



**WOOLLAHRA**

**DEVELOPMENT CONTROL PLAN**

**FOR**

**ADVERTISING AND NOTIFICATION**

**OF DEVELOPMENT APPLICATIONS AND APPLICATIONS**

**TO MODIFY DEVELOPMENT CONSENTS**

**19 March 2007**



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## **1.0 Preliminary**

### **1.1 Introduction**

1. This development control plan (this plan) establishes a communication process for Council, applicants and the community in regard to development applications and applications to modify development consents.
2. This plan sets down the advertising and notification requirements for applications for certain identified types of development.

### **1.2 The name of this plan**

1. This plan is called Development Control Plan for Advertising and Notification of Development Applications and Applications to Modify Development Consents.

### **1.3 The objectives of this plan**

1. The objectives of this plan are:
  - (a) to set out the policy for advertising and notification of development applications and for applications to modify development consents; and
  - (b) to provide opportunity for public involvement in the development application process; and
  - (c) to allow a reasonable time for inspection and the making of submissions about development applications, recognising the statutory period of 40 days under the *Environmental Planning and Assessment Act 1979* after which an undetermined application is deemed to have been refused; and
  - (d) to increase public awareness of the development application process; and
  - (e) to provide a direct avenue of access to the development application process for people who wish to express comments about proposals to Council staff and Councillors; and
  - (f) to establish the rights of people to make submissions on development applications; and
  - (g) to clearly explain what information will be made available to the public.

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## **1.4 Approval and commencement of this plan**

1. This plan was approved by Woollahra Council on 29 January 2001 and came into effect on 31 January 2001. The plan was amended (Amendment 1 – Site Notices and Miscellaneous Amendments) on 12 February 2007 (approved). The commencement date of Amendment date was 19 March 2007.

## **1.5 How this plan relates to the *Environmental Planning and Assessment Act 1979* and to other plans and policies**

1. This plan has been prepared in accordance with section 72 of the *Environmental Planning and Assessment Act 1979*, as amended, and Part 3 of the *Environmental Planning and Assessment Regulation 2000*, as amended.
2. The following local environmental plans and deemed environmental planning instrument apply to the land to which this plan applies:
  - (a) *Woollahra Local Environmental Plan No. 24*, as amended [for land at Sir David Martin Reserve, New Beach Road, Darling Point]; and
  - (b) *Woollahra Local Environmental Plan No. 27*, as amended [for land at Strickland House, Vaucluse Road, Vaucluse]; and
  - (c) *Woollahra Local Environmental Plan 1995*, as amended; [for all land not covered by (a), (b), (d) and (e).
3. The advertising and notification provisions of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Local Government Act 1993*, the *Heritage Act 1977*, any other State act applicable to Woollahra, any applicable State environmental planning policy and regional environmental plan and the instruments mentioned in clause 2, above, take precedence over this plan.
4. In the event of any inconsistency between this plan and other development control plans, policies and codes of the Council, this plan will prevail unless otherwise specified in this plan or in the other plans, policies and codes.
5. This plan repeals *Woollahra Local Approvals Policy 1998* and the *Woollahra Local Notifications Policy*.

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## **1.6 Terms used in this plan**

1. Certain terms used in this plan are defined in the **Schedule 1 – Definitions**.

## **1.7 Notes in this plan**

1. The notes within this plan are provided for explanatory purposes and to assist with interpretation. They do not form part of the approved plan and may be changed from time to time as necessary.

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## **2.0 Application of this plan**

### **2.1 Land to which this plan applies**

1. This plan applies to all land within the Municipality of Woollahra.

### **2.2 Applications to which this plan applies**

1. This plan applies to all development applications lodged with the Council except for development applications for State significant development and designated development or any other types of development applications that relate to “advertised development” under the *Environmental Planning and Assessment Act 1979*.
2. This plan also applies to:
  - (a) amendments to development applications to which this plan applies under clause 55 of the *Environmental Planning and Assessment Regulation 2000* made prior to the determination of the applications; and
  - (b) applications made in accordance with section 96 of the *Environmental Planning and Assessment Act 1979* to modify development consents for development applications to which this plan applies.

**Notes:**

1. Certain types of development are classified as “exempt development” and as such do not require development consent. A development application does not need to be lodged for “exempt development”. Other types of development are classified as “complying development”. A complying development application may be lodged for “complying development”. Consent to a complying development application is issued through a complying development certificate.
2. To identify “exempt development” and “complying development” within the Woollahra Municipality refer to the *Development Control Plan - Exempt and Complying Development*.
3. An application for a Complying Development Certificate is not a development application and, accordingly, this plan does not apply to Complying Development Certificates.

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### **3.0 Advertising of development applications**

#### **3.1 Requirement for advertising development applications**

1. Subject to clause 3.2, the Council must advertise a development application to which this plan applies for public inspection before it determines that application.
2. The Council must not determine a development application that has been advertised before the completion of the period for public inspection specified in the advertisement.

#### **3.2 Development applications that will not require advertising**

1. Subject to clause 8.0, advertising will not be required for a development application to which this plan applies where in the opinion of the responsible Council officer the owners and occupiers of adjoining land and neighbouring land would not be detrimentally affected if the development proposal was carried out.
2. Subject to clause 8.0, advertising will not be required for a development application to which this plan applies where insufficient information has been provided with the application to enable a proper assessment of that application under the provisions of the *Environmental Planning and Assessment Act 1979* and the application is to be determined by refusal for that reason.

#### **3.3 Method of advertising**

1. The advertising of a development application to which this plan applies must occur in a newspaper that circulates at least once weekly in the area of the Municipality of Woollahra.
2. For the purpose of fulfilling the requirement of this clause, the advertisement need only occur once in the newspaper during the period of public inspection.

#### **3.4 Contents of an advertisement**

1. The advertisement must contain, but may not be limited to, the following information:
  - (a) the address of the application site, including where available the name of the building and the name of the business conducted from the building; and
  - (b) the application number; and
  - (c) a brief description of the development proposal; and
  - (d) the name of the Council and the Council's postal address; and
  - (e) the place where the application may be freely inspected; and
  - (f) the times of the day and the overall period during which the application may be inspected; and
  - (g) the period during which written submissions on the application may be lodged with the Council; and

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- (h) an invitation to make written submissions on the application during the public inspection period; and
  - (i) a statement to the effect that the name and address of any person making a written submission will be included in an assessment report relating to the application and that the report will be publicly accessible; and
  - (j) a statement to the effect that:
    - (i) the applicant of a development application, on request, will be advised of the terms of any written submission relating to that application and from where it has emanated; and
    - (ii) the applicant will be entitled to read and copy at the applicant's expense any written submission received.

### **3.5 Period for public inspection**

1. Subject to clause 7.0, an advertisement for a development application to which this plan applies must specify a minimum period of 15 calendar days during which the application will be available for public inspection.

### **3.6 Advertising of amendments to development applications made under clause 55 of the *Environmental Planning and Assessment Regulation 2000***

1. Where an applicant makes an amendment to a development application to which this plan applies prior to the application being determined, re-advertising will only occur where the responsible Council officer is of the opinion that the proposal as amended is not substantially the same as the original proposal.
2. When re-advertising does not occur, the assessment report on the application must include a statement of the reasons why re-advertising was not considered necessary.

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## **4.0 Notification of development applications**

### **4.1 Requirement for notification of development applications**

1. Subject to clause 4.2, the Council must provide notification of a development application to which this plan applies before it determines that application.
2. The Council must not determine a development application that is the subject of a notification before the completion of the period for public inspection specified in the notice.

### **4.2 Development applications that will not require notification**

1. Subject to clause 8.0, notification will not be required for a development application to which this plan applies where in the opinion of the responsible Council officer the owners and occupiers of adjoining land and neighbouring land, whether in or outside of the Municipality of Woollahra, would not be detrimentally affected if the development proposal was carried out.
2. Subject to clause 8.0, notification will not be required for a development application to which this plan applies where insufficient information has been provided with the application to enable a proper assessment of that application under the provisions of the *Environmental Planning and Assessment Act 1979* and the application is to be determined by refusal for that reason.

### **4.3 Methods of notification**

1. Notification of a development application must occur by one or more of the following methods at Council's discretion:
  - (a) by letter; and/or
  - (b) by a brochure, a leaflet or similar notice; and
  - (c) by a site notice under clause 4.5.

### **4.4 Notification by letter, brochure, leaflet or similar notice**

#### **4.4.1 Persons and authorities to be notified of a development application by letter, brochure, leaflet or similar notice**

1. In circumstances where notification of a development application to which this plan applies is required, that notification must be sent to:
  - (a) the owners of adjoining land; and
  - (b) the owners of neighbouring land; and

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- (c) any public authority that in the opinion of the responsible Council officer may have an interest in, or may be affected by, the development proposal.
  2. If the adjoining land or neighbouring land is occupied by a strata title building within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold) Development Act 1986* or a community land development within the meaning of the *Community Land Development Act 1989* a notice must be forwarded to each owner in the strata title building or the community land development.
  3. Details regarding the owners of adjoining land and neighbouring land are to be taken from the Council's records at the time the notice is produced, or from other sources as may be made available to the Council prior to the notice being produced.
  4. Where the Council's records show that there are joint owners of land, notification need only be sent to one of the joint owners.

#### **4.4.2 Contents of a letter, brochure, leaflet or similar notice**

1. The letter, brochure, leaflet or similar notice required under clause 4.1 must contain, but may not be limited to, the following information:
  - (a) the address of the application site, including where available the name of the building and the name of the business conducted from the building, and
  - (b) the application number, and
  - (c) a brief description of the development proposal, and
  - (d) the name of the Council and the Council's postal address, and
  - (e) the place where the application may be freely inspected, and
  - (f) the times of the day and the overall period during which the application may be inspected, and
  - (g) the period during which written submissions on the application may be lodged with the Council, and
  - (h) an invitation to make written submissions on the application during the public inspection period, and
  - (i) a statement to the effect that "The supply of personal information is voluntary. If personal information is not provided, Council may be limited in dealing with a submission. Submissions, summaries of submissions, and/or names and addresses of people making submissions will be included in publicly available reports to Council or Committee meetings", and
  - (j) a statement to the effect that In accordance with section 18(1)(b) of the *Privacy and Personal Information Protection Act 1998 (NSW)*, you are advised that all submissions received by Council in relation to any matter will be placed on the appropriate Council file, may be available on our web site and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. Pursuant to section 12 of the *Local Government Act 1993* the Council is obliged to disclose inspection of its documents, including any submission you may make. People may also make application for access under the *Freedom of Information Act 1989*.

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## **4.5 Development application site notice**

### **4.5.1 Display of the site notice**

1. In circumstances where notification, or re-notification, of an application to which this plan applies is required, a site notice must:
  - (a) be exhibited on the land to which the development application relates, and
  - (b) must be displayed on a signpost or board, and
  - (c) must be clear and legible, and
  - (d) must be headed in capital letters and bold type “DEVELOPMENT PROPOSAL”.

### **4.5.2 Contents of the site notice**

1. A site notice required by this clause must contain the following information:
  - (a) a statement indicating the nature of the application that has been lodged, and
  - (b) the name of the applicant, and
  - (c) the application number, and
  - (d) a brief description of the development proposal, and
  - (e) the name of the Council and the Council’s postal address, and
  - (f) the place where the application may be freely inspected, and
  - (g) the times of the day and the overall period during which the application may be inspected, and
  - (h) a statement to the effect that “The supply of personal information is voluntary. If personal information is not provided, Council may be limited in dealing with a submission. Submissions, summaries of submissions, and/or names and addresses of people making submissions will be included in publicly available reports to Council or Committee meetings”, and
  - (i) a statement to the effect that “In accordance with section 18(1)(b) of the *Privacy and Personal Information Protection Act 1998 (NSW)*, you are advised that all submissions received by Council in relation to any matter will be placed on the appropriate Council file, may be available on our web site and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. Pursuant to section 12 of the *Local Government Act 1993* the Council is obliged to disclose inspection of its documents, including any submission you may make. People may also make application for access under the *Freedom of Information Act 1989*.”

### **4.5.3 Form and location of the site notice**

1. The site notice must, if practicable, be capable of being read from a public place.
2. The notice must be in the form provided by the Council.

### **4.5.4 Responsibility for the preparation and erection of the site notice**

1. The Council is responsible for preparing the site notice and making the site notices available to the applicant prior to the commencement of the notification period.

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2. The applicant is responsible for erecting the site notice and for ensuring that it is displayed during the notification period.
  3. The applicant is responsible for removing the notice and returning it to Council after the notification period.

#### **4.5.5 Statutory declaration by applicant as to compliance**

1. The applicant must provide to Council, prior to determination of any application subject to notification under clause 4.5, a Statutory Declaration made under Part 4 of the *Oaths Act* 1900 stating under oath, words to the effect that:

In accordance with clause 4.5 of Woollahra Municipal Council's *Development Control Plan for Advertising and Notification of Development Applications and Applications to Modify Development Consents* the site notice was erected and maintained during the notification period under this DCP.

OR

2. In the event that the site notice was damaged, defaced or removed by a third party that the notice was removed on <insert date> and replaced on <insert date>.

#### **4.6 Period for public inspection**

1. Subject to clause 7.0, a letter, brochure, leaflet or similar notice and site notice for a development application to which this plan applies must specify a minimum period of 15 calendar days during which the application will be available for public inspection.

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## **5.0 Notification of amendments to development applications made under clause 55 of the *Environmental Planning and Assessment Regulation 2000* prior to determination**

### **5.1 Requirement for notification of amendments to a development application**

1. Where an applicant makes an amendment to a development application to which this plan applies prior to the application being determined, re-notification must occur:
  - (a) to those persons who made a written submission on the original development application, but only in the case where the responsible Council officer is of the opinion that those persons would be detrimentally affected by the amendment to the proposal if carried out; and
  - (b) to other persons who own adjoining or neighbouring land (including those persons to whom notice of the application was sent in accordance with clause 4.4.) who, in the opinion of the responsible Council officer, may be detrimentally affected by the amendment to the proposal if carried out; and
  - (c) to a public authority that was sent a notice in accordance with clause 4.4.1, but only in the case where the responsible Council officer is of the opinion that the public authority would have an interest in the amendment to the proposal, or would be detrimentally affected by the amendment to the proposal if carried out; or
  - (d) when the responsible Council officer is of the opinion that the proposal as amended is not substantially the same as the original proposal.
2. When re-notification does not occur, the assessment report on the application must include a statement of the reasons why re-notification was not considered necessary.

### **5.2 Content of a re-notification letter, brochure, leaflet or similar notice**

1. The content of any re-notification letter, brochure, leaflet or similar notice must contain the information listed in clause 4.4.2 and the following information:
  - (a) a statement to the effect that an amendment to the development application has been lodged; and
  - (b) a brief description of the amendment to the development proposal; and
  - (c) the new period during which the application as amended may be inspected; and
  - (d) the new period during which written submissions on the application as amended may be lodged with the Council.

### **5.3 Period for public inspection**

1. Subject to clause 7.0, where re-notification is required, a letter, brochure, leaflet or similar notice for a development application to which this plan applies must specify a

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minimum period of 15 calendar days during which the application as amended will be available for public inspection.

**Notes:**

1. Subject to the exceptions for notification and re-notification and the requirements for additional notification, this clause shall operate in circumstances where an amendment is made to a development application prior to the completion of the notification period.
2. Refer to clause 9.0 for the criteria used for forming an opinion whether the enjoyment of land may be detrimentally affected.

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## **6.0 Notification of applications to modify development consents under section 96 of the *Environmental Planning and Assessment Act 1979***

### **6.1 Requirement for the notification of applications to modify development consents**

1. Where an applicant or any other person entitled to act on a development consent makes an application to the Council to modify a development consent in accordance with the provisions of section 96(1A) (modifications involving minimal environmental impact) and section 96(2) (other modifications) of the *Environmental Planning and Assessment Act 1979*, notification must occur:
  - (a) to those persons who made a written submission on the original development application or on an amendment to the original development application before it was determined, but only in the case where the responsible Council officer is of the opinion that those persons would be detrimentally affected by the modification to the proposal if carried out; and
  - (b) to other persons who own adjoining or neighbouring land (including those persons to whom notice of the application was sent in accordance with clause 4.4.1) who, in the opinion of the responsible Council officer, may be detrimentally affected by the modification to the proposal if carried out; and
  - (c) to a public authority that was sent a notice in accordance with clause 4.4.1 but only in the case where the responsible Council officer is of the opinion that the public authority would have an interest in the modification to the proposal, or would be detrimentally affected by the modification to the proposal if carried out.

**Note:** Refer to clause 9.0 for the criteria used for forming an opinion whether the enjoyment of land may be detrimentally affected.

2. Notification need not occur for an application made in accordance with section 96(1) of the *Environmental Planning and Assessment Act 1979* to modify a development consent in order to correct a minor error, misdescription or miscalculation.
3. When notification does not occur, the assessment report on the application must include a statement of the reasons why notification was not considered necessary.

**Notes:** Unless specifically called for under clause 8.0, the advertising regarding applications to modify development consents is not required.

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## **6.2 Content of a notification letter, brochure, leaflet or similar notice regarding an application to modify a development consent**

1. The content of a notification letter, brochure, leaflet or similar notice regarding an application to modify a development consent must contain the information listed in clause 4.4.2 and the following information:
  - (a) a statement to the effect that an application to modify the development consent has been lodged; and
  - (b) a brief description of the modification sought to the development consent.

## **6.3 Period for public inspection**

1. Subject to clause 7.0, a letter, brochure, leaflet or similar notice for an application to modify a development application to which this plan applies must specify a minimum period of 15 calendar days during which the application will be available for public inspection.

## **7.0 Additional advertising and notification of a development application or an application to modify a development consent**

1. The Council, any committee of the Council, the General Manager or the responsible Council officer may direct that a development application or an application to modify a development consent be advertised and/or notified to any additional person, persons, group, organisation, authority or the like or that the application be made available for inspection and acceptance of submissions for an additional period or a period in excess of the minimum 15 calendar day period specified in this plan as they may decide.
2. Where additional advertising and/or notification is required, the application shall not be determined until that advertising and/or notification has taken place, the period for public inspection of the application and lodgement of written submissions has lapsed and any written submissions have been considered.

## **8.0 Advertising and notification of development applications and applications to modify development consents irrespective of the exceptions of this plan**

1. Notwithstanding the various exceptions to the carrying out of advertising and notification of development applications and applications to modify development consents mentioned in this plan, the Council, a committee of the Council, the General Manager or a responsible Council officer may direct that, having regard to the circumstances of the case and, in the interest of public participation, the advertising or notification or both of a development application or an application to modify a development application be carried out in accordance with the methods set down in this plan.

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## **9.0 Forming an opinion on whether the enjoyment of land may be detrimentally affected**

1. In forming an opinion on whether the enjoyment of land may be detrimentally affected by a development application, an amendment to a development application or an application to modify a development application, the responsible Council officer must take into consideration the following criteria:
  - (a) the views to and from the land; and
  - (b) overshadowing; and
  - (c) privacy; and
  - (d) noise; and
  - (e) the design and appearance of the proposal in relation to the streetscape; and
  - (f) the scale and bulk of the proposed building or works; and
  - (g) the siting of the proposed building or works, including changes to an existing building involving relocation of external walls and other elements that expand the building envelope; and
  - (h) excavation, particularly excavation for the purpose of car parking areas, storage areas, plant rooms and voids; and
  - (i) the structural integrity of common or party walls where demolition of floors, ceilings and internal walls is proposed; and
  - (j) the heritage significance of the land and any building, work or feature on the land; and
  - (k) stormwater drainage.
2. The opinion formed by the responsible Council officer on whether the enjoyment of land may be detrimentally affected is not to be taken as an assessment of the merits of the development application.

<p><b>Note:</b> Land means an area of ground together with vegetation, landscaping and buildings erected on the land.</p>
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## **10.0 Written submissions**

### **10.1 Making written submissions**

1. A person may make one or more written submissions regarding a development application and an application to modify a development consent to which this plan applies within the period during which the application is available for public inspection.
2. A written submission may be in the form of a letter, report, facsimile transmission, petition, e-mail or other like form.
3. A written submission should state the reasons for objection to or support of an application.

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## 10.2 Council's acceptance and consideration of written submissions

1. The Council will accept and consider all written submissions lodged to it during the public exhibition period for a development application, an amendment of a development application and an application to modify a develop consent.
2. The Council may, depending on the circumstances of the case, accept and consider written submissions that are lodged to it after the expiration of the period of public inspection and prior to completion of the assessment report by the responsible Council officer.
3. The Council may decline to consider written submissions lodged after the assessment report is prepared by the responsible Council officer.
4. The terms of any written submission received by the Council prior to the report on the development application or application to modify a development consent being prepared by the responsible Council officer are to be summarised in the report by the responsible Council officer.
5. Subject to the *Privacy and Personal Information Protection Act 1998*, the names and addresses of the persons making written submissions are to be indicated in the report.
6. This plan does not bind the Council to adopt or support a submission in making its determination of a development application. The Council's assessment of an application involves weighing all relevant considerations.

## 10.3 Advice to applicant of written submissions

1. The applicant of a development application or an application to modify a development consent, on written request to the Council, will be advised of the terms of any written submission and from where it has emanated. The applicant will be entitled to read and copy at the applicant's expense any written submission received.

**Note:** The availability of written submissions for view and copying by an applicant or any other member of the public is subject to the constraints under the *Privacy and Personal Information Protection Act 1998*.

## 11.0 Costs of advertising and notifying development applications and applications to modify development consents

1. The applicant must pay to the Council the fee determined by the Council in accordance with its adopted fees and charges to cover the cost of advertising and notification.

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## **12.0 Notification of committee agendas and provision of reports**

1. The Council will endeavour to provide three days notice by either telephone or mail to the applicant of a development application or an application to modify a development consent and all those people that it is aware who have lodged a written submission regarding those applications of the date and time of the Council's committee meeting at which the application will be considered. Where a written submission was made in the form of a petition, the Council may only inform the person who lodged the petition on behalf of those people who signed the petition.
2. Those people informed in accordance with subclause 1, will also be advised that a copy of any report, including its annexures, prepared for the purpose of assessment and recommendation concerning the development application or application to modify a development consent will be provided upon request, at no charge, for collection at the Council's offices.
3. The provision of a report in whole or in part does not apply where material is to remain confidential or privileged in accordance with the Council's policy on such matters.
4. Failure to strictly comply with this clause will not render any determination of an application invalid.

## **13.0 Notification of determination of development applications and applications to modify development consents**

1. The Council will give written notice of the determination of a development application and an application to modify a development consent to each person who made a written submission in relation to those applications. Where a written submission was made in the form of a petition, the Council may only give written notice to the person who lodged the petition on behalf of those people who signed the petition.
2. The notice will advise that a copy of any report, including its annexures, prepared for the purpose of assessment and recommendation concerning the development application or application to modify a development consent will be provided upon request, at no charge.
3. The provision of a report in whole or in part does not apply where the material is to remain confidential or privileged in accordance with the Council's policy on such matters.

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## Schedule 1 – Definitions

**Adjoining land** means land within the Municipality of Woollahra that abuts an application site. Abutting land is land that shares a common boundary with the application site. Abutting land does not include land that is separated from the application site by a road, reserve, easement, drain, lane, pathway, driveway or similar feature.

**Advertised development** has the meaning set down in the *Environmental Planning and Assessment Act 1979*.

**Note:** The *Environmental Planning and Assessment Act 1979* defines advertised development as follows:

“advertised development” means development, other than designated development, that is identified as advertised development by the regulations, an environmental planning instrument or a development control plan. Advertised development includes any development for the purposes for a scheduled activity at any premises under the *Protection of the Environment Operations Act 1997* that is not designated development.

**Advertising** means the placement of a public notice in a newspaper circulating at least on a weekly basis in the locality. This can include a local newspaper or a newspaper that is circulated to the locality in which the site of the proposal is situated.

**Application site** means the land to which an application relates.

**Building** includes part of a building and any structure or part of a structure and includes a swimming pool.

**Complying development** means local development defined in schedule 2 of *Woollahra Development Control Plan – Exempt and Complying Development* and table 2 of *Waverley and Woollahra Bondi Junction Commercial Centre Development Control Plan – Exempt and Complying Development* that requires consent in the form of a complying development certificate.

**Complying development certificate** means a certificate issued by either Council or an accredited certifier that allows a complying development to proceed.

**Designated development** has the meaning set down in the *Environmental Planning and Assessment Act 1979*.

**Note:** The *Environmental Planning and Assessment Act 1979* defines designated development in section 77A as follows:

Designated development is development that is declared to be designated development by an environmental planning instrument or the regulations.  
Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* lists designated development.

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**Development** in relation to any land has the meaning set down in the *Environmental Planning and Assessment Act 1979*.

**Note:** The *Environmental Planning and Assessment Act 1979* defines development as follows:

“development” means:

- (a) the use of land; and
- (b) the subdivision of land; and
- (c) the erection of a building; and
- (d) the carrying out of a work; and
- (e) the demolition of a building or work; and
- (f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument,

but does not include any development of a class or description prescribed by the regulation for the purposes of this definition.

**Development application** has the meaning set down in the *Environmental Planning and Assessment Act 1979*.

**Note:** The *Environmental Planning and Assessment Act 1979* defines development application as follows:

“development application” means an application for consent under Part 4 to carry out development but does not include an application for a complying development certificate.

**Development proposal** means the development that is the subject of the application.

**Land** means an area of ground together with vegetation, landscaping and buildings erected on the land.

**Neighbouring land** means any land, other than adjoining land, within the Municipality of Woollahra the enjoyment of which the responsible Council officer considers may be detrimentally affected by the development proposal having regard to the criteria listed in clause 9.0.

**Responsible Council officer** means any one of or a combination of the Council officers who is or are responsible for the processing and assessment of a development application or an application to modify a development consent and the recommendation of a report regarding that application. The responsible Council officers can include the assessment officer, team leader, manager and director.

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**State significant development** has the meaning set down in the *Environmental Planning and Assessment Act 1979*.

**Note:** The *Environmental Planning and Assessment Act 1979* defines State significant development in section 76A(7) as follows:

State significant development is:

- (a) development:
  - (i) that is declared by a State environmental planning policy or a regional environmental plan to be State significant development, and
  - (ii) that may be carried out with development consent, or
- (b) particular development, or a particular class of development:
  - (i) that, under an environmental planning instrument, may be carried out with development consent, and
  - (ii) that, in the opinion of the Minister, is of State and regional environmental planning significance, and
  - (iii) that is declared by the Minister, by notice in the Gazette, to be State significant development, or
- (c) development that is proposed to be carried out in accordance with a development application that the Minister has directed, under section 88A, to be referred to the Minister for determination, or
- (d) prohibited development in respect of which a direction by the Minister under section 89 is in force.

**Written submission** means a submission in writing in the form of a letter, report, facsimile transmission, petition, e-mail or other like form.