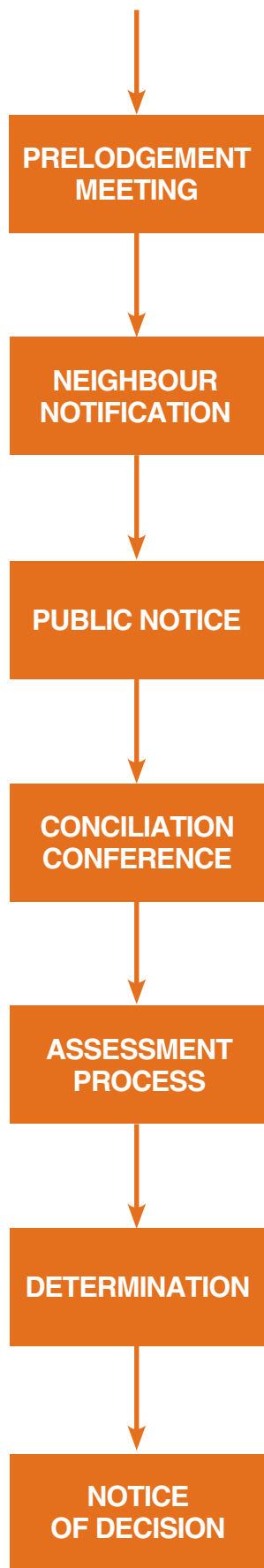




Key actions undertaken throughout the Development Application process



SUBMISSIONS

Things to know when making a submission

- Anyone can make a submission
- Submissions must be in writing and lodged via council's DA tracking system.
- Any submissions must relate to the application.
- All submissions and petitions are considered when making a decision.
- Any person concerned about a Development Application can contact councillors or staff at any stage during the process. All councillors receive a copy of the Development Assessment Unit (DAU) reports., LPP and Regional Planning Panel reports.
- The content of a submission maybe made public through a report on the application or released under a Government Information (Public Access) Act (GIPA) application.

WHO DECIDES?

The elected council (councillors) do not determine any development applications.

There are 4 levels of decision making. These are:

- Delegated Authority – specified staff can made decisions on behalf of council, subject to specific requirements.
- Development Assessment Unit (DAU) – this is a staff committee to deal with applications. It is not a public meeting. All councillors receive a copy of the DAU agenda.
- Local Planning Panel (LPP) made up of an independent chairperson, 2 industry experts and 1 community representative.
- NSW Government Joint Regional Planning Panels (JRPP's) – A Regional Panel established by the NSW State Government to determined regionally significant Development Applications.

HOW IS A DECISION MADE?

A range of matters are considered in the determination of a development application. These are outlined in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

State Environmental Planning Policies (SEPP's) and/or council's Local Environmental Plan 2019 (THLEP2019) establish uses that are permissible in all the zones of The Hills Shire. The Development Control Plan (DCP) provide specific detail and controls on how a development should occur. These controls can be varied, however, any variations must be justified. The documents are also subject to public comment prior to adoption by the Council. It is important to note that state planning legislation and controls override local planning controls through the use of State Environmental Planning Policies (SEPPs).

OUTCOMES

Councillor's mission: To provide a sustainable approach to urban and rural living by:

- Fostering social, cultural and environmental diversity.
- Sound planning and economic stability.
- Strategic leadership and consultation and commitment.
- Delivering effective services and facilities.
- Facilitating community access to support services.
- Promoting a family environment and safer community.

Communication Protocol

DEVELOPMENT APPLICATION PROCESS

HOW COUNCIL COMMUNICATES WITH YOU DURING THE DEVELOPMENT APPLICATION PROCESS

There are a number of ways council keeps you informed when considering development applications.

Council offers online access to development applications to track the progress applications from lodgement through to determination. You can do this by going to www.thehills.nsw.gov.au home page and search for 'application'.

Council publishes a list of development and subdivision applications received and approved on the council website.

The table inside sets out the actions and the form of communication provided by council during the development application process.

Actions are key steps in the development application process. Each action involves direct communication from council depending on the type of development application being considered.

In addition to the minimum statutory requirements it is council's policy to undertake additional forms of communication and provide opportunities for discussion about all issues which may be raised with an application.

These include prelodgement meetings with developers and conciliation conferences for residents.

This row describes the key actions that may be undertaken throughout the Development Application process.

PRELODGE- MENT MEETING	NEIGHBOUR NOTIFICATION	PUBLIC NOTICE	CONCILIATION CONFERENCE	ASSESSMENT PROCESS	DETERMINATION	NOTICE OF DECISION
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ACTION

AFTER 40 DAYS AN APPLICANT MAY LODGE AN APPEAL IN THE LAND AND ENVIRONMENT COURT

This row describes the type and extent of communication that occurs as each key action is undertaken.

A ✓ in the panels to the right indicates that the action will take place. This action is either a statutory requirement under the Environmental Planning and Assessment Act 1979 or council policy.

A ✗ in the panels to the right indicates that the action is not applicable to the type of Development Application.

Prelodgement Meetings are held for larger scale or more complex developments to identify all information that is required for the application and to advise the applicant of council's compliance requirements.

Written advice sent to:

- Affected adjoining and adjacent property owners.

A Public Notice is only required for some forms of development.

Public Notice includes:

- A site notice placed at the development site for the length of the submission period.
- An advertisement placed on council's website.

A conciliation conference provides an opportunity for frank and open discussion on applications before council. It is not a decision making forum, but provides an opportunity for each party to explain and respond to concerns, participate in resolving issues and where possible reach agreement.

If more than 10 unique submissions are received during the notification period, council will host a conciliation conference. All conferences are chaired by the Mayor or the Mayor's nominee.

Assessment of development application can happen in 4 ways:

Delegated Authority - DAs that comply with or have minor variations to, council's Development Control Plans and refusal of applications.

Development Assessment Unit (DAU) - DAs which seek a variation to council's Development Control Plans; and have attracted more than 2 objections. DAs seeking a variation to an LEP or SEPP Standard of between 7% and 10%.

Local Planning Panel (LPP) - Local Planning Panel (LPP) - DAs which involve:

- (i) a potential conflict of interest (including development where the applicant or land owner is that council, councillor, council planning staff member or Member of Parliament) and/or
- (ii) contentious development that has received 10 or more unique submissions and/or
- (iii) variations to a development standard imposed by an environmental planning instrument by more than 10% and/or
- (iv) sensitive development
 - (a) designated development
 - (b) development to which State Environment Planning Policy No 65 - Design Quality of Residential Apartment Development applies and is 4 or more storeys in height.
 - (c) development involving the demolition of a heritage item.
 - (d) development for licensed premises.
 - (e) development for the purpose of sex services premises and restricted premises.
 - (f) DA for which the developer has offered to enter into a planning agreement.

Sydney District Planning Panel – Sydney Central City Planning Panel (SCCPP) - A panel established by the NSW State Government to determine regionally significant development applications including DAs with a value over \$30M and some development with a value of over \$5M such as council related, Crown and community facilities. The panel is an independent body comprising 3 state appointed members and 2 council appointed members.

Written advice is sent to the applicant and all objectors if a Development Application is referred to a DAU/LPP or SCCPP meeting.

All applicants and public authorities are advised in writing of any decision. Objectors are only notified, by letter/email, of decisions made by council staff, the DAU, LPP or the Sydney Central City Planning Panel (SCCPP).

DEVELOPMENT APPLICATION (DA)

DA - no notification required Examples • no impact on adjoining properties • Adjoining owners are no object on the applicant's plan • Subdivision boundary adjustment	✓	✗	✗	✗	✓	✓	✗
DA - adjoining and adjacent owners notified	✓	✓ 14 day submission period advised	✗	✓	✓	✓	✗
DA - advertising on council website required Nominated Integrated Development, Threatened Species Development, Class 1 or Class 2 Aquaculture Development, Designated Development, State Significant Development	✓	✓ 14 day submission period advised	✓	✓	✓	✓	✓
DA - modification Variation to a prior development consent Examples: increasing the height of a building, increasing the number of town houses on a site	✓	✓ 14 day submission period advised	✓	✓	✓	✓	✓
DA - integrated development Development where referral to a statutory body requires. Example: Subdivision application with in 40m of the creek line, the development requires referral to the Rural Fire Service.	✓	✓ 14 day submission period advertised development or 28 day submission period advised for integrated or threatened species development	✓	✓	✓	✓	✓
DA - Environmental Impact statement (EIS) development Examples: extractive Industries, concrete batching plants	✓	✓	✓	✓	✓	✓	✓