

Information Guide – Maritime Property

Advertising and Notification of Development Applications

This guide;

- outlines the approach undertaken by Roads and Maritime with respect to the advertising and notification of development applications.
- is applicable to all new development applications in Sydney Harbour for which Roads and Maritime is the consent authority.
- will generally be applied by Roads and Maritime unless the delegated personnel determines that circumstances exist which justify a departure from the procedure, including to the extent necessary to comply with its obligations at law.

The Environmental Planning and Assessment Act 1979 and accompanying regulations specifies the consultation requirements for certain types of development applications.

Advertising

Development applications for Integrated Development will be advertised in accordance with the Act and accompanying regulations, involving the placement of a public notice in the local newspaper. Local newspapers distributed around Sydney Harbour include the Wentworth Courier, Mosman Daily, North Shore Times and the Inner West Courier.

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 regulation specifies a fee of \$1105.00 is payable by the applicant to fund the cost of this advertisement.

Roads and Maritime reserves the right to advertise any Development Application which it may consider to be in the public interest.

Notification

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.

In the case of Integrated Development, notification letters shall be issued on a date coinciding with the public notice referred to above (see section on Advertising) and shall provide a 30 day period in which to make a submission.

Other Considerations

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.

Section 96 applications

Section 96 applications are used to amend existing development consents.

Section 96(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 96(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 96(2) application does not relate to an Integrated Development application, Roads and Maritime will send out notification letters to the adjoining properties and provide a minimum 14 day period in which to provide comment.

In accordance with the Regulations, Section 96(1) and (1A) applications (which relate to more minor matters) will not be re-advertised or notified.

Deficient applications

Roads and Maritime 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.

Subdivision for leasing purposes

Development applications proposing subdivision for the purpose of a lease with Roads and Maritime will not be notified.

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 Roads and Maritime within the specified period. Submissions may be directed to Roads and Maritime in person at the Customer Service Desk, by post or by email directly to the planning officer.

Roads and Maritime, will consider the merits 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 96 applications, the head petitioner will be the future point of contact. Where a head petitioner is not nominated, Roads and Maritime 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 to Roads and Maritime, 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.

Other relevant Information Guides.

The following guides provide further information relating to the Advertising and Notification of Development Applications;

- [Information Guide — Maritime Property — Establishing Domestic Leases & Licences](#)
- [Information Guide — Maritime Property — Establishing Infrastructure Leases](#)
- [Information Guide — Maritime Property— Establishing Community Leases](#)
- [Information Guide — Maritime Property-- Establishing Registered Club Leases](#)
- [Information Guide — Maritime Property— Establishing Retail Leases](#)
- [Information Guide — Maritime Property— Establishing Industrial Leases](#)
- [Information Guide — Maritime Property— Establishing Commercial Marina Leases](#)
- [Information Guide — Maritime Property— Establishing Charter Vessel Wharf Leases](#)
- [Information Guide — Maritime Property — Gaining Roads & Maritime Consent to Lodge DA](#)
- [Information Guide — Maritime Property— Exempt and Complying Developments](#)

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.

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