

## Part C3 Advertising and Notification

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## **1.0 INTRODUCTION**

This Part sets out the advertising and notification procedures, extent and type of notification required and any subsequent requests for amendment, modification and review of development applications (DA) throughout the Waverley Local Government Area (LGA).

## **2.0 AIMS OF THIS PART**

- (a) Encourage community participation and understanding of development control and the planning system.
- (b) Set out matters Council consider when forming its opinion whether or not the enjoyment of adjoining land may be detrimentally affected by a proposal.
- (c) Outline procedures for notifying owners and/or occupiers of land affected by a DA and when a DA will be advertised.
- (d) Specify circumstances when notification is not required.
- (e) Outline the form and requirements for notification.

## **3.0 NOTIFICATION AND ADVERTISING PROCEDURES**

### **3.1 Persons to be Notified**

Notification occurs where the enjoyment of the adjoining or neighbouring land may be detrimentally affected by the development proposed in the DA. Where notification is required, a written notice will be sent to the owners and/or occupiers of the adjoining and neighbouring land to an application site. Council determines ownership through computer rate records on the day of preparing the notification advice. If the land to be notified is in an adjoining LGA, names and addresses of owners shall be obtained by Council from that adjoining Council. Precinct Committees and elected Councillors are notified of all 'Advertised Development'.

### **3.2 Process to determine the extent of Notification**

Council will give notice of a DA to persons who own or occupy adjoining or neighbouring land to an application site where, in the authorised Council Officer's opinion, the enjoyment of the land may be detrimentally affected in relation to:

- (a) loss of views to and from the land and / or loss of privacy;
- (b) an increase in overshadowing and / or generation of noise;
- (c) visual quality of the building i.e. streetscape and character;
- (d) scale or bulk of the proposed building, also in relation to adjoining buildings or others in the immediate locality;
- (e) siting of the proposed building in relation to the site boundaries;
- (f) hours of use and / or light spillage or reflection;
- (g) means of access to, provision of parking on the application site;
- (h) height, materials and position of fences erected on a boundary;
- (i) traffic generation and / or submission of PA's; and / or
- (j) any other instance that an authorised Council Officer deems notification of a given DA is appropriate and required.

### **3.3 Time Period for Notification**

Unless otherwise specified by the EP&AA 1979 and Regulation 2000, environmental planning instrument or WDCP 2010, time periods for notification shall be no less than that specified in Section 4.

### **3.4 Written Notice and Notification Plan**

The written notice to be forwarded by Council to the owners and/or occupiers of land shall contain the following:

- (a) address to which the DA relates;
- (b) description of the proposal and set of notification plans;
- (c) times and locations to view the DA;
- (d) owners and/or occupiers right and time period to lodge a written submission in relation to the application;
- (e) written submission may be included in reports and available under the *Freedom of Information Act 1982*;
- (f) for any DA involving or affecting affordable housing, a statement to the effect that Council will consider the housing needs of any affected tenants or residents living within the building as part of the assessment process and that such persons should contact a designated Council Officer for further information; and
- (g) in the instance an application comprises of a draft PA, the draft agreement, draft template and explanatory note.

Note: Notification plans will only be sent in the case of multiple owners to owner corporations or company title.

The Notification Plan(s) shall:

- (a) be prepared by the applicant and submitted with the DA;
- (b) A4 size sheet clearly illustrating the features of the proposal;
- (c) show height, size, dimensions and external configuration of the proposal in relation to the site subject of the proposal;
- (d) include a Site Plan and as required Survey Plan, showing the relationship of the proposal to the boundaries of the allotment;
- (e) new buildings / additions to existing cross hatching the area; and
- (f) other information appropriate to the DA.

### **3.5 Applications which do not require Notification**

Notification will not be carried out for the following:

- (a) Exempt and Complying Development (Council encourages the applicant to discuss complying development proposals with adjoining neighbours before lodging an application);
- (b) where, in the opinion of the authorised Council officers, the enjoyment of land will not be detrimentally affected; and
- (c) DA's to strata title new buildings, which have not been occupied.

### **3.6 Advertising Procedures**

Applications required to be advertised will be advertised in a newspaper circulating in the LGA at the beginning of the notification period. The advertisement is to contain the same information outlined in Section 3.4:

- (a) advertised development and designated development in accordance with the provisions of the EP&AA 1979 and Regulation 2000, notices are required in the newspaper; or
- (b) heritage items and conservation areas listed in WLEP 1996 and WLEP (Bondi Junction Centre) 2010 or listed in the State Heritage Register under the *Heritage Act* 1977; and
- (c) applications comprising of a PA and all supporting information.

### **3.7 Site Notices**

Certain development will require the erection of a site notice on the application site. Site notices for designated and advertised development must be in accordance with the EP&AA 1979 and Regulation 2000.

### **3.8 Notification of amendments prior to Determination**

An applicant may (but only with the agreement of Council) amend an application at any time prior to the determination of the application. Where an amendment is made under this Section, any re-notification of the development will attract an additional notification fee, payable upon submission. The determination to re-notify will have regard to whether:

- (a) amended plans submitted relate to issues raised in written submissions from the notification process, Council will re-notify persons who made submissions on the original application;
- (b) amended plans are submitted to address issues other than those identified in (a), and in the opinion of the authorised Council Officer those amendments will result in the development having the same or a lesser impact or effect, then re-notification is not required and submissions on the original application will be considered in the Council's assessment; and / or
- (c) Where the amended plans are submitted and result in amendments to the draft PA, Council will re-notify persons previously contacted during the original submission and re-advertise the amended agreement.

### **3.9 Notification of Reviews of Determination**

An applicant may request a review of DA determination under Section 82A of the EP&AA 1979. For such requests, Council will notify all persons previously notified of the application and those who objected to the original development application.

### **3.10 Notification of Modifications of Development Consent**

- (a) For minor modifications under Section 96(1) of the EP&AA 1979, advertising and notification is not required.
- (b) For modifications of minimal environmental impact under Section 96(1A) of the EP&AA 1979 (other than Designated Development), advertising and notification is not required, unless the authorised Council Officer determines the proposed amendment may have an effect on the matters identified in Section 3.2.

- (c) For other modifications under Section 96(2) of the EP&AA 1979, (other than where the original consent was for Designated Development, State significant development, nominated integrated development and any other advertised development where Council is not the consent authority, with the exception of the Land and Environment Court (LEC)), notification will be made to all persons originally notified, original objectors and affected persons; and notification will be published in a newspaper circulating the LGA if:
- authorised Council Officer is of the opinion the proposed may have an effect as identified in Section 3.2; and
  - original application was notified to persons mentioned above and original application advertised in a local newspaper.
- (d) Where a Section 96 is submitted to the LEC and that application for amendment requires re-notification, Council will invite and consider submissions on the application for amendment, however the LEC remains the Consent Authority. The written notice needs to specify that the LEC is the consent authority.

#### 4.0 ADVERTISING AND NOTIFICATION REQUIREMENTS

Proposed Use/ Development	Letter to Adjoining Property Owners	Advertise in Local Newspaper / Notify Councillors & Precincts	Notice on Site	Notification Period
Additions to multi-unit housing (excludes internal alterations)	Yes	No	Yes	14 days*
Aged or disabled person's housing (SEPP Seniors)	Yes	Yes	Yes	14 days*
Any building / activity which in opinion of Council would detrimentally affect owners/occupiers nearby land	Yes	No	No	14 days*
Backpacker's accommodation	Yes	Yes	Yes	14 days*
Bed & breakfast establishment	Yes	No	Yes	14 days*
Boarding houses (conversions and new development)	Yes, including occupiers	Yes	Yes	14 days*
Child care centres	Yes	Yes	Yes	14 days*
Commercial / Retail Development	Yes	No	Yes	14 days*
Designated development	Yes	Yes	Yes	30 days
Dual occupancy (2 dwellings attached or detached)	Yes	No	Yes	14 days*

**Table 1.** Advertising and Notification requirements

Dwelling houses	Yes	No	Yes	14 days*
Educational establishments	Yes	Yes	Yes	14 days*
Footpath Seating for Restaurants and Cafes	Yes	No	No	14 days*
Heritage items and conservation areas (Development that is not considered minor work)	Yes	Yes	Yes	30 days from date of notice in news paper
**Minor work to a heritage item and buildings within a Conservation Area	Yes	No	No	14 days*
Home based child care	Yes	No	No	14 days*
Multi-unit housing, including residential flat building, townhouses (3>dwelling)	Yes	Yes	Yes	14 days*
Non-conforming use - commercial in residential area	Yes	No	Yes	14 days*
Non-residential development in adjoining residential areas	Yes	No	No	14 days*
Place of public worship	Yes	Yes	Yes	14 days*
Planning Agreements	Yes	Yes	Yes	30 days*
Professional consulting rooms	Yes	No	No	14 days*
Road Reservations/ Widening	Yes	Yes	Yes	14 days*
Subdivision (Torrens Title) and strata subdivision (except new buildings not been occupied)	Yes, including occupiers	No	No	14 days*

\* In circumstances where the notification period is 14 days and would commence between the third and last week of December, that notification period shall be extended to 21 days. In certain circumstances, Council may use its discretion to allow an extension of the prescribed notification period.

\*\* Definition of Minor Works

In the opinion of the consent authority, the proposed development is of a minor nature or consists of maintenance of a heritage item.