

Guidelines for Referral of Development Applications to Council and Independent Assessment of Development Applications

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Part A – Circumstances Where Development Applications Should be Referred to Council for Determination

Generally, Council should be involved in the determination of applications which:

- are not able to be delegated.
- have significant environmental, social or economic impacts;
- are of significant monetary value;
- result in significant issues that relate to the public interest; or
- result in creating a new or significant variation to a Council policy or stance.
- may result in a real or perceived conflict of interest.

Having regard to the above following types of development applications should be referred to Council.

1. Where there are legislative requirements which require the application to be dealt with by Council e.g. certain buildings on Community Land (section 47E and 377 of the Local Government Act 1993).
2. Where the application is for a major development exceeding \$5 million in value.
3. Where the application is for a major subdivision exceeding 50 or more lots.
4. Where the application is for a Designated Development.
5. Where the application is for the demolition of any building listed as a Heritage Item and the Heritage Advisor or QPRC Heritage Advisory Committee is not supportive of the demolition.
6. Where concurrence is required by a referral authority and that authority will not issue that concurrence.
7. Where the application involves a significant variation to a requirement in a development control plan and that variation would have a significant environmental impact or where a variation of development standards is sought under the provisions of Clause 4.6 of a Local Environmental Plan.
8. Where written submissions are made to Council resulting from the notification of a development application and valid concerns have been raised which cannot be overcome with a condition of consent and where submissions relate to substantial adverse material impact and where plans cannot or will not be amended to overcome such concerns.
- 9.. Where the General Manager receives a request signed from three Councillors to have the development application referred to Council for determination.
10. Any other application as determined by the General Manager or Director Development and Environment where they may consider the application to be significant, result in policy implications or is in the public interest.

Part B – Guidelines for Circumstances under which Development Applications should be Independently Assessed.

Generally, independent assessment of development applications should be required where:

- Council is the owner of the land and proposes to develop the land for a purpose which would be in competition with other commercial business; or
- Council is the owner of the land and the sale of the land is dependent on the approval of that development application, or
- Council stands to gain financially as a result of the decision in respect of a development application.

Generally, Council does not require independent assessment of development applications where:

- Council is the applicant and the proposed development is for the creation of service infrastructure such as reservoirs, roads, service mains, pump stations, earthworks, sportsfields, playgrounds, fencing or the like.
- Council is the applicant and the proposed development is for the creation of community infrastructure such as amenities buildings, changerooms, grandstands, storerooms, utility rooms, depots and waste facilities, administration offices and facilities, street furniture, signage, community centres and the like.

Where such situations arise the following guidance is recommended:

1. An independent Town Planning assessing officer shall be through the services of a suitably qualified consultant Town Planner. The appointment of an independent assessing officer shall be arranged by the Manager Development with the approval of the Director Development and Environment.
2. A Town Planning Officer from within Council's Development Branch shall be nominated as the coordinating officer.
3. The appointed independent assessing officer shall be consulted regarding the level of public notification required for the development application. The coordinating officer will undertake the notification and exhibition of the development application in accordance with the independent assessing officer's instructions.
4. All requests from the independent assessing officer for further information, plans etc. are to be followed up by the coordinating officer and documentation received is to be immediately forwarded to the independent assessing officer by the coordinating officer.
5. The development application shall be available for public inspection at Council offices and online.
6. All submissions are to be forwarded to Council's Development Branch. The Town Planning officer appointed to coordinate the process shall be responsible for ensuring that all objections received are forwarded to the independent assessing officer.
7. Where the independent assessing officer deems it necessary to meet with the applicant or submitters, the arrangements for such a meeting shall be the responsibility of the nominated Council coordinating officer, in consultation with the independent assessing officer. The appointed coordinating officer shall sit in on the meeting as an observer.
8. At the end of the public notification period the coordinating officer is responsible for ensuring that the independent assessing officer has all the documentation held by Council in respect of the development application including all relevant Council policies as soon as possible, LEP's and standard conditions that are required to carry out the assessment of the application.

9. The independent assessing officer shall supply to Council a written report outlining his or her assessment of the application in accordance with the requirements of the *Environmental Planning and Assessment Act 1979 (as amended)* including a recommendation and where appropriate, the conditions of consent that are deemed necessary.
10. The independent assessing officer's report shall be reproduced in full within the Council Agenda without alteration. Council's coordinating officer shall be responsible for ensuring that the report is included in the relevant Council Meeting agenda and for checking the report for any omissions or errors in the reproduction.
11. Where possible, the independent assessor will be required to attend the meeting when the Council is determining the application.
12. Following determination of the development application the appointment of Council accredited certifiers for the purposes of issuing a construction certificate or acting as the private certifying authority shall only be permitted where it accords with the guidelines in the *Building and Development Certifiers Act 2018*.