

# Procedure

The background features a complex geometric composition. A large black triangle occupies the top-left and center-right areas. A dark grey triangle is positioned at the bottom-left. A white triangle is in the top-right. On the right side, there are two overlapping magenta and pink triangles, with the pink one in front of the magenta one. The word "Procedure" is printed in white on the black background.

1.	Development Applications.....	3
1.1.	How we will engage - Development Applications by description .....	3
1.2.	Engagement Method Notes.....	7
1.2.1.	Sending written notices to owners/occupiers.....	7
1.2.2.	Written notices to properties across local government boundaries.....	7
1.2.3.	Consultation period.....	7
1.2.4.	Additional Consultation .....	7
1.2.5.	Extending the area of properties that will receive written notices .....	7
1.3.	Consultation of Development Application Revised Plans (before a decision is made) .....	8
1.4.	Consultation of Development Application Modifications (after a decision is made) .....	8
1.5.	Consultation of Development Application Review (review of a decision that was made).....	10
1.6.	What information we will provide during consultation.....	10
1.6.1.	What information will be publicly available.....	11
1.7.	Submissions.....	11
1.7.1.	How to make a written submission .....	11
1.7.2.	How Council will respond to those who have written a submission .....	11
1.8.	Determinations .....	12
2.	Plan Making Documents .....	12
2.1.	What information we will provide.....	12
2.1.1.	What information will be publicly available during consultation.....	13
2.2.	Submissions.....	14
2.2.1.	Examples of Planning Proposal submissions .....	14
2.2.2.	Submissions to Council .....	14
2.3.	Determinations .....	14

## 1. Development Applications

This section covers development application types such as:

- Development Application Assessment
- Development Application Revised Plans (before a decision is made)
- Development Application Modifications (after a decision is made)
- Development Application Review (review of a decision that has been made)

### 1.1. How we will engage - Development Applications by description

Table 2 outlines the mandatory community engagement the City of Ryde will undertake regarding Development Applications by description.

Table 1 provides an explanation of each engagement method listed in Table 2.

**Table 1 - Engagement Method Definitions**

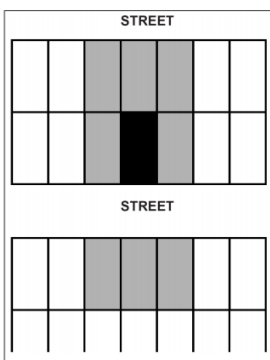
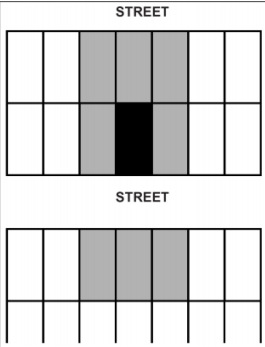
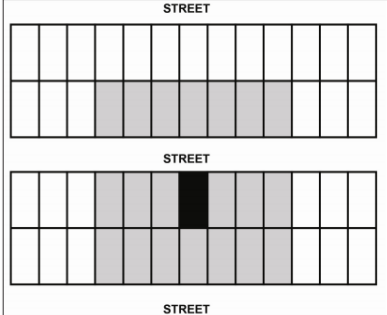
ENGAGEMENT METHOD	DEFINITION
Consult	<p>▶ Council will obtain public feedback on the development application descriptions listed.</p>
Public Notice	<p>▶ A newspaper advertisement and/or notice on City of Ryde's website with information about the consultation opportunities.</p>
Sign on Land	<p>▶ A sign in place on the relevant land with information about the consultation opportunities.</p>
Written Notice to Adjoining Property Owners	<p>A written notice is sent to owners of land adjoining the relevant location with information about the consultation opportunities.</p> <p>*The meaning of 'adjoining land'</p> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 20px;">▶</div> <div style="border: 1px solid black; padding: 5px;">  <p>The diagram consists of two identical 2x5 grids of squares. The top grid is labeled 'STREET' above it. The middle square of the top row in the top grid is shaded black. The middle square of the bottom row in the top grid is shaded grey. The middle square of the top row in the bottom grid is shaded grey. The middle square of the bottom row in the bottom grid is shaded black. This illustrates the 'extended adjoining land' concept.</p> </div> <div style="margin-left: 20px;"> <p>When a site and the adjoining land are not in the configuration shown above, Council has delegated to its 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'</p> </div> </div>

Table 1 - Engagement Method Definitions continued

ENGAGEMENT METHOD	DEFINITION
Written Notice to Adjoining Property Occupiers	<p>A written notice is sent to occupiers of land adjoining the relevant location with information about the consultation opportunities.</p> <p>*The meaning of 'adjoining land'</p>  <p>When a site and the adjoining land are not in the configuration shown above, Council has delegated to its 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'</p>
Extended adjoining land	<p>A letter is sent to an extended area of owners and occupiers of land adjoining the relevant location with information about the consultation opportunities.</p> <p>**The meaning of 'extended adjoining land'</p> 
Days on Exhibition	<p>Refers to the minimum consultation timeframe. Consultation time frames may be extended based on scale and nature of the proposal.</p> <p>Timeframes are in calendar days including weekends.</p> <p>Public holidays and the period between 20 December and 10 January (inclusive) are excluded from the calculation of a consultation period.</p>

**Table 2 - Engagement Method by Development Application Description**

	Consult	Public Notice	Sign on Land	Written notice to Adjoining* Owners	Written notice to Adjoining* Occupiers	Extended adjoining** land	Days on Exhibition
<b>DEVELOPMENT APPLICATION</b>							
<b>Amusement Centre</b>	●			●	●		<b>14</b>
<b>Ancillary Uses to Residential</b> - Pergola (unroofed), Detached Garage, Carport, Outbuilding, and Swimming pools 0.5m above the existing ground level							-
<b>Boarding House</b>	●	●		●	●	●	<b>14</b>
<b>Brothels</b>	●	●		●	●		<b>14</b>
<b>Business/ Office</b> - minor building works							-
<b>Business/Office Building (New)</b>	●			●			<b>14</b>
<b>Change of Use</b> – in Industrial and Business Zones							-
<b>Child Care Centre</b> – on land zoned residential or on land adjoining land zoned residential	●	●		●	●	●	<b>14</b>
<b>Crematoriums/ Cemeteries</b>	●	●		●	●		<b>14</b>
<b>Demolition</b> – Where a DA for a new building on land has already been notified							-
<b>Demolition</b> – Where no DA for any new building on land has been notified	●			●			<b>14</b>
<b>Drug Rehabilitation Facilities</b>	●	●		●	●		<b>14</b>
<b>Dual Occupancy</b> - including Alterations and additions	●			●	●		<b>14</b>
<b>Dwelling Houses</b> - New single storey and single storey alterations/ additions	●			●	●		<b>14</b>
<b>Dwelling Houses</b> - New two storey and two storey additions/alterations	●			●	●		<b>14</b>
<b>Educational Establishment</b> on residential land or on land adjoining residential land	●	●		●	●		<b>14</b>
<b>Footpath/Outdoor Dining</b> - adjoining land zoned residential	●			●	●		<b>14</b>
<b>Footpath/Outdoor Dining</b> - in established business zones							-
<b>Funeral Home and associated Chapel</b>	●	●		●	●		<b>14</b>
<b>Group Homes</b>	●			●	●		<b>14</b>

**Table 2 - Engagement Method by Development Application Description continued**

	Consult	Public Notice	Sign on Land	Written notice to Adjoining* Owners	Written notice to Adjoining* Occupiers	Extended adjoining** land	Days on Exhibition
<b>DEVELOPMENT APPLICATION</b>							
<b>Hospital</b> – on land other than residential zones	●	●		●	●		<b>21</b>
<b>Hospital</b> – on land zoned residential or land adjoining land zoned residential	●	●	●	●	●		<b>21</b>
<b>Industrial Building Work</b> – on land adjoining residential land	●			●	●	●	<b>14</b>
<b>Industrial Building Work</b> – on land not adjoining any residential land							-
<b>Integrated Development</b> – As defined by Section 4.46 of the Act	●	●		●	●		<b>30</b>
<b>Internal fit outs</b> - (shops/Business/ industrial)							-
<b>Liquor Licence</b>	●	●		●	● (within 200m)	●	<b>14</b>
<b>Massage Services</b>	●			●	●		<b>14</b>
<b>Mixed Use Developments</b> – Alterations and additions	●			●	●		<b>14</b>
<b>Mixed Use Developments</b> -New	●	●	●	●	●	●	<b>21</b>
<b>Multi dwelling Housing</b> - alterations and additions	●			●	●		<b>14</b>
<b>Multi dwelling Housing</b> -New	●	●	●	●	●	● (3 or more dwellings)	<b>21</b>
<b>Place of Public Worship</b> – on land zoned other than residential	●			●	●		<b>14</b>
<b>Place of Public Worship</b> – on land zoned residential or land adjoining land zoned residential	●	●	●	●	●	●	<b>14</b>
<b>Residential Flat Building</b> – alterations and additions	●			●	●		<b>14</b>
<b>Residential Flat Building</b> - New	●	●	●	●	●	●	<b>14</b>
<b>Restricted Premises</b>	●	●		●	●		<b>14</b>
<b>Secondary Dwelling (Granny Flat)</b>	●			●	●		<b>14</b>
<b>Seniors Housing</b>	●	●		●	●		<b>21</b>
<b>Signage</b> – on land zoned residential or on land adjoining land zoned residential	●			●			<b>14</b>
<b>Signage</b> – on other land							-
<b>Subdivision – Land</b>	●			●	●		<b>14</b>
<b>Subdivision – Torrens Title of a dual occupancy</b>							-
<b>Subdivision – Strata</b>							-
<b>Telecommunication Facilities</b>		●		● (within 300m)	● (within 300m)		<b>14</b>
<b>All other developments not included above</b>				●			<b>14</b>

## **1.2. Engagement Method Notes**

### **1.2.1. Sending written notices to owners/occupiers**

When sending written notices to owners regarding a proposal which has been placed on consultation for comment, Council's records will be used to determine the owners of land, or the owner's representative. Council does not maintain records of the occupiers of properties and will send letters to the property addressed for the attention of "the occupier".

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.

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.

### **1.2.2. Written notices to properties 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 consultation of landowners outside the City of Ryde regarding a development is at the discretion of the neighbouring council.

### **1.2.3. Consultation period**

The consultation period commences from the day of publication of the first public notice in either print or online format. If there is no public notice it will be from the day after the date a written notice.

### **1.2.4. Additional Consultation**

Council has delegated to officers the power to form an opinion, which is to be based on the potential impact of the development to consult on a proposed development.

### **1.2.5. Extending the area of properties that will receive written notices**

The area of properties to receive a written notice 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. Note: Council has

delegated to officers the power to form an opinion on whether the impact of land may be affected by a proposed development, and to notify the owners and/or occupiers of the properties beyond the 'extended adjoining land'

### **1.3. Consultation of Development Application Revised Plans (before a decision is made)**

The following lists where re-consultation may or may not be required for development application revised plans:

- a. Section 55 of the *Environmental Planning and Assessment Regulation 2000* enables an applicant with the agreement of Council to amend or vary a development application at any time before Council has determined the application.

No notification or advertisement will occur where the amendments in the Council's opinion:

- i. do not significantly differ from the original development application; and
- ii. do not increase the impact on adjoining or neighbouring land or cause no material impact on the environment.

- b. A development application where the amendments to the application is deemed to be substantial or likely to have a greater impact on adjoining or neighbouring land; or where the application has been replaced then Council will renotify:

- i. those persons who made submissions on the original application; and
- ii. any other person who owns adjoining or neighbouring land and in the Council's opinion may be adversely affected by the amendments.

Note: In the case of submission being made by petition, only the principal author or first signatory will be notified.

### **1.4. Consultation of Development Application Modifications (after a decision is made)**

Applications for modification of development consent under section 4.55 of the EP&A Act allow an applicant to modify a development consent that has been granted without the need for a new consent to be issued.



There are 4 types of modification applications that can be made:

- a minor modification under section 4.55(1) for minor errors, misdescription or miscalculation;
- an application under section 4.55(1A) where the proposed modification is of minimal environmental impact;
- an application under section 4.55(2) for other modifications that involve more than a minimal environmental impact; and
- an application under section 4.56. These are applications for modification of a consent that has been granted by the Land and Environment Court.

Applications to modify development consent under section 4.55(1) to correct minor error, misdescription or miscalculation will not be advertised or consulted on.

Applications to modify development consent under section 4.55(1A), section 4.55(2) or section 4.56 will be consulted or consulted and advertised for a minimum period of 14 days in the same manner as the original development application was notified or advertised unless:

- the original development application was not required to be notified or advertised; and/ or
- the modification does not change the external appearance or the building height or the shape of the proposal as shown on the original development application; and/or
- the responsible Council Officer is satisfied that the proposed modification or amendment has none or minimal impact on the environment; and/or
- the responsible Council Officer is satisfied that the proposed modification or amendment is unlikely to cause any disadvantage to any person who owns land in the adjoining land area, the extended adjoining land area or who has made a submission relating to the development application.

Note: If Council is satisfied that the proposed modification is of a minor nature, or of minimal environmental impact, the requirements of newspaper advertisement or sign on land may be waived. In the case of submission being made by a petition, only the principal author or first signatory will be notified.

In respect of an application to modify a development consent under Section 4.56, Council will also consult any person who made a submission in respect of that development application. For the purposes of consultation, Council will send a

written notice to the last address or email known by Council of the objector or other person.

### 1.5. Consultation of Development Application Review (review of a decision that was made)

Section 8.3 of the Act allows an applicant to request a consent authority to review a determination or decision made by the consent authority. An applicant is entitled to lodge amended plans with the review request. A request for a section 8.3 review:

- will be notified or advertised for a minimum period of 14 days in the same manner as the original development application. Written letters will be sent to all persons who made submissions to the original development application; and
- when accompanied by amended plans, the land owners within the adjoining land area or extended adjoining land area will be notified. Note: If Council is satisfied that the modifications as proposed are of minor nature, or of minimal environmental impacts, the requirement of notice in newspaper or sign on land may be waived.

### 1.6. What information we will provide during consultation

Table 3 - Information provided during consultation

	Written notice	Public notice*	Sign on Land
<b>INFORMATION PROVIDED</b>			
The development application (DA) number	●	●	●
Address of the site	●	●	●
A description of the development	●	●	●
Name of the applicant	●		●
How to view a copy of the plans	●	●	
How to make a written submission	●	●	●
Consultation period	●	●	●
'Development Proposal' heading			●
A4 sized site, elevation and shadow plans of the development	●		

\*Public notice will be advertised on one occasion in a selected print or online format.

### 1.6.1. What information will be publicly available

During the consultation period, all information submitted with the development application will be publicly available from the City of Ryde Customer Service Centre located at 1 Pope Street, Ryde during opening hours. Once the consultation period closes the plans will no longer be publicly available through Customer Service.

A public authority is not required to make available for public inspection any part of an environmental impact statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.

## 1.7. Submissions

### 1.7.1. How to make a written submission

Submissions must be lodged within the period indicated in the consultation period indicated in the written notice. The submission must clearly identify the application number that you are writing about.

Submissions should be made in writing, clearly setting out any comments or concerns you have. Submissions should be addressed to The General Manager and may be submitted to Council either by post, email or through Council's website.

Submissions should relate directly to the work proposed and its possible impact on the surrounding property or locality.

**Please note:** that all submissions received in relation to rezoning and development applications will be publicly accessible on request.

### 1.7.2. How Council will respond to those who have written a submission

Council will send a written acknowledgement to all persons who made a submission within the consultation period advising that their submission was received. This written notice will be sent via the contact details provided on the submission. In the case of a petition, only the principal author or first signatory will be notified.

Only when a decision is made will Council notify in writing all persons who made submissions how their views were considered in reaching the decision.

## **1.8. Determinations**

During any consultation period, no determination by Council (where Council is the decision maker) will be made.

Once an application has been determined, Council will notify the community of the decision by:

- Notifying the applicant in writing of the decision made including the date of the decision and the reason for the decision.
- Notifying in writing all persons who made submissions about a development application regarding the decision made and detail how their views were considered in reaching the decision. In the case of a petition, only the principal author or first signatory will be notified.
- Publishing a public notice of all determinations. The public notice, which will be placed either in print or online will provide the details of the land and the development proposal.

## **2. Plan Making Documents**

This section covers draft plan making documents such as:

- Draft Contributions Plans
- Draft Development Control Plans
- Planning Proposals

### **2.1. What information we will provide**

#### **Draft Contributions Plans**

Following the preparation of a draft contributions plan, the council:

- must give public notice in a local newspaper of the places, dates and times for inspection of the draft plan, and
- must publicly exhibit at the places, on the dates and during the times set out in the notice:
  - a copy of the draft plan, and
  - a copy of any supporting documents, and
- must specify in the notice the period during which submissions about the draft plan may be made to the council (which must include the period during which the plan is being publicly exhibited).

## **Draft Development Control Plans**

Following the preparation of a draft development control plan, the council:

- must give public notice in a local newspaper of the places, dates and times for inspection of the draft plan,
- must publicly exhibit at the places, on the dates and during the times set out in the notice:
  - a copy of the draft plan, and
  - a copy of any relevant local environmental plan or deemed environmental planning instrument, and
- must specify in the notice the period during which submissions about the draft plan may be made to the council (which must include the period during which the plan is being publicly exhibited).

## **Planning Proposals**

The written notice must:

- give a brief description of the objectives or intended outcomes of the planning proposal
- indicate the land affected by the planning proposal  
state where and when the planning proposal can be inspected
- give the name and address of the planning proposal authority (PPA) for the receipt of submissions
- indicate the last date for submissions
- confirm whether delegation for making the LEP has been issued to the PPA

### **2.1.1. What information will be publicly available during consultation**

## **Draft Contributions Plans**

Copies of the draft contributions plan, and of any supporting documents, are to be made available to interested persons, either free of charge or on payment of reasonable copying charges.

## **Draft Development Control Plans**

Copies of the draft development control plan, and of any relevant local environmental plan or deemed environmental planning instrument, are to be made available to interested persons, either free of charge or on payment of reasonable copying charges.

## **Planning Proposals**

During the exhibition period, the following material must be made available for inspection:

- the planning proposal in the form approved for community consultation by the Gateway determination
- the Gateway determination
- any information or technical information relied upon by the planning proposal.

### **2.2. Submissions**

#### **2.2.1. Examples of Planning Proposal submissions**

Submissions must be made in writing, clearly setting out any comments or concerns you have. Submissions should be addressed to The General Manager and may be submitted to Council either by post, email or through Council's website.

#### **2.2.2. Submissions to Council**

Submissions received within the consultation period will be noted and given consideration on the matter.

A petition received during the consultation period will be noted separately to submissions. However, the content of the petition will be considered with submissions on the matter.

### **2.3. Determinations**

If a plan is to be placed on consultation, then it is not to be made until after the consultation period.