

2.1 NOTIFICATION OF DEVELOPMENT APPLICATIONS

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1 Objectives

The objective of this Part is:

- To enable people who may be affected by a development proposal to have their comments about the proposal considered by the Council.

This is achieved in this Part by identifying:

- “Advertised Development”;
- Development that will be notified and those persons who will be notified of the development;
- Development for which Council will place a notice in the local newspaper;
- The information that will be provided in the written notice to persons notified of a development;
- Information that will be provided in the notice published in the newspaper;
- Development for which no notice will be given;
- What information must be provided by the applicant to explain the application.

2 The Types of Development addressed in this Part

This Part applies to the following:

- Development applications
- Amendments to development applications
- Amendments/modifications to development consents
- Other applications such as liquor licences.

This Part does not apply to:

- Exempt development
- Complying development
- State significant development
- Master plans
- Local environmental plans
- Development control plans

3 Notification Requirements for Different Types of Development

3.1 The methods used to notify the community development applications

Notification takes the form of one or more of the following:

- letters to people (written notice);
- notice published in a local newspaper (published notice);
- signs placed on the land; and
- information on the City of Ryde website.

The Act sets out the method of notification that must be used for Designated Development and Advertised development.

Note: For an explanation of the different types of development refer to the Dictionary.

3.2 The Notification Table

The Notification Table in Section 5 of this Part sets out for the type of development the method or methods of notifying people and the period for making submissions. The submission period commences from the day after the first notice is published in the newspaper or if there is no published notice from the date the written notice is sent. During the Christmas period and early January Council will increase these periods to take account of public holidays. If a development proposal is likely to generate significant community interest the Council may also:

- Consult with the relevant interest groups, such as community organisations;
- Arrange a public meeting, presentation or forum; and
- Distribute media releases.

Note: Development applications and supporting documents are available for inspection, free of charge, and a person may make a written submission about the development within the notification period.

3.3 People to be notified of a development application

- **Written notice for a development application for Designated Development or other Advertised development** is given to people that own or occupy adjoining land and public authorities which the Council believes may have an interest in the application. For example Council would notify National Parks and Wildlife Service about a development proposal adjacent to the Lane Cove National Park.
- **For Other Development** identified in this Part the owners (and occupiers in certain cases) of adjoining land will be sent a written notice.

If the land is a lot within the meaning of the Strata Schemes (*Freehold Development Act 1973*), a written notice to the owners' corporation is considered to be a written notice to the owners and occupiers of each lot within the strata scheme.

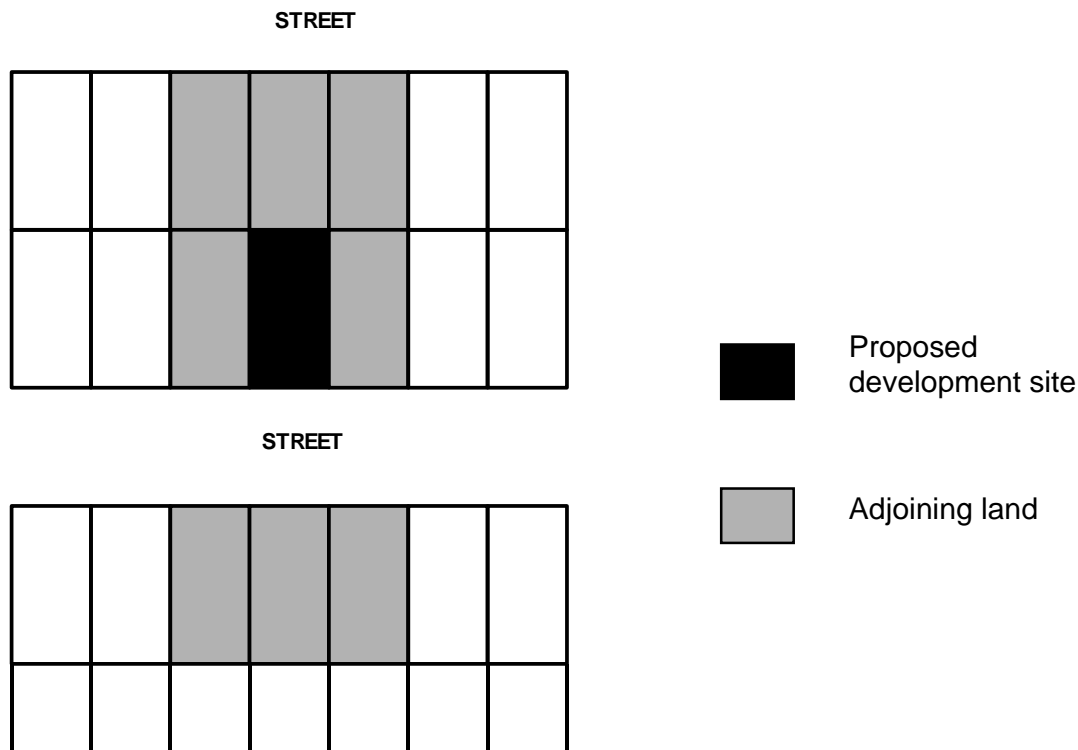
If the land is a lot within the meaning of the Strata Schemes (*Leasehold Development Act 1986*), a written notice to the lessor under the Leasehold Strata Scheme and to the owners' corporation is considered to be a written notice to the owners and occupiers of each lot within the strata scheme.

If the land is owned or occupied by more than one person, a written notice to one owner or occupier is considered to be a written notice to all the owners and occupiers.

Note: Council's records will be used to determine the owners of land. Council does not maintain records of the occupiers of properties and will send letters to the property addressed for the attention of "the occupier".

3.4 The meaning of 'adjoining land'

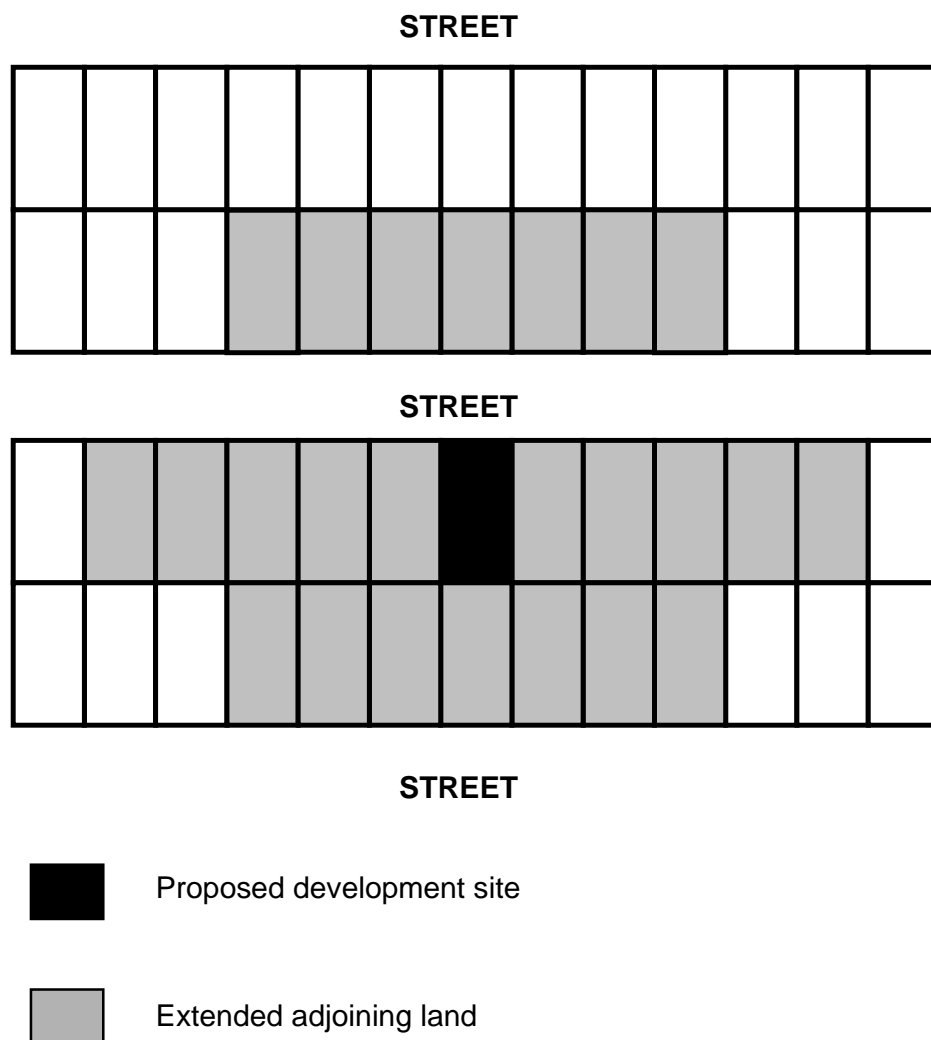
The diagram shows the land considered to be 'adjoining land'.



Note: When a site and the adjoining land are not in the configuration shown, Council has delegated to officers the power to form an opinion, which is to be based on the potential impact of the development, on what is considered to be 'adjoining land'.

13.5 The meaning of 'extended adjoining land'

The 'extended adjoining land' is an expansion of the area defined as 'adjoining land' in Section 3.4 of this Part. The diagram below shows the land to be included in the 'extended adjoining land'.



Notification of the 'extended adjoining land' is required for the following development applications:

- New villas with 4 or more dwellings.
- New residential flat buildings.
- New mixed commercial and residential development.
- Childcare centres in a residential area or adjoining a residential area.
- Development resulting in changes of use from one non conforming use to another non conforming use.

- Industrial development including a new development, change of use from industry to industry and alterations and additions, where the site adjoins a residential area.
- New café or restaurant, where the site adjoins a residential area.
- Outdoor seating associated with a new café or restaurant, where the site adjoins a residential area.
- Advertising signs, where the site adjoins a residential area.

Note: When a site and the adjoining land are not in the configuration shown, Council has delegated to officers the power to form an opinion, which is to be based on the potential impact of the development, on what is considered to be the 'extended adjoining land'.

3.6 Extension of the notification area

The notification area may extend beyond the 'adjoining land' when it is considered that the potential impact of a proposed development will affect persons other than the adjoining owners and occupiers. The notification area may be extended where the enjoyment of land may be detrimentally affected in relation to:

- an increase in overshadowing
- loss of privacy
- increase in noise levels
- light spillage or reflection
- traffic generation
- loss of visual amenity within an area
- the scale or bulk of the proposed building
- the siting of the proposed building in relation to the site boundaries
- hours of use
- means of access to or provision of carparking on the application site
- drainage

Note: Council has delegated to officers the power to form an opinion on whether the enjoyment of land may be affected by a proposed development.

3.7 Notification across local government boundaries

Where a development application is likely to affect owners of land outside the City of Ryde, Council will contact the neighbouring Council to provide them with information to enable them to adequately inform the community.

The notification of landowners outside the City of Ryde regarding a development is at the discretion of the neighbouring council.

3.8 The information to be provided by the applicant

The applicant must provide copies of a plan which explains the development. This plan must:

- be on an A4 sheet;
- be drawn to scale, clearly demonstrating the features of the building;
- include a site plan showing the distance of the proposed building to the property boundaries and buildings on adjoining allotments;
- include front, side and rear elevations;
- identify new buildings or additions to existing buildings by cross hatching;
- clearly show dimensions of the proposed building including the height; and
- for proposed two storey dwellings, show shadows that the existing and proposed building will cast at 9am, 12noon, and 3pm at 21 June and 22 December.

3.9 Amendments to development applications where notification may not be required

The notification of an amendment to a development application or substitution of the application will not be required where:

- The application has not been determined by Council;
- The original application was notified in accordance with the DCP and the Act; and
- The amendments or substituted application are of a minor nature such as a minor error, misdescription or miscalculation.

4 Making Submissions

4.1 How to make a submission

Anyone may make a submission about a development application.

A submission may object to a development application or support the application. A submission objecting to a development application must state the grounds of objection.

Submissions must clearly state the relevant development application and the name and address of the person making the submission.

To assist Council the submission should where possible:

- quote the application number; and
- provide a daytime telephone contact number.

Submissions made about a development application must be in writing, addressed to the General Manager and must be received by Council by 4.30pm on the last day of the notification/submission period. Submissions will be received by hand, mail, fax or email.

Late submissions may be accepted and considered in extenuating circumstances. The acceptance of late submissions is at the discretion of the Council officer assessing the application and will depend on the stage of the assessment of the application.

Council must consider all written submissions before it decides to approve or refuse the development application.

Council will formally acknowledge the submissions received on a development application.

Note:

- If the person who lodged a submission wishes to speak at Development Committee the person must contact Council in writing or by phone.
- The opportunity to address the Development Committee is at the discretion of the Council.
- Not all applications proceed to the Development Committee or Council for a determination as applications may be dealt with under the delegation of Council Officers.

4.2 Submissions and confidentiality

Any interested person may view or obtain copies of submissions.

Reports to Council may identify the address of people who have made submissions.

Reports can be viewed by any interested person.

A person who makes a submission has the right to remain anonymous if they choose. However, an anonymous submission may be given less weight (or no weight) in the overall consideration of the application.

Alternatively, a person may make a submission but request the Chief Executive to ensure that, in being made available for public inspection, details of their place of living are omitted from their submission. However, this option is only available if a person considers that disclosure would place their personal safety or the personal safety of their family at risk. Such request must be verified by a statutory declaration.

4.3 Advice about Council Decisions

Council notifies all persons who made submissions about a development application regarding the decision made.

Council will publish a public notice of all development applications determined by Council. The public notice, which is placed in a local newspaper, provides details of the land and the development proposal.

The written notice must contain:

- the development application number.
- a description and address of the site.
- a description of the development.
- the name of the applicant.
- advice that the plans can be inspected free of charge at the Customer Service Centre on the Ground Floor of the Civic Centre between 8.30 am and 4.30pm Monday to Friday.
- the right of affected persons to lodge a written submission about the application.
- the time period within which submissions are to be made.
- a notification plan prepared by the applicant.

The published notice must contain:

- the development application number.
- a description including the address of the site.
- a description of the development.
- advice that the plans can be inspected free of charge at the Customer Service Centre on the Ground Floor of the Civic Centre between 8.30 am and 4.30pm Monday to Friday.
- the right of affected persons to lodge a written submission about the application.
- the time period within which submissions are to be made.

The published notice will be advertised on one occasion in selected newspapers.

The sign on the land must contain:

- A heading – development proposal;
- Address of the site;
- Development application number;
- A brief description of the proposal;
- The name of the applicant;
- A site plan;
- The right of affected persons to lodge a written submission about the application;
- The time period within which submissions are to be made.

5 Notification Table

Type of Development	Is It Advertised Development	METHOD OF NOTIFICATION				Submission Period
		Notice in Newspaper	Sign on Land	Notice to Adjoining Owners	Notice to Adjoining Occupiers	
Complying Development	No	No	No	No	No	N/A
Adult Book Shops/Sex Shops	No	Yes	No	Yes	Yes	14 days
Advertising Signs - on land zoned residential, or on land adjoining land zoned residential	No	Yes	No	Yes	Yes	14 days
Advertising Signs	No	No	No	No	No	N/A
Amusement Parlours	No	Yes	No	Yes	Yes	14 days
Brothels	No	Yes	No	Yes	Yes	14 days
Child Care Centres - on land zoned residential or on land adjoining land zoned residential	Yes	Yes	No	Yes	Yes	14 days
Crematoriums/ cemeteries	No	Yes	No	Yes	Yes	14 days
Commercial Building Work	No	No	No	Yes	No	14 days
Demolition – where DA for building on land has not been notified in accordance with the Act or this DCP	No	No	No	Yes	No	14 days

2.1 Notification of Development Applications

Type of Development	Is It Advertised Development	METHOD OF NOTIFICATION				Submission Period
		Notice in Newspaper	Sign on Land	Notice to Adjoining Owners	Notice to Adjoining Occupiers	
Demolition – where DA for building on land has been notified in accordance with the Act or this DCP	No	No	No	No	No	N/A
Drug Rehabilitation Facilities	No	Yes	No	Yes	Yes	14 days
Duplex Building – including alterations and additions	Yes	Yes	No	Yes	Yes	14 days
Dwelling Houses	No	No	No	Yes	No	14 days
Dwelling Houses –alterations and additions, swimming pools, garages	No	No	No	Yes	No	14 days
Educational Establishment - on land zoned residential or land adjoining land zoned residential	Yes	Yes	No	Yes	Yes	14 days
Footpath/Outdoor Dining	No	Yes	No	Yes	Yes	14 days
Funeral Parlors	No	Yes	No	Yes	Yes	14 days
Home Industry (on land zoned residential)	No	Yes	No	Yes	Yes	14 days
Hospital - on land zoned residential or land adjoining land zoned residential	Yes	Yes	No	Yes	Yes	14 days

2.1 Notification of Development Applications

Type of Development	Is It Advertised Development	METHOD OF NOTIFICATION				Submission Period
		Notice in Newspaper	Sign on Land	Notice to Adjoining Owners	Notice to Adjoining Occupiers	
Industrial Building Work	No	No	No	Yes	No	14 days
Integrated Development - Approval under: Heritage Act, Water Act, POE Act	Yes	Yes	No	Yes	Yes	30 days
Internal Fit Outs	No	No	No	No	No	N/A
Land Subdivision	No	Yes	No	Yes	Yes	14 days
Liquor Licence – where development involves a liquor licence ⁽¹⁾	Yes	Yes	No	Yes	Yes	14 days
Massage Clinics	No	Yes	No	Yes	Yes	14 days
Minor Commercial Or Industrial Building Work	No	No	No	No	No	N/ A
Place of Public Worship- on land zoned residential or land adjoining land zoned residential	Yes	Yes	Yes	Yes	Yes	14 days
Residential Flat Building – including alterations and additions	Yes	Yes	No	Yes	Yes	14 days
Change of Use in Industrial and Business Zones (i.e. 3 and 4) – other than those listed	No	No	No	No	No	N/A

2.1 Notification of Development Applications

Type of Development	Is It Advertised Development	METHOD OF NOTIFICATION				Submission Period
		Notice in Newspaper	Sign on Land	Notice to Adjoining Owners	Notice to Adjoining Occupiers	
Telecommunication Facilities ⁽²⁾	No	Yes	No	Yes	Yes	14 days
SEPP (Seniors Living) 2004	Yes	Yes	No	Yes	Yes	21 days
Subdivision of Dual Occupancy	No	No	No	No	No	N/A
Strata Subdivision of Existing Building	No	No	No	No	No	N/A
Villa Homes – including alterations and additions	Yes	Yes	Yes	Yes	Yes	21 days
All Other Development	No	Yes	No	Yes	Yes	14 days
Amendment to a consent to correct an error or miscalculation (Application under s.96(1) of the EP&A Act 1979)	No	No	No	No	No	N/A
Amendment to a consent to reflect a design change (Application under s.96(1A) of the EP&A Act 1979)	To be determined by Council					more 14 s
Amendment to a consent to reflect a design change (Application under s.96(2) of the EP&A Act 1979)	To be determined by Council					more 14 s
Designated and State Significant Development	Yes	Refer to Act	Refer to Act	Refer to Act	Refer to Act	Refer to Act

- (1) For the Liquor License – notification will be to all owners within 200 metres.
- (2) For Telecommunications Facilities – notification will be to all owners within 300 metres.

Additional Information

- Section 96 of the EP&A Act allows an applicant to modify a development consent that has been granted without the need for a new consent to be issued.

There are 3 types of modification application that can be made: a minor modification under section 96(1) for minor errors, misdescription or miscalculation; an application under section 96(1A) where the proposed modification is of minimal environmental impact; or an application under section 96(2) for other modifications that involve more than a minimal environmental impact.

If the application is to correct a minor error, misdescription or miscalculation, Council does not need to advertise, assess the environmental impacts or determine whether the development will remain substantially the same. This is allowed under section 96(1) of the Act.

Other modifications to a development consent, such as changes to the external envelope of a building, require Council approval under either s.96(1A) or s.96(2) of the Act. Council will determine the environmental impacts of the modification under s.79C of the Act and determine the period for notification or advertising accordingly.

- Where a development application can be described as two or more types of development, the notification requirements will be determined by Council having regard to the potential impact.