

Part

E

Public Participation

Holroyd Development
Control Plan 2013

Public Participation

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Introduction

Land to which this Part applies

Land to which this Part applies includes all land zoned or unzoned under Holroyd Local Environmental Plan 2013.

Relationship to other Parts of Holroyd Development Control Plan 2013

Part E of Holroyd DCP 2013 shall be read in conjunction with the following Parts of Holroyd DCP 2013, which contain objectives and development controls that may relate to development in this Part:

Part A - General Controls

Part B - Residential Controls

Part C - Commercial, Shop Top Housing and Mixed Use Development Controls

Part D - Industrial Controls

Part F - Advertising and Signage Controls

Part G - Places of Public Worship Controls

Part H - Heritage and Conservation

Part I - Child Care Centre Controls

Part J - Site Specific Controls

Part K - Holroyd Gardens Controls

Part L - Town Centre Controls

Part M - Merrylands Centre Controls

Part N - Transitway Precinct Controls

Part O - Guildford Pipehead Site Controls

Part P - Pemulwuy Residential Controls

Part Q - Pemulwuy Industrial Controls

Part R - Tamplin Road Reserve

Definitions

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Objectives

The principal objectives of public participation are to implement the aims and objectives of Holroyd LEP 2013 and fulfil the requirements of the EP&A Act 1979, relating to public participation by controlling development:

01. To identify the types of development for which public participation will be invited.
02. To identify the types of development for which the public will be notified but comment not invited.
03. To outline the procedures by which development applications (DAs) submitted to Council (for which public participation is invited) are advertised and notified.
04. To outline the procedures to be taken by private certifiers to notify adjoining owners of proposed complying development.
05. To provide a consistent and integrated approach to the public participation process.
06. To ensure that public consultation is an integral part of Council's decision making process by providing the community with a reasonable opportunity to comment on proposed developments and draft plans and studies.
07. To ensure an efficient development assessment process by providing a logical timeframe for community consultation and the determination of DAs.
08. To ensure that the appropriate owners and/or occupiers are notified of development occurring on adjoining and adjacent properties.

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I. Notification Requirements

I.1. Development Applications (Residential Subdivision)

Type of development	Advertising/ notification period	Notification process	Comments
Residential subdivision involving the construction of a roadway	Fourteen (14) Days	Written notice to adjoining and opposite owners Notice on the site Notice in the local press	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners by way of a written notice
Other Residential Subdivision	Nil	Nil	Nil

I.2. Development Applications for up to Two Dwelling Houses and Ancillary Development

Type of development	Advertising/ notification period	Notification process	Comments
Residential dwellings (dwelling houses, dual occupancies, semi-detached dwellings), residential additions, garages, outbuildings, swimming pools, secondary dwellings (other than exempt and complying development above), and development described in other sections of this Plan.	Fourteen (14) Days	Written notice to adjoining owners	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining owners by way of a written notice
		Written notice to adjoining owners	

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I.3. Development Applications for Three or More Dwellings

Type of development	Advertising / notification period	Notification process	Comments
Residential Flat Buildings, multi-dwelling housing, and attached housing that require development consent and one or more approvals under certain Acts - see clause 91 of EP&A Act).	Twenty One (21) days	Written notice to adjoining and opposite owners. Notice in the local press. Notice on the site	If re-notification is necessary it will be for a period of fourteen (14) days and will only involve re-notification of adjoining and opposite owners by way of written notice.

I.4. Development Applications (Boarding Houses)

Type of development	Advertising / notification period	Notification process	Comments
Boarding Houses in Residential zones.	Fourteen (14) days	Written notice to adjoining and opposite owners. Notice in the local press. Notice on the site	If re-notification is necessary it will be for a period of fourteen (14) days and will only involve written re-notification of adjoining and opposite owners.

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I.5. D.A.s for New Non-Residential Development Within Residential Zones

Type of development	Advertising/ notification period	Notification process	Comments
Certain new non-residential development within residential zones that may impact on residential amenity, including: <ul style="list-style-type: none"> - Educational establishments - Hospitals - Medical Centres -Neighbourhood Shops - Places of worship - Recreation areas - Restaurants 	Twenty one (21) days	Letter to owners of properties either side of the development site, any other adjoining properties and on the opposite side of the street. Notice in the local press. Notice on the site.	If re-notification is necessary it will be for a period of seven (7) days

Note: See also:

- Commercial development adjoining or opposite to residential development; and
- Industrial development adjoining or opposite to residential development.

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I.6. D.A.s for New Non-Residential Development Within Residential Zones (lesser impact)

Type of development	Advertising/ notification period	Notification process	Comments
<p>Certain new non-residential development within residential zones that may impact on residential amenity to a lesser extent than uses in I.5, including:</p> <ul style="list-style-type: none"> - Child Care Centres - Community Facilities - Health consulting Rooms - Bed & Breakfast Premises - Shops with existing use rights - Advertisement Signs for a non-conforming use enjoying existing use rights in residential zones 	Fourteen (14) days	<p>Letter to owners of properties either side of the development site, any other adjoining properties and on the opposite side of the street. Notice in the local press. Notice on the site.</p>	If re-notification is necessary it will be for a period of seven (7) days
Advertisement Signs for a non-conforming use enjoying existing use rights in residential zones		Written notice to adjoining owners	

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I.7. Development Applications (Industrial Development)

Type of development	Advertising /notification period	Notification process	Comments
Industrial development	Nil	Nil	Nil
Industrial development adjoining or adjacent to residential development Or Industrial use adjoining or adjacent to residential area outside standard hours of operation	Fourteen (14) Days	Letter to owners of properties either side of the development site, any other adjoining properties and properties on the opposite side of the street. 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 within a 100 metre radius as a minimum. Notice in the local press. Notice on the site. Letter to public authorities which may have an interest.	If re-notification is necessary it will be for a period of fourteen (14) days and will involve re-notification of original notified parties.
Industrial development with existing use rights		Written notice to adjoining and opposite owners . Notice on the site	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners by way of a written notice
Industrial development covered by the provisions of an environmental planning instrument requiring advertising	As required by that specific environmental planning instrument but not less than fourteen (14) days	Written notice to adjoining and opposite owners Notice on the site Notice in the local press (as required by that environmental planning instrument)	

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I.8. Development Applications (Commercial Development)

Type of development	Advertising /notification period	Notification process	Comments
Any development in Business zones adjoining or opposite to residential development (unless certain uses within residential zone – see above)	Fourteen (14) days	Written notice to adjoining and opposite owners. Notice on the site.	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners by way of a written notice If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners by way of a written notice
Commercial development with existing use rights (unless for new shops within residential zones – see above)			
Commercial development covered by the provisions of an environmental planning instrument requiring advertising	As required by that specific environmental planning instrument but not less than fourteen (14) days	Written notice to adjoining and opposite owners Notice on the site Notice in the local press (as required by that environmental planning instrument)	

I.9. Development Applications (Designated and Nominated Integrated Development)

Type of development	Advertising/ notification period	Notification process	Comments
- Designated development* (requires an Environmental Impact Statement) - Nominated integrated development	Minimum of thirty (30) days, or as required by that specific environmental planning instrument	Written notice to adjoining and opposite owners Notice on the site Notice in the local press	Designated development is to be advertised in accordance with the provisions of the EP&A Act & Regulation 2000.

* Designated development is development that is declared to be designated development by an environmental

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planning instrument or by the EP&A Regulation 2000.

1.10. Development Applications (Home Industry and Home Business)

Type of development	Advertising/ notification period	Notification process	Comments
"Home Industry"* and Home Business <u>Note:</u> "Home Industry" is Exempt if as defined in the HLEP 2013	Fourteen (14) Days	Written notice to adjoining and opposite owners. Notice on the site	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners by way of a written notice.

1.11. Development Applications (Demolition or non-conforming use of an item of Environmental Heritage)

Type of development	Advertising/ notification period	Notification process	Comments
Demolition or non- conforming use of an item of environmental heritage	Fourteen (14) Days	Written notice to adjoining and opposite owners. Notice in the local newspaper. Notice on the site.	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners by way of a written notice

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I.12. Development Applications (Telecommunications)

Type of development	Advertising/ notification period	Notification process	Comments
<p>“Not low impact” telecommunications facilities, as defined by the Telecommunications (Low Impact Facilities) Determination 1997</p> <p>“Low impact”* facilities, as defined by the Telecommunications (Low Impact Facilities) Determination 1997 (i.e.: as proposed by holders of a <u>Carrier Licence</u> under the Telecommunications Act 1997).</p>	See timeframe under the Telecommunications Code of Practice	Conditions of Deployment of Mobile Phone Network Infrastructure Industry Code	The draft Australian Communications Industry Forum (ACIF) Code further requires that the applicant undertake community consultation.
Communications dishes (radio and satellite) - Not Exempt + Not a public authority	Fourteen (14) Days	Written notice to adjoining and opposite owners.	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners by way of a written notice

*Typical “low impact” telecommunications facilities are ‘unobtrusive’ small dishes, antennae, underground cables, dishes mounted on existing buildings/towers/poles (often co-located), pits in footpaths, public phone booths, and others listed in the Schedule of Facilities and Areas in the Telecommunications (Low-impact Facilities) Determination 1997. Location will also affect whether a facility is low-impact. For example a dish is low-impact in Residential zones if it is a max 1.2m wide, but a max 1.8m wide for Industrial zones.

See Holroyd City Council Interim Telecommunications Code (2000) regarding Council’s policy for microwave radiation emitting facilities.

** Typical “not low impact” facilities include:

- towers (free-standing, or >5m high, or extensions, especially in residential/commercial zones);
- overhead lines (cabling >13mm);
- radio terminal antennas or dishes (>1.2m diameter &/or >1.8m above roofline);
- other structures (e.g.: equipment inside a structure, larger roadside cabinets & equipment shelters);
- structures on heritage sites (cultural and natural).

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I.13. Development Applications (Brothels and Adult Book and Sex Shops)

Type of development	Advertising/ notification period	Notification process	Comments
Brothels and Adult Book and Sex Shops	Fourteen (14) Days	Written notice to adjoining and opposite owners. Notice on site.	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners by way of a written notice

I.14. Modification of Development Consent

- C1.** Pursuant to Section 96 of the EP&A Act, Council will readvertise any application to modify an existing development consent in accordance with the relevant clauses in 1.1 to 1.13 of Part E of the DCP and re-notify those persons who previously lodged a submission to the development application in the following cases:
- Section 96 (2) - For modifications that require public notification due to an increase in the level of impact or any perceived increase in the level of impact.
- C2.** Pursuant to Section 96 of the EP&A Act, Council will not readvertise any application to modify an existing development consent in accordance with the relevant clauses in 1.1 to 1.13 of Part E of the DCP in the following cases:
- Section 96 (1) – To correct a minor error, mis-description, misinterpretation or miscalculation.
- C3.** Pursuant to Section 96 of the EP&A Act, Council may readvertise any application to modify an existing development consent in the following cases:
- Section 96 (1A) – For minor modifications involving minimal environmental impact. If in the opinion of Council, the proposed modification has potential to increase the impact of the development on adjoining or nearby land or development, Council will notify the proposed modification as follows:
 - Written notice to adjoining land owners, occupiers and those persons who previously lodged a submission to the development application.
 - Notice in the local press is not required.
 - Notification for a period of 14 days.
 - The above process may be varied at the discretion of Council.

I.15. Application for Review of Determination of a Development Application pursuant to Section 82A of the EP&A Act 1979

- C1.** Any application to reconsider an existing development refusal under Section 82(A) of the EP&A Act will be advertised in accordance with Section 3.2 below - Determination of a Development Application that is subject to an application for review pursuant to Section 82A of the Act.
- C2.** Where a Section 82A application has been made for a review of a determination of a development application, Council will write to each person who made a submission in relation

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to that Section 82A application.

- C3. Notification or advertising will be in the same manner as the original application, and for a period not exceeding 14 calendar days.
- C4. If amended, the notice to the applicant will specify the altered conditions of approval or reason for refusal

1.16. Information

- Where advertising fees are listed in Council's Adopted Fees & Charges, should the need arise to publish a notice in a local newspaper, this will be charged on a cost recovery basis, with the exact fee to be determined at the time of advertising. Such notices generally become necessary where a development is of a scale and nature such that its impact goes beyond the local neighbourhood.
- In the case of certain industrial and commercial development proposals, those which are either adjacent to residential development, or of a scale or nature to potentially impact on neighbouring developments (such as creating significant traffic, noise, emissions, etc impacts), will be notified by written notice to adjoining and opposite owners plus notice in the local press. The cost will be in accordance with clause 252 of the Environmental Planning & Assessment Regulation 2000. These are addressed below.
- Notwithstanding the above provisions of this Plan, Council may give public notice of a development application if, in Council's opinion, the impacts of the development are such that notification is considered necessary. Advertising fees will be payable.
- If Council decides that a public hearing is to be held under Section 57(5) of the EP&A Act the Council must give notice of the public hearing in the following manner:
 - By letter to each person who requested a public hearing when making a submission about the draft local environmental plan; and
 - By a notice in the local newspaper.
- The letter or newspaper notice must contain details of the arrangements for the public hearing and must be sent or published, as the case requires, at least 21 days before the start of the public hearing.
- In regard to development covered by clauses where an "Advertising/Notification Fee" is charged, this fee also covers the cost of re-advertising or re-notifying a development application where amended plans warrant such re-advertising or re-notification.\
- Notices other than those referred to in Section 82(A) Reviews under the EP&A Act 1979 shall contain:
 - a) A description and address of the land to which the application or draft plan relates;
 - b) A description of the application or draft plan;
 - c) The name of the applicant (in the case of development applications);
 - d) A statement that the application or draft plan or study and documents accompanying the application or draft plan or study are in the custody of the Council and may be inspected free of charge at any time during the ordinary office hours of the Council;
 - e) A statement that any person during the period specified under paragraph (f) may make a written submission in relation to the development application to the consent authority,
 - f) The period during which written submissions may be made to the Council;

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- g) The name of the relevant contact person at Council and the Council file number;
- h) An A4 reduced scale dimensioned plan showing site layout, elevations and outline plans, together with shadow and/or streetscape diagrams as appropriate (in the case of development applications);
- i) An indication of whether or not a 3D model is available for inspection.
- j) In the case of development that is integrated development, the written notice and the published notice:
 - must contain a statement that the development is integrated development, and
 - must state the approvals that are required and the relevant approval bodies for those approvals, and
- k) In the case of development that is threatened species development, must contain a statement that the development is threatened species development.
- l) The period referred to in subclause (f) must include:
 - in the case of nominated integrated development or threatened species development, the period of 30 days, and
 - in any other case, the period of 14 days, commencing on the day after the day on which the published notice is first published in a newspaper.

Note: Any information pertaining to Council's assessment of an application is not available for inspection unless application is otherwise made and determined under the Freedom of Information Act, 1989.

Note: Council's Adopted Fees & Charges are subject to the controls of the Environmental Planning and Assessment Regulation 2000.

- A person may inspect, at any time during the ordinary office hours of the Council, free of charge, a Development Application, draft plan or study on public exhibition at the office of Council, during the exhibition period specified in the public notice given by Council, or as otherwise determined by the Director of Council's Environmental & Planning Services Department.
- Submissions must be in writing, be addressed to the General Manager, clearly indicate the names, addresses and phone numbers of the persons making the submission, and clearly state the address of the property (in the case of a development application) or the name of the draft plan or study in respect of which the submission is made.
- Submissions should also quote the relevant Council file number.
- Submissions should be brief and to the point, and refer to a specific application or draft plan or study.
- Submissions in respect of development applications and draft plans or studies must be received by Council before the close of business on the last day of the advertising/notification/exhibition period, or as otherwise determined by the Director of Council's Environmental & Planning Services Department.

Note: Persons making submissions should be aware that the details of their submissions may be made public either through Council Reports or the Government Information (Public Access) Act 2009 (GIPA Act).