Queanbeyan Development Control Plan 2012
Part 1
About this DCP
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<th>Adopt</th>
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</tr>
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<tbody>
<tr>
<td>PRINCIPAL PLAN</td>
<td>New DCP</td>
<td>This DCP repeals and replaces a number of previous DCP’s</td>
<td>25 July 2012 171/12</td>
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<td>26 June 2013 0122/13</td>
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<td>PI Strategy Committee of the Whole 14 June 2017</td>
<td>8 November 2017</td>
<td>28 November 2017</td>
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<td>Amendment No. 4</td>
<td>Review of DCP</td>
<td>Update to reflect Biodiversity Conservation ACT 2016, drafting changes and correction of errors</td>
<td>PI Strategy Committee of the Whole 8 August 2018</td>
<td>PI Strategy Committee of the Whole 10 October 2018</td>
<td>30 October 2018</td>
<td>30 October 2018</td>
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</table>
Part 1 About this Development Control Plan

1.1 Introduction

The Queanbeyan Local Environmental Plan 2012 (QLEP 2012) was gazetted on 23 November 2012. It provides the statutory framework for land use management in Queanbeyan. This Development Control Plan (DCP) was prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (the Act) and the Environmental Planning and Assessment Regulations 2000 (the Regulations).

This DCP was prepared to support the provisions of QLEP 2012 and to provide a clear and concise structured set of DCP guidelines to replace the large group of DCP’s that previously existed. The guidelines and development standards contained in this DCP outline an acceptable solution to development form and location. However, Council may consider variations to the guidelines should alternative acceptable solutions be proposed.

Where variations to this DCP are proposed a written request needs to be made to Council. The onus is on the applicant to demonstrate by plans and written submissions that the design principles and/or relevant objectives will not be compromised by such a variation. Innovation and creativity in satisfying the design principles is encouraged. Each application will be assessed on its merits having regard to the relevant legislation. Developments that cannot substantiate the variations will result in a request for redesign to comply with the provisions of this DCP.

1.2 Purpose of this DCP

The purpose of this DCP is to provide detailed to assist Council in exercising its environmental assessment and planning functions under the Environmental Planning and Assessment Act 1979.

The DCP:

1. Expands upon the aims, objectives and other provisions of the Queanbeyan Local Environmental Plan 2012.
2. Provides detailed criteria for the assessment of development applications.
3. Repeals and replaces former development control plans made under the previous Queanbeyan Local Environmental Plan 1998 and Yarrowlumla Local Environmental Plan 2002.
4. Consolidates and condenses the contents of the previously existing development control plans within a single document.
5. Identifies certain development as advertised development and notification requirements in accordance with section 74C(c) of the Environmental Planning and Assessment Act 1979.

1.3 Statutory Context

1.3.1 Title

This plan is called Queanbeyan Development Control Plan 2012 (QDCP 2012).
1.3.2 Status
The DCP is:
1. A development control plan prepared under Section 3.6 of the Environmental Planning and Assessment Act 1979.
2. A policy of the Council that is required to be available under Schedule 1 of the Government Information (Public Access) Regulation 2009.

1.3.3 Relevant Local Environmental Plan
This DCP supplements the provisions of the Queanbeyan Local Environmental Plan 2012.

1.3.4 Relationship with any Environmental Planning Instrument (EPI)
The DCP generally conforms to the provisions of the Queanbeyan Local Environmental Plan 2012. This includes particular provisions which are noted in the relevant parts throughout the DCP. However in all cases development application also needs to comply with the relevant provision of Queanbeyan Local Environmental Plan 2012.

In the event of any inconsistency between this DCP and the QLEP 2012 or other EPI including a State Environmental Planning Policy (SEPP) then the QLEP 2012 or the other EPI will prevail to the extent of the inconsistency.

1.3.5 Relationship to Other Plans, Policies and the Like
Council currently has a number of other relevant policies in relation to undertaking developments in Queanbeyan. These policies should also be reviewed to ensure that any proposed development is consistent with the aims and objectives of those policies (for example, Council’s Outdoor Dining Policy). All policies can be reviewed on Council’s website at https://www.qprc.nsw.gov.au/Resources-Documents/Adopted-QPRC-policies

In addition, parts of this DCP also rely on various publications which provide technical assistance. These are under separate cover and include Australian Standards, National, State or regional guidelines and the like.

1.3.6 Commencement
This DCP commenced on 21 December 2012 with the most recent amendments coming into effect on 30 October 2018 as set out in the amendment schedule on page 3.

1.3.7 Previous Development Control Plans
This DCP:
  a) Repeals:

<table>
<thead>
<tr>
<th>DCP</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>49</td>
<td>Exempt and Complying Development</td>
</tr>
<tr>
<td>26</td>
<td>Southbar Estate Stage VIII</td>
</tr>
</tbody>
</table>

  b) Repeals DCP and replaces:

<table>
<thead>
<tr>
<th>DCP</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Car Parking Policy</td>
</tr>
<tr>
<td>3</td>
<td>Cookes Estate</td>
</tr>
<tr>
<td>10</td>
<td>Thornton’s Estate</td>
</tr>
<tr>
<td>12A</td>
<td>Greenleigh Estate</td>
</tr>
</tbody>
</table>
### Where the DCP Applies

This DCP applies to all land within the City of Queanbeyan where *Queanbeyan Local Environmental Plan 2012* (Map 1) applies excluding land release areas which have their own DCP, such as Googong and South Jerrabomberra.

### How the DCP Applies To Development

#### Development that Needs Consent

This DCP applies to all development that may only be carried out with development consent.

#### Development That Does Not Need Consent

It is the intention of Council to also take the provisions of this DCP into account when determining activities under Part 5 of the *Environmental Planning and Assessment Act 1979*. Council similarly recommends that other public authorities should take this DCP into account when determining activities under Part 5 of the *Environmental Planning and Assessment Act 1979*. 
Map 1 – Area to which this DCP applies
1.4.3 Variation to this DCP

The controls contained in this DCP should be complied with. However, there may be outstanding circumstances (context or site specific) where a minor variation in development standards may be justified.

Council may consider variations to developments standards where it is demonstrated that the objectives of the DCP and the objectives of the particular development standard can be achieved without detriment.

Any applicant wishing to vary a standard in this DCP must request a variation in writing, providing a detailed justification for the request and evidence that a better design outcome will result from the variation. Council will not approve any variation unless it is fully satisfied with the argument for non-compliance.

1.5 Contents of the DCP

1.5.1 DCP Structure

This DCP is divided into 7 Parts as follows:

- **Part 1 About This DCP** - Outlines the purpose, principal aims, statutory context, background and contents of this entire DCP.

- **Part 2 Development Provisions – All Zones** provides detailed objectives, and requirements relating to various development control elements for all development applications made under *Queanbeyan Local Environmental Plan 2012*. These elements include: car parking; access and servicing; contaminated land management; flood planning; landscaping; soil, water and vegetation management; environmental management; bush fire hazard reduction; safe designs; subdivisions; height of buildings; airspace operations; and development in areas subject to airport noise.

- **Part 3 Development Provisions – Residential Zones** provides detailed objectives, and requirements relating to various development control elements for certain forms of residential development and specific design requirements for specific locations within residential zones under *Queanbeyan Local Environmental Plan 2012*. This part contains four sub parts relating to:
  - single dwelling houses (Part 3A);
  - secondary dwellings (Part 3B);
  - dual occupancy, multi dwelling housing and residential flat buildings (Part 3C); and
  - shop top housing (Part 3D).

- **Part 4 Development Provisions – Heritage and Conservation** provides detailed objectives, and requirements relating to separate development control elements for all development applications made under *Queanbeyan Local Environmental Plan 2012* within Heritage and Conservation areas and on heritage sites listed in Schedule 5 Environmental Heritage of *Queanbeyan Local Environmental Plan 2012*.

- **Part 5 Development Provisions – Rural and Environmental Zones and R5 Large Lot Residential Zones** provides detailed objectives, and requirements relating to various development control elements for all development applications made under *Queanbeyan Local Environmental Plan 2012* on land within Rural, Environmental and R5 Large Lot Residential Zones.

- **Part 6 CBD and Other Business Zones** – provides detailed objectives, and requirements relating to development control elements for all development applications made under *Queanbeyan Local Environmental Plan 2012* within the Central Business District and other land zoned Business.

- **Part 7 Development Provisions – Industrial Zones** provides detailed objectives, and requirements relating to development control elements for all development applications made under *Queanbeyan Local Environmental Plan 2012* within Industrial Zones.
1.6 How to use this Development Control Plan

The following steps provide a guide for using this plan:
1) Check the zone and land use table within the Queanbeyan Local Environmental Plan 2012. This DCP applies to all development permissible with consent.
2) Check the proposal in terms of compliance with Part 2 of this plan. These provisions apply to all zones of the Queanbeyan Local Environmental Plan 2012.
3) Check the proposal in terms of Parts 3 and 4 (if applicable).
4) If the proposed development is located within the Central Business District, another Business Zone or an Industrial Zone – check the development in terms of Part 7 or 8 (whichever is relevant).

1.7 Information required for a Development Application

1.7.1 Development Application Form

All development applications must be accompanied by a completed application form and the following. In addition the information in clause 1.7.2 must also be supplied.

1) Owners Consent
   a) The consent of all owners of the property must be lodged with the development application. If the owner is a company or owners corporation, the Managing Director must sign on behalf of the Company.
   b) A fax copy followed up by an original owner’s consent is acceptable. Council has an owner’s authorisation form for this purpose.

2) Development Application Fees
   a) All relevant fees must be paid within seven days of lodgement of the development application. A tax invoice will be provided to you upon acceptance of your Development Application.

3) Disclosure of Political Donations and Gifts Statement to Council
   a) The reference on the development application form referring to ‘Disclosure of Political Donations and Gifts Statement to Council’ is to be completed by ALL applicants and owners.

More information and copies of relevant forms can be found on Council’s webpage at https://www.qprc.nsw.gov.au/Building-Development/The-DA-process

1.7.2 Information Required for the Lodgement of a Development Application

The following plans and details are required with the lodgement of any development application:

1) Site Plans – (three copies plus three reduced A4 copies for notification purposes).
2) Architectural Plans – (three copies plus three reduced A4 copies (except floor plans) for notification purposes).
   a) Floor Plan (existing and proposed).
   b) Elevations, including angle of roof pitch and height of ridges.
   c) Section views.
   d) Schedule of external colours and materials.
   e) Finished floor levels.
   f) Proposed finished levels of the land.

3) Contour Plan – contour plan signed by a registered surveyor for new building work on vacant land.
4) Stormwater/Drainage Details
5) Statement of Environmental Effects – A Statement of Environmental Effects (SEE) is the written documentation which outlines the specifics of the development. For most types of developments Council has a standard pro-forma. These can be found on Council’s website. In certain circumstances the development may require more specific
consideration and a written statement must be prepared. These must at minimum include:

a) Description of the site including a property description.
b) Description of the proposed development including all proposed works.
c) Details of compliance with the relevant environmental planning instruments i.e. *Queanbeyan Local Environmental Plan 2012*.
d) Describe how the development controls have been achieved or provide written justification to vary any development standard contained in the DCP.
e) Details of how the development satisfies the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*.

6) **Driveway** – Provide a driveway long section on your plans where there is a one metre or more level difference between the garage and front boundary.


8) **Shadow Diagrams** – To be provided for residential development with two or more storeys and for any development that may impact on residential amenity for 9.00am, 12 noon and 3.00pm on 21 June.

1.7.3 **Supplementary Information which may be required with Your Development Application**

The following reports may be required depending on the nature of the proposed use, and the site. Advice can be provided at pre-lodgement stage as to which of the following are required with the application:

a) Traffic Report.
b) Parking Assessment.
d) Archaeological Report.
e) Flood Study.
f) Landscape Plan.
g) Flora and Fauna.
h) Geotechnical Report (including non-potable water capability study)
i) Preliminary Land Contamination Report.
m) Bushfire Assessment.
n) Detailed kitchen design for commercial kitchens
o) Environmental Management Plan
p) Environmental Impact Statement
q) Details of proposed signage, including colours, elevations, locations, size and dimensions.
r) Model and Photo Montage – The best way to convey information to members of the public who are unfamiliar with reading plans is by way of a model or photo montage. In addition a photo montage indicates how the new building will sit within the existing streetscape. For proposals where *SEPP 65 – Design Quality of Residential Flat Buildings* applies, a model is required and two photo montages indicating:
   i) How the building will appear in the immediate streetscape.
   ii) How the building will appear from a more distant vantage point (approximately 500m away).
1.7.4 Site Analysis Plan

A site analysis plan may also be required. A site analysis plan demonstrates a good understanding of the site and its surround. A site analysis puts the site in its context for both the design and evaluation of the proposal. A site analysis plan forms the basis for the Statement of Environmental Effects in providing evidence that the options investigated have resulted in the optimum use, rather than the maximum use of the site.

The extent of the information required will be dependent on the type and scale of the proposed development. Additional information may also be required for specific sites where there are particular opportunities and constraints caused by the characteristics of the site itself or the surrounding area.

The site analysis may be presented in a number of ways, depending on which method best presents site characteristics, e.g. a notated plan at a suitable scale or in text form with graphics and photographs. The site analysis will identify the opportunities and constraints of a particular site and the relevant surrounding area.

There also needs to be an explanatory statement. The explanatory statement must explain how the proposed development has responded to the Site Analysis.

**Information required for a site analysis** (Address where necessary and appropriate)

**Site survey**

**Plan information**
- a) (scale 1:100 or 1:200),
- b) north point,
- c) name and qualification of person preparing site analysis

**Existing site features**
- a) location and use of buildings,
- b) structures showing those to be retained and removed,
- c) location and heights of walls and fences,
- d) Shaded areas from structures, trees, etc,
- e) archaeological and heritage sites,
- f) easements and rights of way and restrictions

**Services**
- a) overhead and underground utility services

**Use of adjacent land and its features landform**
- a) topography,
- b) contours at 1 metre intervals and spot levels,
- c) natural features,
- d) orientation of site

**Soils (forming the basis of a Soil, Water and Vegetation Management Plan),**
- a) depth of topsoil and subsoil,
- b) pH,
- c) condition (fertility, compacted, cut or filled),
- d) potential erosion problems,
- e) contamination

**Plants**
- a) individual or stands of trees, mass shrub planting with height and spread,
- b) condition and names,
- c) significance,
d) ground levels,
e) extent of weed infestation,
f) any “endangered ecological community” on the site and nearby,
g) how plants will be removed

**Wildlife**

a) habitats on the site and nearby,
b) fauna habitat possibilities

**Climate**

a) direction of summer and winter winds,
b) windbreaks,
c) frost hollows,
d) areas of shade during winter and summer at 9.00am, 12.00 midday and 3.00pm,
e) bushfire threat
f) Water (forming the basis of a Soil, Water and Vegetation Management Plan) sources of water flowing onto and off the site, quality, drainage patterns,
g) areas of concentrated run-off, ponding, potential flooding
h) adjoining riparian zones

**Council controls**

a) That is how the proposed development addresses Council’s controls such as Zoning, restrictions, setbacks, building envelopes or height restrictions.

### 1.7.5 Erosion and Sediment Control Plan (ESCP)

An Erosion and Sediment Control Plan may be required to be submitted. An ESCP should contain a drawing that clearly shows the site layout and, where appropriate, the approximate location of BMP’s and other matters listed below. Where these drawings are to scale, the scale should be at least 1:500 or larger. A narrative should accompany the drawings that describes how erosions control and soil and water management will be achieved on site, including ongoing maintenance of structures.

The following background information should be presented on the drawing(s):

- location of site boundaries and adjoining roads,
- approximates grades and indications of direction(s) of fall,
- approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities),
- existing and proposed drainage patterns with stormwater discharge points,
- north point and scale.

On the drawing or in a separate commentary, show how the various soil conservation measures will be carried out on site, including:

- timing of the works,
- location of lands where a protective ground cover will, as far as is practicable, be maintained,
- access protection measures,
- nature and extent of earthworks, including amount of any cut and fill,
- where applicable, the diversion of runoff from upslope lands around the disturbed areas,
- location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology,
- location and type of proposed erosions and sediment control measures,
- site rehabilitation proposal, including schedules,
- other site-specific soil or water conservation structures.

**Example of Erosion and Sediment Control Plan for a residential dwelling**

![Diagram of erosion and sediment control plan for a residential dwelling]
1.7.6 Construction Certificate

If you choose to use Council to issue the Construction Certificate you need to submit a completed Construction Certificate application form and three copies of plans, including structural engineering plans signed by a Practising Structural Engineer.

Before submitting your development application to Council, please ensure the required information is provided at the time of lodgement. Failure to provide all information and attach the relevant supporting documents will cause unnecessary delays in the initial lodgement and ensuing assessment processes and may lead to rejection of the development application.

1.8 Public Notification of a Development Application

Before considering a development application (this excludes complying development applications), Council will notify the proposal in accordance with the following table. This plan does not prescribe any notification requirements for Complying development applications.

1.8.1 Notification and Advertising of Applications and Notification Period

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Advertised Development under the Act</th>
<th>Notice in Local Newspaper</th>
<th>Notice to Adjoining Owners</th>
<th>Notification Submission Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Development</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>All residential encroachments within front building setback</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Development in a residential zone involving more than 1m excavation and occurring within 900mm of a side or rear boundary</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Dwelling Houses Two (2) storey (excluding complying development and dwellings in rural zones with significant separation distance in the opinion of Council)</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Dual Occupancy</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Fences over 1.2m in height within front building setback</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Fences over 1.8m on side and rear boundaries</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Multi Dwelling Housing (excluding dual occupancy)</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Residential Flat Building</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Secondary Dwelling (where consent is required)</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Type of Development</td>
<td>Advertised Development under the Act</td>
<td>Notice in Local Newspaper</td>
<td>Notice to Adjoining Owners</td>
<td>Notification Submission Period</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>-------------------------------------</td>
<td>---------------------------</td>
<td>---------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Second Storey Dwelling Additions/Balconies or High Level Balconies above 1.2m height</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Shop top housing</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Zero lot line walls—any dwelling or garage/shed wall on the boundary or within 900mm of the boundary</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td><strong>Commercial Development</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brothels</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Change of use where “Existing Use Rights” (as defined in S 106 of the EP &amp; A Act) are involved</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Child Care Centres</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Commercial/Industrial development where a wall on the boundary will impact on adjoining windows/openings on the same boundary</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Education Establishment</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Home Activities/Home Industries</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Hospitals</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Livestock – Intensive livestock keeping establishments (not Designated Development)</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Major industrial and commercial developments that are generally not in keeping with the established scale and character of surrounding development</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Non-residential use residential zone</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Place of Assembly in a Residential zone</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Place of Worship in Residential zone</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Restricted Premises</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Type of Development</td>
<td>Advertised Development under the Act</td>
<td>Notice in Local Newspaper</td>
<td>Notice to Adjoining Owners</td>
<td>Notification Submission Period</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
<td>--------------------------------------</td>
<td>---------------------------</td>
<td>---------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Telecommunications Facilities, High Impact (i.e. Tower)</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Heritage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development involving a local Heritage Item</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Development in a Heritage Conservation Area where the work is highly visible from</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>the street</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development involving State significant Heritage Item (Integrated Development)</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>30 days</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development that requires an Environmental Impact Statement and/or Species Impact</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>30 days</td>
</tr>
<tr>
<td>Statement under the EP&amp;A Act and Regulations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development where, in the opinion of Council, it would be in the public interest</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>to notify the application</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Earthworks - major earthworks and land forming operations</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Integrated Development as identified in S91(1) of the EP&amp;A Act</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>30 days</td>
</tr>
<tr>
<td>Modifications</td>
<td>Refer to cause 1.8.5 of this DCP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Environmental Planning Policy (Seniors Living)</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Subdivision of land – excluding strata title subdivisions and boundary adjustments</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
<tr>
<td>Type of Development</td>
<td>Advertised Development under the Act</td>
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<tr>
<td>---------------------</td>
<td>-------------------------------------</td>
<td>--------------------------</td>
<td>---------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Variation to Building Envelope</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>14 days</td>
</tr>
</tbody>
</table>

1.8.2 Notification on Council’s Website

In addition to the method of notification and advertising above, notice will be given on Council’s website – [www.qprc.nsw.gov.au](http://www.qprc.nsw.gov.au) for the duration of the submission period.

1.8.3 Notice in Newspaper

Notice will be by advertisement in a local newspaper which is circulated through the majority of Queanbeyan City.

1.8.4 Notifying an Amendment to a Development Application Prior to Determination

An applicant may amend a development application at any time prior to the determination of the application. In these instances if the original development application was notified or advertised Council will, prior to Council’s determination of the development application, re-notify or re-advertise:

1) Those persons previously notified of the original development application.
2) Those persons who made submissions to the original development application.
3) Any other property owners who, in the opinion of Council, may be affected by the amended development application.

The notification and advertising period for an amended development application is the same as the original notification.

If in the opinion of Council the amendments are minor, or will result in no additional impacts the amendments will not require advertisement or notification.

1.8.5 Notification Requirements for Modifications

Section 4.55 of the *Environmental Planning and Assessment Act, 1979* identifies three types of modifications to an application which has been given development consent:

1) Minor modifications Section 4.55(1) of the *Environmental Planning and Assessment Act 1979*. Council may, on application being made to it, modify development consent to correct a minor error, misdescription or miscalculation. There are no public advertising or notification requirements for minor modifications.

2) Modifications of minimal environmental impact Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. Council may, on application being made to it, modify development consent where the changes are of minor environmental impact. Where Council receives an application for modification of 'minimal environmental impact', Council retains the discretion to dispense with public advertising or notification. This discretion applies in circumstances where Council is of the opinion that the modification will have no impact upon adjoining property owners, or no additional impact upon those persons previously notified at the time the development application was originally lodged.

3) Other modifications Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. Council may, on application being made to it, modify a development consent if:

   a) It is satisfied that the development to which the consent as modified relates is substantially the same development; and
b) 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

c) It has notified the application in accordance with the regulations; and

d) It has considered any submissions made concerning the proposed modification within the prescribed period.

Where Council receives an application for ‘other modifications’ and the application complies with the matters listed above, the advertising and/or notification requirements are the same as for the original application as if the provisions of this Plan applied to it. There is no shortened advertising or notification process for application for ‘other modifications’ to development consents.

However, in circumstances where Council is of the opinion that the modification will have no impact upon adjoining property owners or the general community, or no additional impact upon those persons previously notified at the time the development application was originally lodged, Council retains the discretion to dispense with advertising or notifying the modification.

1.8.6 Persons to be Notified by Letter

If required, a letter of notification advising of the development application must be forwarded to:

1) Such persons as appear to the Council to own or occupy the land adjoining and opposite the site to which the development application relates (unless it can be determined that the land adjoining the development site is vacant, therefore having no occupier, at the time of notification);

2) Such public authorities (other than relevant concurrence authorities or approval authorities) as, in the opinion of the Council, may have an interest in the determination of the application; and

3) Such other persons as appear to the Council to own or occupy land, the use or enjoyment of which, in the Council’s opinion, may be detrimentally affected if the development is carried out.

A letter of notification of the public advertising or notification of a development application to the owner of adjoining or potentially affected land will be posted to the address of the owner recorded in Council’s rates register.

Occupiers of the land on which the development is taking place are not affected persons for the purpose of notification.

1.8.7 Notification Area

Council will decide the notification area for applications having regard to the nature of the proposed development and the surrounding environment. However, the minimum notification area for all applications will include all properties sharing a common boundary with the subject property, separated from it only by a pathway, driveway or similar thoroughfare and opposite to the development proposal.
1.8.8 Notification to the Owners

Where land is a parcel created under the *Community Land Development Act 1989* or *Strata Title Act 1973* or *Strata Titles (Leasehold) Act 1986*, a written notice to the governing association as well as individual owners within the scheme will be undertaken.

Where more than one person is listed as the owner of the land a written notice to one of the owners is taken to be a notice to the owner.

Those notified are invited to comment within the notifying/advertising period. In making any decision, Council will take into account matters raised in any submissions received. During the advertising period interested parties are invited to come and view the plans to provide relevant comments on the proposal. The minimum period of time for submissions is shown below.

1.8.9 Deadline for Council to Receive Submissions

Submissions relating to a notified or advertised application must be lodged with Council by 4.30pm on the final day of the notification period.

Receipt of written submissions will be acknowledged in writing by Council.

1.8.10 Extension of Notification Period

For notified and advertised applications lodged between mid December and mid January or where the size, nature, potential impact, or public interest of the development warrants, the notification period will be extended by an additional seven days (e.g. a normal 14 day notification period will be extended to 21 days etc.).

Please contact the Sustainability and Better Living Division for further information regarding extended notification periods.

1.8.11 Late Submissions

Late submissions will only be accepted at Council’s discretion.
1.8.12 Submissions to be made Public Documents

The substance of written submissions will be included in development application reports compiled by Council as required by Section 79C of the *Environmental Planning and Assessment Act 1979*. These will become public documents and in the case of applications referred to a Council meeting, the name and address of the person making the submission will be part of the information included in Council’s Business Paper.

1.8.13 Consideration of Submissions

Council must consider all submissions made before it determines an application.

The applicant will be advised of the terms of any objection if requested. The applicant, by appointment is entitled to read all submissions received. An applicant will be encouraged to resolve differences with the objector prior to Council’s determination of the application.

1.8.14 Determination Process Where Submissions are Lodged

Where a development application has been publicly advertised or notified and one or more written submissions, by way of objection have been received, the determination of the application will follow the process below:

1) The assessing officer will review the submissions to determine the validity of the concerns raised. Where the development satisfies Council’s LEP and DCP’s and the concerns raised are not deemed to be valid or are unsound or are of a nature that can be remedied through a condition of consent or the applicant has agreed to modify the development plans the development application will be determined under Delegated Authority of Council by an Authorised Officer.

2) Where in the opinion of the assessing officer significant valid concerns have been identified and where such concerns are unable to be resolved by staff or the applicant is unwilling to modify the development to overcome such concerns the application will be reported to a Council meeting for determination.

3) The applicant and each person who lodged a submission will be notified (by letter) of the date and time of the Council meeting and be advised of their right to attend and make representations to Council during question time.

4) Prior to the meeting an inspection of the property may be arranged by Council staff inviting applicants and submitters to address Councillors and Council staff.

5) Any presentation to Council, whether by an applicant or submitter shall be carried out in accordance with Council’s Code of Meeting Practice.

1.8.15 Notification of Council’s Determination

Council will notify each person who made a submission in respect of Council’s determination of the application including a copy of that determination notice.

1.9 Fees and Contributions

A number of fees and contributions may be required to be paid to Council at various stages of the assessment of the application as follows:

*Development Application fees* are based on the estimated cost of the development and must be paid at the time of lodgement of the application.

*Advertising Fees* meet the cost of advertising in the local press and providing written notification to nearby affected property owners, in accordance with Council’s adopted notification policy. They must be paid at the time of lodgement of the application.

*Developer Contributions* are a monetary contribution in lieu of the physical provision of public amenities and services. They must be paid prior to commencement of works.