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Part H Notification of development

Chapter 15 Notification and advertising of development applications

15.1 Background to public participation in planning

The NSW planning system has a long history of public notification of development, embodied in the Environmental Planning and Assessment Act 1979. The Act provides for a scale of public participation, depending on the significance or environmental impact of the development, and includes public participation in the plan making process. This Part of the DCP deals with only the development assessment system.

15.2 Notification of development vs (published notice) advertisement

A Council can give written notice of an application to adjoining owners or a wider group of persons (notification), or can give published notice, where details of an application are advertised in a local newspaper. Within the Environmental Planning and Assessment Regulation 2000 various forms of development have different requirements for notification and published notices. Council's are able to set notification and published notice provisions for development not described in the Regulation or Act, which is the purpose of this Part of the DCP.

15.3 Development not requiring notification or advertising

15.3.1 Exempt development

Exempt development does not require notification or advertising.

Exempt development may be carried out without the need for development consent under the Act.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies exempt development under that Policy. The Policy has State-wide application.

15.3.2 Development not requiring consent

Within the LEP the land use table for each zone specifies development which is permitted without consent. This specified development does not require notification or advertising.

15.3.3 Complying development

Complying development does not require notification or advertising.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application.

15.4 Hierarchy of development application notification and published notices

The Table below describes Designated, Integrated and Advertised Development, as prescribed by the Act and Regulation, by which the Council must follow the prescribed notification and published notice requirements.

The final column indicates notification and published notice provisions identified by this DCP, for development described in sections 15.5 and 15.6 below.

	Designated development	Integrated development	Advertised development	Narrandera Shire DCP Part H (notified and/or advertised)
Prescribed by Act or Regulation or Narrandera DCP	S.79 of the Act Part 6, Division 5 of the Regulation	S.79A of the Act Part 6, Division 7 of the Regulation	S.79A of the Act Clause 5, & Part 6, Division 7 of the Regulation	S.79A(2) of the Act Part H Narrandera DCP 2012
Specific information to be provided in notification or published notice	Yes, sections 78-80	Yes, clause 89 of the Regulation	Yes, clause 89 of the Regulation	Yes, see Part H provisions 15.7 and 15.8
Published notice(s) in local newspaper	Yes (Two)	Yes (one)	Yes (One)	See Part H section 15.6 provisions below
Time period	30 days (see Note 1)	30 days (see Note 1)	14 days (see Note 1)	7 working days for notification (only), or otherwise as for advertised development
Notice placed on the relevant land	Yes	No	No	No
Written notice to adjoining owners	Yes	Yes	Yes	Yes
Written notice to other persons who may be affected	Yes	At discretion of the Council	At discretion of the Council	At discretion of the Council, see Part H provisions
Written notice to public authorities	Yes	Yes	Yes	At discretion of the Council, see Part H provisions

Note 1: Commencing on the day after the day on which the published notice is first published in a newspaper.

Note 2: The Narrandera LEP does not specify advertised development. Advertised development is specified in this Part of the DCP – see section 15.6 below.

15.5 Notified development specified by this DCP

The only development classified as notified development for the purposes of this DCP and section S.79A(2) of the Act is Dwelling houses and Dual occupancy. The development must be notified as per the provisions of section 15.7.

Definitions of development are contained in the Dictionary to the LEP.

Note: Notwithstanding this section, the provisions of the Act and Regulation take precedence over this DCP where an inconsistency arises.

15.6 Advertised development specified by this DCP

The following development as advertised development for the purposes of this DCP and section S.79A(2) of the Act. The development must be notified and advertised as per the provisions of the Regulations. Definitions of development are contained in the Dictionary to the LEP. Notwithstanding this section, the provisions of the Act and Regulation take precedence over this section where an inconsistency arises.

Heritage

- The demolition or alteration of a building or work that is a heritage item (not being a partial demolition which, in the opinion of the Council, is of a minor nature and does not adversely affect the significance of the building or work as part of the environmental heritage of the Shire of Narrandera).

Primary Production zones (RU1 and RU4)

- Animal boarding or training establishments, Cemeteries, Correctional centres, Extractive industries, Freight transport facilities, Hazardous industry, Hazardous storage establishments, Helipads, Home occupations (sex services), Intensive livestock agriculture, Intensive plant agriculture, Landscaping material supplies, Liquid fuel depots, Offensive industry, Offensive storage establishments, Open cut mining, Recreation facilities (major), Rural industries.

Village zone (RU5)

- All development other than Building identification signs, Business identification signs, Dwelling Houses, Dual occupancy, Home business and Home industry.

Large lot residential zone (R5)

- All development other than Building identification signs, Business identification signs, Dwelling Houses, Extensive Agriculture, Home business and Home industry.

Industrial zones (IN1 and IN2)

- Funeral homes, Hazardous industry, Hazardous storage establishments, Heliports, Liquid fuel depots, Neighbourhood shops, Offensive industry, Offensive storage establishments, Sex service premises, Take-away food and drink premises.

Waterway zones (W1 and W2)

- All development, other than Building identification signs, Business identification signs, Roads and Water supply systems.

15.7 Information to be provided in a written notice

The information to be provided in a written notice is the same as that required by clause 89 of the Regulation. This information is as follows (or as amended by the Regulation from time to time).

A written notice must contain the following information:

- (a) a description of the land (including the address) on which the development is proposed to be carried out,
- (b) the name of the applicant and the name of the consent authority,
- (c) a description of the proposed development,
- (d) a statement that the application and the documents accompanying that application may be inspected at the consent authority's principal office for a period specified in the notice during the consent authority's ordinary office hours,
- (e) a statement that any person during the period specified under paragraph (d) may make a written submission in relation to the development application to the consent authority,
- (f) the dates of the period specified under paragraph (d).

In addition the written notice must specify that any person making a submission by way of objection should specify the grounds of objection.

15.8 Information to be provided in a published notice

The information to be provided in a published notice is the same as that required by clause 89 of the Regulation. This information is as follows (or as amended by the Regulation from time to time).

A published notice must contain the following information:

- (a) a description of the land (including the address) on which the development is proposed to be carried out,
- (b) the name of the applicant and the name of the consent authority,
- (c) a description of the proposed development,
- (d) a statement that the application and the documents accompanying that application may be inspected at the consent authority's principal office for a period specified in the notice during the consent authority's ordinary office hours,
- (e) a statement that any person during the period specified under paragraph (d) may make a written submission in relation to the development application to the consent authority,
- (f) the dates of the period specified under paragraph (d).

In addition the published notice must specify that any person making a submission by way of objection should specify the grounds of objection.

15.9 Circumstances where additional persons other than adjoining owners may be notified or advertising carried out

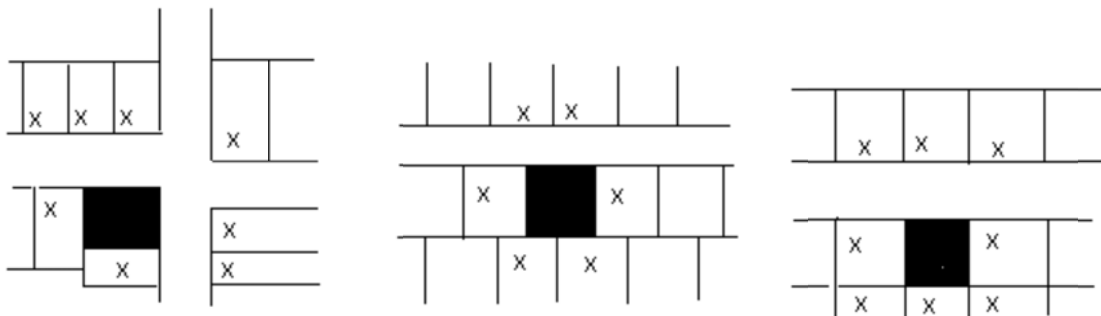
Where the Council believes that a particular development application will have the potential for social, economic, environmental, amenity or strategic planning impacts beyond adjoining owners (see section 15.11), the application may at the discretion of the Council be notified to additional nearby properties who in the Council’s view may be impacted, or the application may advertised in the local newspaper (or both).

15.10 Circumstances where the Council may notify public or other authorities of the development

Where the Council believes that a particular development application will have the potential to impact public or private infrastructure or services the Council may notify the relevant public or other authority in writing, and allow up to 14 days from the date of notification for a written response from that authority.

15.11 Who is an adjoining owner for the purpose of notification?

An adjoining owner to a development site includes all owners with a common boundary to the land, or separated from the land only by a road, pathway, driveway, easement or similar thoroughfare. For examples see diagrams below.



15.12 Written notice or published notice in relation to amendment of undetermined development applications or determined applications

- Where an application is amended prior to being determined by the Council it will be re-notified and re-advertised (if previously advertised). The Council may charge an additional fee if the application is readvertised.
- Where an application is amended after being determined by the Council (and the application is substantially the same development) it will be re-notified and re-advertised (if previously advertised). Only applications under section 96(2) of the Act will be notified or advertised. The Council may charge an additional fee if the application is readvertised.
- A Review of Determination under section 82A of the Act will be notified or advertised in the same manner as the original application.

15.13 Privacy of persons lodging submissions

Persons making submissions should be aware that their submissions may be the subject of an information request under the *Government Information (Public Access) Act 2009* – the GIPA Act. The Council will treat each request according to the provisions of the Act and Regulation. A submitter may request that the Council redact any identifying details from their submission before releasing that submission.

It is the Council's policy not to publish submissions to development applications in Council reports or on the Council website.

If submissions to a development application are received by the Council, the Council will provide the applicant with a full summary of all points of objection or support, in order that the applicant is given the opportunity to respond to the submissions prior to determination of the application.