

## COMPONENT A2 NOTIFICATION AND PUBLIC PARTICIPATION

### Applies to

All land in the Coffs Harbour Local Government Area that is subject to the public advertising and notification of development proposals.

**Note** that Local Environmental Plan 2013 has been deferred in some locations of the Local Government Area. This Development Control Plan does not apply to those deferred locations.

### Date adopted by Council

13 December 2012

### Effective Date

2 October 2013

### Amendments

Nil

### Disclaimer

The hyperlinks to various State or Federal Government legislation have been included in this Development Control Plan in good faith and were current at the time that this document was prepared.

Applicants, landowners and any person(s) using the hyperlinks should ensure that the relevant legislation or policy is the most up-to-date version. This information may be obtained from the relevant government authority administering the legislation.

*This Component provides for the public advertising and notification of development proposals.*

### A2.1 INTRODUCTION

Public notification is undertaken for development proposals either through written notification or newspaper advertising. This allows the community an opportunity to inspect development proposals and to make informed submissions.

### A2.2 ADVERTISED DEVELOPMENT

#### A2.2.1 Objectives

1. To provide an opportunity for public participation in the development application (DA) process and invite comment on such matters.
2. To increase public awareness of the DA process.

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COMPONENT F2 APPENDIX 1

### A2.2.2 General – [Environmental Planning and Assessment \(EP&A\) Act 1979](#)

- i) Advertised Development includes:
- Nominated Integrated Development that requires approval within the meaning of Section 90A of the [EP&A Act 1979](#) is included under the following:
    - [Heritage Act 1977](#) (specified in Section 91 of the Act);
    - [Water Management Act 2000](#) (specified in Section 91 of the Act);
    - [Protection of Environment Operations Act 1977](#) (specified in Section 91 of the Act);
  - Threatened Species Development;
  - development that is pursuant to [State Environmental Planning Policy \(SEPP\) No. 62 – Sustainable Aquaculture](#) is Class 1 Aquaculture Development;
  - any development that is identified as Advertised Development in an Environmental Planning Instrument; or
  - any other development identified as Advertised Development in a Development Control Plan (DCP).
- ii) Nominated Integrated Development, Threatened Species Development, Class 1 Aquaculture Development, and development that are identified as Advertised Development in an Environmental Planning Instrument is advertised and notified in accordance with Part 6, Division 7 of the [EP&A Regulation](#).
- iii) Nominated Integrated Development and Threatened Species Development are exhibited for 30 calendar days.
- iv) Class 1 Aquaculture Development is exhibited for a period of 14 calendar days.
- v) Development that is identified as Advertised Development in an Environmental Planning Instrument is exhibited in accordance with the requirements of the specific instrument.
- vi) Development identified as Advertised Development by the Consent Authority is exhibited for a period of 14 calendar days.

### A2.2.3 Types of Advertised Development identified by the Consent Authority

- i) Development identified as Advertised Development by the Consent Authority comprises the following development types:
- major community facilities (whether publicly or privately owned), including: hospitals, libraries, educational establishments, places of public worship, sports facilities, recreation facilities (indoor, major, and outdoor), emergency services facilities etc;
  - new commercial and retail premises >500m<sup>2</sup> in Gross Floor Area (GFA);
  - retail premises licensed under the [Liquor Act 2007](#);
  - child care centres;
  - major road infrastructure facilities;
  - registered clubs and entertainment facilities;
  - major tourist and visitor accommodation (including hotel and motel, accommodation), eco-tourist facilities, camping grounds and caravan parks;
  - major development on public land or Council controlled land;
  - subdivision involving 25 lots or more (including residential and rural residential subdivision);
  - heritage items and development within a heritage conservation area (including demolition);
  - industrial development >500m<sup>2</sup> in GFA
  - non designated extractive industries;
  - multi-dwelling housing projects with either more than five units or three stories, including seniors housing;
  - sex services and restricted premises;
  - animal boarding or training establishment; and
  - unconventional development.

- ii) Notwithstanding the above, the Consent Authority may decide to advertise certain development types if it is thought to be in the best interests of the public.
- iii) Development identified as Advertised Development by Council is exhibited for a period of 14 calendar days.

## **A2.3 OTHER DEVELOPMENT**

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### **A2.3.1 Objectives**

1. To specify circumstances when notification of development proposals is not required.
2. To ensure that there is consistency in the notification of similar applications.

### **A2.3.2 Notified Development**

- i) Development identified as 'Notified Development' by Council is all development except development that will not, in the opinion of the Consent Authority, detrimentally affect the enjoyment of adjoining land or locality or impact on adjoining development and the local environment, for example:
  - alterations and additions to existing single storey dwellings that are unlikely to impact on adjoining development and the local environment;
  - ancillary residential structures such as decks, pools, garages, carports, outbuildings and awnings etc;
  - ancillary rural structures such as farm sheds, stables, etc;
  - subdivisions for boundary adjustment or for strata title purposes;
  - industrial buildings (including alterations and additions) within an industrial zone not exceeding 500m<sup>2</sup> in GFA;
  - development that complies with the built form controls (e.g. setbacks);

- alterations and additions to commercial, retail, public, and recreation use developments that are minor in nature, such as:
  - internal alterations (including retail and commercial fit-outs);
  - retail and commercial shop front alterations; and
  - demolition (other than heritage items or for development within heritage conservation areas);
  - change of use;
- any development, which in the opinion of the Consent Authority, does not require notification.

- ii) Notwithstanding the above, the Consent Authority may choose to notify certain development types if it is thought to be within the best interest of the public – for example, where built form controls (such as setbacks) do not comply with Local Environmental Plan (LEP) or DCP provisions.
- iii) For Notified Development a written notice of the application is to be sent to the owners of the adjoining land to which the DA relates or the owners of land, that in the opinion of the Consent Authority, may be affected by the proposed development.
- iv) A period of 14 days is provided to enable inspection of the application and lodgement of any submissions.
- v) The Consent Authority may decide to dispense with further notification/ advertising of an amended application where:
  - a DA is amended before it has been determined by the Consent Authority;
  - the Consent Authority has notified/ advertised the original application in accordance with this DCP;
  - the Consent Authority is of the opinion that the amended application differs only in minor respects from the original application.

- vi) In forming the opinion as to whether or not the development will detrimentally affect the enjoyment of adjoining land or locality, the following matters are to be considered:
- building design, siting and bulk;
  - views to and from the land;
  - overshadowing;
  - privacy;
  - ecological values:
    - koala habitat;
    - threatened species;
    - Tree Preservation Order;
  - environmental hazard:
    - noise and vibration;
    - air quality and odour;
    - coastal hazard;
  - heritage item;
  - Aboriginal object or place of heritage significance;
  - development in public interest:
    - social impact;
    - economic impact;
  - access, parking, traffic generation;
  - streetscape and local character;
  - safety and security;
  - earthworks;
  - stormwater disposal and easements;
  - unconventional proposals, including infill development; and
  - significant non compliance with development standard and/or DCP control.

### A2.3.3 Modification of Development Consent

Notification and advertising of applications for modification to a development consent are undertaken in accordance with the [EP&A Regulation](#) and the following:

- a) **[Section 96\(1\) Modifications involving minor error, mis-description or miscalculation](#)**
- i) Notification/advertising is generally not required for such applications.

- ii) Re-notification/advertising is required where the original DA was notified/advertised, and submissions were received in relation to a matter subject to modification.
- iii) Notification is undertaken for a period of 14 calendar days.

b) **[Section 96\(1A\) Modifications involving minimal environmental impact](#)**

- i) Notification/advertising is required where the original application was notified/ advertised, and submissions were received in relation to a matter subject to modification.
- ii) Exhibition/notification is undertaken for a period of 14 calendar days.

c) **[Section 96\(2\) Other Modifications](#)**

- i) Notification/advertising is required where the original application was notified/advertised, and submissions were received in relation to a matter subject to modification.
- ii) Applications for ‘other modifications’ (including Designated Development) will be advertised/notified to those persons whom originally made a submission.
- iii) Exhibition/notification is undertaken for a period of 14 calendar days.

The Consent Authority may decide to notify any modification application if it is thought to be within the best interests of the public.

Notwithstanding the above, notification/ advertising requirements may be dispensed with, if in the opinion of the Consent Authority, the proposed modification is minor in nature and is unlikely to detrimentally affect the enjoyment of adjoining land or locality.

### **A2.3.4 Designated Development**

- i) Designated Development is development specified within Schedule 3 of the [Environmental Planning and Assessment \(EP&A\) Regulation 2000](#).
- ii) Public participation is undertaken in accordance with Part 6, Division 5 of the [Regulation](#).
- iii) Designated Development is exhibited for a period of 30 calendar days.

