

## Public Participation

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### PART E Public Participation

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### **1.0 INTRODUCTION**

#### **1.1 Objectives**

The principal objectives of public participation are to implement the aims and objectives of Holroyd LEP 1991 and fulfil the requirements of the EP&A Act, relating to public participation by:

- a) Identifying the types of development for which public participation will be invited;
- b) Identifying the types of development for which the public will be notified but comment not invited;
- c) Outlining the procedures by which development applications (DA) submitted to Council (for which public participation is invited) are advertised and notified;
- d) Outlining the procedures undertaken by Council for public notice of draft local environmental plans (LEPs) and LEP amendments, draft development control plans (DCPs), draft Section 94 Contributions Plans, draft local environmental studies (LESs) and draft Precinct Plans (PPs); and
- e) Outlining the procedures to be taken by private certifiers to notify adjoining owners of proposed complying development.

Other objectives of this section are to:

- a) Provide a consistent and integrated approach to the public participation process;
- b) Ensure that public consultation is an integral part of Council's decision making process by providing the community with a reasonable opportunity to comment on proposed developments and draft plans and studies;
- c) Ensure an efficient development assessment process by providing a logical timeframe for community consultation and the determination of DAs; and
- d) To ensure that the appropriate owners and/or occupiers are notified of development occurring on adjoining and adjacent properties.

### **2.0 NOTIFICATION REQUIREMENTS**

#### **2.1 Draft Local Environmental Plans**

After Council receives a certificate under section 65 of the EP&A Act, permitting Council to publicly exhibit a draft LEP, Council shall:

- a) Give public notice of the exhibition of the draft LEP by way of notice in the local newspaper. This notice shall state the place, dates and times that the draft LEP and environmental study (where appropriate) shall be exhibited. This notice shall be placed in the paper on the first day of public exhibition. Additional notices in the local paper through the length of the exhibition period will be at Council's discretion;
- b) State in the notice the period during which submissions about the draft LEP may be made to Council; and
- c) Place the draft LEP on public exhibition for a minimum of 28 days.

Included in this exhibition should be:

- a) a copy of the environmental study (where appropriate);
- b) a copy of any state environmental planning policy, regional environmental plan, or relevant direction under Section 117, applying to the land to which the draft LEP is

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intended to apply. If any such policy, plan or direction applies a statement to the effect that the policy, plan or direction governs the content and operation of the draft LEP;

- c) A copy of the draft LEP and map (where appropriate); and
- d) A copy of the section 65 certificate issued under the EP&A Act permitting Council to advertise a draft LEP.

Council will notify owners and occupiers of properties, which in Council's opinion will potentially be affected by the rezoning. This notification will generally include, but is not limited to, adjoining and opposite owners and occupiers. Such persons will be notified by way of letter of Council's exhibition of the draft LEP.

Advertising fees will be charged on a cost recovery basis, with the exact fee to be determined at the time of advertising.

### **2.2 Draft Development Control Plans**

Following the preparation of a draft DCP Council shall:

- a) Give public notice of the exhibition of the draft DCP by way of notice in the local newspaper. This notice shall state the place, dates and times that the draft DCP shall be exhibited. This notice shall be placed in the paper on the first day of public exhibition. Additional notices in the local paper through the length of the exhibition period will be at Council's discretion;
- b) State in the notice the period during which submissions about the draft LEP may be made to Council; and
- c) Place the draft DCP on public exhibition for a minimum of 28 days.

Included in this exhibition should be:

- a) a copy of the draft DCP; and
- b) a copy of any relevant LEP or deemed environmental planning instrument.

Council will notify owners and occupiers of properties, which in Council's opinion will potentially be affected by the draft DCP. This notification will generally include, but is not limited to, adjoining and opposite owners and occupiers. Such persons will be notified by way of letter of Council's exhibition of the draft DCP.

Advertising fees will be charged on a cost recovery basis, with the exact fee to be determined at the time of advertising.

### **2.3 Draft Section 94 Contributions Plans**

Following the preparation of a draft Section 94 Contributions Plan Council shall:

- a) Give public notice of the exhibition of the draft Section 94 Contributions Plan by way of notice in the local newspaper. This notice shall state the place, dates and times that the draft Section 94 Contributions Plan shall be exhibited. This notice shall be placed in the paper on the first day of public exhibition. Additional notices in the local paper through the length of the exhibition period will be at Council's discretion;
- b) State in the notice the period during which submissions about the draft Section 94 Contributions Plan may be made to Council; and
- c) Place the draft Section 94 Contributions Plan on public exhibition for a minimum of 28 days.

Included in this exhibition should be:

- a) a copy of the draft plan; and
- b) a copy of any supporting documentation.

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### **2.4 Draft Local Environmental Studies**

Generally an LES will be exhibited concurrently with a draft LEP however Council may choose to exhibit a draft LES independently of a draft LEP. In such situations Council shall:

- a) Give public notice of the exhibition of the draft LES by way of notice in the local newspaper. This notice shall state the place, dates and times that the draft LES shall be exhibited. This notice shall be placed in the paper on the first day of public exhibition. Additional notices in the local paper through the length of the exhibition period will be at Council's discretion;
- b) State in the notice the period during which submissions about the draft LES may be made to Council; and
- c) Place the draft LES on public exhibition for a minimum of 28 days.

A copy of the draft LES should be included in this exhibition.

Council will notify owners and occupiers of properties, which in Council's opinion will potentially be affected by the draft LES. This notification will generally include, but is not limited to, adjoining and opposite owners and occupiers. Such persons will be notified by way of letter of Council's exhibition of the draft LES.

Generally an LES will be exhibited concurrently with a draft LEP however an LES may be exhibited independently.

Advertising fees will be charged on a cost recovery basis, with the exact fee to be determined at the time of advertising.

### **2.5 Public Hearings Under Section 68 of the EP&A Act 1979**

If Council decides that a public hearing is to be held under section 68 of the EP&A Act the Council must give notice of the public hearing in the following manner:

- a) By letter to each person who requested a public hearing when making a submission about the draft local environmental plan; and
- b) By a notice in the local newspaper.

The letter or newspaper notice must contain details of the arrangements for the public hearing and must be sent or published, as the case requires, at least 21 days before the start of the public hearing.

Advertising fees for the newspaper notice will be charged to the applicant on a cost recovery basis, with the exact fee to be determined at the time of advertising.

### **2.6 Draft Precinct Plans**

Following the preparation of a draft PP Council will:

- a) Give public notice of the exhibition of the draft PP by way of notice in the local newspaper. This notice shall state the place, dates and times that the draft PP shall be exhibited. This notice shall be placed in the paper on the first day of public exhibition. Additional notices in the local paper through the length of the exhibition period will be at Council's discretion;
- b) State in the notice the period during which submissions about the draft PP may be made to Council;
- c) Place the draft PP on public exhibition for a minimum of 28 days;
- d) Council will notify owners and occupiers of properties, which in Council's opinion will potentially be affected by the draft PP. This notification will generally include, but is not

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limited to, adjoining and opposite owners and occupiers. Such persons will be notified by way of letter of Council's exhibition of the draft DCP; and

- e) Advertising fees will be charged on a cost recovery basis, with the exact fee to be determined at the time of advertising.

### 2.7 Exempt Development

Exempt development is minor development where there will be no need to seek approval provided that certain standards are met.

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Exempt development	Nil	Nil	Nil	Nil	No notice is given as no application is required to be lodged.

### 2.8 Complying Development

Complying development is routine development, which may be certified in its entirety as complying with predetermined standards and policies that will ensure minimum environmental impact.

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Complying development	Nil	Nil	Written notice to adjoining owners upon receipt of an application and again within seven days of the issue of a complying development certificate (see section 2.25.	Certifying Authority	Notices are for information purposes only and do not provide the opportunity for comment.

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### 2.9 Development Applications (Dwelling Houses and Ancillary Development)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Residential development (including dwellings, additions, garages, outbuildings, swimming pools, family support accommodation other than exempt and complying development) other than development described in sections 2.10 and 2.11 of this plan	Fourteen (14) Days	\$40	Written notice to adjoining owners	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining owners by way of a written notice

### 2.10 Development Applications (Dual Occupancies)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Dual Occupancy	Fourteen (14) Days	Up to a maximum of \$830 in accordance with clause 252 of the Environmental Planning & Assessment Regulation 2000*	Written notice to adjoining and opposite owners and occupiers Notice in the local press Notice on the site	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice

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### 2.11 Development Applications (Residential Flat Buildings, Villas and Townhouses and Integrated Development)

Type of development	Advertising / notification period	Advertising fee	Notification process	Notifier	Comments
Residential Flat Buildings, Villas & Townhouses and Integrated Development	Twenty One (21) Days	Up to a maximum of \$830 in accordance with clause 252 of the Environmental Planning & Assessment Regulation 2000	Written notice to adjoining and opposite owners and occupiers Notice in the local press Notice on the site	Council	If re-notification is necessary it will be for a period of fourteen (14) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of written notice.

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### 2.12 Development Applications (Industrial Development)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Industrial development	Nil	Nil	Nil	Nil	Nil
New building adjoining or adjacent to residential development Or Industrial use adjoining or adjacent to residential area outside standard hours of operation	Fourteen (14) days	\$60	Written notice to adjoining and opposite owners and occupiers Notice on the site	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice
Industrial development enjoying existing use rights	Fourteen (14) days	\$60	Written notice to adjoining and opposite owners and occupiers Notice on the site	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice

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Industrial development covered by the provisions of an environmental planning instrument requiring advertising	As required by that specific environmental planning instrument but not less than fourteen (14) days	Up to a maximum of \$830 in accordance with clause 252 of the Environmental Planning & Assessment Regulation 2000	Written notice to adjoining and opposite owners Notice on the site Notice in the local press (as required by that environmental planning instrument)	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice
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### 2.13 Development Applications (Commercial Development)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Commercial development	Nil	Nil	Nil	Nil	Nil
New building adjoining or opposite to residential development	Fourteen (14) days	\$60	Written notice to adjoining and opposite owners and occupiers Notice on the site	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice

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Commercial development enjoying existing use rights	Fourteen (14) days	\$60	Written notice to adjoining and opposite owners and occupiers Notice on the site	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice
Commercial development covered by the provisions of an environmental planning instrument requiring advertising	As required by that specific environmental planning instrument but not less than fourteen (14) days	Up to a maximum of \$830 in accordance with clause 252 of the Environmental Planning & Assessment Regulation 2000*	Written notice to adjoining and opposite owners Notice on the site Notice in the local press (as required by that environmental planning instrument)	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice

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### 2.14 Development Applications (Designated Development)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Designated development	Minimum of thirty (30) days	Up to a maximum of \$1665 in accordance with Clause 252 of the Environmental Planning & Assessment Regulation 2000*	Written notice to adjoining and opposite owners and occupiers Notice on the site Notice in the local press	Consent Authority	Designated development is to be advertised in accordance with the provisions of the EP&A Act & Regulation 2000.

### 2.15 Development Applications (Home Industry)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Home Industry as defined in the Model Provisions	Fourteen (14) Days	Up to a maximum of \$830 in accordance with clause 252 of the Environmental Planning & Assessment Regulation 2000*	Written notice to adjoining and opposite owners and occupiers Notice on the site Notice in the local press	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice

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### 2.16 Development Applications (Demolition or use of an item of Environmental Heritage)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Demolition or use of an item of environmental heritage	Fourteen (14) Days	Up to a maximum of \$830 in accordance with clause 252 of the Environmental Planning & Assessment Regulation 2000	Written notice to adjoining and opposite owners and occupiers Notice in the local newspaper Notice on the site	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice

### 2.17 Development Applications (Childcare Centres)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Childcare centres including additions and changes to the number of places	Fourteen (14) Days	\$40	Written notice to adjoining and opposite owners and occupiers	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice

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### 2.18 Development Applications (Telecommunications)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Mobile telephone base stations and towers	Fourteen (14) Days	Up to a maximum of \$830 in accordance with clause 252 of the Environmental Planning & Assessment Regulation 2000*	Written notice to adjoining and opposite owners and occupiers Notice on the site Notice in the local press	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice

### 2.19 Development Applications (Brothels and Adult Book and Sex Shops)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Brothels and Adult Book and Sex Shops	Fourteen (14) Days	Up to a maximum of \$830 in accordance with clause 252 of the Environmental Planning & Assessment Regulation 2000*	Written notice to adjoining and opposite owners and occupiers Notice on site Notice in the local press	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice

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### 2.20 Development Applications (Amusement Centres)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Amusement centres	Fourteen (14) Days	Up to a maximum of \$830 in accordance with clause 252 of the Environmental Planning & Assessment Regulation 2000	Written notice to the police, adjoining and opposite owners and occupiers Notice on the site Notice in the local press	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice

### 2.21 Development Applications (Professional Consulting Rooms)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Professional Consulting Rooms	Fourteen (14) Days	\$40	Written notice to adjoining and opposite owners and occupiers	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice

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### 2.22 Development Applications (Residential Subdivision)

Type of development	Advertising/notification period	Advertising fee	Notification process	Notifier	Comments
Residential subdivision involving the construction of a roadway	Fourteen (14) Days	Up to a maximum of \$830 in accordance with clause 252 of the Environmental Planning & Assessment Regulation 2000*	Written notice to adjoining and opposite owners and occupiers Notice on the site Notice in the local press	Council	If re-notification is necessary it will be for a period of seven (7) days and will only involve re-notification of adjoining and opposite owners and occupiers by way of a written notice
Other Residential Subdivision	Nil	Nil	Nil	Nil	Nil

\*Note: In regard to development covered by clauses 2.10-2.16, 2.18-2.20 & 2.22, where an "Advertising/Notification Fee" is charged, this fee also covers the cost of re-advertising or re-notifying a development application where amended plans warrant such re-advertising or re-notification, up to a maximum of \$830.

### 2.23 Development Applications (Sensitive Development)

Notwithstanding the earlier provisions of this plan Council may give public notice of a development application if, in Council's opinion, the impacts of the development are such that notification is considered necessary.

### 2.24 Modification of Development Consents

Pursuant to Section 96 of the EP&A Act Council shall, except in the case of minor error, misinterpretation, miscalculation, exempt development or applications deemed to be of minimal environmental impact, readvertise any application to modify an existing development consent in accordance with the relevant clauses 2.9 to 2.22 of this Part E of the DCP.

### 2.25 Contents of Notice to Owners or Occupiers (Complying Development)

The initial notice forwarded to owners upon receipts of a complying development application shall contain:

- a) A description and address of the land to which the complying development certificate relates;
- b) The name of the applicant;
- c) The name and contact details of the Accredited Certifier;

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- d) A description of the complying development;
- e) An A4 reduced scale dimensioned plan showing site layout, elevations and outline plans; and
- f) The notice forwarded to owners following the issue of a complying development certificate shall contain –
  - A description and address of the land to which the complying development certificate relates,
  - The name of the applicant,
  - The name and contact details of the Accredited Certifier,
  - A description of the complying development, and
  - A statement to the effect that a complying development certificate has been issued in accordance with Holroyd LEP 1991 (as amended).

### **2.26 Contents of Notice to Owners or Occupiers (all other notices)**

The notice shall contain:

- a) A description and address of the land to which the application or draft plan relates;
- b) A description of the application or draft plan;
- c) The name of the applicant (in the case of development applications);
- d) A statement that the application or draft plan or study and documents accompanying the application or draft plan or study are in the custody of the Council and may be inspected free of charge at any time during the ordinary office hours of the Council;
- e) The period during which written submissions may be made to the Council;
- f) The name of the relevant contact person at Council and the Council file number;
- g) An A4 reduced scale dimensioned plan showing site layout, elevations and outline plans, together with shadow and/or streetscape diagrams as appropriate (in the case of development applications);
- h) A copy of the draft LEP, either the original or a plain English version (in the case of local environmental plans); and
- i) An indication whether or not a 3D model is available for inspection.

### **2.27 Inspection of Development Applications and Draft Plans and Studies**

A person may inspect, at any time during the ordinary office hours of the Council, free of charge, a Development Application, draft plan or study on public exhibition at the office of Council, during the exhibition period specified in public notice given by Council, or as otherwise determined by the Director of Council's Environmental & Planning Services Department.

A development application on advertising/notification is comprised of a completed application form, plans of the proposed development and any other supporting documentation. Supporting documentation for a development application may include a statement of environmental effects or an environmental impact statement. Any information pertaining to Council's assessment of an application is not available for inspection unless application is otherwise made and determined under the Freedom of Information Act, 1989.

### **2.28 Submissions**

Submissions must be in writing, be addressed to the General Manager, clearly indicate the names, addresses and phone numbers of the persons making the submission, and clearly state the address of the property (in the case of a development application) or the name of the draft plan or study in respect of which the submission is made. Submissions should also quote the relevant Council file number.

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Submissions should be brief and to the point, and refer to a specific application or draft plan or study.

Submissions in respect of development applications and draft plans or studies must be received by Council before the close of business on the last day of the advertising/notification/exhibition period, or as otherwise determined by the Director of Council's Environmental & Planning Services Department.

Persons making submissions should be aware that the details of their submissions may be made public either through Council Reports or the Freedom of Information Act.

## **3.0 NOTICE OF COUNCIL MEETINGS**

### **3.1 Development Applications**

Where a development application is referred to Council for determination, those making submissions, as well as the applicant, will be advised of the date of the Council meeting for which that application is scheduled to be heard, not less than 2 business days before that meeting.

### **3.2 Draft LEP, Draft DCP, Draft Section 94 Contributions Plan, Draft LES and Draft PP**

Following public exhibition of a draft DCP or draft LEP, those who made submissions will be advised of the date of the Council Meeting for which the adoption of the draft DCP will be considered, not less than 2 business days before that meeting.

## **4.0 NOTICE OF DETERMINATION**

### **4.1 Approval or Refusal of Development Application**

The Council will 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.

The notice to the applicant will specify conditions of approval or reasons for refusal.

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

### **4.2 Determination of a development Application that is subject to an application for review pursuant to Section 82A of the Act**

Where an application has been made for a review of a determination of a development application, Council will write to each person who made a submission in relation to that application.

If amended, the notice to the applicant will specify the altered conditions of approval or reason for refusal.

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### **4.3 Refusal of Development Application that are Subject to an Appeal to the Land and Environment Court**

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 Environment Court advertising will be undertaken consistent with the relevant class of development (clause 2.9-2.22 inclusive).

### **4.4 Draft DCP, Draft Section 94 Contributions Plan, Draft LESs and Draft PPs**

Council will notify all persons who made a written submission in relation to a draft DCP as to whether Council decided to proceed with the making of the draft plan or not.

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

### **4.5 Gazettal of LEP**

Upon a draft LEP being published in the Government Gazette Council will notify all persons who made a written submission in relation to the draft LEP. Should Council resolve not to proceed with the making of the draft LEP then Council will notify all persons who made a written submission in relation to the draft LEP of this decision.

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

### **4.6 Prohibited Development**

Any application for a use or development that is prohibited under the provisions of Holroyd LEP will not be publicly exhibited.

### **4.7 Other Matters**

Where the adjoining or opposite land is a parcel under strata or community title, Council will send any notice to persons who appear from Council's records to be the owner of each lot within the parcel.

Where the parcel of adjoining or opposite land is owned by more than one person, Council will give notice to one owner only.