



Hawkesbury City Council

attachment 1  
to  
item 173

Draft Development Assessment Policy

date of meeting: 14 September 2021  
location: by audio-visual link  
time: 6:30 pm





Hawkesbury City Council  
Policy

**DRAFT**  
Development  
Assessment Policy

Hawkesbury City Council

|                             |                              |                          |            |
|-----------------------------|------------------------------|--------------------------|------------|
| <b>Division:</b>            | City Planning                | <b>Policy Number:</b>    | Enter No   |
| <b>Branch:</b>              | Development Services         | <b>Adopted Date:</b>     | Enter Date |
| <b>Responsible Officer:</b> | Manager Development Services | <b>Next Review Date:</b> | Enter Date |
| <b>Director:</b>            | City Planning                | <b>Version:</b>          | 1          |



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DRAFT



## 1. TITLE

Development Assessment Policy.

## 2. PURPOSE

The purpose of this Policy is to deliver an improved Development Assessment process for Council's customers. This policy will do this by:

- Providing customer-focused services and communicating about the development assessment process to potential applicants
- Providing greater transparency about the process of lodging and assessing Development Application and Pre-Development Application advice applications
- Supporting continuous improvement and enhance the effectiveness and efficiency of the development assessment process, and
- Establishing clear directions and timeframes for additional information requests.

Council will assess applications based on their merit and having regard to the provisions of the Environmental Planning and Assessment Act 1979, Local Environmental Plans and Development Control Plans as well as other relevant environmental planning instruments, codes and policies.

The objectives of this policy are to:

- a) Support continuous improvement of the delivery of the development assessment services.
- b) Achieve and enhance the effectiveness and efficiency in the assessment and decision making processes.
- c) Ensure applicants are aware of the requirement to provide quality and complete assessment ready applications, and that any additional information required or requested will have an associated deadline. All of which will assist in meeting reduced assessment times.
- d) Allow applicants to resolve issues prior to determination within a specified timeframe.

## 3. SCOPE

This policy will apply to all stages of the Development Application process including:

- Pre-Lodgement
- Lodgement
- Application assessment
- Post determination options

The policy will take effect once formally adopted by Council.

### Out of scope

This policy does not relate to Building Information Certificates, Construction Certificates, Occupation Certificates, Sub division certificates, applications lodged under the Local Government Act 1993.

## 4. BACKGROUND

A Development Application (DA) is a formal application for development that requires assessment under the NSW Environmental Planning and Assessment Act 1979 ("the Act").

Applications to modify a development consent and applications to review the determination of a development application are subject to the same requirements as DAs as described in this Policy.

Prior to lodging a Development Application, Council encourages applicants to seek formal Pre-Development Application advice for some types of development. The aim of the Pre-Development Application is to discuss development concepts with Council's assessment planners to obtain guidance on the key considerations related to the development prior to lodging a Development Application.



The principal purpose of this Policy is to identify Council's expectations and provide transparency in the development assessment process.

## 5. POLICY DETAILS

The following steps outline the broad process for a development application.

### STEP 1 - Pre-Lodgement

Delivery of a customer-focussed Development Application service within reasonable timeframes is only possible when applicants furnish appropriate and assessment-ready applications at the time of lodgement.

To aid in this Council provides checklists online via Council's website, for customers to consider and complete prior to lodgement. The fact sheets and checklists will provide details for applicants on what information Council requires to accept an application. Development Application and related applications will not be accepted for lodgement if they are inadequate in information, inconsistent, incomplete, or the required fee is not paid in full.

Development Control Plans and other applicable policies will also be freely available on Council's website. Local Environmental Plans are available on the NSW Legislation website (links are available on Council's website).

#### Pre-Development Application Meeting

Council provides site-specific advice for applicants who seek formal, paid advice prior to the lodgement of a Development Application through a Pre- Development Application meeting. Written feedback will be provided subsequent to these meetings.

All applicants are encouraged to utilise this service.

This enables applicants to discuss development concepts with Council's senior assessment planners to obtain guidance regarding the key considerations related to the development.

The application form outlines the information required prior to the meeting in order to enable Council staff to provide the most effective advice.

Council will contact the applicant with a meeting appointment.

Once plans have been received, the application may also be referred to other specialists within Council, such as engineers. Written advice will be issued by a Planning officer subsequent to the meeting.

An additional Pre- Development Application meeting maybe required when applicants prepare early concept plans for Council to consider. In this case we also advise that a comprehensive Pre-DA meeting is required prior to submitting the final Development Application so that any amendments can be made based on the advice from Council planners.

The benefits of a Pre- Development Application meeting include a dedicated Planning officer through the process, the opportunity to refine applications prior to lodgement, and subsequent more rapid assessment of lodged Development Application that have already received substantial input.

### STEP 2 - Lodgement

Applications are required to be lodged via the NSW Planning Portal.

Planning officers will review applications and associated documentation submitted via the Planning Portal to ensure completeness prior to accepting applications for lodgement. An application is not deemed lodged until it is accepted by Council and the full application fees are paid.

During the review, applications that are unclear, illegible or fail to provide required information will be returned pursuant to the relevant legislation.



However, there are circumstances where an application may be close to being ready for acceptance but the officer has identified that there is some information or clarification required. The applicant will be made aware of this and Council officers will work with them to make sure the application is assessment ready before being accepted.

### **STEP 3 – Application Assessment**

Allocation: The application is allocated to a Planning Officer.

Community Consultation:

Where required, notification of the application will occur inviting comment / submissions. While Council encourages respondents to make submissions during the notification period Planning Officers will consider any submissions that are made until determination.

Internal and External Referrals:

Applications will be referred to Council's specialists for comment where appropriate who will provide advice to the Planning Officer. Referrals will be made to external agencies in some circumstances. The Planning officer will collate all referral responses prior to the determination of an application or requesting additional information where required.

Requests for Additional Information or Amendments

If an application does not have sufficient information the Planning officer will request the information and allow for 21 days for the information to be submitted. Applicants will be advised that if the information cannot be provided in complete form within 21 days the application should be withdrawn. If the information is not provided within 21 days the application will be determined based on the original information.

Applicants are able to discuss their options to address the issues raised with the Planning Officer at this point by telephone or in a meeting if necessary.

Extensions to the 21 days' timeframe will only be granted in rare and exceptional circumstances. Requests for an extension of time will be formally considered by the Development Panel and / or Director.

If any proposed amendments to the application result in increased environmental impacts the application may be re-notified to the surrounding properties. Where required, additional fees will be charged for amending an application and for the re-notification of the application.

### **STEP 4 – Post Determination Options**

#### **4A Review of Determination**

After the determination of a Development Application, applicants have the opportunity to seek a review of determination under Section 8.2 of the Act. If an application is refused, the applicant may request a review of determination. Any Review of Determination application will be determined by another Planning officer not subordinate to the officer who determined the original application.

A review of determination must be completed within the statutory time-frames of the determination of the original application under Section 8.3(2) of the Act. Applicants should ensure that they submit their review application within two months of the determination in order to allow Council to conduct the review in most circumstances.

#### **4B Modification of consent**

After the determination of a Development Application applicants that have obtained approval have the opportunity to submit an application for modification of consent under Section 4.55 of the Act. If an applicant wishes to vary the conditions imposed on a development consent, Planning Officers will be available to discuss the conditions and wherever possible the same Planning Officer will consider the application for modification of consent.



#### **4C Other Options**

Should an application be determined as a refusal, applicants are able to lodge a new application with the benefit of the detailed assessment within the Planning Officer's report of the original application in order to address the issues. Applicants are also able to lodge an appeal to the Land and Environment Court, noting however that in most circumstances this is a longer and more expensive process.

#### **6. ROLES AND RESPONSIBILITY**

| <b>Authorised Officer</b>    | <b>Roles &amp; Responsibilities</b>                                                       |
|------------------------------|-------------------------------------------------------------------------------------------|
| Planning Officers            | Undertake assessment of all development applications in relation to this policy           |
| Co-ordinator Town Planning   | Co-ordinate the consistent implementation of the policy                                   |
| Manager Development Services | Ensure that the staff have the systems and processes in place to meet the policy purpose. |
| Director City Planning       | Retain overall oversight of the policy and its implementation.                            |

#### **7. RELATED DOCUMENTS**

##### **Legislation**

- Development Assessment Protocols
- Hawkesbury City Council's Local Environment Plan 2012
- Hawkesbury City Council's Development Control Plan
- Environmental Planning and Assessment Act 1979
- Other relevant environmental planning instruments, codes and policies.

##### **Procedures**

- Development Assessment Protocol.