

Advisory Notes for Applicant for lodgement of a Development Application

About these notes

These are advisory notes for an Applicant that is considering lodging a Development Application to Sydney Olympic Park Authority for consent to carry out a development.

These are advisory notes only and set out general requirements of the Applicant when applying for consent under Part 4 of the Environmental Planning and Assessment Act 1979.

Purpose of notes

These Advisory notes set out the minimum expectations of the Applicant from the Sydney Olympic Park Authority when seeking consent for a Development Application.

Related documents

- Development application Statement of Environmental Effects – pro forma form;
- Development Application Form.

Note 1 – Obtaining development consent from the Sydney Olympic Park Authority

What are YOU responsible for to obtain development consent?

You should be familiar with the requirement or otherwise of development consent under the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a development you wish to undertake. If you are unsure about whether you require development consent, contact a Planning Officer of the Sydney Olympic Park Authority or engage a relevant Planning professional to assist you.

If development consent is required, as the proponent of a development, it is your responsibility to obtain legal development consent under the EP&A Act.

There are obligations and procedures that a proponent of a development must fulfil and respect in order to obtain development consent. You should be familiar with the basic obligations and procedural requirements of the EP&A Act if seeking approval for a proposed development.

Failure to obtain development consent where one is required may result in fines or legal action.

What is SOPA responsible for to determine development consent?

The Sydney Olympic Park Authority is the relevant consent authority and will,

- Assess your development application in accordance with Part 4 of the EP&A Act;
- Ensure all relevant provisions in relation to a development application under the EP&A Act and *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations) are satisfied; and
- Appropriately liaise with you, the Applicant, in relation to any matters that arise during the assessment of your development application.

Note 2 – What do I need to do to obtain a development consent?

It is your responsibility to ensure the following are submitted with your development application before it can be accepted and assessed:

- A completed development application form, appropriately signed;
- Development application fee paid to Sydney Olympic Park Authority;
- Relevant drawings to a suitable and legible scale; and
- A Statement of Environmental Effects has been completed.

Failure to provide the above requirements could result in non acceptance of the Development Application.

Additionally, you or your representative may be required to provide further technical information to support your development application. Lack of suitable information may delay the determination on whether or not to grant development consent or affect the determination outcome.

Note 3 – What processes under the EP&A Act and EP&A Regulations must I consider and respect?

In accordance with the EP&A Act and EP&A Regulations, Sydney Olympic Park Authority has a right to:

- Make a determination whether or not the development application is suitable for acceptance and assessment within 5 days of the application being lodged,
- Request that further information be supplied for the purpose of development assessment within 25 days of the development application being lodged,
- Assess the development application for a minimum period of 42 days.

In accordance with the EP&A Act and EP&A Regulations, Sydney Olympic Park Authority will:

- Register the proposed development on a public register,
- Publicly notify the proposed development if required,
- Assess the proposed development for a determination, and
- Ensure applicant has right to legal appeal following the 42 day 'deemed refusal period'.

The EP&A Act and Regulations stipulates that following 42 calendar days since the development application is lodged, the Applicant may deem the application as refused and lodge a legal appeal. Please note, that should further information be required, the EP&A Regulations provide that the 42 day deemed refusal period 'stops' until the information has been supplied, or the Applicant writes to the Authority that no such further information will be supplied, or the time period in which was granted to the Applicant to provide the information lapses – which ever occurs first.

Sydney Olympic Park Authority will endeavour to process applications as efficiently and as diligently as possible.

Note 4 – What happens when I receive a determination?

A determination will contain either development consent or a refusal to issue development consent. If a development is refused, the reasons as to why the development has been refused will be given. If a development is granted consent, the consent may be conditional.

Conditions of a development consent are legally binding and must be satisfied. The Applicant must ensure the development is carried out in accordance with such conditions. Failure to undertake a development in accordance with conditions may result in fines or legal action.

A determination may also require the Applicant to obtain a construction certificate and occupation certificate. Construction and occupation certificates are usually required where building works are undertaken and are necessary to ensure all built work is in compliance with the *Building Code of Australia*, the proposed development and any conditions of consent.

An applicant has right to legal appeal if they are unsatisfied with the outcome of a determination or conditions of consent.