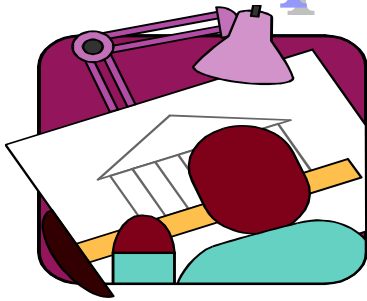




Development Control Plan



No 25



Public Notification of

Development Applications

A. What is this plan called?

Development Control Plan No. 25 – Public Notification of Development Applications

B. Where does this plan apply?

The plan applies to all development applications that are to be lodged with Griffith City Council

C. When does this plan come into force?

Council adopted this plan at its meeting of 11th February 2003.

The plan took effect on 17th February 2003.

D. What is the relationship with other Development Control Plans?

In cases involving inconsistency between the requirements contained in this plan and other Council's Development Control Plans & Polices, the provisions outlined in this plan shall apply.

Aims & Objectives

Part 2

A. What are the aims of this plan?

- To ensure that public participation is facilitated in an orderly and transparent manner;
- To facilitate an open and informative development application assessment process.

B. What are the objectives of this plan?

- To set parameters which allows for effective public participation without hindering the rapid assessment process;
- To ensure community views are considered where there is a potential impact on the adjoining property;
- To ensure consistency and fairness in the manner in which Council implements public notification.

Definitions

Part 3

Exhibition/Submission period:	A period 14 days in which any person may inspect exhibited documents relating to a specified development and make a submission.
Exhibition Plans:	Plan Showing: <ul style="list-style-type: none">▪ the height and external configuration of a proposed building in relation to the site and adjoining buildings; or▪ in the case of a development proposal that does not involve the erection of a building, the general arrangement of the proposed development in relation to the site and adjoining buildings.
Specified Development:	A development that requires public notification prior to making a final determination under this plan. Specified development is development other than designated or advertised developments that are listed under the Environmental Planning and Assessment Act 1979. Public participation method listed under Environmental Planning and Assessment Regulation 2000 does not apply to specified development.
Local newspaper:	A newspaper circulating at least once weekly in the Griffith City Council area.
Advertised Notice:	An advertisement placed in a local newspaper. It could be in inform of a published advertisement for particular development or a general weekly notification list.
Notice to the owner:	Where: <ul style="list-style-type: none">▪ the land is a parcel created under the Community Land Development Act 1989 or Strata Title Act 1973 or Strata Titles (Leasehold) Act 1986, a written notice to the governing association is taken to be a notice to the owner.▪ more than one person is listed as the owner of the land, a written notice to one of the owners is taken to be a notice to the owner.
Published Advertisement	A notice appearing across 1 or 2 columns in display section of a local newspaper
Self obtaining Notification	A written consent of no objection to the proposal from all nominated adjoining owners, lodged along with the development application.
Weekly notification list	It is a list of development applications that require advertised notification, which were lodged during the preceding seven days. The subject list is compiled every Thursday before 10.00AM and appears in local newspaper every Friday. The following information is included in the notification: <ul style="list-style-type: none">• a brief description of the notifiable application• the development application number or other reference number• a description of the land to which the matter relates• where relevant, the name of the applicant• the dates for the submission and exhibition periods.

- Written notice:** A letter served on a person by post or personal delivery.
- Adjoining Owners:** Persons who appear on Council's record, to own land:
- abutting a development proposal,
 - separated from it only by a pathway, driveway or similar thoroughfare, and
 - directly opposite to the development proposal.
- Statutory requirement:** A requirement under the provisions of an Act, Regulation, State Environmental Planning Policy, Regional Environmental Plan, Local Environmental Plan or other statutory instrument.

GLOSSARY OF TERMS USED

- DCP:** Development Control Plan
- EP&A ACT:** Environmental Planning & Assessment Act 1979
- LEP:** Local Environmental Plan
- REP:** Regional Environmental Plan
- SEPP:** State Environmental Planning Policy
- EP&A REGULATION:** Environmental Planning & Assessment Regulation 2000

Preamble

The Council shall not determine a development application until the applicable submission period is closed, except for development, which is exempt under the Development Control Plan, or by any other Environmental Planning instrument. All submissions received during the applicable submission period are to be taken into consideration in the Council's determination of the matter.

In many instances, the notification requirements of this DCP are in addition to those imposed by relevant Acts and Regulations. This DCP adds to and extends statutory notification requirements, but does not replace or reduce other requirements.

1. Does Council notify all development applications publicly?

No. In order to expedite the assessment process and provide effective notification procedure, the Council has classified developments into three categories.

a) Development applications require public participation under the provisions of the Environmental Planning & Assessment Act, 1979 (EP&A Act)

The developments covered under this section are:

- Designated development
- Advertised development
- Other advertised developments specifically named in the Act are environmental planning instrument ie. REP & LEP's
- Complying & Exempt development

The subject DCP does not apply to the above mentioned development applications. The public consultation process for these applications is regulated by the Environmental Planning and Assessment Act & Regulations (See Attachment 1)

b) Development applications require public participation under the provisions of this Development Control Plan

The subject applications will be known as "Specified Development" and are required to be notified and/or advertised under the provisions of this Development Control Plan. For further details about this category refer to part 6 of this DCP.

c) Development applications that require no public participation

The subject application will be known as "Non Specified Development." These developments are considered to have no potential detrimental impact on the adjoining land and are not required any type of public notification. For further details about this category refer to part 5 of this DCP.

Note: In relation to this category, the Development Assessment Manager reserves the right to notify the landowners if he/she is of the opinion that the use or enjoyment of land may be detrimentally affected by the proposal.

2. In what form will the public notice be given?

The Council may give public notice in various forms, based upon the type and sensitivity of the development.

Public notice may include one or all of the following:

- **written notice**
- **published notice**
- **weekly notifications**
- **a 'web page' notification** published electronically on the internet

The Development Assessment Manager reserves the right to public awareness by:

- sending **media releases** to local media agencies
- placing a **notice** at a common neighbourhood place' ie shop, library etc
- arranging **public meetings**, presentations and discussion evenings; and
- **consulting** with relevant **advisory groups**

In order to speed up the process, the method of notification is already predetermined for certain specified developments, refer to table 1 to 4 in part 6 of this plan.

Council has also introduced a new process known as "self obtaining notification". Here the applicant can submit a written consent of no objection to the proposal from all nominated adjoining owners and lodged it along with the development application. The process will not only reduce determination time but will also not attract public notification fees.

3. What happens if applicant fails to obtain letter of no objection from all nominated landowners?

Failing to obtain the adjoining owner consent means Council will notify to the adjoining owners prior to determination of the application.

4. Does Council provide translation assistance?

Yes, the Council may arrange for the translation of written notices where a recipient with non-English speaking background requests assistance.

5. What is the process for viewing & lodging of submissions?

All documents that are publicly notified will be either prominently displayed or available for inspection during the applicable exhibition period at the Council's Customer Enquiry Centre, Ground Floor, 1 Benerembah Street and at such other locations as are specified in written and published notices. The period may be increased if the Development Assessment Manager considers that a longer period is required.

Submissions relating to a development application must be made in writing and delivered to the Council by any of the following means:

- **Personal delivery:**
1 Benerembah Street, Griffith
- **Post:** PO Box 485,
Griffith NSW 2680
- **Facsimile:** 02 6964 4368
- **Email:** admin@griffith.nsw.gov.au

Submissions relating to specified development must be lodged with the Council prior or by 4.00 pm on the final day of the submission period.

If the final day of the submission period is not a working day, the submission period is automatically extended to 4.00 pm on the next working day.

6. What form should a submission take?

The submission must:

- clearly identify the matter to which the submission relates.
- state the grounds of any support or objection expressed in the submission,
 - if objecting, the objection letter must be based on specific planning grounds;
 - Grievance/grudge is not the ground for objection.
- be signed by the person making the submission (except if transmitted by electronic mail).
- the submission must include the sender's residential address and phone number (especially daytime contact) so as to:
 - enable Council to establish contact, and
 - if necessary, enable Council staff to clarify issues raised in the submission.

Advisory note: - *Failing to provide the above information may impact adversely on your submission.*

7. Will Council accept late submissions?

No, except special circumstances. The acceptance of late submissions is at the discretion of the Development Assessment Manager.

8. Are the submissions lodged with Council kept confidential?

No, submissions are not kept confidential. The public, through Council's Public Officer may access submissions.

9. Will Council acknowledge the submissions?

No, submissions on development applications will not be formally acknowledged. If the matter is to be determined by a

Committee/Council, where daytime contact details by telephone number, facsimile and/or e-mail have been provided, reasonable efforts will be made to advise the submitter of the Committee/Council meeting date.

Advisory note: *In majority of cases, if the development application is to be determined by a Committee/Council, it will be discussed on the second and fourth Tuesday of the month at the ordinary meeting of Council. The business paper for the above meeting is available to the public on the Friday before the meeting day.*

10. Will the applicant be advised of objections?

Yes, the applicant, on request, will be advised of the terms of an objection and from where it originated. The applicant, by appointment is entitled to read all submissions received.

The applicant will be encouraged to resolve differences with the objector prior to Council's determination of the application.

11. Will Council notify submitters about the determination?

Yes, following the determination of an application, all persons who made a submission will be notified of the decision regarding the application.

12. Is there a mediation process?

Yes, when objection/s is/are received to an application, the applicant and those persons who have lodged objections will be invited to attend a mediation meeting with the technical Officer or Development Assessment Manager.

Where resolution cannot be reached with respect to objections, staff will refer the application to the Council for determination.

Preamble

The following development (not being development relating to a heritage item or heritage conservation area) is considered by the Council as being generally unlikely to warrant public notification.

In relation to this category, the Development Assessment Manager reserves the right to notify the landowners if he/she is of the opinion that the use or enjoyment of land may be detrimentally affected by the proposal.

1. Development in Commercial Zoned Areas does not warrant public notification if it meets the following requirements

- Erection of new buildings, alterations or additions to commercial buildings within a business zone, except if it adjoins a residential building does not warrant public notifications
- Changes of use or new commercial business within a business zone, except if:
 - the proposed use involves sex industry-related activities; or
 - the site is in proximity to a residential building likely to be affected by the proposal; or
 - identified as specified development under this DCP.
 - is not commercial business, and does not meet the objectives of that zone.
- Advertisements; and
- Subdivision of 5 or less allotments

2. Development in Industrial Zoned Areas does not warrant public notification if it meets the following requirements.

- Erection of new buildings, or alterations or additions to industrial buildings within an industrial zone except if the site is in proximity to a dwelling house (other than the caretaker premises ancillary to a business), which is likely to be affected by the proposal.
- Changes of use or new business within an industrial zone, except if:
 - the proposed use involves sex industry-related activities; or
 - the site is in proximity to a dwelling house (other than the caretaker premises ancillary to a business) and is likely to be affected by the proposal; or
 - identified as specified development under this DCP; or
 - is not industrial development and does not meet the objectives of that zone;
- Advertisements; and
- Subdivision of 5 or less allotments

3. Dwelling house in 2(a); 2(v); 1(c); 7(c); 1(d) & 1(a) Zoned Land does not warrant public notification if it meets the following requirements.

In a 2(a); 2(v) & 1(d)zone

- Single storey dwelling houses where the allotment area is 400 square metres or larger and meets Council setback requirements.
- Garages, carports or other ancillary residential outbuildings that meet Council setback requirements are at least 900 mm clear of property boundaries.
- Swimming pools associated with a dwelling-house, and that is at least 2m clear of property boundaries and is behind the building line(not in front yard)
- Internal alterations or renovations of single storey dwelling house.
- Ground-floor alterations or additions to an existing double storey dwelling house.
- Subdivision of 5 or less allotments.

In a 1(c); 7(c) & 1(a) Zone

- New dwelling houses, internal & external alterations or additions, swimming pools and other ancillary buildings, that are within the approved building envelope. In case where there is no approved building envelope the new structure must be setback at least 10 metres of all property boundaries.
- Subdivision of 5 or less allotments.

Preamble

As stated earlier the Specified Development is a development that is required to be notified and/or advertised under the provisions of this Development Control Plan..

The public notification in the subject category is addition to public participation required under the Environmental Planning and Assessment Act 1979 & Regulations 2000.

1. Are all development applications notified and advertised under this category?

No. Applications within this category will be notified/advertised as prescribed in Table No.1 - 4.

The Development Assessment Manager may higher the level of notification than that prescribed in Table 1-4 if he or she is of the opinion that the proposed development may have higher impacts on the wider community, i.e. noise impacts or traffic generation etc.

2. Does modification to the consent application notified too?

In general notification process will be as per the original development application except where:

- the modification is of minor nature pursuant section 96(1) of EP&A Act, or
- the modification is of minimal environmental impact pursuant Sec 96 (1A) of the EP&A Act

then no notification is required.

Notwithstanding above, all modifications applications lodged under section 96(1A) & 96(2) of EP&A Act , where an objection was received to the original applications Council must notify the objector/s.

The applicant may lodge a written consent from the objector together with the application in order to speed up the process.

3. How long will the exhibition & submission periods be?

The exhibition and submission period is 14 days, commencing on the day on which written notice is first given. The Development Assessment Manager may extend the exhibition period than that indicated in Table 1-4 based on consideration of the following criteria:-

- (a) scale of development, and
- (b) social, physical and economic impact of the development

**TABLE 1
RESIDENTIAL ZONE
SPECIFIED DEVELOPMENT**

<i>Type of Development</i>	Type of Public Participation				<i>Comments</i>
	<i>Self obtaining Notification</i>	<i>Written Notification</i>	<i>Advertised Notification</i>		
			<i>Weekly Notification</i>	<i>Published Notice</i>	
Bed & Breakfast	✓				If complying development no notification is required
Boarding houses		✓	✓		
Business premises (shop)		✓	✓		Notification may vary depending upon the proposal
Caravan Parks		✓		✓	
Child care centres (other than Home based)		✓	✓		
Cinemas		✓		✓	
Community facilities			✓		Notification may vary depending upon the proposal
Convenience stores		✓	✓		
Dual occupancy housing <ul style="list-style-type: none"> • On cross hatched land & complies with DCP 21 Residential Development Policies • Other 	✓	✓			
Dwelling houses (double storey)	✓				
Entertainment facilities		✓		✓	
Exhibition homes	✓				
Family day care centres	✓				

**TABLE 1 cont.
RESIDENTIAL ZONE**

<i>Type of Development</i>	<i>Self obtaining Notification</i>	<i>Written Notification</i>	<i>Advertised Notification</i>		<i>Comments</i>
			<i>Weekly Notification</i>	<i>Published Notice</i>	
Health consulting rooms	✓				
Home-based child care services	✓				
Home businesses	✓				
Home occupation	✓				
Housing for aged or disabled persons		✓	✓		
Multiple dwellings <ul style="list-style-type: none"> • On cross-hatched land & complies with DCP 21 Residential Development Policies. • Other 	✓	✓			
Office premises		✓	✓		
Places of public worship		✓	✓		
Residential Flats		✓			
Restaurants		✓			
Sex Related Activities		✓	✓		
Subdivision, more than 5 lots			✓		
Temporary Accommodation (motel & Apartments)		✓	✓		
Other development	All other development proposals are required to be notified under weekly notification except the where the Development Assessment Manager is of the opinion that the use or enjoyment of land may be detrimentally affected by the proposal and the adjoining owners needs to be notified.				

**TABLE 2
INDUSTRIAL ZONE
SPECIFIED DEVELOPMENT**

<i>Type of Development</i>	Type of Public Participation				<i>Comments</i>
	<i>Self obtaining Notification</i>	<i>Written Notification</i>	<i>Advertised Notification</i>		
			<i>Weekly Notification</i>	<i>Published Notice</i>	
Animal boarding or training establishments	✓				
Caravan Parks (if allowed in 4a zone)	✓		✓		
Caretakers Residence	✓				
Child care centres	✓		✓		
Community facilities		✓			
Convenience stores	✓				
Demolition	✓				If complying development no notification is required
Educational establishments			✓		
Family day care centres	✓		✓		
Hazardous industries		✓	✓		
Hazardous storage establishments		✓	✓		
Health consulting rooms			✓		
Highway service centres/Retail stores			✓		
Offensive industries		✓	✓		
Offensive storage establishments		✓	✓	✓	
Office premises	✓				
Sex Related Activities		✓	✓		
Waste depots		✓	✓		
Other development except non specified development	All other development proposals are required to be notified under weekly notification except the where the Development Assessment Manager is of the opinion that the use or enjoyment of land may be detrimentally affected by the proposal and the adjoining owners needs to be notified.				

**TABLE 3
COMMERCIAL ZONES
SPECIFIED DEVELOPMENT**

<i>Type of Development</i>	Type of Public Participation				<i>Comments</i>
	<i>Self obtaining Notification</i>	<i>Written Notification</i>	<i>Advertised Notification</i>		
			<i>Weekly Notification</i>	<i>Published Notice</i>	
Boarding houses			✓		
Caravan Parks			✓		
Child care centres			✓		
Community facilities			✓		
Clubs, hotels or pubs		✓		✓	
Education establishment			✓		Depends upon close proximities to residential buildings
Motel or hotel			✓		
Residential flats	✓		✓		
Sex Related Activities		✓	✓		
Subdivision (6 or more lots)	✓				
Veterinary Clinics	✓				
Other development except non Specified development	All other development proposals are required to be notified under weekly notification except the where the Development Assessment Manager is of the opinion that the use or enjoyment of land may be detrimentally affected by the proposal and the adjoining owners needs to be notified.				

**TABLE 4
OTHER ZONES**

		Type of Public Participation				
<i>Zone</i>	<i>Type of Development</i>	<i>Self obtaining Notification</i>	<i>Written Notification</i>	<i>Advertised Notification</i>		<i>comments</i>
				<i>Weekly Notification</i>	<i>Published Notice</i>	
<p>All other development proposals are required to be notified under weekly notification except the where the Development Assessment Manager is of the opinion that the use or enjoyment of land may be detrimentally affected by the proposal and the adjoining owners needs to be notified.</p>						

Notification Required under the EP&A Act

Attachment 1

Statutory Public Consultation Development

Development applications covered by the Statutory Requirements are:

- ❑ *Designated development*
- ❑ *Advertised development*
- ❑ *Complying development*
- ❑ *Exempt development*

Designated Development

The provision relating to public participation for designated development applications is specified by:

- Section 79 of the Environmental Planning and Assessment Act 1979, and
- Clauses 77-81 of the Environmental Planning and Assessment Regulation 2000.

What is Designated development?

Designated development refers to certain types of high-impact development that have been specifically 'designated' by:

- *Schedule 3 of the Environmental Planning and Assessment Regulation 2000; or*
- *an environmental planning instrument.*

Development applications for designated development are required to be accompanied by an Environmental Impact Statement.

Advertised Development

The provision relating to public participation for advertised development applications is specified by.

- Section 79A of the Environmental Planning and Assessment Act 1979, and
- Clause 65 of the *Environmental Planning and Assessment Regulation 1994.*

What is an Advertised development?

Advertised development refers to certain types of development that have been specifically declared to be 'advertised development' by:

- *Section 4(1) of the Environmental Planning and Assessment Act 1979; or*
- *Clause 5 of the Environmental Planning and Assessment Regulation 2000; or*
- *an environmental planning instrument;*

There are four categories of advertised development and are referred to as 'other advertised development' in the regulations

a) Nominated integrated development:

This refers to integrated development that is neither designated development nor State significant development but requires:

- an approval under Section 58 of *Heritage Act 1977*; specified in section 91(1) of the EP&A Act or
- an approval from the Environment Protection Authority under the *Protection of the Environment Operations Act 1997* specified in section 91(1) of the EP&A Act; or
- an approval from the Department of Land and Water Conservation under the *Water Act 1912* specified in section 91(1) of the EP&A Act.

b) State Significant Advertised Development

The Minister for Urban Affairs and Planning is the consent authority for state significant development, hence the advertising and notification are to be made by the State Government in accordance with clauses 82-85 of the Environmental Planning and Assessment Regulation 2000.

c) Threatened Species Development

Any development application requiring a Species Impact Statement is referred to as Threatened Species Development

d) Other advertised development:

This refers to development that is otherwise declared to be advertised development by Environmental Planning Instrument (SEPP's, REP, LEP's). Examples of other advertised development include:

- demolition of a building that is a heritage item or is within a heritage conservation area
- potentially offensive industries or potentially hazardous industries (SEPP 33).

Public Participation for "Other Advertised Development" is governed by the EP&A Regulations 2000 Clause 86-91.

Complying Development

Complying development applications are not required to be exhibited under the EP&A Act. There are no opportunities for the public to make comment on a Complying Development applications.

However, prior to commencement of any construction work the landowner/ contractor is required to have notified the adjoining owners that work will commence from a given day.

What is Complying development?

Complying development is small scale, low impact, routine development capable of prompt certification by Accredited Certifiers as well as by Council. It is defined by reference to fixed development standards and governed by predetermined conditions of approval. See Development Control Plan No.22 for more details

Exempt Development

As there is no development application required for this category therefore no notification is required.

Advisory note: Refer to Development Control Plan 22 – Exempt & Complying Development Policy to see whether your proposal is classed as an exempt development and fits the required criteria.

W:\Environmental Services\development\Statutory Plans\DCPs\DCP 25 - Public Notification of DA's.jn.doc

