

Development Control Plan 56 - Notification Contents

Chapter 1 - Introduction	2
1.1 Where the DCP applies	2
1.2 Commencement of the Plan	2
1.3 Purpose of the Plan	2
1.4 Objectives of the Plan	2
1.5 Relationship to other Environmental Planning Instruments	2
Chapter 2 – Dictionary of Definitions	3
Chapter 3 – Notification and Advertising Requirements	6
Chapter 4 – Notification Requirements by Type	12
4.1 Type A Requirements	12
4.2 Type B requirements	12
4.3 Type C requirements	12
4.4 Type D requirements	13
4.5 Type E requirements	14
4.6 Type F Requirements	15
4.7 Criteria to be considered in determining likely detrimental effect of development	17
Chapter 5 – Procedures for Notification	19
5.1 Website information	19
5.2 Notification to Councillors	19
5.3 Notification letters	19
5.4 Advertisements in the local newspaper	20
5.5 Notification signs at the property	21
Chapter 6 – Written Submissions to Council	22
6.1 Form of Written Submissions	22
6.2 Anonymous submissions	22
6.3 Disclosure of submissions	22
6.4 Acceptance and consideration of submissions	23
6.5 Acknowledgement of submissions	23
6.6 Advice to applicant of written submissions	23
Appendix	24
Notification Type A Developments	24
Notification Type B Developments	25
Notification Type C Developments	25
Notification Type D Developments	26
Notification Type E Developments	27
Notification Type F Developments	27

Chapter 1

Introduction

1.1 Where the DCP applies

This plan applies to all land within the Ku-ring-gai Local Government Area to which the *Ku-ring-gai Planning Scheme Ordinance* applies, unless the development being carried out is defined as exempt or complying in Council's adopted DCP 46 - Exempt and Complying Development.

1.2 Commencement of the Plan

This plan was adopted by Council on 28 June 2005 and came into force on 13 July 2005.

1.3 Purpose of the Plan

This plan has been prepared in order to clearly communicate Council's requirements for the involvement of stakeholders in the consideration of applications for development consent made under Part 4 of the *Environmental Planning and Assessment Act 1979*.

1.4 Objectives of the Plan

The objectives of this DCP are:

- A. Public participation in the planning process that is appropriate to the type and form of development proposed.
- B. A consistent, transparent and efficient development assessment process.

1.5 Relationship to other Environmental Planning Instruments

The plan has been prepared to complement the Ku-ring-gai Planning Scheme Ordinance and has been prepared in accordance with section 72 of the *Environmental Planning and Assessment Act 1979*, as amended, and Part 3 of the *Environmental Planning and Assessment Regulation 2000*, as amended. The advertising and notification procedures required under this legislation take precedence over the provisions of this DCP. In the event of any inconsistency between this plan and other Council development controls plans, policies and codes, this plan will prevail unless otherwise specified in this plan or in the other plans, policies and codes.

Chapter 2

Dictionary of Definitions

Adjoining land means land that has a boundary in common with the site on which the development is proposed or that is separated from the site by not more than a pathway, driveway, laneway, roadway or similar thoroughfare.

Advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Advertising means written notice of a proposed development including a notice in a newspaper.

Ancillary, in the context of residential development, includes but is not limited to, such related facilities as a swimming pool, outbuilding, pergola, patio, pathway, driveway or tennis court.

Building includes a structure or part of a permanent building or structure but not a manufactured home, a moveable dwelling or associated structure or part thereof.

Built-upon area means the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace or pergola, hard-surface recreation area, swimming pool, tennis court, driveway, parking area or any likely structure, but excluding minor landscape features.

Bushland is land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and flora of the natural vegetation.

Community Land Development means community land development within the meaning of the *Community Land Development Act 1989*.

Complying Development means a minor type of work or activity listed in Schedule 2 of Council's DCP 46 that can be certified within seven days by either Council or an accredited certifier.

Council means Ku-ring-gai Council.

Cut and fill means earthworks undertaken to alter the slope or level of the land. DCP stands for Development Control Plan.

Designated Development has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

Development means the erection of a building or the carrying out of a work in, on, over or under the land or the use of land or building or work thereon or the subdivision of land.

Development Application has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

Development assessment officer means the Council officer with primary responsibility for assessing the development application.

Development assessment team leader means a Council officer with responsibility for a group of development assessment officers.

Dual Occupancy means land with two dwellings.

Dwelling means a room or suite of rooms occupied, used, constructed or adapted so as to be capable of being occupied or used as a separate domicile.

Exempt Development means a minor type of work listed in Schedule 1 of Councils DCP 46 that will have minimal environmental impact and that does not require development consent before it may be undertaken, but that may require some other form of approval or license from Council or another authority.

Firearms outlet means premises used for the display, exhibition or sale of goods which require a licence under Section 7 of the NSW Firearms Act (1996)

Ground level means the level of the site before development is carried out on the site under this Plan. This does not include any level that has been created without the approval of the Council where this would otherwise be required.

Local Development has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

Neighbouring land means any land, other than adjoining land, within the Ku-ring-gal local government area, the enjoyment of which the assessment team leader considers may be detrimentally affected by the development proposal.

Notification means written information provided to potential stakeholders by the Council in the form of a letter, e-mail, information on Council's website or a sign that may be viewed from a public place.

Occupier means a person who lives on the land.

Owner has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Potential heritage item is a site identified by Council resolution for potential listing as a heritage item, and is listed as such on Council's database, Proclaim.

Proposed conservation area is an area identified by the National Trust as an urban conservation area, as mapped in Appendix B.

Public exhibition is where a development application is made available for inspection, by any person, at the office of Council, and such other places to be determined by Council for a period not less than fourteen (14) calendar days.

Recreational venue means a sports facility (indoor or outdoor), park, playground and the like.

Section 96(1) modifications are modifications by Council to consents that involve minor errors, misdescriptions or miscalculations.

Section 96(1A) modifications are modifications by Council to consents that involve minimal environmental impact.

Section 96(2) modifications are other modifications by Council to consents that may have an environmental impact.

Section 96AA modifications are modifications made by consent authorities to consents granted by the Court.

Site area means the area of land contained within the title boundaries of the site or the area of the property on which the development is proposed to be carried out. Site area excludes an access corridor to the site such as the area of any access handle in the case of battle-axe (hatchet) shaped allotments.

Strata Title Building means a strata title building within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold) Development Act 1986*.

Urban Conservation Area means a conservation area under the Ku-ring-gai Planning Scheme Ordinance, as mapped at Appendix B.

Written submission means a submission in writing in the form of a letter, report, facsimile transmission, petition, e-mail or other like form.

Chapter 3

Notification and Advertising Requirements

- 3.1 Where a development, section 96 modification or section 82A review application is submitted to Council, notification is required in accordance with the table in this Chapter.
- 3.2 In accordance with the requirements of the *Ku-ring-gai Planning Scheme Ordinance* and as specified in the table below, the following development on heritage items must be notified and advertised as Notification Type F, which is the same as the requirements for designated development:
- a) all demolition of heritage items;
 - b) all demolition in urban conservation areas; and
 - c) any use of a building or land for which consent is sought under the provisions of 61 H of the *Ku-ring-gai Planning Scheme Ordinance* (KPSO), in that where consent would not normally be granted under the KPSO, consent may be granted where doing so would have little or no adverse effect on the amenity of the area and where conservation of the building depends on Council granting consent under clause 61 H.
- 3.3 A development is considered to require the notification type specified in the table if it meets one or more of the circumstances specified in the relevant line of the table.
- 3.4 Where a development may be considered to fall into two or more Notification Types, notification shall be undertaken in accordance with the higher requirement.
- 3.5 Once the development category is determined, the notification must be undertaken in accordance with the notification Type (A - F) listed for that development category in the table, as described in Chapter 4 of this DCP.
- 3.6 In the event that the development for which consent is applied does not appear in the below, the notification /advertising requirements for the development application will be determined by the development assessment team leader in accordance with other requirements of this DCP.

Development Category	Circumstances	Type
AMENDMENTS, MODIFICATIONS AND REVIEWS		
Amendments to undetermined DAs	Where the environmental impact will be the same or less than the original proposal	A
	Where the environmental impact will be greater than the original proposal	B
Modifications to Development Consent	S96(1) and S96(1A)	A
	S96(2) and S96AA that is designated development, State significant or any other where Council is not the consent authority – see clause 118 of the EP&A Regulation	Cl 118 EP&A Regs
	All other S96(2) and S96AA modifications	B
Review of Determinations (S82A)	Must be notified as per the notification requirements for the type of development proposed in the original DA	as per original DA
MULTI-UNIT DWELLINGS (except seniors living policy)		
Heritage items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Apartment Conversions	All	F
Residential Flat Buildings	All	F
Townhouses	All	F
Villas	All	F
Other	All	F
SENIORS LIVING POLICY		
All	All	F
DUAL OCCUPANCY DEVELOPMENT		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Dual Occupancy	New	D
	Alterations and additions	C
Family Flats	New, addition of one or more rooms	D
	Other works	C

DETACHED SINGLE DWELLINGS		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Alterations and Additions to Dwellings	All	C
Alterations and Additions with Ancillary Works	See “alterations and Additions to Dwellings” above	-
New Dwellings	All	D
New Dwellings and ancillary	See “New Dwellings” above	-
Other	All (see also residential ancillary)	C
RESIDENTIAL ANCILLARY		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Carports / Garages	All	C
Combined Multi	All	C
Fencing	All	A
Landscape Works	All	A
Outbuildings	All	C
Swimming Pools	All	C
Tennis Courts	All	C
Other	All	C
SUBDIVISION		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Torrens Title	All	D
Strata Title	All	A
Community Title	All	A
Company Title	All	A
Stratums	All	A
COMMERCIAL DEVELOPMENT		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Internal works (any development type)	All	A
Boarding Houses	New building / use; additional habitable rooms; increased height; outdoor recreation facilities	D
	Other	A

Brothels	New business; external alterations / additions; increase in room and / or employee numbers by more than two	D
	Other	A
Caravan Parks	All	D
Clubs	In residential zones	F
	In non-residential zones: internal modifications; minor external changes	A
	In non-residential zones: other	D
Hotels	New buildings; additional habitable rooms; outdoor recreation facilities; increased height	E
	Other	C
Motels	In residential zones	A
	In non-residential zones: new buildings; additional rooms; outdoor recreation facilities; increased height	E
	Non-residential zones: other	C
Professional Consulting Rooms	In residential zones	F
	In all other zones	A
Restaurants	In non-residential zones	A
	In residential zones	D
Service Stations	Minor external and internal works where no change to storage, pumping, bunding, drainage and the like of liquids or dangerous materials is required	A
	All other works	D
Warehouse / Bulk Stores	Minor external changes; internal changes	A
	All other works	D
Other – Alterations and Additions	All	D
Other – New Use	In areas zoned 3(a) or 3(b)	A
	In any other zones	D
	Firearms outlets in any zone	F
Other – new Buildings	In areas zoned 3(a) or 3(b)	D
	In any other zones	E
Other – Extension of Trading Hours	In a residential zone	D
	In any non-residential zone	A

DEMOLITION		
Heritage Items	Where the DA applies to the heritage items	F
Urban Conservation Areas	Any demolition in an urban conservation area	F
Other	All	D [†]
COMMUNITY FACILITIES		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Child Care Centres	Internal works	A
	In residential zones (except internal works)	F
	In zones other than residential (except internal works)	D
Educational Establishments	Internal works	A
	In residential zones (except internal works)	F
	In non-residential zones (except internal works)	D
Hospitals / Nursing Homes	Internal works	A
	In residential zones (except internal works)	F
	In non-residential zones (except internal works)	E
Places of Public Worship	All	F
Places of Assembly	Residential zones	F
	Non-residential zones	D
Recreational Venues	In residential zones	D
	In non-residential zones	A
Special Events	All	A
Libraries	Internal works	A
	New libraries	D
	Alterations and additions to libraries	C
Public Authorities	All	A
Other	All	D

[†] Note: As described in Chapter 4, additional notification provisions apply to this type of development where proposed for an item within an area identified by Council as a proposed conservation area or where the item is identified as a potential heritage item by Council.

SIGNAGE		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Residential	All	C
Commercial	All	A
Other	All	A
TELECOMMUNICATIONS		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Other	All	D
MISCELLANEOUS		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Agriculture	All	A
Drainage	In residential zones	A
	In all other zones	A
Utility Installations	All	A
Other	All	D

Chapter 4

Notification Requirements by Type

4.1 Type A Requirements

- 4.1.1 No notification is necessary except where, in the opinion of the development assessment team leader, the owners and occupiers of adjoining and neighbouring land would be detrimentally affected in any manner described in Section 4.7 of this DCP if the development proposal was carried out.
- 4.1.2 In the event that the development assessment team leader determines that owners and occupiers of adjoining and/or neighbouring land would be detrimentally affected by the proposed development, notification letters shall be sent in accordance with 5.3 of this DCP to all such persons.

4.2 Type B requirements

- 4.2.1 Notification letters shall be sent in accordance with 5.3 of this DCP to:
- a) all persons who were notified about the original application or any subsequent applications for amendment or modification; and
 - b) all persons who made submissions with respect to the original application and any subsequent applications for amendment or modification.
- 4.2.2 Where, in accordance with the above controls, the development assessment team leader determines that re-notification and re-advertising shall not occur, the assessment report on the application shall include a statement giving the reasons that this was not considered necessary.
- 4.2.3 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 4.2.4 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

4.3 Type C requirements

- 4.3.1 Notification letters shall be sent in accordance with 5.3 of this DCP to:
- a) all owners and occupiers of the adjoining land on either side of the subject property, and
 - b) all owners and occupiers of the land adjoining the rear or front of the property, whichever side the works are proposed to be undertaken,

except where, in the opinion of the development assessment team leader, the owners and occupiers (where known) of land other than that specified above would be detrimentally affected in any manner described in Section 4.6 of this DCP if the proposal was carried out, in which case additional persons shall be notified as specified by the development assessment team leader.

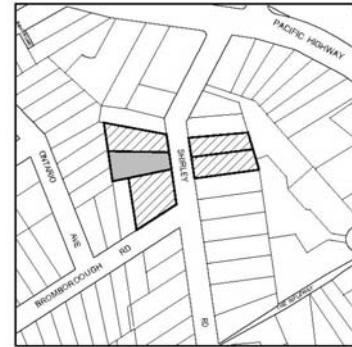
4.3.2 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters sent in accordance with 4.3.1 shall also be forwarded to the proprietors of the strata plan or community plan.

4.3.3 Details regarding the owners and occupiers of adjoining and neighbouring land are to be taken from Council's records at the time the notification letters are being prepared.

4.3.4 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.

4.3.5 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.

4.3.6 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.



Type C example – minimum notification for works at front



Type C example – minimum notification for works at rear

4.4 Type D requirements

4.4.1 Notification letters shall be sent in accordance with 5.3 of this DCP to the owners and occupiers of all adjoining land except where, in the opinion of the development assessment team leader, the owners and occupiers of land other than that specified would be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out, in which case additional persons shall be notified as specified by the development assessment team leader.



Type D example – minimum notification for all works

- 4.4.2 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with 4.4.1 shall also be sent to the proprietors of the strata plan or community plan.
- 4.4.3 Details regarding the owners and occupiers of adjoining and neighbouring land are to be taken from Council's records at the time the notification letters are being prepared, or from other sources as may be made available to Council prior to the notification letters being prepared.
- 4.4.4 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.
- 4.4.5 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 4.4.6 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.
- 4.4.7 **If the development application is for a new dual occupancy development,** a notification sign must be placed at the street frontage to the property in accordance with 5.5 of this DCP.
- 4.4.8 If the development application is for demolition of an item within an area identified by Council as a proposed or draft conservation area or where the item is identified as a draft heritage item or a potential heritage item:
- a) a notification sign must be placed at the street frontage to the property in accordance with 5.5 of this DCP; and
 - b) the notification of the development application on Council's website must indicate that the item is a draft heritage item, a potential heritage item or an item in a proposed or draft conservation area as appropriate.

4.5 Type E requirements

- 4.5.1 The notification specified in 4.5.2 is required, except where, in the opinion of the development assessment team leader, the owners and occupiers of land other than that specified below would be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out, in which case additional persons shall be notified as specified by the development assessment team leader.



Type E example – minimum notification for all works

- 4.5.2 Notification letters shall be sent in accordance with 5.3 of this DCP to the owners and occupiers of:
- a) three (3) adjoining and neighbouring properties to each side of the subject property, and
 - b) seven (7) adjoining and neighbouring properties to the front and rear of the subject property.
- 4.5.3 A notification sign shall be placed at the street frontage to the property in accordance with 5.5 of this DCP.
- 4.5.4 An advertisement shall be placed in a local newspaper that circulates at least once weekly throughout the Ku-ring-gal Local Government Area in accordance with 5.4 of this DCP.
- Note:** Council is obliged to advertise the development only once during the period of public inspection.
- 4.5.5 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with 4.5.4 shall also be sent to the proprietors of the strata plan or community plan.
- 4.5.6 Details regarding the owners and occupiers of adjoining and neighbouring land are to be taken from Council's records at the time the notification letters are being prepared, or from other sources as may be made available to Council prior to the notification letters being prepared.
- 4.5.7 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.
- 4.5.8 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 4.5.9 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

4.6 Type F Requirements

- 4.6.1 As soon as practicable after the development application has been submitted, Council shall
- a) place the application and any accompanying information shall be placed on public exhibition for a period of not less than 30 days commencing the day after which notice of the application is first published as referred to in (c), and give written notice of the application in accordance with the regulations:

- to such persons as appear to it to own or occupy
- the six (6) adjoining and neighbouring properties to each side of the subject property and



Type F example – minimum notification for all works

- the fourteen (14) adjoining and neighbouring properties to the front and rear of the subject property, and
- if practicable, to such other persons as appear to it to own or occupy land the use or enjoyment of which, in its opinion, could be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out, and
- to such other persons as are required to be notified by the regulations, and

- b) cause notice of the application to be exhibited in accordance with the regulations on the land to which the application relates, and
- c) cause notice of the application to be published in accordance with the regulations in a newspaper circulating in the locality.

4.6.2 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with 4.6.1 shall also be sent to the proprietors of the strata plan or community plan.

4.6.3 If land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to satisfy the requirements of 4.6.1.

4.6.4 A notification sign shall be placed at the street frontage to the property in accordance with 5.5 of this DCP.

4.6.5 During the submission period, any person may inspect the development application and any accompanying information and make extracts from or copies of them. [The cost of copying will be charged in accordance with Council's Fees and Charges.]

4.6.6 During the submission period, any person may make written submissions to the consent authority with respect to the development application. A submission by way of objection must set out the grounds of the objection.

4.6.7 Circumstances in which public exhibition may be dispensed with:

- a) a development application for designated development is amended, or substituted, or withdrawn and later replaced before it has been determined by the consent authority, and
- b) the consent authority has complied with 4.6.1, 4.6.2 or 4.6.3 in relation to the original application, and
- c) the consent authority is of the opinion that the amended, substituted or later application differs only in minor respects from the original application,
- d) the consent authority may decide to dispense with further compliance with 4.6.1 in relation to the amended, substituted or later application. In that event, compliance with 4.6.1 in relation to the original application is taken to be compliance in relation to the amended, substituted or later application.

4.6.8 The consent authority must give written notice to the applicant of its decision under 4.6.6 at or before the time notice of the determination of the development application is given under section 81 of the *Environmental Planning and Assessment Act 1979*.

4.6.9 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

4.6.10 If the development application applies to a heritage item or an item in a conservation area, the notification on Council's website must indicate that the item is a heritage item or an item in a conservation area as appropriate.

4.7 Criteria to be considered in determining likely detrimental effect of development

4.7.1 In forming an opinion as to whether notification requirements should be increased or decreased from those specified in this DCP, the development assessment team leader shall consider whether the enjoyment of adjoining or neighbouring land could be likely to be detrimentally affected by the proposed development.

4.7.2 In considering whether enjoyment of adjoining or neighbouring land may likely be detrimentally affected by the proposed development, the development assessment team leader shall take into account the following matters:

- a) views from surrounding properties;
- b) overshadowing;
- c) loss of privacy;
- d) noise impact;
- e) the design and appearance of the proposal in relation to the streetscape;

- f) the use of the development;
- g) the scale, height, external appearance and bulk of the proposed building;
- h) the siting of any proposed building in relation to the site boundaries;
- i) hours of use;
- j) light spillage or reflection;
- k) the structural integrity of common or party walls where demolition of walls, floors and ceilings is proposed.
- l) traffic and parking generation;
- m) adverse impacts of stormwater drainage;
- n) tree removal impacts; and
- o) excavation requirements.

4.7.3 The opinion formed by the development assessment team leader regarding the likely detrimental impact upon the enjoyment of adjoining and neighbouring land is not an assessment of the merits of the development application.

Chapter 5

Procedures for Notification

5.1 Website information

- 5.1.1 Where, in accordance with this DCP, the development application is to be advertised on Council's website, the following minimum information must be included:
- a) the development application number;
 - b) the address of the proposed development (lot, deposited plan and street numbers);
 - c) a brief description of the proposed development; and
 - d) if the land on which the development is proposed contains a heritage item or is in an urban conservation area.
- 5.1.2 In accordance with Chapter 4 of this DCP, where the development application relates to an existing or potential heritage item identified by Council, or to an existing or potential conservation area identified by Council, information about the development application must be included in a separate section of Council's website regarding existing and potential heritage items and conservation areas.

5.2 Notification to Councillors

- 5.2.1 Councillors will receive a weekly list of all new development applications within their ward area including:
- a) the development application number;
 - b) the address of the proposed development (lot, deposited plan and street numbers);
 - c) the date on which the development application was accepted by Council;
 - d) the name of the development assessment team leader responsible for assessing the development application;
 - e) a brief description of the proposed development; and
 - f) A4 notification plans of the proposal.

5.3 Notification letters

- 5.3.1 Where, in accordance with this DCP, notification letters are to be sent, the letters shall contain the following information:
- a) the development application number;
 - b) the address of the proposed development;
 - c) the name of the applicant;

- d) the name of the Council officer responsible for assessing the development application;
- e) a brief description of the proposed development;
- f) an invitation to view the development proposal;
- g) when and where the development application may be viewed;
- h) advice that the persons to whom the letter is addressed have the right to make a written submission regarding the development proposal:
 - i. within thirty (30) days if the development is Notification Type F and lodged between 24th January and 9th December (inclusive); or
 - ii. within fourteen (14) days if the development is Notifications Types B, C, D or E and lodged between 24th January and 9th December (inclusive); or
 - iii. if the application was lodged between 10 December and 23 January (inclusive), not later than the first working day after 13 February,

and that the written submission will be considered during the assessment period.

- i) advice that submissions made to Council may not be kept confidential as they, or their contents, may be included in reports to Council and will be available for the applicant to consider under the Freedom of Information legislation;
- j) advice that copies of the plans may be provided by Council if costs are paid by the person requesting the plans;
- k) the date by which written submissions must be provided to Council; and
- l) where physical works are proposed, A4 notification plans.

5.4 Advertisements in the local newspaper

5.4.1 Where, in accordance with this DCP, the development application is to be advertised in a local newspaper, the advertisement shall contain the following minimum information:

- a) the development application number;
- b) the address of the proposed development (lot, deposited plan and street numbers; and
- c) a brief description of the proposed development.

5.4.2 The applicant shall pay to Council the fee determined by Council for advertising in accordance with its adopted fees and charges.

5.5 Notification signs at the property

5.5.1 Where, in accordance with this DCP, a notification sign is required, it shall be headed “Development Proposal” and shall contain the following details:

- a) the development application number;
- b) the address of the proposed development;
- c) the name of the applicant;
- d) a brief description of the proposed development;
- e) when and where the development application may be viewed; and
- f) the date by which written submissions must be provided to Council.

Chapter 6

Written Submissions to Council

6.1 Form of Written Submissions

- 6.1.1 A person may make one or more written submissions regarding any development proposal to which this DCP applies within the period during which the application is available for public inspection, as specified in Section 6.4 of this DCP.
 - 6.1.2 A written submission may take the form of a letter, report, facsimile transmission, petition, e-mail or other like form.
 - 6.1.3 A written submission shall state the reasons for objection to or support for a development application.
 - 6.1.4 The name and address of the person making the written submission shall be clearly marked on the submission.
 - 6.1.5 If the written submission is a petition, the petition must clearly state the name of the head petitioner and his/her contact details.
 - 6.1.6 The development application number shall be clearly marked on the submission.
 - 6.1.7 The written submission shall be clear and legible.
- Note: It is also helpful to Council if a daytime telephone contact number is provided in the event that Council needs to clarify issues with the person making the submission.

6.2 Anonymous submissions

- 6.2.1 Council will not consider any anonymous submissions in the assessment of development applications.

6.3 Disclosure of submissions

- 6.3.1 The applicant for the development and members of the public may access submissions upon request to Council under the *Freedom of Information Act*.
- 6.3.2 If the development application is reported to a Council meeting, the submission may be reproduced and / or summarised in the assessment report.

6.4 Acceptance and consideration of submissions

- 6.4.1 All written submissions submitted on or prior to the date specified by Council in the newspaper advertisement and/or notification letter shall be considered by the development assessment team leader in the assessment of the development proposal.
- 6.4.2 In the event that a person or group of persons requests an extension of time for the submission of written comments, the period allowed for submissions may be extended only if, in the opinion of the development assessment team leader, a longer period is warranted in the circumstances.
- 6.4.3 Council may, depending on the circumstances of the case, accept and consider written submissions that are lodged with the Council after the expiration of the period of public inspection and prior to the completion of the assessment report by the development assessment team leader.
- 6.4.4 In the assessment of a development proposal, Council will not consider written submissions lodged after the assessment report has been completed by the responsible Council officer.
- 6.4.5 The reasons for support of or objection to the development application specified in the written submissions considered by Council shall be summarised in the assessment report prepared by the development assessment team leader.
- 6.4.6 Subject to the *Privacy and Personal Information Protection Act 1998*, the names and addresses of the persons who made written submissions with respect to the development application shall be indicated in the assessment report.

6.5 Acknowledgement of submissions

- 6.5.1 Written submissions received by Council will be acknowledged in writing.
- 6.5.2 In the event that the development application is to be determined at a Council meeting, the responsible officer will contact the person who made the submission by telephone, facsimile or email, provided such contact details have been given to the Council, to advise the person of the committee or Council meeting date.

6.6 Advice to applicant of written submissions

- 6.6.1 The applicant of a development application to which this DCP applies will, upon written request to Council, be advised of the terms of any written submission and from where it has emanated.
- 6.6.2 The applicant shall be entitled to read and, at the applicant's expense, copy any written submissions received, in accordance with the provisions of the *Privacy and Personal Information Protection Act 1998*.

Appendix A

Notification Type A Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Agriculture	all
Amendments to undetermined DAs	where the environmental impact will be the same or less than the original proposal
Boarding houses	all works other than new buildings, new uses, additional habitable rooms, increased height and outdoor recreation facilities
Brothels	all works other than new businesses, external alterations and additions and increase in room and/or employees numbers by more than two
Clubs	internal modifications and minor external changes in non-residential zones
Commercial Development	all internal works
Educational Establishment	all internal works
Hospitals /Nursing Homes	all internal works
Libraries	all internal works
Modifications to development consent	s.96(1) and s.96(1A)
Other Commercial Development	new use in 3(a) and 3(b) zones and extension of trading hours in any non-residential zone
Professional consulting rooms	in non-residential zones
Public Authorities	all
Recreational Venues	in non-residential zones
Restaurants	in non-residential zones
Service stations	minor external and internal works where no change to storage, pumping, bunding, drainage and the line of liquids or dangerous materials is required

Signage	Commercial and other non-residential
Special Events	all
Utility Installations	all
Warehouse / Bulk Stores	minor external changes and all internal changes

Notification Type B Developments

Amendments to undetermined DAs	where the environmental impact will be greater than the original proposal
Modifications to Development Consent	s.92(2) and s.92AA modifications other than those requirements set by the <i>Environmental Planning and Assessment Regulation</i>

Notification Type C Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Alterations and Additions to Dwellings	all
Carports / Garages	all
Combined Multi	all
Dual Occupancy	alterations and additions
Family Flats	works other than new buildings and addition of one or more rooms
Hotels	all works other than new buildings, additional habitable rooms, outdoor recreation facilities and increased height
Libraries	alterations and additions
Motels	all works in non-residential <u>other than</u> new buildings, additional rooms, outdoor recreation facilities and increased height
Outbuildings	all

Residential Signage	all
Swimming pools	all
Tennis Courts	all

Notification Type D Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Boarding Houses	new buildings, new uses, additional habitable rooms, increased height and outdoor recreation facilities
Brothels	new businesses, external alterations / additions, increase in room and / or employee numbers by more than two
Caravan Parks	all
Child Care Centres	all external works in non-residential zones
Clubs	all works in non-residential <u>other than</u> internal modifications and minor external changes
Demolition [‡]	all except demolition of heritage items or in urban conservation areas
Dual Occupancy [§]	new
Educational Establishments	all external works in non-residential zones
Family Flats	new and addition of one or more rooms
Libraries	new
New Detached Single Dwellings	all
Places of Assembly	in non-residential zones
Recreational Venues	in residential zones
Restaurants	in residential zones

[‡] In accordance with the provisions of Chapter 4, additional notification provisions *may* apply to this type of development.

[§] In accordance with the provisions of Chapter 4, additional notification provisions apply to this type of development.

Service Stations	all works other than minor external and internal works where no change to storage, pumping, bunding, drainage and the like of liquids or dangerous chemicals is required
Telecommunications	all
Torrens Title Subdivision	all
Warehouse / Bulk Stores	all works other than internal changes and minor external changes

Notification Type E Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Hospitals / Nursing Homes	in non-residential zones (except internal works)
Hotels	new buildings, additional habitable rooms, outdoor recreation facilities, increased height
Motels	in non-residential zones: new buildings, additional rooms, outdoor recreation facilities, increased height

Notification Type F Developments

Apartment Conversions	all
Child Care Centres	in residential zones (except internal works)
Clubs	in residential zones
Educational Establishments	all external works in residential zones
Firearms outlets	all
Heritage Items	any application relying on KPSO Clause 61H any demolition
Hospitals / Nursing Homes	all external works in residential zones
Motels	in residential zones
Places of Assembly	residential zones
Places of Public Worship	all

Professional Consulting Rooms	in residential zones
Residential Flat Buildings	all
Seniors Living Policy	all
Townhouses	all
Urban Conservation Areas	any application relying on KPSO Clause 61H and any demolition
Villas	all

APPENDIX B

