

Development Advisory & Assessment Policy

Date Adopted:	23 May 2017
Council or Corporate Policy	Council Policy
Responsible Group:	Development Assessment and Regulatory Services
References & Legislation:	Environmental Planning and Assessment Act 1979

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1 Purpose of Policy

The purpose of this policy is to deliver an improved Development Application (DA) process for Council's customers. The policy will do this by:

- Providing customer-focussed services.
- Offering efficient lodgement and post-lodgement processes.
- Reducing distractions at the assessment phase to streamline the process overall.
- Facilitating innovation and continual improvement in applications.

Inner West Council will continue to 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 to all customers involved in the DA process.
- b) Achieve and enhance the effectiveness and efficiency in the assessment and decision making processes; to increase the focus of applicants on the provision of quality, complete and meritorious applications as well as reduced assessment times.
- c) To allow applicants to rapidly resolve issues prior to determination.
- d) To increase collaboration between Council and applicants for better outcomes overall for the local government area.

2 Definitions

Word/Term	Definition (with examples if required)
DA	Development Application
Pre-DA	Pre Development Application advice
The Act	<i>Environmental Planning and Assessment Act 1979</i>

3 Policy Implementation

3A Pre-Lodgement

Delivery of a customer focussed DA service within reasonable timeframes is only possible when applicants furnish appropriate, complete information at the time of lodgement. Providing skilled customer support at the pre-lodgement stage facilitates this.

Services associated with Development Assessment include:

- **Advisory:** skilled professional planners made available to customers during business hours to respond to queries and provide advice regarding applications before they are lodged.
- **Education:** Regular free information seminars conducted to provide information about the DA process and related services. These seminars are public, however reservations are required. Information regarding the DA process will also be provided on Council's website.
- **Guidelines:** detailed guides, fact sheets and checklists provided online on Council's website, for customers to consider and complete prior to lodgement. The guides and checklists will provide details for applicants on what information Council requires to accept

an application. DAs and related applications will not be accepted for lodgement if they are inadequate in information, incomplete, or the required fee is not paid in full.

Development Control Plans 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-DA:** site-specific advice provided for applicants who seek formal, paid advice prior to the lodgement of a DA through a Pre-DA application. Written feedback will be provided subsequent to these meetings.

All applicants are strongly encouraged to utilise this service.

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

Concept plans are required to be provided with an application for a formal Pre-DA. Once plans have been received, Council will contact the applicant with a meeting appointment. The application will also be referred to other specialists within Council, such as engineers and heritage advisors, and be reviewed in detail. Written advice will be issued by a Planning officer subsequent to the meeting.

Applicants who submit early concept plans are encouraged to have a comprehensive Pre-DA prior to submitting a DA. Amendments can then be made based on the advice from Council planners.

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

3B Lodgement

Planning officers will review applications and checklists provided at the DA lodgement stage to ensure completeness prior to accepting applications for lodgement.

Detailed guidance will be available on the website about the specific requirements and specifications.

Applications that are unclear, illegible or fail to provide required information will be rejected pursuant to Clause 51 of the *Environmental Planning and Assessment Regulation 2000*. An application that has been rejected is taken to have never been made, all documentation submitted to council will be returned to the applicant.

Customers will be made aware of Council's Policy when Council receives a DA including that Council will strictly enforce the 21 day time limits for amended plans or additional information. Full application fees as calculated by Council are required to be paid at this stage.

3C Post-lodgement

A seamless and efficient process will underpin the quick allocation of applications to a dedicated Planning officer who were possible will be the officer who provided Pre-DA advice.

Notification of neighbours will occur simultaneously. While Council encourages objectors to make submissions during the notification period Planning Officers will consider any submissions that are made until determination.

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. Further information about the DA process is available from Councils website.

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 can't be provided 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. Extensions to the 21 days' timeframe are at the sole discretion of Senior Council Officers, and will only be granted in rare and exceptional circumstances.

If an application can't be supported by the Planning officer, the applicant will be informed of the reasons why and be given **21 days** to either withdraw the application or submit amended plans. Applicants are able to discuss their options to address the issues raised with the Planning Officer at this point by telephone or in a face-to-face meeting if necessary.

If the applicant does not respond within the 21 day period the application will be determined with the original plans and amendments will not be accepted. No further opportunities to submit amended plans will be provided.

If any proposed amendments result in increased environmental impacts they will be re-notified to the surrounding properties. Additional fees will be charged for amended applications.

By limiting requests for further information, distractions within the assessment process will be reduced and the process streamlined overall while still providing applicants a single opportunity to address issues with the proposal that can be quickly resolved.

4 Post Determination Options

4A Modification of consent

After the determination of a DA 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.

4B Review of determination

After the determination of a DA, applicants have the opportunity to seek a review of determination under Section 8.2 of the Act. If an application is refused the applicant has the opportunity to request a review of determination that 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 6 months of the determination of the original application under Section 8.3(2) of the Act. Applicants need to ensure that they submit their application for review within 2 months of the determination in order to allow Council to conduct the review in most circumstances.

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 Officers 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, however, in most circumstances this is a long and expensive process and a review of determination provides a far speedier and cheaper process to achieve approval.

5 Policy Review

This policy will be reviewed in June 2021, if not prior.

Further policy improvements will be issued to address subsequent stages of the development assessment process.

6 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	23/05/2017	Group Manager Development Assessment and Regulatory Services	First Version
2	25/06/2019	Group Manager Development Assessment and Regulatory Services	Second Version post review and consultation with staff and Industry