



# Policies, Procedures and Guidelines

## DEVELOPMENT ASSESSMENT UNIT POLICY

ENV003

### BACKGROUND

This policy outlines Council's position in relation to the assessment of development applications and provides a forum for Council officers to discuss possible issues relating to applications.

### OBJECTIVES

The objectives of this policy are to –

- provide a forum for relevant Council technical officers to discuss issues relevant to development projects
- provide a forum for the cross flow of information between all relevant areas of Council with regards to development proposals
- provide a forum for applicants and Council staff for the preparation of major development applications (Pre- Lodgment Meeting)
- provide a forum for actions relating to proposed amendments to Council's Local Environmental Plan and other relevant Council Policies
- provide the opportunity by appointment for applicants/owners/consultants to make submissions and express their views on their development applications prior to submission of any relevant recommendation to Council
- ensure that there is quality decision making having regard to Council's policies and community expectations and
- detail the operation and functions of the Development Assessment Unit (DAU), and the delegation of Planning/Development Application decisions to the Director, Environment and Planning.

### POLICY

In order to ensure that development applications are determined in a timely and efficient manner the Council has delegated its powers to the Director, Environment and Planning who acts on the recommendation of the Development Assessment Unit as follows:

#### Development Assessment Unit (DAU) Operation

The purpose of the DAU is to:

- present a positive and courteous image to the development industry and interest groups relative to development assessment and determination
- play a part in establishing Council at the forefront of credibility with the development industry and relevant interest groups in terms of timely, expeditious, balanced and well informed decision making
- ensure timely and expeditious assessment and decision making of development applications by all involved parties

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- ensure that applicants are thoroughly and promptly advised on the technical and information requirements to support development applications
- accurately interpret political and Executive Management requirements and expectations in providing advice and making judgments and decisions on development proposals
- provide comprehensive and timely professional advice and assessment relative to their position responsibilities

### 1. Committee Membership

The DAU membership consists of:

- Chairman: Director Environment and Planning
- Representative DEP Manager Environment and Planning
- Representative DEP Environmental Services and Development Officer

Temporary replacements shall be determined by the Director. Depending on the issues involved other professional officers may be required to attend specific meetings.

### 2. Meeting Times

The DAU will meet at least once fortnightly, subject to business being available at a time determined by the chairman; additional meetings shall be held as required.

### 3. Agendas/Minutes

3.1 All applications received will be registered and referred to the relevant officer for initial assessment, the officer will nominate if DAU assessment is required.

3.2 Where possible an officer will prepare an assessment report, including a Section 79C report detailing the proposal, its compliance to the provisions of the Local Environmental Plan and associated Policies and Plans of Council. A determination recommended will be included, including such possibilities as approval, refusal, deferral, advertising and/or referral to Council for determination.

3.3 The Agenda will contain a list of applications received over the period since the DAU met.

3.4 Minutes of the DAU will be forwarded to all members.

3.5 Minutes will be the responsibility of the Administration Assistance for DEP/DIS.

### 3.2 Appointments

- Appointments by developers/applicants to address the Panel will be made with the Director Environment and Planning
- Appointments will only be made when the Director Environment and Planning is satisfied that the proposal raises issues not readily addressed by interview with individual Council assessment officers
- Appointments may be made up until 3.00pm on the day prior to the meeting
- Unless special circumstances apply, appointments shall be for a maximum of 30 minutes

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### 3.3 Development Applications that require DAU Consideration

Development Applications with the potential to involve any of the following matters, will be referred to the DAU for consideration –

- Traffic generating developments;
- Allotment access proposals
- Subdivisions;
- Proposals involving extensions or new works to infrastructure such as
  - i) Water supply;
  - ii) Sewerage reticulation;
  - iii) Drainage works;
  - iv) Roads; and
  - v) Kerb and guttering
- Boundary adjustments;
- Rural dwellings;
- Commercial development proposals;
- Industrial development proposals;
- Change of land use;
- Any proposal that is perceived to impact upon either allotment or locality;
- Any other development proposal that is perceived to have a detrimental effect on the amenity, character or streetscape of a locality;
- Any development that receives a written objection;
- Any application to Council that may involve the seeking of additional approvals or concurrencies be they internal and external.

### 3.4 Functions

For applications referred to the DAU by Council's Development Assessment Officer(s), the unit shall:-

- review such applications for completeness of information and advise applicants of any inadequacies in a timely manner
- decide on both internal and external referrals
- decide if an application requires notification and/or advertising in accordance with Councils Development Control Plan
- decide at what level an application shall be determined
- determine development applications and Section 96 applications under the Environmental Planning and Assessment Act
- monitor the response time for applications that have been referred for comment both internally and externally and follow up as required
- identify, review and make recommendations for changes to Local Environmental Plans, Development Control Plans, Policies and procedures relevant to development assessment.

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- identify the need for briefing sessions with Councillors in relation to major/significant development projects. Where possible these should be undertaken at Councillor Strategic Briefing Sessions.
- where considered appropriate, invite applicants to a meeting where refusal to an application is anticipated but where technical improvement and/or compromise is feasible by way of negotiation.
- invite applicants and objecting interest groups and/or residents to a meeting where there is perceived potential for resolution of conflict by an amendment to the application in technical terms.

#### 4. Decision, Review and Intervention

The Director Environment and Planning or Director Infrastructure Services may request the DAU to reconsider any proposal or direct that any proposal lodged with Environment and Planning Department be referred to the DAU for consideration (in writing) the day before the decision of the DAU being actioned (Refer to 5. below).

#### 5. Actioning Decisions

Officers responsible for development applications shall ensure that items are actioned as per DAU recommendations and resulting Minutes as soon as possible.

Minutes shall be distributed by 12.00pm following the day of the DAU meeting.

#### 6. Delegated Authority

The Director Environment and Planning, through the DAU process and Council delegations, is delegated the authority to determine:-

- any application for approval of an item in the Table of Approvals in Chapter 7 of the Local Government Act 1993 and:-
  - I. Grant approval either unconditionally or subject to conditions, or
  - II. If recommending that the application should be refused, submit the application to Council for its determination.
  - III. To approve applications for deferred commencement approvals or staged approvals.
  - IV. To determine applications for the erection or display of advertising signs or structures subject to Council's Local Environment Plan, Development Control Plan and State Environmental Planning Policy 64 Advertising and Signage.
  - V. To determine applications for the use of the Council controlled swimming pools and all parks and reserves excepting those where the care, control and management has been delegated to a Committee, notwithstanding proposals subject to State Environmental Planning Policies (Infrastructure) 2007.
  - VI. To determine Development Applications and applications to subdivide land made pursuant to the Environmental Planning and Assessment Act and the Local Government Act 1993 and Regulations made thereunder and subject to compliance with Council's Local Environmental Plan and Development Control Plan and adopted policies.
  - VII. To determine applications for the erection of temporary buildings and to determine the period from the date of approval within which that building is to be demolished or removed.
  - VIII. To determine applications to alter existing buildings.
  - IX. To classify buildings and issue certificates and statements of classification.

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- X. To sign and issue any Certificate for which provision is made for the issue of Certification by the Council under any Act or Regulation.
- XI. With respect to the institution, conduct and defence of legal proceedings concerning Council's activities in any court, and to instruct Council's solicitors and Counsel where considered necessary.
- XII. Any other application as determined by the Chairperson

Where objections to applications are received following the advertising of the proposal the application shall be reported to Council for decision. The report shall make recommendations having regard to the following -

- I. Imposing conditions on development that give consideration to objections raised; or;
- II. Mediating a solution to the satisfaction and specification of relevant legislation and Policies of the Council.

#### RELATED DOCUMENTS

Nil

#### GENERAL MANAGER

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