

SHOULD I MAKE A SUBMISSION?

Who can make a submission?

Any person (either owner or occupier) 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 and the content and relevance of the submission.

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

1. Property owners are entitled to lodge applications to develop their own land to meet their reasonable expectations.
2. An objector does not have the right to prevent the approval of the application but is entitled to ask that his/her legitimate interests and concerns be considered before a determination is made by Council. Council will carefully consider the merits of each application before making a decision.
3. The lodging of a submission or an objection does not imply that it will automatically be agreed with by Council.
4. When assessing Development Applications, the provisions of the Environmental Planning & Assessment Act 1979 must be taken into consideration. This Act details those matters to which Council may give consideration in assessing any application.

How do I make a submission?

All submissions must be in writing and specify the writer's name, address, day and evening phone number and fax number if available. The grounds on 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 they satisfy the guidelines mentioned above.

What matters can I raise?

As the application relates to a planning or building matter, any submission 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.

As the reporting process is open it is important to note that your submission could appear in a document available to the general public.

It is also important to note that confidentiality cannot be guaranteed as the Freedom of Information Act 1989, Local Government Act 1993 and Environmental Planning and Assessment Act 1979 all provide measures for possible access to certain documents by the applicant and members of the public.

Who decides?

Council has 2 levels of decision making. These are:-

- Staff delegations - specified staff can make decisions on behalf of Council, subject to specific requirements.
- The Council, following consideration by the Planning and Development Committee - the elected Council only considers applications that are of a high profile and do not meet the parameters for approval under delegation.

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 of the Act contains the relevant assessment criteria.
- Council's Local Environmental Plan (LEP) establishes what uses are permissible in all the zones of the City. Council's Development Control Plan (DCP) provides specific detail and controls on how development should occur. These controls can be varied in the way they are applied to an application, however any variations must be justified. It is important to note that State planning legislation and controls override local planning controls through the use of State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs).

How do I find out what is happening to my submission?

Any person may contact either the Officer who is responsible for assessing the application, the Blacktown City Information Centre or the Planning & Development Services Department regarding progress of their submission.

You may be contacted for further clarification or be advised that the application is being referred to the Council for decision. In all cases the applicant and each person who makes an individual submission will be advised of the decision made, including the head signatory to a petition.

How fast will the application be dealt with?

An internal 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 for Council 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, then the Court takes the place of the Council and may determine the application on the grounds that it (the Court) thinks appropriate.

Do I have a right of appeal?

There are no rights of appeal for objectors to the decision on a building, development or subdivision application, with the exception of a "designated development" application. These forms of development include certain major industries, extractive industries, etc.

General

This document provides a summary only of some of the issues dealing with the development, building and subdivision process and it should not be seen as a complete explanation of the issues involved. More information is available from the Planning & Development Services Department or the Blacktown City Information Centre on 9839 6000 or by Email to council@blacktown.nsw.gov.au.