

Blue Mountains Conservation Society Inc.

## Planning and Development Resource Kit



### Scenario 7: Development Application

You have heard that a Development Application has been lodged for a house, multi-residential development, retirement village or tourist resort in an environmentally sensitive area. You may have received a letter from the Blue Mountains City Council, seen a Council or other notice about it in the Blue Mountains Gazette, seen it on the web or heard a rumour. How can you find out more about it and lodge a submission on it?

#### **WHAT YOU CAN DO:**

- ***For small developments e.g. a house or small multi-residential development:***

You can check if there is a current proposal i.e. Development Application. To find out how to do this, see the **How to Access a Development Application or Approval** page. If you can find a current Development Application on exhibition, you can make a submission. To find out how to do this, see the **How to Make a Submission to a Development Application** page.

We also suggest you read the **Development Control in the Blue Mountains** and **Development Approval in the Blue Mountains** pages to gain an understanding of the planning framework and the process of development approval.

You may also want to discuss this with your neighbours and encourage them to also make a submission.

If you can't find a Development Application, you could make enquiries at the Blue Mountains City Council. To find out how to do this, see the **How to Make an Enquiry at the Blue Mountains City Council** page.

- ***For larger developments e.g. large multi-residential development, retirement village, tourist resort:***

There are also large proposed developments on large sites which are likely to impact on a broader area of the township as well as the environment. An example of this was the proposed housing development at Parklands, Blackheath (see **Parklands case study**).

In cases of large regionally significant developments worth over \$30 million in capital investment value, the assessment of the proposal is in the hands of a State government body such as a Regional

Planning Panel or, in the case of the Greater Sydney area, a District Planning Panel. If you saw an advertisement or received a letter relating to a regionally significant development in the Blue Mountains, it will be clear who the 'consent authority' is and where and by what means you can send a submission and by what date.

If you haven't seen an advertisement or received a letter, you can check if there is current Development Application being assessed at Council. See the **How to Access a Development Application or Approval** page to find out how to access Development Applications. If there is a Development Application on exhibition, you can make a submission. To find out how to do this, see the **How to Make a Submission to a Development Application** page.

If you can't find a Development Application, you could make enquiries at the Blue Mountains City Council. To find out how to do this, see the **How to Make an Enquiry at the Blue Mountains City Council** page.

### **Where Council is the consent authority (including when the development is to be determined by a Local Planning Panel)**

If you can find a current Development Application on exhibition, you can make a submission. To find out how to do this, see the **How to Make a Submission to a Development Application** page.

We also suggest you read the **Development Control in the Blue Mountains** and **Development Approval in the Blue Mountains** pages to gain an understanding of the planning framework and the process of development approval.

Since 2018 the determination of certain Development Applications (DAs) is no longer in the hands of Councillors. These include DAs from the Council or other government agencies, DAs with more than 10 objections from different households, DAs departing by more than 10% from a development standard and DAs associated with a higher risk of corruption.

These stipulated Development Applications are referred to a Local Planning Panel (LPP) for approval. LPPs comprise 4 members: a Chair appointed by or at least approved of by the Minister for Planning, 2 members chosen by Council from a pool of experts created by the Department of Planning, and a community representative chosen from a pool created by the Council. Different ward-based community representatives will be chosen depending on the ward in which the development proposal is located. Councillors, property developers and real estate agents cannot serve on LPPs.

While the community can lodge submissions and attend and speak at Local Planning Panel meetings, panel members cannot be approached or lobbied. Where community members were once able to lobby Councillors prior to the council meeting where the fate of a large development proposal was to be decided, Local Planning Panel members cannot speak to community members on the development that they will be voting on.

You can find out about Local Planning Panel meetings, register to speak and access Panel determinations [here](#).

Note: since August 2020, Planning Panels will only hold public meetings if the Development Application has attracted more than 10 objections.

### **Where the Western City District Planning Panel is the consent authority**

The Western City District Planning Panel is the consent authority if the proposed development is deemed to be of regional significance worth over \$30 million in capital investment value.

In the case of developments determined by a District Planning Panel, the Development Application is first lodged with Council who calls for public submissions through a notice in the *Blue Mountains Gazette* and the Council's website. You will find the Development Application on the Council's website. See the **How to Access a Development Application or Approval** page to find out how to access it.

The Council reviews the submissions, assesses the application and prepares a report containing recommendations to the District Planning Panel. Proponents of the development and people who made a submission to the Development Application can address the meeting of the District Planning Panel where the Development Application is to be determined.

But, as for Local Planning Panels, members of the District Planning Panel cannot speak to community members on the development that they will be voting on.

Note: since August 2020, Planning Panels will only hold public meetings if the Development Application has attracted more than 10 objections.

You can find current or past Development Applications for determination by the District Planning Panel, plus District Panel meeting dates and Agendas, by clicking [here](#).

### **Community response to a large or contentious proposed development**

Trying to stop or at least modify a very large environmentally damaging development needs to be a community effort. Traditionally, once the word was out, community groups often spontaneously formed around large development proposals in order to write submissions on the proposal, lobby local Councillors (if the Council was the 'consent authority') and perhaps take legal action, as was the case in Parklands, Blackheath (see **Parklands case study**).

But with the changes to state legislation in 2018, members of Local Planning Panels and District Planning Panels cannot talk to the community about the developments they will be voting on. Lobbying of Councillors is now mainly confined to the limited areas they are still able to determine (e.g. smaller and non-Council developments, local planning instruments and strategic plans).

In the case of proposals for large and contentious developments you can contact the Blue Mountains Conservation Society for advice and support, and the Society may also lodge its own submission on the proposed development.

Go to the **Further Action** page for information about campaigning and possible legal action.