

C O F F S
H A R B O U R
C I T Y
C O U N C I L



Notification



Development Control Plan



INTRODUCTION

PREAMBLE

- ◆ This Development Control Plan (DCP) applies to all land to which the Coffs Harbour City Local Environmental Plan 2000 applies.
- ◆ This Plan sets out the circumstances in which a development is to be notified and/or advertised.
- ◆ This Plan came into force on 20 March 2002.

OBJECTIVES

- To encourage public participation in the development control process; and
- To inform the community about potentially sensitive developments.

WHEN WILL DEVELOPMENT BE NOTIFIED/ADVERTISED?

General

- ◆ Adjoining landowners will be notified if in the opinion of Council the enjoyment of land (**see note**) adjoining the development may be detrimentally affected by the proposed development.
- ◆ Owners of land other than adjoining land will be notified by advertisement in a local newspaper circulating in the Council area where in the opinion of Council (**see note**), the enjoyment of that land may be detrimentally affected by the proposed development.

Note:

Council will consider the following in forming its opinion as to whether or not the enjoyment of land may be detrimentally affected by a proposed development:

- ◆ *the views to and the views from the land*
- ◆ *the overshadowing of the land*
- ◆ *the privacy of the land*
- ◆ *the likelihood of the land being detrimentally affected by the proposed use*
- ◆ *the streetscape.*

The following development is not usually notified:

- ◆ *dwellings of single storey construction*
- ◆ *minor alterations/additions including internal work*
- ◆ *development in rural areas*
- ◆ *private swimming pools or outbuildings.*

- ◆ Public authorities Council considers may have an interest in the determination of the application will be notified.

Designated Development

Designated development is advertised in accordance with the Environmental Planning and Assessment Act Regulations.

Integrated Development

Integrated Development involving an approval:

- under Section 58 of the Heritage Act 1977;
 - under the Water Act 1912; and
 - under the Pollution Control Act 1970,
- is advertised in accordance with the Environmental Planning and Assessment Act Regulations.

State Development

State Development is advertised in accordance with the Environmental Planning and Assessment Act Regulations.

Notes:

- **A notice to an association for a community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act 1989 or to a body corporate for a parcel within the meaning of the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986 is taken to be a notice under this section to the owner of each lot within the parcel concerned.**
- **If a parcel of adjoining land is owned by more than one person, a notice to one owner is taken to satisfy the requirements of this section.**
- **Notice is not required to be given to an owner of adjoining land if that owner is the person, or one of the persons, who made the application for approval to erect the building.**

Industrial and Business Zones

Advertising of development is required where:

- Development Applications for buildings with a gross floor area of more than 500m² are proposed on land zoned Industrial 4A;
- All development applications on land zoned Business 3A, 3B, 3C, 3D, 3E, 3F, and 3G; other than where, in the opinion of Council, the public interest will not be significantly affected by the proposal. Examples of proposals that may not be advertised are:
 - internal alterations
 - shop fit-outs
 - shopfront alterations
 - demolition (other than Heritage Items or buildings located in Heritage Conservation Areas)

- change of use
- minor alterations/additions to existing uses
- signs (where the sign complies with Council's Signs Development Control Plan)
- subdivisions.

CONTAMINATED LAND

Category 1 remediation work, as defined in State Environmental Planning Policy No. 55 - Remediation of Land, is advertised in accordance with the Environmental Planning and Assessment Act Regulations for a period of 30 days.

A notice of completion of a category 1 remediation work must be provided to Council (with a copy to the consent authority if Council was not the consent authority) within 30 days after the completion of the work.

Notice must be given to the Council, at least 30 days prior to the commencement of category 2 remediation work.

FORM OF NOTICE/ ADVERTISEMENT

The following is to be included in a written notice or published advertisement:

- description of the land (including address);
- name of applicant;
- name of consent authority;
- description of development;
- a statement, including the dates, that the application and any accompanying documents may be inspected at Council's office during working hours; and
- a statement that any person during the exhibition period may make a written submission.

In respect of category 2 remediation work of contaminated land, the notice must be in writing and:

- provide the name, address and telephone number of the person who has the duty of ensuring that the notice is given;
- briefly describe the remediation work;
- show why the work is category 2 remediation work;
- provide a property description, street address and map of the location of the land; and
- provide estimates of the dates for the commencement and completion of the work.

Note:

Minimum exhibition period is 14 days (30 days for integrated development).

Where proposal is for integrated development, the notice must contain a statement that it is integrated development and must state the approvals required and relevant approval bodies.

CIRCUMSTANCES IN WHICH NOTICE REQUIREMENTS MAY BE DISPENSED WITH

If:

- a development application is amended, or substituted, or withdrawn and later replaced before it has been determined by Council; and
- Council has notified/advertised the original application, in accordance with the format in this DCP; and
- Council is of the opinion that the amended, substituted or later application differs only in minor respects from the original application,

Council may decide to dispense with further notification/advertising in relation to the amended, substituted or later application.

NOTICE OF DETERMINATION

All persons making written submissions will be given written notice of the determination of the application.

NOTIFICATION/ADVERTISING FEE

A fee to cover Council's costs for notifying or advertising in relation to this DCP may be charged on each application.

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