

DEVELOPMENT CONTROL PLAN NOTIFICATION POLICY

RESPONSIBLE DEPARTMENT: Corporate Services
RESPONSIBLE SECTION: Environmental Services

OBJECTIVE:

The objectives of this Notification Policy are to:

- Provide public participation in, and promote public awareness of, the development control process;
- Outline clearly what types of development applications require notification and/or advertisement;
- Identify the specific requirements of letters of notification, displaying a notification on the land and advertising in the local newspaper;
- Outline a Council Officer's right to discretion when determining notification and/or advertisement of an application;
- Outline where a development application can be viewed and how submissions can be made; and
- Specify the notification and/or advertisement requirements surrounding a modification to a development consent.

POLICY:

GENERAL

Adoption of this Notification Policy

This Notification Policy was adopted by Council at its Ordinary Council Meeting on 20 September 2005, and came into effect on 4 October 2005.

This Notification Policy repeals the Narrabri Shire Council Development Notification Policy, September 2000.

Introduction

This Notification Policy sets out clearly what development within the Narrabri Local Government Area requires notification. The following Notification Policy will also outline the type of advertisement and/or notification required and specifies the length of time required for public exhibition of a development application. In doing so this Policy advises people of their rights to view a development application on exhibition and how and where to make a submission regarding an application.

Council's rights and responsibilities regarding notification and/or advertisement of specific applications are also outlined in this Notification Policy.

Aim

The aim of this Notification Policy is to:

- Set out specific requirements regarding the notification and/or advertisement of a development application;
- Notify all relevant parties of their specific rights and requirements regarding public exhibition of a development application; and
- Ensure that the notification/advertisement process enables any relevant parties and/or individuals within the Shire to be actively aware of, and involved in, the development control process.

Discretion

Within this Notification Policy a Council Officer reserves the right to use discretion when determining the type, if any, of notification/advertisement required for a development application.

Application

This Notification Policy applies to all land in the Narrabri Local Government Area, and subsequent land uses as referred to in the Narrabri Local Environmental Plan No. 2, the Narrabri Local Environmental Plan 1992 and the Narrabri Local Environmental Plan No. 5.

This Policy is prepared, and is to be used, in conjunction with Council's current Local Environmental Plans.

This Policy is prepared pursuant to sections 72 (1) (b) & (c) of the *Environmental Planning and Assessment Act 1979* and does not include notification provisions relating to:

- Designated Development;
- State Significant Development;
- Nominated Integrated Development;
- Threatened Species Development; and
- Class 1 Aquaculture Development.

Provisions for notification of these types of developments are contained within the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

This Policy also does not apply to Exempt and Complying Development.

NOTIFICATION PROCESS

How will Development Applications be Publicly Exhibited

Development applications that are required to be on public exhibition can be viewed at the Narrabri Shire Council Administration Building, 46-48 Maitland Street, Narrabri, during business hours. Such applications can be accessed via the Town Planning counter.

Other types of notification and/or advertisement that may be used in placing a development application on public exhibition include a notification letter to adjoining landowners and/or occupiers of the land, a display of notice on the land, a publication in the local newspaper, or any combination of these.

Part 3 of this Notification Policy sets out the types of notification required for specific developments.

What is available for Viewing

In accordance with section 12 of the *Local Government Act 1993*, all plans and information lodged with an application will be available for viewing.

Information in a notification letter

Information to be supplied by Council in a notification letter includes (refer to appendix A for an example):

- Development application number;
- Applicant;
- Land description;
- Development type;
- Site plan;
- Floor plan (if relevant);
- Elevation plan (if relevant); and
- The following additional statement –

*“The above development information is provided for public information as per sections 5 and 79A of the Environmental Planning and Assessment Act 1979 and in accordance with clause 48B of the Environmental Planning and Assessment Regulations 2000. Any person may view the notified application(s) at Council’s Administration Building during office hours. Further any person may make a submission in respect to the notified application(s) within **(NUMBER)** workings days from the date of this written notice. If the submission is by way of an objection the objection must clearly be stated.”*

Who will be notified by letter

A letter of notification of the public exhibition of a development application must be forwarded to:

- Such persons as appear to the Council to own and/or occupy the land adjoining the land to which the development application applies (adjoining land is taken to mean 'sharing a common land boundary');
- Such other persons as appear to the Council to own and/or occupy land, the use or enjoyment of which, in the Council's opinion, may be detrimentally affected if the development is carried out; and
- Any other relevant members of the community at Council's discretion.

Letters of notification will be sent to the address of adjoining owners as per Council's rate register. A letter of notification sent to the owner of the land as per Council's rate register is taken to be notifying occupiers of the land.

How is a notice to be displayed on the land

A notice of the public exhibition of a development application must be exhibited on the land to which the development application relates. Where the land has more than one road frontage, a separate notice must be displayed to each road frontage. The notice (refer to appendix B for an example) must be clear and legible and have the following heading in capital letters and bold type:

**“NARRABRI SHIRE COUNCIL
PUBLIC NOTICES
NOTIFICATION OF DEVELOPMENT APPLICATION”**

The notice must also contain the following information:

- Development application number;
- Applicant;
- Land description;
- Development type; and
- The following additional statement –

*“The above development information is provided for public information as per sections 5 and 79A of the Environmental Planning and Assessment Act 1979 and in accordance with clause 48B of the Environmental Planning and Assessment Regulations 2000. Any person may view the notified application(s) at Council's Administration Building during office hours. Further any person may make a submission in respect to the notified application(s) within **(NUMBER)** working days from the date of this written notice. If the submission is by way of an objection the objection must clearly be stated.”*

Where a notice will not be capable of being read from a public road or public place, including a public reserve, the notice may be located on land immediately adjoining the land so as to be capable of being read from the public road or public place.

How is a notice to be published in a newspaper

If required, notification of a development application on public exhibition is to be placed in the local newspaper on at least two (2) occasions. The publication (refer to appendix C for an example) is to go under the following heading:

Narrabri Shire Council
Public Notices
Notification of Development Application

The publication must also contain the following information:

- Development application number;
- Applicant;
- Land description;
- Development type; and
- The following additional statement –

*“The above development information is provided for public information as per sections 5 and 79A of the Environmental Planning and Assessment Act 1979 and in accordance with clause 48B of the Environmental Planning and Assessment Regulations 2000. Any person may view the notified application(s) at Council’s Administration Building during office hours. Further any person may make a submission in respect to the notified application(s) within **(NUMBER)** working days from the date of this written notice. If the submission is by way of an objection the objection must clearly be stated.”*

How long will Development Applications be on Public Exhibition

Development applications requiring notification in the Narrabri Shire will be on public exhibition for a minimum of ten (10) working days. The exact number of working days required for public exhibition and the dates of the period are as determined by a Council Officer.

How to make a submission

A submission regarding a development application on public exhibition must either be submitted in writing and delivered to Council’s Administration Building, 46 – 48 Maitland Street, Narrabri, or alternatively, electronically via email to council@narrabri.nsw.gov.au within the determined days of exhibition. If the submission is by way of objection the objection must be clearly stated. All submissions are to be addressed to the General Manager. Written acknowledgement will be issued to any person who makes a written submission within seven (7) days of receipt of the submission.

How will people be notified of Council’s determination of a Development Application

All persons who make a submission regarding a development application on exhibition will be notified of Council’s determination of the application by way of a letter.

Development requiring notification/advertisement

Council Officers reserve the right to use discretion in determining when a development application is required to be publicly exhibited/notified and the category of notification used.

Types of Notification

Table 1: Categories of Notification

TYPES OF NOTIFICATION	CATEGORY
Letter to adjoining property owners, notice published in the local newspaper and notice displayed on the land	A
Letter to adjoining property owners	B
Notice published in the local newspaper	C

Development to be notified under Local Environmental Plans

Table 2 outlines, but is not restricted to, development types that require a category of notification under all Narrabri Local Environmental Plans. Tables 3 – 5 outline development types, in specific zones, as per each Local Environmental Plan, that require notification and the category of notification required as defined in table 1.

Table 2: Development requiring notification

DEVELOPMENT TYPE	NOTIFICATION CATEGORY
Boarding houses/hostels Brothels Hotels/Motels Child care centre Greenfield subdivisions Service Stations Mortuary/funeral home	A
Liquid fuel depots Sawmills Stock and sale yards (commercial) Commercial bulk storage Distribution of hazardous chemicals Flood sensitive development (i.e. drainage) Home industry Residential flat buildings Motor showrooms Infill subdivisions Boarding kennels Intensive livestock keeping establishments	B
Church/Place of worship Educational establishments Junk yards 1(a) General Rural Subdivisions (creation of 5 or more lots) 1(c) Subdivisions Advertising structures ¹ Residential dwellings ¹	B

Table 3: Development requiring notification (LEP No.2)

ZONE	DEVELOPMENT TYPE	NOTIFICATION CATEGORY
2(a) Residential "A"	General store (floor area < 100sq metres)	B
2(b) Residential "B"		
2(c) Residential "C"	Professional consulting rooms	
2(d) Residential "D"		
3(b) Neighbourhood Business	Shops with gross floor area > 1000sq metres	B
	Residential dwellings	

¹ At Council staff's discretion; dependent on likely impact on streetscape and amenity of neighbouring properties/residences.

Table 4: Development requiring notification (LEP No.5)

ZONE	DEVELOPMENT TYPE	NOTIFICATION CATEGORY
2(a) Residential "A" 2(d) Residential "D"	General store (floor area < 100sq metres) Professional consulting rooms	B

Table 5: Development requiring notification (LEP 1992)

ZONE	DEVLEOPMENT TYPE	NOTIFICATION CATEGORY
2(a) Residential "A"	General store (floor area < 100sq meters) Professional consulting rooms	B
2(c) Residential Enterprise	Commercial premises as per schedule #3 & #4 ¹ (appendix D)	

Modifications

Under section 96 of the *Environmental Planning and Assessment Act 1979* there are a number of types of modifications of development consent. Notification and/or advertisement regarding modifications of consent is at the discretion of a Council Officer in accordance with the *Environmental Planning and Assessment Regulations 2000*. Factors in deciding whether or not a modification of consent requires notification include the scale and intent of the modification. Dependent on the scope of the modification, notification categories A, B or C may be used.

Approvals under the Local Government Act 1993

Under section 68 of the *Local Government Act 1993* there are a number of general activities requiring Council approval. Notification and/or advertisement regarding local approvals (e.g. activities on Community Land) is at the discretion of a Council Officer in accordance with the *Environmental Planning and Assessment Regulations 2000*. Dependent on the extent and/or impact of the activity seeking approval, notification categories A, B or C may be used.

Fees and Charges

Fees and charges apply to the notification/advertisement of a development application as per Council's current Schedule of Fees and Charges.

¹ At Council staff's discretion; dependent on likely impact on streetscape and amenity of neighbouring properties/residences.

APPENDIX A

Example of a letter of notification.

	<i>Our Reference:</i> GMP:ED ; File Number <i>Your Reference:</i> <i>Contact Name:</i> Mr Graham Pathuis <i>Telephone:</i> (02) 6799 6855
Recipient Name Company Street/PO Box <u>TOWN NSW P/Code</u>	Date
Dear	
Re: Notification of Development Application	
Development Application No: Applicant: Proposed Development: Land Description: Street Address: Development Type:	
<p>As per Council's Development Notification Policy, Council is notifying you of the above mentioned development application.</p> <p>Council considers that you may wish to have some input into Council's determination of the application as you either:-</p> <ul style="list-style-type: none"> a) adjoin land on which it is proposed to erect or alter a building; or b) the enjoyment of which may be affected by the proposed development. <p>A plan showing the height and external configuration of the building in relation to the site is enclosed for your perusal.</p> <p>The above development information is provided for public information as per sections 5 and 79A of the Environmental Planning and Assessment Act 1979 and in accordance with clause 48B of the Environmental Planning and Assessment Regulations 2000. Any person may view the notified application(s) at Council's Administration Building during office hours. Further any person may make a submission in respect to the notified application(s) within (NUMBER) working days from the date of this written notice. If the submission is by way of an objection the objection must clearly be stated.</p> <p>Yours faithfully,</p> <p>Mr Graham Pathuis <u>MANAGER ENVIRONMENTAL SERVICES</u></p> <p>Encl;</p>	

APPENDIX B

Example of a notice to be displayed on the land.

<p style="text-align: center;">NARRABRI SHIRE COUNCIL PUBLIC NOTICES</p> <p style="text-align: center;">NOTIFICATION OF DEVELOPMENT APPLICATION</p> <p><u>DEVELOPMENT APPLICATION NO:</u></p> <p><u>APPLICANT:</u></p> <p><u>PROPOSED DEVELOPMENT:</u></p> <p><u>LAND DESCRIPTION:</u></p> <p><u>DEVELOPMENT TYPE:</u></p> <p>The above development information is provided for public information as per sections 5 and 79A of the Environmental Planning and Assessment Act 1979 and in accordance with clause 48B of the Environmental Planning and Assessment Regulations 2000. Any person may view the notified application(s) at Council's Administration Building during office hours. Further any person may make a submission in respect to the notified application(s) within (NUMBER) working days from the date of this written notice. If the submission is by way of an objection the</p>

APPENDIX C

Example of a notice to be published in the local newspaper.

<p style="text-align: center;">NARRABRI SHIRE COUNCIL PUBLIC NOTICES</p> <p style="text-align: center;">NOTIFICATION OF DEVELOPMENT APPLICATION</p> <p><u>DEVELOPMENT APPLICATION NO:</u></p> <p><u>APPLICANT:</u></p> <p><u>PROPOSED DEVELOPMENT:</u></p> <p><u>LAND DESCRIPTION:</u></p> <p><u>DEVELOPMENT TYPE:</u></p> <p>The above development information is provided for public information as per sections 5 and 79A of the Environmental Planning and Assessment Act 1979 and in accordance with clause 48B of the Environmental Planning and Assessment Regulations 2000. Any person may view the notified application(s) at Council's Administration Building during office hours. Further any person may make a submission in respect to the notified application(s) within (NUMBER) working days from the date of this written notice. If the submission is by way of an objection the</p>

Schedule #3 and #4 as per LEP 1992.

SCHEDULE 3 – INDUSTRIES

Aerated waters and cordial manufacture
Boot and shoe repairing
Bread, cake and pastry manufacture
Builder's yard
Cabinet making
Carrier's establishment
Car repair station
Car trimming
Cycle repairing
Dressmaking
Electrician's workshop
Fuel merchant's establishment
Joinery workshop
Laundry
Lawn mower repairing
Milk distributing depot
Painter's workshop
Plant nursery
Plumber's workshop
Printer (jobbing)
Radio and television mechanic's workshop
Rubber vulcanising and tyre retreading
Signwriter's workshop
Tailoring
Timber yard
Toy making
Undertaker's establishment
Upholstering
Veterinary surgeon's establishment
Any home industry not specified

SCHEDULE 4 – SHOPS

Butcher's shop
Chemist shop
Confectionary shop and milk bar
Greengrocer's shop
Grocer's shop
General store
Hairdressing salon
Hardware store
Newsagency
Produce store
Refreshment room
Smallgoods and sandwich shop
Tobacconist shop

HISTORY

MINUTE NO:	MEETING DATE:	DESCRIPTION
662/2005	20 September 2005	Adopted