

Development Applications - Consideration by Council Policy

1 Purpose

The purpose of this policy is to:

1. Provide a consistent, transparent and efficient decision making process for development applications.
2. Facilitate a decision making process that is consistent with the Local Planning Panels direction given by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.
3. Establish criteria for identifying applications that will be referred to the elected Council for determination.
4. Enable merit based assessments at the appropriate level by council staff and ensure the decision making process upholds the integrity of the NSW planning system.

In excess of 95% of DAs are determined under delegated authority by Council Officers. This policy gives guidance for DAs to be considered by Council.

2 Policy

The elected Council is to determine development applications involving development of a kind specified below:

2.1 Conflict of interest

Development for which Coffs Harbour City Council is the applicant or landowner but not development for the following purposes:

- (a) Community use <\$1,000,000.
- (b) Internal alterations and additions to any building that is not a heritage item.
- (c) Advertising signage.
- (d) Maintenance and restoration of a heritage site.
- (e) Minor building structures projecting from the building façade over public land (such as awnings, verandahs, bay windows, flagpoles, pipes and services, and sun shading devices).

2.2 Contentious development

Development that is the subject of 10 or more unique submissions by way of objection.

2.3 Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

2.4 Sensitive development

- (a) Designated development.
- (b) Development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.

- (c) Development involving the demolition of a heritage item.
- (d) Development for the purpose of licenced premises (new and existing), that requires one of following liquor licences:
 - i. A club licence under the *Registered Clubs Act 1976*,
 - ii. A hotel (general bar) licence under the *Liquor Act 2007*, or
 - iii. An on-premises licence for public entertainment venues under the *Liquor Act 2007*
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.

3 Definitions

N/A

4 Key Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead councillors in their understanding of, and compliance with, this policy and guidelines.
General Manager	Executive	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with, this policy and guidelines.
Directors	All Directorates	To communicate, implement and comply with this policy and related guidelines.
Council Leaders	All Directorates	To implement this policy and related procedures.
All Council officials	Council	To implement this policy and related procedures.

5 References

- *Local Government Act 1993*
- *Environmental Planning and Assessment Act 1979*
- *Coffs Harbour Local Environmental Plan 2013*
- Local Planning Panels Direction –Development Applications – Minister for Planning 23/02/18

6 Details of Approval and revision

- **Approval date:** 25/08/2022
- **Responsible Group:** Sustainable Places Group
- **Responsible Section:** Development Assessment
- **Superseded policies/procedures:**
- **Next review date:** 28/08/2025

Table of amendments

Amendments	Authoriser	Approval ref	Date
Update to Section 2.4 (d) to also include existing licenced premises (not just new licenced premises).	Council	2022/202	25/08/2022

Amendments	Authoriser	Approval ref	Date
<p>1 Purpose: changed to include reference that this policy has been updated to promote consistency with the Local Planning Panels Direction by the Minister for Planning.</p> <p>2.1 Conflict of interest: new section and content included to promote transparency and reduce conflict of interests for Council as the applicant or land owner.</p> <p>2.2 Contentious development: new section and content included stating development subject to 10 or more unique submissions by way of objection, previously was significant public interest and community input.</p> <p>2.3 Departure from development standards: new section and content included to also include non-numerical development standards.</p> <p>2.4 Sensitive development: new section and content included to provide clarity, replaced 'Significant land use' and 'Major environmental issues.'</p> <p>5 References: new inclusion 'Local Planning Panels Direction' recognising current best practice and removed 'Planning Circular PS 08-014.'</p>	Council	2022/174	11/08/2022