

# DEVELOPMENT CONTROL PLAN

## PUBLIC NOTIFICATION OF DEVELOPMENT PROPOSALS AND COUNCIL PLANS



<b>Approved:</b>	26 <sup>th</sup> November 2002
<b>Effective:</b>	25 <sup>th</sup> February 2003
<b>Cost:</b>	\$22.00

## TABLE OF CONTENTS

<b>1</b>	<b>PART 1.....</b>	<b>4</b>
	<b>INTRODUCTION.....</b>	<b>4</b>
1.1	WHAT IS THE DCP CALLED? .....	4
1.2	WHERE DOES THE DCP APPLY? .....	4
1.3	WHEN DID THE DCP COMMENCE?.....	4
1.4	WHAT IS THE PURPOSE OF THE DCP? .....	4
1.5	WHAT ARE THE AIMS OF THE DCP? .....	4
1.6	HOW DOES THE DCP RELATE TO OTHER DOCUMENTS? .....	4
1.7	HOW IS THE DCP USED? .....	5
1.8	WHAT MATTERS ARE ADDRESSED IN THE DCP? .....	5
<b>2</b>	<b>PART 2.....</b>	<b>6</b>
	<b>PUBLIC NOTIFICATION -WHAT IT IS? .....</b>	<b>6</b>
2.1	WHAT IS PUBLIC NOTIFICATION?.....	6
2.2	HOW CAN PUBLIC NOTICE BE GIVEN? .....	6
2.3.	WHAT TYPES OF PUBLIC NOTICE WILL COUNCIL USE? .....	6
<b>3</b>	<b>PART 3.....</b>	<b>7</b>
	<b>PUBLIC NOTIFICATION REQUIREMENTS .....</b>	<b>7</b>
3.1	APPLICATIONS .....	7
3.2	APPLICATIONS TO MODIFY A DEVELOPMENT CONSENT .....	9
3.3	COUNCIL PLANS .....	10
<b>4</b>	<b>PART 4.....</b>	<b>11</b>
	<b>PUBLIC NOTIFICATION PROCEDURES.....</b>	<b>11</b>
4.1	PUBLIC NOTIFICATION PROCEDURES .....	11
4.2	WRITTEN NOTICES TO NEIGHBOURS .....	11
4.3	SITE NOTICES .....	13
4.4	SITE PLANS .....	14

4.5	EXHIBITION PERIODS.....	14
4.6	SUBMISSIONS .....	14
4.7	NOTICE OF DETERMINATIONS .....	15
4.8	TRANSLATION ASSISTANCE .....	15
4.9	NEED ANY FURTHER ADVICE? .....	16
<b>5</b>	<b>PART 5.....</b>	<b>17</b>
	<b>DEFINITIONS .....</b>	<b>17</b>
	.....	17

## 1 PART 1 INTRODUCTION

### 1.1 WHAT IS THE DCP CALLED?

Randwick City Council – Development Control Plan – Public Notification of Development Proposals and Council Plans.

### 1.2 WHERE DOES THE DCP APPLY?

The DCP applies to all land within the City of Randwick.

### 1.3 WHEN DID THE DCP COMMENCE?

The DCP commenced on 25<sup>th</sup> February 2003.

### 1.4 WHAT IS THE PURPOSE OF THE DCP?

- To establish clear and consistent Council requirements, in one document, for notifying the public about new development proposals and Council Plans;
- To comply with the legislative requirements for public notification of development proposals and Council Plans;
- To tailor these requirements to Randwick City's local environment.

### 1.5 WHAT ARE THE AIMS OF THE DCP?

The aims of the DCP are:

- To ensure that members of the public are adequately informed of new development proposals and Council Plans that may affect them and have suitable opportunities to comment on any notified proposal;
- To clarify the procedures for the public to provide such comments;
- To provide greater certainty to applicants over the nature and extent of notification required in the assessment of their proposals;
- To ensure that the notification requirements are appropriate to the nature and scale of development proposals; and
- To maintain and improve the efficiency of Council's assessment of development proposals, by providing a clear process for public notifications.

### 1.6 HOW DOES THE DCP RELATE TO OTHER DOCUMENTS?

The DCP is a policy document that provides details in relation to Council's environmental planning instrument, Randwick Local Environmental Plan (LEP) 1998.

The DCP has been prepared in accordance with the NSW Environmental Planning and Assessment Act 1979 (the Act) and the Environmental Planning and Assessment Regulation 2000 (the Regulation).

The DCP adds to the statutory requirements set out in this legislation. It does not replace or reduce such requirements.

### 1.7 HOW IS THE DCP USED?

The DCP identifies Council's commitment to meet certain standards for public notification.

Council may, however, decide to extend any notification standards beyond the requirements of this DCP, if warranted by a particular development proposal or plan.

### 1.8 WHAT MATTERS ARE ADDRESSED IN THE DCP?

The DCP applies to all development proposals where an application must be lodged with Council, some form of public notification may be undertaken, and where the assessment and determination role is the responsibility of Council. It also covers plans prepared by Council. This covers:

Development Applications (DA) for:

- Advertised Development
- Development generally
- Designated Development
- Integrated Development

Applications to modify a Development Consent (S.96)

Environmental Impact Statements (EIS) (Applications under Part 5 of the Act)

Reviews of Determinations

Master Plans

Local Environmental Plans

Development Control Plans

**The DCP does not cover:**

- Exempt Development
- Complying Development
- Development that does not need consent  
(Unless environmental assessment is required under Part 5 of the Act).
- State Significant Development
- Local Approvals under the Local Government Act 1993 or other approvals required under other legislation.

## 2 PART 2

### PUBLIC NOTIFICATION -WHAT IT IS?

This Part defines public notification and the types of public notification available to Council.

#### 2.1 WHAT IS PUBLIC NOTIFICATION?

Public Notification refers to the range of ways in which members of the public are consulted, or are advised and informed, of an issue at hand.

It also provides opportunities for public feedback on an issue.

#### 2.2 HOW CAN PUBLIC NOTICE BE GIVEN?

Public Notice may include:

- Written Notice – a letter to specified persons likely to be affected by a development proposal or, where relevant, a Council plan;
  - Published Notice – an advertisement placed in a newspaper;
  - Exhibited Notice – details of a development proposal or plan are placed on public exhibition for a specified period, to be available for inspection in person by any members of the public;
  - Site Notice – a notice erected on the site of a proposed development;
- and / or
- Web Page Notice – a notice published electronically on the Internet.

In addition, if a development proposal or a draft plan is likely to generate broad community interest, the Council may also:

- Consult with relevant interest groups such as Precinct Committees and Chambers of Commerce;
- Arrange public meetings, presentations, open days or other public forums; and / or
- Send media releases to media agencies.

#### 2.3. WHAT TYPES OF PUBLIC NOTICE WILL COUNCIL USE?

Council will use one or a number of these types of public notice depending on the type of development proposal or plan as outlined in table 1,2 or 3.

### 3 PART 3

#### PUBLIC NOTIFICATION REQUIREMENTS

This Part identifies Council's requirements for public notification of development proposals and plans, both in writing and/or in table format below.

#### 3.1 APPLICATIONS

**Development Applications** (DAs) (other than DAs requiring "advertising") - Minimum notification requirements consist of notifying adjoining and/or affected neighbours in writing.

##### **Development Applications requiring further advertising**

This DCP identifies the following as DAs requiring advertising:

- a) Development within all Residential Zones except 2A for the purpose of multi-unit housing involving the construction of additional dwellings;
- b) Development within all Residential Zones for the purpose of boarding houses, child care centres, educational establishments, hospitals, motels, places of public worship and serviced apartments;
- c) Development within all Business Zones for the purpose of multi-unit housing or serviced apartments involving the construction of additional dwellings, backpackers accommodation and any major commercial development of more than 500 sq metre Gross Floor Area;
- d) Development within all Industrial Zones for the purpose of any potentially hazardous or offensive industry, or any other development on land that adjoins a residential area;
- e) Any development within the Zone No. 5, 6A or 6B;
- f) Development within any zone for the purpose of amusement centres, brothels, clubs, hotels or restricted premises;
- g) Development involving the demolition, damaging or defacing of a building or work that is a heritage item or that is situated in a conservation area, except where partial demolition only is proposed and, in the opinion of Council, the partial demolition will be of a minor nature and will not adversely affect the significance of the item or conservation area; or
- h) Development involving the use of a building or land relating to the conservation incentives for heritage items under clause 47 of Randwick LEP 1998.
- i) Non conforming uses

A DEVELOPMENT PROPOSAL MAY BE EXEMPTED FROM ANY OF THE ABOVE CATEGORIES (& AS SHOWN IN TABLE 1) WHERE THAT DEVELOPMENT IS, IN THE OPINION OF COUNCIL, OF A MINOR OR ANCILLARY NATURE AND IS NOT LIKELY TO RESULT IN ANY ADVERSE IMPACTS ON ADJOINING OR NEARBY LAND.

**EISs** Minimum statutory requirements for public notification are set out in the Act and Regulation.

**Reviews of Determinations** - The minimum statutory requirements for public notification are set out in the Act and regulation.

**Master Plans** - The minimum statutory requirements for public notification are set in out LEP 1998.

TABLE 1 – LISTS THE NOTIFICATION REQUIREMENTS FOR SELECTED DEVELOPMENT APPLICATIONS, EISs, REVIEWS OF DETERMINATIONS, MASTERPLANS, LEPs AND DCPs.

TABLE 1

Type of Application or Plan	Letters to adjoining owners	Advertise in Local Paper	Notice on site	Notification period (days)
<b>Development Applications</b> (generally)	YES	NO	NO	14
<b>Development Applications</b> (requiring advertising in accordance with this DCP)	YES	YES	YES	14
<b>Designated Development Applications</b>	YES	YES	YES	30
<b>Environmental Impact Statements</b> associated with any applications under Part 5 of the Act	YES	YES	YES	30
<b>Integrated Development Applications</b> (nominated)	YES	YES	YES	30
<b>Master Plans</b> (for any uses)	YES	YES	YES	14
<b>Reviews of Determinations</b>	YES *	NO	NO	14

\* Only persons who made a submission to the initial application



### 3.2 APPLICATIONS TO MODIFY A DEVELOPMENT CONSENT (Under S.96 of the Act)

#### TYPE 1 – MINOR MODIFICATION

An application under section 96 (1) seeks to modify a development consent to correct a minor Council error, misdescription or miscalculation in the approved development.

#### TYPE 2 – MODIFICATION INVOLVING MINIMAL ENVIRONMENTAL IMPACT

An application under section 96 (1A) seeks to modify a development consent, involving minimal environmental impact and having minimal change to the approved development.

#### TYPE 3 – OTHER MODIFICATIONS

An application under Section 96 (2) covers all other modifications, which cannot be regarded as minor or may be potentially significant while the development remains substantially the same.

TABLE 2 –PUBLIC NOTIFICATION REQUIREMENTS FOR SECTION 96 MODIFICATIONS.

<b>Modification Types</b>	<b>Letter to Owners</b>	<b>Advertise in Local Paper</b>	<b>Notice on Site</b>	<b>Notification Period (days)</b>
Type 1-Minor s96 (1)	No	No	No	N/A
Type 2 – minimal environmental impact s96 (1A)	No	No	No	N/A
Type 3 – Other s96 (2)	Yes, as per original DA	Yes – if required with original DA.	Yes - if required with original DA.	Time period, notified previously.

- NB: If proposed modifications are minor (Type 1) or of minimal environmental impact (Type 2) and despite the DA initially being ‘Advertised’ development, these modifications to a DA will not require advertising in the local paper nor will a notice be placed on the subject site, given their minor nature.

### 3.3 COUNCIL PLANS

Local Environmental Plans and Development Control Plans – minimum notification requirements are in accordance with the Act and Regulations and as set out in the table below.

Table 3 NOTIFICATION REQUIREMENTS FOR COUNCIL PLANS

<b>Plan Type</b>	<b>Letters to Owners</b>	<b>Advertise in Local Paper</b>	<b>Notice on site</b>	<b>Notification Period (days)</b>
LEP	Only if site or specific localised	Yes	No	28
DCP	Only if site or specific localised	Yes	No	28

## 4 PART 4 PUBLIC NOTIFICATION PROCEDURES

### 4.1 PUBLIC NOTIFICATION PROCEDURES

These procedures apply primarily to development applications, providing the majority of Council's notifications.

### 4.2 WRITTEN NOTICES TO NEIGHBOURS

#### **When are these sent?**

While there is no specific statutory requirement, Council endeavours to send letters out as soon as possible upon receipt of a development proposal. Draft LEPs and DCPs are normally exhibited shortly after Council resolves to do so. Notifying all neighbouring properties with some Council plans is not always feasible as they may refer to the whole city area or significant portions of it.

The notification period, for any person to make a written submission, will commence from the date stated on the letter.

#### **Content of written notices**

Letters will contain the following information on a proposed development:

- 1) Site Address;
- 2) Name of the applicant;
- 3) Name of the consent authority (Council or other public authority);
- 4) A brief description of the proposal;
- 5) An invitation to inspect the details of the proposal, such as the application, plans and other supporting documents;
- 6) Details of where and when the proposal can be inspected;
- 7) A statement that any person may make a submission to Council, in writing, about the proposal and that if there is any objection to the proposal, the reasons for the objection must be included;
- 8) The time limit within which written submissions will be received; and
- 9) A statement that submissions are available for inspection by interested persons.

For designated development, the written notice must also:

- contain a statement that the development is designated development;
- note locations other than Council's main office for inspecting the documents;
- contain a statement noting the instances where an objector has a right to appeal to the Land and Environment Court.

For integrated development, the written notice must also:

- state the approvals required and the relevant approval authority.

For threatened species development, the written notice must also:

- contain a statement that the development is threatened species development.

#### **Extent of Notification of Adjoining Owners**

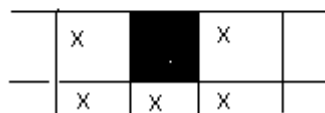
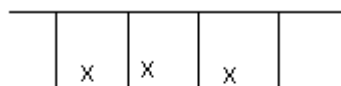
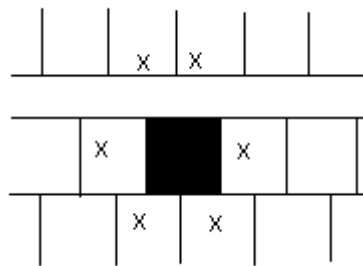
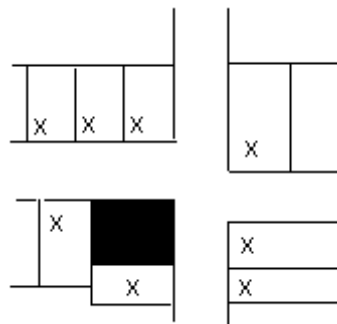
When notifying adjoining owners of the land of a development proposal or Council Plan, the Council will send letters to all owners with a common boundary to the land, or separated from the land only by a road, pathway, driveway, easement or similar thoroughfare. This does not apply to very large sites, for example, the Prince of Wales Hospital or the University of NSW, where, in Council's opinion, the proposed work is of such a scale, and relative to its position on the site, that it is unlikely to impact on the amenity or enjoyment of land that may adjoin its boundary.

## Diagram 1:

Extent of Notification of Adjoining Owners:

Key:

- Proposed Development Site
- ☒ Neighbours Notified



**Extent of Notification of Nearby Owners**

Council may also notify nearby Owners to the extent that their use and enjoyment of their land may, in Council's opinion, be adversely affected by the proposal.

In forming this opinion, Council may have regard to one or more of the following matters:

- obstruction of views;
- overshadowing;
- privacy;
- noise, odour, light or other pollution;
- scale, height, external appearance and bulk of the proposal;
- visual impact, streetscape and local character;
- use of the proposed building;
- hours of use;
- traffic and access;
- heritage and cultural significance;
- drainage impacts;
- economic and social impacts; and
- in the case of a 'Plan', the extent of its application.

**Notifying across Council boundaries**

When a development proposal or plan is likely to affect owners of land outside Randwick City, the Council will contact the neighbouring Council for details to send written notices out to these persons.

**Strata schemes**

For strata titled properties, a notice will be sent to Owners Corporation as well as the owners of each strata unit.

**Returned Written Notices**

Letters notifying owners are sometimes returned to the Council unopened for various reasons including incorrect addresses. In these cases, Council will check its records and if an address needs correcting, will re-send the letter.

The public exhibition period will NOT be formally extended where a written notification is delayed in this manner. Council may, however, give that person an extension of time to make any submission, equivalent to the number of days of delay in their notification, and up to a 14 day extension on the submission period.

**4.3 SITE NOTICES**

Council will erect (and later remove) Site Notice on the site of certain development proposals, on a signpost or board. It should clearly display the following information:

- 2) A clear, bold heading - DEVELOPMENT PROPOSAL;
- 3) Address of the site;
- 4) A brief description of the proposal;
- 5) Name of the applicant;
- 6) A Site Plan; and
- 7) The place/s, dates and times that the application and supporting documents can be inspected.

Council will endeavour to replace any notices if advised that these have been illegally removed, however, a notification period shall not be deemed invalid due to unauthorised removal or replacement of a site notice.

#### 4.4 SITE PLANS

A site plan for development proposals should provide the following details:

- a reduced scale plan;
- the site of the proposed development; and
- its location in relation to surrounding properties.

#### 4.5 EXHIBITION PERIODS

Applications and supporting documents are available for inspection, free of charge, at Council's ground floor Customer Service Centre, 8.30AM-5.00PM, Monday to Friday, at:

Randwick City Council  
30 Frances Street, Randwick

Extracts of an application or plan can be requested (height and external configuration) in accordance with section 12 of the Local Government Act 1993 (LGA).

Copies of some plans and accompanying documents can be obtained in accordance with Section 12 of the LGA, upon written application and payment of photocopying fees.

#### **Notifications over public holidays**

To ensure that members of the public are given adequate notice of any development proposal or Council plans, a published notice and any exhibition/submission period will not be initiated during any Christmas/New Year period from the 15th December to the 14<sup>th</sup> January.

#### 4.6 SUBMISSIONS

##### **Lodging Submissions**

When making a submission to Council in response to a development proposal or plan, the submission should:

- be in writing and addressed to the General Manager;
- be delivered by hand, mailed or emailed to:

The General Manager  
Randwick City Council  
30 Frances Street  
Randwick NSW 2031

Email: [council@randwick.nsw.gov.au](mailto:council@randwick.nsw.gov.au)

- clearly indicate the name and address of the person making the submission;
- clearly indicate the application number and address of the development proposal or the title of the plan; and
- detail any objections and give reasons for the objection/s. If possible, details should note any possible amendments that could be made to overcome the objection/s.

#### **Public Access to Submissions**

Submissions are not confidential documents, given legislative requirements for public access to information. Any submission may thus be made available for inspection by interested persons.

**Submission Period**

The closing date for submissions is the same as the exhibition period (usually 14 days) in the case of development proposals. For plans, the closing date may be later and will be specified in letters and advertisements.

Council must receive submissions by 5.00PM on the last day of the submission period.

If an inspection/exhibition period finishes on a weekend, then the closing date will be extended to the Monday (or next working day, if a public holiday).

**Late Submissions**

Acceptance of late submissions will be considered in extenuating circumstances, and at the discretion of the Council officer assessing the proposal until the determination of the proposal.

**Acknowledgement of Submissions**

Council will NOT formally acknowledge submissions on any development proposal or plan.

**Viewing Submissions**

Applicants may be invited to view any submissions made on their proposal and may be given the opportunity to amend their proposal.

**Consideration of Submissions**

Council must consider ALL submissions received in the submission period before determining a development proposal or plan and Council must also consider all issues raised in the submissions in assessing the proposal.

Council acknowledges that it will not always be possible to resolve differences between neighbours and personal disputes between neighbours will not be considered.

**Notification of a Council Meeting**

If an application or Council Plan is placed on the Council Meeting Agenda, the applicant and any person who made a written submission will be notified of the time and date of the Council meeting.

Under Council's Policy, persons may speak for and one against each Agenda item. Further information on public meetings can be obtained from Council's Public Officer (contact switch on ph: 9093 6000).

**4.7 NOTICE OF DETERMINATIONS**

Council will send a letter notifying of the Determination of an application, as soon as possible following the determination, to each person that made a submission.

**4.8 TRANSLATION ASSISTANCE**

Council provides written advice on letters in the major non-English languages spoken locally.

Council can also arrange for translation of written notices or to discuss development proposals or plans.

#### 4.9 NEED ANY FURTHER ADVICE?

If you need to discuss or clarify any aspects of this DCP, please contact Council's Strategic Planning team on 9093 6992 or Development Assessment team on 9093 6534, or email to:

[council@randwick.nsw.gov.au](mailto:council@randwick.nsw.gov.au)

Alternatively, you can write to:

Randwick City Council  
30 Frances Street  
Randwick NSW 2031;

Visit Council's Customer Service Centre at the above address between 8.30AM to 5.00PM, Monday to Friday; or

Visit Council's web site at **[www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)**



#### 4 PART 5 DEFINITIONS

**Activity** (under Part 5 of the Act) -Refers to a proposal that does not require development consent but is likely to significantly affect the environment. An activity can involve the use of land; the subdivision of land; the erection of a building; the carrying out of work; or the demolition of building work. They are usually undertaken by a public authority.

**Advertised development** –Refers to development specifically declared to be ‘Advertised Development’ under the Act or its Regulation, an environmental planning instrument or a DCP. Advertised development may either be ‘State Significant Advertised Development’ or ‘Other Advertised Development’. As Council is the consent authority for ‘other advertised development’ only, this DCP also only addresses the latter.

**Complying Development** - There are no public notification requirements for these developments, given that they are small-scale, low impact types of development such as fences, swimming pools, which require certification of construction details and assessment of minor impacts on neighbouring amenity but do not require development consent.

**Consent Authority** – the authority responsible for assessing and determining a development application according to the requirements set out in the Act.

**Designated Development** – Forms of development listed in schedule 3 of the Act. These developments have the potential to cause significant environmental harm based on either or both the nature and scale of the operation and/or its proximity to environmentally sensitive areas or land uses.

**Determining Authority** – the authority responsible for assessing and determining an activity, according to the requirements set out in the Act.

**Development** – refers to:

- the erection, including alteration, in whole or part, of a building;
- work in, on or under land;
- the use of land or of a building;
- the subdivision of land;
- the strata subdivision of a building.

**Development Application (DA)** – a formal request for permission to carry out a proposed development.

**Development Consent** - the written approval of a development application from the consent authority.

**Development Control Plan (DCP)** – a plan made under Section 72 of the Act, containing more detailed provisions than Council’s Local Environmental Plan 1998. It consists of detailed controls and guidelines for a site or area. All DCPs are notified, as required by the Act.

**Environmental Impact Statement (EIS)** – A comprehensive statement outlining all potential impacts relating to designated and other sensitive development, including an ‘Activity’ under Part 5 of the Act that require an EIS.

**Environmental Planning Instrument** – means a State Environmental Planning Policy (SEPP), a regional environmental plan (REP), a local environmental plan (LEP) and any deemed environmental planning instrument prepared according to the requirements of the Act. Randwick City Council’s main environmental planning instrument is Randwick LEP 1998

**Exempt Development** - These are very minor types of development such as aviaries and letterboxes, which do not require development consent. Under the Act, there is no requirement for owners to

submit any details of these developments to Council and thus there are no public notification requirements.

Exhibition period – the period of time during which a person can inspect documents relating to a notified proposal.

Integrated Development – is development, which requires development consent and the approval of one or more NSW Government agencies prior to the issue of the development consent.

Local Environmental Plan (LEP) – a plan made by the Minister under Section 70 of the Environmental Planning and Assessment Act 1979 (as amended), that generally controls land use by zones and contains Council objectives and development standards for different types of development.

Master Plans - A Master Plan is a document that sets out a comprehensive framework for the long-term development of a site. It provides greater detail than Council or State Government environmental planning instruments alone and establishes the basis for future development applications. In Randwick City, a Master Plan may be required for development proposals in respect of a site area consisting of more than 4,000 square metres. While public notification details for Master Plans are contained in this DCP, further details are provided in Council's Master Planning Guide.

Reviews of Determinations - A determination refers to a decision made by Council following its assessment of a development application. The determination will be either a development consent (with or without conditions) or a refusal. An applicant may request a review of any determination of a development application (apart from designated or integrated development). This request may relate to a refusal or to one or more of the conditions of consent.

State Significant Development – Development proposals that potentially and significantly impacts upon a region beyond local government boundaries. The Minister for Planning is the consent authority for State Significant development. The requirements for public notification are set out in the Act and the Regulation, and are the responsibility of Planning NSW rather than Council.

Submission – any written statement in support of or objection to a development proposal.

Submission period – the period of time within which Council must receive submissions.

The Act – The Environmental Planning and Assessment Act 1979 (as amended).

The Regulation – The Environmental Planning and Assessment Regulation 2000.