



**GEORGES
RIVER
COUNCIL**

Policy for the Determination of Development Applications

Insert year approved/active 20xx

POLICY ADMINISTRATION

Dates	Policy approved 1 May 2017 This policy is effective upon its approval. Policy is due for review (up to 4 years) May 2021
Approved by	Council Meeting 1 May 2017 Council Resolution CCL-061-17
Exhibition Period	N/A
Policy Owner	Manager Development and Building Environment and Planning Directorate
Related Documents	N/A
References & Legislation	Environmental Planning and Assessment Act, 1979 Environmental Planning and Assessment Regulation 2000 Local Government Act 1993 Hurstville Local Environmental Plan 2012 Kogarah Local Environmental Plan 2012
Document Identifier	Policy #: <i>Allocated by Governance once policy is approved (includes the version number)</i> Doc : D17/56314
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

1. Purpose

The purpose of this policy is to provide a clear and transparent framework for the determination of all development applications requiring Council approval within the Georges River Local Government Area.

2. Scope

This policy applies to all development applications lodged with the Georges River Council requiring approval under the *Environmental Planning and Assessment Act, 1979* (NSW).

This policy applies to all development applications, modifications to development applications and reviews of determination. It does not apply to complying developments. It is applicable to both private and public land.

3. Definition of Terms

Term	Meaning
DCP	Development Control Plan
EPI	Environmental Planning Instrument (including a SEPP or LEP but not including a DCP) that is currently in force
LEP	Local Environmental Plan
Development Standard	<p>Development Standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:</p> <ul style="list-style-type: none">(a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,(b) the proportion or percentage of the area of a site which a building or work may occupy,(c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,(d) the cubic content or floor space of a building,(e) the intensity or density of the use of any land, building or work,

Term	Meaning
	<p>(f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,</p> <p>(g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,</p> <p>(h) the volume, nature and type of traffic generated by the development,</p> <p>(i) road patterns,</p> <p>(j) drainage,</p> <p>(k) the carrying out of earthworks,</p> <p>(l) the effects of development on patterns of wind, sunlight, daylight or shadows,</p> <p>(m) the provision of services, facilities and amenities demanded by development,</p> <p>(n) the emission of pollution and means for its prevention or control or mitigation, and</p> <p>(o) such other matters as may be prescribed.</p>

4. Policy Statement

The objectives are of this Policy are:

- To establish a decision making framework for development applications determined by the Georges River Council that is clearly articulated and easily understood.
- To facilitate the efficient processing of development applications in a consistent and timely manner.

Decision Making Hierarchy

The framework for determining development applications by the Georges River Council is based on the principle that the approach should be proportionate to the scale and impacts of the development and the risk involved to Council.

4.1 Officer Determination

Any assessment officer (except Student Planner or Consultant Planner) can approve an application where:

- The application complies with the development standards in any applicable EPI; and
- The application complies with the setback, landscaping, density, and site width controls in any applicable DCP;
- No objections have been received or objections are resolved or invalid; and
- Where a development application is within a Heritage Conservation Area or is a Heritage item, the application is supported by Council's Heritage Consultant, where a referral was required.
- The application has been reviewed and signed by a Senior Assessment staff member.

An application can only be refused by the assessing officer where there is inadequate information to properly assess an application.

4.2 Team Leader Determination

The Team Leader Development Assessment and the Team Leader Fast Track can approve any application in accordance to 4.1 and applications where:

- An application has been assessed by a Student Planner or Consultant Planner employed by Georges River Council and otherwise satisfies the above criteria for determination by the Officer.
- There is a variation to setbacks where an assessment has been undertaken that shows the setback is not incompatible with the character of the area and does not have any additional adverse impacts on neighbouring properties.

The Team Leader Development Assessment/Fast Track can refuse an application following an officer's merit based assessment of compliance with Council's LEP/DCP objectives and controls.

4.3 Coordinator Development Assessment and Manager Development and Building

The Coordinator Development Assessment and Manager Development and Building can approve any applications in accordance with section 4.1 and 4.2 and where:

- The application involves a minor variation (<5%) to a development standard in any applicable EPI.
- The application does not comply with a numerical DCP control but meets the objective of the DCP and there are no adverse impacts on neighbouring properties.

- Objections are received that cannot be resolved due to the circumstances of the site or the submissions are considered invalid

The Coordinator Development Assessment and/or the Manager Development and Building can refuse an application following an officer's merit based assessment of compliance with Council's LEP/DCP objectives and controls, where the officer has recommended the application for refusal.

4.4 Director Determination

The Director of Environment and Planning can approve any application in accordance with 4.1, 4.2 and 4.3 where:

- The application involves a minor variation (5-10%) to more than one development standard in any applicable EPI.
- The application involves a variation of greater than 10% to any development standard in any applicable EPI.
- Where objections have been received the Director is satisfied that the objector's concerns have been considered by the assessment officer in the assessment report.

The Director Environment and Planning can refuse any application lodged with Council.

The Director may, at his/her discretion refer any application to the Independent Hearing and Assessment Panel for review and determination in accordance with point 4.5 below.

4.5 Independent Hearing and Assessment Panel

An application will be referred to the Independent Hearing and Assessment Panel for approval in the following instances;

- Any Planning Proposals received by a proponent or initiated by Council (except matters related to the classification or reclassification of public land); or
- Any matter where the applicant or owner is the Council or a member of staff; or
- The application involves a variation of greater than 10% to more than one development standard in an EPI.
- Where there are a significant number of objections.
- The application involves the demolition of a heritage item, contributory item within a Heritage Conservation Area or invokes the heritage incentives provisions within an LEP; or
- Development applications accompanied by planning agreements; or
- Any application which the Director Environment and Planning (or equivalent) considers should be considered and determined by the IHAP.

5. References

Environmental Planning & Assessment Act, 1979

Environmental Planning & Assessment Regulation 2000

Local Government Act 1993

Hurstville Local Environmental Plan 2012

Kogarah Local Environmental Plan 2012

6. Responsibilities

Development Assessment Planner/ Senior Development Assessment Planner	Ensure applications are determined in accordance with this Policy.
Team Leader Development Assessment and Team Leader Fast Track	Peer review all delegated reports of officers in their teams. Ensure that applications are determined in accordance with this Policy.
Coordinator Development Assessment/ Manager Development and Building	Peer review of assessment reports prepared by Senior Planners or Team Leaders. Ensure that applications are determined in accordance with this Policy. To review the effectiveness of the Policy
Director Environment and Planning	Ensure that applications are determined in accordance with this Policy.