

part

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Notification and advertising



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2.1 Objectives

The aim of this part of the DCP is to set out the procedures for determining under what circumstances persons are to be notified of proposed development and when advertisements will be placed in the local newspaper.

2.2 Notification Procedures

2.2.1 Exempt Development

What is exempt development?

Exempt development is development that does not require Council's consent. Development that is included as exempt development is set out in Schedule 2 of the City of Canada Bay LEP. It includes development that has minimal environmental impact such as barbecues, sheds, fences etc as long as particular conditions are met.

Who will be notified?

No one will be notified because consent is not required for exempt development.

Is exempt development advertised in the local newspaper?

Exempt development is not advertised in the local newspaper.

Does exempt development require a sign to be placed on the development site?

Exempt development does not require a sign to be placed on the development site.

2.2.2 Complying Development

What is complying development?

Complying development is small scale, low impact, routine development that is capable of prompt certification by an accredited certifier or Council. It is defined by reference to fixed standards for a range of development such as alterations and additions, swimming pools and carports and garages behind the building line. The development types and standards are contained in the City of Canada Bay LEP, Schedule 3.

Who is notified of complying development?

No one is formally notified of an application for complying development.

Is complying development advertised in the paper?

Proposed complying development is not advertised in the local newspaper. However, the Council places a public notice in the local

newspaper when a complying development certificate is approved. Information on complying development applications is available on Council's website <http://www.canadabay.nsw.gov.au>.

Does Complying development require a sign to be placed on the development site?

Complying development does not require a sign to be placed on the development site.

Can residents make submissions?

Residents do not have a right to make submissions or to raise objections about the complying development. They can only challenge whether or not the assessment as complying development was correct in terms of the criteria and standards that have been established.

Can complying development certificates be amended and is anyone notified?

Yes, complying development certificates can be amended provided the amendment also satisfies the criteria and standards contained in Schedule 3 of the City of Canada Bay LEP.

There is no notification of neighbours for amendments to complying development certificates.

2.2.3 Local Development

What is local development?

Local development for the purposes of notification is development that requires Council consent and does not include exempt, complying, designated or State significant development. The majority of development applications to Council fall into this category.

Who will be notified?

Notice, in writing, is sent to owners and occupiers of adjoining and nearby land (including properties opposite) if in the opinion of Council (or a person having delegated authority to determine the application), the enjoyment of the adjoining land may be affected by the proposed development after construction. Council will assess the extent of the notification based on the size, nature and impact of the proposed development.

Where application is made to Council for a major development, a newspaper advertisement will give public notification of same.

Notification will not generally be made for internal alterations and additions where the height or external configuration of the existing building is not altered.

Is local development advertised in the local newspaper?

Advertisements for proposed local development will not normally be placed in the local papers except in the following circumstances:

- the size, nature or impact of the proposed development is considered by Council or delegate to warrant broader notification by way of a newspaper advertisement.

Development consents will be publicly notified in the local newspaper and those people who lodged a submission will be advised of Council's decision, as well as being available on Council's website.

Is local development advertised on line?

Yes. Development proposals will be available on council's web site <http://www.canadabay.nsw.gov.au>.

Does Local development require a sign to be placed on the development site?

Site notices will be required for local development with the exception of change of use proposals which in the opinion of Council are of such an intensity as to not give rise to a significant impact, strata subdivisions, subdivision of existing multi-unit housing developments and internal alterations and additions where the height or external configuration of the existing building is not altered.

2.2.4 Designated Development

What is designated development?

Designated development is development that is declared to be designated development by an environmental planning instrument or by the Environmental Planning and Assessment Regulation 2000.

Who will be notified and will an advertisement be placed in the local newspaper?

The application together with its accompanying material (ie plans and the Environmental Impact Statement) will go on public exhibition for a minimum of 30 days. Council will place a notice on the site where the development is proposed and will advertise the application in the local newspaper as required by the Regulation.

Immediate neighbours of the proposed development and in addition other persons, who, in the Council's opinion may be affected by the development, will be notified by letter.

Those being notified will be informed of the address and description of the proposed development, name of the applicant and consent authority, where and when the application can be inspected, how submissions can be made and whether there is a right of appeal for those who make a submission. Information will also be available on Council's website <http://www.canadabay.nsw.gov.au>.

Development consents will be publicly notified in the local newspaper and those people who lodged a submission will be advised of the decision. Consents will also be available on Council's website <http://www.canadabay.nsw.gov.au>.

Does designated development require a sign to be placed on the development site?

A site notice will be required for all designated development.

2.2.5 State Significant Development

What is State significant development?

State significant development is development that is declared by the Minister, a State or a Regional Planning Policy to be of State significance.

Who will be notified and will an advertisement be placed in the local newspaper?

The notification and advertising process is the same as for designated development (see above).

Does State Significant development require a sign placed on the development site?

The notification and advertising process is the same as for designated development (see above).

2.2.6 Integrated Development

What is integrated development?

Integrated development is development (not being complying development) that requires approval under other Acts.

Who will be notified and will an advertisement be placed in the local newspaper?

As integrated development can be either local or State significant development, the standard notification and advertising procedures of local and designated development outlined above, respectively, apply.

Does integrated development require a sign placed on the development site?

As integrated development can be either local or State significant development, the standard notification and advertising procedures of local and designated development outlined above, respectively, apply.

2.2.7 Section 96 Modification of Consent

What is a s96 modification?

Section 96 of the Act makes provision for a Council to agree to modify development consents. The modified development should be substantially the same as the approved development.

Who will be notified?

There are three types of Section 96 modifications:

- applications under Section 96(1) are concerned with correcting minor error, misdescription or miscalculation. Notification is not necessary under the Act;
- applications under Section 96(1A) are concerned with minor alterations involving minimal environmental impact. The same criteria will apply to notification of such applications as apply to local development; and

- applications under Section 96(2) are for all other modifications. Those people who made submissions on the original application will be notified of the application. If the Council (or a person having delegated authority to determine the application) considers the enjoyment of adjoining land would be affected by the proposed modification, then those people will also be notified

No notification is given for internal changes where the modifications have no impact on the external façade or building footprint.

What form will the notification take?

Notification is by letter and will include the address, description of the proposed development, name of the applicant and consent authority, where and when the application can be inspected, how submissions can be made and if there is a right of appeal. Information will also be available on Council's website <http://www.canadabay.nsw.gov.au>

Will an advertisement be placed in the local newspaper?

Notice of the proposed s96 modification will not be placed in the local newspaper.

Do Section 96 applications require a sign to be placed on the development site?

Section 96 applications do not require a sign to be placed on the development site.

2.2.8 Right of Review

Section 82A of the Act makes provision for an applicant to request a review of a determination made by Council other than in respect of a complying development certificate, designated development and integrated development within 12 months of the determination of the development application.

Who will be notified and will an advertisement be placed in the newspaper?

The standard notification and advertising procedures of local development outlined above apply.

2.3 General Information

Where can the development application plans be inspected?

Plans can be inspected at the Canada Bay Civic Centre, Drummoyne. Plans and supporting information will also be available on Council's website.

Generally plans are available for inspection for a minimum of 14 days from the date of notice of the application. However to cater for the Christmas period when applications are lodged from mid December the exhibition period will be 28 days, reducing to 21 days for applications lodged from mid January and returning to 14 days following the Australia Day long weekend.

In special circumstances these periods may be extended by the Council's Director, Planning & Environment.

Who will provide the Notification sign?

Council will provide and erect the Notification sign.

Where should the Notification sign be placed on Development sites?

The sign is to be prominently placed on the main frontage(s) of the site(s) able to be read from a public place.

When can submissions be made?

Submissions must be lodged within the time specified in the notification letter. This period may be extended by the Council's Director, Planning and Environment.

Submissions must be made in writing and addressed to the General Manager and should state the application number and the specific areas of concern. You are welcome to offer any ideas on how the application could be altered to take your concerns into account.

Are submissions confidential?

No, submissions are not confidential. It is Council's policy to provide details of submissions to the public. If you want your personal details to remain confidential, you must clearly state this in writing, along with the reasons.

Please note that if you choose for your personal details to remain confidential your concerns may not be adequately addressed.

Who can inspect the plans?

Any person can inspect the plans whether the person has or has not been notified.

Consideration of Submissions

Council, or its delegate, will consider all written submissions made, within the notification period, before it determines the application. Comments will be considered in conjunction with Council's legal responsibilities to assess applications under Section 79C of the Environmental Planning and Assessment Act.

Quite often Council is required to resolve a number of competing interests in most decisions it makes. In particular circumstances, Council may convene a meeting between the applicant and local residents so that both parties might better understand the proposal and issues raised.

Notice of determination of the application

All people who prepared a submission will be advised of Council's determination of the application. Where a petition has been submitted the first signatory only will be advised.

What happens if Council refuses an application or imposes a condition that the applicant thinks is unreasonable?

Within 12 months from the date of the determination and upon payment of the required fee the applicant can seek a review of a determination by Council under S82A of the EP&A Act. The applicant also has a right of appeal to the Land and Environment Court against a refusal of an application or the imposition of a condition.

If Council decides to defend its decision in the Court, it is expected that those persons who have made submissions will support Council's decision, and if necessary, appear on Council's behalf at any subsequent Court hearing.

