

1 Introduction

This Development Application Management Policy (“Policy”) sets out the framework for handling unclear, non-conforming, insufficient and amended applications.

2 Applications to which this policy applies

This Policy applies to all development applications, modification applications and review of determination applications (hereinafter collectively referred to as “development applications”). This policy is effective from 20th March 2017 and applies to all currently undetermined applications within Council.

3 Purpose of Policy

- a) to facilitate the efficient processing of development applications;
- b) to make clear Council’s expectations of the quality of development applications lodged with Council; and
- c) to ensure a consistent approach in the assessment of development applications

4 Processing of development applications

Applications are processed in accordance with the Environmental Planning and Assessment Act 1979 and Regulations 2000, Strathfield Local Environmental Plan 2012, Strathfield Development Control Plan 2005 and other relevant planning policies and documents.

Internal and external referrals are required for some applications and the assessing officer will take into consideration the comments received when determining the development application.

4.1 Illegible or unclear development applications

- 1) Clause 51 of the Environmental Planning and Assessment Regulation 2000 provides that Council may reject a development application within 7 days after receiving it if the application is illegible or it is unclear as to the development consent sought, or the development application does not contain any information, or is not accompanied by any document, specified in Part 1 of Schedule 1 of the Regulations (Part 1 of Schedule 1 can be found in attachment 1).
- 2) Where a development application is illegible or unclear, the applicant will be notified in writing within seven (7) days of lodgement of the application and advised the application has been rejected.
- 3) An application that is rejected is taken to have never been made, and Council will

refund the applicant in full all fees paid in relation to the application.

4.2 Requests for further information

- 1) Clause 54 of the EP&A Regulation 2000 allows council to request additional information about the proposed development to allow for the proper consideration of the application.
- 2) Council will generally carry out an initial assessment of the application within fourteen (14) days of the application being lodged with Council.
- 3) Council will require any additional information to be provided within fourteen (14) days.
- 4) Council will apply 'stop the clock' provisions until:
 - a) all necessary information is received, or
 - b) the applicant notifies Council the information will not be provided, or
 - c) the application is determined.
- 5) If the requested information has not been received at Council within 14 days of the date of the written request and no request for an extension of time has been received, the development application will be determined on the information available and may be refused.
- 6) Council will only agree to a further extension of time if it is satisfied that genuine extenuating circumstances have prevented the provision of the additional information within the requested time. For this to occur the applicant is required to submit in writing their reasons for seeking a further extension and outline a possible timeframe for the submission of the information. **Only one (1) extension of time will be permitted for a maximum of a further fourteen (14) days.**
- 7) The applicant will be notified in writing of the decision.
- 8) In the event an extension is granted, if the additional information is not provided after the expiry of that period, the application will then be determined on the information available and may be refused.
- 9) If the information submitted is inadequate for relevant Council staff to make a proper assessment of the application, an external consultant with appropriate expertise such as a Heritage Consultant or Traffic Engineer may need to be engaged. The applicant is to absorb the full cost of this. Any such engagement shall be in accordance with Council's procurement terms and conditions, and will not be authorised without the applicant's consent. Should consent not be granted, the application will be determined on the information available and may be refused.

4.3 Applications not confirming with the relevant planning controls

- 1) New development is expected to comply with all relevant policies.

- 2) Where Council is of the opinion that a development application significantly breaches the planning controls and objectives contained within the *Strathfield Local Environmental Plan 2012*, *Strathfield Consolidated Development Control Plan 2005* and/or any other relevant legislation and policies, Council will request in writing that the applicant modify or withdraw the application within fourteen (14) days from the date of the written request.
- 3) **Only one (1) opportunity will be given to the applicant to amend the development application to the satisfaction of Council.**
- 4) A fee for the lodgement and notification of amended plans (if notification is required) will be charged as per Council's adopted Fees and Charges.

4.4 Acceptance of amended applications (not requested by Council)

- 1) Should an amended application be received prior to determination, Council will consider whether the changes are substantial in relation to the original application.
- 2) Should the amended application involve substantial change, Council may:
 - a) reject the amended application and determine the original proposal; or
 - b) request the applicant withdraw the original application.
- 3) If the amended application is accepted, a fee for the lodgement and notification of amended plans (if notification is required) will be charged as per Council's adopted Fees and Charges.

5 Advice to person(s) considering lodging a development application

- Become familiar with Council's planning policies and codes including any draft planning documents on exhibition
- Speak to the adjoining land owner's/occupants in the design phase of the development
- Comply with all planning legislation, policies and codes. New development is expected to comply with all relevant policies.
- Attend a pre-lodgement meeting with Council staff and follow the advice given
- Follow Council's Development Application Lodgement Guidelines and submit all of the required information at the time of lodgement of the application

Amendments

<i>Date</i>	<i>Clause</i>	<i>Amendment</i>

Review

<i>Last date of review</i>	<i>Comments</i>
15 March 2017	