

Introduction

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I.0 Introduction

I.1 Citation

This Plan may be cited as the Auburn Development Control Plan 2010 (Auburn DCP 2010).

I.2 Land covered by this DCP

The Auburn DCP 2010 applies to land where Auburn City Council is the consent authority.

I.3 Adoption

This Plan was made under the former Section 74C of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and Part 3 of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)*. It was adopted by Auburn City Council on 12 May 2010 and became effective on 9 November 2010.

I.4 Auburn Local Environmental Plan 2010

The *Auburn Local Environmental Plan 2010 (Auburn LEP 2010)* provides broad land use controls for the Auburn local government area (LGA). It covers most of the LGA excluding land covered by the *State Environmental Planning Policy (Major Development) 2005* and *Sydney Regional Environmental Plan No. 24 – Homebush Bay Area*.

I.5 State environmental planning policies and other plans

In some cases land will also be affected by a State Environmental Planning Policy (SEPP) or Regional Environmental Plan (REP) - now deemed SEPPs. The onus is on the applicant to check if there are any additional or updated policies and plans relevant to the development when making a development application.

I.6 Auburn City Council DCP framework

Auburn City Council's DCP framework is comprised of four DCPs:

Auburn DCP 2010

This is Council's principal DCP. It applies to all land where Auburn City Council is the consent authority, excluding land at Wentworth Point.

Homebush Bay West DCP 2004

The Homebush Bay West (HBW) DCP applies to land at Wentworth Point. The HBW DCP underpins the No.1 Burroway Road DCP (see below) and the Homebush Bay – Wentworth Point Master Plan (also below). In future, this DCP will be integrated as a Part of Auburn DCP 2010.

No.1 Burroway Road DCP 2006

The No.1 Burroway Road DCP is a deemed DCP which applies to land at No.1 Burroway Road, Wentworth Point. Where there is an inconsistency between it and the Auburn DCP 2010, or the HBW DCP 2004, the No.1 Burroway Road DCP prevails. In future, the No.1 Burroway Road DCP will be integrated as a Part of Auburn DCP 2010.

Homebush Bay – Wentworth Point Master Plan 2005

The Homebush Bay West – Wentworth Point Master Plan (WPMP) is a deemed DCP which applies to land owned by the New South Wales Maritime Authority at Wentworth Point (**Note:** the western parcel sits within the suburb of Sydney Olympic Park). Where there is an inconsistency between it and the Auburn DCP 2010 or the HBW DCP 2004, the WPMP prevails. In future, the

Homebush Bay West – Wentworth Point Master Plan will be integrated as a Part of Auburn DCP 2010.

1.7 Public domain plans

Requirements for the public domain are contained in the Auburn City Council Public Domain Manual. This manual comprises the following:

- Auburn Town Centre Public Domain Plan
- Carter Street Precinct Public Domain Plan
- Former RAAF Stores Depot Public Domain Plan
- Newington Public Domain Plan

The public domain requirements for Wentworth Point (formerly Homebush Bay West) are contained in the Homebush Bay West Public Domain Manual.

The relevant public domain plan is required to be considered in the design of the public domain, where Council is the consent authority.

1.8 Other approvals

Approvals may also be required from other government agencies as in some cases a development proposal may constitute “designated” or “integrated” development under the *EP&A Act*.

1.9 Policies, guides, forms and checklists

Some types of development may require consulting Council’s policies or guides, or completing forms or checklists. It is recommended applicants visit Council’s website (www.auburn.nsw.gov.au) and follow the prompts to the DCP.

1.10 Aims of the DCP

The aims of the Auburn DCP 2010 are to:

- Provide detailed controls which support the *Auburn LEP 2010*;
- Ensure high quality development across the LGA;
- Provide guidelines to applicants in formulating development proposals;
- Identify the criteria and process for assessing applications, and outline the responsibilities of both Council and applicants; and
- Provide development controls for Council to assess the appropriateness of a development proposal.

1.11 Structure of the Auburn DCP 2010

The Auburn DCP 2010 is structured as follows:

- **Introduction** – this section explains Council’s planning framework and details information which must be submitted with all development applications. It also details the notification requirements for development applications.
- **Residential Development Controls** – this section contains the controls which apply to all residential development within the R2 Low Density Residential zone, R3 Medium Density Residential zone and R4 High Density Residential zone. In some cases, it also applies to residential development within the business zones.

- **Commercial Development Controls** – this section contains the controls for Council's local centres which are zoned B1 Neighbourhood Centre, B2 Local Centre or B4 Mixed Use.
- **Industrial Development Controls** – this section contains the controls for industrial development in the IN1 General Industrial zone, IN2 Light Industrial zone, B6 Enterprise Corridor zone and B7 Business Park zone. It contains both general and site specific controls.
- **Other Development Controls** – this section contains the controls for child care centres, parking and loading, access and mobility, tree preservation, waste, and stormwater drainage.
- **Definitions and Terms** – this section contains the definitions and terms which the DCP relies on. The definitions and terms sit separately to the standard instrument dictionary definitions held in the *Auburn LEP 2010*.

1.12 How to use the DCP

The Auburn DCP 2010 provides detailed controls to supplement the provisions of the *Auburn LEP 2010*. The Auburn DCP 2010 is generally performance based, to ensure that Council has the opportunity to assess development with a merit orientated approach. This ensures compliance with predetermined objectives.

The Auburn DCP 2010 is used to guide development which requires Council consent as per the *Auburn LEP 2010*. Development requiring consent must comply with the relevant development standards contained in the *Auburn LEP 2010* and the controls contained within Auburn DCP 2010.

The development provisions within the Auburn DCP 2010 have three components:

- Objectives represent the aims that the development must achieve.
- Performance criteria represent a means of demonstrating how the development proposal will perform against the development controls.
- Development controls are detailed standards which Council relies on to assess the appropriateness of a development proposal. While the controls provide solutions which may satisfy the performance criteria, other solutions can also be adopted.

It is essential that development proposals satisfy all development provisions.

2.0 Development application requirements

2.1 Preparing a site analysis

A site analysis is one of a number of requirements when submitting a development application with Council (see section 2.5 for all submission requirements). It is one of the first tasks to be undertaken before other submission requirements can be completed. It ensures that the development is of high quality, sensitive to its environment and surrounds, and positively contributes to its locality.

A thorough site analysis ensures that site layout and building design addresses existing and possible future opportunities and constraints of both the principal site and its surrounds. It forms the basis for the design of any development proposal, to ensure the best possible design is achieved. It is also a fundamental stage of the design process, and should support many of the key design decisions and assist in minimising issues relating to noise, overshadowing, community safety, access, views, privacy, energy consumption and waste generation.

A site analysis must be based on a current survey plan produced by a qualified surveyor and contain a reference number and date. Site analysis shall include plan and section drawings of the existing

features of the site, at 1:100 or 1:200 scale, together with appropriate written material. Information required in a site analysis shall include, but is not limited to:

- Site dimensions;
- Site area;
- North point;
- Topography: spot levels and/or contours, natural drainage, and any contaminated soils or filled areas;
- Service easements/connections for drainage and utility services;
- Existing vegetation: location, height, spread of established trees, and species;
- Micro climates: orientation and prevailing winds;
- Location and use of buildings and other structures, heritage and archaeological features, fences, and property boundaries;
- Pedestrian and vehicular access points (existing and proposed); and
- Orientation and overshadowing of the site and adjoining properties by neighbouring structures and trees.

Features of the surrounding locality that shall be considered within a site analysis include:

- Neighbouring buildings: location, height, and use;
- Privacy: adjoining private open spaces, living room windows overlooking site (particularly those within 9m of the site), and location of any facing doors and/or windows;
- Walls built to the site's boundary: location, height, and materials;
- Difference in levels between the site and adjacent properties at their boundaries;
- Views to and from the site;
- Major trees on adjacent properties particularly those within 9m of the subject site;
- Street-frontage features: electricity poles, trees, kerb crossovers, bus stops, and other services;
- The built form and character of adjacent development including: architectural character, front fencing, and garden styles;
- Location, use, overall height (in storeys and metres) and important parapet/datum lines of adjacent buildings;
- Location and height of existing windows and balconies on adjacent properties location, height and characteristics of adjacent walls and fences;
- Heritage features of surrounding locality and landscape;
- Direction and distance to local facilities: local shops, schools, public transport, and recreation and community facilities;
- Characteristics of, and distance to any nearby public open space;
- Significant noise sources on and in the vicinity of the site, particularly significant noise, odour or pollution sources;
- Form and character of adjacent and opposite buildings in the streetscape, including both sides of any street that the development fronts;
- Geotechnical characteristics of the site and suitability of development; and
- Assessment of site contamination, proposed remediation strategy and a statement from a recognised expert that the site can be remediated and made suitable for the proposed uses.

2.2 Pre-development application process

Applicants are encouraged to have pre-lodgement meetings with Council prior to lodgement of the development application. Pre-lodgement meetings with the consent authority are encouraged at an early stage in the process to discuss and agree on the overall design approach before a detailed building design is developed.

Plans submitted for pre-development assessment should show the broad design strategies for the site layout, building mass and illustrate the design issues, such as the internal layout of the building, adjoining private and public open spaces and the opportunities and constraints of the local context. Design options may be appropriate to illustrate a variety of solutions for discussion, particularly on large or difficult sites.

Where development will be staged, it is still important that planning for the whole site, not just the individual stages, is undertaken. This will enable a more informed assessment.

2.3 Pre-development application submission requirements

The following material is recommended for submission at pre-development application stage:

- A completed **application form** signed by the owner of the land or accompanied by the written authority of the owner to lodge the application (including where appropriate the company seal or seal of the body corporate).
- **Application fees** as advised by Council.
- A brief description of all development options considered either in written format or concept drawing.
- A statement describing proposal and comparison with relevant LEP and DCP controls.
- A **survey or site plan** at a scale of 1:200 showing:
 - site dimensions;
 - changes of levels on the site;
 - the position of buildings on the site and adjoining sites and the ridge lines and eave levels of those buildings (all levels should be to AHD);
 - existing vegetation, showing canopy spread of trees and ground levels at the base of the trunk;
 - spot levels of street frontage including road gutter; and
 - easements for drainage and services affecting or benefiting the subject property.
- A **site analysis** as outlined in section 2.1.
- **Schematic design drawings** at a minimum scale of 1:200 showing the proposed development.
- Other information to assist Council.

2.4 Professional assistance

Applicants are strongly encouraged to use the services of architects, town planners, engineers, landscape architects, professional designers and other specialists, as required, to undertake the site analysis, the design of the development and to prepare the supporting documentation (as described in section 2.5 below). Consultation with neighbours and Council officers before completing the proposal is highly recommended.

The amount of information required for a development or building application will vary depending on location, scale and complexity of the proposal.

2.5 Development application submission requirements

The following information *must* be submitted as part of an application:

- A completed **application form** signed by the owner of the land or accompanied by the written authority of the owner to lodge the application. If the owner is a company or owner's association (e.g. Body Corporate), it must be signed by a director or secretary under common seal or provide consent on a company letterhead.
- **Application fees** as advised by Council.
- A **survey or site plan** at a scale of 1:200 showing:
 - site dimensions;
 - changes of levels on the site;
 - the position of buildings on the site and adjoining sites and the ridge-lines and eaves levels of those buildings (all levels should be to Australian Height Datum (AHD));
 - existing vegetation, showing canopy spread of trees and ground levels at the base of the trunk;
 - spot levels of street frontage including road gutter; and
 - easements for drainage and services affecting or benefiting the subject property.
- A **site analysis** as outlined in section 2.1, including a statement of how the proposed development has addressed the site opportunities and constraints identified.
- **Architectural plans** at a minimum scale of 1:200 showing:
 - distinction between existing and proposed work;
 - dimensions and reduced levels of all floors and ridge lines;
 - detailed floor plans; and
 - all elevations and relevant sections.
- **Notification plans** showing the location, elevations and external configuration (such as shadows) of the proposed development in A4 size.
- **Waste management plan** prepared in accordance with the requirements outlined in the Waste Part of this DCP.
- A **statement of environmental effects** which:
 - explains how the proposal has resolved the relevant items contained in section 79C of the *EP&A Act* and in particular the Auburn DCP 2010 or other relevant DCP;
 - explains how the project design has responded to the information contained in the site analysis; and
 - demonstrates that the intent of the criteria has been satisfied.
- **Political donation or gift disclosure**

Other information may also be required, including:

- A **concept landscape plan** showing the location of existing trees, indicating those that are to be retained and proposed landscaping of the completed development. A **landscape maintenance strategy** may also be required.
- A **stormwater management plan** specifying the proposed method of draining the site and provision of on-site stormwater detention. Location, diameter, invert levels and specification of all proposed piping with supporting calculations are to be included.

- **Shadow diagrams** for all two storey buildings or second storey additions in residential areas showing the effect of 9am, 12 noon and 3pm shadows during mid-winter.
- A **heritage impact statement** where the application relates to a heritage item or conservation area addressing:
 - why the site is of heritage significance;
 - what impacts the proposed development will have on that significance; and
 - what measures are proposed to mitigate negative impacts.
- A **species impact statement** where a threatened species, population or community is identified in accordance with the *Threatened Species Conservation Act 1995*.
- An **erosion and sediment control plan**, required for all new buildings and proposals involving significant earthworks. The plan should illustrate:
 - extent of earthworks, stockpiles, access roads, impervious areas, construction entrances and drainage lines;
 - proposed sediment trapping devices; and
 - proposed runoff diversion measures.
- **Building specifications**, if the application includes a Construction Certificate.
- A **contamination report**, where it is known or suspected that the site is subject to contaminants.
- A **crime risk analysis/community safety report** prepared in accordance with the Safer by Design NSW Police Guidelines.
- **Acoustic and vibration report** prepared by an acoustic engineer for potential noise generating development or development which is located within close proximity to major rail or road infrastructure (see individual Parts).
- **Traffic and parking impact report** prepared by a traffic engineer or planner for traffic generating development or as required by the relevant Parts of this DCP.
- **Section 94A levy cost estimate report** for all employment generating development as set out in Council's Auburn Development Contributions Plan 2007.
 - Form 1: for cost of works between \$100,001 to \$200,000; or
 - Form 2: for cost of works more than \$200,000.
- **BASIX certificate** for BASIX affected development.
- **Materials and finishes** such as samples or colour charts.
- **Photomontage or colour perspective** in A3 or A4 size of the building/s as viewed from the public domain with landscape details.
- **Demolition plan** showing clearly all buildings/structures/vegetation on the site, including those to be demolished.

For further information, refer to Council's application form and checklist on Council's website (www.auburn.nsw.gov.au) or enquire with Council's Planning and Environment Department by speaking to the Duty Planner on 9735 1222.

3.0 Notification requirements

This section sets out the procedures for public exhibition and notification of development applications in the Auburn City Council LGA. In particular, this section:

- a. Summarises the public exhibition requirements contained in the *EP&A Act* and *EP&A Regulation* for certain types of applications; and
- b. Specifies the notification procedures for all other development applications including applications for modification of development consent.

3.1 Objectives

The objectives of this section are 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. Advise appropriate owners and/or occupiers of development occurring on adjoining and nearby properties;
- c. Provide the opportunity for public involvement in the development process;
- d. Enable Council officers to obtain the views of interested persons before determining development proposals; and
- e. Specify circumstances when notification of development applications is not required.

3.2 Voluntary planning agreements

For the notification requirements relating to voluntary planning agreements please consult the *EP&A Act* and Council's Voluntary Planning Agreement Policy.

3.3 Provisions

The provisions within this section relating to notification areas and periods of notification are a minimum and may be increased at the discretion of Council once the nature and likely impact of the proposal have been considered.

3.3.1 Development to which advertising notification provisions apply

The advertising and notification procedures in this section apply to all development and related applications lodged with Auburn City Council.

The *EP&A Act* and *EP&A Regulation* specify the advertising requirements for:

- Designated development; and
- Integrated development.

Notification and advertising of applications for the above developments will be in accordance with the requirements of the *EP&A Act* and *EP&A Regulation*.

Council will also implement other advertising, notification and/or consultation requirements specified in SEPPs (eg. *State Environmental Planning Policy No. 64 – Advertising and Signage*) and deemed SEPPs (eg. *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*).

3.3.2 Development applications requiring notification and advertising

The notification and advertising requirements for development applications not specified in section 3.2.1 above are specified in Table I – Advertising and notification requirements.

The use and meaning of the symbols used in Table I are:

✓ Action to be undertaken

N/A Action not applicable and not to be undertaken

It is noted that not all development applications have been specified in Table I. Where Council receives an application not specified in Table I, Council will determine the appropriate notification period where Table I will be used as a guide.

Table I - Advertising and notification requirements

Proposed use or development	Letters adjoining owners	to Advertise in local newspaper	Notice on site	Notification period (days)
Dwelling houses (including single and two (2) storey dwellings, additions, secondary dwellings)	✓	N/A	N/A	Fourteen (14) days
Dual occupancies	✓	N/A	N/A	Fourteen (14) days
All other development in residential areas or directly adjoining a residential area (including across a road, laneway or the like). Development includes residential subdivision (eg. Torrens Title and subdivision involving construction of a roadway), but excludes a strata and stratum subdivision and health consulting rooms.	✓	N/A	N/A	Fourteen (14) days
Multi dwelling housing	✓	✓	✓	Fourteen (14) days
Residential flat buildings (see also the requirements in other environmental planning instruments eg. <i>Sydney Regional Environmental Plan No. 24 – Homebush Bay Area</i>)	✓	✓	✓	Fourteen (14) days
Development within residential zones being: <ul style="list-style-type: none"> ■ Seniors housing ■ Educational establishments ■ Places of public worship ■ Places of public entertainment ■ Child care centres ■ Hospitals (in any zone) 	✓	✓	✓	Fourteen (14) days
Business and office premises – existing use rights	✓	N/A	N/A	Fourteen (14) days
New business / office / retail premises (excluding uses addressed elsewhere in this table) – two storeys or more	✓	✓	✓	Fourteen (14) days
New business / office / retail premises (excluding uses addressed elsewhere in this table) adjoining or opposite to residential development	✓	✓	✓	Fourteen (14) days
Mixed use development and shop top housing	✓	✓	✓	Fourteen (14) days
New industrial building adjoining or adjacent to residential development	✓	N/A	N/A	Fourteen (14) days

Proposed use or development	Letters adjoining owners	to Advertise in local newspaper	Notice on site	Notification period (days)
Industrial development adjoining or adjacent to residential area operating outside standard hours of operation	✓	N/A	N/A	Fourteen (14) days
Industrial development – existing use rights	✓	N/A	N/A	Fourteen (14) days
Automotive uses (eg. car parks, service station, transport depots, and truck depots)	✓	✓	N/A	Fourteen (14) days
Vehicle repair station and vehicle body repair workshops adjoining and/or adjacent to residential development	✓	N/A	N/A	Fourteen (14) days
Telecommunications facilities	✓	N/A	N/A	Fourteen (14) days
Home industry	✓	N/A	N/A	Fourteen (14) days
Food and drink premises excluding pubs adjoining and/or adjacent to residential development	✓	N/A	N/A	Fourteen (14) days
Signage more than 20m ² (Also see other requirements in <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i>)	✓	✓	N/A	Fourteen (14) days
Sex service premises adjoining residential development or zone	✓	✓	✓	Fourteen (14) days
Amusement centre	✓	✓	✓	Fourteen (14) days
Demolition or use of an item/group of environmental heritage	✓	✓	✓	Fourteen (14) days
Heritage items and developments in a conservation/heritage area	✓	✓	✓	Fourteen (14) days
Hotel and motel accommodation and pubs	✓	✓	✓	Fourteen (14) days
Public administration buildings	✓	✓	✓	Fourteen (14) days

3.3.3 Development applications not requiring notification and advertising

Table 2 below lists the types of development applications which do not require advertising or notification.

Table 2 - Development not requiring advertising and notification

Development NOT requiring advertising and notification
Exempt and Complying Development
Section 96 (1)
Section 96 (1A) (see also section 3.3.2 of this Part)
General alterations only (and does not alter/modify the height or external configuration of a building and not a heritage item)
Changes which are the result of conditions of consent on an application previously notified
Strata subdivision application
Stratum subdivision application
Change of use in business zones where Council considers no environmental impact is created
Change of use in industrial zones not adjacent to or adjoining residential development
Demolition

3.4 Development applications that are amended, modified or reviewed

3.4.1 Amended applications

Where an application is amended before it is determined, the application will be re-advertised or re-notified if it is considered that there will be an additional likely environmental impact or impact of the development on adjoining or nearby land or development. However, if it is considered that the likely environmental impact is insignificant, the development application will not be re-advertised or re-notified, or the notification period may be reduced. This is at the discretion of Council.

If an application is withdrawn and a subsequent application is made, the new application will be advertised or notified in accordance with this section, as if the previous application had not been made.

3.4.2 Section 96 modified applications

Section 96 (1) modifications involving minor error, misdescription or miscalculation

Applications for modification involving minor error, misdescription or miscalculation are not required to be notified.

Section 96 (1A) modifications involving minimal environmental impact

Section 96 (1A) applications will generally not be notified. However, 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 may notify the proposed modification under this section as follows:

- Written notice to adjoining land owners and occupiers.
- The notification period is fourteen (14) calendar days.

If Council considers the application will cause an increased environmental impact, the application may be amended to a Section 96 (2) application and be advertised and notified in accordance with this section.

The above process may be varied at the discretion of Council.

Note: The *EP&A Regulation* also specifies requirements for notification of Section 96(1A) modification applications where the development consent has been granted by the Land and Environment Court.

Section 96 (2) other modifications

Applications received under Section 96 (2) shall be advertised and notified in the same manner as the original development application. All persons who made a submission to the previous development application shall also be notified in accordance with this section.

Note: The *EP&A Act* and the *EP&A Regulation* specifies additional advertising and notification procedures for Section 96 (2) modification applications.

Section 96 AA modification by consent authority of consents granted by the court

Applications received under Section 96 of the *EP&A Act* in respect of a development application determined by the Land and Environmental Court shall be notified and advertised as per the Section 96 (1A) modifications involving minimal environmental impact (see above).

3.4.3 Section 82A (review) applications

Applications under Section 82A may require:

- re-notification to previous persons who made a submission; and/or
- re-advertisement and/or notification in the same manner as the original application, if the development application is amended and considered to have greater impact than the original development application.

3.4.4 Notification of building certificate application

Council may notify adjoining owners and occupiers where it is considered that the development, works and/or structures cause adverse impact.

Where written notice is given, it shall be for a minimum of fourteen (14) days.

3.5 Provisions for other development

3.5.1 Deficient applications

A deficient application is considered to be an application which is difficult to interpret, significantly departs from Council's planning controls and fails to include all required forms etc. Where Council considers an application to be deficient, Council reserves the right to not notify that application.

3.5.2 Prohibited development

Any application for use or development that is prohibited under the provisions of *Auburn LEP 2010* shall not be notified.

3.5.3 Delegations

Some development applications are determined under delegation of authority at Council. A copy of the delegations is available at Council. These delegations do not form part of this section and may be amended by way of Council resolution.

3.5.4 NSW Land and Environment Court appeals

In the event of an application being refused, either on its merit or because the application is inadequate or incomplete and is subsequently subject to an appeal to the Land and Environmental Court, persons who made submissions shall be notified of the appeal.

3.5.5 Notification of adjoining local government areas

Where Council considers that there are adjoining properties located outside the boundaries of the Auburn LGA which will be affected by development in the Auburn LGA, Council shall endeavour to notify those properties in accordance with this section.

3.5.6 Public notification of development consents

The Council shall give written notice 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.

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

3.6 Procedures

3.6.1 Advertising procedures

The notification period for all development applications to be advertised and or notified shall commence a day after the date of the letter.

Development to be advertised will require a notice or notices to be placed in the relevant local newspaper (e.g. the Auburn Review).

Advertisement in the local and or metropolitan (if relevant) newspaper shall contain the following information as a minimum:

- a brief description of the proposal outlining the nature and purpose of the development application;
- name of applicant;
- the address of the proposed development, including the legal description of the land (lot description);
- the application reference; and
- where the development application may be inspected and period of notification.

3.6.2 Notification procedures

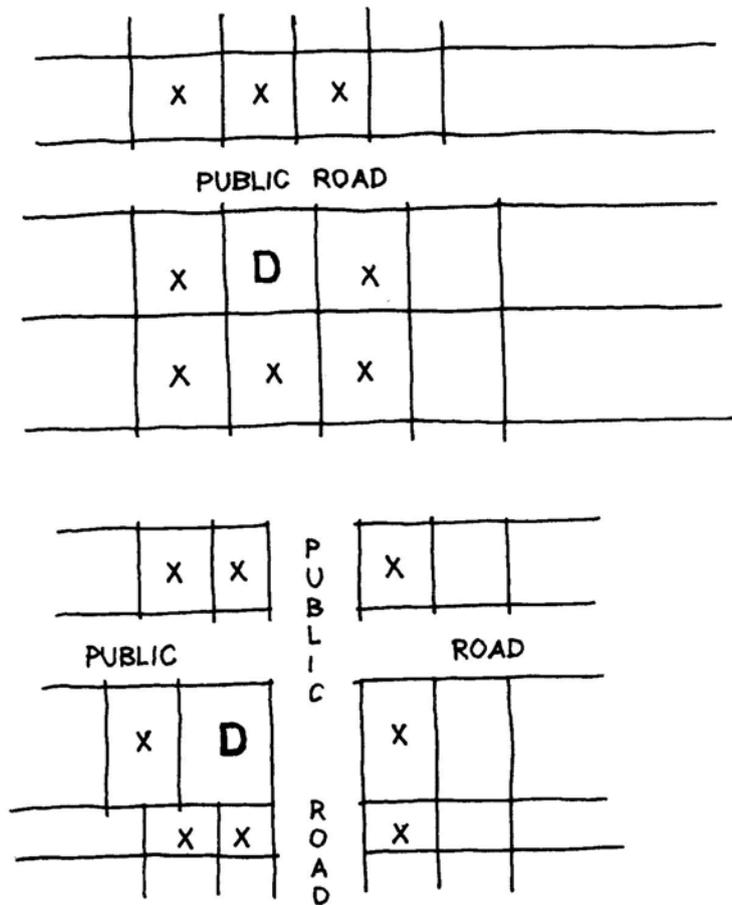
Persons to be notified

The following are minimum requirements for notification:

- For buildings of single ownership, notification will be to the building owner;
- Where the parcel of adjoining or opposite land is under more than one ownership, notification will be sent to one owner; and
- For strata title buildings, notification will be to the:
 - Owners corporation. Subject to compliance of the owners corporation, a notice will be placed in the foyer of the strata building, and
 - Owners of the strata units and occupiers within the building that adjoins the proposed development (at the discretion of Council).

Areas to be notified

The areas to be notified are outlined in Figure 1. This area shows minimum requirements and may be increased at the discretion of Council, depending on the nature and likely impact of the proposal.



Key:

- D Development site
- X Properties to be notified

Figure 1 – Properties to be notified.

Method of notification

- a. Written notice (e.g. letters of notification) must contain as a minimum the following information:
 - identification/description of the relevant parcel of land (lot description and address);
 - a description of the proposed development;
 - name of applicant;
 - the registered number of the application;
 - an A4 size plan including a site plan and the elevations of the building (if relevant);
 - shadow diagrams (where applicable);
 - details of the place where the guidelines and entitlements of respondents can be viewed or accessed;

- the place and times the application can be inspected and submissions made;
 - the closing date for submissions;
 - an invitation to make a written submission;
 - Council address, telephone and email contact including the name of the assessing officer;
 - date of the notification letter;
 - length of notification period; and/or
 - a statement outlining the privacy rights and that submissions will be disclosed to any person requesting information under the Freedom of Information guidelines or alternatively seeking access to Council's documents under Section 12 of the *Local Government Act 1993*.
- b. Council has discretion whether to:
- notify fewer properties than described in the diagram;
 - notify properties beyond adjoining properties;
 - extend the notification period;
 - place a public notice in a local newspaper;
 - exhibit plans at other public venues;
 - hold a public meeting/workshop etc;
 - consult with relevant community groups; and/or
 - provide additional advice in the written notice.

3.6.3 Notification at the development site

When notice is required on the site, the following information shall be on the notice:

- development application number;
- the name of the applicant;
- site address of proposed development;
- a brief description of the development;
- advertising period and the period in which the application can be inspected and submissions made;
- a contact person within Council and the telephone number of that person;
- an invitation to make a submission; and
- the date of the notice.

3.6.4 Other forms of notification and advertisement

The details of the applications on notification and/or advertisement may be placed on exhibition on Council's website and at the Council's Customer Services Centre, Auburn Library and/or the library closest to the proposed development.

3.6.5 Period of public exhibition

- a. The notification and advertising period for development is as specified in Table I – Advertising and notification requirements.

- b. The notification and advertising period may be varied at the discretion of Council after considering the scale, intensity and location of development, likely impact of the development on adjoining or nearby residents, and the level of public interest or likely public interest in the proposal.
- c. The exhibition period may be extended to take into account public holidays.
- d. The notification period for re-exhibition of amended plans may be reduced from fourteen (14) days where in the opinion of Council, the amendments are of a minor nature with minimal effect on local amenity.

3.6.6 Circumstances where notification of an application may be dispensed with

- a. If a development application is amended, substituted, or withdrawn and resubmitted;
- b. Council has notified/advertised the original application in accordance with this section;
- c. Council is of the opinion that the amended, substituted, or resubmitted application differs only in minor respects from the original application, and does not result in a greater environmental impact or reduced levels of amenity to adjoining or nearby residents; and
- d. Council may decide to dispense with further notification/advertising in relation to the amended, substituted or resubmitted application at the discretion of the council for the management of assessment of the application.

3.7 Submissions for advertising and notification

3.7.1 Submission period

The submission period will be in accordance with the notification period specified in the notification or advertisement.

The newspaper advertisement will refer to the development application and accompanying material as being on exhibition for a stated period of days with the closing date for submissions being at the end of the stated period.

If the period finishes on a weekend, the period is to be extended to the Monday immediately after the weekend. The period may be increased if the consent authority considers that a longer period shall be given.

3.7.2 Making a submission

Any person may make a submission within the submission period to either object to or support a proposed development. Submissions must be in writing and delivered to Council either by person, post, facsimile or e-mail.

Submissions must be received by Council before the close of business on the last day of the exhibition period or otherwise determined by Council. Consideration of late submissions will be at the discretion of Council.

All submissions received in the correct manner during the submission period will be taken into consideration in the determination of the application. The terms of any submissions will be summarised in the assessment of the development application and the merits of all relevant matters will be considered.

Council is not bound to adopt or support a submission when making its determination.

As a minimum, submissions shall include the following:

- clear identification of the subject property;
- the development application number;
- clear indication of the name, address and telephone number, email, facsimile of the author and the contact details of the respondent during business hours (to enable Council to notify the author in advance if the matter is to be considered at a Council meeting);
- reasons for the objection (this shall be brief and to the point and refer to the specific application);
- other relevant documents (e.g. surveys, plans or photographs); and
- correspondence which may suggest ways in which a proposal might be changed to address their objections.

3.7.3 Petitions

When Council receives a petition in respect of a development application, Section 96 or Section 82A application, the head petitioner, or where not nominated, the first petitioner will be acknowledged for the purpose of future contact.

Where a petitioner or contact is not nominated, one will be selected by Council. Only the head petitioner will be advised of Council meetings or receive confirmation of the determination of an application.

3.7.4 Disclosure of submissions

All submissions are subject to a request for access by interested persons under section 12 of the *Local Government Act 1993* or under the *Government Information (Public Access) Act 2009*. If such a request is received, the submission(s) – including names and addresses of submitters – will be made available for inspection.

A request for personal information to be suppressed by Council can be made under section 58 of the *Privacy and Personal Information Protection Act 1998*. Council will consider these requests in accordance with this Act. The final determination of such requests will be made by the General Manager.

The information contained within submissions is intended for the use by Council staff only. The information will be retained by Auburn City Council and stored within its central records system under the control of its Business and Finance Department.

3.7.5 Copyright

Copies of plans will not be copied or made available other than through public viewing.

3.7.6 Acknowledgment of submissions

All submissions will be acknowledged as soon as practicable, after receipt by Council. If the application is to be considered at a Council meeting, Council may notify the person who made the submission.

If the matter is to be determined at a Council meeting, contact will be made with the person who made the submission, provided the daytime contact details (e.g. telephone number, facsimile and or email) have been provided in the submission.

Best endeavours will be made to ensure that all persons who have provided their day time contact details will be contacted prior to determination of the application to be considered by Council.

It is however noted that the onus is on the person who made the submission to seek information about the meeting dates, times and or agenda from the officer responsible for the application or from the Council website.

In the event of a rescission motion being lodged, those persons having made a submission and the applicant will be notified of this either by telephone, mail, email or facsimile.

3.7.7 Anonymous submissions

Anonymous submissions will not be considered by Council.

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