

SUTHERLANDSHIRE

**ADMINISTRATIVE  
PROVISIONS**  
DCP 2015 CHAPTER 42



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## 1. Notification of Development Applications

The *Environmental Planning and Assessment Act, 1979* sets the framework for public participation in the consideration of applications requiring development consent. It requires Council to formalise its notification procedures through its DCP. Consequently, Council has adopted public consultation procedures to ensure that the community is consulted where there may be a significant impact on the neighbourhood from development. The method of notification is dependent on the scale of development and degree of environmental impact. Not all development applications require notification or public exhibition.

All development applications received by Council will be published on Council's webpage. The assessment progress of each application can be followed by any member of the community via DA Tracking On-Line.

### 1.1 Objectives

1. Enable consultation with the community for types of development not anticipated in a zone so that council can be aware of all the relevant issues and community concerns when determining a development application.
2. Identify members of the community who will be notified of a development application being received by Council.
3. Identify development that will be publicly exhibited prior to Council assessment of a development application.
4. Identify how the community and public authorities will be notified of specific proposals.

### 1.2 Exceptions

1. This chapter does not apply to:
  - a. Designated Development
  - b. Advertised Development , or
  - c. 'Exempt Development' or 'Complying Development', as stated in the *Sutherland Shire Local Environmental Plan 2015*.

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#### Note:

Designated development and advertised development will require public exhibition under the requirements of the *Environmental Planning and Assessment Act*.

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### 1.3 Controls

1. Development applications are to be publicly exhibited as per the notification requirements specified in the **Tables** to this chapter.
2. As specified in the **Tables** to this chapter, Development Applications will be publicly exhibited by:
  - a. Notification letter to land owners, and various community organisations; or
  - b. Display of notice on the land; or
  - c. Publication on Council's web page; or
  - d. A combination of the above.

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**Note to subclause 1:**

Not all development applications require notification or public exhibition.

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**Note to Subclause 2:**

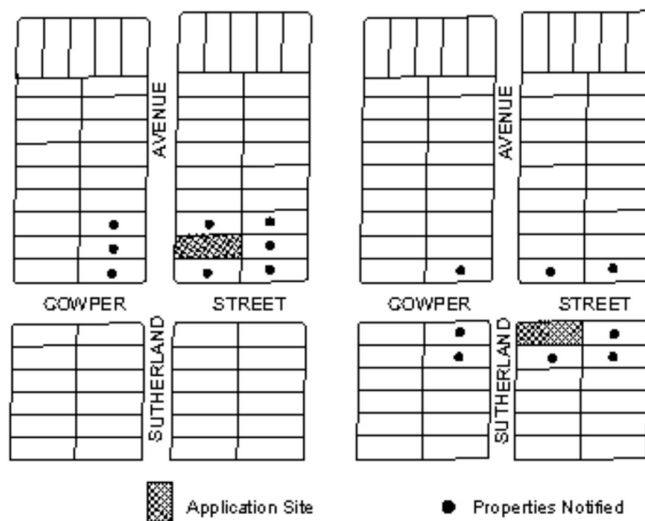
Applications that are insufficient for the purposes of public exhibition and/or notification will be rejected. Refer to the Sutherland Shire Development Application Guide – A Guide to Lodging A Development Application With Council for application requirements.

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3. Notwithstanding the **Tables** to this chapter, if the proposal is potentially contentious or likely to be of significant interest to the community, Council has the discretion to determine if additional notification requirements apply (i.e. notification letter, display of notice on land, display on website).

## 2. Notification Letter

1. Where required by the **Tables** in this chapter, notification of the receipt of a development application must be forwarded to the following:
  - a. For development requiring notification, persons who own adjoining or neighbouring land to an application site, according to Council's rates and property register, as indicated in Figures 1 and 2.



*Figures 1 and 2:  
Notification of Adjoining Landowners*

- b. Relevant community organisations which, in Council's opinion, may need to provide input on the proposed development.
- c. Where adjoining land is a lot within the meaning of the Strata Schemes (Freehold Development) Act 1973, a letter of notification must be forwarded to the owners' corporation within the strata scheme and to property owners.
- d. Where adjoining land is a lot within the meaning of the Strata Schemes (Leasehold Development) Act 1986, a letter of notification must be forwarded to the owners' corporation under the leasehold strata scheme and to property
- e. If, in Council's opinion, there are any other persons or parties likely to be affected by the proposed development, Council may broaden the extent of notification where the enjoyment of the land may be detrimentally affected in relation to, but not limited to:
  - i. The views to and the view from the land
  - ii. Overshadowing
  - iii. Privacy
  - iv. Noise
  - v. The visual quality of the building in relation to the streetscape

- vi. Existing amenity.

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**Note:**

Notwithstanding the Table to this chapter, it will remain at the discretion of Council as to how to notify an application considered to be of significant community interest. Neighbour notification over the Christmas period will be dealt with on an annual basis by way of a specific resolution of Council.

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2. The notification letter must provide the following information:
  - a. A description (including the address) of the land to which the development application relates
  - b. A description of the proposed development
  - c. An A4 copy of the site plan and elevations.
  - d. The name of the applicant
  - e. The name of the contact person through which enquiries can be directed
  - f. A statement specifying that the application may be inspected at the Administration Building of Council at any time during normal office hours for a period of 14 days
  - g. The letter must specify that any person may make a submission in writing to Council in relation to the development application and that submission may be made available for the community to view. Where the submission is by way of objection, the grounds of objection must be specified in the submission
3. The letter must direct the receiver to Council's webpage and specifically to the following information:
  - a. An explanation of the system of development application assessment;
  - b. The types of development permissible in the zone; and
  - c. The location of the Track It On Line service, which enables applicants and the community to track the progress of an application.

### 3. Display of a Notice on the Land

1. The notice must be erected at the applicant's expense by Council on the land to which the development application relates.
2. The notice must:
  - a. Be displayed on a signpost or board constructed in a sturdy manner and comprising durable and weatherproof materials.
  - b. Contain lettering which is clear, legible and able to be read from a public road, public place or public reserve.
  - c. Be written under the heading in bold type "**DEVELOPMENT APPLICATION**".
  - d. Contain the following information:
    - i. A statement that the application has been lodged.
    - ii. The name of the applicant.
    - iii. A brief description of the development application.
    - iv. Where the application meets the criteria specified in 1.b.1.2(2), the notice must include:
      - a. A statement specifying that any person may make a submission in writing to Council in relation to the development application. Where the submission is by way of objection, the grounds of objection must be specified in the submission.
      - b. A statement outlining that any submissions are available for viewing by the applicant or any other person with a relevant interest in the application.
    - v. Directions to Council's webpage and specifically to Track It On Line.

### 4. Notification Requirements for Revised Plans

1. Revised plans lodged during the assessment and before Council's or the Court's determination will be publicly exhibited in the same way as the original application, but only where the changes being sought intensify or change the external impact of the development to the extent that neighbours, in the opinion of Council, ought to be given the opportunity to comment.

## **5. Notification of Application for Staged Consent**

1. Where an application is received for staged consent, the initial application will be notified as per the requirements for a development application within this chapter.
2. Any applications received or consents issued for the stages following the initial application will not be further notified.

## **6. Notification of Application to Modify a Consent (under s4.55 of the Act)**

1. Where an application is lodged to modify a development application after Council consent has already been given, the notification requirements will vary according to the subsection of the *Environmental Planning and Assessment Act* that applies to the proposed modification, as follows:
  - a. Modification of consent under s4.55(1) (involving minor error, misdescription or miscalculation) does not require notification.
  - b. Modification of consent under s4.55 (1A) (involving minimal environmental impact) does not require notification if, in the opinion of council, all alterations result in minor change to the approved development.
  - c. Modification of consent under s4.55(2) requires notification if the original development application required notification, and in the same manner, except, where in the opinion of council, all alterations result in minor change to the approved development.
  - d. Modification of consent under s4.56 requires notification if the original development application required notification, and in the same way, except where, in the opinion of council, all alterations result in minor change to the approved development. However, each person who made a submission in respect of the initial development application must be notified regardless of the extent of the impacts of the proposed modification.

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### **Note:**

The notification requirements for modification of development consent for Designated Development, State significant advertised development, or any other advertised development, are set out in the appropriate clauses in the Environmental Planning and Assessment Regulations. This includes all the instances above where consent was granted by the Court.

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## **7. Notification of Application to Review a Decision (under Division 8.2 of the Act)**

1. Where an applicant requests a review of a determination of a development application, in accordance with section 8.2 of the *Environmental Planning and Assessment Act 1979*, notification will be in accordance with the provisions of this chapter.

## **8. Notification of the Determination of a Development Application**

1. When a submission has been received from a member of the community during the exhibition period of a development application, an acknowledgement receipt of that submission will be forwarded to the sender.
2. Where a number of submissions have been made, particularly in the form of an objection, Council may place a notification in a local newspaper (under the provisions of section 4.59 of the *Environmental Planning and Assessment Act 1979* as amended) of the approval of the application.
3. Where a submission in the form of a petition is received, the petition should specify the details of the contact person to whom all correspondence must be addressed. A letter sent to that contact person is taken to be a letter to all signatories on that petition. When a petition is received, Council will use its best endeavours to notify the organiser of the petition.
4. Upon determination of an application that was not required to be notified, a letter will be forwarded to adjoining property owners advising that a development application has been received and determined. The letter will specify the description of the development application, and whether it has been approved or refused. However, this clause does not apply to the removal of trees.

## 9. Table - Showing Controls for Uses

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>E3 Environmental Management, E4 Environmental Living (SSLEP2015)</b>				
Building alterations and additions	✓			✓
Dwelling Houses	✓			✓
Dual Occupancies	✓	✓		✓
Development that would otherwise be either Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint	✓			✓
Demolition			✓	✓
Strata and stratum subdivision			✓	✓
Bed and Breakfast accommodation	✓			✓
Boat sheds	✓			✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Drainage			✓	✓
Elevated structures to enable pedestrian access	✓			✓
Health Consulting Rooms	✓	✓		✓
Inclinators	✓			✓
Place of Public Worship	✓	✓		✓
Recreation areas	✓			✓
Secondary Dwellings	✓	✓		✓
Tree removal				✓
Development ancillary to a dwelling not listed above	✓			✓
<b>All other development requiring development consent</b>	✓	✓		✓

### Note:

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>R2 Low Density Residential, R3 Medium Density Residential (SSLEP2015)</b>				
Development ancillary to a dwelling	✓			✓
All single dwelling houses	✓			✓
Dual Occupancies, Secondary Dwelling and Multi Dwelling Development	✓	✓		✓
Building alterations and additions	✓			✓
Development that would otherwise be either Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint	✓			✓
Demolition			✓	✓
Strata and stratum subdivision			✓	✓
Drainage			✓	✓
Childcare centres – other than ancillary or minor works	✓	✓		✓
Housing for seniors or people with a disability – other than ancillary or minor works	✓	✓		✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Bed and Breakfast accommodation	✓			✓
Recreation areas	✓			✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>R4 High Density Residential (SSLEP2015)</b>				
Dwelling houses, dual occupancies, secondary dwellings	✓	✓		✓
Multi Dwelling Housing	✓	✓		✓
Residential flat buildings	✓	✓		✓
Tree removal				✓
Attached Dwellings	✓			✓
Bed and Breakfast accommodation	✓			✓
Boarding Houses	✓	✓		✓
Community Facilities	✓	✓		✓
Group Homes	✓	✓		✓
Health Consulting Rooms	✓	✓		✓
Hostels	✓	✓		✓
Neighbourhood Shops	✓	✓		✓
Place of Public Worship	✓	✓		✓
Recreation Areas	✓			✓
Respite Day Care Centres	✓	✓		✓
Seniors Housing	✓	✓		✓
Shop Top Housing	✓	✓		✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>B1 Neighbourhood Centre (SSLEP2015)</b>				
Commercial Premises proposing hours before 6am or after 10pm and/ or located adjacent to residential land	✓	✓		✓
Signage			✓	✓
Ancillary development			✓	✓
Awning			✓	✓
Strata and stratum subdivision			✓	✓
Commercial premises – where the hours of operation are between 6am and 10pm			✓	✓
Childcare centres – other than ancillary or minor works	✓	✓		✓
Housing for seniors or people with a disability – other than ancillary or minor works	✓	✓		✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Building identification signs;				✓
Dual Occupancies	✓	✓		✓
Dwelling houses	✓			✓
Home Business	✓			✓
Information and Education facilities	✓			✓
Places of Public Worship	✓	✓		✓
Public administration building				✓
Recreation Area				✓
Recreation facilities (indoor)	✓	✓		✓
Secondary dwellings	✓	✓		✓
Vehicle sales or hire premises	✓			✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>B2 Local Centre, B3 Commercial Core, B4 Mixed Use (SSLEP2015)</b>				
Buildings more than 2 storeys	✓	✓		✓
Buildings 2 storeys or less	✓			✓
Development that would otherwise be either Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Uses proposing hours before 6am or after 10pm	✓	✓		✓
Signage			✓	✓
Ancillary development & minor works			✓	✓
Strata and stratum subdivision			✓	✓
Awning			✓	✓
Use as commercial premises, convenience store, food shop, restaurant, shop -	✓			✓
Childcare centres – other than ancillary or minor works	✓	✓		✓
Housing for seniors or people with a disability – other than ancillary or minor works	✓	✓		✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Warehouse or distribution centres	✓			✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>B5 Business Development B6 Enterprise Corridor, B7 Business Corridor, IN1 General Industrial, IN2 Light Industrial, IN3 Heavy Industrial (SSLEP2015)</b>				
Signage			✓	✓
Ancillary development (except signage and minor works)			✓	✓
Development that would otherwise be either Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Strata and stratum subdivision			✓	✓
Uses proposing hours between 6am and 10pm			✓	✓
Uses proposing hours before 6am or after 10pm	✓	✓		✓
Uses located adjacent to residential land	✓	✓		✓
Internal alterations and additions, Including Child care, Place of public worship			✓	✓
Industry and warehouses that are greater than 3000m <sup>2</sup>	✓	✓		✓
Industry and warehouses that are not greater than 3000m <sup>2</sup>	✓			✓
Awnings			✓	✓
Food shop – not adjoining/ adjacent to residential land			✓	✓
Convenience store – not adjoining/ adjacent to residential land			✓	✓
Childcare centres – other than ancillary or minor works	✓	✓		✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Light industries	✓			✓
Heavy industries	✓			✓
Neighbourhood shops				✓
Sex Services premises	✓	✓		✓
<b>All other development requiring development consent</b>			✓	✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>IN4 Working Waterfront (SSLEP2015)</b>				
Signage			✓	✓
Ancillary development			✓	✓
Development that would otherwise be either Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Strata and stratum subdivision			✓	✓
Change of use			✓	✓
Awnings			✓	✓
Convenience store			✓	✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Boat building and repair facilities	✓	✓		✓
Boat launching ramps	✓			✓
Building identification signs				✓
Charter and tourism boating facilities	✓	✓		✓
Environmental facilities				✓
Environmental protection works				✓
Flood mitigation works				✓
Food and drink premises <del>between 6am and 10pm</del>	✓			✓
Industrial training facilities	✓			✓
Jetties				✓
Light industries	✓			✓
Marinas	✓	✓		✓
Neighbourhood shops				✓
Passenger transport facilities	✓	✓		✓
Research stations				✓
<b>All other development requiring development consent</b>	✓			✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.



Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>SP1 Special Activities, SP2 Infrastructure (SSLEP2015)</b>				
Advertising (except where inconsistent with SEPP65 or Infrastructure SEPP)			✓	✓
Ancillary development			✓	✓
Drainage			✓	✓
Subdivision	✓			✓
Development that would otherwise be Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Demolition			✓	✓
Works to enable cycle and pedestrian access	✓	✓		✓
Childcare centres – other than ancillary or minor works	✓	✓		✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Roads	✓			✓
The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to Development for that purpose – SP1, SP2	✓	✓		✓
<b>All other development requiring development consent</b>	✓			✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>SP3 Tourist (SSLEP2015)</b>				
Ancillary development, including home activities	✓			✓
Building alterations and additions	✓			✓
Drainage			✓	✓
Development that would otherwise be Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Demolition			✓	✓
Tree removal				✓
Boarding houses	✓	✓		✓
Child care centres	✓	✓		✓
Community facilities	✓	✓		✓
Hostels	✓	✓		✓
Multi dwelling housing	✓	✓		✓
Neighbourhood shops	✓	✓		✓
Places of public worship	✓	✓		✓
Recreation areas	✓			✓
Residential flat buildings	✓	✓		✓
Respite day care centres	✓	✓		✓
Seniors housing	✓	✓		✓
Shop top housing	✓	✓		✓
Tourist and visitor accommodation	✓	✓		✓
<b>All other development requiring development consent</b>	✓			✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>RE1 Public Recreation (SSLEP2015)</b>				
Development that would otherwise be Exempt Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Buildings associated with landscape or gardening and vehicular access to these buildings			✓	✓
Demolition			✓	✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Community facilities	✓	✓		✓
Environmental facilities				✓
Food and drink premises	✓	✓		✓
Helipads	✓	✓		✓
Information and education facilities	✓			✓
Kiosks	✓	✓		✓
Passenger transport facilities	✓			✓
Recreation areas	✓			✓
Recreation facilities (indoor)	✓	✓		✓
Recreation facilities (outdoor)	✓	✓		✓
Roads				✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>RE2 Private Recreation (SSLEP2015)</b>				
Development that would otherwise be Exempt Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Buildings associated with landscape or gardening and vehicular access to these buildings			✓	✓
Demolition			✓	✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Ancillary or minor works			✓	✓
Tree removal				✓
Animal boarding or training establishments	✓	✓		✓
Car parks	✓	✓		✓
Entertainment facilities	✓	✓		✓
Environmental facilities				✓
Hotel/Motel	✓	✓		✓
Marinas	✓	✓		✓
Registered clubs	✓	✓		✓
Restaurants or cafes	✓	✓		✓
Small bar	✓	✓		✓
Water recreation structures	✓	✓		✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

*If a development application falls into more than one type of development category, the more intensive form of notification will take place.*

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>W1 Natural Waterways, W2 Recreational Waterways (SSLEP2015)</b>				
Beach and foreshore protection works	✓			✓
Demolition			✓	✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Aquaculture				✓
Boat launching ramps	✓	✓		✓
Boat sheds	✓	✓		✓
Charter tourism boating facilities	✓	✓		✓
Environmental facilities	✓	✓		✓
Environmental protection works	✓			✓
Flood mitigation works				✓
Kiosks	✓	✓		✓
Marinas	✓	✓		✓
Mooring Pens	✓	✓		✓
Passenger transport facilities	✓	✓		✓
Recreation facilities (outdoor)	✓	✓		✓
Water recreation structures	✓	✓		✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

*If a development application falls into more than one type of development category, the more intensive form of notification will take place.*

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>E1 National Parks and Nature Reserves, E2 Environmental Conservation (SSLEP2015)</b>				
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items (except development specified under other legislation).	✓	✓		✓
Tree removal				✓
Aquaculture				✓
Environmental facilities	✓			✓
Environmental protection works				✓
Flood mitigation works				✓
Information and education facilities	✓			✓
Roads				✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

*If a development application falls into more than one type of development category, the more intensive form of notification will take place.*

## 10. Duration of Development Consent

Section 4.53 of the *Environmental Planning and Assessment Act, 1979*, allows Council to determine the length of time before a development consent will lapse. This chapter explains Council's policy for the duration of development consents.

### 10.1 Objectives

1. The objectives of the duration of the time period for the lapsing of development consents are to:
  - a. achieve greater certainty in the development process
  - b. quantify and comprehend the cumulative impacts of a development
  - c. reduce the likelihood in a change in ownership of neighbouring properties to the site, subject to the development consent
  - d. reduce the occurrence of dormant sites around the Shire.

### 10.2 Duration of Development Consent

1. In accordance with the provisions of Section 4.53 of the *Environmental Planning and Assessment Act, 1979*, all development consents shall lapse five years after the date from which it operates, where the estimated cost of development is up to \$500,000, or three years from the date from which it operates, where the estimated cost of development is greater than \$500,000, unless there are special circumstances and the consent authority imposes a period less than this as a trial period due to such special circumstances.
2. In accordance with the provisions of Section 4.53 of the *Environmental Planning and Assessment Act, 1979*, where a period of less than five years has been imposed due to special circumstances, Council may consent to an extension of a period of consent, for a period of one year, subject to receipt of an application in writing seeking such an extension more than one month before the date of the consent lapsing.
3. In any application for a one year extension, Council will consider whether planning controls have significantly changed in the interim and/or the characteristics of the local area have changed since consent was issued.

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#### Note:

*Recent amendments have been made to the Environmental Planning and Assessment Act as part of the COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Act 2020.*

#### For:

*Consents issued during the prescribed period,  
Consents operable after the prescribed date, and  
Consents lapsing during the prescribed period  
The legislation may provide for extended consent provisions.*

*Please refer to the Environmental Planning and Assessment Act for more current information.*

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