

# Part A

## Introduction

### Exhibition version – March 2019

Note:

Changes to the DCP are shown as:

- ~~Strike through~~ is deleted text.
- underlined is added text

|





# Table of Contents

<b>A1</b>	<b>STATUTORY INFORMATION .....</b>	<b>1</b>
A1.1	PURPOSE OF THIS DCP .....	1
A1.2	COMMENCEMENT.....	1
A1.3	LAND TO WHICH THIS DCP APPLIES.....	1
A1.4	AIMS OF THIS DCP .....	1
A1.5	RELATIONSHIP OF THIS DCP WITH OTHER PLANS AND POLICIES.....	2
A1.6	COMPLIANCE .....	2
A1.7	STRUCTURE OF THIS DCP .....	3
A1.8	INTERPRETATION.....	4
A1.9	SAVINGS PROVISION .....	4
<b>A2</b>	<b>DEVELOPMENT APPLICATIONS.....</b>	<b>5</b>
A2.1	INTRODUCTION .....	5
A2.2	DOCUMENTATION REQUIREMENTS .....	5
<b>A3</b>	<b>NOTIFICATION &amp; ADVERTISING.....</b>	<b>7</b>
A3.1	OBJECTIVES.....	7
A3.2	APPLICATION .....	7
A3.3	PUBLIC NOTIFICATION & ADVERTISING .....	7
A3.4	TYPE A AND B DEVELOPMENT APPLICATIONS.....	9
A3.5	MODIFICATIONS & REVIEWS .....	10
A3.6	VIEWING OF APPLICATIONS .....	11
A3.7	SUBMISSIONS.....	11
A3.8	AMENDMENTS TO THE LEP AND DCP .....	13



# A1 Statutory Information

## A1.1 Purpose of this DCP

The purpose of the Canterbury Development Control Plan (DCP) 2012 is to supplement the *Canterbury Local Environmental Plan 2012* (LEP) and provide more detailed objectives and controls to guide the form of development across the former Canterbury Local Government Area (LGA).

This DCP has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

## A1.2 Commencement

The DCP was adopted by Canterbury City Council on 22 November 2012 and came into effect on 1 January 2013.

Savings provisions in relation to amendments to the DCP are discussed in Section A1.9 of this chapter.

## A1.3 Land to which this DCP Applies

The former local governments of Canterbury and Bankstown have been merged into one and are now known as Canterbury Bankstown Council (Council). This DCP applies to all land in the former Canterbury LGA only.

## A1.4 Aims of this DCP

This DCP aims to provide a comprehensive suite of development controls to:

- (a) Achieve well-designed development that is compatible with its context and acceptable to the community;
- (b) Enhance amenity for people in Canterbury;
- (c) Conserve non-renewable resources;
- (d) Protect natural features and the environment;
- (e) Ensure development in Canterbury functions in a way that meets the needs of the community;
- (f) Facilitate full consideration of human, environmental and servicing requirements in relation to proposed development;

- (g) Allow designers to respond to the individual circumstances of a site;
- (h) Support the LEP and strategic focus for Canterbury; and
- (i) Support a comprehensive development assessment process.

### **A1.5 Relationship of this DCP with other Plans and Policies**

This DCP is to be read in conjunction with the LEP. Where there is any inconsistency between this DCP and the LEP, the LEP prevails.

This DCP is also to be read in conjunction with the following:

- EP&A Act and EP&A Regulation;
- Relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs;
- *Local Government Act 1993*;
- Building Code of Australia (BCA);
- Relevant Australian Standards as identified throughout this DCP;
- Any applicable Development Contributions Plans; and
- Any other policy or document identified for consideration throughout this DCP.

Note: It is advised to check [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) for the most current list and version of the EP&A Act, EP&A Regulation, LEP and applicable SEPPs.

### **A1.6 Compliance**

Compliance with the objectives and controls of this DCP does not guarantee that consent will be granted.

Applications will be considered on their merits and against:

- Relevant SEPPs;
- Aims, objectives, provisions and development standards contained in the LEP;
- Objectives and controls contained in this DCP;
- Impact of the development on the locality;
- Suitability of the site for the development;
- Views of public authorities; and
- Submissions from the community that may be affected by a development proposal.

Minor variations to the numerical controls specified in this DCP may be acceptable, where it is demonstrated that such variations will not have an adverse and unreasonable impact and the proposed development is consistent with the aims and objectives of the LEP and this DCP.



In considering a variation, Council will consider the need to maintain the consistent implementation of the LEP and this DCP.

### A1.7 Structure of this DCP

The structure of this DCP has been established to enable the efficient application of relevant development objectives and controls in a logical manner.

This DCP is divided into the following parts as summarised below. Within each part, the DCP is further divided into chapters (refer to table of contents for DCP).

<b><u>Part A</u></b> <b>Introduction</b>	Describes the purpose, relationship and structure of this DCP; development application requirements; notification and advertising requirements; and a glossary of terms.
<b><u>Part B</u></b> <b>General Controls</b>	Provides general objectives and controls that relate to all development and activities in the Canterbury LGA. This includes: subdivision and consolidation; transport and parking; landscaping; tree preservation; accessible and adaptable design; water and flood management; energy and conservation; crime prevention and safety; heritage; waste; and use of footpath.
<b><u>Part C</u></b> <b>Residential Accommodation</b>	Provides specific objectives and controls relevant to the type of residential accommodation as defined under Canterbury Local Environmental Plan 2012 (LEP).
<b><u>Part D</u></b> <b>Business Centres</b>	Provides objectives and controls that relate to commercial activities, operations and design of new development. This includes objectives and controls for the Canterbury Town Centre, Roselands Shopping Centre, Campsie Civic Centre Precinct, Undercliffe Bridge Precinct, Canterbury Road and local centres.
<b><u>Part E</u></b> <b>Industrial Development</b>	Provides objectives and controls that relate to industrial activities, operations and design of new development.
<b><u>Part F</u></b> <b>Specific Land Uses and Sites</b>	Provides land use specific objectives and controls for developments relating to: signage; child care centres; restricted premises and sex service premises; telecommunications facilities; taxi facilities; amusement centres; and Wills Oval.
<b><u>Part G</u></b> <b>Glossary</b>	Provides a glossary of terms for the DCP.
<b><u>Appendices</u></b> <b>Technical Specifications</b>	Provides technical specifications for engineering and waste matters.

Table A.1: Structure of the DCP

More than one part of this DCP will apply to a development proposal. References are made throughout this DCP to other sections that may be relevant.

Unless otherwise stated, objectives and controls apply to development as defined under the EP&A Act.

## A1.8 Interpretation

A glossary is provided in Part G. Definitions within the LEP and relevant legislation prevail over the definitions in this DCP and are not repeated in the glossary or in other sections of the DCP.

## A1.9 Savings Provision

If an application has been made before the commencement of the DCP in relation to land to which the DCP applies, and the application has not been finally determined before that commencement, the application must be determined as if the DCP had not commenced.

All applications received after the commencement date of an amendment to the DCP are subject to the DCP as amended. Please refer to the amendment history table below for relevant commencement dates.

A reference to an application in the paragraphs above is a reference to: a development application (DA); an application to modify a development consent; an application to review a determination of a DA; or an application to review a determination of an application to modify a development consent.

Amendment	Commencement Date	Description of Amendments
1	14/04/2014	<ul style="list-style-type: none"> <li>Glossary.</li> <li>Introduction.</li> <li>Various sections of Part 2 Residential Neighbourhoods.</li> <li>Various sections of Part 3 Business Centres.</li> <li>Various sections of Part 4 Industrial Development.</li> <li>Various Sections of Part 6.2 Climate, and Energy Resource Efficiency.</li> <li>Various sections of Part 7 Notification of development application.</li> </ul>
2	23/01/2015	<ul style="list-style-type: none"> <li>Minor amendments to two clauses to Part 3 Business Centres.</li> <li>Insert note explaining the application of Clause 3.1.2 (iii).</li> <li>Amend Clause 3.1.8 (vii) to state the provision applies to straight residential development, not mixed development in the B5 zones.</li> </ul>
3	30/01/2017	<ul style="list-style-type: none"> <li>Comprehensive restructure of controls.</li> <li>List of amendments available on Council's website.</li> </ul>
4	25/09/2018	<ul style="list-style-type: none"> <li>Deleting Part B10 – Use of Footpaths</li> </ul>

Table A.2: DCP Amendment History

# A2 Development Applications

## A2.1 Introduction

A Development Application (DA) means an application for consent under Part 4 of the EP&A Act to carry out development.

Development is defined under the EP&A Act. Development includes (but is not limited to) the use of land, subdivision of land, erection of a building, carrying out of work, the demolition of a building or work, and any other matter controlled by an environmental planning instrument.

It is strongly encouraged that pre-DA advice is sought prior to a DA being lodged to clarify requirements in the early stages of the planning and/or design process. Council's Duty Officers are also available for informal verbal advice prior to the lodgement of a DA.

Written pre-DA advice is subject to a fee, however provides applicants with a preliminary opinion on the merits or issues of a proposal. In this instance a Pre-Lodgement DA Advice Form must be completed and lodged with a preliminary concept plan.

## A2.2 Documentation Requirements

The minimum lodgement requirements for supporting information to accompany a DA are specified in Part 1 of Schedule 1 of the EP&A Regulation.

Additional requirements are provided in the following DA guides (including checklists) to assist applicants with preparing required documentation necessary to be submitted with a DA:

- DA Guide for Class 1 and 10 buildings (dwelling, additions to dwellings, carport/garages, swimming pools and the like); and
- DA Guide for Class 2 – 9 buildings (dual occupancy, semi-detached dwelling, attached dwelling, multi dwelling housing, residential flat building, commercial, industrial and other non-residential).

The guides detail the documentation required to be submitted with a DA. All pre-DA Advice/DA forms, guides and checklists are available at Council's Customer Services Centre, or they can be downloaded from Council's website [www.canterbury.nsw.gov.au](http://www.canterbury.nsw.gov.au).



# A3 Notification and Advertising

This chapter outlines Council's process and criteria for the notification and advertising of development applications, modification applications and review of determination applications. In addition, this chapter provides information relating to the preparation and consideration of submissions.

## A3.1 Objectives

- O1 To encourage the community to become informed, interested and involved in the development of their area; and
- O2 To encourage community submissions on development applications to assist Council in the decision making process.

## A3.2 Application

This chapter of the DCP outlines two forms of public exhibition procedures relating to development applications being "Type A" and "Type B".

The chapter does not outline procedures for Advertised Development, Designated Development, State Significant Development or Integrated Development. The EP&A Act and EP&A Regulation include separate procedures for public participation in the assessment of these categories of development.

## A3.3 Public Notification and Advertising

The extent of public notification reflects the different form, complexity or potential impacts of a proposed development. Where a proposal is likely to have a potential for impact on a broader scale, a Type B notification will be required. All other applications will be notified as Type A notification other than excluded development (refer to section A3.4). The notification period for all applications is detailed on Council's website.

### Type A Notification Requirements

- Notification letter sent to:
  - Owners and occupiers of adjoining and surrounding land (as per Figure A3.1);
  - Owners corporation if the adjoining property is in strata title; and
  - Any public authority deemed by Council to have, or likely to have, an interest in the proposed development.

- Notification period is 14 days from the date on the notification letter. Where notification occurs during the week of Christmas, the notification period will be extended by a minimum of two weeks.
- Council maintains discretion to extend the notification period and area if considered necessary.

### Type B Notification and Advertising Requirements

- Notification letter sent to:
  - Owners and occupiers of adjoining and surrounding land (as shown in Figure A3.1);
  - Any other individual, group, organisation or similar deemed by Council to have, or likely to have, an interest in the proposed development; and
  - Any public authority deemed by Council to have, or likely to have, an interest in the proposed development.
- Notification period is 21 days from the date of the advertisement in the local newspaper. Where notification occurs during the week of Christmas, the notification period will be extended by two weeks.
- Advertisement in a local newspaper.
- Council maintains discretion ~~to lengthen~~ as to the length of the notification period and area if considered necessary.

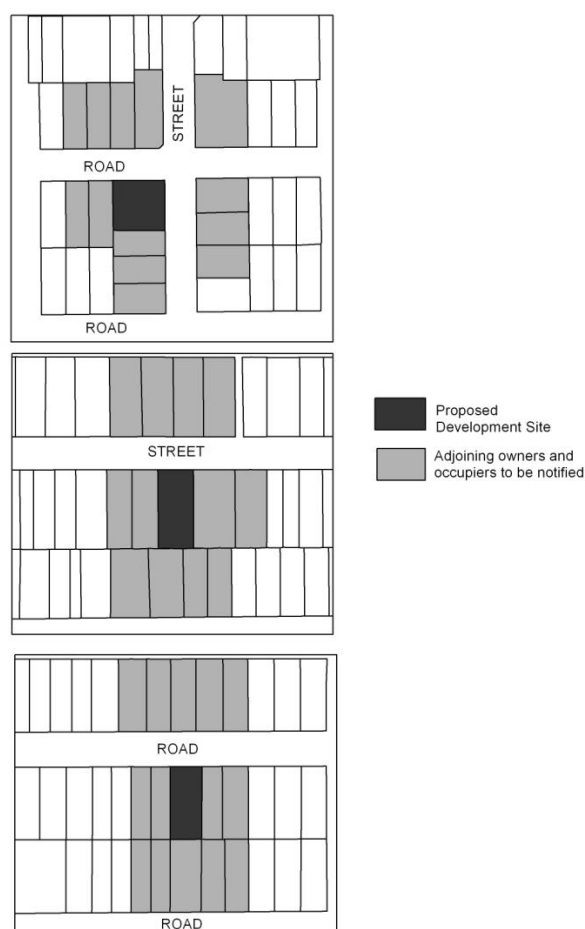


Figure A3.1 Notification Area

### **Notifying Across Council Boundaries**

In the instance that a property adjoins the boundary of a neighbouring Council, a notification letter will be sent to the adjoining Council requesting that Council inform its residents/ratepayers of the proposed development. Alternatively a letterbox drop to the affected occupiers will be undertaken and the adjoining Council notified.

### **Content of Notification Letters**

Notification Letters will include the following information:

- Address of the proposed development;
- Name of the applicant and the name of the consent authority;
- Description of the proposed development;
- Name and contact number of the relevant Development Assessment Officer;
- Advice that the plans may be inspected during opening hours at Council's office, and at Council's Branch Library for the Ward in which the subject site is located, during normal business hours;
- A statement that any person may make a submission during the notification period;
- The closing date for written submissions, method of delivery of submissions; and
- Reference to political donations form if relevant.

## **A3.4 Type A and B Development Applications**

The following list is a guide to the type of notification process applying to various land uses or developments. The extent of notification and/or advertising of an application is at the discretion of Council Officers.

### **Development Subject to Type A – Notification**

- Dwelling houses, alteration and additions or ancillary structures two storeys or greater in height;
- Attached dwellings (less than 10 dwellings);
- Boarding houses (less than 12 lodgers);
- Group Homes (less than 12 lodgers);
- Hostels (less than 10 lodgers);
- Multi dwelling housing (less than 10 dwellings);
- Residential flat buildings (less than 10 dwellings);
- Seniors housing (less than 10 beds and/or less than 10 dwellings);
- Shop top housing (less than 10 dwellings);
- Change of uses that may result in impacts to adjoining properties; and

- Any other development not subject to Type B notification and advertising, where, in the opinion of the relevant Council Officer is likely to have an impact on residential properties.

#### **Development Subject to Type B - Notification and Advertising**

- Attached dwellings (10 or more dwellings);
- Boarding houses (12 lodgers or more);
- Demolition of Heritage Item;
- Group Homes (12 lodgers or more);
- Hostels (10 lodgers or more);
- Multi dwelling housing (10 or more dwellings);
- Residential flat buildings (10 or more dwellings);
- Seniors housing (10 or more beds and/or 10 or more dwellings);
- Shop top housing (10 or more dwellings);
- Hotel or motel accommodation;
- Serviced apartments (if in a residential zone);
- Entertainment facilities;
- Registered clubs;
- Restricted premises;
- Sex service premises;
- Educational establishments;
- Hospitals;
- Community facilities;
- Places of public worship;
- Recreation areas;
- Recreation facilities; and
- Any other development not subject to Type A notification, where, in the opinion of the relevant Council Officer is likely to have a significant impact on residential properties.

#### **Development Exempt from Notification**

The extent of notification and/or advertising of an application is at the discretion of Council officers. As a guide, development not subject to Type A or Type B notification and advertising procedures will be exempt from notification.

### **A3.5 Modifications & Reviews**

An applicant may lodge an application to modify a development consent under Section ~~96~~4.55 of the EP&A Act.



In addition, applications can be made under Section ~~82A~~ 8.2, 8.3, 8.4 and 8.5 of the EP&A Act to review the determination of a DA or under Section ~~96AB~~ 8.9 to review a modification decision.

Requests for a modification or review of determination will be notified in the same manner as the original application (see A3.3). If in the opinion of the relevant Council officer a modification application under Section ~~96(1)~~ 4.55 (1) or (1A) of the EP&A Act will have no additional impact on any adjoining or nearby properties, no notification will be required.

### **A3.6 Viewing of Applications**

All plans and information lodged with an application that is notified in accordance with this DCP will be available for inspection at Council's Customer Service Centres. This will include: all forms, architectural plans, consultant reports and supplementary documentation submitted with the application.

Should a model(s) or an artist's impression(s) of the development be lodged with the application, these will only be available for viewing at Council's Bankstown Customer Service Centre.

A full set of the DA plans will also be available for inspection in the closest Council library to the subject site during library opening hours.

Council is required by legislation to make available extracts of applications. However, under the *Commonwealth Copyright Act 1968*, plans cannot be provided without the written consent of the applicant's architect or design professional.

Applications can also be viewed on Council's website via the following link:  
<http://www.canterbury.nsw.gov.au/Building/Track-your-DA>

#### **Assistance with Viewing Applications**

Assistance will be available to those viewing applications at Council's Administration Centre. A duty planner and/or building surveyor will be available during specified periods to assist with explanation and interpretation of plans.

Please contact Council's Customer Service Centre to confirm available times on (02) 9707 9000.

In addition, should a person's first language not be English, language aides are available to assist.

### **A3.7 Submissions**

The submissions period is the same as the notification period. Submissions are letters, petitions or similar written representations from individuals or groups of people regarding a particular application.

A submission could:

- Support an application;
- Object to an application;

- Object to part of an application;
- Suggest ways of overcoming concerns with an application; and
- Suggest alternatives to a proposal or element of a proposal.

Unless otherwise specified, submissions may be made up to and including the last day upon which a person may inspect an application in response to a notification letter issued, or an advertisement in a newspaper.

### **Lodging Submissions**

When making a submission to Council, the submission should:

- Be in writing addressed to the General Manager;
- Be delivered by hand, mailed or faxed to:

*The General Manager  
Canterbury Bankstown Council  
Bankstown Customer Service Centre  
Upper Ground Floor  
Bankstown Civic Tower  
66 - 72 Rickard Road (Corner of Jacob St)  
Bankstown NSW 2200*

*The General Manager  
Canterbury Bankstown Council  
Campsie Customer Service Centre  
137 Beamish Street  
Campsie NSW 2194*

*Mailing Address: PO Box 8, Bankstown NSW 1885*

*DX Address: DX: 11220*

*Fax: 02 9707 9700*

Submissions must:

- Clearly indicate the name and address of the person making the submission;
- Clearly indicate the application number and address of the property that is the subject of the development proposal; and
- Detail all reasons for the submission. If possible, include potential amendments that could be made to overcome the issue.

It is very important that any submissions lodged include the property address to which the Development Application on exhibition relates.

### **Acknowledgement of Submissions**

Council will not acknowledge submissions when they are initially received. All individuals, organisations and/or head petitioners (i.e. not all of those listed on a petition) making submissions will receive a reply advising of Council's determination.

### **Consideration of Submissions**

All submissions received within the nominated time frame will be considered when determining an application. Applications will not be determined prior to the expiry of the nominated notification period. Submissions received after the nominated time frame will be considered if practical.

The terms of any objection will be summarised in Council's development assessment report. The name and address of the objectors will be withheld in the report. However, persons making submissions should be aware that details of their submission will be kept on file and may be accessed by other members of the public under the *Government Information (Public Access) Act 2009*.

## **A3.8 Amendments to the LEP and DCP**

Notification and advertising for amendments to the LEP and DCP will be as per the notification requirements in this chapter for DAs.

