



POLICY NO: CCC003

POLICY FOR DETERMINING DEVELOPMENT APPLICATIONS SUBJECT TO PUBLIC OBJECTION

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A. POLICY SUMMARY

- A1 The purpose of this policy is to establish a framework for the determination of Development Applications under the *Environmental Planning and Assessment Act 1979*, which are subject to submissions by way of objection.

B. POLICY BACKGROUND

- B1 The *Environmental Planning and Assessment Act 1979* provides for public participation as part of the assessment process for certain Development Applications. Where required, development applications are publically notified and during the notification period, any person may make written submissions or lodge petitions to the Council with respect to the development application.
- B2 Submissions on development applications must be made in writing and lodged with Council within the notification period. This period may be extended by Council where it is considered appropriate.
- B3 Where multiple submissions by way of objection are received from the same address or unit number, by the same person, in the same notification period, they will be counted as a single submission.
- B4 Where multiple submissions, by way of objection, are received from the same person in the same notification period, they will be counted as a single submission.
- B5 Council must consider all submissions received from the community within the notification period in its assessment of the Development Application.
- B6 Submissions assist Council in being aware of relevant issues and community concerns when determining an application.
- B7 The Director Environment and Planning has delegation to determine development applications regardless of the number of submissions received.
- B8 It is appropriate that development applications which are subject to submissions of objection are reported to an Ordinary Meeting of Council for determination.

C. DEFINITIONS

- C1 **Business Update** means a notice distributed by the Director (or his/her nominee) to Councillors
- C2 **Call Up Request** means a written request from not less than two Councillors to the CEO (Chief Executive Officer) requesting that a nominated Development Application be reported to an Ordinary Meeting of Council, for consideration and determination by Council.
- C3 **CEO** means the person appointed to the statutory position of General Manager or Chief Executive Office of Council.
- C4 **Council** means Central Coast Council.
- C5 **Councillor** means a person elected or appointed to civic office and includes the Mayor and the Deputy Mayor.

- C6 **Delegation** means delegation of functions to determine Development Applications given to the CEO pursuant to s. 377 of the *Local Government Act 1993* or given by the CEO to other Council staff pursuant to s. 378 of that Act.
- C7 **Development Application** means an application for which Council is the consent authority, under Part 4 of the *Environmental Planning and Assessment Act 1979*.
- C8 Director means the person appointed to or acting in the position of "Director, Environment and Planning" of Council.
- C9 **Notification Period** means the period during which submissions may be received, as determined by the *Environmental Planning and Assessment Regulation 2000* or the relevant Development Control Plan applicable to the land. The period may be extended by Council where it is considered appropriate.
- C10 **Petition** means a written submission objecting to a proposal that is signed by three (3) or more people and must provide the objector's name and address, whether lodged electronically or in a physical format.
- C11 **Objection** means a written response received by Council objecting to a proposal as a result of the public notification of a Development Application which includes the objectors name and address, whether lodged electronically or in a physical format, and the grounds for the objection.
- C12 **Submission** means a written response received by Council as a result of the public notification of a Development Application which includes the respondent's name and address, whether lodged electronically or in a physical format and which is either in support of, or in objection to, the proposal.

D. POLICY STATEMENTS

Jurisdiction

- D1 This policy covers the Councillors, CEO, all Council employees and all persons and organisations contracted to or acting on behalf of Council.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the CEO.

General

- D3 The procedure for assessing Development Applications is subject to and prescribed by the *Environmental Planning and Assessment Act 1979*. This policy does not impact on the statutory obligation to consider submissions as part of the development assessment process.
- D4 Nothing in this Policy prevents the CEO or a group of two or more Councillors from requesting that a Development Application be reported to an Ordinary Meeting of Council.

E. POLICY IMPLEMENTATION – PROCEDURES

- E1 This policy should be read in conjunction with the Central Coast Council Code of Conduct.
- E2 It is the personal responsibility of all Councillors, Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

Procedure for determining Development Applications subject to public objection

- E3 Where a Development Application is the subject of 10 -14 submissions of objection and/or petitions of objection totalling 50 or more signatures are received, a Business Update will be prepared and sent to the Councillors. The Business Update will outline the number of submissions, objections and/or petitions received and the issues that were raised. Councillors may decide whether to give a Call Up Request to the CEO or the Director. If no Call Up Request is received then the Development Application will be determined under Delegation.
- E4 Development Applications the subject of 15 or more submissions by way of objection (not including petitions) will be reported to an Ordinary Meeting of Council for consideration, unless:
- i. The application is recommended for refusal; or
 - ii. Changes have been made to the proposed development that, in the opinion of the Director, have adequately addressed the issues raised during the Notification Period and there was a reduction in the number of objections (to 14 or less) as a result of any later re-notification.

In the event of E4 (i) or (ii) as described above, the Director will provide a Business Update that outlines the number of submissions, objections and/or petitions received and the issues raised. Two or more Councillors may give a 'Call Up Request' to Councillor Support. If no Call Up Request is received, then the Development Application will be determined under delegation.

- E5 Associated documents
- Council's adopted *Code of Conduct*
 - Council's Delegation Register
 - *Wyong Development Control Plan 2013*
 - *Gosford Development Control Plan 2013*
 - *Environmental Planning and Assessment Act 1979*
 - *Councillor Call up request form*