PLANNING & NATURAL SYSTEMS

ATTACHMENT 3.4

DEVELOPMENT CONTROL UNIT REVIEW
- DETERMINATION OF DEVELOPMENT APPLICATIONS POLICY

STRATEGIC COMMITTEE MEETING

8 NOVEMBER 2017
Policy Objective

The objectives of this policy are:

- To provide a consistent, transparent and efficient decision making process for development applications;
- To facilitate a decision making process that reflects the complexity of the development application;
- To ensure the decision upholds the integrity of the NSW planning system.
- To ensure legislative requirements are met; and
- To ensure that decisions are made in a timely manner.

Policy Statement

To achieve the objectives of this policy Council will:

- Establish a decision making process to identify applications that will be escalated above staff level for determination;
- Acknowledge the judgement of Council's professional staff, particularly in planning and environmental management; and
Seek merit assessment at the appropriate level to provide efficiencies and to minimise politicisation of the decision making process.

Coverage of the Policy

This policy applies to all staff and Councillors of MidCoast Council.

Strategic Plan Link

Key Direction 4 - Civic Leadership

Policy Content

To achieve the objectives of this policy:

- Delegations to Planning staff are to be standardised and allow for development applications to be determined at staff level.

- Council will establish a Development Control Unit (DCU) for determination of Development Applications that are not determined by planning staff under delegation.
  - Membership of the DCU shall comprise one (1) elected Councillor (chairperson), the Director Planning and Natural Systems, Director Engineering, Manager Development Assessment and Manager Building Services.
  - The chairperson of the DCU is to be given the full delegation of Council for the determination of development applications.
  - DCU meetings will be held once a week. Meetings will not be held where there are no agenda items.
  - Matters will only be deferred by the DCU in exceptional circumstances where there is a significant risk of a sub-optimal outcome that has significant consequences for the community. There should be a maximum of two decision delays (decision delays comprise deferrals and site visits – a site visit and subsequent consideration at another meeting would equate to the maximum of two decision delays).

- Planning staff will determine applications in accordance with delegations. Applications will only be presented to the DCU in the following circumstances:
  - Where Council is proposing a development itself (and Council is the consent authority)
  - Where the development does not comply with the aims and objectives of an adopted council policy (including a development control plan), and the application is recommended for approval.
  - Where significant unresolved planning objections have been received from different households (a petition or pro-forma documents are counted as one objection).
  - Where the application proposes variation to a development standard in a Local Environmental Plan of more than 10% of the standard and where concurrence of the Secretary of the Department of Planning and Environment is taken to be assumed.
  - Where the development is of state or regional significance (and Council is the consent authority)
- Where the application is for a review of determination (unless the review relates to:
  - a decision to refuse an application for failure to provide all necessary information to enable assessment of the application and the information has not been provided with the request for the review; or
  - where the review relates to an application was refused for failure to obtain the concurrence of another authority).
- Where the JRPP is the consent authority, applications will not go to the DCU for noting.

Definitions

For the purposes of this policy the following definitions apply:

**DCU**: Development Control Unit

**JRPP**: Joint Regional Planning Panel

References and Related Documents

NSW Department of Planning and Environment – Development Assessment Best Practice Guide – March 2017

Responsible Officer

Manager- Development Assessment