



POLICY NO: CCC003

# **POLICY FOR DETERMINING DEVELOPMENT APPLICATIONS SUBJECT TO SIGNIFICANT PUBLIC OBJECTION**

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**CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL**

<b>AUTHOR SIGNATURE</b>	
<b>COUNCIL RESOLUTION DATE</b>	26 October 2016

**History of Revisions:**

Version	Date	TRIM Doc. #
1.0	27 July 2016	D12414552
2.0	28 September 2016	D12467993
3.0	4 November 2016	D12521787

**A. POLICY SUMMARY**

- A1 The purpose of this policy is to establish a framework for the determination of Development Applications under the Environmental Planning and Assessment Act 1979, which are subject to significant public objection.

**B. POLICY BACKGROUND**

- B1 The *Environmental Planning and Assessment Act 1979* provides for public participation as part of the assessment process for certain Development Applications. Where required, development applications are publically notified and during the notification period, any person may make written submissions to the Council with respect to the development application.
- B2 Submissions on development applications must be made in writing and lodged with Council within the notification period. This period may be extended by Council where it is considered appropriate.
- B3 Council must consider all submissions received within the notification period in its assessment of the relevant Development Application.
- B4 Submissions assist Council in being aware of relevant issues and community concerns when determining an application.
- B5 The Group Leader Environment and Planning, has Delegation to determine development applications regardless of the number of submissions received in response to the public notification period.
- B6 It is appropriate that development applications that are subject to significant public objection are reported to an Ordinary Meeting of Council for determination.

**C. DEFINITIONS**

- C1 **Administrator** means any person appointed as an administrator of Central Coast Council pursuant to the *Local Government Act 1993*.
- C2 **Business Update** means a notice distributed by the Group Leader (or his/her nominee) to Councillors and/or Administrator(s) (as appropriate).
- C3 **Call Up Request** means a written request from an Administrator or not less than two Councillors to the CEO (Chief Executive Officer) or Group Manager requesting that a nominated Development Application be reported to an Ordinary Meeting of Council, for consideration and determination by Council at that Meeting.
- C4 **CEO** means the person appointed to the statutory position of General Manager or CEO of Council.
- C5 **Council** means Central Coast Council.
- C6 **Councillor** means a person holding civic office in Council.
- C7 **Delegation** means delegation of functions to determine Development Applications given to the CEO pursuant to s. 377 of the *Local Government Act 1993* or given by the CEO to other Council staff pursuant to s. 378 of that Act.

- C8 **Development Application** means an application made to a consent authority, generally Council, under Part 4 of the *Environmental Planning and Assessment Act 1979* seeking consent to undertake development of land.
- C9 **Group Leader** means the person appointed to or acting in the position of “Group Leader, Environment and Planning” of Council.
- C10 **Notification Period** means the statutory period during which submissions may be received, as determined by the *Environmental Planning and Assessment Regulation 2000* or the relevant Development Control Plan applicable to the land. The statutory period may be extended by Council where it is considered appropriate.
- C11 **Petition** means a written submission that is signed by three (3) or more people and provides the objectors name and address, whether lodged electronically or in a physical format.
- C12 **Submission** means a written response received by Council as a result of the public notification of a Development Application which includes the objectors name and address, whether lodged electronically or in a physical format.

**D. POLICY STATEMENTS**

**Jurisdiction**

- D1 This policy covers Councillors, Administrators, all Council employees and all persons and organisations contracted to or acting on behalf of Council.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the CEO.

**General**

- D3 The procedure for assessing Development Applications is subject to and prescribed by the *Environmental Planning and Assessment Act 1979*. This policy does not impact on the statutory obligation to consider submissions as part of the development assessment process.
- D4 Nothing in this Policy prevents an Administrator or a group of two or more Councillors from requesting that a Development Application be reported to an Ordinary Meeting of Council.

**E. POLICY IMPLEMENTATION – PROCEDURES**

- E1 This policy should be read in conjunction with the Central Coast Council Code of Conduct.
- E2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

**Procedure for determining Development Applications subject to significant public objection**

- E3 Development Applications subject of less than 25 objections and/or petitions totalling less than 50 signatures will be determined under Delegation, unless a Call Up Request is received by the CEO or the Group Leader.
- E4 Development Applications subject of 25 to 50 objections; or petitions totalling 50 or more signatures will be the subject of a Business Update that outlines the number of

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submissions and/or petitions received and the issues that were raised. Councillors or an Administrator may decide whether to give a Call Up Request to the CEO or the Group Leader. If no Call Up Request is received then the Development Application will be determined under Delegation.

E5 Development Applications subject of more than 50 objections (not including petitions) will be reported to an Ordinary Meeting of Council for consideration, unless:

- i. The application is recommended for refusal; or
- ii. Changes have been made to the proposed development that, in the opinion of the Group Leader, have adequately addressed the issues raised during the Notification Period and there was a reduction in the number of objections (to less than 50) as a result of any later re-notification.

In the event of E5 (i) or (ii) as described above, the Group Leader will provide a Business Update as detailed in E4.

E6 Associated documents

- Council's adopted *Code of Conduct*
- Council's Delegation Register
- *Wyong Development Control Plan 2013*
- *Gosford Development Control Plan 2013*
- *Environmental Planning and Assessment Act 1979*