

# yass valley council



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## **YASS SHIRE COUNCIL**

# **DEVELOPMENT CONTROL PLAN (COMMUNITY CONSULTATION)**

**being a policy relating to local development applications**

The General Manager  
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## **INTRODUCTION**

This document outlines Council's policy for community consultation in the assessment of development and subdivision applications. This document also outlines the necessary procedures involved in carrying out such consultations and applies to the whole of the Yass local government area.

## **DATE OF COMMENCEMENT**

This plan was adopted by the Council on the 23 of February 2000 and commences on 15 March 2000.

## **OBJECTIVES**

The objectives of this policy are to:

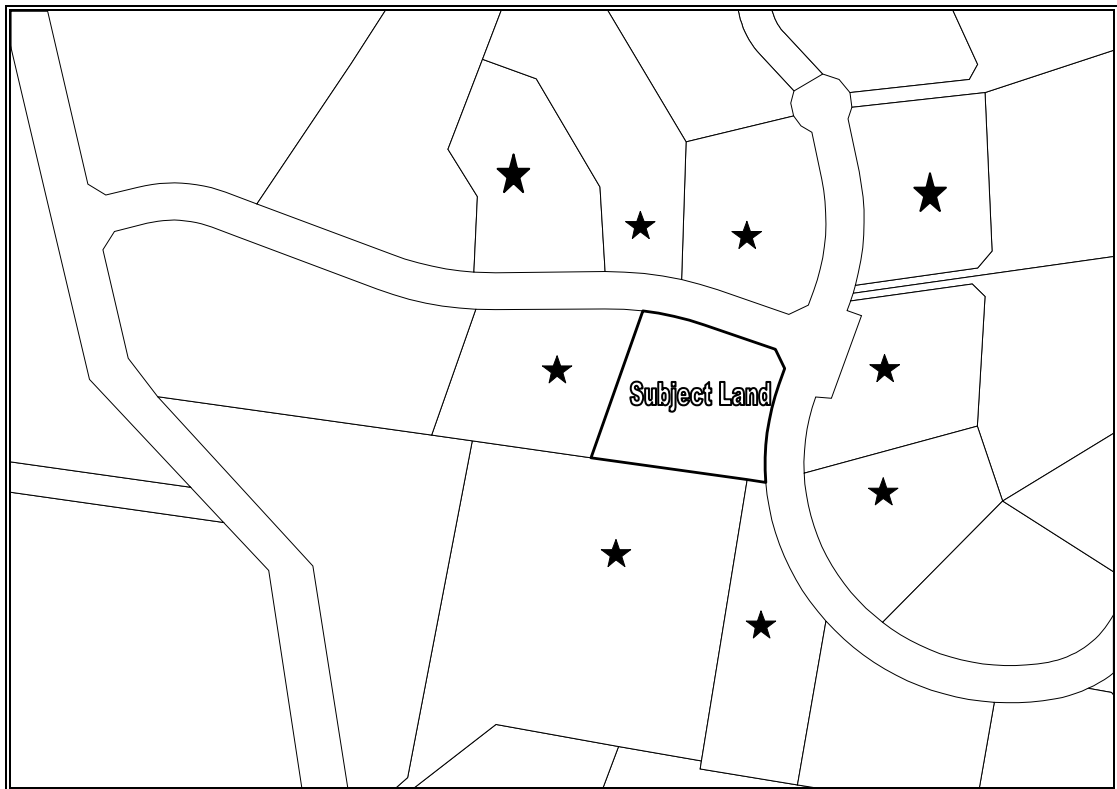
- Establish a comprehensive and consistent process for community consultation;
- Ensure that the community is consulted during the decision making process and that submissions received are considered by Council;
- Ensure that decision-making is undertaken in a wider and more informed context, especially having regard to the environmental, social and economic impacts associated with development.

## **COMMUNITY CONSULTATION**

All adjoining and adjacent property owners, who may be affected by a building, subdivision, or other development shall be notified in writing and provided with the opportunity to provide comment to the Council. In this regard, certain

activities are generally considered to be minor and unlikely to adversely affect adjoining or adjacent property owners. These may be exempt from requiring notification. Details of exemptions may be found within this policy under the heading "Development exempt from Notification". For development that requires notification, the following persons must be notified:

- Those persons who own land either immediately adjoining to the side and rear boundaries or immediately opposite the subject land (see Figure 1);
- An association for a community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act, 1989 or a body corporate for a parcel within the meaning of the Strata Titles Act, 1973 or the Strata Titles (Leasehold) Act, 1986;
- Where a written assessment has been made by Council or its delegated officers that the enjoyment of any other land may be affected by the proposed development:
  - the owners of such land;
  - the owners of land separated only by a pathway, driveway or similar thoroughfare from the proposed development.
- Where a written assessment has been made by Council or its delegated officers that community interest in a development proposal may be wider than the immediate vicinity of the development site, notification may be given in local newspapers or local community forums.



*Figure 1: Notification to adjoining and adjacent neighbours (properties marked with a ★ will be notified).*

### **CRITERIA FOR NEIGHBOUR NOTIFICATION**

The extent of neighbour notification will be determined having regard to the following:

- The siting of the building and its proximity to boundaries;
- The design of the building, and in particular its height, bulk and scale and its relationship to the character of the existing development in the vicinity and the streetscape;
- The use of proposed rooms and the possible effect on adjoining land due to overlooking and loss of privacy;
- The views to and from adjoining land;
- Natural drainage of the site, and possible changes in response to the proposed works and the impacts that this may have on adjoining properties;
- The likelihood of the adjoining land being detrimentally affected by noise;

- Any relevant matter or criteria in a local approvals policy adopted by Council;
- Any relevant matter for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979.

### **FORM OF NOTICE**

A written notice from the Council shall contain the following information:

- The property description or address of the site affected by the application;
- A description of the specific development for which approval is being sought;
- The name of the applicant;
- An invitation to inspect the application;
- Details of where the application may be inspected;
- A statement that any person may make a submission to the Council in writing;
- The time within which written submissions will be received;
- Advice that:
  - the substance of written submissions may be included in a report to Council; and
  - Council is subject to Freedom of Information legislation and that copies of written submissions may be made available to any person entitled

to lodge an application under this legislation

### **PLANS TO ACCOMPANY NOTICE**

Notice of development applications relating to building matters must be accompanied by a plan illustrating the height and external configuration of the building/structure in relation to the site on which it is proposed to be erected.

Notice of development applications relating to subdivision matters must be accompanied by a copy of the proposed subdivision layout in relation to the existing allotment layout.

Copies of plans and details enclosed with notification to adjoining and adjacent property owners will be available to any interested person free of charge.

### **EXHIBITION PERIOD**

An application shall be available for inspection upon request from the date of notice of the application for a minimum period of twenty one (21) days or such additional period as determined by the Director of Planning and Environmental Services or delegate.

During the period of exhibition, any person may inspect, free of charge, during the ordinary office hours of Council, an application which has been notified whether or not that person has been, or is entitled to be, given notice under the provisions of this policy.

Extracts of a development or subdivision application:

- sufficient to identify the applicant and the land to which the application relates; and
- containing a plan of the proposed building/structure or subdivision that indicates the height and external configuration, as erected in relation to the site on which it is to be erected, or proposed allotment boundaries for subdivision;

will, upon request, be made available to all interested persons free of charge.

## **SUBMISSIONS**

Submissions in respect of an application must be received by Council within twenty one (21) days of the date appearing on the notice of the application or, alternatively, within such additional period as may be determined by the Director of Planning and Environmental Services or delegate.

A submission may be made by any person whether or not that person has been, or is entitled to be, given notice under the provisions of this policy.

Submissions must be made in writing and if by way of objection, must state the reasons for objection. All submissions must be addressed to the General Manager.

All submissions will be acknowledged.

## **COUNCIL MUST CONSIDER ALL SUBMISSIONS**

In determining applications, Council and/or delegated officers of Council, must consider all submissions received within the period allowed for making submissions under the provisions of this policy.

However, nothing in this policy prevents Council or its delegated officers from considering submissions, which are received outside the nominated period, but received prior to the application being determined.

## **DETERMINATION OF APPLICATION**

Any person who makes a submission in relation to an application that has been notified must be advised, in writing, of Council's decision.

## **EXEMPTIONS - BUILDINGS**

If, in the opinion of Council or its delegated officers, a development is of a minor nature and persons will not be detrimentally affected by a proposed building/structure after its erection, then the Council need not follow the Community Consultation procedures identified in this policy. Circumstances that may give rise to Council not following the Community Consultation procedure set out in this policy include:

- the proposal involves an application for:
  - Exempt or Complying Development;

- a single storey dwelling-house (other than a second-hand dwelling); or
- single storey alterations and additions to an existing dwelling-house (which has been lawfully approved), awnings, pergolas or outbuildings

where there is no variation required from Council's standard policies relating to setbacks and the application is considered to be in keeping with accepted community standards and the existing local environment.

- Minor commercial or industrial additions that are considered to be in keeping with surrounding developments and the local environment;
- Where all relevant and likely affected property owners have advised Council, in writing, that they raise no objections to the proposal and Council, or its delegated officers after considering Section 79C of the Environmental Planning and Assessment Act, 1979, consider that the enjoyment of the adjoining land is unlikely to be affected;
- Amendments to the application made in response to submissions received;

**EXEMPTION – OTHER DEVELOPMENT AND SUBDIVISION**

The following exemptions apply in respect of subdivision applications:

- Applications for the first occupation of retail, commercial or industrial premises (other than those considered to have a significant effect on the surrounding property owners);
- Applications for the erection of an advertising sign that is located on the premises to which the sign relates;
- Subdivision, being the re-division of land, where a Right of Carriageway does not benefit the land over other lands not owned by the applicant.

**FURTHER INFORMATION**

Further information concerning the application of this policy may be obtained by contacting Council's Planning and Environmental Services Directorate:

PO Box 6  
YASS NSW 2582

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Facsimile: (02) 6226 2598  
E-mail: [Council@yass.nsw.gov.au](mailto:Council@yass.nsw.gov.au)  
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