



CANTERBURY CITY COUNCIL

City of Cultural Diversity

DEVELOPMENT CONTROL PLAN No. 32

NOTIFICATION POLICY

Adopted by Council: 11 November 2004

Effective from: 25 November 2004

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GENERAL MANAGER**

ENVIRONMENTAL SERVICES DIVISION



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1.

Introduction

1.1 Title	This plan is known as Development Control Plan No. 32 - Notification Policy (DCP 32).
1.2 Application of the Policy	DCP 32 applies to all development in the City of Canterbury. DCP 32 also applies to modifications of consents, reconsideration of applications and reviews of limited consents.
1.3 Objectives	<p>The purpose of DCP 32 is to establish <i>objectives</i> and provide requirements for the notification of developments in the City of Canterbury.</p> <p>The <i>objectives</i> of the Notification Policy are to:</p> <ul style="list-style-type: none">(i) Inform people of development proposals.(ii) Encourage people to become involved and take an interest in the development of their area.(iii) Give people an opportunity to submit comments and/or submissions on development proposals so as to assist Council in its decision making process.(iv) Set out the criteria for notifying persons of development proposals.(v) Specify the circumstances when notification is not required.(vi) Detail the form that notification will take.(vii) State the requirements of applicants so that notification can be carried out satisfactorily.(viii) Ensure that submissions received during the notification process are taken into consideration during development assessment.(ix) Guarantee that people lodging submissions are informed of the reasons for Council's decision.

2. Definitions

For the purpose of this Plan:

The Act	means the Environmental Planning and Assessment Act 1979.
Adjoining Land	means land that is adjacent, opposite to, or in the vicinity of a site where an application for development has been received. Refer to the diagrams in Appendix 2.
Advertised Development	means development, other than Designated Development, that is identified as Advertised Development by the Environmental Planning and Assessment Regulation 2000, an environmental planning instrument or a development control plan.
Affected party	means any individual, group, organisation or similar that, in Council's opinion, may be affected by the proposed development.
Applicant	means the person who has lodged a Development Application.
Application site	means the land on which the development is proposed.
Building	includes part of a building and any structure or part of a structure.
Complying Development	means development that can be certified. Provision is made for this type of development in Section 76A(5) of the Act.
Designated Development	has a meaning given by Section 77A of the Act.
Development Assessment Officer	means the Council Officer who is responsible for the processing and assessment of a Development Application.
Exempt Development	means development that does not require Council's development consent. Provision is made for this type of development in Section 76(2) of the Act.
Integrated Development	is development (not being Exempt or Complying) that, in order for it to be carried out, requires development consent and one or more approvals set out in Section 91 of the Environmental Planning and Assessment (Amendment) Act 1997.
Local Development	means development which has significance of a local nature and can be carried out in either of two ways: <ul style="list-style-type: none">• subject to lodgement of a Development Application with Council and Council's development consent being issued; or• by having Complying Development certified.
Non-conforming use	means a use previously approved or existing prior to the adoption of an environmental planning instrument.
Notification	means the stated period when the advertising of a Development Application is being undertaken.
Notification Plan	means the A4 or A3 plan for notification purposes showing the footprint, levels, height and external configuration of buildings which accompanies the letter of notification (refer to Appendix 3).

Occupier	means anyone occupying, but not owning, a building or land.
Owner	means the name of the proprietor as registered in Council's rating records.
Owners' Corporation	is the group of people representing the owners of strata-titled land.
State Significant Development	means development specified in an environmental planning instrument where the Minister is the consent authority.
SEPP	stands for State Environmental Planning Policy.
Site Analysis	means a plan containing all relevant information on a site and its surrounds.
Submission	means a letter, petition or similar written representation received from individuals or groups of people regarding a particular application.
	Note: Land includes any building or part of a building erected on the land.

3. Notification Procedures

3.1 Notification is not required

Council will **not** give notice of a Development Application in the following instances:

- Council has already given notice under this policy of a Development Application on the same site which is substantially the same in terms of height and external configuration;
- the proposed building works are internal and not visible from 'adjoining land' and/or there is no alteration to the height or external configuration;
- the application is rejected on the basis of inadequate, unclear or illegible information;
- a request has been received for an extension of time to start an approved development;
- an application is received to carry out alterations or additions for the purpose of a fire safety upgrading of existing buildings;
- a Development Application is received for subdivision (Torrens title, strata or community title);
- a Development Application is received for demolition (other than for heritage items);
- a Development Application is received for a sign in a commercial or industrial zone which would not have a significant and substantiated adverse impact on residential properties, on 'adjoining land', or the safe and efficient operation of the road network;
- an application under Section 68 of the Local Government Act 1993 is received to occupy a footway (other than a Development Application for outdoor dining facilities).
- a development and/or a modification to the same proposal which, in the opinion of the Development Assessment Officer, is minor **and** will not have a significant and substantiated adverse impact on adjoining properties or the environment (see clause 3.8).

3.2 Notification is Required

In all other cases not listed in Section 3.1, notification of the proposal is required.

3.3 Types of Notification

Type A Notification

There are two levels of notification, "Type A" and "Type B", reflecting the different type, complexity or possible impacts of the proposed development.

"Type A" notification is for minor proposals, and notification is aimed at those on 'adjoining land.'

"Type A" notification consists of:

- A letter being sent to:
 - owners and occupiers of 'adjoining land' (refer to Appendix 2); and
 - any public authority deemed by the Development Assessment Officer to have, or is likely to have, an interest in the proposed development.
- The letter sent to the parties identified above shall contain the following details:
 - the address of the proposed site;
 - a description of the proposed work/use;
 - an A4 size notification plan, or A3 size where considered necessary, of any proposed building work which depicts its height, external configuration and siting (refer to examples in Appendix 3);
 - name and contact number of the relevant Development Assessment Officer;
 - advice that the plans may be inspected during opening hours at Council's office and at Council's Branch Library for the Ward in which the subject site is located; and
 - the closing date for written submissions.
- Notification lasts 14 days from the date on the notification letter. Council maintains discretion to extend the notification period if considered necessary.
- The owners and occupiers of 'adjoining land' will be notified as shown in Appendix 2.

Type B Notification

"Type B" notification is for more complex proposals, where more extensive notification is carried out.

"Type B" notification consists of:

- A letter being sent to:
 - owners and occupiers of 'adjoining land'(refer to Appendix 2); and
 - any other individual, group, organisation or similar deemed by the Development Assessment Officer to have, or likely to have, an interest in the proposed development; and
 - any public authority deemed by the Development Assessment Officer to have, or is likely to have, an interest in the proposed development.
- The letter sent to the parties identified above shall contain the following details:
 - the address of the proposed site;
 - a description of the proposed work/use;
 - an A4 size notification plan, or A3 size where considered necessary, of any proposed building work which depicts its height, external configuration and siting (refer to examples in Appendix 3);
 - name and contact number of the relevant Development Assessment Officer;
 - advice that the plans may be inspected during opening hours at Council's office and at Council's Branch Library for the Ward in which the subject site is located; and

3.4 What type of notification is applicable?

Note:

When advertising or notifying development applications Council will disclose whether the application is accompanied by a SEPP 1 objection (or its equivalent) and the nature of the objection.

- the closing date for written submissions.

- An advertisement in a local newspaper; and
- Notification lasts 21 days from the date of the advertisement in the local newspaper. Council's Development Assessment Officer maintains discretion to lengthen the notification period if considered necessary.

Advisory Note:

For some larger development proposals it may not be practical to send notification plans. In this instance, only notification letters will be sent.

Table 1 lists the types of development identified in Council's environmental planning instruments, and indicates which level of notification is required. Where a type of development is not specifically listed on Table 1, Council reserves the discretion to notify (or not notify) taking into account the following matters:

- The type of development; and
- The potential scale and intensity of the effects of that development; and
- The similarity of the development to a type identified on Table 1.

Council also reserves its discretion regarding the level of notification required for development that, in the opinion of the Director of Environmental Services, is of a nature where the opportunity should be available to submit written comments. Examples of such development include, but is not limited to, group dwellings, aged/disabled housing, community use of schools, temporary use of land, brothels/massage centres, adult products/book shops, or methadone clinics.

All building works other than where the proposed building works have minor impact or are not visible from 'adjoining land' requires notification in accordance with the type of development listed in Table 1.

Non-conforming (existing uses) requires notification in accordance with the type of development listed in Table 1.

Development listed in Table 1 that involves heritage land or buildings (change of use, alterations, additions, demolition etc) will be considered as "Type B" notification unless Council is of the opinion that the development will have no amenity or heritage impact, where notification will not be necessary. Where demolition of heritage items is involved, there are also additional notification requirements (see the relevant environmental planning instrument).

Council will only notify people on 'adjoining land' of any advertising structure development which is likely in the view of Council's Development Assessment Officer to have a significant impact on residential properties.

Notification of changes of use in commercial or industrial buildings is only required if consent is required and where the proposed use is on 'adjoining land' to a residential zone.

Development Applications for outdoor dining facilities will require Type A notification.

Reviews of determination, reviews of limited consent and S.96 Modifications to a consent (if deemed to have an impact) will be notified in the same manner as the original Development Application. For example, a Development Application was notified as a "Type B", any modification/s to that application **will also** be notified as a "Type B".

Table 1 applies only to those uses requiring development consent.

**Table 1:
Type of
Notification Required**

Note:
Amusement Centres and
Child Care Centres on land to
which the Canterbury
Planning Scheme Ordinance
applies, will continue to
require newspaper
notification.

Development	No Notification Required	Type A	Type B
Advertising Structure		•	
Amusement Centre*		•	
Auction Rooms		•	
Boarding House		•	
Bulky Goods Sale		•	
Child Care Centre*		•	
Community Facility			•
Dual Occupancy		•	
Dwelling House (includes ancillary development such as alterations, additions, pools, outbuildings and front fences)		•	
Dwelling House with Factory		•	
Dwelling(s) with Office Premises or Specialised Business Premises or Shops		•	
Educational Establishment			•
Entertainment Facility			•
Exhibition Home		•	
Health Consulting Rooms (Professional Consulting Rooms)		•	
Home Business		•	
Hospital			•
Hotel			•
Identified Development			•
Light Industry		•	
Local Shop		•	
Motel			•
Multiple Unit Development (Residential Flat Buildings) • 10 dwellings or less • more than 10 dwellings <i>includes multiple unit development in conjunction with office premises, specialised business premises, or shops.</i>		•	•
Office Premises		•	
Office Premises (change of use)	•		
Outdoor Dining		•	
Place of Worship			•
Public Building		•	
Public Parking		•	
Recreational Area			•
Recreation Facility			•
Registered Club			•
Restaurant		•	
Road			•
Retail Plant Nursery		•	

Development	No Notification Required	Type A	Type B
Service Shop		•	
Service Shop on land fronting Canterbury Road		•	
Service Station		•	
Shop		•	
Shop (change of use)		•	
Specialised Business		•	
Subdivision	•		
Telecommunications Facility			•
Town House and/or Villa Home Development <ul style="list-style-type: none"> • 10 dwellings or less • more than 10 dwellings <i>includes multiple unit development in conjunction with office premises, specialised business premises, or shops.</i>		•	•
Trade Services		•	
Transport Depot		•	
Vehicle Body Repair Workshop		•	
Vehicle Repair Station (car repair station)		•	
Vehicle Sales (motor showroom)		•	
Veterinary Hospital		•	
Warehouse and Distribution Centre		•	

Advisory Note: For definitions of the types of development listed, refer to the definitions in the relevant environmental planning instruments, or if not included, as commonly defined.

3.5 Owners and Occupiers

Both owners and occupiers of land that may be affected by a development proposal will be notified. Letters will also be sent to the Secretary of the relevant Owners' Corporations in a Strata Plan.

3.6 People in Adjoining Council Areas

Some development proposals can adjoin or be opposite land in other council areas. In this instance, Canterbury City Council's policy is to either:

- send a notification letter to the adjoining council asking that the council inform its residents/ratepayers; or
- letter-drop the affected occupiers and advise the adjoining council.

Any submissions from residents in adjoining council areas will be taken into consideration in the determination of the application.

3.7 Special Cases

There are a number of circumstances where the notification procedure will vary from that listed in Section 3.3. These provisions are contained in the EP&A (Amendment) Act 1998 and Regulation and this DCP is complementary to those provisions. These include:

- Designated Development;
- Advertised Development (including State Significant Development; DA's for prohibited development, nominated integrated development, integrated development, etc);
- Development under SEPP 33 (offensive and hazardous industry);
- Temporary use of land;
- Demolition of heritage items; and
- Category 1 remediation of land under SEPP 55.

In these instances, the Development Assessment Officer is to determine the type and length of notification in accordance with the relevant legislation and/or circumstances.

3.8 Discretion

Modification of Proposals

Council's Development Assessment Officer maintains the right not to notify owners and occupiers of 'adjoining land' if in their opinion no significant impact would result from a modification of a proposal. (Subject to any additional requirements which may be contained in the Act).

Minor Developments

Council's Development Assessment Officer maintains the right not to notify owners and occupiers of 'adjoining land' if, in their opinion, the proposed development is deemed minor **and** is deemed to be ancillary or incidental to a development (e.g. a garden shed or car port within a hospital campus, or shade cloth on a school playground, etc.).

When forming their opinion of whether to notify or not in these circumstances, Council's Development Assessment Officer will consider compliance (or otherwise) with any building or development standard, code or policy, and Section 79C of the Environmental Planning and Assessment (Amendment) Act 1997.

Unauthorised Development

When a request is received for the completion of unauthorised development or an application for a building certificate to sanction unauthorised development which has been completed, the request shall be notified in accordance with Table 1; unless

Where the Development Assessment Officer deems the request relates to a development that is minor **and** will not have a significant and substantiated adverse impact on adjoining properties or the environment, no notification would be required.

Further Information Required

Council need not notify immediately of a development proposal if waiting on further information or clarification from an applicant.

Any other Matter

Council reserves its discretion, in relation to any other matter not specifically stated above, to consult with owners and occupiers on 'adjoining land', any public authority considered to be affected, or likely to be affected, or any other individual, group, organisation or similar considered to be, or likely to be, affected by the proposal.

4. Viewing Applications

4.1 Where can Applications be Viewed?

All applications that have been notified by way of letter or in the local newspaper are available for inspection at the Customer Service Centre on the ground floor of the Canterbury City Council Administration Centre, 137 Beamish Street, Campsie.

A full set of the DA plans will also be available for inspection in the Council Branch Library for the Ward in which the subject site is located:

<u>Ward</u>	<u>Library</u>	<u>Hours</u>
Central	Campsie Central Library	Mon – Fri: 10am – 8pm Sat: 9:30am – 4pm Sun: 2pm – 5pm
Central	Lakemba Library	Mon/Thurs: 10am – 8pm Tues/Wed/Fri: 10am – 5pm Sat: 9:30am – 12noon
East	Earlwood Library	Mon/Thurs: 10am – 8pm Tues/Wed/Fri: 10am – 5pm Sat: 9:30am – 12noon
West	Riverwood Library	Mon/Thurs: 10am – 8pm Tues/Wed/Fri: 10am – 5pm Sat: 9:30am – 12noon

4.2 When can Applications be Viewed?

Applications are available for inspection at the Council Administration Centre during normal Council business hours, 9:00 a.m. to 5:00 p.m. Monday to Friday.

4.3 What is Available for Viewing?

All plans and information lodged with an application will be available for viewing. Generally this will include: all plans, the Development Application form, and in the case of larger developments a Statement of Environmental Effects, shadow diagrams, supplementary reports etc (if provided).

Should model(s) or an artist's impression(s) of the development be lodged with the application, these will only be available for viewing at Council's Customer Service Centre.

4.4 Assistance

Assistance will be available to those viewing applications at Council's Administration Centre. A duty planner and building surveyor will be available during specified periods to assist with explanation and interpretation of plans. Please contact Council's Customer Service Centre to confirm these available times, ph. 9789 9300.

4.5 Availability of Extracts from Applications

The Environmental Planning and Assessment Act requires Council to make available extracts of applications to those interested.

A fee is charged for the copying of forms or plans associated with an application. The list of copying fees is available from the Customer Service Centre.

5. Submissions

5.1 What is a Submission?

Submissions are letters, petitions or similar written representations from individuals or groups of people regarding a particular application.

A submission could:

- support an application; or
- object to an application; or
- object to part of an application; or
- suggest ways of overcoming concerns with an application; or
- suggest alternatives to a proposal or element of a proposal.

It is recommended that written submissions be lodged if you have a concern about an application.

5.2 What should a Submission contain?

Submissions should contain the following:

- the name and address of the person making the submission;
- the address of the property that is the subject of the Development Application; and
- the reason for the submission.

Submissions at all times should be clearly set out (ie. state the actual reasons why you are against a proposal and/or provide constructive suggestions for overcoming any concerns).

There is no restriction on the length of or detail in a submission. All submissions will be considered.

Anyone can write and/or lodge a submission. You do not necessarily need to seek professional advice before lodging a submission, although that is an option available.

Should you be preparing a petition, the petition should clearly identify a head petitioner so that we can contact that person. Each page of a petition should also contain the nature of objection of the petition (not just the first page).

Should your first language not be English, language aides are available to assist you.

5.3 Submission Period

Unless otherwise specified, submissions may be made **up to and including the last day upon which a person may inspect an application** in response to a notification letter issued or an advertisement in a newspaper.

5.4 Where to Send Submissions

Submissions can be sent to:

**The General Manager
Canterbury City Council
137 Beamish Street (PO Box 77)
CAMPSIE 2194**

DX 3813 CAMPSIE

Should you know the name of the Development Assessment Officer for the particular application, you can mark the letter to their attention.

Submissions will also be accepted by facsimile or e-mail if they are received before the close of business on the last day the application is available for inspection.

Facsimile submissions can faxed to: 0-2-9789 1542

E-mail submissions can be sent to: *council@canterbury.nsw.gov.au*. It is very important that any submissions lodged by e-mail include the property address to which the Development Application currently on exhibition relates (e.g. Submission: DA - 5 Redwood Avenue, Belmore)

Generally no acknowledgment will be made when submissions are initially received by Council. All people or groups and/or head petitioners (ie. not all of those listed on a petition) making submissions will receive a reply advising of our decision.

5.5 Consideration of Submissions

All submissions received within the nominated time frame will be considered when determining the application. The application will not be determined prior to the expiry of the nominated notification period.

Submissions received after the nominated time frame will be considered if practical.

The terms of any objection will be summarised in the assessment report to be presented to the Council. The name and address of the objectors will be withheld in the report.

However, persons making submissions should be aware that details of their submission may be available to other people if an application is received under the Freedom of Information Act, or the Local Government Act. Details of person's names and addresses who make submissions, in most instances, are kept confidential.

The Council is not bound to adopt a suggestion or support an objection when making its determination on the application. The Council's assessment of an application involves considering the merits of all relevant matters.

6. Requirements for Applicants

6.1 Consult with Neighbours

Consultation with neighbours is recommended before formally lodging a Development Application. By taking into account the concerns of neighbours early, delays can be avoided in the processing of applications.

6.2 Consult with Council

Appointments to discuss proposals with the relevant Development Assessment Officer are recommended. The pre-lodgement meeting allows the opportunity to discuss the site analysis, draft plans and other matters with the Council Officers that will be assessing the proposal.

The pre-lodgement meeting is very important. It will minimise delays in the processing of applications, and provides an opportunity to discuss areas of uncertainty.

Should changes be required to an application after lodgement and initial notification; it may lead to re-notification of the proposal, which could further delay the processing of an application.

6.3 Notification Fees

Notification fees are charged for all types of development requiring notification. A list of all of the fees charged on Development Applications (including notification charges) is available from Council's Administration Centre.

6.4 Information Required from Applicants

To help speed up the assessment time for applications, **six** photocopies (A4 or A3 sheet size) of a plan to be used for notifying neighbours are required from applicants (examples are shown in Appendix 3).

The A4 or A3 notification plans must be drawn to a suitable scale and show:

- the perimeters of the subject site and footprint of the building(s); and
- a plan of each elevation of the building(s); and
- the levels of the floors, ceilings and any yard.

A floor plan should **not** be included (for security reasons).

If the plans are for an **alteration or addition**, coloured copies of the plan clearly showing the proposed alteration or rebuilding must be submitted. This also applies if there are changes to plans that are already submitted for assessment.

A1

Appendix 1: Further Information

Should you require any further information, we can be contacted in the following ways:

Post: PO Box 77
CAMPSIE NSW 2194

Document Exchange: DX 3813, CAMPSIE.

**Courier or
Personal Delivery:** Canterbury City Council Administration Centre
137 Beamish Street, CAMPSIE.

Phone: (02) 9789 9300.

Fax: (02) 9789 1542.

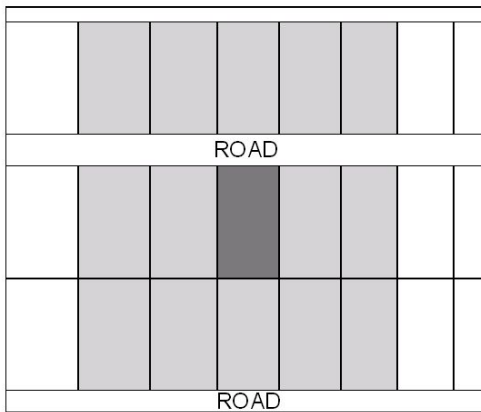
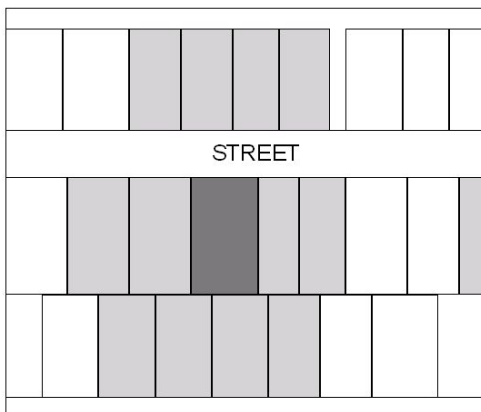
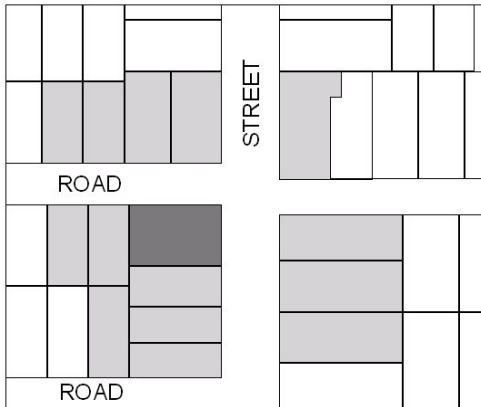
E-mail: council@canterbury.nsw.gov.au

Website: www.canterbury.nsw.gov.au

Office Hours: 9:00 a.m. - 5:00 p.m., Mondays to Fridays.

A2

Appendix 2: Who is Notified



-  Proposed Development Site
-  Adjoining owners and occupiers to be notified

A3

Appendix 3: Sample Notification Plans

