

# Notification of Development Applications

## 1. Objectives:

The objectives of these controls are to:

- provide for public participation in the development application decision making process
- set out those matters for which the Council will have regard when forming its opinion as to whether or not the enjoyment of adjoining land may be detrimentally affected by a proposed development
- set out the criteria for notifying potentially affected persons and specify the circumstances when notification is not required
- detail the form that notification will take place

## 2. Application of these controls

These controls apply to the following types of development:

- approval to erect a building
- amendments to an undetermined Development Application to erect a building
- the use of a building or another specified work, and
- Modifications to Development Approvals

## 3. Notification process

Written notice of a Development Application will be sent to those persons who appear to the Council to own or occupy land adjoining and neighbouring an application site if, in the Council's opinion, the enjoyment of that land may be detrimentally affected by the development proposal. This could include land opposite or otherwise distanced from the application site

#### **4. Matters to be considered by Council in forming an opinion**

Council will give notice of an application to affected persons where, in its opinion, the enjoyment of land may be detrimentally affected by or in relation to:

- the views to and the view from the land
- overshadowing
- privacy
- noise or odour
- the visual quality of the development in relation to the streetscape
- the scale or bulk of the proposed development
- the siting of the proposed development in relation to site boundaries
- the proposed hours of use for the development
- light spillage or reflection
- means of access to or provision of parking on the proposed development site
- the amount of traffic likely to be generated by the proposed development
- drainage
- the social and economic impacts of the proposal

#### **5. Forming an opinion**

Upon the lodgement of a development application, the relevant Council officer will determine who may be detrimentally affected in terms of the matters to be considered. The Council may also broaden the extent of notification following inspection of the development site.

#### **6. Amendments to DAs**

An applicant may make an amendment to an application at any time prior to the determination of the application.

Council will re-notify any amendments which either alter the external configuration or siting of a development or which may, in Council's opinion, cause a greater or more serious impact on any affected person.

#### **7. Modification of approvals**

Council will re-notify those affected persons who were notified of the original application and any other affected person, inviting comment on the proposed amendments.

## **8. Applications that will not be notified by Council**

Notification is not required where, in the opinion of Council, the enjoyment of land will not be detrimentally affected in terms of the matters listed in these controls.

Notification will not be made of a Development Application if it is:

- Exempt Development, or
- Complying Development.

Development Applications which do not require notification include:-

- strata subdivisions
- subdivision only involving adjustments to existing property boundaries
- land subdivisions that do not depart from Council's adopted DCP and where the development expectations of adjoining land are not affected
- change of use of buildings, except at Council's discretion
- single rural dwelling on large properties

## **9. Form of notification**

Written notice to be forwarded by Council to the owners of land and will contain the following information

- a description and address of the site
- the proposed use of any building
- the name of the applicant
- the time period within which written submissions are to be made
- a notification plan.

The notification plan will:

- be provided on an A4 (or A3) size sheet
- be of a scale which will clearly delineate the features of any proposed building
- show the height and external configuration of any proposed building in relation to the site on which it is proposed to be erected
- include a site plan showing the
- relationship of any proposed building to the boundaries of any allotment
- clearly define any new building or additions to existing buildings by appropriate means of cross hatching, and
- be appropriately dimensioned to indicate size, height and position of any proposed building in relation to the site.

## **10. Period of time for submissions**

A person may inspect a plan relating to a development application and make submission within fourteen (14) calendar days of the date of the notification of that application.

A copy of the notification plan will be available for inspection at the Council Offices during the notification period.

## **11. Form of submissions**

Submissions-received in relation to the proposal will be considered in the Council's assessment of the application.

Submissions made in respect of applications must be in writing and addressed to the General Manager. Submissions must clearly indicate the name and address of the person making the submission and details of the proposal to which the submission relates.

All submissions must be accompanied by a signed Political Donations Disclosure form.

Should an objection be part of the submission, the reasons for the objection are to be provided.

## **12. Consideration of submissions**

Council will consider all submissions received within the specified time period before determining a Development Application.

Council is not bound to adopt or support any objection that may be made in response to neighbour notification in its determination of an application.

Each application will be assessed on its merits, notwithstanding the number of submissions received.

## **13. Notification to persons making submissions**

Council will inform each person who made a submission of its final decision in determining a development application.

#### **14. Other notifications**

Council requires that the following types of development be advertised in the local newspaper for a period of not less than 30 days:

- Commercial or industrial development located in close proximity to residentially zoned properties or properties used for residential purposes
- The demolition of a building or work that is a heritage item, but does not include a partial demolition, which is of a minor nature
- Residential flat buildings and multi dwelling housing
- Development for the purposes of conserving, protecting or restoring a heritage item, in the opinion of the Council, warrants public comment
- Development for purposes other than those listed above which, in the opinion of the Council, requires public comment

#### **15. Relevant Section C - Development Controls**

The following other parts of *Section C – Development Controls* relevant to Notification of Development Applications include:

- *Development Applications*