

## Complying development - notification to neighbours

This information sheet explains when and how neighbours are notified of a complying development on a nearby property.

### Important note

This information sheet is for guidance only and may not contain all the information relevant to every property in NSW. Applicants should refer to the [relevant planning controls](#)<sup>1</sup> before beginning work, or seek professional advice on how the planning controls apply to their property.

The majority of the development that can be done as exempt or complying development in NSW is identified in the State wide exempt and complying development policy (the policy). View the policy at the [exempt and complying development policy website](#)<sup>2</sup>.

### What is complying development?

**Many types of straightforward building work don't need applicants to submit a full development application to your local council. This is called complying development.**

Before you start any works you must obtain a complying development certificate (CDC) from an accredited certifier or council. The certificate is a combined planning and building approval.

Before planning a complying development, the applicant must find out what planning controls apply to the land.

A section 149 planning certificate from council will outline what planning controls apply and whether particular parts of the policy can be used for development on the land.

Alternatively, if your council has a Standard Instrument LEP, you can find out what planning policies apply to your land. Go to the [Planning Viewer website](#)<sup>3</sup>.

A number of information sheets are available at the [exempt and complying development policy website](#)<sup>4</sup>. They provide general information about different types of exempt development.

### Introduction

Some types of complying development require neighbours to be notified either **prior to approval** or **prior to commencement of works**.

The neighbour notification requirements for complying development are intended to encourage applicants to talk to their neighbours about their proposed complying development. Even where formal neighbour notification is not required, it is recommended that discussions with neighbours about the proposed development take place at the earliest opportunity, preferably before detailed plans are drawn up, and before an application is lodged.

This means that any concerns or suggestions can be considered early on in the design process.

### What is pre - approval notification?

Before a complying development certificate can be issued for the erection of a new house or an addition to an existing house, an accredited certifier must notify neighbours. This is called pre-approval notification.

However, it is important to note that the 'notification' process for complying development is different to an 'exhibition' process which may occur for development applications.

Notification of complying development prior to approval of a complying development proposal is

<sup>1</sup> <https://maps.planningportal.nsw.gov.au/Terms>

<sup>2</sup> <http://hub.planning.nsw.gov.au/BuildingorRenovating>

<sup>3</sup> <https://maps.planningportal.nsw.gov.au/Terms>

<sup>4</sup>

<http://hub.planning.nsw.gov.au/Buildingorrenovating/Dolqualifyforfasttrackapproval/Complyingdevelopment>

for information only. Neighbours cannot make a submission on a neighbouring complying development.

This is because complying development must comply 100% with the development standards in the policy.

The standards have been developed in consultation with local councils and a complying development expert panel to ensure good amenity and design outcomes. The development allowed by the policy balances the ability for someone to develop their property while protecting the amenity of their neighbours.

### When are neighbours notified prior to approval of a complying development?

Whether neighbours are notified before a complying development certificate is issued on neighbouring land depends on where the land is located. This is explained in detail below.

### Neighbour notification in metropolitan areas

In metropolitan areas, certifiers must notify the occupants of neighbouring houses within a 20 metre radius at least 14 days before issuing a complying development certificate for the following complying development types:

- the construction of a new dwelling or an addition to an existing dwelling, or
- the construction of a new group home or secondary dwelling, or
- the demolition of a building.

If the certifier is a private accredited certifier, they must also provide written notice to the council.

A complying development certificate cannot be issued until after the 14 day notification period has finished.

'**Metropolitan areas**' include the following local government areas: Ashfield, City of Auburn, Bankstown City, Blacktown City, Blue Mountains City, Botany Bay City, Burwood, Camden, Campbelltown City, Canada Bay, Canterbury City, Fairfield City, Hawkesbury City, Holroyd City, Hornsby, Hunter's Hill, Hurstville City, City of

Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool City, Manly, Marrickville, Mosman, North Sydney, Parramatta City, Penrith City, Pittwater, Randwick City, Rockdale City, Ryde City, Strathfield, Sutherland Shire, City of Sydney, The Hills Shire, Warringah, Waverley, Willoughby City, Wingecarribee, Wollondilly and Woollahra.

### Neighbour notification in regional and rural areas

In regional and rural areas, neighbours are not required to be notified before a complying development certificate is issued.

Although there is no formal requirement to notify neighbours before a complying development is approved, applicants are encouraged to discuss proposals with their neighbours at the earliest opportunity, preferably before detailed plans are drawn up. This means that any concerns or suggestions can be considered early on in the design process.

'**Regional and rural areas**' include the following local government areas: City of Albury, Armidale Dumaresq, Ballina, Balranald, Bathurst Regional, Bega Valley, Bellingen, Berrigan, Bland, Blayney, Bogan, Bombala, Boorowa, Bourke, Brewarrina, City of Broken Hill, Byron, Cabonne, Carrathool, Central Darling, City of Cessnock, Clarence Valley, Cobar, City of Coffs Harbour, Conargo, Coolamon, Cooma-Monaro Shire, Coonamble, Cootamundra, Corowa Shire, Cowra, Deniliquin, City of Dubbo, Dungog, Eurobodalla, Forbes, Gilgandra, Glenn Innes Severn, Gloucester, City of Gosford, Goulburn Mulwaree, Great Lakes, Greater Hume Shire, City of Greater Taree, City of Griffith, Gundagai, Gunnedah, Guyra, Gwydir, Harden, Hay, Inverell, Jerilderie, Junee, Kempsey, Kiama, Kyogle, Lachlan, City of Lake Macquarie, Leeton, City of Lismore, City of Lithgow, Liverpool Plains, Lockhart, City of Maitland, Mid-Western Regional, Moree Plains, Murray, Murrumbidgee, Muswellbrook, Nambucca, Narrabri, Narrandera, Narromine, City of Newcastle, Oberon, City of Orange, Palerang, Parkes, Port Macquarie-Hastings, Port Stephens, City of Queanbeyan, Richmond Valley, City of Shellharbour, City of Shoalhaven, Singleton, Snowy River, Tamworth Regional, Temora, Tenterfield, Tumbarumba, Tumut Shire, Tweed, Upper Hunter Shire, Upper

Lachlan Shire, Uralla, Urana, City of Wagga Wagga, Wakool, Walcha, Walgett, Warren, Warrumbungle Shire, Weddin, Wellington, Wentworth, City of Wollongong, Wyong, Yass Valley and Young.

## Neighbour notification in residential release areas

Certain land in metropolitan and rural and regional areas may also be identified as a 'residential release area' under a State Environmental Planning Policy (SEPP) or Local Environmental Plan (LEP).

If the proposed complying development is located in a residential release area, neighbours are not required to be notified before a complying development certificate is issued.

A residential release area is any land identified:

- as an urban release area in a local environmental plan, or
- in the Eurobodalla Local Environmental Plan 2012, or
- in the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*<sup>5</sup>, or
- certain land identified in the *State Environmental Planning Policy (Major Development) 2005*<sup>6</sup>.

## How are neighbours notified?

Neighbour notification must be in writing. The notice can be given in person, through a letter box drop or via the post.

As a guide, if the notice is delivered in person on a Monday, the next day is counted as the first day, and the Tuesday two weeks later is the earliest the complying development certificate can be issued.

If the notice is mailed by post, it is deemed to be received on the next business day, and the day after is counted as the first day of the notification period.

Certifiers should keep a record of the address of each neighbouring dwelling house to which a notice is delivered.

<sup>5</sup> <http://www.legislation.nsw.gov.au/>

<sup>6</sup> <http://www.legislation.nsw.gov.au/>

## Which neighbours are notified?

The notice must be sent to the occupier (not necessarily the owner) of any lot within 20 metres that has a dwelling house on it. See **Figure 1** for details.

If a lot contains an apartment building or is a dual occupancy, the occupier of each individual home/apartment must be notified.

**Figure 1:** Neighbour notification of residential complying development



### Key for Figure 1

#### Occupiers of these dwellings do not need to be advised

1. Where the lot is vacant or a dwelling is under construction, no notification is required.
2. Shops and other uses other than a dwelling do not require any notification.

#### Occupiers of these dwellings must receive notification:

3. Notification is required, even if the dwelling is not within 20m of the lot.
4. All dwellings in an apartment building must be individually notified.

## What information is provided?

Neighbour notification of a proposed neighbouring complying development must include:

- the address of the proposed development
- a description of the proposed development (e.g. new dwelling house, demolition etc.)

- the name and contact details of the certifier (this can be council or a private accredited certifier)
- confirmation that the application has been lodged in accordance with *Environmental Planning and Assessment Act 1979*<sup>7</sup>
- the name, address and contact details of the applicant
- the date the complying development application was received, and
- a statement that once the plans are approved, they will be available to view at the local council.

Neighbours can request to see the plans of the proposed complying development from the applicant or the certifier. However, there is no obligation for the applicant to make these available. It is the certifier's role to make sure that the proposal complies with all the development standards in the policy.

The approved complying development plans can be viewed at the local council after a complying development certificate is issued.

It should be noted that applicants are not required to alter a proposed development in response to a neighbour's comments.

## What is pre - construction notification?

Building work can sometimes be temporarily disruptive. Neighbours are required to be notified before work begins on certain approved complying developments. This is called 'pre-construction notification'.

## When are neighbours notified?

In metropolitan areas, neighbours of certain complying developments must be notified at least seven days before work begins.

In rural and regional NSW and in residential release areas, neighbours of certain complying developments must be notified at least two days before work begins.

In all circumstances, it is the responsibility of the applicant to notify neighbours before construction begins, and it must be done in writing.

Pre-construction notification is required for the following complying development:

- the construction of a new building, or
- the construction of an addition to an existing building, or
- the demolition of a building.

For pre-construction neighbour notification, applicants must advise the occupant of each dwelling that is on a lot within 20 metres from the boundary of the development lot.

Where an adjoining lot is vacant or a dwelling is under construction, no notification is required.

Unlike neighbour notification before complying development is approved, the pre-construction neighbour notification applies irrespective of the development type or the zoning of the land.

The applicant must keep a record of the addresses where the notice has been delivered, as the principal certifying authority must be satisfied that pre-construction notification was given to the relevant neighbours before work can begin.

## Further Information

For more information visit <http://hub.planning.nsw.gov.au> or contact the Department's Codes and Approvals Pathways team on 1300 305 695 or by [email](#)<sup>8</sup>

## Electronic Housing Code

The Electronic Housing Code website helps applicants determine whether the proposed development qualifies as exempt or complying development and the standards that must be met.

Applications for complying development can also be lodged and tracked online for those council areas using the Electronic Housing Code. Visit the [Electronic Housing Code website](#)<sup>9</sup> to find out if it is used by your local council or for more details.

<sup>7</sup> <http://www.legislation.nsw.gov.au/>

<sup>8</sup> [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)

<sup>9</sup> [www.electronichousingcode.com.au/](http://www.electronichousingcode.com.au/)