

## DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

13 June 2006

<b>DSDS7</b>	<b>REVIEW OF "PUBLIC NOTIFICATION POLICY"</b>	
	<b>FILE: 126 KJW</b>	<b>{ Folio No. * }</b>

### SUMMARY:

Reporting that draft amendments to Public Notification Policy are recommended.



### Background

Following amendments to DCP 30 "Exempt and Complying Development" in May 2004, Council requested a "review of the effectiveness of the changes" and report to Council within twelve (12) months.

Whilst there have been very few complaints relating to the adequacy of Council's Public Notification Policy, it is apparent from comments received that clarification of the approval process after the receipt of a submission is required.

Section 5 of the Policy advises that Council will give notice of the determination of an application to each person who made a submission.

Persons making submissions have expressed an expectation that an application will be reported to a full Council Meeting which is not the case. Section 4 of the Policy provides the Method for Determining Applications.

- a) (i) *The Council will consider all submissions made in respect of an application.*
- (ii) *In making a determination the content of a submission must be balanced with the Councils statutory obligations. Submissions form part of the assessment of an application.*
- b) (i) *Where no submissions have been received, the delegated officer may approve the application, the matter will be discussed with the applicant and if agreement can be obtained, the application may be approved under delegated authority.*

- (ii) If a submission is an objection, which can be resolved by amendment of the application, the matter will be discussed with the applicant and, if agreement can be obtained, the application may be approved under delegated authority.*
- (iii) If a submission is an objection and the objection can be resolved by a condition of approval, the development application may be approved under delegated authority.*
- (iv) Development applications that comply with all relevant Council policies and statutory requirements will be approved under delegated authority, even where objection(s) are received, provided the relevant Council officer determines that no unacceptable impacts will result as a consequence of that development.*
- (v) Development applications for dwellings in residential areas that are subject to the requirements of DCP 22 – Local Housing Strategy, which involve only a minor departure from any development standard, may be approved under delegated authority provided no objections have been received and the requirements of Section 2(f) of DCP 22 have been met.*
- (vi) If agreement cannot be obtained to overcome and objection, and the development does not comply with relevant Council policies and statutory requirements, a précis of the objection(s) will be included in a report to Council for determination of the application. Copies of objections may be included in the report, unless otherwise requested by the objector.*

As there may be some misunderstanding when a submission is made, it is proposed to include in Section 5, that Council will acknowledge submissions and provide information to the writer of the submission on the Method for Determining Applications [\(Appendix J\)](#).

#### **REPORT IMPLICATIONS:**

- ***Environmental***

***Provide a Policy for the notification of applications which Council can then assess in accordance with Environmental Planning and Assessment Act.***

- ***Social***

***Provide an opportunity for the public to participate in the development assessment.***

- *Economic (Financial)*

*Policy does include a Section "Fees and Charges" which will identify the fees applicable for full cost recovery of the service.*

- *Policy or Statutory*

*To provide a Policy and to set out Council's requirements for the notification and advertising of development applications.*

**RECOMMENDATION**

**That Council endorse the change to Council Policy C23-22 "Public Notification" to Section 5 as detailed in the report.**

**That the information be noted.**

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**R B Pitt**

**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**