

Manly Development Control Plan 2013 (Amendment 13)

Proposed amendment - To remove Part 2 being:

Part 2 – Process (what do I lodge with the DA & how is the DA notified)

This Part outlines administrative guidelines for all DAs across the Northern Beaches Council in relation to exhibitions, notifications and advertising.

2 Exhibition, Advertisement and Notification of Applications

Relevant DCP objectives to be satisfied in relation to this part include the following:

- Objective 1) To achieve desirable and reasonable planning outcomes for development on the Northern Beaches.
- Objective 2) To provide the opportunity for public participation in the planning process that is appropriate to the type, location and form of development proposed.
- Objective 3) To provide transparent, consistent and efficient procedures for the exhibition of applications.

2.1 All Applications

All applications will be available online via Council's website. The posting online of information relating to applications will be consistent with relevant legislation.

2.2 Applications that are not required to be notified

2.2.1 Applications for the following types of development are not required to be notified:

- a) Removal of trees (not including heritage items), unless, in the opinion of the officer responsible for the management of the application, the removal of the tree is likely to result in a detrimental impact to the streetscape or adjoining properties.
- b) Modifications of Consent involving minimal environmental impact
- c) At the discretion of Council staff, any application that is of a minor nature and impact (for example: internal fit outs to an existing shop that is not a change of use; internal alterations to a dwelling with no external changes).

2.2.2 Applications in the above list may be notified at the discretion of Council staff.

2.3 Notified applications

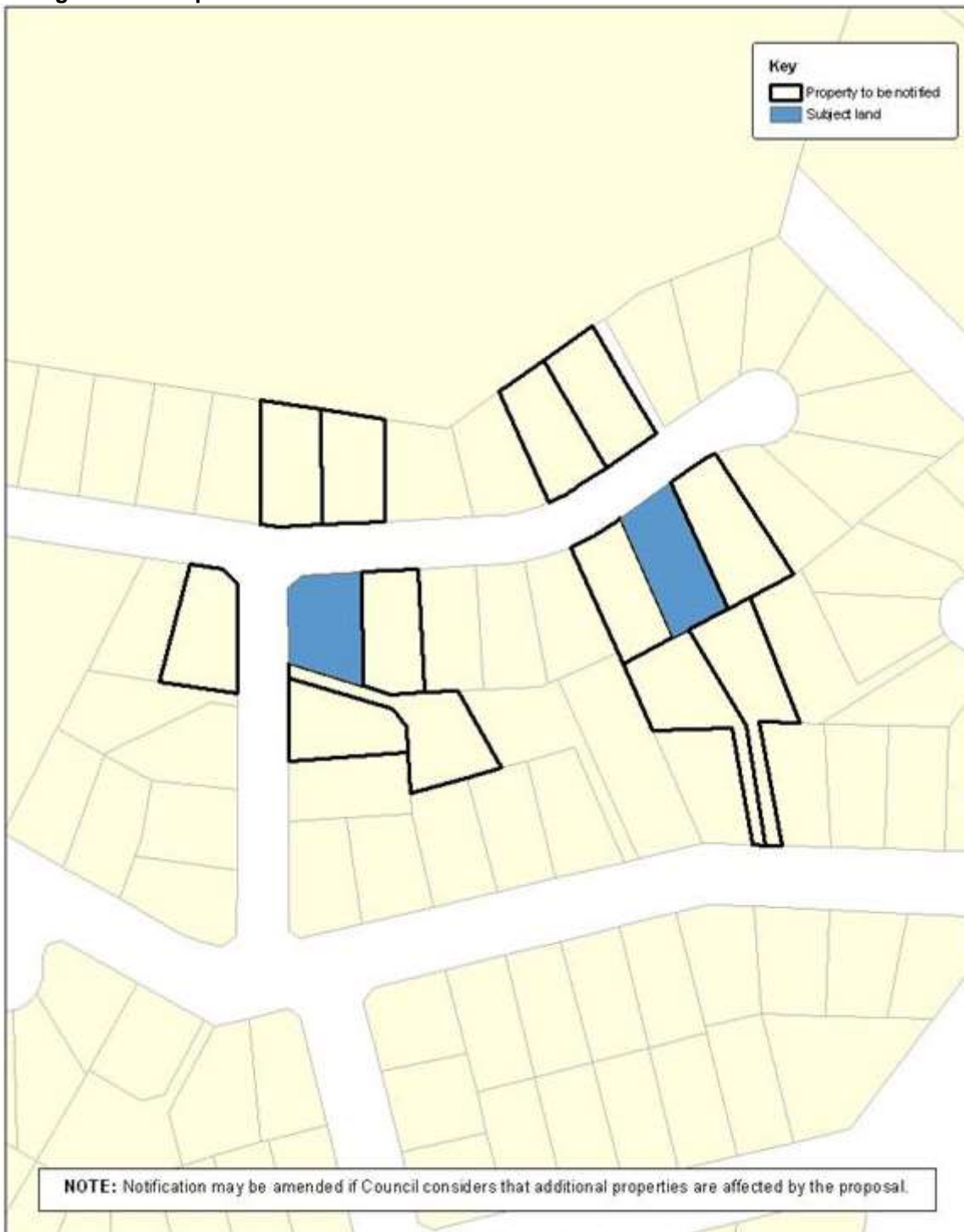
2.3.1 All other DAs (not listed in paragraph 2.2.1 above) will have the following minimum standards for notification:

- a) A notification letter will be sent to adjoining property owners and occupiers, and property owners and occupiers directly across a street or road. Council will rely on its property system on the day of compiling the notice to identify the owners of the land. An example of the extent of the notification area is shown in Figure 1.
- b) A notification sign is to be placed in a prominent position on the site for the duration of the notification period.
- c) In cases where the property to be notified is a strata titled building, Council will notify all owners and occupiers of the property.
- d) The exhibition period is 14 days (unless legislation requires otherwise) except for any application to be determined by the Sydney North Planning Panel, which will be exhibited for 21 days.
- e) The notification letter will include the following advice:
 - i) Identification of the relevant parcel of land, including the complete address of all street frontages and lot numbers;
 - ii) A description of the development;
 - iii) The place and times the application can be inspected;
 - iv) The closing date for submissions, and;
 - v) A statement that submissions will be disclosed to any person requesting information under the applicable legislation.

2.3.2 The above process may be varied at the discretion of Council staff to permit:

- a) Notification of properties beyond adjoining properties;
- b) The reduction in the number of properties notified for applications of a minor nature or impact (for example: not notifying owners on the 6th floor of a building about an application for a shop fit out on the ground floor that is not a change of use);
- c) An extension of the notification period;
- d) Placement of a public notice in a local newspaper;
- e) Exhibition of plans at other public venues;
- f) The holding of a public meeting;
- g) Consultation with relevant community groups;
- h) Variations to the notification letter; and/or
- i) Compliance with legislative requirements.

Figure 1. Example of Notification Extent



2.4 Advertised Development

The [Environmental Planning and Assessment Regulation 2000](#) ('EP&A Regulation') requires that Council follow specific advertising procedures for certain types of development. In addition, the [Environmental Planning and Assessment Act 1979](#) ('EP&A Act') enables Council to identify other forms of 'advertised development' to include in notification processes that are over and above the minimum notification procedures.

The following DAs will be advertised within a local newspaper:

- Shop top housing
- Multi dwelling housing
- Seniors housing
- Residential flat buildings
- Sex service premises
- Child-care centres in residential areas
- Development involving subdivision to create five or more additional lots
- The complete demolition of a building or removal of a tree listed as an item of environmental heritage under an environmental planning instrument
- Development that is prohibited by the LEP, but permissible under a SEPP, with a construction cost greater than \$1 million
- Heavy industries and heavy industrial storage establishments
- Hospitals
- Hotel and motel accommodation
- Boarding houses
- All development listed in Clause 23 of the Warringah Local Environmental Plan 2000 ('Warringah LEP 2000') (for land under WLEP 2000 only)
- Applications to be determined by the Sydney North Planning Panel

At the discretion of Council staff:

- Alterations and additions to the above developments may be excluded from advertising due to the minor nature and impact of the proposal;
- Additional developments may be advertised;
- The exhibition period may be extended beyond the 14 day period, or the 21 day period for Sydney North Planning Panel applications.

2.5 Additional Legislative Requirements

Additional legislative requirements apply to the following types of development:

- Nominated Integrated Development
- Threatened Species Development
- Designated Development

Clause 89 of the [EP&A Regulation](#) requires nominated integrated development or threatened species development to be notified and advertised for a period of 30 days.

Designated development refers to certain types of high impact development that are identified under Schedule 3 of the EP&A Regulation. The requirements for public exhibition and notification of development applications for designated development are specified in Schedule 1 of the [EP&A Act](#) and Clauses 77-81 of the [EP&A Regulation](#). Designated development is to be notified and advertised for a period of 30 days.

2.6 Notification of amended development applications

Amended or substituted applications will be notified/advertised in the same manner as the original application and to each person who made a submission to the original application.

Further notification/advertising in relation to the amended or substituted applications may be dispensed with at the discretion of Council staff if Council is of the opinion that the amended or substituted application differs only in minor respects from the original application, and does not result in a greater environmental impact.

Note: This paragraph does not require Council to accept amendments to DAs.

2.7 to Modify Consents and Review Applications to Modify Consents refused or the conditions imposed

Certain modification applications will be exhibited and/or notified as per the original development application as follows:

- Applications to Modify Consents including consent issued by the Court.
- Applications for a review of a modification application that are refused or where conditions are imposed

except for:

- (a) Applications to Modify Consents involving minor error, misdescription or miscalculation.

In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: Clauses 117, 118 and 119 of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.

The above process may be varied at the discretion of Council staff to:

- Permit notification beyond adjoining owners and occupiers and those who made a submission; and/or
- Limit the notification to only those neighbouring properties impacted upon by the modification or to determine that notification is not required. For example, a modification involving amendments to fenestration on the southern elevation of a building will not need to be notified to residents on the northern side of the site.

2.8 Notification requirements for Requests to Review a Determination

Applications lodged requesting a review of a Determination pursuant to the [EP&A Act](#) will be exhibited and/or notified as per the original development application. In addition, a written notice will be sent to each person who made a submission to the original DA. These notices will be sent to the last address known to Council.

This does not apply to applications where the [EP&A Regulation](#) stipulates a maximum notification/advertising period.

Note: Clause 113A of the [EP&A Regulation](#) specifies requirements for exhibition, advertisement and notification of relevant applications.

2.9 Time period for notification over the Christmas/New Year Period

- a) The period between 20 December and 10 January will not be included in the time period for notification/advertising of applications.
- b) This does not apply to applications where the [EP&A Regulation](#) stipulates a maximum notification/advertising period.

2.10 Consideration of submissions

- a) All submissions must be made in writing to Council and must reasonably and relevantly relate to the subject of the application.
- b) All submissions will be publicly available on Council's website and may be disclosed to any person requesting information under the Government Information (Public Access) Act 2009.
- c) Personal information (eg: phone number, address, name, email address) will be redacted upon request.
- d) Council will consider requests for a whole submission to be confidential. These requests must include reasons as to why the submission should not be released online.
- e) Anonymous correspondence will not be counted as a submission.
- f) Submissions received after the end of the notification period will be accepted at the discretion of Council staff.
- g) All submissions received from the same person will be considered as a single submission.
- h) All submissions received by or on behalf of the same dwelling will be considered as a single submission.
- i) Irrespective of the number of signatories, petitions will be considered as a single submission.

- j) Any person that lodges a submission will be notified of Council's determination of the application. Only the organiser of the petition will be notified of Council's determination of the application.

Pittwater 21 Development Control Plan

Proposed amendment - To remove Section A5 being:

A5.1 Exhibition, Advertisement and Notification of Applications

Land to which this control applies

This section applies to all land to which Pittwater Local Environmental Plan 2014 applies.

Outcomes

- To achieve desirable and reasonable planning outcomes for development on the Northern Beaches.
- To provide the opportunity for public participation in the planning process that is appropriate to the type, location and form of development proposed.
- To provide transparent, consistent and efficient procedures for the exhibition of applications.

Controls

All Applications

All applications will be available online via Council's website. The posting online of information relating to applications will be consistent with relevant legislation.

Applications that are not required to be notified

Applications for the following types of development are not required to be notified:

- Removal of trees (not including heritage items), unless in the opinion of the officer responsible for the management of the application the removal of the tree is likely to result in a detrimental impact to the streetscape or adjoining properties.
- Section 96(1) applications.
- At the discretion of Council staff, any application which is of a minor nature and impact (for example: internal fitouts to an existing shop that is not a change of use; internal alterations to a dwelling with no external changes).

Applications in the above list may be notified at the discretion of Council staff.

Notified applications

All other development applications will have the following minimum standards for notification:

- A notification letter will be sent to adjoining property owners and occupiers and property owners and occupiers directly across a street or road. Council will rely on its property system on the day of compiling the notice to identify the owners of the land. An example of the extent of the notification area is shown in figure 1.
- A notification sign is to be placed in a prominent position on the site for the duration of the notification period.
- In cases where the property to be notified is a strata titled building, Council will notify all owners and occupiers of the property.
- The exhibition period is 14 days (unless legislation requires otherwise) except for any application to be determined by the Sydney North Planning Panel which will be exhibited for 21 days.
- The notification letter will include the following advice:
 - Identification of the relevant parcel of land, including the complete address of all street frontages and lot numbers;
 - A description of the development;
 - The place and times the application can be inspected;
 - The closing date for submissions, and;
 - A statement that submissions will be disclosed to any person requesting information under the applicable legislation.

The above process may be varied at the discretion of Council staff to permit:

- Notification of properties beyond adjoining properties;

- The reduction in the number of properties notified for applications of a minor nature or impact (for example: not notifying owners on the 6th floor of a building about an application for a shop fitout on the ground floor that is not a change of use);
- An extension of the notification period;
- Placement of a public notice in a local newspaper;
- Exhibition of plans at other public venues;
- The holding of a public meeting;
- Consultation with relevant community groups;
- Variations to the notification letter; and/or
- Compliance with legislative requirements.

Figure 1. Example of Notification Extent

Advertised Development

The Environmental Planning and Assessment Regulation 2000 ('EP&A Regulation') requires that Council follow specific advertising procedures for certain types of development. In addition, the Environmental Planning and Assessment Act 1979 ('EP&A Act') enables Council to identify other forms of 'advertised development' to include in notification processes that are over and above the minimum notification procedures.

The following development applications will be advertised within a local newspaper:

- Shop top housing
- Multi dwelling housing
- Seniors housing
- Residential flat buildings
- Sex service premises
- Child-care centres in residential areas
- Development involving subdivision to create five or more additional lots
- The complete demolition of a building or removal of a tree listed as an item of environmental heritage under an environmental planning instrument
- Development that is prohibited by the LEP, but permissible under a SEPP, with a construction cost greater than \$1 million
- Heavy industries and heavy industrial storage establishments
- Hospitals
- Hotel and motel accommodation
- Boarding houses
- All development listed in Clause 23 of Warringah LEP 2000 (for land under WLEP 2000 only)
- Applications to be determined by the Sydney North Planning Panel

At the discretion of Council staff:

- Alterations and additions to the above developments may be excluded from advertising due to the minor nature and impact of the proposal;
- Additional developments may be advertised;
- The exhibition period may be extended beyond the 14 day period, or the 21 day period for Sydney North Planning Panel applications.

Additional Legislative Requirements

Additional legislative requirements apply to the following types of development:

- Nominated Integrated Development
- Threatened Species Development
- Designated Development

Clause 89 of the EP&A Regulation requires nominated integrated development or threatened species development to be notified and advertised for a period of 30 days as detailed in the Regulation.

Designated development refers to certain types of high impact development that are identified under Schedule 3 of the EP&A Regulation. The requirements for public exhibition and notification of development applications for designated development are specified in of the EP&A Act and Clauses 77-81 of the EP&A Regulation. Designated development is to be notified and advertised for a period of 30 days.

Notification of amended development applications

Amended or substituted applications will be notified/advertised in the same manner as the original application and to each person who made a submission to the original application.

Further notification/advertising in relation to the amended or substituted applications may be dispensed with at the discretion of Council staff if Council is of the opinion that the amended or substituted application differs only in minor respects from the original application, and does not result in a greater environmental impact.

Note: *This section does not require Council to accept amendments to development applications.*

Modify Consents and Review Applications to Modify Consents refused or the conditions imposed

Certain modification applications will be exhibited and/or notified as per the original development application. In addition, a written notice will be sent to each person who made a submission to the original development application as follows:

These notices will be sent to the last address known to Council.

- Applications to Modify Consents including consent issued by the Court.
- Applications for a review of a modification application that are refused or where conditions are imposed
except for:
- Applications to Modify Consents involving minor error, misdescription or miscalculation.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: *Clauses 117, 118 and 119 of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

The above process may be varied at the discretion of Council staff to:

- Permit notification beyond adjoining owners and occupiers and those who made a submission;
- Limit the notification to only those neighbouring properties impacted upon by the modification or to determine that notification is not required. For example, a modification involving amendments to fenestration on the southern elevation of a building will not need to be notified to residents on the northern side of the site.

Notification requirements Requests to Review a Determination

Applications lodged requesting a review of a Determination pursuant to the EP&A Act will be exhibited and/or notified as per the original development application. In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: *Clause 113A of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

Time period for notification over the Christmas/New Year Period

The period between 20 December and 10 January will not be included in the time period for notification/advertising of applications.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Consideration of submissions

All submissions must be made in writing to Council and must reasonably and relevantly relate to the subject of the application.

All submissions will be publicly available on Council's website and may be disclosed to any person requesting information under the Government Information (Public Access) Act 2009.

Personal information (eg: phone number, address, name, email address) will be redacted upon request.

Council will consider requests for a whole submission to be confidential. These requests must include reasons as to why the submission should not be released online.

Anonymous correspondence will not be counted as a submission.

Submissions received after the end of the notification period will be accepted at the discretion of Council staff.

All submissions received from the same person will be considered as a single submission.

All submissions received by or on behalf of the same dwelling will be considered as a single submission.

Irrespective of the number of signatories, petitions will be considered as a single submission.

Any person that lodges a submission will be notified of Council's determination of the application. Only the organiser of the petition will be notified of Council's determination of the application.

Warringah Development Control Plan 2011

Proposed amendment - To remove Section A.7 being:

A.7 Exhibition, Advertisement and Notification of Applications

Applies to Land

This section applies to all land to which Warringah Local Environmental Plan 2011 applies.

Objectives

- To achieve desirable and reasonable planning outcomes for development on the Northern Beaches.
- To provide the opportunity for public participation in the planning process that is appropriate to the type, location and form of development proposed.
- To provide transparent, consistent and efficient procedures for the exhibition of applications.

All Applications

All applications will be available online via Council's website. The posting online of information relating to applications will be consistent with relevant legislation.

Applications that are not required to be notified

Applications for the following types of development are not required to be notified:

- Removal of trees (not including heritage items), unless in the opinion of the officer responsible for the management of the application the removal of the tree is likely to result in a detrimental impact to the streetscape or adjoining properties.
- Modifications of Consent involving minimal environmental impact.
- At the discretion of Council staff, any application which is of a minor nature and impact (for example: internal fitouts to an existing shop that is not a change of use; internal alterations to a dwelling with no external changes).

Applications in the above list may be notified at the discretion of Council staff.

Notified applications

All other development applications will have the following minimum standards for notification:

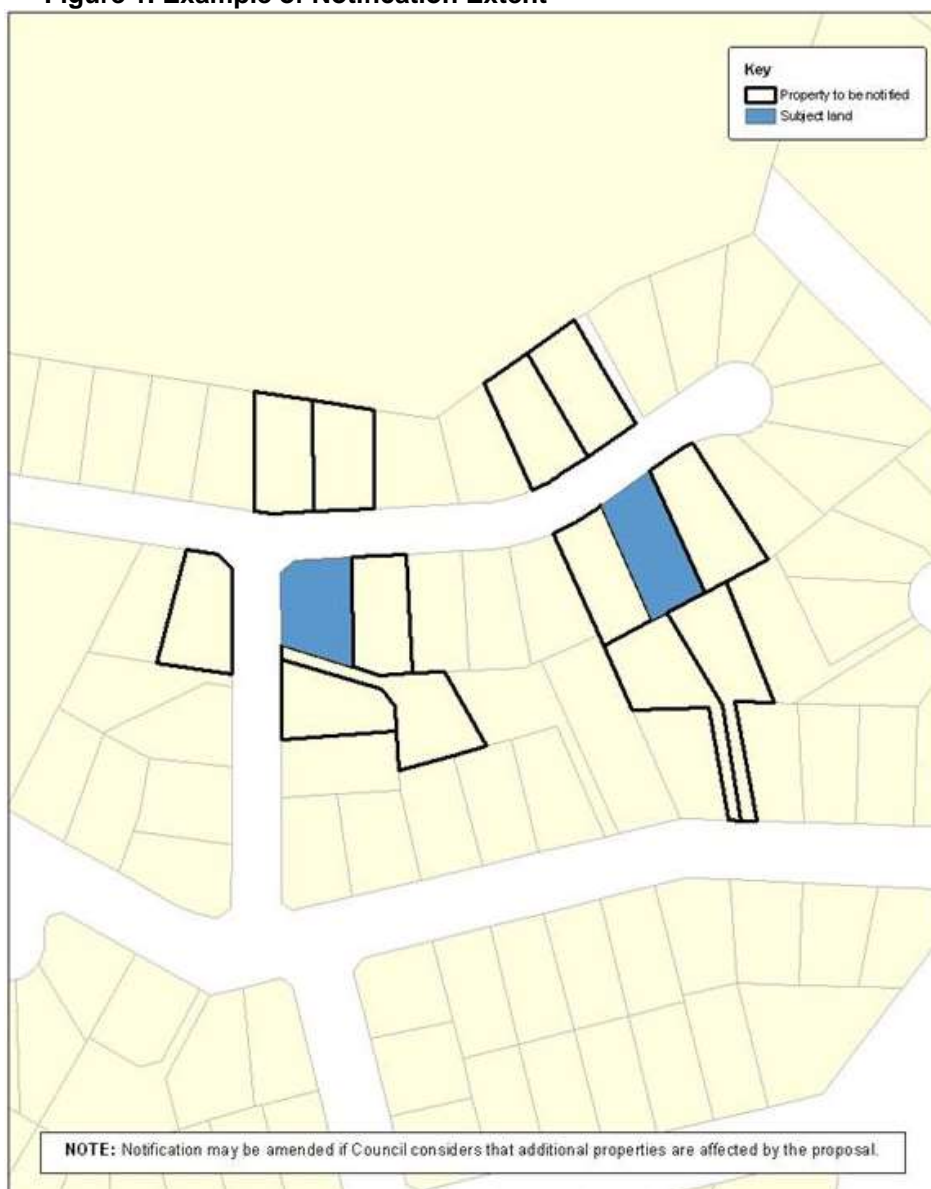
- A notification letter will be sent to adjoining property owners and occupiers and property owners and occupiers directly across a street or road. Council will rely on its property system on the day of compiling the notice to identify the owners of the land. An example of the extent of the notification area is shown in figure 1.
- A notification sign is to be placed in a prominent position on the site for the duration of the notification period.
- In cases where the property to be notified is a strata titled building, Council will notify all owners and occupiers of the property.
- The exhibition period is 14 days (unless legislation requires otherwise) except for any application to be determined by the Sydney North Planning Panel which will be exhibited for 21 days.
- The notification letter will include the following advice:

- Identification of the relevant parcel of land, including the complete address of all street frontages and lot numbers;
- A description of the development;
- The place and times the application can be inspected;
- The closing date for submissions, and;
- A statement that submissions will be disclosed to any person requesting information under the applicable legislation.

The above process may be varied at the discretion of Council staff to permit:

- Notification of properties beyond adjoining properties;
- The reduction in the number of properties notified for applications of a minor nature or impact (for example: not notifying owners on the 6th floor of a building about an application for a shop fitout on the ground floor that is not a change of use);
- An extension of the notification period;
- Placement of a public notice in a local newspaper;
- Exhibition of plans at other public venues;
- The holding of a public meeting;
- Consultation with relevant community groups;
- Variations to the notification letter; and/or
- Compliance with legislative requirements.

Figure 1. Example of Notification Extent



Advertised Development

The *Environmental Planning and Assessment Regulation 2000* ('EP&A Regulation') requires that Council follow specific advertising procedures for certain types of development. In addition, the *Environmental Planning and Assessment Act 1979* ('EP&A Act') enables Council to identify other forms of 'advertised development' to include in notification processes that are over and above the minimum notification procedures.

The following development applications will be advertised within a local newspaper:

- Shop top housing
- Multi dwelling housing
- Seniors housing
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- Sex service premises
- Child-care centres in residential areas
- Development involving subdivision to create five or more additional lots
- The complete demolition of a building or removal of a tree listed as an item of environmental heritage under an environmental planning instrument
- Development that is prohibited by the LEP, but permissible under a SEPP, with a construction cost greater than \$1 million
- Heavy industries and heavy industrial storage establishments
- Hospitals
- Hotel and motel accommodation
- Boarding houses
- All development listed in Clause 23 of Warringah LEP 2000 (for land under WLEP 2000 only)
- Applications to be determined by the Sydney North Planning Panel

At the discretion of Council staff:

- Alterations and additions to the above developments may be excluded from advertising due to the minor nature and impact of the proposal;
- Additional developments may be advertised;
- The exhibition period may be extended beyond the 14 day period, or the 21 day period for Sydney North Planning Panel applications.

Additional Legislative Requirements

Additional legislative requirements apply to the following types of development:

- Nominated Integrated Development
- Threatened Species Development
- Designated Development

Clause 89 of the EP&A Regulation requires nominated integrated development or threatened species development to be notified and advertised for a period of 30 days as detailed in the Regulation.

Designated development refers to certain types of high impact development that are identified under Schedule 3 of the EP&A Regulation. The requirements for public exhibition and notification of development applications for designated development are specified in Schedule 1 of the EP&A Act and Clauses 77-81 of the EP&A Regulation. Designated development is to be notified and advertised for a period of 30 days.

Notification of amended development applications

Amended or substituted applications will be notified/advertised in the same manner as the original application and to each person who made a submission to the original application.

Further notification/advertising in relation to the amended or substituted applications may be dispensed with at the discretion of Council staff if Council is of the opinion that the amended or substituted application differs only in minor respects from the original application, and does not result in a greater environmental impact.

Note: This section does not require Council to accept amendments to development applications.

Applications to Modify Consents and Review Applications to Modify Consents refused or the conditions imposed

Certain modification

Applications lodged, will be exhibited and/or notified as per the original development application as follows:

- Applications to Modify Consents including consent issued by the Court.
- Applications for a review of a modification application that are refused or where conditions are imposed

except for:

- Applications to Modify Consents involving minor error, misdescription or miscalculation.

In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: *Clauses 117, 118 and 119 of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

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Notification requirements for Requests to Review a Determination

Applications lodged requesting a review of a Determination pursuant to the EP&A Act will be exhibited and/or notified as per the original development application. In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: *Clause 113A of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

Time period for notification over the Christmas/New Year Period

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Warringah Development Control Plan 2000

Proposed amendment - To remove Part 1 being:

EXHIBITION, ADVERTISEMENT AND NOTIFICATION OF APPLICATIONS

Applies to Land

This section applies to all land to which Warringah Local Environmental Plan 2000.

Objectives

- To achieve desirable and reasonable planning outcomes for development on the Northern Beaches.
- To provide the opportunity for public participation in the planning process that is appropriate to the type, location and form of development proposed.
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- Modifications of Consent involving minimal environmental impact
- At the discretion of Council staff, any application which is of a minor nature and impact (for example: internal fitouts to an existing shop that is not a change of use; internal alterations to a dwelling with no external changes).

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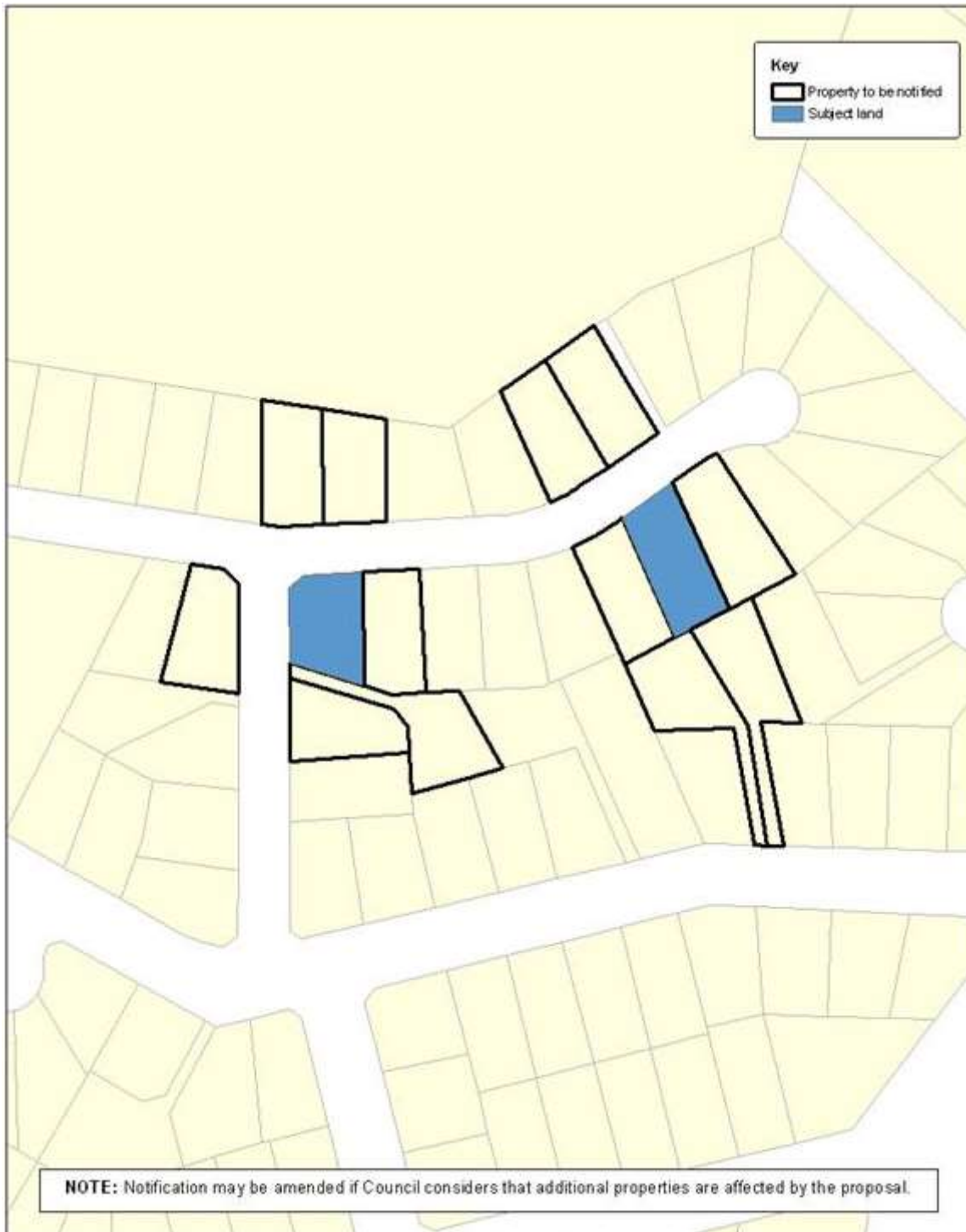


Figure 1. Example of Notification Extent

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Note: *This section does not require Council to accept amendments to development applications.*

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Certain modification applications lodged will be exhibited and/or notified as per the original development application as follows:

- Applications to Modify Consents including consent issued by the Court.
- Applications for a review of a modification application that are refused or where conditions are imposed except for:
- Applications to Modify Consents involving minor error, misdescription or miscalculation.

In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: *Clauses 117, 118 and 119 of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

The above process may be varied at the discretion of Council staff to:

- Permit notification beyond adjoining owners and occupiers and those who made a submission;
- Limit the notification to only those neighbouring properties impacted upon by the modification or to determine that notification is not required. For example, a modification involving amendments to fenestration on the southern elevation of a building will not need to be notified to residents on the northern side of the site.

Notification requirements for Requests to Review a Determination

Applications lodged requesting a review of a Determination pursuant to the EP&A Act will be exhibited and/or notified as per the original development application. In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

Note: *Clause 113A of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*