



Assessment of Development Applications Policy

September 2021

Policy No: CCC108

Policy owner:	Development Assessment Unit
Approved by:	Environment and Planning
Date of approval:	14/9/2021
Policy category:	Operational
Content Manager No:	D14783961
Review date:	14/9/2025

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Purpose

1. The purpose of this policy is to establish a framework for the efficient assessment of Development Applications under the *Environmental Planning and Assessment Act 1979*.

Policy Summary

2. Council is committed to an efficient, consistent and effective development assessment service which benefits applicants that submit good quality and complete applications.
3. This policy will communicate how council will manage the assessment of applications and assist in the delivery of a consistent, equitable and efficient development assessment service, which is only possible when applications are submitted with the required information so an informed, proper and timely assessment can be made of the application.

Scope

4. This Policy is to apply to all development applications, modifications and review of determinations submitted to Central Coast Council.

Background

5. The NSW Government's '*Development Assessment Best Practice Guide*' (2017) promotes best practice principles that assist in the timely determination of development applications. It recognises the following:
 - The lodgement of an 'assessment ready' application allows assessment staff to focus on assessing and determining the application rather than liaising with the applicant to get the application to a standard where it can be assessed.
 - Better quality information also allows assessment staff to have a thorough appreciation of the proposal and its built form implications.
 - Applications that are not capable of being assessed and determined on the information submitted at lodgement are likely to have resource implications for assessments, workloads and morale.
6. The handling of incomplete or deficient applications, and proposals that require amendments and/or additional information, requires significant resources to manage, and this creates a flow-on effect of an increase in processing times for all applications before Council which impacts on the assessment times for all other applications. Amendments to applications can also cause uncertainty within the community as to what is being proposed.

Policy on the Assessment of Development Applications

7. This Policy is designed to outline the principles of dealing with unclear, illegible, grossly non-compliant, deficient and amended applications and to encourage the lodgement of good quality applications.
8. This policy will enable the delivery of a consistent, equitable and efficient development assessment service, which is only possible when applications are submitted with the required information so an informed, proper and timely assessment can be made on the application.

General

Pre-Lodgement & Lodgement

9. A development application must be made in accordance with clause 50 of the *Environmental Planning and Assessment Regulation 2000*.
10. The information to be included in a development application is clearly specified in Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*.
11. If an application is deemed deficient it may be rejected in accordance with Clause 51 of the *Environmental Planning and Assessment Regulation 2000*.
12. Applicants are encouraged to read the 'Your Guide to the Development Application Process' released by the NSW Government May 2018.
13. Applicants are encouraged to discuss proposals with Council prior to lodgement to ensure the application is complete and can be assessed. Applicants are also encouraged to make use of Councils formal pre-lodgement meeting/advisory service.
14. Where pre-lodgement meetings have been held, the minutes of those meeting will be reviewed by the assessing officer as part of the assessment of any subsequent application, and also provided as an attachment to any determining body (Local Planning Panel or Regional Planning Panel).

Application Assessment

15. As a rule, council will not request additional information on an application, unless the information is relatively straightforward and can be provided within a short timeframe (maximum 4 weeks). The onus is on the applicant to ensure that the application, when submitted, is complete and ready for assessment.
16. Council will assess and determine an application on the information submitted upon lodgement.

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17. Council will generally not place 'on hold' an application waiting for information or request amendments or additional information except where, in the opinion of the Manager (or their delegate), minor issues can be resolved in a short timeframe (less than 4 weeks).
18. Applicants will be requested to withdraw, in accordance with Clause 52 of the *Environmental Planning & Assessment Regulations 2000*, applications that are unclear, illegible, incomplete and deficient, where variation requests cannot be supported, or where issues cannot be resolved in a short timeframe (less than 4 weeks).
19. Failure to withdraw applications will result in a determination based on the proposal as originally submitted.
20. Where external agency referral bodies request additional information/amendments to a proposed development, Council officers will review the level of detail required and determine whether in the opinion of the Manager (or their delegate), the matters raised by the referral agency are minor issues can be resolved in a short timeframe (less than 4 weeks). If the issues are unlikely to be resolved within a short timeframe, the applicant may be requested to withdraw the application or the application may be determined based on the information submitted at time of lodgement.
21. Applicants may submit a review of determination in accordance with Section 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) if they are not satisfied with the outcome.

Council Commitment

To facilitate the lodgement and assessment of good quality and complete applications, Council provides the following services:

22. Availability of staff at Customer Service Centres, during specific times, to provide expert advice and discuss proposals.
23. Checklists to complete before lodging applications (provides details on what information is required for Council to undertake an assessment). Your application may be rejected if it has inadequate information.
24. A pre-lodgement meeting (fees apply) with relevant technical staff to give written advice regarding how the proposed development fits within development standards etc. and advice on specific issues such as site constraints, setbacks, design issues, landscaping, stormwater, ecology, parking etc.
25. Council commits to providing clear and consistent pre-lodgement advice.

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26. Availability of all Local Environmental Plans, Development Control Plans and site constraint mapping (e.g. flooding, bushfire etc.) on Council's website.
27. Information on Council's website regarding the development assessment process.
28. Once an application is lodged, public access through the ePlanning Portal to the application including tracking of the progress and relevant documents/information/submissions to that application.
29. Council will abide by mandated timeframes for development assessment functions as set out in The Environmental Planning & Assessment Regulations 2000, various Ministerial Directions (such as those that apply to Local & Regional Planning Panels) and the suite of relevant policy/funding programs established by the Department of Planning Industry & Environment (such as those targeted at accelerating the pace of development assessment).
30. Clear and direct communication with applicants.

Review

Compliance, monitoring and review

31. This Policy should be reviewed at a minimum every two years.

Definitions

Terms not defined in this document may be in a Council glossary or else state the terms and definitions as below.

In this policy:

Development has the same meaning as Section 1.5 of the *Environmental Planning and Assessment Act 1979* and includes any of the following –

- (a) the use of land,
- (b) the subdivision of land,
- (c) the erection of a building,
- (d) the carrying out of a work,
- (e) the demolition of a building or work,
- (f) any other act, matter or thing that may be controlled by an environmental planning instrument.

Related resources

32. Legislation:

- a. Local Government Act 1993 (NSW)
<https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1993-030>
- b. Environmental Planning and Assessment Act 1979 (NSW)
<https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1979-203#sec.1.5>
- c. Environmental Planning and Assessment Regulation 2000 (NSW)
<https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2000-0557>
- d. Development Assessment Best Practice Guide (March 2017) (NSW)
<https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/development-assessment-best-practice-guide-2017-03.pdf>
- e. Local Environmental Plans (Gosford and Wyong)
<https://www.centralcoast.nsw.gov.au/plan-and-build/planning-controls-and-guidelines/planning-controls/local-environmental-plan-lep>
- f. Development Control Plans (Gosford and Wyong)
<https://www.centralcoast.nsw.gov.au/plan-and-build/planning-controls-and-guidelines/planning-controls/development-control-plan-dcp>
- g. NSW Government 'Your guide to the Development Application process'
<https://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Your-guide-to-the-DA-process>

History of revisions

Amendment history	Details
Original approval authority details	This Policy was originally endorsed at the Ordinary Meeting of the Council on 14 September 2021, Resolution 232/21.
	The reasons for the creation of policy are: <ul style="list-style-type: none">to establish a framework for the efficient assessment of Development Applications under the <i>Environmental Planning and Assessment Act 1979</i>; and

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- to provide a consistent and effective development assessment service which benefits applicants that submit good quality and complete applications; and
 - to communicate how council will manage the assessment of Development Applications.
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Version 1
