
Title: DEVELOPMENT ASSESSMENT & DECISION MAKING DA-POL-18

Division: Planning

Responsible Officer: Director Planning

1. INTRODUCTION

Under s377 *Local Government Act 1993* Council may delegate any function of Council (other than the items listed in the Act) to the General Manager. The assessment and determination of Development Applications and other forms of approval are functions that may be delegated.

Under s378 *Local Government Act 1993* the General Manager may in turn sub-delegate a function delegated to the General Manager by the Council to any other person (including another employee of Council).

S380 *Local Government Act 1993* requires delegations to be reviewed in the first 12 months of each term of office of the Council.

Under the *Environmental Planning & Assessment Act 1979* there are statutory obligations to determine all applications promptly (i.e. **within 40 days**). If an application has not been determined within 40 days a right of appeal to the Land & Environment Court arises.

2. POLICY OBJECTIVES

- To provide guidelines for the assessment and determination of Development Applications and other approvals for development activity.
- To enable all applications to be determined promptly in an efficient and effective manner.

3. POLICY SCOPE

This policy applies to the determination of applications and approvals under the *Environmental Planning & Assessment Act 1979* and *Local Government Act 1993*.

4. POLICY PROVISIONS

To meet the statutory provisions it is acknowledged that there needs to be a system of delegation to staff to assess and determine 'minor/routine' applications for approvals while Council retains an assessment and determination role for 'significant/controversial' applications.

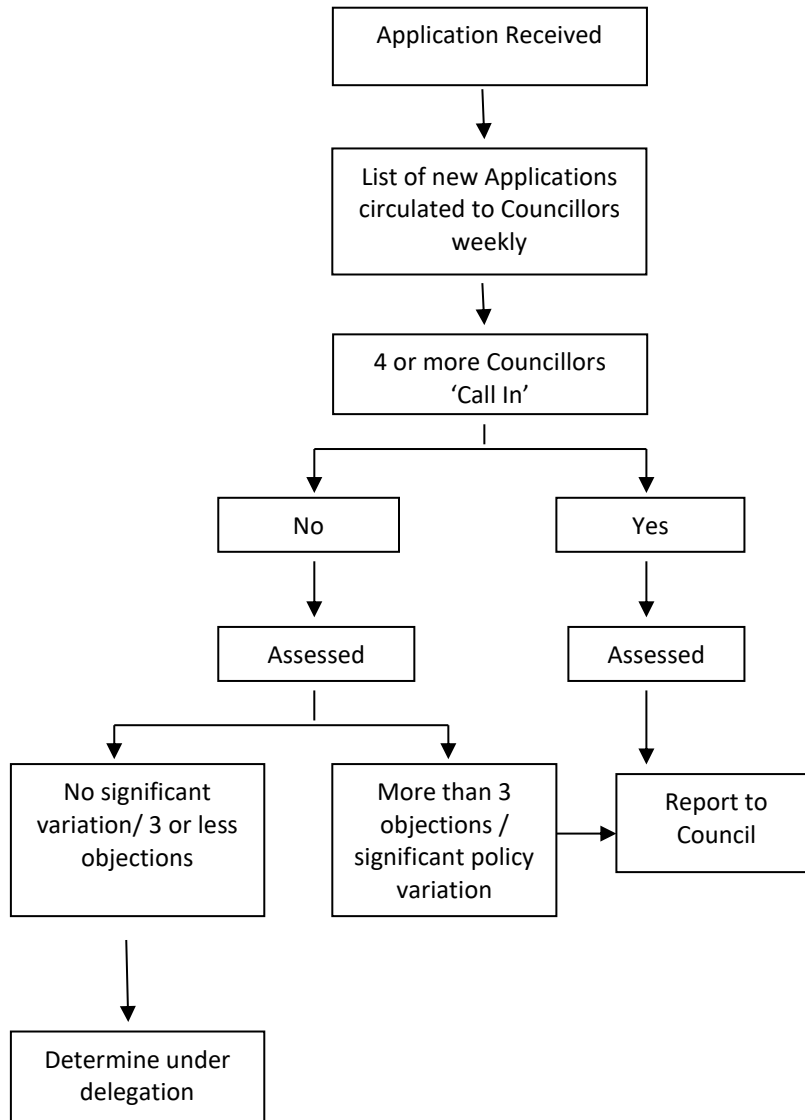
To achieve this balance the following applications will be referred to Council for determination:

- Proposal involving a significant environmental, economic or social impact on the local community
- Proposal is listed in *State Environment Planning Policy (State and Regional Development) 2011*
- Applications to be determined by the Joint Regional Planning Panel
- Applications involving more than 3 reasonable and unresolved objections
- A proposal involving a significant variation in Council policy or development standard without demonstrating an alternative solution to meeting the policy objectives
- A proposal involving a variation to the *Yass Valley Local Environmental Plan 2013* or Development Contributions Plan
- An application that seeks a review by Council of a determination made under delegated authority
- An application called in by Councillors

A list of new applications will be prepared weekly and distributed to Councillors. Any Councillors interested in a particular application can contact the Director Planning and/or inspect the application during office hours. Councillors are strongly encouraged to make these initial inquiries prior to determining whether or not seek 'call in' of the application.

For an application to be 'called in' at least 4 Councillors will need to nominate the item in writing. Those applications 'called in' will be reported to Council for determination. Applications not 'called in' will continue to be assessed in the usual way.

The following flowchart outlines the assessment and decision making process for Development Applications and other approvals.



5. REVIEW

The review of this policy will take account of relevant legislation and State Government policies, best practice guidelines and Council plans and priorities.

This policy will be reviewed following each general election of Council and the Director Planning is responsible for arranging the completion of the review.

6. LEGISLATION AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2005*
- *Yass Valley Local Environmental Plan 2013*

7. DEFINITIONS

Nil

8. RESPONSIBILITIES

Development assessment staff are required to take into account the provisions of this policy in relation to any Development Applications.

9. HISTORY

<i>EMT Review Date</i>	<i>Report to Council</i>	<i>Minute No.</i>	<i>Exhibition Period</i>	<i>Adoption</i>	<i>Rescission Date</i>
23/06/2011	13/07/2011	239		13/07/2011	
	27/03/2013	90		27/03/2013	
	24/09/2014	213		24/09/2014	
11/09/2019	23/10/2019	245		23/10/2019	

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