



ASSESSMENT OF DEVELOPMENT APPLICATIONS POLICY

Dungog Shire Council

2023

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1 BACKGROUND

This Policy has been prepared to ensure the efficient assessment of development applications in accordance with 'Best Practice Guidelines'.

This Policy has been prepared in accordance with Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2021, and the Local Government Act 1993.

2 PURPOSE

The purpose of this Policy is to:

- Facilitate the effective and efficient management of Council's delegated authority under the relevant statutory provisions of the Acts and Regulations.
- Set out the development applications that can be dealt with under delegated authority.
- Increase productivity by maximising the respective production functions of both elected representatives and Council staff.
- Specify the circumstances when the development applications are required to be determined by an act of Council.

3 SCOPE

This Policy applies to the Local Government Area of Dungog Shire.

This Policy applies to all development applications received by Council.

4 INTERPRETATION

Definitions are as per the Dungog Local Environmental Plan 2014, the Environmental Planning and Assessment Act 1979, the Local Government Act 1993 and associated Regulations.

5 POLICY STATEMENT

Under section 378 of the Local Government Act 1993, the General Manager may delegate authority to Council staff.

Delegated authority can be exercised for the assessment of all Development Applications received by Council, except in the following circumstances:

- a) If the development application relates to a variation to the intent, aim, purpose or objectives of any of Council's Policies, Development Control Plans, State Environmental Planning Policies, or the Local Environment Plan and, following a peer review process, it is the opinion of the Director Planning and Environment that Council consideration is required;
- b) If the value of the development application is in excess of four million dollars;

- c) If the development application is subject to six (6) or more public submissions representing significant objections;
- d) If the Mayor or any Councillor requests in writing to the General Manager that a development application be referred to Council for determination;
- e) If the development is integrated or requires concurrence and the determination is not in accordance with the referral agencies advice;
- f) If the development application is designated development and/or has identified threatened species that requires a biodiversity development assessment report (BDAR) as per the Biodiversity Conservation Act 2016;
- g) If the development application relates to the subdivision of 15 or more new lots;
- h) If the development application is required to be reported to Council in accordance with Council's Conflict of Interest: Council-Related Development Applications Policy;
- i) If the development application relates to any development that in the opinion of the General Manager, in consultation with the Director of Planning and Environment, may hold a special interest to the economic or industrial growth of the Dungog Shire;
- j) Any other situations where it is the opinion of the Director of Planning and Environment the development application is significant and/or of community interest that Council consideration is required.

Development applications that relate to Council-related development are to be managed in accordance with Council's Conflict of Interest: Council-Related Development Applications Policy.

Development applications where Councillors or Council staff have a pecuniary interest should be declared and managed in accordance with Council's Code of Conduct.

All development applications and/or construction certificates in which Councillors or Council staff have a pecuniary interest shall be referred to Council for determination, with the exception of the following:

- The persons proposed private residence;
- Proposed extension to private residence, domestic garage, carport, swimming pool, outbuildings;
- Change of use proposals to existing industrial or commercial buildings.

These exceptions shall only apply when:

- a) No objections have been received by Council;
- b) The development is in full compliance with Councils adopted development standards;

- c) The Director Planning and Environment is not of the opinion that the application could be contentious and it would be in the interests of the applicant for the application to be determined by Council.

6 REPORTING

All determinations relating to development applications carried out under delegated authority are required under this Policy to be reported to the next available Ordinary Meeting of Council.

7 POLICY ADMINISTRATION

Responsible Officer: Council or Management:	Director Planning and Environment Council
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Relevant legislation:	<u>Development Consents and/or Construction Certificates – Councillors and Staff</u> Version 1: 17 October 2017, Trim ID: N/A Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021 Local Government Act 1993



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