

**o-EP8 Shire Significant Developments**

REF: DEP

5302

Reporting on a schedule of development types that will be classified as 'Shire Significant.' The processing of such applications will be given some priority by staff.

REPORT

BACKGROUND

An Information Session for Councillors was conducted on Wednesday 5 April to discuss a range of matters revolving around Development Applications. One of the topics was Shire Significant Development which was covered in Chapter 4 of the discussion paper that was prepared for the Information Session. See **Attachment 1** to this report.

WHAT IS SHIRE SIGNIFICANT DEVELOPMENT?

Shire Significant Development is development that is of a type or scale so as to have the potential to make a significant contribution to the Shire's economy. This could be through construction jobs, long term employment opportunities, significant tourist related activities or significant residential development.

It was agreed at the Information Session that it would be advantageous for both applicants and staff alike if it was acknowledged by Council that certain development types should be identified to ensure a more certain timeframe for consideration. If a development is "shire significant", the assessment process is no less vigorous, but it is anticipated it will be more predictable in terms of time frames and reporting procedures. Staff will not exercise delegated authority for "shire significant" development.

**Attachment 2** to this report is the Schedule of Shire Significant Development agreed to by Councillors at the Information Session. It includes the protocol for such development which sets out the responsibilities that both Council and the applicant will meet when dealing with "shire significant" development.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

The assessment and determination of significant development proposals is an important workload of the Council. It is appropriate that applicants of such applications be provided with a more well defined timeframe and process for consideration of their applications.

It should be clearly set out in Council's Management Plan how Council operates in relation to development assessment and determinations for "shire significant" development.

POLICY IMPLICATIONS

In relation to "shire significant" Development Applications, it is important that Council operate within a policy framework. It is recommended that this framework be provided by the adoption of the Schedule of Shire Significant Development attached to this report and be supported by Council recognising that "shire significant" DA's will receive some priority in processing above other DA's within the system.

## BUDGET IMPLICATIONS

There is no additional development assessment fee proposed for “shire significant” development, so in that sense there is no budget implication.

## CONCLUSION

The adoption of a Schedule of Shire Significant Development is a recognition that certain development types should be provided with a more certain development assessment process and timeframe, in the same way that the State Government has provided for State Significant development.

The level of assessment scrutiny for “shire significant” development is not of a lower standard and no additional fees are required.

## ATTACHMENTS

There are two attachments to this report:

1. Extract of Chapter 4 from the discussion paper prepared for the Councillor Information Session held on 5 April
2. Proposed Schedule of Shire Significant Developments

## RECOMMENDATION

1. THAT Council adopt the Schedule of Shire Significant Developments as set out in Attachment 2 to this report.
  2. THAT as a matter of procedure, Council endorse the Charter of Responsibilities for Shire Significant Development as set out in Attachment 2 to this report.
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## 4. Shire Significant Development

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In December 2005 Council resolved to prepare a 'priority development assessment protocol' for larger scale developments (see **Attachment 5** for copy of report to Council).

The Council resolution stated:

*"The suggestion of a 'Priority' Assessment Policy for specified development applications be referred to the Works & Planning Committee for consideration."*

A draft protocol has been formulated and this forms **Attachment 6**. The protocol is in two parts:

Part One: - Outlines the objectives of the policy and the responsibilities and expectations of each party involved in the process.

Part Two: - Outlines the types of development that would qualify for the priority assessment process. This schedule is based around Schedule One – State Significant Development under the Environment Planning and Assessment Act 1979.

In effect, the adoption of such a priority protocol will result in a 3 stream division of development Applications within the assessment branch.

1. Fast track – single dwelling residential development, changes of use,
2. Shire Significant – Schedule to be as adopted by Council
3. Other development – that not covered by points 1 or 2

The concept of giving priority to certain types of applications will assist staff who are continually faced with juggling the competing demands of applicants for their time. Currently each planning officer has in the order of 40-50 outstanding applications with each individual applicant believing theirs is the highest priority. Provided the Shire Significant Schedule does not become all encompassing, it will assist the staff in programming their work to meet more specific timeframes. It will of course lead to occasions where applicants of Category 3 development are shuffled down the queue and this is unlikely to be well received. It will be important in these instances that Councillors are prepared to support the priority system.

The draft protocol is supported by the Economic Development Committee as it will provide greater certainty in terms of timeframes for major projects as well as potentially quicker turnaround times for those projects.

The policy should be publicly exhibited to allow feedback from the community prior to final adoption.

**Priority Development Application Assessment**

**Protocol for Shire Significant Development – Part One**

**Objective:**

To provide a timely and efficient development assessment process for proponents of developments that have employment generating or capital expenditure levels identified within this policy.

**Charter of Responsibilities:**

Wingecarribee Council has adopted this protocol on the basis that parties have certain responsibilities in ensuring all necessary information is submitted and communication between applicant and Council occurs. Applications that fall into the categories set out within the Schedule to this protocol will be given a higher priority in terms of allocating staff resources to their assessment. Council therefore expects all aspects of this protocol to be followed in return for this priority assessment process.

**Applicant responsibilities**

- a) Applicants to attend Pre-lodgement discussions with appropriate Council Staff. The Manager Development Control or Director Environment Planning is to attend at least one of those pre-lodgement discussions.
- b) Pay associated meeting costs as specified in Council's adopted Revenue Policy.
- c) Ensure all reports, plans, documents and studies as specified in the pre-lodgement discussions are provided. To then lodge the Development Application at a time agreed with Assessment staff, complete with adequate copies of all plans, reports, and documents to Council specification and pay all required fees.
- d) To provide timely, accurate and detailed responses to requests by Council for further or additional information directly related to the determination of the development application.

**Council's responsibilities**

- a) To provide staff with adequate skill levels, inclusive of Manager Development Control and Director Environment and Planning, to conduct pre lodgement discussions and meetings to ensure they are useful and productive meetings.
- b) To provide an Assessment Officer as the responsible officer to act as a contact point to manage all enquiries in relation to the Development Application. The responsible officer to be available to peruse the Development Application and supporting information at the time of lodgement subject to appointment. NB no detailed assessment can occur at this point of time.

- c) To refer the application through internal staff and to external authorities and commence neighbour notification or advertisement within five (5) working days of receipt of application. To refer the matter to next available internal Council Committee(s) for assessment as required.
- d) To co-ordinate via assessment officer a written response on Council's progress assessment and the response of government authorities within thirty five (35) working days from receipt of application. If government authority responses are not received at this point in time, this will be noted as an outstanding item that may result in a request for additional information / reports / requirement / redesign to be undertaken. Council will forward these government responses upon receipt to the applicant for action.
- e) To refer further information received from the applicant to government authorities and internal Council Staff as required within two (2) days of receipt of that information. To then respond to information submitted to satisfy any Council request for further information within twenty (20) working days. If government authority's responses are not received at this point in time, this will be noted as an outstanding item that may result in a request for additional information/reports/requirements/redesign.
- f) Report the matter to next available Works and Planning Committee subject to any additional information will being submitted by specified deadlines to enable Council staff time to assess and report on the information received. Any report will contain a draft set of conditions that are as complete as detail allows at that point in time.
- g) Upon determination of the matter by Council a final written determination will be provided within five (5) working days of that Council meeting.

**Priority Development Application Assessment**

**Protocol for Shire Significant Development – Part Two**

1. Agriculture Mining or Extractive Industries

- a) Any development that employs the equivalent of 10 or more full time positions;  
OR
- b) Any development that involves an estimated construction value of \$5 Million or more.

2. Manufacturing Industries, Distribution or Storage

- a) Any development that employs 30 or more full time positions; OR
- b) Any development that involves an estimated construction value of \$10 million or more.

3. Commercial or retail development

Development for the purposes of commercial, retail or other business projects that involve an estimated construction value of more than \$5 million.

4. Tourism, Hotels, Motels and Recreational Facilities

- a) Any development that employs the equivalent of 20 or more full time positions;  
OR
- b) Development for the purposes of residential, commercial, retail or other construction projects that involve an estimated construction value of more than \$3 million.

5. Residential development

Residential subdivisions creating 50 or more new allotments or multi dwelling developments of 20 or more dwellings

6. Other Projects

Any other development project that involves an estimated construction value of more than \$5 million or employs the equivalent of 20 or more full time positions.

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**MN 103/06**

**MOTION** moved by Clr M Murray and seconded by Clr M King:

1. **THAT** as a matter of procedure, Council endorses the Charter of Responsibility for the Shire Significant Development.
2. **THAT** Council adopts the Schedule of Shire Significant Developments as set out in Attachment 2 of the report with the following amendments to Part 2 as follows:

**“Priority Development Application Assessment  
Protocol for Shire Significant Development – Part Two**

1. **Agriculture Mining or Extractive Industries**
  - a) Any development that employs the equivalent of 10 or more full time positions; OR
  - b) Any development that involves an estimated construction value of \$5 Million or more.
2. **Manufacturing Industries, Distribution or Storage**
  - a) Any development that employs 20 or more full time positions; OR
  - b) Any development that involves an estimated construction value of \$5 million or more.
3. **Commercial or retail development**

Development for the purposes of commercial, retail or other business projects that involve an estimated construction value of more than \$5 million.
4. **Tourism, Hotels, Motels and Recreational Facilities**
  - a) Any development that employs the equivalent of 20 or more full time positions; OR
  - b) Development for the purposes of residential (other than single private residences), commercial, retail or other construction projects that involve an estimated construction value of more than \$3 million.
5. **Residential development**

Residential subdivisions creating 50 or more new allotments or multi dwelling developments of 20 or more dwellings.

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6. **Other Projects**

*Any other development project that involves an estimated construction value of more than \$5 million or employs the equivalent of 20 or more full time positions.”*

3. **THAT** *the protocol be publicly exhibited for a period of 28 days and that a further report come back to council at the conclusion of this exhibition.*
4. **THAT** *the amounts detailed in 2. above be increased by the Consumer Price Index All Groups Sydney on an annual basis.*
5. **THAT** *this protocol be reviewed in February 2007.*

**PASSED**

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