

1.1 NAME OF POLICY

This Policy is called **Coonamble Shire** Council Notification Policy for Development Applications.

1.2 EFFECTIVE DATE

This policy shall take effect on *//////////* 2007 by adoption of the Resolution of Council dated *//////////* 2007.

1.3 AIMS/OBJECTIVES OF THE POLICY

The aims and objectives of the policy are to:

- (a) outline the procedures for advertised and notified development, and
- (b) outline the matters Council will take into consideration when making a decision on whether or not to notify of the receipt of a development application, and
- (c) provide detail on who is to be notified of the receipt of a development and in what form the notification will occur, and
- (d) reiterate the procedures set out in Coonamble Shire Local Environmental Plan 1997 for advertised development.

1.4 LAND TO WHICH THIS POLICY APPLIES

This policy applies to all land within the **Coonamble Shire** local government area.

1.5 RELATIONSHIP TO OTHER ENVIRONMENTAL PLANNING INSTRUMENTS

This policy controls development under **Coonamble Shire Local Environmental Plan 1997**.

1.6 ADVERTISED DEVELOPMENT

Coonamble Shire Local Environmental Plan 1997 makes provision for the advertising of certain development applications upon their receipt. These development applications are referred to as "Advertised Development".

Clause 19 of Coonamble Shire Local Environmental Plan 1997 makes provision for the advertising of certain development listed in schedule 5 of the Plan. Clause 19 and schedule 5 of Coonamble Shire Local Environmental Plan 1997 are repeated below.

19 Development that must be advertised (Clause 19)

The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development specified in Schedule 5 in the same way as those provisions apply to and in respect of designated development.

Schedule 5 Development that must be advertised (Clause 19)

Development for the purpose of any of the following:

- (a) boarding houses; hotels; motels; caravan parks for permanent accommodation; residential flat buildings, or
- (b) industries (other than home industries), or
- (c) intensive livestock keeping; junk yards; liquid fuel depots; sawmills; stock and sales yards; transport terminals.

Before determining an application referred to in this Section (1.6), the Council must;

- (a) *place the application on public exhibition for a period of at least 28 days (public holidays excluded) at the offices of the Council,*
- (b) *give public notice of the exhibition at the commencement of the period referred to in paragraph (a) in a newspaper circulating in the locality, and*
- (c) *take into consideration any submission lodged during that period in respect of the proposed development*

Clause 27 of Coonamble Shire Local Environmental Plan 1997 also requires the advertising of development in certain circumstances. Clause 27 is repeated below.

27 Heritage advertisements and notifications

- (1) Except as provided by this clause, the provisions of sections 84, 85, 86, 87(1) and 90 of the Act apply to and in respect of:
 - (a) the demolition of a heritage item, and
 - (b) the demolition of a building, work, relic or place within a heritage conservation area,in the same way as those provisions apply to and in respect of designated development.
- (2) The Council must not grant consent to an application to demolish a heritage item unless:
 - (a) the Council has notified the Heritage Council of its intention to grant consent, and
 - (b) the Council has had regard to any submission about the proposal made by the Heritage Council within 28 days after the notice was sent.
- (3) This clause does not apply to the partial demolition of a heritage item or of a building or work within a heritage conservation area if, in the opinion of the Council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the land to which this policy applies.

1.7 NOTIFIED DEVELOPMENT

Public notification of development applications will also occur in situations other than those provided for in Coonamble Shire Local Environmental Plan 1997. A decision on whether an application will be notified will be dependent on a number of factors which can only be determined by inspection of the plans relating to individual development applications. These development applications are referred to as notified development.

The factors that Council will take into consideration in determining whether a development application will be notified are as follows:

- the views to and the views from surrounding land,
- potential overshadowing of surrounding land,
- privacy of surrounding land,
- potential noise transmission to the surrounding land,
- the likely visual impact of the proposed building in relation to the streetscape, and
- any other issues considered by Council to be relevant to the application.

1.7.1 Who Will Be Notified?

Generally written notice of a notified development application will be given to the owners of land directly adjoining the land on which the development is intended to occur and other owners who Council may consider to be detrimentally affected.

In the case of the adjoining land being part of a strata plan, notification will be given to the Body Corporate only.

1.7.2 In What Form Will Notification Occur?

Where, under the provisions of this Notification Policy, a development requires that notification be given to adjoining owners the notice will contain the following information:

- a description and address of the site,
- a description of the building work and its proposed use,
- the name of the applicant and the Council,
- where and when the plans can be inspected,
- the time period within which submissions may be made (generally 14 days), and
- that the substance of written submissions may be included in reports and be available for the applicant to consider.

The period of notification to which this part applies shall be fourteen (14) days excluding public holidays.

1.8 SUBMISSIONS

Any submissions made in respect to either advertised or notified development applications are to be in writing and should be addressed to the General Manager of Coonamble Shire Council. All submissions must clearly indicate the name and address of the person making the submission and should relate directly to the work proposed and its possible impact on the surrounding property or locality.

All submissions are to be received by Council by the closing date otherwise such submissions may not be considered as part of Council's assessment of the development application.

Comments received from members of the public will be considered in conjunction with Council's legal responsibilities, the interests of the community at large and the reasonable expectations and rights of the applicant.

Written submissions cannot remain confidential and may be referred to the applicant as they may be used to assist in negotiations with the owner/applicant of the proposal, may be the subject of Freedom of Information requests, and included in Council business papers.

Where a negative submission/s is received to an application, the applicant and those persons who have lodged submissions will be invited to attend a negotiation meeting with Council's General Manager or his nominee. Where a resolution cannot be reached with respect to an objection, the application will be referred to the next Council meeting for a determination by Council.

Each party will receive written confirmation of Council's determination of the application.

1.10 ADVERTISING OVER THE CHRISTMAS PERIOD

Where possible and with the written agreement of the applicant, development will not be placed on public exhibition between 15 December and 15 January each year.

This practice will also apply to any Local Environmental Planning Application (rezoning) which Council may receive.

1.11 DEVELOPMENTS EXCLUDED FROM THIS NOTIFICATION POLICY

This Notification Policy does not relate to applications that fall within the following categories:

- designated development within the meaning of the Environmental Planning and Assessment Act 1979,
- nominated advertised development within the meaning of the Environmental Planning and Assessment Regulations 2000,
- development which is exempt under the provisions of Coonamble Shire Council Development Control Plan – Exempt Development, and
- development which is complying development under the provisions of Coonamble Shire Council Development Control Plan – Complying Development.

