



## 2011 Residents' Association Inc.

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### HOW TO RESPOND TO A DEVELOPMENT APPLICATION THAT MAY AFFECT YOU OR YOUR PROPERTY

*You have become aware that someone is asking to change something about the structure or use of a property that may affect you or your community. You either believe, or you are uncertain about, the implications of this proposed development. What do you do?*

Here are some suggestions about actions that you might take:

#### **1. BACKGROUND RESEARCH - Try to understand as much as you can about what is being proposed and the potential effects on you and others.**

1.1. Sometimes you may be aware of a development proposal before it is formally lodged with the Council of the City of Sydney. Your local paper may report a change of ownership or proposed new use well before this is finalised. You might try to arrange to meet with the person or entity to gain an appreciation of their proposed development and its potential effects. If possible explain to them your issues with the proposal. Council planners would ideally be encouraging developers to liaise with community groups and affected individuals during the preparation of the Development Application ("DA").

1.2. *Read the Development Application on the City of Sydney website:*  
<http://www.cityofsydney.nsw.gov.au/development/development-applications>

Often the quantity/formatting of the documentation can be overwhelming. The Council officer managing the application and/or the "duty planner" at Council's one-stop shop, 50-52 Darlinghurst Road, Kings Cross may be able to assist you. They may be able to guide you to key summary documents, help you understand the plans and diagrams that show the potential effects, and assist you develop relevant points of objection.

#### ***1.3. What do other community members think?***

It is a good idea to find out if your neighbours share your concerns or perhaps if there are others in your community who have had issues with similar developments. Get together with them or have an email discussion to share your concerns. Experienced objectors are good people to take the

lead as they will have been through stages of the process previously. Community-based resident groups including the 2011 Residents Association may be able to help you make contact with community members who will be helpful to your cause. It may be useful to get resident groups to also make an objection to the Development Application (“DA”).

It is important, however, to remember that the planning system is complex and rules that apply to one form of development may not apply to another.

## **2. MAKING AN OBJECTION**

2.1. *List the common concerns and circulate these to those interested* via email or a flyer. This will make it easy for others to use the core objections in their submissions while potentially adding to these their own points. Making it easier for others will lead to a greater number of written objections.

For particularly controversial DAs include with the list of key concerns that you circulate the email addresses of all Councillors (you can find those email addresses here: <http://www.cityofsydney.nsw.gov.au/council/about-council/councillors> ). Suggest that each person's objection is also emailed to the Councillors and provided to other objectors.

2.2. Your objection can include *photos* in addition to words. These might be visual presentations made from your own perspective including photos taken from your own property. They might show angles that are not represented in the DA.

2.3. *Email your objection to Council before the closing date* for submission of objections. If you are not sure of the closing date or the email address, check with Council's one-stop shop, 50-52 Darlinghurst Road, Kings Cross. Council will formally acknowledge receipt of your objection.

2.4. *Make direct contact with individual Councillors* who might be interested in the issue. Many DAs are “determined” (that is, decided) by Council planners who make the decision based on “delegated authority” from the Council. This means that the planners get to decide “Yes” or “No” or to approve the application with modifications. However, if three Councillors “call in” the DA, it will be “determined” (decided) at a Council meeting rather than just by Council officers. The advantage of this is that you will get the opportunity to speak and make your objection direct to Councillors. Councillors need to consider your concerns and become publicly accountable for their response to the issues raised by residents both for and against the proposal.

## **3. IF THE DEVELOPMENT APPLICATION IS “CALLED IN” FOR A COUNCIL MEETING**

3.1. *It will be listed to come before Council's Planning and Development Committee.* The Council will determine the timing of matters coming before it but will usually notify objectors some time in the week prior to the meeting. The Planning & Development Committee meets on Tuesdays from

5pm. Meeting dates are on the Council's website at <http://www.cityofsydney.nsw.gov.au/council/about-council/meetings/calendar-and-business-papers-2015>

There is a chance that even if you are an objector you may not be notified when a DA is before Council. So it is important to check the business papers that are usually available on the Council website on the Wednesday or Thursday of the week before the Tuesday Committee meeting. A printed copy will also be available at the Council's Neighbourhood Service Centre at 50-52 Darlinghurst Road, King Cross on Friday. If you cannot see the papers in the Centre, ask at the desk. There is usually little time to prepare for your presentation to Council once you become aware that the application will be coming to the Planning & Development Committee and then to a full Council meeting on the following Monday.

### *3.2. What does the Planning and Development Committee meeting do?*

The Committee considers a proposal put forward by the Council planning staff. The Committee may make a recommendation to the full Council meeting which will be held on the following Monday. The recommendation may be to adopt the Council planner's recommendation, change it, or make no recommendation and leave it for the full Council meeting to decide.

### *3.3. How can I influence the recommendation of the Planning & Development Committee?*

Members of the public objecting to a development proposal can address the Committee as can its proponent and/or supporters. Speakers are allowed to speak for up to 3 minutes. It is ideal to organise several people to address the Committee. Councillors will be interested in hearing different points from different members of the public. It is therefore suggested that speakers arrange amongst themselves to each cover different key points of their objections. You may want to consider and pre-empt points that supporters or persons proposing the development may raise with the Council.

You **must register to speak at the Committee** by phoning 9265 9310 by 12 noon on the day of the Committee meeting.

If you are an objector it is important that you take the opportunity to address the Committee as Councillors rely on this to understand the level of concern in relation to a proposal (they do not necessarily have the time to read each of the individual written objections). This may be your only opportunity to formally address Councillors as a group. The public is not able to address the full meeting of Council that will consider the matter in the week following the Committee meeting. Encourage as many of your group as possible to address the meeting. You can also make an extra impact by encouraging more objectors to attend the meeting and sit in the public gallery, even if they do not speak. It is important that those objectors who are speaking refer to the presence of their neighbours and other objectors sitting in the Council gallery.

### **3.4. What happens at the *full Council Meeting*?**

The full Council meeting, held the Monday following the Planning and Development Committee meeting, decides the official outcome of the DA.

You cannot speak at or address Council meetings, but objectors being obviously present in the public gallery is of great value. Their presence reminds the Councillors of their responsibility to be answerable for their decisions that might affect the community. Make sure you let a Councillor sympathetic to your objections know of your group's intention to attend. Catch the Councillor's eye or meet him/her beforehand or during a break in proceedings to remind her/him of your presence. This will enable him/her to refer to your presence during any speech he/she makes during Council's consideration of the DA.

Council meetings commence at 5pm.

### **4. OTHER THINGS YOU MIGHT DO:**

- Contact Councillors to outline your case. Encourage them to come and speak with you and others at the site so that you can detail your objection.
- Write a letter to the editor of your local newspaper.
- Use social media – especially Twitter and Facebook - to make interested parties aware of your objection and your concerns.

***Disclaimer:** The information contained herein is correct as at 14 August 2015. However, over time, rules, procedures, meeting times, email addresses, telephone numbers and webpages may change. You should check that those things have not changed since 14 August 2015 before relying on information contained herein.*

#### ***Published by:***

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