



An Introduction to:

The Development Assessment Process

:
Will it affect you?
What can you do?

ASSISTING THE COMMUNITY...

The following information is provided to assist you in making your views about a proposed development known to Council.

Q1: Why have I been notified of the application?

Your comments are sought so that Council can ensure that appropriate development outcomes are achieved. Council must consider the applicant's needs without adversely affecting the amenities of neighbours. Council therefore wishes to know how a development application may affect you and whether Council can resolve any potential concerns you may have about a proposal.

Q2: How do I obtain more information concerning a proposed Development?

Further information regarding the application can be obtained by speaking to the contact officer identified on Council's notification letter. The proposal may be viewed during the times advised in the notification letter. Duty officers are available at Council's Planning Division Enquiry Counter to answer any questions you may have in respect of an application.

Q3: How do I make a submission to Council?

Should you wish to make comments about the proposal, please present them in writing to the General Manager within the period specified in the notification letter.

Q4: What matters do I need to address in the submission?

When determining a development application, Council must consider the matters prescribed in s. 79C(1) of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000, State Environmental Planning Policies, the Hornsby Local Environmental Plan, and relevant Development Control Plans. Copies of these documents may be obtained from or viewed at Council's Planning Division or libraries. Therefore, your submission should address planning and environmental issues within the scope of the above. Council's Local Environmental Plan and specific Development Control Plans (DCP's) should be consulted as a guide to matters against which the application shall be assessed, for example, Council's Dwelling House DCP. Copies of these documents may be purchased from, or inspected at, the Planning Division Enquiry Counter, or inspected at local branch libraries. Submissions which also make suggestions as to how problems may be resolved are encouraged.

Q5: *May I discuss the proposal with the applicant?*

A 'facilitation' meeting may be conducted upon request from the applicant and/ or affected residents. A Council officer will convene the meeting at the Council Chambers. The aim of facilitation is not necessarily to settle or resolve any dispute, but to clarify the issues, reduce adversity, establish facts, and give everyone an opportunity to express their views. For more complex matters, 'mediation' is also available where there is a need to explore alternatives and search for solutions. Mediation can take place in the form of a meeting between the parties to a dispute and an impartial person, the 'mediator'. It is a way by which the parties can explore and resolve their differences. Further information on mediation may be obtained in Council's "Code for Facilitation and Mediation of Development Disputes", available from Council's Planning Division Enquiry Counter. To arrange mediation, please contact the Assessment Officer.

Q6: *What happens to my submission?*

After the notification and advertising period has expired, the development application is assessed by an Assessment Officer who will consider the application having regard to the matters listed in Question 4 and any submissions received from residents and referral authorities.

Q7: *Who determines the application?*

An application may be determined by an Assessment Officer acting under delegation or, if outside the officer's delegations or requested by a Councillor, the application is submitted to a Planning Meeting for determination by Council. If the application is to be considered at a Planning Meeting, opportunity is available for you to speak at that meeting. The contact officer identified on the notification letter can advise you whether the application will be referred to a Planning Meeting for determination or determined under delegated authority.

Q8: *Can Councillors assist me?*

Your local Councillors are available to discuss your concerns, provide assistance, and to communicate your views to Council Assessment Officers and fellow Councillors. Councillors may request any application to be determined at a Planning Meeting rather than under the delegated authority of Assessment Officers. You may obtain your Councillors' phone numbers by phoning 9847 6666 during business hours.

Q9: *Will my views remain confidential?*

No. All views are outlined in public reports to Council and Council policy also permits letters on application files to be inspected upon request. Further, Council may wish to discuss your concerns with the applicant to negotiate a more acceptable development.

Q10: *Will I be told if the applicant proposes any changes to the development?*

You will be informed of amendments to an application and your further comments will be sought, unless the amendments are requested by Council.

Q11: *Will I be informed of Council's determination of the application?*

Council will inform you in writing of its determination of the application only if you have made a written submission to Council.

Q12: *What are the applicant's and objectors' rights of appeal in respect of Council's decision?*

An applicant may request Council to review its determination or appeal to the Land and Environment Court. No right of appeal is available to persons affected by a development proposal (other than for 'designated development').

Q13: *What influence do I have if the matter goes to Court?*

An applicant may appeal to the Land and Environment Court against Council's determination of, or failure to determine, an application. Council will have to justify its decision to the Court. Council's Solicitors may invite people potentially affected by the proposal to present their views to any relevant Court hearing.