

City of Parramatta

Notification Development Control Plan

Adopted: 21 June 2004
In force from: 7 July 2004



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A. ABOUT THIS DCP

1. What is the name of this Plan?

This Development Control Plan (DCP) is called the City of Parramatta Notification DCP.

2. Where does this Plan apply?

This DCP applies to all land within Parramatta Local Government (LGA).

Land in the Parramatta LGA may be subject to Parramatta Local Environmental Plan 2001 (LEP); Parramatta Heritage and Conservation Plan 1996; Sydney Regional Environmental Plan No. 28 (Parramatta REP).

3. What are the objectives of this plan?

This DCP aims to:

- a) Outline the public exhibition and notification procedures for applications to ensure the community is informed of development proposals and applicants are aware of Council's notification requirements.
- b) Ensure that owners and occupiers of land are notified of development occurring on adjoining and adjacent properties and are provided with opportunities to participate prior to final decisions being made.

4. What is the status of this plan?

This plan is a DCP prepared under Section 72 of the Environmental Planning and Assessment (EP&A) Act 1979.

This DCP supersedes Council's previous guidelines for 'Advertising of Development Applications Pursuant to Council Policy' and all previous Council resolutions relating to notification procedures, including the notification provisions of Council's Regulation of Brothels DCP.

B. NOTIFICATION OF DEVELOPMENT APPLICATIONS

The minimum standard for notification of development applications is as follows:

This section applies to development including single and two storey dwelling houses, alterations and additions to dwelling houses, swimming pools, carports and garages, dual occupancies, land subdivisions, and minor alterations and additions to multi-unit housing, residential flat buildings and other advertised development.

- a) A letter will be sent to all adjoining property owners and occupiers, and where possible the name of the owner/occupier will be used. Adjoining land means land that abuts or is directly opposite a development site or is separated from it only by a pathway, driveway, road, lane or similar thoroughfare. Adjoining land does

not include land separated by a highway, major or arterial road. The general extent of notification by letter is shown in *Figure 1*.

- b) In cases where the property is a strata titled building, Council will notify all owners and occupiers.
 - c) Where the development site adjoins or is in the nearby vicinity of a Heritage Conservation Area, at least two properties into the Heritage Conservation Area will be notified.
 - d) Where the development site fronts a park where there is a Parks Committee, that committee will be sent a notification letter.
 - e) Where the development site is within a town or neighbourhood centre that is the focus of a Civic Trust, neighbourhood association or similar, that is known to Council, that group will be sent a notification letter.
 - f) As a minimum, the letter will include the following advice:
 - Identification/description of the relevant parcel of land (lot description and address).
 - a description of the proposed development
 - an A4 size plan including a site plan and the elevations of the building and number of storeys (if relevant)
 - the place and times the application can be inspected
 - name of applicant
 - the registered number of the application
 - the closing date for submissions
 - a statement that submissions will be disclosed to any person requesting information under the Freedom of Information guidelines
 - multi-lingual advice alerting that the letter contains important information about a development proposal and that a translation service is available.
- d) The notification period is 14 calendar days.

C PUBLIC EXHIBITION OF CERTAIN DEVELOPMENT APPLICATIONS

Council will require additional notification procedures and period of exhibition for some developments

1. ADVERTISED DEVELOPMENT

1A. What is advertised development?

The EP&A Act enables Council to identify “advertised development” which includes notification processes over and above the minimum notification procedures.

- (i) Advertised development under Clause 5 of the Environmental Planning and Assessment Regulation 2000 is:

- a) State significant advertised development, which will be advertised in accordance with Clauses 82-85 of the EP&A Regulation 2000.
 - b) Nominated integrated development which requires approval under the Heritage Act 1977, the Water Act 1912 or the Protection of the Environment Operations Act 1997; Threatened Species Development and Class 1 Aquaculture Development, which will be advertised in accordance with Clauses 87-89 of the EP&A Regulation 2000.
- (ii) Advertised development under Clause 12 of the Parramatta Heritage LEP 1996 is:
- a) the demolition of a heritage item or a building, work, relic, tree or place in a heritage conservation area
 - b) the carrying out of any development allowed by clause 17 of the Heritage LEP.
- (iii) Advertised development under Clause 47 of the Parramatta REP is:
- (a) the demolition of a heritage item or a building, work, relic, tree or place in a heritage conservation area, or
 - (b) the carrying out of any development allowed by Clause 52 of the Parramatta REP
- (iv) In addition this DCP identifies the following as advertised development:
- a) Residential Flat Buildings
 - b) Multi unit housing
 - c) Terrace housing
 - d) SEPP (Seniors Living)
 - e) High density housing
 - f) Non residential development in or adjoining a residential area that may impact on residential amenity.
 - g) Mixed use development;

But excludes minor additions or alterations to the above.

1B. How will advertised development be publicly notified?

Advertised development under the Parramatta Heritage LEP 1996, Parramatta REP and under this DCP as specified above will be advertised in accordance with criteria set out below:

- a) A letter containing the information outlined in Section B(c) will be sent to all adjoining property owners and occupiers and surrounding owners and occupiers whose possible use or enjoyment of their land may be detrimentally effected by the development. Where possible the name of the owner/occupier will be used. As a minimum, letters will be sent to owners and occupiers of five (5) properties either side of the development site, any other adjoining properties and five (5) properties on the opposite side of the street. Where application is for a brothel, notification letters will be sent to schools, aged persons residential developments and churches in the nearby vicinity.

- b) In cases where the development application proposes to exceed the height limit specified in Council's planning instruments, a letter will be sent to property owners and occupiers within a 100 metre radius as a minimum.
- c) In cases where non-residential development within residential zones may impact on a residential amenity and operates outside business hours of 9am to 5pm Monday to Saturday, a letter will be sent to property owners and occupiers within a 100 metre radius as a minimum.
- d) In cases where the property is a strata titled building, Council will notify all owners and occupiers.
- e) A notice will be published in a local newspaper circulating in the area of development.
- f) A notice will be placed on the Council's website.
- g) Relevant material, including copies of the plans and supporting information will be displayed at Council's Central Library and the Branch Library closest to the development site.
- h) A suitably protected notice (at least laminated) will be placed on the land in an area that is highly visible. Cost of the notice to be paid by the applicant as part of the advertising fee.
- i) A letter will be sent to public authorities, which may have an interest in the application.
- j) The notification period is 21 calendar days commencing the day after the notice appears in the local paper.

2. DESIGNATED DEVELOPMENT

Designated Development refers to certain types of high impact development that are identified under Schedule 3 of the EP&A Regulation 2000. The requirements for public exhibition of development applications for designated development are specified in Section 79 of the EP&A Act and Clauses 77-81 of the EP&A Regulation 2000.

D. TABLE 1 – NOTIFICATION BY MAJOR LAND USE TYPES

Table 1 – 5 summarises the most common types of development that are notified and/or advertised under this DCP. Development that is not notified is covered under section E of this DCP.

TABLE 1

DEVELOPMENT APPLICATIONS – RESIDENTIAL DEVELOPMENT

Development (which requires development consent)	Notification Method	Minimum period
1.1 Single and 2 storey dwelling	a) Letter to adjoining owners and	a) 14 days

houses, alterations and additions to dwelling houses, carports, garages, outbuildings and swimming pools.	occupiers.	
1.2 Dual occupancies	a) Letter to adjoining owners and occupiers.	a) 14 days
1.3 Multi unit housing (townhouses, villas, terrace housing) Residential flat buildings and high density housing. Housing for older people or people with a disability.	<p>a) Letter to adjoining owners and occupiers of five (5) properties either side of the development site, any other adjoining properties on the opposite side of the street. Plus surrounding owners and occupiers whose use or enjoyment of their land may be detrimentally effected by the development.</p> <p>b) Where the development application proposes to exceed the height limit specified in Council's planning instruments, letter to owners and occupiers within a 100 metre radius as a minimum.</p> <p>c) A notice published in a local newspaper circulating in the area of development.</p> <p>d) A notice placed on the Council's website.</p> <p>e) Exhibited at central library and branch library closest to development site.</p> <p>f) A sign placed on the land.</p> <p>g) Letter to public authorities which may have an interest.</p>	a) 21 days

TABLE 2

DEVELOPMENT APPLICATIONS – NON RESIDENTIAL DEVELOPMENT IN RESIDENTIAL ZONES

Development (which requires development consent)	Notification Method	Minimum Period
2.1 Non residential development within residential zones that may impact on residential amenity, which will include <ul style="list-style-type: none"> - Educational establishments - Places of worship - Child care centres - Hospitals - hotels, motels, and shops 	a) Letter to owners and occupiers of five (5) properties either side of the development site, any other adjoining properties and five (5) properties on the opposite side of the street. Plus surrounding owners and occupiers whose use or	a) 21 days

with existing use rights	<p>enjoyment of their land may be detrimentally effected by the development.</p> <p>b) Where the development application proposes to exceed the height specified in Council's planning instruments, or operates outside business hours of 9am to 5pm limit Monday to Saturday, letter to owners and occupiers within a 100 metre radius as a minimum.</p> <p>c) A notice published in a local newspaper circulating in the area of development.</p> <p>d) A notice placed on Council's website.</p> <p>c) Exhibited at central library and branch library closest to development site.</p> <p>d) A sign placed on the land.</p> <p>e) Letter to public authorities which may have an interest.</p>	
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TABLE 3

DEVELOPMENT APPLICATIONS – BUSINESS, EMPLOYMENT AND MIXED USE ZONES

Development (which requires development consent)	Notification Method	Minimum Period
3.1 Mixed use development	<p>a) Letter to owners and occupiers of five (5) properties either side of the development site, any other adjoining properties and five (5) properties on the opposite side of the street. Plus surrounding owners and occupiers whose use or enjoyment of their land may be detrimentally effected by the development.</p> <p>b) Where the development application proposes to exceed the height limit specified in Council's planning instruments, letter to owners and occupiers within a 100 metre radius as a minium.</p> <p>c) A notice published in a local newspaper circulating in the area of development.</p> <p>d) A notice placed on the</p>	a) 21 days

	<p>Council's website.</p> <p>e) Exhibited at central library and branch library closest to development site.</p> <p>f) A sign placed on the land.</p> <p>g) Letter to public authorities which may have an interest.</p>	
<p>3.2 Non-residential development in Business, Employment and Mixed Use Zones adjoining a residential area that may impact on residential amenity.</p>	<p>a) Letter to owners and occupiers of five (5) properties either side of the development site, any other adjoining properties and five (5) properties on the opposite side of the street. Plus surrounding owners and occupiers whose use or enjoyment of their land may be detrimentally effected by the development. Where the application is for a brothel, this is to include schools, aged persons residential developments and churches in the nearby vicinity.</p> <p>b) Where the development application proposes to exceed the height limit specified in Council's planning instruments, letter to owners and occupiers within a 100 metre radius as a minimum</p> <p>c) A notice published in a local newspaper circulating in the area of development.</p> <p>d) A notice placed on the Council's website</p> <p>e) Exhibited at central library and branch library closest to development site.</p> <p>f) A sign placed on the land.</p> <p>g) Letter to public authorities, which may have an interest.</p>	<ul style="list-style-type: none"> • 21 days

TABLE 4

DEVELOPMENT APPLICATIONS – DEMOLITION OR DEVELOPMENT OF HERITAGE ITEMS/PLACES

Development (which requires development consent)	Notification Method	Minimum Period
<p>4.1 Demolition of a heritage item or a building, work, relic, tree or place in a heritage conservation area</p> <p>4.2 Carrying out of development allowed in clause 17 of the</p>	<p>a) Letter to owners and occupiers of five (5) properties either side of the development site, any other adjoining properties and five (5) properties on the opposite side of the street. Plus</p>	<ul style="list-style-type: none"> • 21 days

<p>Heritage LEP or clause 52 of the Parramatta REP (where certain development may be granted consent for the use of a building that is a heritage item or the land on which the heritage item is erected, as a conservation incentive)</p>	<p>surrounding owners and occupiers whose use or enjoyment of their land may be detrimentally effected by the development.</p> <p>b) Where the development application proposes to exceed the height limit specified in Council's planning instruments, letter to owners and occupiers within a 100 metre radius as a minimum.</p> <p>c) A notice published in a local newspaper circulating in the area of development.</p> <p>d) A notice placed on Council's website.</p> <p>e) Exhibited at central library and branch library closest to development site.</p> <p>f) A sign placed on the land.</p> <p>g) Letter to public authorities, which may have an interest.</p>	
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TABLE 5

DEVELOPMENT APPLICATIONS - SUBDIVISION

Development (which requires consent)	Notification Method	Minimum Period
5.1 Land subdivision	a) Letter to adjoining owners and occupiers.	<ul style="list-style-type: none"> • 14 days

E. DEVELOPMENT THAT IS NOT NOTIFIED UNDER THIS DCP

The following development will NOT be notified under this DCP:

- (a) Exempt development as referred to in Parramatta Local Environmental Plan (LEP) 2001, Parramatta DCP 2001 and Parramatta Regional Environmental Plan (REP). (Examples of exempt development under Parramatta DCP 2001 include decks, fences, barbeques and carports that meet certain standards.)
- (b) Complying development as referred to Parramatta LEP 2001, Parramatta DCP 2001 and Parramatta REP. (Examples of complying development under Parramatta DCP 2001 include single storey dwelling houses and ground floor single storey additions or alterations to single story dwelling houses that meet certain standards.)
- (c) Applications for modification of development consent, where the modification involves minor error, misdescription or miscalculation (Section 96(1) of the Environmental Planning and Assessment (EP&A) Act).

- (d) Where the proposal is for internal alterations and does not alter or modify the height or external configuration of the building.
- (e) Strata subdivision applications and torrens title subdivisions where the erection of a dual occupancy has been approved.
- (f) Changes of use in a business zone where there will be no detrimental impact on the neighbourhood. Note: Uses such as brothels, adult bookshops and hotels will be notified.
- (g) Development within employment zones that is not adjacent to or adjoining residential zoned land.

F. APPLICATIONS FOR MODIFICATION OF DEVELOPMENT CONSENT

1. Modification applications involving minimal environmental impact

Applications for modification of development consent where the modification involves minimal environmental impact fall under two sections of the EP&A Act, these being Section 96(1A) or Section 96AA (Section 96AA applications refer to those applications for modification by Council of consents granted by the Land & Environment Court).

These applications will be publicly notified as follows under this DCP:

- a) A letter to adjoining land owners and occupiers, and where possible the name of the owner/occupier will be used. As a minimum, the extent of surrounding properties receiving a letter shall be as shown in *Figure 1*.
- b) A letter to each person who made a submission to the original development application.
- c) The notification period is 14 calendar days.

Note: Clause 117 of the EP&A Regulation specifies requirements for notification to the Land & Environment Court of Section 96(1A) modification applications where the development consent was granted by the Land & Environment Court.

2. Other Modification Applications

This section of the DCP addresses:

- Section 96(2) modification applications, being modifications other than those involving “*minor error, misdescription or miscalculation*” and those involving minimal environmental impact and
- Section 96AA applications other than those where the modification is of minimal environmental impact.

2A. Where modification applications under this section are for **designated development, State significant advertised development or any other development where the application was made to a consent authority other than Council** the following is required:

- a) Public notification in accordance with Clause 118 of the EP&A Regulation 2000. This involves publishing a notice in a local newspaper and a letter to each person who made a submission in relation to the original application, with a notification period of at least 14 days, commencing on the day after which the notice is published in the local newspaper.
- b) Such notification period shall be the same as for the original application, but not less than 14 days.
- c) A letter will be sent to adjoining property owners and occupiers, and where possible the name of the owner/occupier will be used. As a minimum, the extent of surrounding properties receiving a letter shall be as shown in *Figure 1*.

2B. Other modification applications that are not addressed in Parts 1 & 2A of this section of this DCP (i.e. applications under Section 96(2) and 96AA that are not addressed under Clause 117 or 118 of the EP&A Regulation 2000) will be notified as follows:

- a) Public notification in accordance with Clause 119 of the EP&A Regulation 2000. This involves notification of the modification application for a period not exceeding 14 days but otherwise in the same manner as the original application was notified or advertised.
- b) In addition, a letter will be sent to each person who made a submission in relation to the original application.

Note: Clause 119 of the EP&A Regulation 2000 also specifies requirements for notification by Council of Section 96(2) and Section 96AA modification applications where the development consent was granted by the Land and Environment Court.

G. NOTIFICATION REQUIREMENTS FOR BUILDING CERTIFICATE APPLICATIONS FOR UNAUTHORISED WORK

A building certificate application is made to Council to determine whether the buildings erected on a parcel of land are consistent with the appropriate regulations.

Council may issue a building certificate under Section 149A of the EP&A Act if it is satisfied that it would not require any unauthorised works to be demolished, altered, added to or rebuilt.

In considering an application for a building certificate for unauthorised works, notification of the application will be carried out as follows:

- a) A letter will be sent to all adjoining property owners and occupiers, and where possible the name of the owner/occupier will be used. As a minimum letters will be sent to the owners and occupiers of properties as shown in *Figure 1*.
- b) Notification period will be 14 calendar days.

H. NOTIFICATION REQUIREMENTS FOR APPLICATIONS FOR REVIEW OF COUNCIL'S DETERMINATION UNDER SECTION 82A OF THE EP&A ACT

An applicant may request that determination of a development application whether by way of refusal or approval be reviewed by Council within 12 months of the date of the issue of the Notice of Determination under Section 82A of the EP&A Act.

Under Clause 113A of the EP&A Regulation and this DCP, notification and advertising requirements are:

- a) Notification or advertising is in the same manner as the original application.
- b) Notification or advertising period will be for a period not exceeding 14 calendar days.
- c) A letter will be sent to each person at the last known address who made a submission in relation to the original development.
- d) The notification will include a description of the development application and the land to which it relates.

I. PUBLIC EXHIBITION OF MASTERPLANS

Certain development in the Parramatta Local Government area requires lodgement of a masterplan. Where a masterplan is required, it must be adopted by Council before Council can determine a development application relating to the land.

Masterplans are required for land described in Clause 10 and Schedule 2 of the Parramatta REP and land described in Clause 30 and Schedule 4 of Parramatta LEP 2001.

The requirements for public exhibition of masterplans are outlined in Clause 10 of Parramatta REP and Clause 30 of Parramatta LEP 2001.

The masterplans will be advertised and publicly exhibited as follows:

- a) A notice will be placed in a local newspaper circulating in the area of development, on the Council website and on the land which is proposed to be developed.
- b) Copies of the draft masterplan will be submitted to any public authorities or community organisations which in Council's opinion are likely to be affected by the development.
- c) As a minimum a letter will be sent to all property owners and occupiers within 100 metre radius of the perimeter of the masterplan development site and where possible the name of the owner/occupier will be used.
- d) Will be exhibited at Council offices, Council's Central Library and the Branch Library closest to the masterplan site.
- e) For masterplans submitted under Parramatta REP where Council is the consent authority, a copy of the masterplan will be submitted to the Director General of the Department of Infrastructure, Planning & Natural Resources.

- f) Notification period is 21 calendar days commencing the day after the notice appears in the local paper.

J. REZONINGS

Draft amendments to Local Environmental Plans, which are prepared for the purpose of rezoning land, will be publicly exhibited in accordance with the requirements of the EP&A Act. A letter will also be sent to property owners and occupiers within the area proposed to be rezoned. A report to Council will be prepared outlining the nature and extent of notification for Council's consideration.

K. DISCRETION TO EXPAND STANDARDS

The Manager, Development Services has the discretion to expand the standards of notification/exhibition in this DCP having regard to the nature, scale, intensity and the context of development proposals. The Manager Development Services cannot reduce the notification period below the minimums stated in this policy.

Note: The period of notification cannot be extended for certain applications where the EP&A Regulation stipulates a maximum notification/advertising period, ie. for Section 82A reviews and applications for modification of consent under Sections 92(2) and 96AA of the EP&A Act referred to in Section F. 2B of this DCP.

Note also that the discretion will be used in instances such as to notify a greater area of properties to the minimum standard when a development is likely to have a wider impact on the community.

L. COPIES OF PLANS

In the event of constituents requiring more detailed information, they be supplied with and A3 size plan including a site plan, internal layout where permitted by legislation, the elevations of the building and number of storeys if relevant. Development applicants are to be informed that such information will be supplied on written request from a constituent under the Freedom of Information legislation.

M. NOTIFICATION OF AMENDED DEVELOPMENT APPLICATIONS WHERE THE DEVELOPMENT IS SUBSTANTIALLY UNCHANGED

- If a development application is amended, and
- the original application has been notified/advertised in accordance with this DCP, and

- the amended application is substantially the same development and does not result in a greater environmental impact,

the amended application need not be notified, such decision being at the discretion of the Manager Development Services.

M. NOTIFICATION OF DEVELOPMENT WITH AMENDMENTS DEEMED TO BE SUBSTANTIAL

Amended applications, other than those referred to in Section K of this Plan, will be notified/advertised in the same manner as the original application and to each person who made a submission to the original application. In the case of submissions being made by petition, only the principal author or first signatory will be notified.

N. TIME PERIOD FOR NOTIFICATION OVER THE CHRISTMAS/NEW YEAR PERIOD

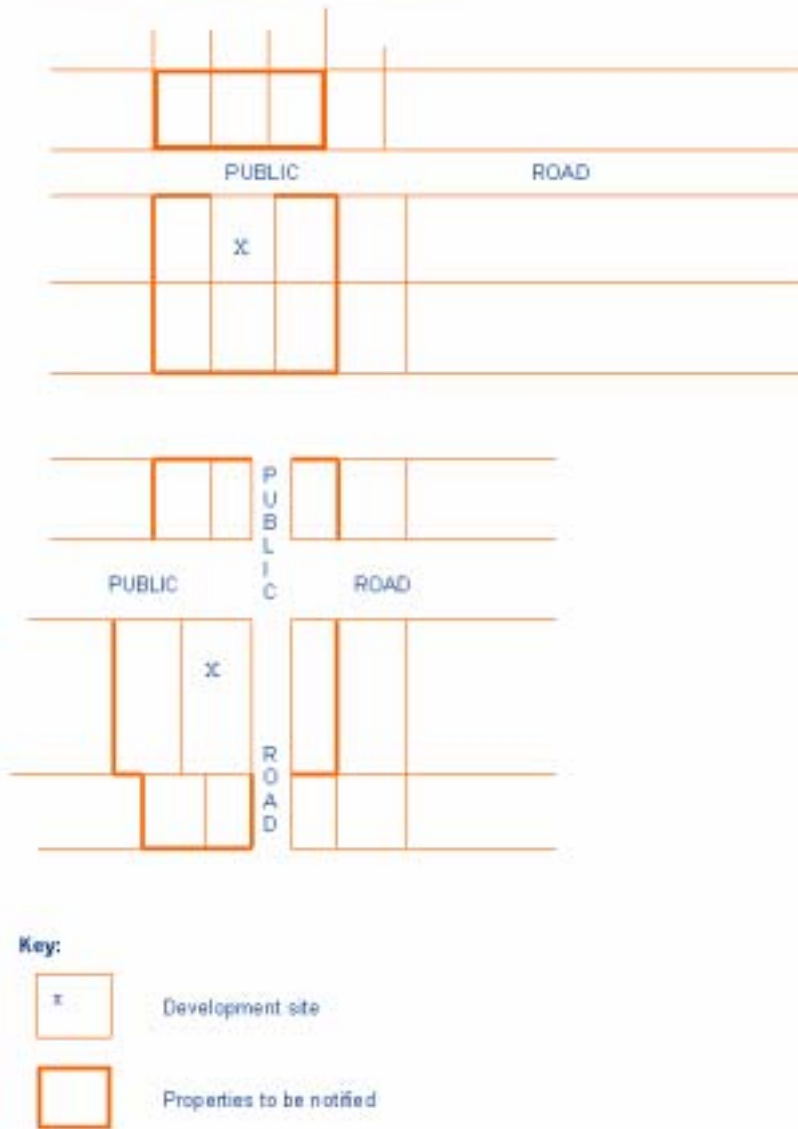
No notification or advertising of applications will occur between 17 December and 14 January. This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period, ie for Section 82A reviews and applications for modification of consent under Sections 96(2) and 96AA of the EP&A Act, or in such circumstances that may be determined by the Manager of Development Services.

O. WHAT HAPPENS WHEN AN APPLICATION HAS BEEN DETERMINED?

Written notice will be given of the determination of a development application to each person who made a written submission in relation to that application. This notice will specify when the determination was made and whether the application was refused or approved. The notice to the applicant will specify conditions of approval or reasons for refusal.

In the case of petitions submitted to Council, the principal author will be notified of Council's decision. If the principal author is not readily identifiable then the first identifiable signatory will be notified.

Figure 1 – Properties to be Notified



The Manager, Development Services has the discretion to expand the amount of properties notified having regard to the nature, scale, intensity, and the context of the development proposal.