

Blue Mountains Conservation Society Inc.

## Planning and Development Resource Kit



### Information sheet: How to make an enquiry at Blue Mountains City Council

**Note:** if you wish to find out about a proposed development, first go to the **How to Access a Development Application or Approval** page. If you cannot find the information you want there, follow the steps below.

#### **WHAT TO DO:**

##### **STEP 1: Lodge a Customer Service Request (CSR)**

The first step in making an enquiry with the Council about a proposed development or development activity, or to report what you believe could be illegal or non-complaint works, is to lodge a Customer Service Request (CSR). You can lodge a Customer Service Request in any of the three ways below, and you will be given a Customer Service Request number.

- **Phone Council** at 4723 5000 (from lower mountains) or 4780 5000 (from upper mountains).
- **Email** [council@bmcc.nsw.gov.au](mailto:council@bmcc.nsw.gov.au) and state 'Customer Service Request' in the subject line.
- **Online** through the [Council website](#). On the home page click on the **Residents** tab. Then click on **Report, Apply, Lodge, Pay**. On the following page, click on **Report**. Then click on **Report** again. This will bring up the **Customer Service Request** page. Select **Public Enquiry**, then click on **Next**. The online system only allows you to submit a CSR on a limited range of 'request types'.

The request types that are probably of most interest to users of this kit are 'report pollution on or from private property' and 'dumped rubbish'. Also be aware that the online system is **not confidential** and your request can be viewed by anyone unless you become a registered user (and this gets complicated!). For matters other than the listed 'request types', the online request page directs you to email Council.

It may be best to make an enquiry by phone as you will be given a customer service request number immediately. You can send photographic evidence in a follow-up email and remember to cite the CSR number. If you are unhappy with the Council's response or how long it is taking, keep phoning. Persistence matters!

Council staff are required to respond to Customer Service Requests within a certain time and are obliged to implement the Blue Mountains City Council's *Enforcement Policy* (see below).

**If it is an urgent matter, phone** the Council and say it is urgent. Ask to speak directly to a Council Ranger if it is an enforcement matter, or to the Building section of Council if the problem relates to building in progress. If you want to be taken seriously by Council in the future, make sure that the matter you say is urgent *is* genuinely urgent.

If you are not satisfied with Council's response to your Customer Service Request, or the matter hasn't been dealt with to your satisfaction, there are some more steps you can take.

If the matter involves non-compliance with a development approval, start with *Step 2*. If not, go directly to *Step 3*.

### ***STEP 2 (for non-compliance with development approval)***

- Contact the person who responded to your CSR and ask what is happening.
- Contact the person responsible for ensuring that the development is carried out in accordance with the approved plans, specifications and conditions of consent for the Development Application. This could be either a Council building certifier or a private certifier. The name of the person who issued the Complying Development Certificate will be on the register of Development Applications. See the **How to Access a Development Application or Approval** page for instructions, or just phone the Council and ask for the information.
- If the person responsible for compliance is a Council certifier (Blue Mountains Building Certifiers) phone them on 4780 5422 and ask to speak to the certifier, citing the address or better still the DA number. It is best to phone between 8.30 and 10.30 as most certifiers do their paperwork in the morning and then go out to do inspections for the rest of the day.
- Contact the Council's Compliance Team by phone at 4723 5000 (from lower mountains) or 4780 5000 (from upper mountains).
- Alternatively, you could speak to the Council officer who assessed the Development Application. You can find the officer's name in the register of Development Applications. See the **How to Access a Development Application or Approval** page for instructions.

### ***STEP 3: Go up to the next level***

If you are still not satisfied with Council's response to your Customer Service Request, or the matter still hasn't been dealt with to your satisfaction, then go up to the next level. It is likely that you will get a more co-operative response if you start with the Council officer who initially dealt with the issue and only then, if the matter is still not resolved, contact the Council officer's Group Manager. If, after that, you are still not satisfied, contact the General Manager. To find out who to speak to in the 'chain of command', it is best to phone the Council. If you want to contact the General Manager, it is best to write a letter. This will go down through the system to the relevant Council officer via their manager, and you will receive a written response.

If your problem is with the private certifier you can still pursue this matter through the Council system by putting in another Customer Service Request outlining what was unsatisfactory about the certifier's response.

**Remember to keep a record of all phone conversations, noting the date, time, name of the Council officer or certifier you spoke to and what the officer said he or she would do.**

#### ***STEP 4: Contact your Ward Councillors and Mayor***

If, after working through all the Council's internal processes, you are still not satisfied with the response or outcome, only then should you go to your Ward Councillors and possibly the Mayor. Click [here](#) to find the contact details of the Ward Councillors and Mayor. If you start at the top with the 'big guns' first you will probably find that everyone is more concerned with defending the Council than dealing with your issue!

**Note:** It will assist you in your discussions with Council staff and Councillors if you understand Blue Mountains City Council's *Enforcement Policy* which you can download by clicking [here](#). A brief summary follows:

#### ***Blue Mountains City Council Enforcement Policy***

The Council's *Enforcement Policy* is primarily directed at the regulation of development activity and the enforcement of compliance with legislation and/or conditions of development consent. It also outlines Council's possible responses to allegations of unlawful activity and actions on confirmed cases of unlawful activity. The policy provides Council staff with guidelines on whether complaints of unlawful activity require investigation, on how to deal with unlawful activity, and how to decide whether enforcement action is warranted. It also includes guidelines on acceptable response times to Customer Service Requests, depending on the seriousness of the complaint.

Council can enforce compliance through a variety of actions including issuing verbal and written warnings, granting extension of time and compliance, issuing Notices, Orders or Directions, revoking approval and instigating legal action, depending on the circumstances.

In the case of confirmed cases of unlawful activities, the policy outlines many possible approaches Council can take depending on the circumstances. This can range from taking no action for lack of evidence or obtaining undertakings from the responsible party to seeking an injunction from the Land and Environment Court and starting legal proceedings.

***STEP 5: Further action***

If, after following all the preceding steps, you are *still* not satisfied with Council's response to your Customer Service Request or to the resolution of your complaint, go to the **Further Action** page.

If the activity is *not* illegal, there are still some options you can pursue. Go to the **Further Action** page.

***Sources of information for this page:*** Blue Mountains City Council