

Part A

Preliminary Information



PART A PRELIMINARY INFORMATION

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A1 Introduction

About this part:

This part provides the detailed statutory and preliminary information related to the operation of this development control plan, what is required in submitting a development application and Council's advertising and notification requirements.

Applies to:

All land in the Greater Taree Local Government Area

Date adopted by Council:

14 October 2009

Effective date:

25 June 2010

Related Policy / Technical Manual:

Nil

A1.1 The name of this plan

This plan is the Greater Taree Development Control Plan 2010.

A1.2 Purpose of the Development Control Plan (DCP)

This Development Control Plan (DCP) has been prepared in accordance with section 74(C) of the Environmental Planning and Assessment Act, 1979 (the Act) and with the Environmental Planning and Assessment Regulation 2000.

The purpose of this DCP is to:

- Expand upon the aims, objectives and other provisions of the Greater Taree LEP 2010;
- Provide detailed planning and design objectives and performance criteria to guide the built form, environmental and social amenity standards and requirements for development within Greater Taree City Council;
- Provide area specific development controls within local area plans.

Under section 79(C) of the Act, the consent authority is required to take into consideration the relevant provisions of this DCP in determining an application for development in Greater Taree.

A1.3 Where this plan applies

This plan applies to all land within the Greater Taree Local Government Area.

A1.4 What is the commencement date of this DCP?

This Greater Taree Development Control Plan 2010 was adopted by Council on 14 October 2009 and came into force upon the gazettal of the Greater Taree Local Environmental Plan 2010.

A1.5 Relationship to other plans and policies

The provisions contained in this DCP are in addition to the provisions of the Greater Taree LEP 2010. This DCP should be read in conjunction with the Greater Taree LEP 2010. If there is any inconsistency between this DCP and the Greater Taree LEP 2010, the LEP will prevail.

A1.6 General aims and objectives

The key aims of this plan are to:

- o Achieve a high architectural standard of development that is sympathetic with the environment;
- o Achieve a high level of environmental and social performance for all development;
- o To provide a framework of considerations against which development proposals can be consistently measured.

The objectives of this plan are to:

- o Ensure development responds to the features and qualities of the subject site;
- o Ensure development responds to the character and qualities of the surrounding neighbourhood;
- o Maximize the environmental performance of the development;
- o Minimize the negative impacts on the amenity of the adjoining properties;
- o Encourage quality, innovative and sustainable design.

A1.7 Structure of this development control plan

This DCP is divided into a number of parts, as follows:

Part A	Preliminary Information
Part B	Character Statements
Part C	Subdivision Requirements
Part D	Environmental Requirements
Part E	Flooding Requirements
Part F	Heritage Requirements
Part G	Car Parking and Access
Part H	Residential Requirements
Part I	Commercial Requirements
Part J	Rural and Environmental Zone Requirements
Part K	Industrial Requirements
Part L	Local Area Plans
Part M	Site Waste Minimisation and Management
Part N	Landscaping Requirements
Appendices	

A1.8 How to use this development control plan

When undertaking development you are to follow the requirements of Parts A to E, G, M and N which apply to all developments.

Specific development provisions in Parts F, H, I, J, K and L relate to the type of development being undertaken or the location.

If your development is within a heritage conservation area or proposes any changes to a heritage item, you will also need to follow the requirements of Part F.

A1.9 Can the controls (performance criteria of the DCP) be varied?

Each section provides an explanation of the criteria and a range of objectives and performance criteria to meet these objectives. All development must meet the objectives. Where a variation is sought from the specific performance criteria or requirement of this DCP, the development application must:

- Include strong justification for each variation;
- Demonstrate how the objective of the provision is achieved.

Each application will be considered on its merits. The application may be refused despite compliance with set standards.

A1.10 Where can I get more information?

For further information about this DCP contact:

Council's Customer Service Department on (02) 6592 5399 during normal business hours.

Visit Council's website at www.gtcc.nsw.gov.au, or
Email gtaree@gtcc.nsw.gov.au

A2 Submitting a development application

This section sets out the requirements for determining if a Development Application (DA) is required and how to lodge a DA.

In addition, applicants are advised to refer to the State Government **State Environmental Planning Policy Exempt and Complying Development Codes 2008 (CODE SEPP)**, which makes provision for a wide range of development as either exempt or complying development. Further information is available on www.legislation.nsw.gov.au

A2.1 Do I need to submit a DA?

Applicants are advised to refer to the State Government State Environmental Planning Policy Exempt and Complying Development Codes 2008 (CODE SEPP), which makes provision for a wide range of development as either exempt or complying development.

Applicants are advised to ensure that the proposed development is a permitted use within the zone applying to the site under the current Greater Taree Local Environmental Plan.

Exempt

Some minor development, known as Exempt Development is permitted to be undertaken without the need for a Development Application. Applicants are to refer to the Exempt Development schedule within the current Greater Taree Local Environmental Plan for the types, limits and requirements of exempt development.

Complying

A range of frequently occurring minor development may be undertaken as Complying Development. Applicants are to refer to the Complying Development schedule within the current Greater Taree Local Environmental Plan for the range of development and the associated limits and requirements of complying development. These applications are lodged under a Complying Development application.

Planning Proposal

Development requiring the rezoning of land for uses not currently permitted within the zone applying to the site under the current Greater Taree Local Environmental Plan requires a planning proposal application. Applicants are strongly advised to discuss these proposals with Council staff prior to undertaking any studies or lodging an application.

Future expansion of urban development areas will be guided by the objectives and directions of the Mid North Coast Regional Strategy (as prepared by the State Government) for urban expansion. Applicants are advised to review and understand the context and strategic requirements of this strategy.

A2.2 Preparing a development application

Applicants are strongly advised to use the services of a fully qualified Town Planning professional, Architect, Building Designer, Landscape Architect and/or Engineer as they may be required to address a range of issues relevant to the particular development proposal.

In addition, applicants are also advised to seek the advice of Council's Regulatory Services staff in the initial phase of concept design

development of the development application. By doing so, applicants may avoid omitting important information and thereby ensure that Council has sufficient information to allow it to process the application.

A2.3 Lodging a development application

Council requires the submission of the following information as a **minimum**. It should be noted that in various circumstances, Council may require additional information to that stated to assess an application. The Environmental Planning and Assessment Act confers the right of Council to request additional information after lodgement of the Development Application if the Council determines that such information is necessary for the proper assessment of the proposal.

The minimum requirements include:

- Completed Application Form
- Application Fees
- Owners Consent
- Development Plans
- Statement of Environmental Effects and supporting information
- A4 sized version of plans for neighbour notification purposes
- BASIX Certificate
- Other Plans/Documents/Reports (as required).

Refer to Council's website for the full list of requirements.

Applicants are advised to seek the advice of Council's Regulatory Services staff in order to determine the extent of information required to accompany their Development Application.

Applicants may lodge their plans in person at Council's Administration Centre at 2 Pulteney Street, Taree.

Development consent is obtained by lodging a Development Application for approval in accordance with the provisions of the Environmental Planning & Assessment Act 1979. Appropriately detailed plans must be submitted in conjunction with completed Development Application forms. These forms are available at Council's Customer Service counter.

A3 Notification and public participation

A3.1 Introduction

This section sets out the requirements and procedures for the public advertising and notifying of development applications for local development.

Publicity given to local development proposals either through notifying or press advertising is intended to allow the community the opportunity to inspect development proposals and make informed submissions on these plans.

Objectives

- Outline the procedures undertaken by Council for the public notification of development applications.
- Ensure notification is carried out in accordance with the Environmental Planning and Assessment Act, the Environmental Planning and Assessment Regulations and applicable Environmental Planning Instruments.
- Provide a mechanism to ensure that when people or their properties are considered potentially affected by development applications, they are advised of that application for development.
- Provide an opportunity for people when their property is considered potentially affected by development proposals to have their written submissions considered when a development application is being determined by Council.
- Ensure consistency and fairness in the manner in which Council deals with development applications.
- Detail the form that notification will take and the requirements for notification.

Applicants and designers are encouraged to voluntarily consult with the adjoining landowners prior to lodging an application. Such consultation enables the applicant to understand the concerns of affected parties and for these concerns to be taken into account early in the design process and may minimize delays in the processing of an application.

This section identifies Council's commitment to meet certain standards for public notification. Council may however, decide to extend any notification standards beyond the requirements as outlined, if warranted by a particular development proposal or plan.

In forming an opinion to notify adjoining owners, Council will consider potential impacts on the use and amenity of their land, including such matters as:

- Impact on views,
- Access to sunlight, privacy,
- Impact of noise, odour, light,
- Visual impact, streetscape and local character,
- Traffic and access.

A3.2 Development applications

A3.2.1 What public notice may be used?

Public notification may include:

- Direct written notification – a letter to specified persons likely to be affected by a development proposal, or where relevant a Council plan;
- Published notice in the local newspaper;
- Exhibition notice – details of a development proposal or plan are placed on public exhibition for a specified period of time, to be available for inspection in person by any members of the public;
- Site notice erected on the site of a proposed development where required by the EP&A Act;
- Web page information published in the Council website www.gtcc.nsw.gov.au;

In addition, if the development proposal or the draft plan is likely to generate broad community interest, the Council may also:

- Notify or advise beyond the requirements;
- Consult with relevant interest groups;
- Arrange public meetings, presentations, open days or other public forums; and/or
- Send media releases to the media agencies.

A3.2.2 How long will the notification and exhibition period be?

Notification is where Council writes to those people identified as requiring notification, advising of the submission of a development application. Notification is for a minimum period of 14 days.

Advertising is where Council, in addition to writing to those people required to be notified, places an advertisement in a local newspaper advising of the submission of a development application. Advertising is for a minimum period of **14 days** unless otherwise specified by legislation or Environmental Planning Instruments in the case of Integrated, Designated and Advertised Developments.

Note: The notification period for advertised applications starts on the day after the advertisement is placed in the local newspaper.

The notification period of any notified or advertised application may be extended if, in the opinion of Council, it would be in the public interest to do so.

A fee is payable at the time of lodgement of a development application for both notification and advertising. The fee charged is in accordance with Council's adopted Fees and Charges at the time of lodgement.

A3.2.3 Procedures for development that requires notification or advertising

The requirements for notification of development applications are:

1. A written notice from Council to the adjoining landowner/s in all areas, (and occupiers within an urban area), containing the following information:
 - a description of the land (including the address) on which the development is proposed to be carried out;
 - the name of the applicant;
 - a description of the proposed development;
 - a statement that the application and the documents accompanying that application may be inspected at the Council's principal office during the Council's ordinary office hours during the exhibition period; and
 - a statement that any person may make a written submission in relation to the development application to the Council within the exhibition period.
2. Any written notice given may also be accompanied by a copy of the plans of the proposed development (excluding floor plans).

A3.2.4 What development does not have to be notified?

Notification and advertising will not be required for development applications involving:

1. New works in any zone involving alterations to an existing approved building which will not result in changes to the height, elevations or façade of the existing building;
2. Development, which in the opinion of Council will not detrimentally affect the amenity of persons on adjoining and neighbouring land; or
3. Include the following development types:
 - Rural agricultural land use activities (except intensive livestock agriculture) permissible within RU1, RU2, RU3 and RU4 zones;
 - Single dwellings and ancillary structures within RU1, RU2, RU3 and RU4 zones;
 - Buildings ancillary to agriculture which are not complying development within RU1, RU2, RU3 and RU4 zones;
 - Advertising signs (except illuminated signs);
 - Demolition of buildings (except heritage items);
 - Industrial development within the IN1 and IN2 zones (except where the site adjoins R1, R2, R3, R4, R5, or RU5 zoned land);
 - Change of use in B1, B2, B3, B5, B6 or B7 zones from a shop to a shop, an office to an office, a shop to office or an office to shop;
 - Single storey additions;
 - Re-cladding of roofs and walls of existing approved buildings, but only where non-reflective materials are used; and
 - Boundary adjustments.

A3.2.5 Amendment of development applications & modification of development consents

Prior to the Issue of Development Consent

An applicant may amend a development application at any time prior to the final determination of the application. Council may use its discretion in deciding to dispense with advertising and notification requirements where:

- a development application is amended, substituted or withdrawn and later replaced before it has been determined by Council; and
- the Council has complied with the requirements of this Part in relation to the original application; and
- Council is of the opinion that the amended, substituted or later application differs only in minor respects from the original application.

Otherwise the development application will be re-advertised and/or re-notified in accordance with the provisions of this Part.

After the Issue of Development Consent

Minor Modifications (Section 96(1))

Council may, on application, modify a development consent to correct a minor error, misdescription or miscalculation.

There are no advertising or notification requirements for minor modifications.

Modifications involving minimal environmental impact (Section 96(1A))

Council may, on application, modify a development consent where modifications involve minimal environmental impact, if:

1. It is satisfied that the proposed modification is of minimal environmental impact; and
2. It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all); and
3. It has notified the application in accordance with:
 - a. the regulations, if the regulations so require, or
 - b. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent; and
4. It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Modifications, which in the opinion of Council will not detrimentally affect the amenity of persons on adjoining or neighbouring land, do not have to be notified.

Applicants should be aware that there are special requirements for any consent issued for land containing threatened species issues.

Other Modifications (Section 96(2))

Council may, on application, modify a development consent if:

1. It is satisfied that the development to which the consent as modified relates is substantially the same development; and
2. It has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted and there has not within 21 days after consultation, been any objection to the modification; and
3. It has notified the application in accordance with the regulations; and
4. It has considered any submissions made concerning the proposed modification within the prescribed period.

All development applications for other modifications will be notified in the same manner as the original development application.

Applicants should be aware that there are special requirements for any consent involving requirements for threatened species.

Section 82A Reviews

All applications made under Section 82A of the Environmental Planning and Assessment Act, 1979 for a review of determination of development applications will be notified for a period not exceeding 14 days, in the same manner as the original development application, including notification to any objectors.

A3.2.6 Integrated development

If the development is **Integrated Development** (as defined by Section 91 of the Environmental Planning & Assessment Act 1979), the written notice must:

- contain a statement that the development is integrated development, and
- state the approvals that are required and the relevant approval bodies for those approvals, and
- in the case of development that impacts on threatened species, contain a statement to that effect.

If the development is **Nominated Integrated Development** (for the purposes of Clause 5(1) (b) of the Environmental Planning & Assessment Regulation 2000 1979), the periods referred to above are to be increased to **30 days**. Nominated Integrated Development is development that requires an approval from an external authority under the following legislation:

- the Heritage Act
- the Protection of the Environment Operations Act, and
- the Water Management Act.

A3.2.7 What development gets advertised

Where development is for any of the following purposes, written notice complying with the above shall also be published within a locally circulating newspaper in addition to any written notice from Council to the adjoining landowner/s in all areas, and occupiers where within an urban area:

- major community or public facilities whether publicly or privately owned (including hospitals, libraries, schools, universities, sports and entertainment facilities);
- public buildings in Residential and RU5 zones;
- major development on Council owned or controlled land;
- major shopping and retail centres;
- major transport infrastructure, interchanges and transport depots;
- hotels, taverns, licensed clubs and places of public entertainment;
- caravan parks, mobile home parks and manufactured home estates;
- places of assembly and reception centres;
- churches or similar places of worship;
- motels;
- neighbourhood centres;
- the demolition of a heritage item;
- the demolition of a building or work within a heritage conservation area;
- the use of a building or land which is a heritage item;
- buildings exceeding 14 metres in height measured from natural ground level to the uppermost point of the building;
- non-designated development extractive industries (State Environmental Planning Policy No. 37 – Extractive Industry);
- any development application accompanied by a Species Impact Statement; and
- commercial water based activities.

A3.2.8 Designated development

Designated Development is certain types of significant development e.g. concrete batching plants, large breweries/distilleries; listed in Schedule 3 of the Environmental Planning and Assessment Regulations.

All Designated Developments must be advertised for a minimum period of 30 days and in accordance with the special advertisement procedures listed in the Environmental Planning and Assessment Regulations.

Other Advertised Development

Legislation or Environmental Planning Instruments may make certain types of development advertised, e.g. remediation of contaminated land which is 30 days advertising as per SEPP 65.

All other Advertised Developments must be advertised for a minimum period of 14 days unless otherwise specified by legislation or an Environmental Planning Instrument.

Notification requirements for amended approvals

An applicant may lodge an application to amend an approval, pursuant to Section 96 of the Environmental Planning and Assessment Act, if the approval as amended will be substantially the same as the original approval.

Council will not notify amendments lodged under section 96(1) or 96(1A) that involve:

- minor error, misdescription or miscalculation.
- minimal environmental impacts.

Council will notify all amendments lodged under Section 96(2) of the Environmental Planning and Assessment Act.

Council will advertise all amendments lodged under Section 96(2) of the Environmental Planning and Assessment Act where the amendments are to an approved Designated Development listed in Schedule 3 of the Environmental Planning and Assessment Regulations.

Note: Notwithstanding the above, all amendments may be notified or advertised if, in the opinion of Council, it would be in the public interest to do so.

Submissions made on the original application will be included in Council's assessment of the amended application.

Council reserves the right to notify any development, which it considers is of a form, scale or type, which may generate neighbour or community interest or potential impacts.

A3.3 Submissions

A3.3.1 Inspection of application & accompanying information

During the submission/exhibition period, any person may inspect the development application or draft plan and any accompanying information. Copies or extracts may be taken only as authorised by relevant legislation. A photocopy fee will be charged in accordance with Council's Schedule of Fees and Charges.

Extracts of an application can be requested (height and external configuration – no internal floor plans) in accordance with Section 12 of the Local Government Act 2003.

A3.3.2 Making of submissions

During the submission period, any person may make written submissions to Council with respect to the development application or draft plan.

When making a submission to Council in response to a development proposal or plan, the submission should:

- Be in writing and addressed to the General Manager;
- Clearly indicate the name and address of the person making the submission and a daytime contact number;
- Clearly indicate the application number and address of the development application or draft plan;
- Detail any objections or support and give reasons for the objection(s) or support;
- And may be delivered by hand, mailed, emailed or faxed to:

The General Manager
Greater Taree City Council
2 Pulteney Street
Taree NSW 2430
Fax: 6592 5311
Email gtaree@gtcc.nsw.gov.au

A3.3.3 Can I look at the plans of the proposed development or building?

External configurations may be viewed at the Customer Service counter, during Council's business hours.

A3.3.4 Acknowledgement of submissions

Council will formally acknowledge submissions on any development proposal or plan.

A3.3.5 Submission period

The closing date for submissions is the same as the exhibited period in the case of development proposals. For draft plans, the closing date may be later and will be specified in letters and advertisements.

A3.3.6 Late submissions

Acceptance of late submissions will be considered in extenuating circumstances, and at the discretion of the Council officer assessing the proposal until the determination of the proposal.

A3.3.7 Anonymous submissions

Anonymous submissions will not be accepted. Persons making submissions may, however, request that their name and contact details not be released by Council, but only to the extent permitted by the Government Information (Public Access) Act 2009.

A3.3.8 Public access to submissions

Submissions are not confidential documents. Any interested person may view or obtain copies of submissions, and Council provides no assurance that the name and contact details of the persons making submissions will not be obtained by applicants or other interested parties in the event of any application made for the release of information under the Government Information (Public Access) Act 2009.

*Note:
Further
information
on **Council
meetings** can
be obtained
from Council's
website:
www.gtcc.nsw.gov.au*

Apart from Council staff assessing the applications, members of the public, including the applicant, property owner and other persons lodging submissions may inspect submissions (excluding author's name and address):

- At the Customer Service counter during Council business hours.
- If referred to the Council meeting, following a Council resolution on the agenda or business paper item for such meeting.
- If the application is determined by Council staff, once the determination has been made (i.e. consent or refusal issued).

A3.3.9 Consideration of submissions

Council must consider all submissions received in the submission period before determining a development proposal or plan and Council must also consider all issues raised in the submissions in assessing the proposal.

A3.3.10 Notification of a Council meeting

If an application or Council plan is placed on the Council meeting agenda, the applicant and any person who made a written submission (other than petitions) will be notified of the time and date of the Council meeting. Persons may request to speak for or against each agenda item.

A3.3.11 Referral to submissions in reporting

Names and addresses of people making submissions are not generally referred to directly in reporting; however, persons making submissions are advised that this information is public information.

A3.3.12 Notice of determinations

Council will send a letter notifying of the determination of an application, as soon as possible following the determination, to each person that made a submission.

A3.4 Public notification procedures

A3.4.1 Fees and charges

Council's Management Plan identifies fees and charges for each of the categories of advertising/notification identified in this report.

Also, Council will charge its normal copying fees for plan details sent with neighbour notification letters if these do not accompany applications submitted for local development or other modification of development consents lodged with Council after commencement of this plan.

A3.4.2 Site notices

Where required by the Environmental Planning and Assessment Act or Regulation, a notice will be placed on the site for certain proposed developments. In general terms, such developments are designated developments.

A3.4.3 Notification over public holidays

It is noted that for applications lodged in December the exhibition period will be extended to ensure that members of the public are given adequate notice of applications over the extended public holiday period.

A3.4.4 Additional notification plans with development applications

To assist the neighbour notification process under this part, Council may specify the number of copies of plans and supporting documentation to be lodged with development applications. This may include a mixture of A4 and A3 size copies of plans as specified by Council in the particular instance.

Summary of what notification applies to selected development?

Type of application or plan	Letter to adjoining owners in all areas and occupiers in urban areas	Advertising in local paper	Advertised on Council's website	Notice on the site	Notification period
Development Applications					
Development Applications (generally)	Yes				14 days
Notified Development Applications (as in part A3.2.2)	Yes	Yes		No	14 days
Designated Development Applications	Yes	Yes		Yes	30 days
Integrated Development Applications	Yes	Yes			30 days
Review of determinations	As per the original application				
Council prepared plans or policies					
Local Environmental Plans	Yes	Yes	Yes		28 days
Development Control Plans	Yes	Yes	Yes		28 days
Modifications to a consent					
Type 96(1) minor modification	No	No	No	No	N/A
Type 96(1A) modification involving minimal environmental impact	Only where determined necessary by Council	No	No	No	N/A
Type 96(2) other modifications	Only where previously notified and as per the original DA	Only where previously advertised and as per the original DA	Only where previously advertised and as per the original DA	Only where previously notified and as per the original DA	Time period as notified previously