

SHOULD I MAKE A SUBMISSION

Environment and Planning Services

WHO CAN MAKE A SUBMISSION?

Any person who feels that the enjoyment of his or her property may be affected by a proposed development may lodge a submission.

The degree to which the submission may impact on an application will depend on a range of matters including the proximity to the site of the application, the content and relevance of this submission.

In making a submission, it is suggested that you take into consideration the following:

- Property owners are entitled to lodge applications to develop their own land to meet their reasonable requirements.
- An adjoining owner does not have the right to prevent the approval of the application but is entitled to ask that his/her legitimate interests are considered before a determination is made. The interests of the property owner will be considered in conjunction with submissions from adjoining owners.
- The lodging of a submission or an objection does not imply that it will automatically be acceded to.
- In considering a development application, the provisions of the *Environmental Planning and Assessment Act, 1979* must be taken into consideration. This Act details those matters to which Council may give consideration in assessing applications.

HOW DO I MAKE A SUBMISSION?

All submissions need to be in writing and specify the writer's name, address, day and evening phone number and fax number if available. The grounds in which you wish to make a submission must be set out clearly and with some justification for the grounds that you nominate. Petitions may also be used for submissions providing that they satisfy the same guidelines mentioned above.

Please note that your submission may be made public as it may form part of a public report. Personal details will not be made public.

POLITICAL DONATIONS OF GIFTS

A written submission made by a person objecting to, or supporting a planning application, or any development that would be authorised by the granting of the application must declare if that person has made a donation or given a gift as set out below.

Any person making such a submission to Council is required to **disclose** the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing 2 years before the submission is made and ending when the application is determined:

- All reportable political donations made to any local Councillor

of that Council.

- All gifts made to any local Councillor or employee of that Council. (This includes any donations made at the time the person was a candidate for election to Council)

The **disclosure** of a reportable political donation or gift is to be made:

- In, or in a statement accompanying the relevant planning application or submission if the donation or gift is made before the application or submission is made, or
- If the donation or gift is made afterwards, in a statement of the person to whom the planning application or submission was made within 7 days after the donation or gift is made.

WHAT MATTERS CAN I RAISE?

As the application relates to a planning or building matter, any submissions must relate to these broad areas. Matters associated with the design and consequences that flow from the application are also relevant considerations.

IS THE NUMBER OF SUBMISSIONS IMPORTANT?

Generally, the number of submissions does not have a bearing on the likely outcome of a specific application. Often, any impacts of an application are localised and greater weight is given to submissions where impacts can be clearly substantiated.

WHAT HAPPENS IF I MAKE A SUBMISSION?

Your submission will be considered in conjunction with any other submission on the application. These are then addressed collectively. The number of individual submissions is shown together with a plan noting the location of these submissions. As the reporting process is open, it is important to note that the submission will be made public and could appear in a document available to the general public.

It is important to note that confidentiality cannot be guaranteed as the *Government Information (Public Access) Act, 2009* provides measures for possible access to certain documents. Personal details or affairs will not be made public.

WHO DECIDES?

There are four levels of decision making. These are:

- **Delegated Authority** - specified staff can make decisions on behalf of Council, subject to specific requirements. One of these requirements is that there are no objections to an application.
- **Development Assessment Unit (DAU)** - this is a staff committee to deal with applications which attract some concerns but generally can be controlled by conditions. The meeting is held on a Tuesday and is not a public meeting. All

THE HILLS SHIRE COUNCIL

3 Columbia Court, Baulkham Hills NSW 2153
PO Box 7064, Baulkham Hills BC 2153

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THE HILLS
Sydney's Garden Shire

Councillors receive a copy of the weekly DAU agenda and can have any matter referred to Council for consideration by giving notice by 5pm on the Wednesday following the meeting of the DAU. Any decisions of the DAU are void if this occurs.

- **Council** - the elected Council considers applications that have regional significance or are of particular interest. Applicants and people making submissions on a matter before Council are notified and may request to be heard before Council if notice is given by 3pm, on the Monday before the meeting.
- **NSW Government Joint Regional Planning Panels (JRPPS)** - Development Applications determined by the JRPP include:
 - Designated development;
 - Development with a capital investment value (CIV) over \$20 million;
 - The following development with a CIV over \$5 million:
 - Certain public and private infrastructure;
 - Crown development;
 - Development where Council is the proponent or has a conflict of interest;
 - Ecotourism;
 - Subdivision of land into more than 250 lots.
 - Certain coastal developments previously assessed as Major Projects to be determined by the Minister under the Environmental Planning & Assessment Act (EP&A Act).

HOW IS A DECISION MADE?

A decision is reached using a range of criteria. These include all development applications (whether for building works, subdivision or development) are assessed in accordance with the *Environmental Planning and Assessment Act 1979. (EPA Act)*. Section 79C contains the relevant assessment criteria. Copies of Section 79C are available from the Customer Service Centre. Care must be used in interpretation as cases in the Land and Environment Court have established parameters and benchmarks.

Council's *Local Environmental Plan 2012 (LEP2012)* establishes what uses are permissible in all the zones of the shire. The *Development Control Plan (DCP)* provides 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)*.

HOW DO I FIND OUT WHAT IS HAPPENING TO MY SUBMISSION?

Any person may either contact the officer who is responsible for the carriage of the application, the Customer Service Centre or Environment and Planning Group regarding progress of their submission. Following receipt of submissions, a decision is

made on what level of decision making is required. You may be contacted for further clarification or advised that the application is being referred to Council. In all cases the applicant and each person who makes a submission, including the head petitioner, will be advised of the decision.

HOW FAST WILL THE APPLICATION BE DEALT WITH?

A report will be prepared on the application following the end of the notification period. There is a 40 day period from the date of an application being lodged to decide the application otherwise the applicant may lodge an appeal with the Land and Environment Court. While the application may still be determined after this time, if the matter comes before the court, it then takes the place of the Council and may determine the application on the grounds that it (the court) thinks appropriate.

DO I HAVE THE RIGHT TO APPEAL?

There are no rights of appeal for objections to decisions on development or subdivision applications, with the exception of a 'designated development' application. These forms of development include major industries, extractive industries etc.

GENERAL

This document provides a summary only of some of the issues dealing with the development, building and subdivision areas and it should not be seen as a complete explanation of the issues addressed. Online access to development applications which allows you to track the progress of an application from lodgement through to determination is available at Council's website www.thehills.nsw.gov.au.

FURTHER INFORMATION

If you are unsure, please ask - Time spent early may avoid delays later

Customer Service Centre:

3 Columbia Court, Baulkham Hills NSW 2153

General Enquiries Phone: 9843 0555

Duty Town Planner: 9843 0469

Duty Subdivision Engineer: 9843 0374

Duty Building Surveyor: 9843 0470

Hours: 8:30 am to 4:30 pm, Monday to Friday

Website: www.thehills.nsw.gov.au

DISCLAIMER

This fact sheet provides a summary of the major issues concerning making a submission. Any person using this document must do so on the basis that not every scenario and issue can be addressed, and discussion with relevant staff at Council's Customer Service Centre should be undertaken. This document is subject to change without notice.

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