engagement is included in this CPP.</p> |
| 2.   | <p>Some local DAs need to be determined independently. We assess these DAs but they are determined by the independent hearing and assessment panel, which is called the Blacktown Local Planning Panel (BLPP)</p> <p>DAs that require BLPP assessment are those that:</p> <ul style="list-style-type: none"> <li>• have a perceived conflict of interest</li> <li>• are contentious development, indicated by 10 or more unique submissions by way of objection</li> <li>• have a departure from development standards by more than 10%</li> <li>• are considered sensitive development, including: <ul style="list-style-type: none"> <li>o designated development</li> <li>o residential flat buildings of four or more storeys in height</li> <li>o demolition of a heritage item</li> <li>o development for the purposes of new premises that will require a club licence, or a hotel (general bar) licence, or an on-premises licence for public entertainment venues</li> <li>o development for the purpose of sex services premises and restricted premises</li> <li>o DAs for which the developer has offered to enter into a planning agreement.</li> </ul> </li> </ul> | <p>We lead engagement.</p> <p>Information on this engagement is included in this CPP.</p> |

## OUR DEVELOPMENT ASSESSMENT AND DETERMINATION ROLES (continued)

| Our development assessment and approval role  | Our community engagement role  |
|---|--|
| <p>Regionally Significant Development Applications are assessed by us but determined by the Regional Planning Panel, which is the Sydney Central City Planning Panel (SCCPP)</p> <p>Regional development, as outlined in Schedule 7 of the State Environmental Planning Policy (<a href="#">State and Regional Development</a>) 2011, includes:</p> <ul style="list-style-type: none"> <li>• development with a capital investment value (CIV) over \$30 million</li> <li>• development with a CIV over \$5 million which is: <ul style="list-style-type: none"> <li>o Council related</li> <li>o lodged by or on behalf of the Crown (State of NSW)</li> <li>o private infrastructure and community facilities</li> <li>o eco-tourist facilities</li> </ul> </li> <li>• extractive industries, waste facilities and marinas that are designated development,</li> <li>• certain coastal subdivisions</li> <li>• development with a CIV between \$10 million and \$30 million which is referred to the Planning Panel by the applicant after 120 days.</li> </ul> | <p>We lead engagement.</p> <p>Information on this engagement is included in this CPP.</p>  |
| <p>State Significant Development (SSD) Applications are assessed and determined by the Department of Planning, Industry and Environment (DPIE). We are consulted on these.</p> <p>The State Government has identified certain types of development that are SSD, for example:</p> <ul style="list-style-type: none"> <li>• new educational establishments, hospitals and correctional centres</li> <li>• chemical and other manufacturing</li> <li>• mining and extraction operations</li> <li>• tourist and recreation facilities</li> <li>• some port facilities</li> <li>• waste management facilities</li> <li>• energy generating facilities.</li> </ul> <p>A proposal for any of the identified development types is SSD if it:</p> <ul style="list-style-type: none"> <li>• is over a certain size</li> <li>• is located in a sensitive environmental area</li> <li>• will exceed a specific capital investment.</li> </ul>  | <p>State Government leads the engagement process.</p> <p>Community feedback should be sent directly to the relevant State Government project team.</p> |

### 3.3 Engagement during the development assessment process

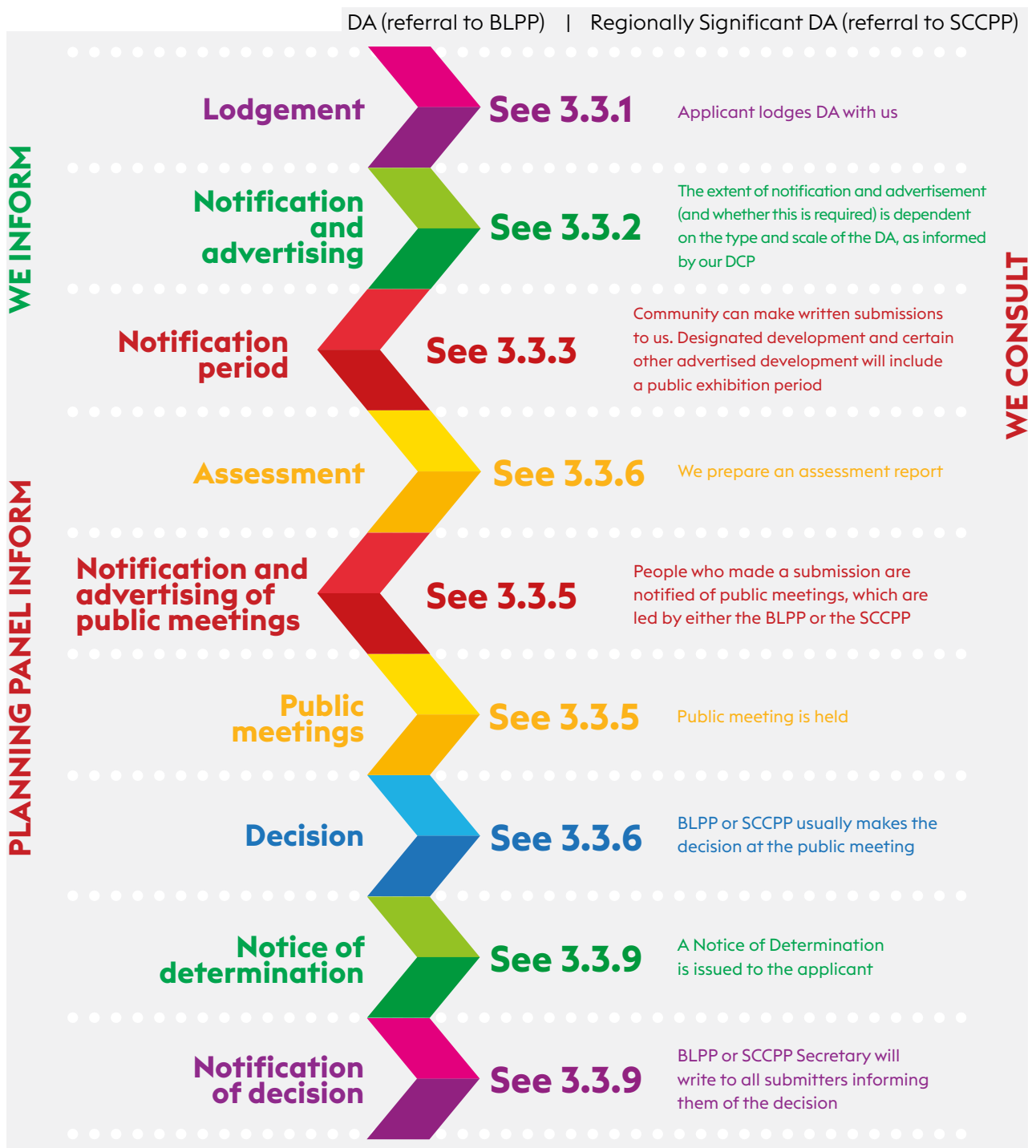
#### 3.3.1 Development applications that are not referred to a planning panel

We have a minimum standard process for engaging with communities on development applications (DAs) that are not referred to a planning panel.



### 3.3.2 Development applications that are referred to a planning panel

We have a minimum standard process for engaging with communities on DAs that are referred to a planning panel.





### 3.3.3 Lodgement

#### What happens when a DA is lodged with us?

Once the DA is received it is given a preliminary check to see if the DA form has been filled out correctly and contains all of the information required for the proposal to be properly assessed. If there is insufficient or inaccurate information, the proponent is asked to supply additional information before it is accepted for assessment.

Some DAs are referred to various departments within Council for expert advice (e.g. Building Surveyors and Engineering staff). Some DAs (usually for major proposals) are referred to State Government departments, such as the NSW Office of Water or NSW Roads and Maritime Services (e.g. major proposals fronting a main road).

### 3.3.4 Notification and advertising

The majority of DAs are notified in writing to surrounding and potentially affected residents and property owners. Notification aims to inform residents of the proposed works and provide opportunity for them to have their say, which in turn may bring to light matters that can influence the outcome of our assessment.

#### When does notification apply?

Notification is required for the majority of DAs in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979. Examples include:

- a. DAs for approval to erect a building
- b. certain DAs involving the use of a building or another specified work
- c. modifications to development approvals.

#### Who do we notify?

Written notice will be sent to those persons who appear to us to own or occupy adjoining land and neighbouring land to invite their comments on the proposal to inform our assessment process. This could include land opposite or otherwise distanced from the site.

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



### **Who do we notify about amendments to DAs?**

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

### **Who do we notify about modifications to DAs?**

An applicant may lodge an application to modify an approval (under Section 4.55 or 4.56 of the Environmental Planning and Assessment Amendment Act 1979) if we are satisfied that the development as proposed to be modified remains substantially the same development as that originally approved.

We may re-notify those persons who were notified of the original DA and any other person we consider relevant, inviting comment on the amendments, depending on the nature of the proposed modifications. Submissions received in relation to the modified proposal will be considered in Council's assessment of the Application.



### Which DAs are not notified?

Notification is not required where, in our opinion, the enjoyment of land will not be detrimentally affected.

Notification will not apply to any exempt or complying development as set out in State Environmental Planning Policy (Exempt and Complying Development) 2008.

Examples of DAs which may not require notification include:

- a. strata subdivision proposals
- b. subdivisions involving adjustments to property boundaries
- c. uses of buildings.

### What information do we include in written notifications?

The written notice to be forwarded by us to any potentially affected person will 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
- e. a notification plan
- f. where at Council the full application can be viewed.

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

- a. be provided on an A4 or A3 size sheet
- b. be of a scale which will clearly delineate the features of any proposed building
- c. show the height and external configuration of any proposed building in relation to the site on which it is proposed to be erected
- d. include a site plan showing the relationship of any proposed building to the boundaries of the land
- e. clearly define any new building or additions to existing buildings
- f. be appropriately dimensioned to indicate size, height and position of any proposed building in relation to the site.

**Table 1** includes information on the written notification requirements set out above and information on the types of development that will also be advertised in a local newspaper.

### 3.3.5 Public exhibition and notification

#### What is a public exhibition?

A public exhibition provides an opportunity for our community to provide feedback on a particular planning or development matter. In conducting an exhibition, we receive submissions from anyone who would like to comment on the document(s) on public exhibition.

We will hold a public exhibition for designated development and other advertised developments listed in the EPA Regulations or in our DCP. Designated development refers to developments that are high-impact developments (e.g. likely to generate pollution) or are located in or near an environmentally sensitive area (e.g. a wetland). A development is categorised as 'designated development' if the class of development is listed in [Schedule 3](#) of the EP&A Regulation as being designated development. Examples of designated development include chemical factories, quarries and sewerage treatment works. For the Regulation's full list of designated developments, read [Schedule 3](#) of the EP&A Regulation.

#### What information is available during the public exhibition?

During a public exhibition, the planning documents are made available for inspection, either in hard copy or digital form. During the exhibition period a print out of the documents is available at the counter of the Civic Centre and a digital copy can be downloaded from Council's website.

#### How long does the community have to inspect the document(s) and make a submission?

A person may inspect a plan and make a submission within the period specified in Table 1.

The notification, where necessary, varies depending on the type of development, but all submissions must be received by Council within the specified period from the commencement of the notification.

A copy of the Development Application and accompanying documents will be available for inspection at Council's Information Centre during the notification period.

After the notification period has closed you have the right to request access to the information we hold. Under the Government Information (Public Access) Act 2009 (the Act) and the Government Information (Public Access) Regulation 2018 (the Regulation), we make information available to the public, provided there is no overriding public interest against doing so. For further information visit our website.

### **What form should submissions be in?**

Submissions made in respect of applications must be in writing (hard or soft copy) and addressed to the Chief Executive Officer. Submissions can be made via Council's website.

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

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

### **3.3.6 Assessment**

Section 4.15 of the EP&A Act lists the matters that we must consider in assessing any DA. As part of this assessment, we will consider the impacts of the development on neighbouring properties and take into consideration any submissions received from the public during a public exhibition.

A recommendation is made either to approve or refuse the DA. We then determine the DA if it is not a DA requiring determination by a panel.

### **3.3.7 Public meetings (BLPP or SCCPP led)**

A public meeting is held for those DAs referred to BLPP and SCCPP where a submission has been made.

All persons who made written submissions to us are notified in writing at least 7 days before the public meeting by the Panel Secretary of either the BLPP or the SCCPP.

Submitters need to register to speak at the public meeting to provide further feedback to the Panel members. Speakers at the public meetings are generally given:

- 3 minutes as an individual
- 10 minutes as a community organisation
- 15 minutes as the applicant.

### 3.3.8 Decision

A decision is then made whether to determine the application by way of an approval or a refusal or defer the decision to request further information prior to making a final decision. This decision is either made:

- by our Officers following the review of submissions and preparation of an assessment report;
- or
- by the relevant planning panel, based on our assessment report and the verbal representations received. The notes of the panel meeting (including the decision) are available on the determining authority's website usually within 7 days of the public meeting.

### 3.3.9 Notice of determination

As a minimum, the notice of determination will include:

- a. the decision, and
- b. the date of the decision, and
- c. the reasons for the decision (having regard to any statutory requirements applying to the decision), and
- d. the applicant's right to have the determination reviewed and right to appeal
- e. the conditions of approval or grounds for refusal.

Any person who made a submission in relation to the DA is also informed of the decision and the reason(s) for that decision.

The Officer's assessment report for DAs that have been through a notification period or public exhibition will also include information about the issues raised and a comment is provided to ensure it has been considered in making the decision.

**TABLE 1. Development assessment – notification timescales**

The table below sets out when and how you will be generally informed about DAs and the minimum notification periods for each type of DA. Some variations may occur depending upon the scale of the development.

| Category      | Development type  | Adjoining land | Neighbouring land | Local newspaper                   | Public authority | Notification period (where applicable) |
|---------------|---|----------------|-------------------|-----------------------------------|------------------|--|
| Residential   | Small scale ancillary residential (Building Code of Australia, Class 10 Buildings)              | ✓              | *                 | ✗                                 | ✗                | 7                                      |
|               | Construction of single storey and 2 storey dwelling houses and ancillary development            | ✓              | *                 | ✗                                 | *                | 7                                      |
|               | Dwelling houses (3 storeys)   | ✓              | *                 | ✗                                 | *                | 14                                     |
|               | Dual occupancy  | ✓              | ✓                 | ✗                                 | *                | 14                                     |
|               | Multi dwelling housing and attached dwellings   | ✓              | ✓                 | ✓<br>(where 10 or more dwellings) | *                | 14                                     |
|               | Residential flat building   | ✓              | ✓                 | ✓                                 | *                | 14                                     |
|               | Development under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 | ✓              | ✓                 | ✓                                 | *                | 14                                     |
| Commercial    | New development   | ✓              | *                 | ✗                                 | *                | 14                                     |
|               | Additions/alterations to commercial buildings   | ✓              | *                 | ✗                                 | *                | 14                                     |
|               | Change of use/internal alterations  | ✗              | ✗                 | ✗                                 | *                | ✗                                      |
| <b>LEGEND</b> | ✓ Required  | ✗ Not required | *                 | At officer's discretion           |                  |  |

TABLE 1. DEVELOPMENT ASSESSMENT – NOTIFICATION TIMESCALES

| Category  | Development type                              | Adjoining land | Neighbouring land | Local newspaper | Public authority | Notification period (where applicable) |
|---|---|----------------|-------------------|-----------------|------------------|--|
| Industrial  | New development                               | ✓              | *                 | ✗               | *                | 14                                     |
|   | Additions/alterations to industrial buildings | ✓              | *                 | ✗               | *                | 14                                     |
|   | Change of use/internal alterations            | *              | ✗                 | ✗               | *                | *                                      |
|   | Potentially offensive or hazardous industries | ✓              | ✓                 | ✓               | *                | 14                                     |
| Subdivision   | Community title subdivision                   | ✓              | *                 | ✗               | *                | 14                                     |
|   | Subdivision, except for the categories below  | ✓              | *                 | ✗               | *                | 14                                     |
|   | Strata subdivision                            | ✗              | ✗                 | ✗               | *                | ✗                                      |
|   | Boundary adjustment                           | ✗              | ✗                 | ✗               | *                | ✗                                      |
| <b>LEGEND</b> ✓ Required    ✗ Not required    * At officer's discretion |   |                |                   |                 |                  |  |



TABLE 1. DEVELOPMENT ASSESSMENT – NOTIFICATION TIMESCALES

| Category  | Development type   | Adjoining land | Neighbouring land | Local newspaper | Public authority | Notification period (where applicable)                             |
|---|--|----------------|-------------------|-----------------|------------------|--|
| Other   | Any land use in the RU4 Zone   | ✓              | *                 | ✗               | *                | 14   |
|   | Major modification to Development Consent  | ✓              | *                 | ✗               | *                | 14   |
|   | Demolition   | ✓              | *                 | ✗               | *                | 7  |
|   | Professional consulting rooms, home industry, boarding houses, place of public worship, child care centres   | ✓              | ✓                 | *               | *                | 14   |
|   | Education establishments   | ✓              | ✓                 | ✓               | *                | 14   |
|   | Change of use of a dwelling to a non-residential use   | ✓              | ✓                 | ✗               | *                | 14   |
|   | Sex services premises, premises seeking consent to extend trading beyond 10pm, entertainment facilities, pubs, night clubs, bars, amusement centres and the like | ✓              | ✓                 | ✓               | *                | 14   |
|   | Applications involving heritage items  | ✓              | ✓                 | *               | *                | 14   |
| Designated development  | Environmental impact statement obtained under Division 5.1   | ✓              | ✓                 | ✓               | *                | Public exhibition<br>Minimum 28 days after the first day of notice |
| <b>LEGEND</b> ✓ Required    ✗ Not required    * At officer's discretion |  |                |                   |                 |                  |  |

An application for a major modification to a Development Consent is also to be notified to those persons who previously objected or were previously notified at the initial DA stage.



# Stay in touch

Please help shape our future. Your ideas and feedback are important to us. If you would like to be involved in community engagement please contact us.



[www.blacktown.nsw.gov.au](http://www.blacktown.nsw.gov.au)



Blacktown City Council



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