



STRATHFIELD MUNICIPAL COUNCIL

**PART L of  
Strathfield Consolidated  
Development Control Plan 2005**

***Public Notification of  
Development Applications***

(July 2017)

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Amendments Schedule			
Amendment No.	Description	Adopted by Council	Date Effective
1	Rectify an administrative error in accordance with the Council resolution regarding Section 2.2.	6 June 2017	7 July 2017

# 1 Introduction

## 1.1 Purpose

Public participation is an integral part of the development process. The purpose of Part L of the Strathfield Consolidated Development Control Plan (SCDCP 2005) ("DCP Part") is to set out the minimum notification requirements for applications and to ensure that public participation in the development process is facilitated in an orderly and transparent manner.

## 1.2 Notification Minimums

This DCP Part sets out the minimum notification requirements for development proposals. Notification areas and times may be increased (not reduced) at the discretion of the authorised Council officer, considering the nature and likely impact of the proposal.

## 1.3 Application of this DCP Part

This DCP Part applies to:

- development applications including tree removal applications;
- modification of consent applications; and
- review of determination applications.

But excludes development applications that fall into one or more of the following categories:

- Designated Development;
- State Significant Development;
- Integrated Development;
- Building and business identification signage that are considered to have minimal impact on the amenity of the locality and/or traffic safety; and
- Development applications involving minor changes or external works that are considered to have no measureable effect upon adjoining properties.

Note:

- i. Designated, State Significant and Integrated development have their own requirements for advertising under the *Environmental Planning and Assessment Act 1979* ("the Act") and the *Environmental Planning and Assessment Act Regulation 2000* ("the regulations").

## **1.4 Objectives**

The objectives of this DCP Part are:

- To advise adjoining and nearby land owners/occupiers of proposals lodged with Council.
- To provide the opportunity for public comment on applications, and for participation in the decision making process.
- To establish criteria where notification may, or may not, be required and those persons who will be notified;
- To outline the procedures for notifying owners and/or occupiers of land affected by an application;
- To ensure all stakeholders are aware of the notification process;
- To establish a communication process in relation to the assessment of development applications;
- Ensure there is consistency in the notification of similar applications.

## **2 Advertising and Notification of Applications**

### **2.1 Persons to be Notified**

Notice of an application will be provided to the following:

- All persons who, according to Council's property records, own or occupy land adjoining the application site;
- Any persons who, in the opinion of the Council officer, own or occupy neighbouring land that may be detrimentally affected by the likely impacts of the proposal including, but not limited to loss of views, loss of heritage significance, loss of privacy, overshadowing, hours of operation, noise generation, visual bulk, traffic and parking impacts, and inconsistency with the streetscape;
- Any persons who, in the opinion of the Council Officer, may be adversely affected by works to a heritage item, works in the vicinity of a heritage item, or works in a Conservation Area;
- Where the notified property comprises a strata titled building, the Owners Corporation, owners of strata units (where a mailing address is known to Council), and non-owner occupiers within the building will be notified;
- Any person or group of persons whom Council believes may have an interest in the determination of the application;
- Any public authorities, which Council believes, may have an interest in the determination of the application;

- For notification relating to premises on the border of a Local Government Area, Council will send letters to the adjoining Council except those premises fronting Coronation Parade, Roberts Road and Powells Creek.

Note: For applications likely to generate major public interest or have major impacts on the local government area, in part or as a whole, Council may also:

- Notify residents via a letterbox drop to an area deemed appropriate by a relevant Council Officer; and or
- Arrange a public meeting, presentation or forum.

## **2.2 The Methods Used to Notify Applications**

Development applications requiring notification will be notified in the following forms:

- Letters to adjoining and neighbouring land owners/occupiers (written notice);
- A site notice placed on the subject site (site notice);
- Notice published in a local newspaper (e.g. Inner West Courier) for 'advertised development' (published notice);
- Information on Strathfield Council's website; and
- Notice published in Strathfield Council's eNews.

Note: Advertised development is defined under Clause 2.3 of Part L of SCDCP 2005.

## **2.3 Advertisement of Certain Applications**

a) The consent authority, before determining any application to carry out development for the purpose of:

- a hospital/medical centre;
- a boarding house;
- a place of public worship;
- child care centre
- a sex services premises; and
- a restricted premises

shall give notice of the receipt of the application in a newspaper (published notice) circulating in the locality in which the development the subject of the application is proposed to be carried out.

b) A published notice referred to (a) shall:

- set out particulars sufficient to identify the land to which the application

relates in accordance with Clause 2.4 of this DCP Part; and

- be advertised and notified for a period of twenty one (21) calendar days from the date of the publication (excluding public holidays).
- c) After expiry of the exhibition period, the consent authority shall consider the application having regard to any written submissions received.

## **2.4 Notification Content**

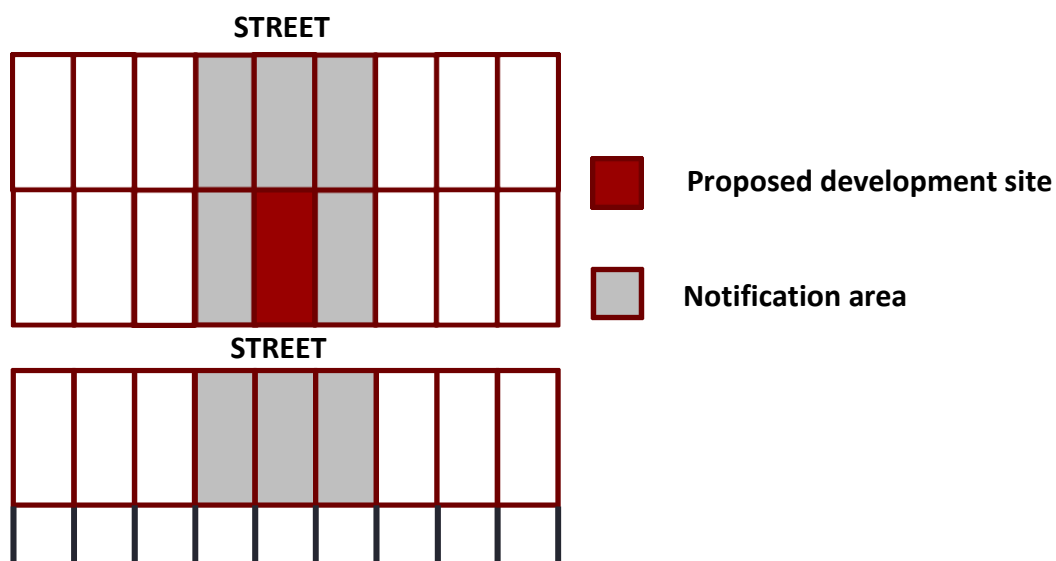
The notice must contain the following information:

- The address of the land on which the development is proposed to be carried out;
- A description and address of the site to which the application relates;
- A brief description of the proposal that outlines the nature of the development including the number of storeys, number of residential units and/or commercial floor space ,and the number of on-site parking spaces where applicable;
- The application reference number;
- The name of the applicant;
- Where and when the application can be inspected;
- The invitation of affected persons to make a written submission;
- The period during which the application can be inspected and submissions may be made;

Note: The written notice will be accompanied by an A4 size notification plan including a site plan and elevations of the proposed development, prepared by the applicant.

## **2.5 Minimum Notification Area: The Meaning of 'Adjoining Land'**

The diagram below (Figure 1) shows the land considered to be 'adjoining land' and represents the minimum notification area for all development applications to which this DCP Part applies.



**Figure 1 Minimum notification area**

Note: When a site and the adjoining land are not in the configuration shown, Council has delegated to officers the power to form an opinion, which is to be based on the potential impact of the development, on what is considered to be 'adjoining land'.

## 2.6 Advertising and Notification Requirements

There are two (2) categories of public exhibition procedures for the purpose of this DCP Part, based on the anticipated impacts of the proposed development on its environment.

The two (2) categories of public exhibition procedures are:

- Category A – 14 days notification
- Category B – 21 days notification

Category A	Category B
Relates to all development types to which this DCP Part relates excluding development to which Category B relates.	Relates to the following development types: <ul style="list-style-type: none"> <li>- New residential flat buildings and additions greater than 3 storeys</li> <li>- New boarding house</li> <li>- New tourist and visitor accommodation</li> <li>- New hotel or motel accommodation</li> <li>- New bulky goods premises</li> </ul>

- New restricted premises
- New sex services premises
- New place of public worship
- New seniors housing
- New hospital/medical centre
- New educational establishment
- New child care centre
- Mixed-use development: new and additions greater than three (3) storeys
- Commercial development: new and additions greater than three (3) storeys
- Other major non-residential development
- Major industrial development

Note: the notification period may be altered at the discretion of the Council officer following consideration of the nature and likely impact of the proposal or the circumstances of the case.

## **2.7 Notification Periods**

The notification period for all notified development commences one day after the date of the written notice.

Development that is notified only for fourteen (14) days is not advertised.

The notification period for all 'advertised development' commences from the day of publication of the first notice in the newspaper.

## **2.8 Extension of Advertising and Notification Periods**

The period for advertising and notification of applications to which this DCP Part applies may be extended in the following instances:

- During traditional holiday periods (e.g. December and January); and
- Where the consent authority or its officers consider the form of development to warrant an extended consultation period.



Note: As a guide, any application received and notified in the period from first week December to 24 December and during the first and second weeks of January will be subject to a twenty-eight day notification period.

### **3 Advertising and Notification – Submissions**

#### **3.1 Submissions Period**

Unless otherwise stated, the submission period for each application is in line with the notification period (except where an extended notification period is given) commencing one day after the day of the notification letter.

The newspaper advertisement and notice will refer to the development application and accompanying material as being on exhibition for a stated number of days at Council's Customer Service Centre, with the closing date for submissions being at the end of the stated period. If the period finishes on a weekend, the period is to be extended to the immediately following Monday.

The period may be increased, if the consent authority considers that a longer period should be given in the circumstances.

#### **3.2 Making a Submission**

Any person is entitled to make a submission which may object or support an application within the notification period, whether or not a notification letter has been forwarded to the person.

Submissions must be made in writing and delivered to the Council either personally, by post, or electronic mail.

All submissions received within the notification period will be considered in the officer's assessment of the application. Council is not bound to adopt or support a submission when making its determination. The officer's assessment will involve consideration of the merits of all relevant matters having regard to section 79C of the Act.

Submissions should include the following characteristics:

- The reasons for objection or support;
- Submissions must be in writing, be addressed to the General Manager, clearly indicate the name(s), address and contact details of the person(s) making the submission, quote the development application number, and clearly state the address of the property;
- Other documents (such as surveys, plans or photographs) may be included in support of a submission;

- Correspondents may suggest ways in which a proposal might be changed to address their concerns;
- If persons who lodge submissions wish their personal information to remain anonymous, a clear request must be including asking Council not to make such information available for public inspection;

Note: Only one (1) submission will be counted per dwelling. In the case of strata title buildings, this means one submission per unit.

### **3.3 Notice to Persons Lodging Submissions**

In the event that an application is to be determined at a Council meeting, the consent authority is to notify person(s) who have lodged a written submission, prior to the relevant meeting.

### **3.4 Petitions**

Where petitions are received in respect of an application, the principal petitioner or where not nominated the first petitioner will be acknowledged for the purpose of future contact. Only the principal petitioner will be advised of timings regarding the determination of an application.

Contact details including name, address, telephone number and email are to be provided for the principal petitioner.

### **3.5 Disclosure of Submissions**

Submissions are not confidential. Submissions may be accessed by the public through an application to access Council's records under The Government Information (Public Access) Act 2009.

### **3.6 Acknowledgment of Submissions**

All submissions received during the assessment period are to be acknowledged as soon as practicable.

Council's policy is to notify all submitters prior to a Council, Strathfield Independent Hearing and Assessment Panel (SIHAP) Meeting or other public meeting; and following determination of the application.

### **3.7 Anonymous Submissions**

Anonymous submissions will not be considered.

## **4 Amendments, Modifications and Reviews**

### **4.1 Amended Applications**

Where an application is amended prior to its determination, the application shall be readvertised or notified when the amended application is considered likely to result in additional environmental impacts. In this instance, Council will re-notify:

- Those persons who lodged a written submission to the original application;
- The originally notified area;
- Any additional persons who own/occupy neighbouring land that may, in the opinion of Council's officer, be adversely affected by the amended proposal.

Amended applications that are considered to result in a lesser impact on the environment are not required to be readvertised or renotified.

When an application is withdrawn and a subsequent application made, the new application will be readvertised or notified in accordance with the provisions of this DCP Part, as if the previous application had not been made. Submissions received in relation to the superseded application will not carry over to the new application.

### **4.2 Section 96 Applications**

An applicant may amend a development consent under Section 96 of the Act. Section 96 provides for various types of applications to modify a consent, those being:

- Section 96(1) applications involving correction of minor errors and misdescriptions;
- Section 96(1A) applications involving minimal environmental impacts;
- Section 96(1AA) applications received in relation to consents granted by the Land and Environment Court; and
- Section 96(2) applications involving other modifications.

Section 96(1) applications will not be advertised or notified.

Section 96(1A) applications will be advertised and notified for a maximum of 14 days in the same manner as the original application with all previous submitters notified unless:

- The modification application does not alter the external appearance of the originally approved development.
- Council is satisfied that the proposed development (as modified) is of minimal environmental impact and will not detrimentally affect the enjoyment of adjoining or neighbouring land.

Section 96(1AA) applications will be advertised and notified in accordance with the provisions of this DCP Part.

Section 96(2) applications will be advertised and notified for a maximum of 14 days in the same manner as the original application. Also, all previous submitters will be notified of the Section 96(2) application.

#### **4.3 Section 82A Reviews**

Pursuant to Section 82A of the Act, an applicant may request the Council to review a determination of an application within 6 months of the determination date.

Applications for a Section 82A review of determination will be readvertised and renotified in the same manner as the original application even if the development application is amended and is considered to have a lesser impact on the surrounding area than the original development application.

Those persons who lodged a written submission to the original application will also be notified of a Section 82A review application.

## **5 Other Provisions**

#### **5.1 NSW Land and Environment Court Appeals**

Where an application is subject to an appeal in the Land and Environment Court (the Court), Council will notify:

- Those persons who lodged a written submission to the original application; and
- Any other person(s) who own/occupy adjoining or neighbouring land who may, in the opinion of Council, may be adversely affected by the proposed development.

In the event the Court makes a determination on an application, Council will send notice of the determination to each person(s) who lodged a written submission in respect of the application.

#### **5.2 Cost of Advertising and Notification**

The fees and charges associated with the advertising and notification of applications is available on Council's website (<http://www.strathfield.nsw.gov.au/council-documents/fees-and-charges/>)