

Maritime Property Guide – Advertising and Notification of Development Applications

IPE Infrastructure Management System

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1 General

1.1 Context and purpose

This guide:

- outlines the approach undertaken by Transport for NSW (TfNSW) with respect to the advertising and notification of development applications
- is applicable to all new development applications in Sydney Harbour for which TfNSW is the consent authority
- will generally be applied by TfNSW 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* (EP&A Act) and accompanying regulations specifies the consultation requirements for certain types of development applications.

1.2 Advertising

Development applications for nominated integrated development will be advertised in accordance with the EP&A Act and accompanying regulations, involving the publish notice of the application on the Transport for NSW's website.

Nominated integrated development is development that requires an approval from an external authority under the following legislation:

- the *Heritage Act 1977*
- the *Protection of the Environment Operations Act 1997*
- the *Water Management Act 2000*.

The advertisement will provide a period of 30 days in which to make a submission (commencing on the day after which the notice first appears on TfNSW's website).

TfNSW reserves the right to advertise any development application which it may consider to be in the public interest.

1.3 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 nominated 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.

1.4 Other considerations

1.4.1 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.

1.4.2 Modifications of consents under the EP&A Act

Section 4.55 of the EP&A Act makes provision for the modification of existing development consents.

Section 4.55 (1A) and (2) applications made in relation to nominated integrated development applications will be re-advertised and notified for a minimum 30-day period.

Notification of Section 4.55 (1A) and (2) applications 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.

When Section 4.55 (1A) and (2) applications do not relate to nominated integrated development, TfNSW will send notification letters to the adjoining properties and provide a minimum 14-day period in which to provide comment.

In accordance with the EP&A Act's Regulations, Section 4.55 (1) applications (which relate to minor errors, misdescriptions or miscalculations) will not be re-advertised or notified.

1.4.3 Deficient applications

TfNSW 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.

1.4.4 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 TfNSW within the specified period. Submissions may be directed to TfNSW in person at the customer service desk, by post or by email directly to the planning officer.

TfNSW, 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 4.55 applications, the head petitioner will be the future point of contact. Where a head petitioner is not nominated, TfNSW 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 TfNSW, 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.

2 Further information

2.1 Disclaimer notes

- This guide 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.
- While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything, or the consequences of anything, done or omitted to be done in reliance upon the whole or any part of this document.

3 Document history

Version	Published date	Summary of changes
1.0	June 2025	First version of the document