

Making submissions on development applications *information sheet*

What is a development application?

A development application (DA) is a request that is made to Council to carry out various types of development such as:

- building a house, commercial or industrial building
- making an alteration or addition to a property or building
- subdividing land
- changing the use of a building

Notification

Council has adopted a policy to notify adjoining and neighbouring property owners that may be affected by a development proposal within the local area, unless the proposal is of a minor nature.

For certain types of development such as medium density housing, Council also advertises the DA in the local newspaper and members of the public may comment or object.

For more details on notification please refer to Council's Community Participation Plan (CPP) at:

http://www.randwick.nsw.gov.au/_data/assets/pdf_file/0007/25918/Community-Participation-Plan-Final-Adopted-10-December-2019.pdf

Assessment

DAs are assessed against various planning controls and policies which set guidelines for development within Randwick City. The assessment is undertaken within the framework of Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

Copies of Council's plans and policies can be viewed

- by accessing Council's Website.

Some of the issues taken into consideration in the assessment of an application include, but are not limited to:

- solar access and energy efficiency
- landscaping and open Space
- floor area
- height, form and materials
- building setbacks
- visual and acoustic Privacy
- garages, carports and driveways
- fences
- foreshore protection
- views

The Assessment Officer undertakes a detailed assessment of the application considering all relevant planning policies and the merits of the proposal. In addition, the Assessment Officer will consider the issues raised in any submissions made by groups or individuals.

Determination

A report recommending either approval or refusal of the application is prepared by the Assessment Officer and reviewed by a Coordinator or Manager. The application is then determined by one of the following persons or groups:

- Coordinator/Manager under delegated authority
- Randwick Local Planning Panel (RLPP)
- Sydney Eastern City Planning Panel (SECPP)

Most DAs are determined by a Coordinator or Manager under delegated authority. However, certain applications which have high corruption risk, sensitivity or strategic importance require referral to the RLPP or SECPP.

Randwick Local Planning Panel (RLPP)

The RLPP is a Local Planning Panel established under the *Environmental Planning and Assessment Act 1979 (Act)*. The NSW Minister for Planning has issued directions detailing the referral criteria and procedural requirements for local planning panels. Under the Act, Councillors are no longer able to determine development applications.

The key triggers for referral to the RLPP are summarised below:

- Applications with a conflict of interest
- Contentious developments (where 10 or more unique submissions by way of objection are received)
- Developments that contravene a development standard by more than 10%
- Sensitive developments (including residential flat buildings subject to SEPP 65)
- Certain modification applications

Approximately one week prior to an application being considered by the RLPP, the applicant and objectors will be notified of the meeting date. One objector and a representative of the applicant will have the opportunity to speak at the meeting. Councillors will also have an opportunity to address the panel.

Please refer to the [RLPP page](#) on council's website for more information regarding the RLPP procedures and referral criteria.

Sydney Eastern City Planning Panel

The SECPP is required to determine applications for regionally significant development. Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 details the applications that are regionally significant.

Notice of determination

Once an application has been determined, a Notice of Determination is issued to the applicant.

How do I make a submission?

If you feel a development proposal has the potential to impact on your property or on the wider environment, then you may want to submit comments by way of a written submission to the DA. You may view documents associated with the application on Council's website through Online Services.

If you decide to make a submission and object to the proposed development, the reasons for your objection must be included in your submission. Your reasons must be based on planning considerations relating to the impact on your amenity and not irrelevant matters.

It is an offence under section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in a submission.

You are advised that summaries of submissions and addresses may be included in the assessment report.

All submissions received within the notification period will be fully considered by Council prior to determination of the application. Submissions are kept on file and may be accessed by members of the public under the Government Information (Public Access) Act 2009.

When your submission is reviewed by the Assessing Officer, you may be contacted to clarify any issues you have raised. If the issues raised in your submission are valid, the Assessment Officer may contact the applicant and request amendments to the application before the matter goes any further. If amendments are made to a DA that are minor or lessen the impacts you may not be notified of the changes.

If you are not notified of these amendments, your earlier submission will still be considered in the assessment of the application.

Petitions

We urge anyone organising a petition regarding an application or important community issue to include their name and contact details and the organisation (if any) they represent. This contact information will enable us to send a response to the person or organisation circulating the petition. Our response can then be distributed to the signatories by the petition organiser.

Reportable political donations and gifts

In accordance with the requirements under Section 10.4 of the Environmental Planning and Assessment Act 1979, anyone lodging or commenting on a development proposal will be required to disclose any political donations or gifts they have made in the two years preceding the submission. The disclosure requirements continue to apply until the application is determined.

If you (or an associate) have made a reportable political donation or gift within the period of two years, and you intend to lodge a submission, you will need to complete a Political Donations and Gifts Disclosure Statement. The form for this statement is available to download from Council's website:

www.randwick.nsw.gov.au

Lodging the submission

To lodge a submission on a development application, you may:

- Lodge your submission online by searching for the relevant application using the DA tracking tool on Council's website;
- e-mail the submission to:
council@randwick.nsw.gov.au
- lodge your submission at our Customer Service Centre; or
- send a written submission addressed to the General Manager.

Don't forget to include your return postal address (even on email submissions) so we can contact you for further clarification if necessary and notify you of the decision regarding the application.

Please note, Council will only acknowledge the receipt of a submission if it is submitted electronically.

Will I be notified after a decision is made?

The determination and associated documentation will be sent to the applicant outlining the decision with respect to the DA. Everyone who made a submission will also be notified of the decision. Most applications that are approved are advertised in the local press shortly after their approval.

Once an application has been determined, the notice of determination may be viewed through the DA tracking tool on Council's website; or alternatively you may request to view the determination at Council's Customer Service Centre.

If you wish to inspect documents held by Council you must complete an 'Informal request for information' form (available from Council's website). Please note: It will take approximately 5 working days to process the request.