



Development Notification Policy

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1.0 What is a Development Control Plan?

A development control plan (DCP) is a commonly used town planning document that provides detailed guidelines in relation to the lodgement, assessment and determination of development applications.

2.0 What is the purpose of this plan?

The purpose of this plan is to set out the way that Council communicates with citizens during the development assessment process. The specific aims of this plan are:

- To ensure consistency in the notification of similar applications;
- To establish a fair and transparent communication process in relation to the assessment of development applications and related matters;
- To facilitate the efficient processing of applications without compromising the opportunity for citizen participation;
- To assist the community and applicants in understanding the communication process adopted by Council

3.0 Where and how does this plan apply?

This plan applies to all land within the Marrickville Local Government Area. This plan applies to development applications, applications to modify a development consent (s.96 of the Act) and applications to review the determination of a development application (s.82A of the Act). The plan will also be used as a guide for notification of miscellaneous development related matters.

4.0 When does this plan take effect?

This plan was adopted by Council on 17/9/2002 and took effect from 2/4/2003.

5.0 Definitions used in this plan

Brothel means premises used for the purpose of prostitution by one or more prostitutes, or premises that are designed to be used for that purpose, but does not include a dwelling house in which prostitution is carried out by not more than one prostitute a home occupation.

Complying Development is defined in the Environmental Planning and Assessment Act 1979. Development that falls into this category in Marrickville is set out in Council's Development Control Plan No.36 - Complying and Exempt Development.

Exempt Development is defined in the Environmental Planning and Assessment Act 1979. Development that falls into this category in Marrickville is set out in Council's Development Control Plan No.36 - Complying and Exempt Development.

LEP 2001 means Marrickville Local Environmental Plan 2001.

Minor Works are works described in clause 49 of LEP 2001.

Restricted premises means premises (other than a newsagency or pharmacy) where:

- (a) publications classified Category 1 restricted, Category 2 restricted or RC under the Classification (Publications, Films and Computer Games) Act 1995, of the Commonwealth are shown, displayed, exhibited, displayed or otherwise made accessible or available to the public, or
- (b) a business to which section 578E (offences relating to advertising or displaying products associated with sexual behaviour) of the Crimes Act 1900 applies is conducted.

the Act means the Environmental Planning and Assessment Act, 1979.

6.0 Pre-lodgement consultation

Council recommends that anyone intending to lodge an application discuss their proposal informally with neighbours prior to lodgement. It is also advisable to discuss proposals with Council staff before lodgement to ensure that the correct planning policies are used in the design process and to obtain information about the lodgement and assessment process.

7.0 When is notification not required?

Council will not notify or advertise in any way applications for proposals which, in the opinion of Council's senior development assessment staff, are unlikely to have an impact or to have a very minor impact on the locality. These include:

DESCRIPTION	CRITERIA	EXAMPLES
Exempt Development	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • See Complying and Exempt Development DCP No. 36.
Complying Development applications	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • See Complying and Exempt Development DCP No. 36.
Minor Works applications	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • See clause 49 of Marrickville LEP 2001.
Development applications for internal building work associated with a residential use	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Demolition or construction of internal walls; • Change in the configuration of rooms.
Development applications for internal building work associated with a non-residential use	<ul style="list-style-type: none"> • Will not significantly increase the intensity or impact of the use on the locality. 	<ul style="list-style-type: none"> • Fire safety upgrade work; • Renewal of internal fixtures such as bathrooms.
Development applications for minor alterations affecting the exterior of a building	<ul style="list-style-type: none"> • Will not reduce the privacy or the amount of sunlight enjoyed by any adjacent residential properties; • Will not adversely affect the streetscape. 	<ul style="list-style-type: none"> • Replacement of existing windows; • Restoration work.
Subdivision applications for existing or approved buildings	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Strata subdivision of an existing residential flat building.

DESCRIPTION	CRITERIA	EXAMPLES
Development applications to fit out or renovate an existing retail, commercial or industrial premises	<ul style="list-style-type: none"> Existing use is not materially altered or intensified. 	<ul style="list-style-type: none"> Refurbishment of an existing take-away food shop.
Development applications to change the use of premises from a: <ul style="list-style-type: none"> shop to a shop or similar use; an office to an office or similar use; industry to an industry or similar use; or light industry to a light industry or similar; (except brothels, restricted premises and other sex industry related uses)	<ul style="list-style-type: none"> Proposed hours of operation don't exceed 7.00am to 7.00pm; Property is not in a residential zone; The proposed use is not likely to have a significantly greater impact on the locality than the last approved use. 	<ul style="list-style-type: none"> Change from newsagent to clothing shop; Change from office for an export agent to office for an accountant; Change from food processing to furniture manufacture.
Development applications for demolition, except in conservation areas or for heritage items	<ul style="list-style-type: none"> The building(s) are not located on a boundary; The building to be demolished is not an entire dwelling house or is not greater than 100m² in area. 	<ul style="list-style-type: none"> Demolition of a shed.
Applications to modify a consent under s.96 of the Act	<ul style="list-style-type: none"> Will not significantly alter the intensity or likely impact of the proposal. 	<ul style="list-style-type: none"> Changes to internal configuration; Modification of a condition regarding payment of fees.
Applications to review a decision on a development application under s.82A of the Act	<ul style="list-style-type: none"> Where no significant amendments have been made to plans or significant new information has been submitted; There were no submissions received in response to the first notification. 	<ul style="list-style-type: none"> Where an applicant requests that an application be re-considered in its original form by the elected Council after having been refused by staff.
Applications that are rejected due to inadequate information	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Essential information is not submitted with an application.
Minor amendments to applications that have not been determined	<ul style="list-style-type: none"> Changes result in a reduced or similar impact on neighbours. 	<ul style="list-style-type: none"> A proposed balcony is deleted; The internal configuration of rooms is altered.

Senior Council staff involved in development assessment have the discretion to notify any applications for the above types of development where considered appropriate.

8.0 When is notification required?

Council will notify all applications not considered to fall into the categories described in clause 7 of this plan. These include development applications, applications to modify development consent (s.96) and applications to review the determination of an application (s.82A).

8.1 How will the community be notified?

Where notification is required, Council will:

- Send a letter to adjoining property owners and occupants plus properties further removed and across the street if, in the opinion of Council staff, they may be affected by the proposed development;
- Place a notice on the site; and
- List the application in a local newspaper.

All forms of notification will provide Council contact details and information about where and when the application documents can be viewed.

8.2 Who will be notified by letter?

The extent of properties notified by letter will vary at the discretion of senior Council staff involved in development assessment depending on the nature and scale of the development. Adjoining properties (i.e. properties that share a boundary with the subject site) and properties that may be directly affected by way of loss of privacy, overshadowing, increased building bulk, noise and the like will be notified as a minimum. Council will also send a form letter to itself to provide an assurance that letters were produced, sent and delivered through the mail.

Notification letters will be sent to the owners of selected properties and the occupant if the owner is not resident at the property. For strata titled buildings that are notified, letters will be sent to all owners and occupants. The information used to address letters is Council's property rate notice information current at the time.

Where a development is proposed near the boundary of an adjoining Local Government Area and there may be an impact on residents in that area, the adjoining Council will be advised of the proposal in writing and offered the opportunity to comment. In the case of a major development Council may ask the adjoining Council to notify its residents individually.

8.3 What will the notification letters contain?

The letters sent to adjacent properties will invite owners and residents to view the application and provide a written submission within 14 days if they wish (the 14 day period is extended to 21 days during the Easter and Christmas periods). The letters will also provide information about matters including how submissions are handled, Council's decision making process and a contact name and phone number at Council.

The letters will include a written description of the proposal and a plan of A4 size to give citizens notified an indication of the scale and nature of the development only. This may not be a complete set of the plans lodged with the application and may not be to a specific scale if it has been reduced from a large size down to A4. A full set of the information lodged with the application will be available for viewing at Council's administration centre during the notification period.

While the majority of notification letters will include a plan, there are limited circumstances when a notification plan would not provide any benefit e.g. if a hotel proposed an extension of trading hours. In these cases senior Council staff involved in development assessment will exercise discretion not to send out a plan with notification letters.

8.4 Site Notices

The site notice will be installed on or before the start of the 14 day notification period unless there are exceptional circumstances (for example extreme bad weather). Council will replace a site notice if the contact officer for the application is advised by fax, e-mail or letter that it has been removed or damaged during the first week of the notification period. Unauthorised removal of the sign does not require the 14 day period to start again or make the notification process void.

8.5 Newspaper Notice

The notice placed in a local paper (currently The Glebe and Inner Western Weekly issued Wednesdays) will provide the address and a brief description of applications. Due to the sometimes protracted period of time required to schedule advertisements in newspapers, the notice will not offer a 14 day period for submissions, as this could unreasonably and unnecessarily delay the processing of the application. The notice will advise citizens to contact Council immediately if they have an interest in any application listed to make arrangements to view the application or make a submission.

Where legislation requires particular proposals to be advertised in a newspaper in a specific manner, the requirements of the relevant legislation will be followed instead of this plan. Developments defined under the Act as designated, advertised or State significant fall into this category and are currently required to be advertised for a period of 30 days.

8.6 What should a submission contain?

A submission must contain the name and address of the person making the submission and the address of the property that is the subject of the application or a reference to the application number. A submission can be made by anyone, though must clearly state any grounds of objection and the reasons for them.

Under the laws that govern development assessment, there is a restriction on the matters that Council can take into account in determining an application. These are generally limited to environmental impacts including overshadowing, privacy, traffic, streetscape, noise and the like. Matters such as the personal circumstances of individuals cannot be taken into account.

8.7 What happens if I make a submission?

Council will accept and take into account submissions made within the 14 day period allowed in notification letters and the site notice. Submissions received after this time will be considered if the assessment of the application has not been substantially completed at the time of receipt.

In the majority of cases, any submissions to an application are accessible to other parties pursuant to the Local Government Act (LG Act) and cannot be kept confidential. A person making a submission may include their name and address but request the General Manager under s.739 of the LG Act to ensure that any such material made available to the public be prepared so as to omit the person's place of living. This provision is only available if the person considers that the disclosure would place or places the personal safety of the person or members of the person's family at risk and must be verified by a statutory declaration. It should also be noted that the Freedom of information Act applies to objection letters obtained by Council.

All individual submissions will be acknowledged in writing and the head petitioner will be sent an acknowledgement letter in the case of petitions.

8.8 How do I follow the progress of an application?

As Council deals with over one thousand applications each year, it is difficult to keep all interested parties informed. If anyone wishes to be kept informed of the progress of an application, they should initiate contact with the Council staff member dealing with the application as required.

If a person who has made a submission wishes to be advised if the application will be dealt with by Councillors at a Development and Environmental Services Committee meeting (rather than by staff), they must provide a daytime telephone contact number. Council will contact by phone people who made such request at least three (3) working days before the meeting. Meetings are usually held on the first Tuesday of each month.

Everyone who made a submission (and head petitioners) will be advised in writing of Council's decision after the application is determined.

9.0 Other referral requirements

The Environmental Planning and Assessment Act 1979 and subordinate legislation require some applications to be advertised in a particular way and for other authorities to be notified or consulted. The requirements of this legislation override the requirements of this DCP and are not altered by this plan (see also clause 8.5 of this plan).