

Advertising and Notification of Development Applications

The purpose of this guideline is to set out an orderly and transparent approach to public participation for development applications being assessed by Roads and Maritime Services.

1. Introduction

Consultation is an essential part of the development process and specifically provides the opportunity for stakeholders to comment on proposals if they believe it may affect them.

The Environmental Planning and Assessment Act 1979 (the Act) and accompanying regulations specifies the consultation requirements for certain types of development applications. Many of the development applications dealt with by Roads and Maritime Services (RMS) are considered to be 'Integrated Development' as they require approval from another public authority before consent can be granted.

This guideline relates only to those development applications in Sydney Harbour for which RMS is the consent authority. This is generally only water-based development such as jetties, wharves, boat lifts, slipways, pontoons, mooring pens and the like, as set out by the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

This Guideline outlines the procedures of RMS meeting these requirements and clarifies what consultation may be undertaken for other types of development applications.

Advertised Development. A development application can be specified as 'Advertised Roads and Maritime Services

Development' by the Regulations, an environmental planning instrument or a Development Control Plan.

Development applications for 'Advertised Development' will be advertised in accordance with the Act and accompanying regulations, involving the placement of a public notice in the local newspaper and the issue of written notices to adjoining landowners or occupiers.

The advertisement will provide a period of no less than 30 days in which to make a submission (commencing on the day after which the notice first appears in the newspaper). The legislation specifies a fee payable by the applicant to fund the cost of this advertisement.

2. Other development applications

Letters will be sent to properties adjoining the site of a development application.

In the case of development on Sydney Harbour (much of which is on a single title), adjoining properties are generally considered to be those immediately landward of the site and/or adjacent to the landward property benefiting from the development. This forms a minimum area of notification which can be increased at the discretion of the planning officer, taking into

account the nature of the development and the likely impacts of the proposal.

Notification letters will only be sent to the occupier of the property and/or a Body Corporate (for those properties under Strata title).

In accordance with the Regulations, notice given to a Body Corporate or occupier is considered to be notice to all owners.

All notification letters will provide an overview of the proposal with details on how to make a submission. Where practical, a reduced A4 size copy of the proposal showing the general location and configuration of the development, including elevations (if relevant), will also be included.

4. Other considerations

4.1. Amended plans

Amendments made to a development proposal prior to determination may need to be re-advertised and/or notified if, in the opinion of the planning officer, those changes are not of a minor nature and/or objections were received as part of the initial notification process.

4.2. Modification Applications

Section 4.55 applications are used to amend existing development consents.

Section 4.55(2) applications (i.e. involving environmental impacts which are not minimal) made in relation to Integrated Development applications will be re-advertised and notified for a minimum 14-day period.

Notification of a Section 4.55(2) application will be issued to those properties immediately adjoining the landward development site and any person(s) who made a submission in relation to the original application.

If the Section 4.55(2) application does not relate to an Integrated Development application RMS will send out notification letters to adjoining properties and provide a minimum 14-day period in which to provide comment.

In accordance with the Regulations, Section 4.55 (1) and 4.55 (1A) applications (which relate to more minor matters) will not be re-advertised or notified.

4.3. Deficient Applications

RMS reserves the right not to notify and/or advertise development applications that in its opinion are deficient. A deficient development application is one that is indecipherable and/or fails to adequately consider the relevant planning controls.

4.4. Subdivision for leasing purposes

Development applications proposing subdivision, for the purpose of a lease with RMS will not be notified.

4.5. Making a submission

Any person is entitled to make a submission on a development application, whether or not a notification letter has been forwarded. All submissions must be made in writing and should be received by RMS within the specified period.

RMS will consider the merit of all relevant submissions received but is not bound to adopt or support a submission when making its determination.

Submissions should clearly state the reason(s) for objection or support and need to clearly indicate the name, address of the person(s) making the submission and the proposal the submission relates to. Anonymous submissions will not be considered. Submissions may be supported by other documents (such as surveys, plans or photographs).

Where petitions are received in relation to development applications or Section 4.55 applications, the head petitioner will be the future point of contact. Where a head petitioner is not nominated, RMS Officers will select one. Only the head petitioner will be advised of the determination.

Please note that submissions are not confidential and may be accessed by the public. On application RMS, a person(s) identity may be

suppressed from a public register. Requests must be supported by reasonable and validated grounds.

Following determination of a development application, all persons who made a submission shall be notified in writing of the decision.

Important Note:

This document does not constitute legal advice and provides guidance only. Users are advised to seek professional advice and refer to the relevant legislation as necessary, before taking action in relation to any matters covered by this document. This document should be read in tandem with the requirements of the Environmental Planning and Assessment Act 1979 and accompanying regulations which take full precedence over this document.

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