



7. PLANNING

Policy 7.5

NOTIFICATION OF DEVELOPMENT APPLICATIONS

Version 2

7. PLANNING

7.5 NOTIFICATION OF DEVELOPMENT APPLICATIONS

OBJECTIVE

To provide procedures for the notification of development applications.

POLICY

1. APPLICATION OF POLICY

1.1 DEVELOPMENT APPLICATIONS THAT THE POLICY APPLIES TO

Unless excluded by Section 1.2 and/or Section 2 all development will be notified in accordance with this Policy.

All development applications within zones Residential 2(a) and Village 2(v) will be notified in accordance with Clause 21 of Lithgow Local Environmental Plan 1994 and the provisions of this Policy. Schedule 2 of the LEP also lists certain types of development that require notification including:

Demolition of a building or work that is a heritage item.

Development for the purpose of boarding-houses, hotels, motels, residential units or tourist facilities.

Development for the purpose of industries (other than rural industries) in Zone No. 1 (a).

- *Development for the purpose of;*
- *abattoirs,*
- *hazardous storage establishment,*
- *intensive livestock keeping establishments,*
- *junk yards,*
- *offensive or hazardous industries,*
- *sawmills, stock and sale yards."*

Note: Clause 21 and Schedule 2 of the Lithgow LEP 1994 will cease to apply upon the commencement date of Lithgow Local Environmental Plan 2014 and any reference or requirement will be removed from this policy.

1.2 DEVELOPMENT APPLICATIONS THAT THE POLICY DOES NOT APPLY TO

1.2.1 LEGISLATED NOTIFICATIONS

This Policy does not apply to development applications that are required to be notified under specific legislation. At the date of commencement of this policy this included notification procedures for the following types of development defined under the Environmental Planning and Assessment Act, 1979 and its regulations, including:

- Complying Development
- Designated Development

- Advertised Development including Integrated Development
- State Significant Development
- Development under State Environmental Planning Policy 33
- Development under State Environmental Planning Policy 55

In these circumstances the notification procedure will be in accordance with the relevant legislation.

In the event that there is any inconsistency between this policy and relevant legislation, the legislation will prevail to the extent of that inconsistency.

1.2.2 APPLICATIONS WITHIN THE SOUTH BOWENFELS RELEASE AREA

This Policy does not apply to development applications that are within the South Bowenfels Release Area as defined in the South Bowenfels Development Control Plan whilst ever that DCP remains in force.

2. APPLICATIONS FOR WHICH NOTIFICATION WILL NOT BE GIVEN UNDER THIS POLICY

Development applications for the following types of development will not be notified. (NB: Any structure must conform to applicable setback requirements):

- Single storey dwellings (providing this does not involve demolition of an existing dwelling)
- Additions to single storey dwellings that do not involve adding an additional storey to the dwelling
- Internal alterations that do not alter the use of a building or its Class under the Building Code of Australia
- Carports, pergolas and verandahs in association with a dwelling
- Detached garage or shed associated with a dwelling and to be used in conjunction with a dwelling that does not exceed 36 square metres in floor area or 3.6 metres roof ridge height.
- Dwellings (up to 2 storey's) and sheds on land zoned RU1 or RU2 land that is greater than 2 hectares
- Subdivision creating less than 5 new lots on land zoned RU1 or RU2
- Boundary alterations
- Strata subdivisions
- With the exception of Restricted Premises and Sex Services Premises, Commercial or industrial development comprising non-structural alterations to an existing building
- Development involving a change of use that does not involve the change to a Restricted Premises, Sex Services Premises, Food and Drink Premises, Funeral Chapel, Funeral Home or Retail Premises involving the sale of firearms within the meaning of the *Firearms Act 1996*
- Signage
- Any other development of a minor nature that, in the opinion of the assessing officer, does not have the potential to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash,

dust, waste water, waste products, grit or oil, traffic generation or otherwise.

2.1 NOTIFICATION FOLLOWING SITE INSPECTION

Notification of development applications may also occur following the site inspection and consideration of factors such as the character of existing development, slope of the site, local amenity, potential overshadowing and any other issues considered by Council to be relevant to the proposed development.

3. Notification of Amended Development Applications

- 3.1 If a development application is amended prior to being determined, the application will only be re-notified if the environmental impact is deemed by Council to be greater than that of the original development proposal.
- 3.2 If Council decides that re-notification is necessary having regard to 3.1 it shall notify:
 - (a) those persons previously notified of the original development application
 - (b) those persons who made submissions to the original development application; and
 - (c) any other persons who, in the opinion of the Development Assessment Officer, may be affected by the amended development application.

4. Notification of Section 96 Applications

- 4.1 Section 96(1) modifications that involve minor error, misdescription or miscalculation will not be notified.
- 4.2 Section 96(1A) modifications that involve minimal environmental impact will not be notified unless in the opinion of Council, the proposed modification has the potential to increase the impact of the development on adjoining land.
- 4.3 Section 96(2) modifications which cause increased environmental impact will be notified the same as the original application was notified. Also, any person who made a submission to the original development application will be notified.
- 4.4 In the event that Council decides notification is necessary it will notify the application for modification in the same manner as the original development application and also notify those persons who previously made submission.

5. Who will be notified under this Policy and how long is the notification period?

- 5.1 Except for specified types of development outlined in 6.3 below, written notice of a development application will be given to landowners adjoining the

land on which the development is proposed for a period of 14 calendar days. For the purposes of this policy adjoining land is land that directly abuts the subject site; shares a common boundary; or is situated directly opposite to the site where separated by a road, pathway or driveway.

- 5.2 In the case of the adjoining land being part of a strata plan, notification will be given to the Body Corporate only.
- 5.3 Certain types of development will be notified to adjoining landowners as well as the wider neighbourhood, and in some circumstances for 21 days, as indicated in the following table:

Type of Development Proposed	Minimum Notification Required (Surrounding Landowners)	Period
Subdivisions, for more than 10 lots, on land zoned land zoned R1, R2, R5 and RU5	6 either side of the subject site, 6 at the rear and 6 opposite the site	21 days
Bed & Breakfast, Home industries, restaurant or café, Self Storage Units	6 either side of the subject site, 6 at the rear and 6 opposite the site	21 days
Multi-dwelling Housing, hostels, boarding houses, child care centres, Hotels, Motels, Tourist Facilities, residential flat buildings, residential care facility, seniors housing, serviced apartments, places of public worship, recreation facility, amusement centres, professional consulting rooms	6 either side of the subject site, 6 at the rear and 6 opposite the site	21 days

6. Form of Notification

- 6.1 The notice of a development application will include the following information:

- development application number
- address of the proposed development site
- description of the development
- the applicant
- where and when the plans can be inspected
- the time period within which submissions may be made
- that the substance of written submissions may be included in reports and be available for the applicant to consider.
- making a public submission (whether opposing or supporting the application) in relation to a relevant planning application must disclose all reportable political donations and gifts, made by the person making the submission or any associate of that person to any local Councillor or Council employee within the period commencing two (2) years before the submission is made and ending when the application is determined. If the political donations and gifts were

made after the application of submission was made, the disclosure must be made within seven (7) days after the donations and gifts were made; and that in accordance with the Act, the disclosure will be made available to the public via Council's website.

7. Notification over the Christmas Period

7.1 If a development application is to be notified during the period where Council is closed over Christmas and New Year, then the number of working days in which Council is closed is to be added to the duration of the notification period.

8. Submissions

8.1 Written submissions are to be received by Council by the due date otherwise they will not be considered as part of Council's assessment of the development application.

8.2 Petitions and form letters will be treated as a single submission relating to a development application.

8.3 Should the determination of a development application be considered by the elected Council, all persons who lodged a submission will be provided with advice detailing that Council is considering the development application at the nominated meeting and that members of the public are able to attend.

8.4 Written submissions cannot remain confidential (unless otherwise specified for appropriate reasons) and may be referred to the applicant as they may be used to assist in negotiations with the owners/applicant of the proposed development. Submissions may also be the subject of Government Information (Public Access) Act requests and included in Council business papers.

Maintained by Department:	Environment & Development	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	7.5	Effective Date:	27/10/14
Min No:	14-418	Version No:	2	Reviewed Date:	Oct 14
Attachments:					

