



Part B:

Notification & Public Exhibition

of Development Applications

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B1 Notification & Public Exhibition of Development Applications

B1.1 Application of this Part

This Part of the DCP applies to all land within the Blayney Local Government Area (LGA) except for applications that fall into one or more of the following categories:

- 1) Exempt development;
- 2) Complying development;
- 3) Designated Development;
- 4) State Significant Development;
- 5) Integrated Development; and
- 6) Section 68 applications.

The above categories of development have their own requirements for advertising in the *Environmental Planning & Assessment Act 1979 No 203* (EP&A Act), the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and the *State Environmental Planning Policy (Exempt and Complying Development) 2008* (Codes SEPP) and alternate or additional arrangements may be made or apply.

B1.2 Objectives for Notification & Public Exhibition of Development Applications

- 1) To define development that is either notified or advertised development.
- 2) To outline the procedures for notified and advertised development.
- 3) To outline other relevant related procedures for Development Applications.
- 4) To ensure a consistent, transparent and effective development assessment process.
- 5) To provide an opportunity for public participation in the Development Application process.

B1.3 Definitions

Notified development is where Council writes to owners of properties identified as requiring notification, advising of a proposed development, using priority post by Australia Post.

Advertised development is where Council, in addition to writing to owners of properties identified as requiring notification, places a notice in a local newspaper advising of a proposed development.

B2 Notified Development

B2.1 Development not requiring Notification

Council or its delegated officers may decide not to follow the notification procedure in this DCP if the proposed Development Application (DA) is compliant with all of the legislation and controls in BLEP2012 and this DCP (where relevant) and is:

- 1) A single storey dwelling house;
- 2) An addition to a single storey dwelling house;
- 3) Additions such as an open car port, pergola, or verandah;
- 4) Private swimming pool;
- 5) A detached garage or shed/outbuilding associated with a dwelling house that is behind the building line;
- 6) Any building on land within Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone RU3 Forestry where the land has an area greater than 5 hectares and/or the building is greater than 100 metres from a boundary with a different owner;
- 7) Subdivision creating less than 5 lots within Zones RU1 Primary Production, Zone RU2 Rural Landscape & RU3 Forestry;
- 8) Subdivision creating 1 additional lot only within Zones R1 General Residential, R5 Large Lot Residential, and RU5 Village;
- 9) A boundary adjustment;
- 10) Commercial development or light industry within Zones B2 Local Centre, B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial or on a lot that does not adjoin an existing dwelling or a residential zone;
- 11) Development considered to have nil or minor impacts on adjoining land owners; and
- 12) A development that relates to a Section 4.55 Modification that is a result of a condition imposed on an existing Development Application that has previously been notified in accordance with this DCP.

The above exemptions only apply if the proposed development is on a lot that is not a heritage item, adjacent to one or in Zone RU5 Village of Millthorpe and Carcoar.

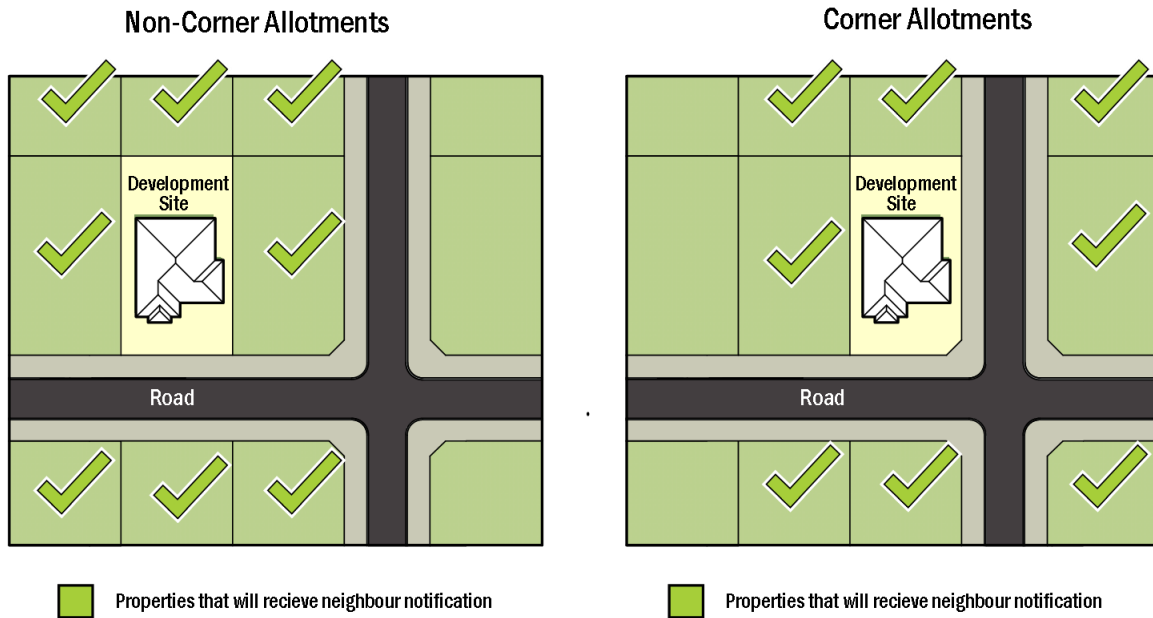
All other development will require notification in accordance with this DCP.

B2.2 Who will be Notified?

For Development Applications requiring notification under this DCP, written notification of the proposed development may be provided to:

- 1) The owner(s) of land immediately adjoining to the side and rear boundaries of the subject site;
- 2) The owner(s) of land adjacent to the subject land, including land that is separated from the subject site by a road, pathway, driveway, waterway and railway or similar thoroughfare;

- 3) The owner(s) of any other land which may, in the opinion of Council or its delegated officers, be affected by the proposed development, having regard to any relevant matter for consideration under Section 4.15 of the EP&A Act; and
- 4) Any other relevant stakeholder including, utility providers and or government agencies.



B2.3 Information to be included with Notification Letters

For Development Applications requiring notification to land owners under this DCP the following information shall be included in the written notification letter to any person(s) entitled to be notified:

- 1) Council's Development Application Number;
- 2) The address, lot and deposited plan numbers of the land on which development is proposed to be carried out;
- 3) A brief description of the proposed development;
- 4) The name of the applicant;
- 5) The invitation to make a written submission, details of where the application can be inspected and the time within written submissions must be received by Council;
- 6) Advice that the substance of written submissions may be included in a report to Council and a copy of the submission (private information redacted) may be publically available as an enclosure to the Council report;
- 7) Advice that Council is subject to the *Government Information (Public Access) Act 2009* and that copies of written submissions may be made available to any persons entitled to lodge an application under this legislation (copies will withhold the identity of the submission maker); and
- 8) All notification letters may be accompanied by site and elevation plans and the Statement of Environmental Effects that are lodged with the Development Application. *Note: Floor plans or internal plan layout of residential development will not be provided.*

B2.4 Notification Period

For Development Applications requiring notification under this DCP, a notification period of not less than fourteen (14) days (including weekends and public holidays) shall be provided by Council commencing from the day following the date of the notification letter.

The period for notification and exhibition of Development Applications may be extended up to 28 days during traditional holiday periods (e.g. December and January).

B3 Advertised Development

B3.1 What Development will be Advertised?

In addition to any requirements for advertising under state or federal legislation, the following kinds of development may be advertised:

- 1) Demolition of a building identified as a heritage item in Schedule 5 of BLEP2012;
- 2) Use of a heritage item for a purpose prohibited within the zone, as provided by clause 5.10(10) of BLEP2012;
- 3) Major Council projects to be of significant community interest;
- 4) Subdivision creating 20 or more allotments;
- 5) Non-residential uses in or adjacent to Zones R1 General Residential, R5 Large Lot Residential, or RU5 Village;
- 6) Development for the purpose of: multi dwelling housing; residential flat buildings; seniors housing; hostels; boarding houses; group homes;
- 7) Development that is likely to impact on surrounding properties including intensive livestock agriculture; heavy industries; heavy industrial storage establishments; sawmill or log processing industries; stock & sale yards; sex services premises; or restricted premises; and
- 8) Any development identified by Council staff that should be advertised in the public interest.

B3.2 Public Exhibition Period

Where a Development Application is required to be placed on public exhibition under this part of the DCP, the Application shall be made available for inspection for a period of not less than fourteen (14) days, public holidays and weekends included, commencing from the date on which the public exhibition notice was first placed in the Local Newspaper.

The period for notification and exhibition of Development Applications may be extended up to 28 days during traditional holiday periods (e.g. December and January).

B3.3 Information to be Publicly Exhibited

For Development Applications requiring public exhibition under this DCP the following information shall be included in the public exhibition notice:

- 1) Council's Development Application Number;
- 2) The address, lot and deposited plan numbers of the land on which development is proposed to be carried out;
- 3) A brief description of the proposed development;
- 4) The name of the applicant;
- 5) The invitation to make a written submission, details of where the application can be inspected and the time within written submissions must be received by Council;

During the public exhibited period, Council must make available for inspection the following extracts of the Development Application to any interested persons. This information shall include:

- 1) Site Plan and Elevation Plans that are lodged with the Application (*Note: No floor plans/internal layouts to be provided*);
- 2) The Statement of Environmental Effects that is lodged with the Application; and
- 3) Any other documents that are relevant.

B3.4 Making of Submissions during the Notification and Advertising Period

Submissions in respect of a Development Application that is notified or advertised under this DCP must be received by Council within the period designated or alternatively within such additional period as may be determined by Council or its delegated officers.

A submission may be made by any person whether or not that person has been or is entitled to be given notification of the proposed development under this DCP.

Submissions must be made in writing and must clearly indicate the following:

- 1) Name and address of the person making the submission, including phone and email address. Anonymous submissions will not be considered; and
- 2) The submission should relate directly to the proposed development and if the submission is by way of objection, it must state the reasons for objection.

Any submission received by Council may be:

- 1) Summarised and issues referred to the applicant for consideration;
- 2) Subject of freedom of information requests under the *Government Information (Public Access) Act 2009* (copies will withhold the identity of the submission maker);
- 3) Summarised as part of an Assessment Report in Council Business Papers; and
- 4) Included as submitted in Council Business Papers.

All submissions must be addressed to:

The General Manager,
Blayney Shire Council
PO Box 62
Blayney NSW 2799

or Councils email address council@blayney.nsw.gov.au

B3.5 Consideration of Submissions during the Notification and Exhibition Period

Where a submission is received during the period in relation to a Development Application that has been notified or advertised under this DCP, Council must consider that submission prior to the Application being determined.

Council or its delegated officers may consider a submission received outside of the period allowed for making submissions under this Plan, provided the Development Application has not already been determined. Consideration of any such submission is at the discretion of the Director Planning & Environmental Services.

Submissions received by Council in relation to a Development Application that has been notified or advertised under this Plan will be considered in full as part of an Assessment Report for the proposed development. If the substance of the submission can be addressed through a condition in the development consent, the application can be determined under delegation by the Director Planning & Environmental Services. If the substance of the submission cannot be addressed through a condition in the development consent, the application will be determined at a Council Meeting.

B3.6 Notification of Determination of Development Applications

Any person(s) who makes a submission in relation to a Development Application that is notified or advertised under this DCP which is to be determined at a Council Meeting must be notified of the date at which the Development Application will be considered by Council.

Any person(s) who makes a submission in relation to a Development Application that is notified or advertised under this DCP must also be provided with written notification of the Council's determination of the Application as soon as possible after that determination has been made.

B4 Amendments to Notified and Advertised Development

For Development Applications that are amended post notification / advertising period and at any time prior to determination, the Development Application will only be re-notified / advertised in accordance with this DCP if it is considered by Councils delegated officers that there will be additional or significantly altered likely environmental or amenity impact.

B5 Modification Applications

The requirements where Council receives a Section 4.55 Modification Application in relation to an existing development consent is as follows:

Section 4.55 Modification	(1)	Applications are not required to be notified or placed on public exhibition.
Section 4.55 Modification	(1A)	Applications are not required to be notified or placed on public exhibition.
Section 4.55(2) Modifications	Other	Council is required to follow normal notification / advertising procedures in accordance with the requirements of this DCP, but only where the original Development Application was also notified / exhibited. All persons who made submissions in relation to the original application will be notified, where possible. Note: The Environmental Planning & Assessment Act 1979 (EP&A Act) and EP&A Regulation specify additional exhibition and notification procedures for Section 4.55(2) Modification applications.
Section 4.56 Modification		Council is required to follow normal notification / advertising procedures in accordance with the requirements of this Plan, but only where the original Development Application was also notified / advertised. All persons who made submissions in relation to the original application will be notified, where possible.

B6 Review of Determinations

Where an applicant requests Council to review a determination of a Development Application in accordance with the requirements of Section 8.2 - 8.5 of the EP&A Act, the application must be notified and / or re-exhibited in the same manner as the original application. All persons who made submissions in relation to the original application must also be notified, if possible.

The *Environmental Planning & Assessment Act 1979* and Regulations (as amended) specify additional advertising and notification procedures for Section 8.2 - 8.5 Review Applications.

B7 Petitions

Where petitions are received in respect to Development Applications, Section 4.55 Modification Applications or Section 8.2 – 8.5 Review Applications, the head petitioner or where not nominated the first petitioner will be designated. Only the head petitioner will be contacted by Council regarding the application. Those people lodging petitions are encouraged to lodge an individual submission.