

DEVELOPMENT APPLICATION PROCESS

1 Lodgement

- All development applications must be lodged with the consent of the owner of the land.
- Fees are paid and a preliminary assessment of application is made to determine whether all the necessary information has been received.
- If all the required information is not received, the time in which Council must consider an application is suspended (see Part 4, Section 82 below)

2 Notification/Advertising

- Neighbour notification and/or advertising is conducted in accordance with the requirements of Part C Chapter 2 of Camden Development Control Plan (DCP) 2006. A copy of the DCP can be found on Council's website. www.camden.nsw.gov.au

3 Referral to State Agencies

- Certain applications are referred to state agencies for their comments. Examples are the RTA for traffic, Sydney Water for service availability, Police for safety considerations.

4 Assessment

- Development Applications are assessed under the Environmental Planning and Assessment Act 1979. This Act can be found on the NSW Government website. www.legislation.nsw.gov.au
- The following sections of the Act outline the process to be followed.

Section 78A – Any person may make application to Council to carry out development. **Council is legally required** to assess the application.

Section 79A – Public Participation. Written submissions from public sought. "Other advertised development" to be advertised for **minimum 14 days**.

Section 79C - Matters for consideration

In determining a development application, Council must consider the following matters as are relevant:

- (i) any environmental planning instrument, (ie. LEP/ Zoning)
- (ii) any draft environmental planning instrument (Draft Plans)
- (iii) any development control plan, (Camden DCP 2006 / car parking etc)
- (iiia) any planning agreement (Planning agreements, if forming part of an application are to be notified with the application)
- (iv) the regulations (The Environmental Planning & Assessment Regulation 2000) (also available on NSW Government website)

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Council **cannot** consider any other matters than those included in the Act.

Section 80 – Determination.

Council or Council staff, under delegation from Council, may do one of the following:

- grant consent,
- grant Consent with conditions,
- refuse with reasons.

Applications are determined by staff where they are compliant with Council's codes and policies. Those applications which do not comply with Council policy or have been the subject of objections which cannot be resolved by the imposition of conditions are determined by the Councillors at a Council Meeting.

Staff prepare an assessment report and make recommendations to the Councillors based on the Council's planning instruments, legislation and policy. Councillors are provided with copies of submissions received in relation to each application. The application is debated and Councillors vote to determine the application.

Section 82 – Deemed Refusal.

If Council has not determined the application within **40 days**, the application can be taken to have been refused. The applicant may then refer the application to the Land and Environment Court. The Court will then be the determining authority and remove Council's role.

Section 97 – Appeal Provisions.

An applicant who is dissatisfied with Council's decision may appeal that decision to the Land & Environment Court. The Court may either agree with the Council (uphold the appeal) or overrule the Council's determination (allow the appeal). The decision of the Court is final. **No similar provisions apply to objectors who are dissatisfied with the Council's decision.**