

INFORMATION SHEET

Council Contact Details

Customer Service Centre 1 Pope Street, Ryde NSW
Post Locked Bag 2069, North Ryde NSW 1670
Email cityofryde@ryde.nsw.gov.au
Phone (02) 9952 8222
Fax (02) 9952 8070

What is unauthorised development?

Unauthorised development includes building works that have been constructed without the required development approval. This can also include the use or change of use of a building which required development approval.

It is important to check with Council's Development Advisory Services before undertaking any construction works, making changes to the use of a building (e.g. converting garage to granny flat/habitable room), or operating a business from a residential property.

The NSW State Government outlines the type of work that can be undertaken without development approval under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Building works or changes that don't satisfy the exempt development requirements and have no development approval may result in enforcement action.

What is Council's role when receiving a report of unauthorised development?

Reports for unauthorised development can be lodged with Council by contacting Customer Service on 9952 8222 or lodging an online report on Council's website www.ryde.nsw.gov.au.

Once a report is received and registered, Council shall conduct a further investigation and update the customer accordingly. The more information you can provide on when the development was constructed, the impact it has, and your specific concerns, will assist the investigating officer.

It is important to promptly notify Council when the unauthorised development is occurring. If the report is lodged some years later, statutory limitations could prevent action being taken.

What is non-compliant building works?

When development consent has been obtained that approved building works on a property, and the work varies from the approved plans, or conditions of consent have not been met this is referred to as 'non-compliant' works.

If a property owner or a developer want to alter an approved structure, they need to lodge an application to modify the consent. When this does not happen and changes take place, the Principal Certifier appointed to oversee the development needs to investigate. If Council was appointed as the Principal Certifier, then a report can be lodged with Council for further investigation.

If a private Principal Certifier was appointed, then you will need to lodge your report with the certifier and then if this remains unresolved then you can escalate it to NSW Fair Trading. Council will only intervene if the certifier has been advised of the issue, had adequate time to investigate and respond however, the matter remains unresolved. Should this be the case, in the first instance, Council will contact the certifier and advise them of your concerns. If the matter is still unresolved by the certifier, and there remains a breach of the development consent, the matter will then be accepted for Council staff to investigate.

Council receives notification if a private certifier is appointed as the principal certifier on a development and can provide the contact details if required.

How long will a resolution take?

Each situation is different, and the investigation can vary depending on several factors including:

- the works undertaken.
- impact on other residents or the environment.
- any potential risks.
- the cooperation of the property owner

Council's objective is to work with the property owner to achieve a suitable outcome, rather than to rely on legal options and fines.

In some cases, there is no option but to issue fines or commence legal action. This action is not taken lightly and is only pursued when an acceptable resolution is unable to be achieved.

It may take time for an investigation to be finalised and an outcome to be reached. It is not always possible for staff to provide regular updates during an investigation, however you will be advised when the matter has been resolved.

Neighbour Disputes

Disputes between neighbours can occur over minor disagreements or misunderstandings. If left unresolved, they can escalate and become stressful and costly to all parties.

Council does not have the ability or resources to manage civil disputes between neighbours. If you are experiencing issues, the Community Justice Centre provides a free mediation service that can assist residents with communicating and resolving conflicts and disputes.

The Community Justice Centre is run by impartial, trained mediators. If all parties agree, they can coordinate a suitable time and location for a meeting. The mediator will manage the meeting, ensure each party has a chance to voice their concerns and if an agreement is reached, they will document the outcome and provide all parties with copies of the agreement.

To obtain information on how the Community Justice Centre works, contact 1800 990 777 for more information or visit www.cjc.justice.nsw.gov.au.