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NEIGHBOUR'S RIGHTS WITH REGARD TO DEVELOPMENT APPLICATIONS

source : 10 Things a Property Lawyer Should Know About Planning (Seminar by Mary-Lynne Taylor, Taylor Kelso Lawyers - March 2003)

We thought you might be interested in what rights neighbours have with regard to development Applications lodged with Council.

Firstly there are no third party rights for neighbours once an application has been approved to take the matter to the Land & Environment Court on appeal.

If an application is refused and Council is taken to court by the applicant, then the neighbour may get an opportunity to express his or her views in court.

Neighbours do have the following rights:

(1) to be informed of a development application;

(2) to be informed of the correct development with some outline plans;

(3) to be given sufficient time in which to write a comment;

(4) to have written objections considered at the time of assessment;

(5) the right to attend personally a Council meeting;

(6) the right to lobby councillors

BUT once the application is approved, THAT IS IT - there is no right of appeal (it must be noted that most other states allow an appeal to the court!). In New South Wales a person may only take proceedings under the Environmental Planning & Assessment Act if a breach of the Act is alleged.

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