



B

# PART B - NOTIFICATION AND ADVERTISING

- B1 Notification Procedures .....14**
  - B1.1 Applications that do not require notification or advertising ..... 14
  - B1.2 Local development ..... 16
  - B1.3 Integrated development..... 17
  - B1.4 Review of Determination ..... 17
  - B1.5 Designated development..... 17
  - B1.6 State significant development..... 18
- B2 General information .....18**

## B1 Notification Procedures

### B1.1 Applications that do not require notification or advertising

Council will not notify applications for proposals which in its opinion are unlikely to have any impact on the locality. See Table B-A below for a list of these development types.

All other Development proposals will be publicly notified in accordance with the procedures set out below.

**Table B-A Development Applications which do not require Notification or Advertising**

Description	Criteria	Examples
Exempt Development	Development Types that fall within the Exempt Development criteria of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Bird Aviaries, garden sheds etc.
Complying Development Certificate applications	Development Types that fall within the Complying Development criteria of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Swimming pools, single storey alterations/additions to dwellings etc.
Maintenance and Minor works applications on Heritage Items and in Heritage Conservation Areas	Minor works that would be Exempt Development criteria (see above Policy reference) except for heritage listing	Repainting, minor repair works
Development Applications for internal building work associated with a residential use	Nil	Demolition or construction of internal walls  Change in the configuration of rooms
Development Applications for internal building work associated with non-residential use	Will not significantly increase the intensity or impact of the use on the locality	Fire safety upgrade work  Renewal of internal fixtures such as bathrooms
Development Applications for minor alterations affecting the exterior of a building	Will not reduce the privacy or the amount of sunlight enjoyed by any adjacent residential properties; and will not adversely affect the streetscape	Replacement of existing windows; re-tiling of existing roofs; or restoration work not involving additions
Development Applications for minor single storey alterations and additions to an existing single storey dwelling where topography of site is comparatively level	Will not reduce the privacy or the amount of sunlight enjoyed by any adjacent residential properties; and will not adversely affect the streetscape	Single storey additions to the rear of a dwelling on a level site (site and in comparison to adjoining properties) where no additional overshadowing occurs and where windows/doors will not create overlooking issues

Description	Criteria	Examples
Strata Subdivision applications for existing or approved buildings and Torrens Title land subdivisions	Any development application to strata subdivide a building/s or Torrens Title subdivide an allotment/s of land	Strata subdivision of an existing residential flat building or a dual occupancy or a commercial building, subdivision of an allotment of land into two lots
Development applications to fit out or renovate an existing retail, commercial or industrial premises	Existing, approved, use is not materially altered or intensified	Refurbishment of an existing takeaway food and drink premises
Development applications to change the use of premises from: <ul style="list-style-type: none"> <li>a shop to a shop or similar use; or</li> <li>an office premises to an office premises or similar use; or</li> <li>industry to an industry or similar use; or</li> <li>light industry to a light industry or similar use. (except sex services premises, restricted premises and other sex industry related uses)</li> </ul>	<p>Proposed hours of operation do not exceed 7.00am to 7.00pm and/or previously approved hours; and</p> <p>Property is not in a residential zone; and</p> <p>Proposed use is not likely to have a significantly greater impact on the locality than previous approved use/s</p>	<p>Change from newsagent to clothing shop; or</p> <p>Change from office for an export agent to office for an accountant; or</p> <p>Change of use for an industrial building from food processing to furniture manufacture</p>
Development applications for demolition, except in Heritage Conservation Areas or for heritage items	Building(s) are not located on a boundary and demolition works are carried out in accordance with relevant legislation	Demolition of a dwelling house containing asbestos where demolition contractor is properly licensed to undertake such works
Development applications for works to trees within Heritage Conservation Areas, except where the tree is a heritage item or located within the curtilage of a heritage item	Nil	Tree removal and/or pruning
Applications to modify a consent under section 96 of the EP&A Act	Will not significantly alter the intensity or likely impact/s of the proposal	Changes to internal configuration; or Changes to a condition regarding payment of fees etc
Applications that are rejected due to inadequate information	Nil	Essential information not submitted with an application
Amendments to development and other applications that have not been determined	Changes result in a reduced or similar impact on neighbours	Development Application is still being assessed by Council and applicant deletes a proposed balcony from the rear of a dwelling; or the internal configuration of rooms is altered whilst the application is still being assessed

## B1.2 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.

### Where can the development application plans be inspected?

Generally plans are available for inspection for a minimum of 21 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 will be 28 days, returning to 21 days for applications lodged from mid January. In special circumstances these periods may be extended by the Council's Director, Planning and Environment.

### Is local development advertised in the local newspaper?

Yes. The plans and documentation for the Development Application can also be viewed on Council's website <http://www.canadabay.nsw.gov.au> by using the Application Search Tool accessed via the eServices icon/quick link on the home page.

### Is local development advertised online?

Yes. The plans and documentation for the Development Application can also be viewed on Council's website <http://www.canadabay.nsw.gov.au> by using the Application Search Tool accessed via the eServices icon/quick link on the home page.

### 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. Section 96(1) do not require a sign to be placed on the development site, generally (1A), (2) and (AA).

### 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 applications as apply to local development.
- applications under Section 96(2) are for all other modifications. The same criteria will apply to notification of applications as apply to local development.

### 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(1) do not require a sign to be placed on the development site, generally (1A), (2) and (AA).

## B1.3 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.

## B1.4 Review of Determination

The Act makes provision for the applicant to request a review of a determination made by Council.

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

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

### Where can the development application plans be inspected?

Refer to procedures under Local Development.

## B1.5 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.

## B1.6 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).

## B2 General information

### 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 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.

Please refer to Councils 'Making a Submission' Fact Sheet for further information. This Fact Sheet is sent out with all notification letters.

### 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.