



### 3.2.4 Public Notification and Exhibition of Development Proposals

Certain applications that will not, in the opinion of Council, create any unreasonable impacts on surrounding properties will generally not be subject to any notification, including, but not limited to:

- Change of use applications within Zone B3 Commercial Core and industrial uses in Zone IN1 General Industrial;
- *Dwelling houses, dual occupancies, rural worker's dwellings* and *secondary dwellings* that generally comply with development controls;
- Industrial developments within Zone IN1 General Industrial;
- Commercial developments within Zone B3 Commercial Core;
- Minor boundary adjustments;
- Vegetation management and/or clearing works; and
- Most forms of *signage*.

For applications that require public notification, Ballina Shire Council has a three tier public notification system for development applications as follows:

#### Level 1 - Targeted Notification

This involves a letter being sent to owners and occupiers of those properties which, in the opinion of Council's Assessment Officer, are likely to be unreasonably impacted by the proposed development. Level 1 typically applies to relatively small scale development such as:

- Front fences (that are not exempt development);
- Pontoons;
- Building line and/or setback variations;
- *Dwelling houses, dual occupancies, rural worker's dwellings* and *secondary dwellings* where it is determined that there may be an issue such as impacts on privacy, overshadowing or view loss beyond that which could have reasonably been expected given the planning controls applying in the locality.

#### Level 2 - Three Step Notification

This involves notification by way of letters to adjoining owners and occupiers, site signage and an advertisement in the local newspaper. The exhibition and submission period is usually 14 days but may be longer for more substantial developments. Developments which would normally be treated this way are those which, in the opinion of Council:

- Have the potential to have an unreasonable impact on the amenity of adjoining or nearby land uses and/or residents; and/or
- Are of a scale or intensity beyond that which could reasonably have been envisaged given the planning controls applying in the locality.





Developments which Council would typically subject to this advertising process include, but are not necessarily limited to:

- **Residential accommodation** (other than *dwelling houses*, *dual occupancies*, *rural worker's dwellings* and *secondary dwellings*) that do not comply with the development controls applying in the locality;
- **Tourist and visitor accommodation** (other than *bed and breakfast accommodation*);
- Industries of any kind in residential or rural areas;
- **Sex services premises** and **home occupation (sex services)**;
- Subdivisions (except minor boundary adjustments); and
- Temporary uses.

**Note:**

Temporary uses are uses permitted on land under the provisions of clause 2.8 of BLEP. They include uses that would otherwise be prohibited within the zone applicable to the land. Examples of temporary uses include markets, sporting and community events and the like.

The above list of developments typically subject to advertising is a guide only and is not exhaustive. Advertising of development proposals is at Council's discretion.

**Level 3 - Legislative**

This applies to development applications required to be publicly exhibited by the *Environmental Planning and Assessment Act 1979* and/or an environmental planning instrument. The procedures for carrying out such exhibitions are established by the Act and attendant Regulation.

**Applications Under Sections 82A and 96**

Applications for review of determination made under section 82A or applications to modify consent made under section 96 of the *Environmental Planning and Assessment Act 1979* will be subject to the following notification requirements:

- Applications made under sections 96(1) and 96(1A) will not be subject to any notification;
- Applications made under sections 96(2) and 96(AA) will generally not be subject to any form of notification unless the original development application was notified and there is significant change in the potential impacts on surrounding properties and/or the environment or if clause 118 & 119 of the *Environmental Planning and Assessment Regulation 2000* applies; and
- Applications made under sections 82A and 96AB will not generally be subject to any form of notification unless the original application was notified and there is significant change in the potential impacts on surrounding properties and/or the environment.

Council will consider the nature of the original development application in relation to advertising requirements.

