

# NOTIFICATION AND EXHIBITION

# DEVELOPMENT CONTROL PLAN





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## PREAMBLE

This Development Control Plan (DCP) applies to lands under the Hornsby Shire Local Environmental Plan, 1994. The plan is called the "Notification and Exhibition Development Control Plan" and came into force on 24 January, 2001.

## PURPOSE

### What is the purpose of this DCP?

The primary purpose of the DCP is to provide controls for the public notification and exhibition of applications received under Part 4 of the Environmental Planning & Assessment Act, 1979 by Council or an Accredited Certifier.

## OBJECTIVES

### What are the objectives of this DCP?

The objectives of this DCP are:

- to promote informed public participation in the development process;
- to provide appropriate notification and exhibition requirements according to the scale of the development proposed; and
- to provide simplified public notification procedures for the exhibition of applications consistent with the requirements of the Environmental Planning & Assessment Act, 1979.

## PROCEDURES

Notification and exhibition is required in accordance with controls specified in this plan. The following application types do not require public notification or exhibition:

- construction certificates
- Section 96(1) minor errors, misdescription or miscalculation
- Section 96(1A) minimal environmental impact

### How does this DCP work?

This Plan is intended to complement and expand upon the provisions of the Environmental Planning & Assessment Act, 1979 which provide the basis for public participation in environmental planning.

The Plan is to be used as a tool for notification and exhibition procedures by Council and Accredited Certifiers in order to achieve the objective of promoting public participation in the development process.

The DCP is divided into primary control elements according to application type. Each element comprises a description, an element objective, performance criteria and prescriptive measures. The element objective and performance criteria can be met through compliance with the prescriptive measures.

Prescriptive measures in some instances involve the use of Council discretion to facilitate flexibility in the system while achieving outcomes which are in the public interest needs. Any discretion used is to ensure that plan and element objectives are met.

Proponents should prepare plans and information in accordance with relevant Development Control Plans applicable to the development. Proponents should also have regard to Planning Division's policy for Development Application Architectural Models, a copy of which is attached to this plan.

## Amendments

Section 82 A Review Applications Element – 22/7/03  
General Procedures for Notification Element – 22/7/03

## DESIGNATED DEVELOPMENT

Designated development is large scale development with potentially significant environmental impacts. The categories of designated development are listed under Schedule 3 of the Environmental Planning & Assessment Regulation 2000.

### Element Objective

*To promote informed public participation in the development process consistent with the designated development requirements of the Environmental Planning & Assessment Act, 1979.*

### Performance Criteria

The applicant should assist the public participation process by providing appropriate information with the application.

Council should undertake appropriate notification and exhibition procedures to promote informed public participation.

### Prescriptive Measures

#### Applicant Responsibilities

The application should be accompanied by 15 copies of the Environmental Impact Statement (EIS), 15 copies of A4 size plans and 15 summaries of the EIS not exceeding four pages each.

The applicant is required to display one or more standard notices on the site in a prominent position for the duration of the exhibition period.

The applicant will be required to provide photographic evidence of the placement of the sign within three working days of the commencement of the exhibition period.

#### Council Responsibilities

Council will publish receipt and determination of the application, provide written notice to surrounding owners, exhibit the application, make available copies of the EIS for purchase, forward submissions to the Director of the Department of Urban Affairs & Planning and notify submitters of its determination as required by the Environmental Planning & Assessment Act, 1979.

Where an application is to be determined at a Council meeting, rather than by Council staff, Council will extend an invitation to the applicant and all submitters to attend the meeting. A copy of Council's standard notification letter is attached to this plan.

## STATE SIGNIFICANT DEVELOPMENT

State significant development is large scale development of state significance. The categories of state significant development are listed under Section 76A(7) of the Environmental Planning & Assessment Act, 1979.

### Element Objective

*To promote informed public participation in the development process consistent with the state significant development requirements of the Environmental Planning & Assessment Act, 1979.*

### Performance Criteria

The applicant should assist the public participation process by providing appropriate information with the application.

Council should undertake appropriate notification and exhibition procedures to promote informed public participation.

### Prescriptive Measures

#### **Applicant Responsibilities**

The application should be accompanied by 15 copies of A4 size plans and 15 summaries of the Statement of Environmental Effects not exceeding four pages each.

The applicant is required to display one or more standard notices on the site in a prominent position for the duration of the exhibition period.

The applicant will be required to provide photographic evidence of the placement of the sign within three working days of the commencement of the exhibition period.

#### **Council Responsibilities**

When an application is lodged with Council, Council will publish receipt and determination of the application, provide written notice to surrounding owners, exhibit the application, and notify submitters of the Minister's determination as required for state significant advertised development by the Environmental Planning & Assessment Act, 1979.

For applications to be considered at a Council meeting prior to being forwarded to the Minister for determination, Council will extend an invitation to the applicant and all submitters to attend the meeting. A copy of Council's standard notification letter is attached to this plan.

## NOMINATED INTEGRATED DEVELOPMENT

Nominated integrated development is development (other than designated or state significant development) that requires consent under the Environmental Planning & Assessment Act, 1979 and under the Heritage Act, 1977, the Water Act, 1912, or the Pollution Control Act, 1970.

### Element Objective

*To promote informed public participation in the development process consistent with the other advertised development requirements of the Environmental Planning & Assessment Act, 1979.*

### Performance Criteria

The applicant should assist the public participation process by providing appropriate information with the application.

Council should undertake appropriate notification and exhibition procedures to promote informed public participation.

### Prescriptive Measures

#### **Applicant Responsibilities**

The application should be accompanied by 15 copies of A4 size plans and 15 summaries of the Statement of Environmental Effects not exceeding four pages each.

The applicant is required to display one or more standard notices on the site in a prominent position for the duration of the exhibition period.

The applicant will be required to provide photographic evidence of the placement of the sign within three working days of the commencement of the exhibition period.

#### **Council Responsibilities**

Council will publish receipt and determination of the application, provide written notice to surrounding owners, exhibit the application, and notify submitters of its determination as required by the Environmental Planning & Assessment Act, 1979.

Where an application is to be determined at a Council meeting, rather than by Council staff, Council will extend an invitation to the applicant and all submitters to attend the meeting. A copy of Council's standard notification letter is attached to this plan.

## CATEGORY 1 DEVELOPMENT

Category 1 development is larger scale local development that has the potential to impact upon surrounding properties and the locality in which it is situated.

### Element Objective

*To promote informed public participation in the assessment of applications for larger scale development which may impact upon the broad community.*

### Performance Criteria

The applicant should assist the public participation process by providing appropriate information with the application.

Council should undertake appropriate notification and exhibition procedures to promote informed public participation.

### Prescriptive Measures

#### Applicant Responsibilities

The application should be accompanied by 15 copies of A4 size plans and 15 summaries of the Statement of Environmental Effects not exceeding four pages each.

When directed by Council, the applicant should display one or more standard notices on the site in a prominent position for the duration of the exhibition period. Site notices will be required for all category 1 development excluding change of use proposals, strata subdivisions, subdivision of existing multi-unit housing developments and other applications of a minor nature which, as it appears to Council, do not have the potential to impact upon the broader community.

The applicant will be required to provide photographic evidence of the placement of the sign within three working days of the commencement of the exhibition period.

#### Council Responsibilities

Council will:

- Publish receipt and determination of applications in a newspaper circulated in the locality.
- Provide written notice to all adjoining property owners and to those surrounding owners whose enjoyment of land, as it appears to Council, may be affected. The letter will be accompanied by a reduced size set of plans and a summary of the Statement of Environmental Effects.
- Exhibit the application for a minimum period of 21 days.

- Exhibit amended plans where, in the opinion of the assessing officer, the amendments have the potential to alter amenity impacts for surrounding properties or the locality. The re-exhibition period will be a minimum of 14 days.
- Make available all plans and supporting documentation for inspection for the duration of the exhibition period.
- Where an application is to be determined at a Council meeting, rather than by Council staff, Council will extend an invitation to the applicant and all submitters to attend the meeting. A copy of Council's standard notification letter is attached to this plan.
- Advise all submitters of Council's determination.

#### Note:

- 1) *Category 1 development comprise applications which are integrated development but not nominated integrated development and applications which required development consent prior to changes made by the Environmental Planning & Assessment (Amendment) Act, 1997 to the Environmental Planning & Assessment Act, 1979 as effective from 1 July, 1998 excluding category 1 development applications for signs.*
- 2) *Adjoining property means those properties that share a common boundary with the subject site or which are located on the other side of the road directly opposite the subject site.*

## CATEGORY 1 DEVELOPMENT FOR SIGNS

### Element Objective

*To promote informed public participation in the assessment of applications for smaller scale development which may impact upon the immediate environs.*

### Performance Criteria

The applicant should assist the public participation process by providing appropriate information with the application.

Council should undertake appropriate notification and exhibition procedures to promote informed public participation.

### Prescriptive Measures

#### Applicant Responsibilities

The application should be accompanied by 15 copies of A4 size plans and 15 summaries of the Statement of Environmental Effects not exceeding four pages each.

#### Council Responsibilities

For A-frame signs, temporary advertisements, commercial and real estate signs (as defined under the Outdoor Advertising DCP), no notification or exhibition will be required. For all other sign applications, Council will:

- Publish receipt and determination of applications in a newspaper circulated in the locality.
- Provide written notice to those surrounding property owners whose enjoyment of land, as it appears to Council, may be affected. The letter will be accompanied by a reduced size set of plans and a summary of the Statement of Environmental Effects.

- Exhibit the application for a minimum period of 14 days.
- Exhibit amended plans where, in the opinion of the assessing officer, the amendments have the potential to alter amenity impacts for surrounding properties or the locality. The re-exhibition period will be a minimum of 14 days.
- Make available all plans and supporting documentation for inspection for the duration of the exhibition period.
- Where an application is to be determined at a Council meeting, rather than by Council staff, Council will extend an invitation to the applicant and all submitters to attend the meeting. A copy of Council's standard notification letter is attached to this plan.
- Advise all submitters of Council's determination.

## CATEGORY 2 DEVELOPMENT

Category 2 development is smaller scale local development which may impact upon the immediate environs.

### Element Objective

*To promote informed public participation in the assessment of applications for smaller scale development which may impact upon the immediate environs.*

### Performance Criteria

The applicant should assist the public participation process by providing appropriate information with the application.

Council should undertake appropriate notification and exhibition procedures to promote informed public participation.

### Prescriptive Measures

#### Applicant Responsibilities

The application should be accompanied by 15 copies of A4 size plans and 15 summaries of the Statement of Environmental Effects not exceeding four pages each.

#### Council Responsibilities

Council will:

- Provide written notice to surrounding property owners whose enjoyment of land, as it appears to Council, may be affected. Category 2 applications which involve new building work or external alterations and additions which may impact upon the amenity of adjacent properties will be notified to all adjoining owners. Where works are internal only or in the assessing officer's opinion do not have the potential to impact upon the amenity of adjoining properties, notification will not be required. The letter will be accompanied by a reduced size set of plans and a summary of the Statement of Environmental Effects.
- Exhibit applications which may have an impact on adjoining properties for a minimum period of 14 days.
- Exhibit amended plans where, in the opinion of the assessing officer, the amendments have the potential to alter amenity impacts for surrounding properties. The re-exhibition period will be a minimum of 14 days.

- Make available all plans and supporting documentation for inspection for the duration of the exhibition period.
- Where an application is to be determined at a Council meeting, rather than by Council staff, Council will extend an invitation to the applicant and all submitters to attend the meeting. A copy of Council's standard notification letter is attached to this plan.
- Advise all submitters of Council's determination.

**Note:** *Category 2 development comprise applications which now require development consent as a consequence of changes made by the Environmental Planning & Assessment (Amendment) Act, 1997 to the Environmental Planning & Assessment Act, 1979 as effective from 1 July, 1998.*

*These applications include:*

- \* *Agricultural structures in the Rural zones;*
- \* *Demolition in the Rural, Residential, Business, Industrial, Special Uses, Open Space and Environmental Protection zones;*
- \* *Dwelling-houses in the Rural zones; and*
- \* *Dwelling-houses (not exceeding 9 metres in height) in the Residential A, AA, AM and AS zones.*

## SECTION 82A REVIEW APPLICATIONS

Section 82A review applications are requests for reconsideration of Council's determination of an application.

### Element Objective

*To promote informed public participation in the development process consistent with the requirements of the Environmental Planning & Assessment Act, 1979.*

### Performance Criteria

The applicant should assist the public participation process by providing appropriate information with the application.

Council should undertake appropriate notification procedures to promote public participation in the review process.

### Prescriptive Measures

#### Applicant Responsibilities

The application should be accompanied by 15 copies of A4 size plans and 15 summaries of the Statement of Environmental Effects not exceeding four pages each.

#### Council Responsibilities

Council will:

- Publish receipt and determination of the application in a newspaper circulated in the locality if the original application was so notified.
- Provide written notice to any objectors to the original application and where amended plans are received, those properties that were notified of the original application. The letter will be accompanied by a reduced size set of plans and a summary of the Statement of Environmental Effects.

- Exhibit the application for a minimum period of 14 days for applications that have been notified by way of letter or in a newspaper.
- Make available all plans and supporting documentation for inspection for the duration of the exhibition period.
- Make available all plans and supporting documentation for inspection for the duration of the exhibition period.
- Where an application is to be determined at a Council meeting, rather than by Council staff, Council will extend an invitation to the applicant and all submitters to attend the meeting. A copy of Council's standard notification letter is attached to this plan.
- Advise all previous submitters of Council's determination.

## SECTION 96(2) APPLICATIONS

Section 96(2) applications are applications to modify an approved development or conditions.

### Element Objective

*To promote informed public participation in the development process consistent with the requirements of the Environmental Planning & Assessment Act, 1979.*

### Performance Criteria

The applicant should assist the public participation process by providing appropriate information with the application.

Council should undertake appropriate notification and exhibition procedures to promote informed public participation.

### Prescriptive Measures

#### Applicant Responsibilities

The application should be accompanied by 15 copies of A4 size plans and 15 summaries of the Statement of Environmental Effects not exceeding four pages each.

#### Council Responsibilities

Council will:

- Publish receipt and determination of the application in a newspaper circulated in the locality if the original application was so notified.
- Provide written notice to those properties that were notified of the original application in addition to any other objectors to the original application. The letter will be accompanied by a reduced size set of plans and a summary of the Statement of Environmental Effects.

- Exhibit the application for a minimum period of 14 days for applications that have been notified by way of letter or in a newspaper.
- Exhibit amended plans for notified applications where, in the opinion of the assessing officer, the amendments have the potential to alter amenity impacts for surrounding properties or the locality. The re-exhibition period will be 14 days.
- Make available all plans and supporting documentation for inspection for the duration of the exhibition period.
- Where an application is to be determined at a Council meeting, rather than by Council staff, Council will extend an invitation to the applicant and all submitters to attend the meeting. A copy of Council's standard notification letter is attached to this plan.
- Advise all submitters of Council's determination.

## COMPLYING DEVELOPMENT APPLICATIONS

Complying development is small scale, low impact development that can be assessed by Council or by another accredited certifier against predetermined development standards.

### Element Objectives

*To notify the community of complying development proposals.*

*To ensure community input into the assessment of complying development proposals.*

### Performance Criteria

The applicant should assist the public participation process by providing appropriate information with the application.

Council should undertake appropriate notification and exhibition procedures to promote informed public participation.

### Prescriptive Measures

#### Applicant Responsibilities

The application should be accompanied by 15 copies of A4 size plans and 15 summaries of the Statements of Environmental Effects not exceeding four pages each.

#### Council or Accredited Certifier Responsibilities

The certifier will:

- Within two days of lodgement, notify in writing the owners of any properties within 60m of boundaries of the site. The notice will include a description of the proposal, details of criteria that will be used to determine the application and an indication that the proposal will be approved within 7 days if it meets complying development criteria. The letter will be accompanied by a reduced size set of plans and a summary of the Statement of Environmental Effects. A copy of the standard notification letter is attached to this plan.

- Exhibit the application for a period of 7 days from the lodgement date of the application.
- When Council is the Accredited Certifier, make available all plans and supporting documentation for inspection for the duration of the exhibition period.
- Notify the applicant in writing of the determination.
- Advise all submitters of the determination.
- Notify Council of the determination where determined by an accredited certifier.
- Within two days of determining the application, notify in writing the owners of any properties within 60m of boundaries of the site. A copy of the standard notification letter advising of approval of a complying development application is attached to this plan.

## GENERAL PROCEDURES FOR NOTIFICATION

### Element Objective

*To provide practical notification procedures applicable to all application types.*

### Performance Criteria

Sufficient time should be afforded for the exhibition of applications to enable informed public participation.

Council should inform relevant community groups of applications that may be of significance to the local community.

Public authorities should be notified where they have an interest in the application.

Correspondence should be coordinated in a practical manner that facilitates appropriate public participation.

### Prescriptive Measures

Council may extend the exhibition period depending upon the scale and nature of the development or during holiday periods such as Christmas/New Year.

Council will delay the notification process for all development applications and applications received pursuant to Sections 82A and 96(2) of the Environmental Planning and Assessment Act so that notification does not occur during the week before and the week after the Christmas/New Year holiday period.

Civic Trusts, Chambers of Commerce and other community groups will be notified where, in the opinion of Council's assessing officer, the application is likely to have implications for the broader community in the area in which the proposed development is situated.

Civic Trusts, Chambers of Commerce and other community groups who express interest with Council will be provided with a list on a weekly basis of Category 1 development applications received by Council.

Where a petition has been received, Council will correspond with the lead petitioner only and request that person to inform their co-petitioners.

For the purpose of Clause 5(2) of the Environmental Planning & Assessment Regulation, 2000 no forms of applications referred to under this development control plan represent "other advertised development".

To facilitate a coordinated assessment, Council will notify those public authorities whose concurrence or approval is required under the Environmental Planning and Assessment Act or which, as it appears to Council, may have an interest in the application.

If land is a lot within the meaning of the Strata Schemes (Freehold Development) Act 1973, a written notice to the owners corporation is taken to be a written letter to the owner or occupier of each lot within the strata scheme.

If land is a lot within the meaning of the Strata Schemes (Leasehold Development) Act 1986, a written notice to the lessor under the leasehold strata scheme concerned and to the owners corporation is taken to be a written letter to the owner or occupier of each lot within the strata scheme.

Council may extend notification by written letter to individual owners of properties within a Strata scheme, where development proposals are of a scale and nature that may have an impact on the amenity of individual owners.

If land is owned by more than one person or is occupied by a person or persons other than the owner(s), a written letter to one owner is taken to satisfy notification requirements.

## APPENDIX A – NOTIFICATION SUMMARY

Application Category	Sign on property	Local paper	Letter to adjoining owners / occupants	Letter to surrounding owners / occupants	Letter to public authority	Application available for inspection	Exhibition Period	Post determination notification to submitters
<b>Section 82A review</b>	No	As per original DA	To any objectors and where amended plans are received, as per original DA	To any objectors and where amended plans are received, as per original DA	As required	Yes, when notified	14 days minimum	Yes
<b>Section 96(2)</b>	No	As per original DA	As per original DA and to any other objectors	As per original DA and to any other objectors	As required	Yes, when notified	14 days minimum	Yes
<b>Designated development</b>	Yes	Yes	Yes	To those who may be detrimentally affected	As required	Yes	30 days minimum	Yes
<b>State significant development</b>	Yes	Yes	Yes	To those who may be detrimentally affected	As required	Yes	30 days minimum	Yes
<b>Nominated Integrated development</b>	Yes	Yes	Yes	To those who may be detrimentally affected	As required	Yes	30 days minimum	Yes
<b>Category 1 development</b>	Yes <sup>2</sup>	Yes	Yes	To those who may be detrimentally affected	As required	Yes	21 days minimum	Yes
<b>Category 1 development for signs</b>	No	Yes <sup>3</sup>	Yes <sup>3</sup>	To those who may be detrimentally affected	As required	Yes, when notified	21 days minimum	Yes
<b>Category 2 development</b>	No	No	To those who may be detrimentally affected	To those who may be detrimentally affected	As required	Yes, when notified	14 days minimum	Yes
<b>Complying development</b>	No	No	Yes	All within 60m	No	Yes, when Council is the accredited certifier	7 days from lodgement	All within 60m

### Notes

1. Where an application falls into more than one of the above categories, the notification procedure followed shall be for that category listed higher in the table. For example where a category one or two development application is also nominated integrated development, the notification procedure followed shall be that required for nominated integrated development.
2. Excepting change of use, strata subdivisions, subdivision of existing multi-unit housing developments and other applications of a minor nature which, as it appears to Council, do not have the potential to impact upon the broader community.
3. Excepting A-frame signs, temporary advertisements, commercial and real estate signs.

**APPENDIX B – LOCAL PAPER DISTRIBUTION LIST**

**HORNSBY AND UPPER NORTH SHORE ADVOCATE**

Asquith	Hornsby Heights
Berowra	Milsons Passage
Berowra Creek	Milsons Point
Berowra Heights	Mt Colah
Berowra Waters	Mt Kuring-gai
Berrilee	Normanhurst
Brooklyn	Pennant Hills
Cowan	Thornleigh
Cherrybrook	Wahroonga
Dangar Island	Waitara
Hornsby	Westleigh

**HILLS NEWS**

Arcadia	Glenorie
Berrilee	Laughtondale
Canoelands	Maroota
Castle Hill	Middle Dural
Dural	Pennant Hills
Fiddletown	Round Corner
Forest Glen	West Pennant Hills
Galston	Wisemans Ferry
Glenhaven	

**NORTHERN DISTRICT TIMES**

Beecroft	Epping
Carlingford	North Epping
Cheltenham	Pennant Hills
Eastwood	West Pennant Hills