

Part 2

Notification And Advertising



Development Control Plan



Contents

- 2.1 Purpose of Notification 3**
 - 2.1.1 General Objectives..... 3
- 2.2 Types of Development and Applications..... 4**
 - 2.2.1 Exempt and Complying Development 4
 - 2.2.2 Local Development 4
 - 2.2.3 Integrated Development 4
 - 2.2.4 Designated Development 4
 - 2.2.5 Section 96 Modification 4
 - 2.2.6 Building Certificate Applications 5
 - 2.2.7 Rezoning Proposals 5
 - 2.2.8 Development Control Plans..... 5
 - 2.2.9 Development applications referred to the Sydney Central Planning Panel (SCPP) 6
- 2.3 Notification Procedures 8**
 - 2.3.1 Applications Not Requiring Notification 8
 - 2.3.2 Applications Requiring Notification 8
 - 2.3.3 Notification Standards 9
 - 2.3.4 Newspaper Notice 11
 - 2.3.5 Site Notices 11
- 2.4 Notification Requirements 13**
 - 2.4.1 Notification Letter 13
 - 2.4.2 Notification Plans 13
- 2.5 Submissions 14**
 - 2.5.1 When to Make a Submission..... 14
 - 2.5.2 Who Can Make a Submission and Inspect Plans..... 14
 - 2.5.3 What to Include in a Submission 14
 - 2.5.4 Confidentiality of Submissions 14
- SCHEDULE 1 - Minimum Notification of Adjoining Properties..... 15**
- SCHEDULE 2 - Advertising & Notification Requirements for Local Development..... 16**
- SCHEDULE 3 - External Notification 25**



2.1 Purpose of Notification

The purpose of this Part of the DCP is to ensure public participation for the assessment of applications is conducted in a transparent and orderly manner; and that the notification requirements of development applications, Section 82A Review Applications, Section 96 Applications and/or Building Certificate Applications is clearly communicated with stakeholders (ie. the applicant, community, and the NSW State Government).

This Part sets out the requirements and procedures for notifying landowners that may be affected by, or are in the vicinity of, a property that is the subject of a development application, Section 82A Review Application, Section 96 Application and/or Building Certificate Application.

2.1.1 General Objectives

- O1** To advise adjoining and nearby land owners of applications lodged with Council;
- O2** To establish criteria where notification may or may not be required;
- O3** To provide the opportunity for public participation in the planning process that is appropriate to the type and form of development proposed;
- O4** To ensure applications are referred to the appropriate State Government Department, public authority and other organisations, where necessary; and
- O5** To ensure a consistent, transparent and effective development assessment process.



2.2 Types of Development and Applications

2.2.1 Exempt and Complying Development

Exempt development is a development with minimal environmental impact and can be carried out without Council consent.

Complying development is a development that can be carried out if a complying development certificate (CDC) is issued by Council or an Accredited Certifier.

Please refer to the Botany Bay Local Environmental Plan 2013, *State Environmental Planning Policy (Three Ports) 2013*, *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and *State Environmental Planning Policy (Infrastructure) 2007* for additional information.

2.2.2 Local Development

For notification purposes, local development refers to development which requires consent from Council. This excludes exempt, complying, designated, nation building or State significant development.

2.2.3 Integrated Development

Integrated development is development (not being complying development) that requires approval under other Acts in addition to consent under the *Environmental Planning & Assessment Act 1979*.

2.2.4 Designated Development

Designated development is development that is declared as such by an Environmental Planning Instrument or by Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

2.2.5 Section 96 Modification

Section 96 of the *Environmental Planning and Assessment Act, 1979* makes provision for Council to modify development consents. The modified development should be substantially the same as the approved development.

There are three types of Section 96 modifications:

- **Section 96(1)** applications which are concerned with correcting a minor error, misdescription or miscalculation.
- **Section 96(1A)** applications which are concerned with minor alterations involving minimal environmental impact.
- **Section 96(2)** applications which are concerned with major alterations to development which is still substantially the same development as originally approved.



2.2.6 Building Certificate Applications

A Building Certificate is a Certificate which prevents the Council from making an Order or taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the council or in relation to unauthorised building work for a period of seven (7) years from the date of issue of the certificate.

Notice of Building Certificate applications will occur where in the Council's opinion; the amenity of adjoining and neighbouring land may be affected by the works/structures identified within the Building Certificate application.

Where notification is required, a written notice will be sent to owners of the adjoining and neighbouring land. A fourteen (14) day notification period will be given to persons notified of the building certificate application.

2.2.7 Rezoning Proposals

If Council resolves to give support to a rezoning application (ie. a planning proposal), the proposal may be placed on public exhibition for community consultation. The timeframe of the public exhibition is determined by the Minister (or his delegate). Notice will be given in the local paper, the Southern Courier and placed on Council's website www.botanybay.nsw.gov.au.

Rezoning proposals can also be initiated by the Council and can cover the entire Local Government Area. In the cases of Council initiated rezoning, the Council may undertake other extensive forms of community engagement.

Further information on the planning proposal process is available on the Department of Planning & Environment's website at <http://www.planning.nsw.gov.au/LocalPlanning/GatewayProcess/tabid/291/language/en-US/Default.aspx>

2.2.8 Development Control Plans

If Council prepares a draft Development Control Plan notice will be given in the local paper - the Southern Courier and placed on Council's website www.botanybay.nsw.gov.au. Under the *Environmental Planning & Assessment Act 1979* the draft Development Control Plan will be exhibited for at least 28 days to invite comments from the community.

After considering any submissions on the draft Development Control Plan (DCP), Council may approve the DCP in the form it was exhibited, approve the DCP with alterations, or not proceed with the DCP. Council will give public notice of its decision in the local paper within 28 days of the decision.



2.2.9 Development applications referred to the Sydney Central Planning Panel (SCPP)

The regional panels are established to provide independent, merit based decision making on regional development. Regionally or State significant development (as at 1 October 2011) includes:

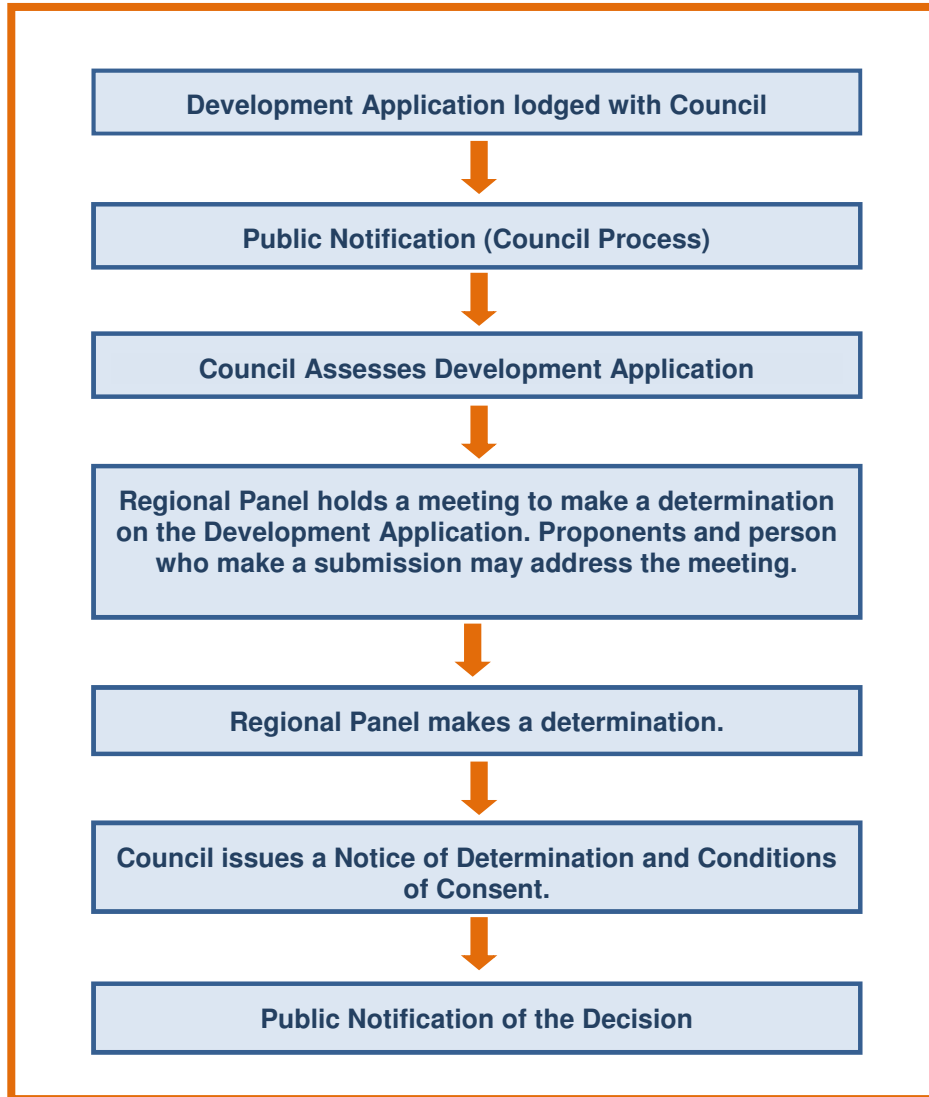
- Development with a Capital Investment Value (CIV) over \$20 million;
- Development with a CIV over \$5 million which is:
 - Council related;
 - Lodged by or on behalf of the Crown (State of NSW);
 - Private infrastructure and community facilities; or
 - Eco-tourist facilities;
- Extractive industries, waste facilities and marinas that are designated development;
- Certain coastal subdivisions;
- Development with a CIV between \$10 million and \$20 million which are referred to the regional panel by the applicant after 120 days; and
- Crown development applications (with a CIV under \$5 million) referred to the regional panel by the applicant or local council after 70 days from lodgement as undetermined, including where recommended conditions are in dispute.

More information on the role of SCPPs is available at <http://www.planningpanels.nsw.gov.au/>

Refer to **Figure 1** for the SCPP Development Assessment Process.

Figure 1 - SCPP Development Assessment Process

Source: SCPP Website





2.3 Notification Procedures

2.3.1 Applications Not Requiring Notification

Council will not notify or advertise applications for proposals which in its opinion are unlikely to have any impact on the area or adjoining land. Where development is considered to be minor and will have negligible impacts on adjoining owners, the Council has the discretion to waive the requirement for notification or reduce the notification period to seven (7) days.

The following applications may not be required to be notified:

- (i) Development carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
- (ii) An application to modify a consent (refer to **Part 2.2.5**) where the modification:
 - Does not relate to an objection lodged to the original application;
 - Does not propose to increase the height, scale and bulk of the approved development or alter the character of the approved development;
 - Only proposes minor changes to a design where the changes have no measurable effect upon the amenity of adjoining properties or residents in the area; or
 - Relates to technical conditions of an approval and where such conditions were not subject to an objection in relation to the original application.
- (iii) The Subdivision of land and Strata Subdivision of existing development where there is no physical change to a building or land (eg. Strata Subdivision of existing residential flat building);
- (iv) Development and Building Certificate Applications and Review of Determination Applications which, in the opinion of the Council, would have minimal to no impact on the amenity of adjoining or nearby occupants, land and buildings or traffic safety including but not limited to:
 - Change of Use of Light Industrial and Commercial Premises;
 - Change of Use and minor alterations/additions to Light Industrial or Commercial Premises in a B1, B2, B4, B5, B7 or B5 Zone where the site does not adjoin a R2, R3 or R4 Zone; and
 - Business and Building Identification Signs.

2.3.2 Applications Requiring Notification

Notwithstanding **Part 2.3.1** above, Council will notify applications which in its opinion may have potential impacts on the area and adjoining land.



2.3.3 Notification Standards

Local Development

Generally, Council will adopt the notification process outlined in **Schedule 1 and 2**. However, the Council has the discretion to alter the notification process based on the nature and effects of the proposed development (refer to **Part 2.3.1 - Applications Not Requiring Notification**).

Council will assess the size, nature and impact of the proposed development. The notification area may be extended where, in the opinion of Council, the amenity of occupiers maybe affected by:

- (i) Overshadowing;
- (ii) View loss;
- (iii) Loss of privacy;
- (iv) An increase in noise levels;
- (v) Light spillage;
- (vi) Hours of use;
- (vii) Visual quality of the building in relation to the streetscape and character of the locality;
- (viii) Social impacts;
- (ix) Means of access to, or provisions of loading facilities and parking on the application site; traffic impacts; or
- (x) Risk.

Integrated Development

In addition to the notification process outlined in **Schedule 1 and 2**, integrated development will be referred to other government bodies for approval prior to the issue of development consent. The external notification will be notified generally in accordance with **Schedule 3**. Specific assessment and public consultation procedures are established for integrated development (refer to the *Environmental Planning and Assessment Act, 1979*).

Designated Development

Specific assessment and public consultation procedures are established for designated development (refer to the *Environmental Planning and Assessment Act, 1979*).

Hazardous Goods or Pipelines

Council may notify development applications for sites that are adjacent to or adjoining sites/uses/pipelines that involve the storage and/or transport of hazardous goods to the owners/operators of the adjacent/adjoining sites/uses/pipelines.



Section 96 Applications

Section 96 Applications will be notified in accordance with **Table 1**.

Table 1 - Notification for Section 96 Applications

Type of Application	Notification
Section 96(1)	Notification is not necessary under the Act
Section 96(1A)	The same notification criteria for local development applies (refer to Table 2). Those who made submissions to the original application will be notified of the modification application.
Section 96(2)	The same notification criteria for local development applies (refer to Table 2). Those who made submissions to the original application will be notified of the modification application. If the Council considers that adjoining land would be affected by the proposed modification, then adjoining landowners would be notified. No notification is given for internal changes where the modifications have no impact on the external façade or building footprint.

Strata Plan Properties

Where the landowner is under a strata plan, notice will be given to the following:

- Secretary of the Owners Corporation;
- The Proprietor(s); and
- Individual owners & occupiers.

Department of Family & Community Services - Housing NSW properties

Notification of applications will be forwarded to both the occupant/s of the dwellings and the Department of Family and Community Services NSW Housing.

Amendment to an Application Prior to its Determination

Where an amendment to an application occurs prior to the determination of the application by Council, persons who made submissions in response to the original application may be notified. Re-notification of the amendment to the application will depend on whether or not the change will have an impact on the amenity of adjoining residents or is in response to an objection to the application.



If the amendment has the potential to create additional impact, those persons that may be affected shall be notified of the proposal as amended.

2.3.4 Newspaper Notice

Table 2 outlines the type of development application requiring a notice in the local newspaper (i.e. the Southern Courier). The notice provides the following information:

- The address of the property;
- The applicant;
- A brief description of the application;
- Development application number;
- Notification period; and
- When and where the development application can be inspected.

For applications requiring a notice in the newspaper refer to **Table 2**.

Table 2 - Newspaper Notice Requirement

Type of Development Application	Newspaper Notice Requirement
Local development	Advertisements in the local newspaper for proposed local development will be in accordance with Schedule 2 .
Integrated development	Advertisements in the local newspaper for proposed integrated development will be in accordance with the provisions of the <i>Environmental Planning & Assessment Regulation 2000</i> (ie minimum of 30 days).
Designated development	The preparation of an Environmental Impact Statement (EIS) is required for designated development which must be exhibited in the daily newspaper pursuant to the provisions of the <i>Environmental Planning and Assessment Act 1979</i> and it's <i>Regulation</i> .
Section 96 applications	Notice of the proposed Section 96 modification development application may be placed in the local newspaper depending upon the nature of the application.

2.3.5 Site Notices

Council will provide notification sign(s) to be placed on a development site. The site notices are to be prominently placed on the main frontage(s) of the site(s) to enable them to be read from a public place. Notices must contain details of the proposed development and information on the exhibition period.

The site notice will be installed on or before the start of the notification period, unless there are exceptional circumstances such as extreme bad weather. Council will replace a site notice if the contact officer for the application is advised by fax, email or letter that it has been removed or damaged during the first week of the notification period. Unauthorised removal of the sign will not result in the re-notification of the application;



extension of the notification period or make the notification process void. For applications requiring a notice in the newspaper refer to **Table 3**.

Table 3 - Site Notice Requirement

Type of Development Application	Site Notice Requirement
Local Development	Site notices will be required for local development in accordance with Table 4 (refer to Schedule 2).
Integrated Development	Site notices will be required for integrated development in accordance with Table 4 (refer to Schedule 2).
Designated Development	Specific assessment and public consultation procedures are established for designated development (refer to the <i>Environmental Planning and Assessment Act, 1979</i>).
Section 96 Applications	Notice of the proposed Section 96 modification development application may be placed in the local newspaper depending upon the nature of the application.

Council will provide notification signs to be placed on a development site. The site notices are to be prominently placed on the main frontage(s) of the site(s) able to be read from a public place.

Notices must contain details of the proposed development, information on the exhibition period and a sketch plan of the site.



2.4 Notification Requirements

2.4.1 Notification Letter

Notification letters shall provide the following information to adjoining or neighbouring landowners:

- (i) A description of the land to which the application relates, including the address;
- (ii) The proposed use/description of the building or development;
- (iii) An invitation to view the application online on the Council's website and/or at Council's customer service centres;
- (iv) The time period within which written submissions are to be lodged; and
- (v) A note explaining that only valid objections will be reported to Council.

2.4.2 Notification Plans

Notification plans will be made publically available for the public to view on Council's website and at the customer service centres during the public notification period.

Notification plans shall be prepared by the applicant and submitted with the Development Application, Section 96 Modification, Section 82A Review Application and/or Building Certificate Application.

Applicants are to refer to the Council's guidelines for the requirements of notification plans, available on the Council website.



2.5 Submissions

2.5.1 When to Make a Submission

Submissions must be lodged within the time specified in the notification letter. The Council may extend this period. If a written submission is received after the expiry of the notification/exhibition period but prior to Council determining the application, Council will endeavour to consider the submission.

2.5.2 Who Can Make a Submission and Inspect Plans

Any person may make a submission with respect to a development application within the exhibition period whether the person has or has not been notified.

Any person can inspect the plans whether the person has or has not been notified.

2.5.3 What to Include in a Submission

Submissions must be made in writing and addressed to the General Manager of Council and should state the application number and the address of the property that is the subject of the application. The submission must include the contact details of the respondent in order for Council to notify respondents or head petitioners of a group petition of Council's decision on the subject development application.

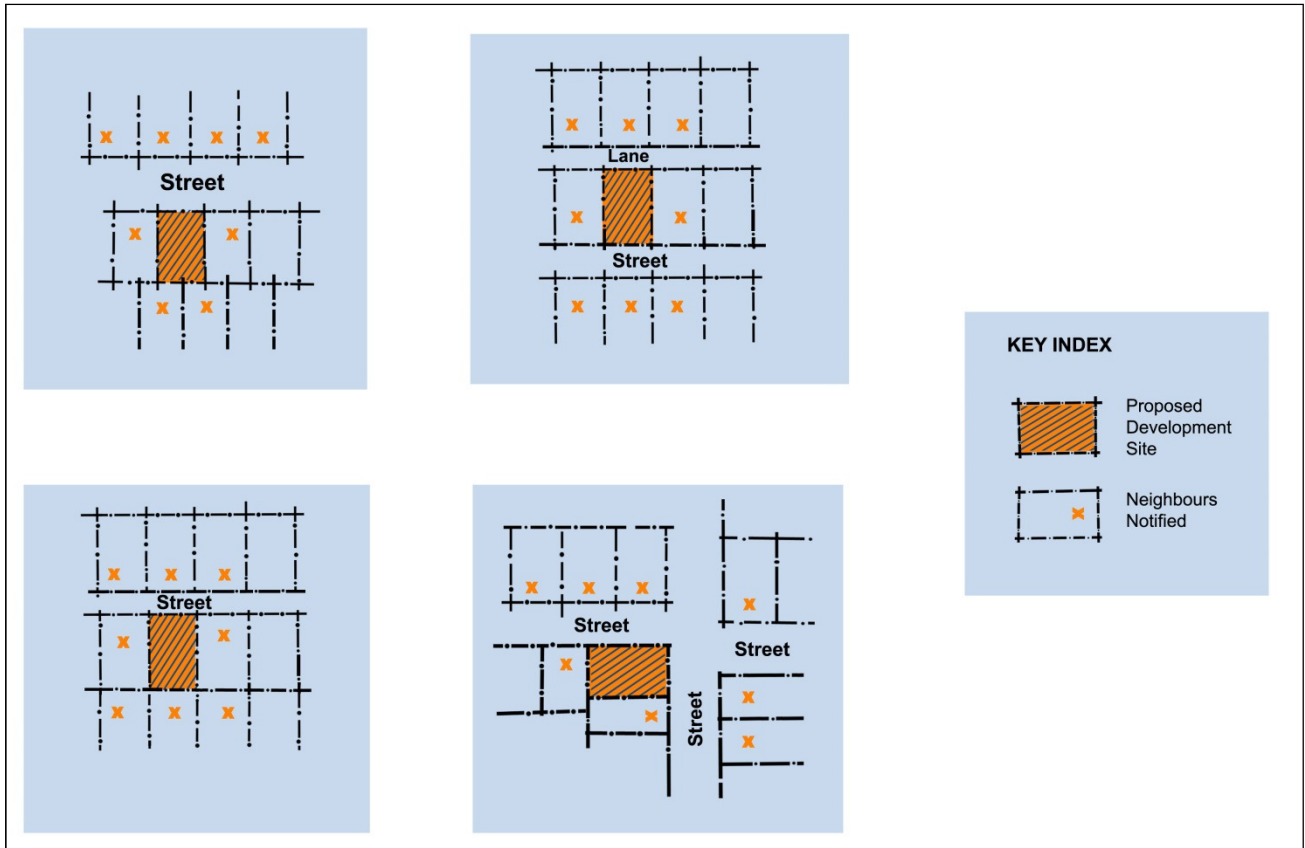
The submission must clearly state the ground of objection and the reason for them. In accordance with Section 79C of the *Environmental Planning and Assessment Act, 1979*, Council can only consider the general environmental impacts of a development application such as overshadowing, privacy, traffic, streetscape or noise. Matters such as personal circumstances of individuals cannot be taken into account.

2.5.4 Confidentiality of Submissions

Submissions are not confidential. Any submission received will be summarised in a report to the Council's Development Committee considering the application; and the location of objectors will be indicated in the report.

Pursuant to the *Government Information (Public Access) Act 2009*, submissions in response to the notification of development applications etc are accessible to other parties. A person making a submission may include their name and address but request under section 739 of the *Local Government Act 1993*, that in any public release of the material that their place of living be omitted. This provision is only available if the person considers that disclosure places the personal safety of the person or member of the person's family at risk and must be verified by a statutory declaration.

SCHEDULE 1 - Minimum Notification of Adjoining Properties



Note: The above demonstrates the minimum properties to be notified. Council will assess the size, nature and impact of the potential development and may extend the area. Refer to **Part 2.3.3 - Notification Standards** for further information.



SCHEDULE 2 - Advertising & Notification Requirements for Local Development

Table 4 provides a guide for the external notification requirements for local development.

Table 4 - Advertising and Notification Requirements for Local Development¹

C- Construction
 A/A- Alterations and Additions
 C/U –Change of Use

Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Advertising signs and structure (not including building identification and business identification signs)	All	✓	✓	✗	14
Amusement centres	All	✓	✓	✓	14
Animal boarding or training establishment	All	✓	✓	✓	14
Attached dwelling	All	✓	✗	✗	14
Backpacker's accommodation	All	✓	✓	✓	14
Bed and breakfast accommodation	All	✓	✓	✓	14
Boarding house	All	✓	✓	✓	14
Boat launching ramp/boat shed	All	✓	✗	✗	14
Boat building & repair facility	C	✓	✗	✗	14
	A/A	✓	✗	✗	14

¹ Based on the wider effects of a development proposal and the public interest, an extended period of exhibition for development applications may occur if deemed necessary by Council.



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Brothel	All	✓	✓	✓	14
Building identification sign	All	✓	✗	✗	14
Bulky goods premises	All	✓	✓	✓	14
Business identification sign	All	✓	✗	✗	14
Business premises	All	✓	✗	✗	14
Carpark	All	✓	✓ (carparks that are operated for gain only)	✗	14
Change of use – non conforming use in a residential zone	All	✓	✓	✗	14
Child care centres	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Community facilities	C	✓	✓	✗	14
	A/A	✓	✓	✗	14
	CU	✓	✓	✗	14
Depot	All	✓	✗	✗	14
Dwelling houses (attached or detached) construction and additions including pools, garages etc)	C	✓	✗	✗	14
	A/A	✓	✗	✗	14
Earthworks & Excavation	Minor	✓	✗	✗	14
	Major	✓	✓	✓	14
Educational	C	✓	✓	✓	14



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
establishments	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Entertainment facility	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Emergency services facility	All	✓	✓	✓	14
Environmental facility	All	✓	✓	✗	14
Environmental protection works	All	✓	✓	✓	14
Flood Mitigation Works	All	✓	✗	✓	14
Food and drink premises	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Freight transport facility	All	✓	✗	✗	14
Function Centre	All	✓	✓	✓	14
Funeral home	All	✓	✓	✓	14
Garden centre	All	✓	✓	✓	14
General industry	All	✓	✗	✗	14
Group home (permanent or transitional)	All	✓	✓	✓	14
Hardware and building supplies	All	✓	✓	✓	14
Hazardous industry	All	✓	✓	✓	14



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Hazardous storage establishment	All	✓	✓	✓	14
Health consulting rooms	All	✓	✓	✓	14
Health services facility	All	✓	✓	✓	14
Heavy industrial storage establishment	All	✓	✓	✓	14
Heavy industry	All	✓	✓	✓	14
Heritage items and development within a conservation area	C	N/A	N/A	N/A	N/A
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Non-residential development located within the vicinity of residential development	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
High technology industries	All	✓	✗	✗	14
Home businesses, home industries	All	✓	✗	✓	14
Hospitals	All	✓	✓	✓	14
Hostels	All	✓	✓	✓	14
Hotel or motel accommodation	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Industrial retail outlet	All	✓	✗	✓	14



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Industrial training facility	All	✓	✗	✓	14
Industry	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Light industry	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Information and education facility	All	✓	✓	✓	14
Jetties	All	✓	✓	✓	14
Kiosks	All	✓	✓	✗	14
Landscape material supplies	All	✓	✓	✓	14
Liquid fuel depot	All	✓	✓	✓	14
Market	All	✓	✓	✓	14
Material recycling or recovery centre	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Medical centre	All	✓	✓	✓	14
Mixed use development	All	✓	✓	✓	14
Mortuary	All	✓	✓	✓	14
Multi dwelling housing	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Neighbourhood shop	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Offensive industry	All	✓	✓	✓	14
Offensive storage establishment	All	✓	✓	✓	14
Office premises	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Passenger transport facility	All	✓	✓	✓	14
Place of public entertainment	All	✓	✓	✓	14
Place of public worship	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Plant nursery	All	✓	✓	✓	14
Port facilities	All	✓	✓	✓	14
Pub	All	✓	✓	✓	14
Public administration buildings	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✓	14
Recreational area / recreational facilities (indoor, major and outdoor)	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✓	14



**Part
Notification
And
Advertising**

2

Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Registered club	All	✓	✓	✓	14
Research station	All	✓	✓	✓	14
Residential care facility	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Residential flat buildings	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Restaurant or cafe	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Resource recovery facility	All	✓	✓	✓	14
Respite day care	All	✓	✗	✓	14
Restricted premises	All	✓	✓	✓	14
Retail premises	C	✓	✓	✓	14
	A/A	✓	✓	✗	14
	CU	✓	✗	✗	14
Roadside stall	All	✓	✗	✗	14
School	All	✓	✓	✓	14
Secondary dwelling	All	✓	✗	✓	14
Self storage units	All	✓	✓	✓	14
Seniors Housing	All	✓	✓	✓	14
Service station	All	✓	✓	✓	14



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Serviced apartment	All	✓	✓	✓	14
Sex services premises	All	✓	✓	✓	14
Shops	C	✓	✗	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Shop top housing	All	✓	✓	✓	14
Signage	All	✓	✓	✓	14
Storage premises	All	✓	✗	✓	14
Subdivision Note: if the Strata subdivision is not inconsistent with a consent then no notification will be required.	Land	✓	✗	✗	14
	Strata	✓	✗	✗	14
Swimming pools (Commercial)	All	✓	✓	✓	14
Takeaway food or drink premises	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Timber yards	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Tourist and visitor accommodation	All	✓	✓	✓	14
Transport depot	C	✓	✓	✓	14
	A/A	✓	✓	✓	14



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
	CU	✓	✗	✗	14
Truck depot	All	✓	✓	✓	14
Vehicle body repair workshop	All	✓	✗	✓	14
Vehicle repair station	All	✓	✗	✓	14
Vehicle sales or hire premises	All	✓	✗	✓	14
Veterinary hospital	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✓	14
Warehouse or Distributions Centres	C	✓	✗	✓	14
	A/A	✓	✗	✓	14
	CU	✗	✗	✗	14
Waste or resource management facility	All	✓	✓	✓	14
Water recreation structure	All	✓	✓	✓	14
Water supply systems & sewerage systems	All	✓	✓	✓	14
Wharf or boating facilities	All	✓	✓	✓	14
Wholesale supplies	All	✓	✗	✓	14



SCHEDULE 3 - External Notification

Some development, in addition to requiring the consent from Council, will also require approval, concurrence or referral (for comment) from a public authority, State Government Department or identified agency.

In determining the external notification requirements of a development application consideration is required to be given to the integrated development and designated development provisions outlined in the Environmental Planning & Assessment Act 1979.

Table 5 provides a guide for the external notification requirements for development applications.

Table 5 - External Notification Requirements

Public Authority or State Government Dept or Agency	Legislation	Development Application Note: This list is a guide only.
INTEGRATED DEVELOPMENT		
Fishing and Aquaculture (within NSW Department of Primary Industries)	Sections 144, 201, 205 and 219 - <i>Fisheries Management Act 1994</i>	<ul style="list-style-type: none"> Development that involves reclamation, dredging and or any work that may cover or destroy marine vegetation.
The Heritage Council	Section 58 - <i>Heritage Act 1977</i>	<ul style="list-style-type: none"> Development to land or a building that has an interim heritage order or is listed on the State Heritage Register.
NSW National Parks and Wildlife Service	Section 90 - <i>National Parks and Wildlife Act 1974</i> (NP&W Act)	<ul style="list-style-type: none"> Development where there is an Aboriginal Place (under the National Parks and Wildlife Act) over the land, or any Aboriginal objects on the land and the development proposal will damage, deface or destroy the Aboriginal object or Aboriginal place.²
Office of Environment & Heritage - NSW	Sections 43, 47, 48, 55 and 122 - <i>Protection of the Environment Operations Act 1997</i>	<ul style="list-style-type: none"> Development that currently has or may require an EPA licence in accordance with Schedule 1 of the Protection of the Environment Operations Act 1997.

² Where an Aboriginal object or Aboriginal place is found to occur on land after a development application is lodged, separate National Parks and Wildlife Service approval will be required under Section 90 of the National Parks and Wildlife Act 1974.

Public Authority or State Government Dept or Agency	Legislation	Development Application Note: This list is a guide only.
Roads and Maritime Services	Section 138 - <i>Roads Act 1993</i>	<ul style="list-style-type: none"> ▪ Development that will erect a structure or carry out a work in, on or over a public road, or ▪ Development that involves digging or disturbing the surface of a public road, or ▪ Development involving removing or interfering with a structure, work or tree on a public road, or ▪ Development involving connecting to a road (whether public or private) to a classified road
Office of Water (within the Department of Primary Industries)	<i>Water Management Act 2000</i>	<ul style="list-style-type: none"> ▪ Development that may require water to be pumped from a river, lake, watercourse or bore. ▪ Development that involves or is likely to involve works for irrigation, water supply or drainage, changing (or preventing a change) the course of a river, or preventing the land from flooding.
Office of Water (within the Department of Primary Industries)	<i>Water Management Act 2000</i>	<ul style="list-style-type: none"> ▪ Within 40 metres of a water course ▪ Controlled Activity Approval
APPROVALS, REFERRALS & COMMENTS		
Department of Planning & Environment Office of Environment and Heritage (NSW Environment Protection Authority)	SEPP No. 33 - Hazardous and Offensive Development	<ul style="list-style-type: none"> ▪ Hazardous and Offensive Development – referral or preliminary hazard analysis;
Department of Planning & Environment (Manager of Hazards Unit)	Botany/Randwick Industrial Area Land Use Safety Study – 2001; The Port Botany Land Use Safety Study Overview Report – 1996 and Council's DCP	<ul style="list-style-type: none"> ▪ Development affected by the provisions of the Botany/Randwick Industrial Area Land Use Safety Study – 2001; the Port Botany Land Use Safety Study Overview Report – 1996, and Council's Development Control Plan (risk provisions (including transport and dangerous goods route

Public Authority or State Government Dept or Agency	Legislation	Development Application Note: This list is a guide only.
Heritage Council	Botany Bay Local Environmental Plan 2013	<ul style="list-style-type: none"> ▪ Development on an archaeological site (other than land listed on the State Heritage Register or to, which an interim heritage order applies.)
Transport for NSW – (RailCorp)	Botany Bay Local Environmental Plan 2013 Infrastructure SEPP	<ul style="list-style-type: none"> ▪ Development within 25m of either side of the centre line of the Airport Line tunnel. Refer to the Airport Line Tunnel Protection Guidelines for details ▪ Other building works or developments carried out on land near or adjoining rail property, land, infrastructure or assets
ARTC	Botany Bay Local Environmental Plan 2013 Infrastructure SEPP	<ul style="list-style-type: none"> ▪ Major development within 60m of Sydenham Botany Goods Line. ▪ Other building works or developments carried out on land near or adjoining rail property, land, infrastructure or assets
Roads and Maritime Services	Infrastructure SEPP SEPP No. 64 - Advertising and Signage <i>Roads Act 1993</i> Botany Bay Local Environmental Plan 2013 Botany Bay DCP 2013	<ul style="list-style-type: none"> ▪ All works relating to a public road. ▪ Infrastructure SEPP - traffic generating developments. ▪ SEPP 64 – Advertising and Signage. ▪ Acquisition and development of land reserved for roads. ▪ Any development fronting a classified road. ▪ Any new development proposals (regardless of scale) which are located along O’Riordan Street or Robey Street (within the area defined within Figure 4 – Mascot Business Development Precinct of Part 6).
Sydney Water Corporation	<i>Sydney Water Act 1994</i>	<ul style="list-style-type: none"> ▪ Development that is likely to require a trade waste permit. ▪ Development that is likely to impact on Sydney Water owned infrastructure, including sewer, water or stormwater infrastructure. ▪ Development, which lies over/adjacent to Sydney

Public Authority or State Government Dept or Agency	Legislation	Development Application Note: This list is a guide only.
		<p>Water owned sewer, water or stormwater infrastructure.</p> <ul style="list-style-type: none"> ▪ Development that is likely to add significant volumes of stormwater to Sydney Water owned stormwater systems. ▪ Development adjacent to the Sydney Water owned Botany Wetlands and Alexandra Canal. ▪ Development on the Eastlakes, Bonnie Doon and The lakes Golf Courses, which are owned by Sydney Water
Sydney Airport Corporation Limited	Botany Bay Local Environmental Plan 2013	<ul style="list-style-type: none"> ▪ Development that is likely to have an impact on the function/operation of the airport eg. height restrictions. ▪ (Any intrusion into prescribed airspace would constitute a controlled activity³ and as such, must be referred to Sydney Airports Corporation Limited (SACL) for an approval process (<i>Airports Act 1996 Section 186</i>))
NSW Maritime Authority (within Roads and Maritime Services)	Management of Water and Water side Land Regulations – NSW – <i>Maritime Services Act 1935</i>	<ul style="list-style-type: none"> ▪ Development that includes buildings located below the mean high water mark.
NSW Fire & Rescue		<ul style="list-style-type: none"> ▪ Major residential, commercial and industrial developments.
NSW Police Service	Protocol for the Review of Development Applications referred to the New South Wales Police Force by Botany Council.	<ul style="list-style-type: none"> ▪ Council is required to consider CPTED principles when assessing all applications. ▪ Council has discretion as to which applications will be referred to NSW Police Force for comment of Jointly reviewed by trained police and council for crime risk, depending on the size or nature of proposal and their likely impact on community safety. ▪ The protocol details a schedule of applications to be referred to NSW Police, a Procedure for referral and exchange of information.

³ Section 182 of the Airports Act 1996 defines “Controlled Activities” as: constructing a building, or other structure, that intrudes into the prescribed airspace; altering a building or other structure so as to cause the building or structure to intrude into the prescribed airspace; any other activity that causes a thing attached to, or in physical contact with the ground to intrude into the prescribed airspace.



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Public Authority or State Government Dept or Agency	Legislation	Development Application Note: This list is a guide only.
		<p>The schedule includes:</p> <ul style="list-style-type: none"> ▫ Multiple units, townhouse, villa developments (20 or more dwellings) ▫ Mixed use developments (with 20 or more dwellings) ▫ New or upgraded commercial/retail development (major work) ▫ New industrial complexes with multiple industrial units (multiple industrial works) ▫ New or upgraded schools (major works) ▫ Railway stations ▫ Large sports and community facilities (including sporting clubs, town halls, local community halls and club houses). ▫ Clubs/hotels (extended trading hours, gaming rooms etc) ▫ Service station/convenience stores ▫ Hospitals ▫ Places of Public Worship ▫ All Council owned buildings (including major alterations & additions to existing building) ▫ Unusual developments (arcades, brothels, amusement centres, upgrade of Department of Housing properties) ▫ Any other development type that council deems necessary that may have an impact upon community safety.
<p>Adjoining Councils – Inner West, Randwick City and City of Sydney</p>		<ul style="list-style-type: none"> ▪ Major development located within the vicinity of the Council boundary. ▪ Development that is likely to have an impact on the adjoining Council area – eg. traffic generation <p>Note: Only adjoining Local Government Authorities (Councils) will be notified not individual residents in the LGAs.</p>
<p>Botany Historic Trust</p>		<ul style="list-style-type: none"> ▪ Development relating to a significant heritage item identified in Botany Bay Local Environmental Plan.
<p>Department of Sustainability, Environment, Water, Population and Communities</p>	<p><i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i></p>	<ul style="list-style-type: none"> ▪ Development which have, may have, or likely to have, a significant impact on a matter of national environmental significance which are: <ul style="list-style-type: none"> - declared World Heritage areas; - declared RAMSAR wetlands;



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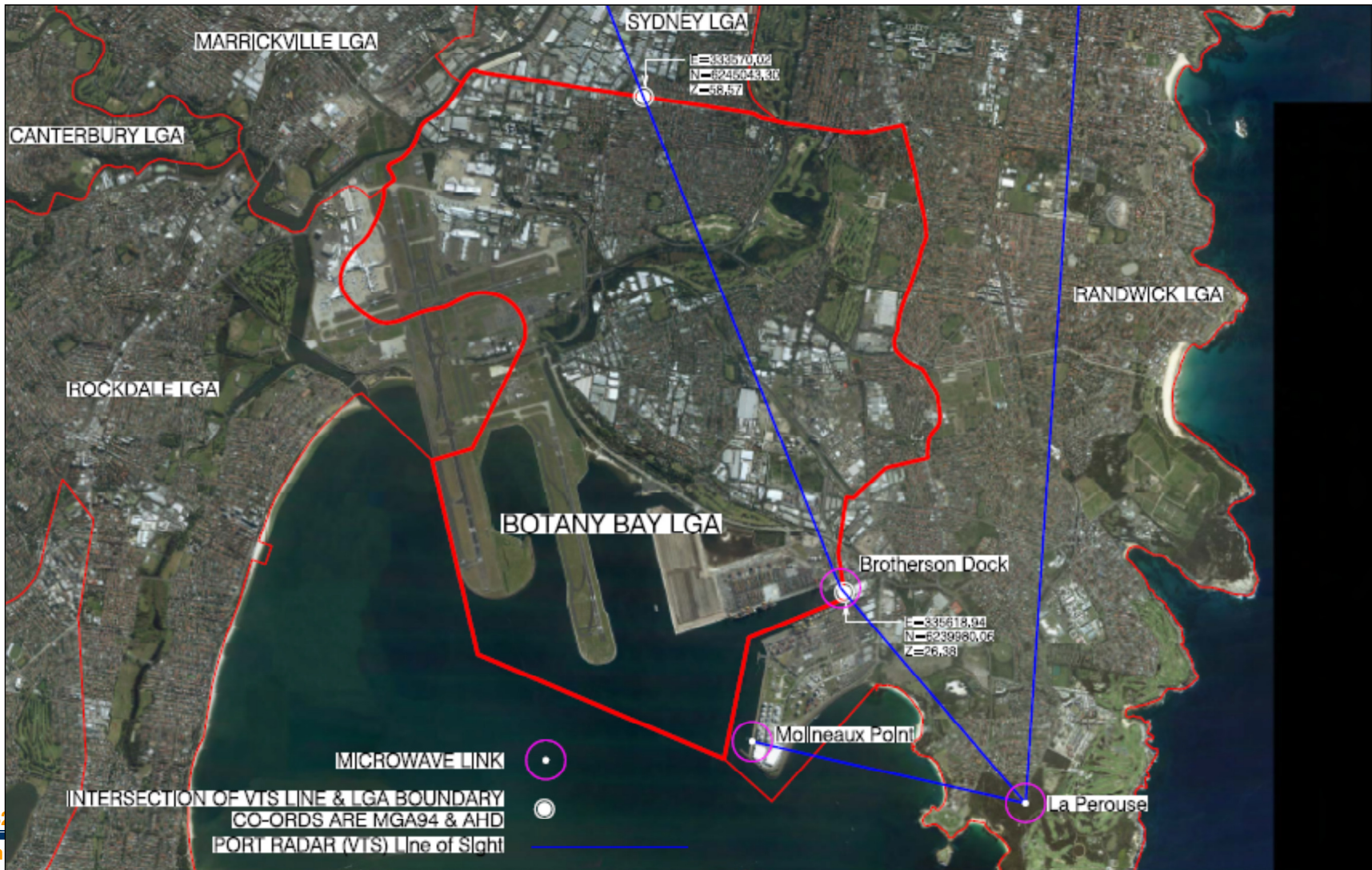
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Public Authority or State Government Dept or Agency	Legislation	Development Application Note: This list is a guide only.
		<ul style="list-style-type: none"> - listed threaten species and ecological communities; - listed migratory species; - nuclear actions; and - the environment of Commonwealth marine area.
Housing NSW (within the NSW Department of Family and Community Services)		<ul style="list-style-type: none"> ▪ Large scale residential development; ▪ Major transport or infrastructure; and ▪ Significant commercial developments; residential subdivision or redevelopment applications.
Sydney Ports Corporation	<i>Ports and Waterways Administration Act 1995</i>	<ul style="list-style-type: none"> ▪ Any development application proposing a new structure within 10 metres either side (horizontally or vertically) of the “line of sight” (as detailed in Figures 2 & 3 of this Part) are to be referred to Sydney Ports Corporation for review and comment, to ensure that the proposed development does not impact on the Vessel Traffic Service system.
NSW Ports		<ul style="list-style-type: none"> ▪ Development in the vicinity of the Port and its main transport routes: <ul style="list-style-type: none"> ▫ Large scale residential development; ▫ Major transport or infrastructure; and ▫ Significant commercial developments; residential subdivision or redevelopment applications.
Division of Minerals and Energy (within Industry & Investment NSW)		<ul style="list-style-type: none"> ▪ Development in the vicinity of pipelines <p>Note: The owner/operator of the pipeline also needs to be notified.</p>
Principal of the Local School and General Manager Asset Management, NSW Department of Education & Communities.		<ul style="list-style-type: none"> ▪ Development in the vicinity of a school. ▪ Development containing 50 or more dwellings.
APA Group helm@apa.com.au Freecall 1800103452		<ul style="list-style-type: none"> ▪ Development within the zone of influence for the High Pressure Gas Pipeline – ie the shaded area in Figure 4.



Figures 2 and 3

Area affected by the microwave link within Botany Bay LGA



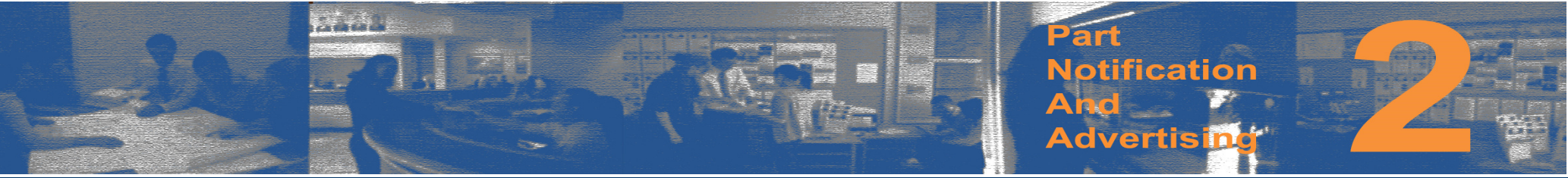
PLANNING STATEMENT
 This plan has been prepared in accordance with the provisions of the Sydney Ports Corporation Act 2005 (NSW) and the Sydney Ports Corporation Act 2005 (NSW) (the Act). It is intended to provide information to the public and to the relevant authorities regarding the proposed plan. It is not intended to be used as a legal document. It is subject to the provisions of the Act and the relevant regulations. It is not intended to be used as a legal document. It is subject to the provisions of the Act and the relevant regulations.





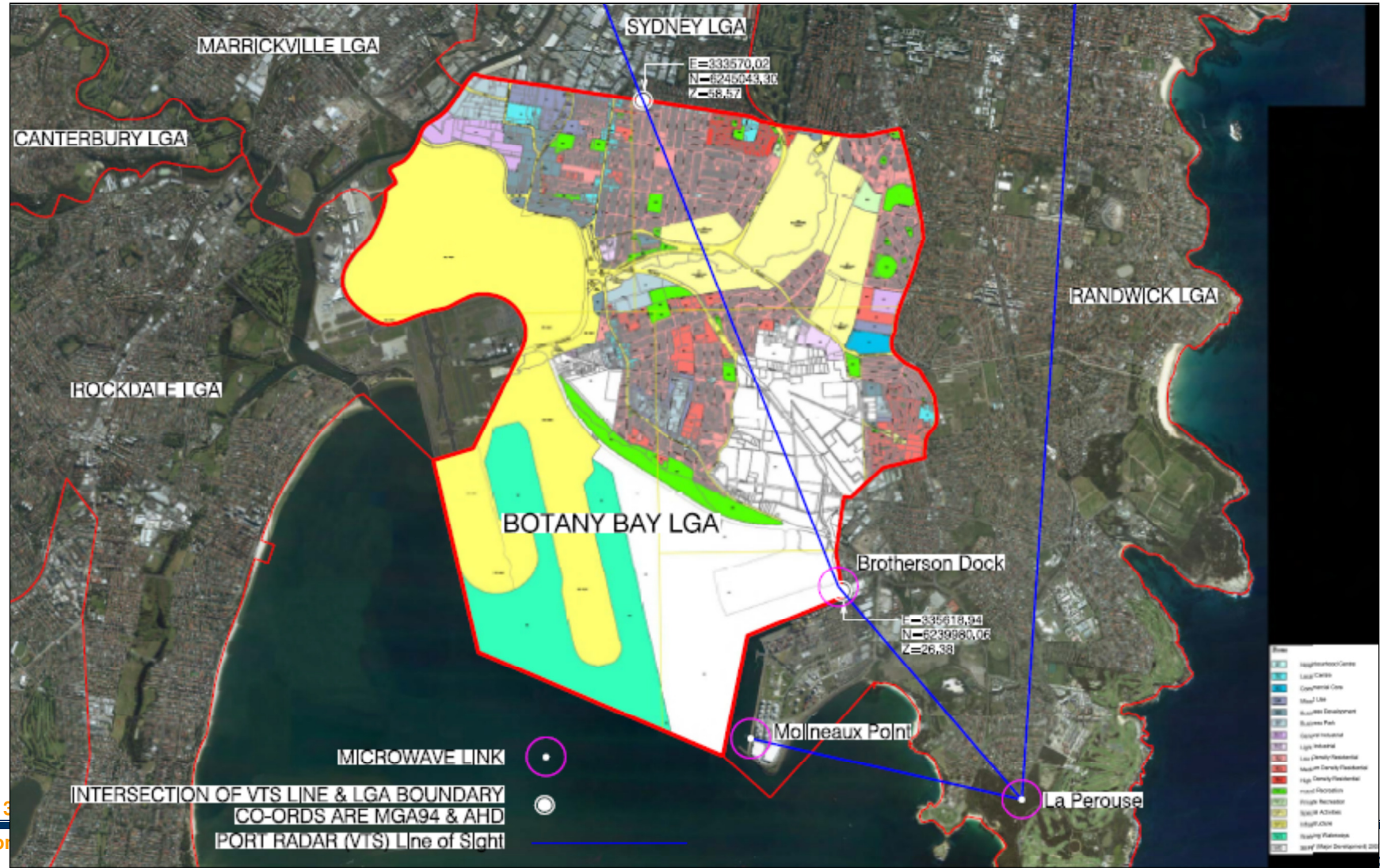
SYDNEY PORTS
FIRST PORT, FUTURE PORT

ATTACHMENT ONE VTS LINES OF SIGHT OVER BOTANY BAY LGA LOCAL ENVIRONMENTAL PLAN	
DRAWN BY: TMS	DATE: 10/10/16
PLAN NO: CA-AS-PP-SCALE-001	PROJECT: BRGP092-1R



Part Notification And Advertising

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PLANNING STATEMENT
This document has been prepared by Sydney Ports Corporation for the use of the Sydney Ports Corporation for the purpose of providing information to the community and the public. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose.



ATTACHMENT ONE
VTS LINES OF SIGHT OVER
BOTANY BAY LGA LOCAL ENVIRONMENTAL PLAN



Figure 4

Zone of Influence for the High Pressure Gas Pipeline within Botany Bay LGA

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2

