



Planning &
Environment

Development Assessment Best Practice Guide

To assist councils to improve delivery timeframes

March 2017



Foreword



A strong economy and booming job market makes New South Wales (NSW) a place where people want to live.

That's why more people are moving here from interstate and fewer people are leaving.

It's also the strong economy that gives us a chance to think innovatively about how we can approve new homes faster to meet projected growth. NSW will need to provide homes for another 2.1 million residents by 2036.

Councils play a vital role in delivering housing in NSW, as they process and determine the majority of development applications (DAs).

The DA process is a key link in the housing supply chain and impacts on how efficiently new housing can be delivered to the market.

In recognition of this, the Premier of NSW has set a priority for faster housing approvals, with a target of 90 per cent of housing approvals to be determined within 40 days.

That's why we have developed the Development Assessment Best Practice Guide – to assist in delivering the Premier's housing target.

The guide has been tested in a pilot project, which has shown that when best practice processes and procedures are applied, determination times improve.

Councils are the experts in local development, and this guide has been developed in collaboration with a steering committee of councils, to draw upon their expertise and to ensure the guide reflects the needs of council staff.

To ensure this guide reflects the needs of councils and those submitting DAs, it will be reviewed six months after release which will allow councils to evaluate the guidelines and provide feedback.

The NSW Planning Portal is another key resource that will work hand-in-hand with the guide to provide faster housing approvals. The portal will soon have the functionality for online lodgement of DAs, which will significantly improve the DA process, bringing great benefits to council staff and, to the lives of people in NSW.

Currently, a number of individual councils allow some applications to be lodged electronically. The new portal will become the central point for all online DA lodgement and complying development certificates.

The guide will help councils focus on delivering a high level of service to their customers prior to lodgement, so they receive an assessment ready DA.

Receiving assessment ready DAs will create a more efficient assessment process, which will lead to improved service for all customers and faster housing approvals for the people of NSW.

A handwritten signature in black ink, appearing to read 'A Roberts', written over a white background.

The Hon Anthony Roberts MP
Minister for Planning and Housing

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Introduction

Boosting the supply of homes in NSW in a timely matter is a key priority for the NSW Government for a number of reasons:

- It will provide certainty to the housing market by bringing new housing online sooner – making it easier for people to find or build homes.
- It will help meet demand as Sydney plans for an additional one million people over the next 10 years.
- Building new and sustainable communities and increasing supply is important for housing affordability.
- A strong housing market is integral to the NSW economy – driving investment, and generating jobs and wealth.

The development assessment process is a key link in the housing supply chain and impacts on how efficiently new housing can be delivered to market. In recognition of this the Premier of NSW has set a priority for **Faster Housing Approvals**, with a target of 90 per cent of housing approvals to be determined within 40 days.

The majority of development applications (DAs), including housing applications, are processed and determined by local government which means that councils play a vital role in delivering housing in NSW. In light of the Premier’s target it is timely to review development assessment processes to identify opportunities for improvement for all DA types.

In recent years there have been a number of initiatives to improve the approval process for housing. This includes the introduction of complying development to fast track approvals for simple housing and other development types. Where such applications meet certain criteria they can be determined by a council or accredited certifier without the need for a full DA. The NSW Government is committed to ongoing improvement to the complying development system to make it easier and therefore more attractive to people wanting to build a home.

The government will soon launch its online application lodgement system, which will be a component of the NSW Planning Portal. The system will transform the development assessment process, creating a single point where applicants can access information about what is needed for an application and submit it.

Underlying the online lodgement system are the Secretary’s Requirements which will replace Schedule 1 of the *Environmental Planning and Assessment Act 1979*. These set clear minimum requirements for applications including administrative and technical documentation. The aim of the Secretary’s Requirements are to ensure that once an application is received it is fit for assessment and determination purposes.

To complement these initiatives and to assist councils in meeting the Premier’s target, and to improve the processing of all DAs, the Department of Planning and Environment, in collaboration with Camden, Campbelltown, Central Coast, Canterbury-Bankstown, Blacktown, Liverpool and Parramatta councils, has prepared this Development Assessment Best Practice Guide (the guide). The guide is a collection of best practice assessment processes as identified by leading local government practitioners.

The guide promotes a number of underlying principles that, if consistently applied throughout the assessment process, will lead to improved determination times. The guide draws on leading practices and procedures being used by councils which have proven to assist in the timely determinations of DAs.

These include:

- Targeted pre DA services.
- Efficient lodgement and triage practices.
- Notification procedures commensurate with impacts.
- Corporate accountability for assessment timeframes in the form of key performance indicators.
- Delegations that support a consistent, targeted and efficient decision making process.

Importantly, the principles, procedures and practices adopted in this document should be used to guide the assessment and determination of all local and regional DAs to ensure that efficiency gains are achieved for all types of applications.

The guide has been prepared for use by:

- *Customer service staff* – the first point of call either at the front counter, over the phone or responding to electronic correspondence.
- *Assessment officers* – building surveyors and planners who are responsible for assessing applications.
- *Senior assessment staff and management* – usually those who have delegations to determine applications. Generally, from the senior planner level up to the director and general manager.
- *Technical officers* – engineers and others who provide specialist advice as part of the development assessment process.
- *Administration officers* – administrative professionals, including administration officers to decision making authorities, who support the development assessment process.
- *Elected government officials and other decision makers* – councillors or panel members in understanding their roles and responsibilities in the development assessment process.

This guide promotes best practice principles and approaches for those directly interacting with the council development assessment process and is consistent with the automated actions that take place when an application is submitted on the NSW Planning Portal.

Unless stated otherwise, reference to days within the guide equates to calendar days.



***Best practice
principles and
approaches
underpinning the
assessment process***



This guide addresses the procedure and process of the assessment, not the assessment merit.

To ensure that the majority of determinations can be delivered within the 40 day target timeframe, the following procedural principles should be adopted:

Investment in the pre-lodgement stage:

The quality and adequacy of DAs, the speed in which they can be assessed and determined, and the standard of the built form outcome are generally influenced by the amount and type of resources councils invest in the pre-lodgement stage.

Councils that invest time and resources at the pre-lodgement stage receive applications that have better responses to policy and compliance requirements. The lodgement of an 'assessment ready' DA allows the assessment officer to focus on assessing and determining the application rather than liaising with the applicant to get the application to a standard where it can actually be assessed. Better quality of information also allows the assessment officer to have a thorough appreciation of the proposal and its built form implications.

Formalise assessment timeframes within council:

Adopting clear performance targets for council staff relating to assessment timeframes ensures that the development assessment process is transparent, accountable and outcomes focused.

Jurisdictional comparisons across Australia indicate that consent authorities that have statutory timeframes and/or implement key performance criteria at senior levels are more likely to have good delivery timeframes.

Councils should adopt key performance indicators in line with the Premier's target as follows:

- General manager/director/team leaders: 90 per cent of DAs determined within 40 days.
- Team leaders/assessing officers/referral officers: Undertake assessment stage within 35 days.

Delivery focused assessment processing:

Establishing a culture that supports efficient and consistent development assessment – driven by the assessing officer, and supported by all levels of management and services – is fundamental to improving delivery times.

Applications that are not capable of being assessed and determined on the information submitted at lodgement are likely to have resource implications for assessments, workloads and morale.

Issues and concerns regarding design and compliance should be resolved as far as practical during the pre-lodgement stage. Where DAs are deemed deficient following lodgement, the applicant should be encouraged to withdraw the application, it should be rejected or it should be determined on the information before council. Councils that have adopted a corporate and performance based approach to the assessment of DAs have demonstrated improved assessment timeframes and increased staff satisfaction. To deliver a consistently corporate based approach to development assessment requires all users to be clear on their respective roles, accountabilities and responsibilities during the process. To achieve this, an Assessments Efficiency Partnership Agreement has been prepared to provide clarity around the roles of the different users of this guide and how all individuals in the process should work together to drive efficiency. The agreement is included as Appendix A.

Standardise:

The adoption of standardised processes and procedures can help to reduce assessment timeframes – these may include standardised report templates, conditions, delegation instruments, policies around notification, ‘Stop the Clock’, advertising, and operational procedures for decision making forums.

Development standards and development controls should be streamlined. Adopting performance based development controls, as opposed to traditional prescriptive instruments will generally lead to better planning outcomes and help ensure that requests for variations are minimised and do not become standard practice.

Councils are encouraged to adopt all necessary measures to support the assessment officers and establish a more efficient development assessment process.

Business system improvement and online tools:

Councils with high volumes of DAs should implement measures to enable digital management of all development assessment processes including lodgement, assessment, determination and file management. Councils that have invested in software to manage lodgement, assessment and determination of DAs have reduced assessment and administrative workloads. Digital business systems also provide a more integrated and secure document management system, reduce the cost of archiving and they consolidate property information in a centralised and accessible manner.

Such software can also assist integration with the NSW Planning Portal.

Incentives:

Incentives are an important driver for applicants, and can be leveraged by councils to reduce assessment timeframes.

Successful initiatives that have been adopted by some councils include:

- Fast tracked assessment process for applications that have been subject to pre-lodgement meetings or panels.
- Fast tracked assessment process for applications that are fully compliant and do not require notification or referral.
- Refunds or partial refunds on lodgement fees for applications that are withdrawn at the Preliminary Assessment stage for being incomplete or inadequate.

Assessing officer workloads:

In general, assessing officers are capable of achieving the 40 day assessment timeframe when they manage up to 25 relatively straightforward DAs at any one time.

Where officers have more than 25 relatively straightforward DAs, and/or where a significant proportion of the applications are complex, assessment timeframes increase proportionally.

Level of assessment officer support for applicants during the assessment process:

It is the practice of some councils to provide a high level of ongoing support throughout the assessment process for certain applicants, including 'Mum and Dad' applicants. While the rationale behind this business practice is acknowledged, it is counter intuitive to a timely determination. Such practices include:

- Consistently accepting incomplete and inadequate applications.
- Ongoing discussions around design and compliance related issues that should have been resolved or agreed to at the pre-lodgement stage.
- Issuing multiple Stop the Clock and Further Information requests.
- Allowing lodgement of multiple revisions of architectural plans.

Councils should make every effort to provide a high level of support to applicants throughout the pre-lodgement stage. This includes ensuring adequate staff are available to walk applicants through DA requirements, documents and processes, to the extent required to ensure an assessment ready DA is submitted. This will allow assessment officers to focus their efforts on a speedy merit assessment. Focusing financial and resource investment on pre-lodgement support will result in the submission of quality DAs and improved assessment timeframes.

Management:

Supportive and competent management is critical to a successful development assessment team.

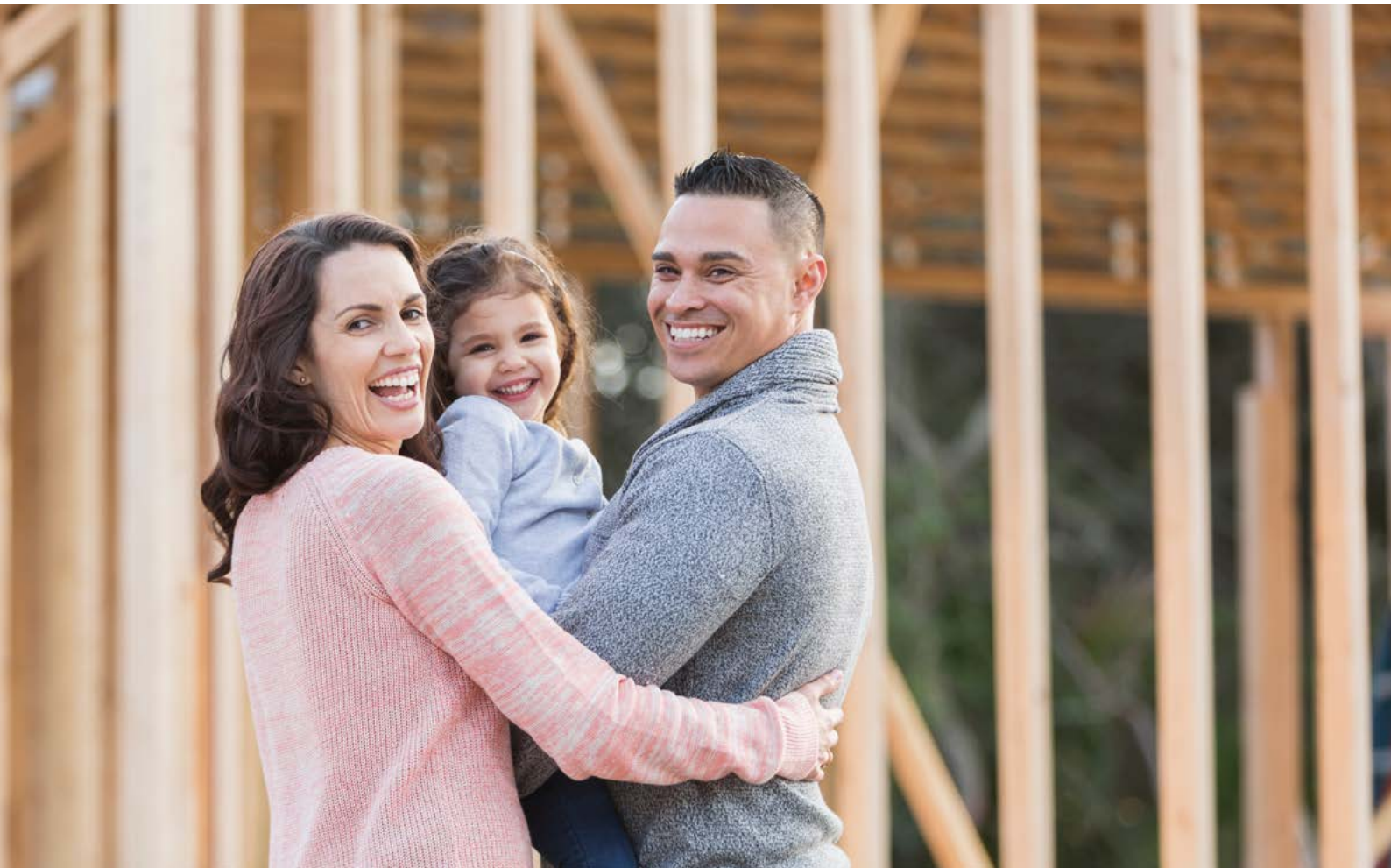
Directors, managers and team leaders should be responsible for tracking and monitoring the assessment timeframes and be accountable for performance. This includes reallocation of applications when necessary, employing additional staff and ensuring timeframes are met at all times, including when assessing officers are on leave.

The processing of some DAs is delayed by the inability of assessment officers to resolve an issue or solve a problem. Senior officers or management should be available to assist and facilitate resolution in such circumstances. Senior staff should ensure they are available for regular 'directions meetings' as a forum to guide junior officers and better manage their DA case loads.

Delegations:

While noting that delegations at council level often reflect varying planning issues facing different Local Government Areas, councils should make every effort to maximise and standardise development assessment delegations to ensure a consistent and efficient decision making process. Delegations should:

- Facilitate decisions which reflect the nature of the DA.
- Acknowledge the judgement of their professional staff, particularly in planning and environmental management.
- Seek the continued merit assessment at the appropriate level to minimise politicisation of the decision making process.





**PRE-
LODGEMENT**

DEVELOPMENT ASSESSMENT BEST PRACTICE PROCESS MAP

Days	Actions	Responsibility
N/A	<ul style="list-style-type: none"> • Pre-lodgement advisory services. • Pre-lodgement meetings with applicants and referral authorities (where relevant). 	<p>Duty assessment officer including planners and surveyors</p> <p>Senior assessment staff and technical officers</p>



**LODGEMENT,
NOTIFICATION,
REFERRAL AND
ALLOCATION**

Days	Actions	Responsibility
1-6	<ul style="list-style-type: none"> • Applicant submits DA which is checked for completeness and adequacy against the Secretary's Requirements. 	Assessment officers
	<ul style="list-style-type: none"> • Lodgement processed. 	Customer service staff
	<ul style="list-style-type: none"> • Clearing house. 	Senior assessment staff, technical officers and other specialist council staff
	<ul style="list-style-type: none"> • Updates, file management, completing exhibition and notification requirements, completing internal and external referrals, delivering file to assessing officer with any notes or conditions from the clearing house. 	Administration officers



ASSESSMENT

	Days	Actions	Responsibility
	6–30	<ul style="list-style-type: none"> • Preliminary Assessment. • Stop the Clock. • Final Assessment. 	Assessment officers
<i>Preliminary assessment</i>	6–15	<ul style="list-style-type: none"> • Site visit. 	Assessment officers and specialist council staff
		<ul style="list-style-type: none"> • Advise applicant of report back date. 	Assessment officers
		<ul style="list-style-type: none"> • Review of application for compliance with relevant legislation and planning instruments. 	Assessment officers
		<ul style="list-style-type: none"> • Referrals to be completed. 	Specialist council staff
		<ul style="list-style-type: none"> • Identify issues and non-compliances, consider referral comments and submissions, complete assessment report. 	Assessment officers
		<ul style="list-style-type: none"> • Directions meeting where required. 	Assessment officers and more senior officers
		<ul style="list-style-type: none"> • Report back email or phone call to applicant. 	Assessment officers
		<ul style="list-style-type: none"> • Fast Track applications may be finalised and proceed to determination stage. 	Assessment officers
<i>Stop the Clock</i>	15	<ul style="list-style-type: none"> • Incomplete and/or major deficiencies: applicant is to be given 14 days to withdraw application or it will be rejected or refused. 	Assessment officers
		<ul style="list-style-type: none"> • Letter to be sent if minor amendment or information required. Applicant must respond within 14 days or the application will be refused. 	Assessment officers
	15	<ul style="list-style-type: none"> • Update(s) to Planning Portal where necessary. 	Administration officers
<i>Final Assessment</i>	15–30	<ul style="list-style-type: none"> • Review of minor amendments and additional information, complete assessment report. 	Assessment officers



DETERMINATION

	Days	Actions	Responsibility
<i>Fast Track applications</i>	15–20	<ul style="list-style-type: none"> Peer review. 	Equal or more senior officer
	20–25	<ul style="list-style-type: none"> Determination by delegated authority. 	Per instrument of delegation
<i>Standard applications</i>	30–35	<ul style="list-style-type: none"> Peer review. 	Equal or more senior officer
	35–40	<ul style="list-style-type: none"> Determination by delegated authority. 	Per instrument of delegation
	35–40	<ul style="list-style-type: none"> Determination by council, IHAP and JRPP. 	Per instrument of delegation



POST-DETERMINATION

	Days	Actions	Responsibility
<i>Fast Track applications</i>	25	<ul style="list-style-type: none"> Contact applicant and advise of determination. 	Assessment officers
		<ul style="list-style-type: none"> Prepare Notice of Determination, and any relevant consent and stamped plans. 	Administration officers
		<ul style="list-style-type: none"> Check determination material. 	Assessment officers
		<ul style="list-style-type: none"> Provide determination package to applicant. 	Administration officers
<i>Standard applications</i>	40	<ul style="list-style-type: none"> Contact applicant and advise of determination. 	Assessment officers
		<ul style="list-style-type: none"> Prepare Notice of Determination, and any relevant consent and stamped plans. 	Administration officers
		<ul style="list-style-type: none"> Check determination material. 	Assessment officers
		<ul style="list-style-type: none"> Provide determination package to applicant. 	Administration officers



***A guide to the
assessment process***

This section sets out the general practice requirements and associated timeframes for each stage of the development assessment process.

Stage 1 | Pre-lodgement

Key Objective

- To provide informative and timely pre-lodgement services to ensure once an application is lodged it can be considered and determined in an expeditious manner.



<p>PRE-LODGE MENT ADVISORY SERVICES To be determined by council/applicant</p>	<p>Dedicated services providing general advice on DAs including: requirements for lodging a DA, and relevant development standards and development controls, likely assessment stream and timing.</p>
<p>PRE-LODGE MENT MEETING</p>	<ul style="list-style-type: none"> • A formal meeting with council officers to discuss lodgement requirements, assessment processes and design review where required by <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i> (SEPP 65). • Council provides detailed advice on all aspects of the development process including compliance requirements, design and planning. • Council/applicant may request a follow up meeting prior to lodgement to review the DA for completeness and address any outstanding issues.

The pre-lodgement process is a key stage in the development assessment process. It should enable applicants to:

- Determine whether or not their development proposal could be dealt with as a complying development as opposed to lodging a full DA.
- Ensure they are aware of all administrative and information requirements prior to lodging a DA.

- Be familiar with their roles and the roles and responsibilities of council staff and decision makers in the assessment and determination process.

Councils should ensure that their websites include a link to the NSW Planning Portal and a dedicated Planning and Development section that provides council specific resources for applicants including an explanation of the process, FAQs and contact details for Pre-lodgement Advisory Services.

Pre-lodgement advisory services should be encouraged for all DAs, provided free of charge (although fees can be charged for pre-DA and Design Excellence meetings). These services should be accessible during business hours and staffed by suitably qualified officers.

Pre-lodgement advisory services should cover:

- General queries for straightforward DAs.
- Advice on the type of professional services that may be required in the preparation of applications.
- Information on when approvals from other authorities and state agencies may be required.
- Clear information on council requirements and expectations for DAs including compliance with relevant development standards and controls.
- Booking requirements for pre-lodgement meetings and panels (see below).

A record of the pre-lodgement advisory service should be noted on council's electronic property system. The note should only include the address, date and subject matter of the advice. The record of discussion will provide improved continuity of service and advice.

Pre-lodgement meetings should be mandatory for more complex DAs, for example:

- Capital investment value greater than \$2 million.
- Residential flat buildings, multi dwelling housing.
- Complex proposals including those with environmentally constrained sites.

Design Excellence meetings as required under SEPP 65 should occur prior to lodgement where possible to ensure that the design of residential flat building DAs are adequately addressed on the lodged plans.

Pre-lodgement meetings should:

- Be booked and be subject to fees.
- Require applicants to provide concept documentation a minimum of two weeks prior to the meeting.
- Involve professional staff from council, the applicant, and where practical those responsible for the preparation of architectural plans and supporting specialist reports.
- Identify relevant external and internal referral requirements.
- Have in attendance representatives from other authorities or state agencies where it's anticipated external referrals may require significant issues to be addressed.
- Identify key assessment issues and specialist technical requirements, as well as expectations regarding compliance with relevant development standards and controls.
- Be used to provide specific direction on issues of concern so the applicant is clear on the resolution preferred by council.
- Agree to an in-principle timeframe for determination.
- Include formal records of the meeting which are to be copied to the property file and provided to the applicant within two business days.

Pre-lodgement meetings should not be required by councils for smaller-scale Fast Track applications.

Secondary pre-lodgement meetings may be necessary for particularly complex applications.

NSW Planning Portal

The NSW Planning Portal allows applicants to identify a site's constraints, the planning controls that apply to it and the information they will be required to submit in any application. Customers should be directed to the NSW Planning Portal to inform themselves at the pre-lodgement stage.

Computers for public use could be set up in the reception area of council offices so applicants can access the NSW Planning Portal, with council customer service staff available to answer any queries.



Stage 2 | Lodgement, notification, referrals and allocation

Key Objectives

- To ensure that all DAs have meet the relevant Secretary's Requirements for lodgement.
- To ensure that any additional information required by council for lodgement is reasonable and consistently applied.
- To ensure expeditious lodgement, notification and referral of all DAs.



APPLICANT SUBMITS DA	<ul style="list-style-type: none"> • DAs lodged with customer service staff checked by duty assessment officer for completeness with Secretary's Requirements and general compliance.
DA ACCEPTED FOR LODGEMENT	<ul style="list-style-type: none"> • Satisfactory applications accepted for lodgement. • DA registered, assigned a number, prepared for clearing house, and applicant is provided an initial feedback date.
CLEARING HOUSE Days 1-6	<ul style="list-style-type: none"> • Clearing house conducted twice a week. • The clearing house triages the application and initiates notification, exhibition, and internal and external referrals. • The DA is allocated to the assessment officer where required.

GENERAL REQUIREMENTS

Lodgement: DAs should be checked by the duty assessment officer in the first instance. Applications can only be accepted if they satisfy the Secretary's Requirements, are generally compliant with the development standards and are supported by an acceptable level of information.

Councils must be reasonable and consistent when requesting information in addition to the information specified by the Secretary's Requirements.

Evidence of pre-lodgement advisory services, Design Excellence Panel and/or pre-lodgement meetings where applicable, should be provided and the application cross-checked with the formal records. Administration officers should carry out required support services including scanning, copying and other administrative processes. At this point the council should provide the applicant with a report back date at which point the assessment officer will provide an update or initial feedback on the processing of the application. Ideally this should be within 15 days of lodgement.

Electronic lodgement

Applicants will soon be able to lodge their applications online through the NSW Planning Portal. Electronic lodgement is a more efficient form of lodgement, benefiting councils and applicants and should be encouraged.

Clearing house: Councils with a high volume of annual DAs are encouraged to establish a clearing house to vet and triage incoming applications.

The clearing house team should comprise experienced senior planning and technical staff and supporting administration officers that can:

- Identify the appropriate assessment stream (Refer to the 'Assessment' section for explanation of the three DA streams – page 22):
 1. **Fast Track**
 2. **Standard**
 3. **Other (council, IHAP or JRPP)**
- Initiate notification and exhibition requirements. Councils should adopt notification and exhibition procedures that are proposal and impact specific and consistent with current government policy.
- Identify internal referrals where required, such as engineering requirements and external referral agencies.
- Identify any relevant standard conditions of approval from technical officers (such as engineers) that could be included to negate the need to seek internal referral.
- Allocate applications to the appropriate assessing officers.
- Identify the relevant decision maker as applicable at that time and ensure target meeting dates and/or agendas for determination are scheduled.

The clearing house should be supported by administration officers who immediately carry out administrative tasks including:

- Issuing a letter to the applicant confirming lodgement of the DA.
- Arranging notification or exhibition.
- Issuing internal and external referrals.
- Placing copies of notification and referrals on the hard copy (where applicable) and electronic file.
- Placing relevant assessment checklists on file for the allocated assessment officer.
- Placing copies of other relevant information identified by the clearing house team on the file including conditions, comments and target determination/meeting date.
- Delivering the application to the allocated planner.

Best practice notification of DAs

1. Fast Track DAs

Fast Track DAs should not require notification or exhibition. (Refer to the 'Assessment' section for explanation of the three DA streams – page 22).

2. Standard DAs

Notification of any Standard DAs should not exceed 14 days.

In determining the extent of notification, councils should consider the proposed development's impacts on neighbouring properties and the likely level of public interest. It may be that some Standard DAs do not require notification.

3. Other DAs

DAs that require as a minimum notification, as well as possible exhibition. The extent and period of notification and/or exhibition should correspond to impacts and statutory requirements.



Stage 3 | Assessment

Key Objective

- To undertake an assessment in a timely manner that is reasonable, commensurate with the impacts and delivers a sound planning outcome.



GENERAL REQUIREMENTS

The DA process should be divided into three streams, depending on the type of DA being considered:

1. Fast Track

These are DAs that comply with development standards and development controls, have limited environmental or planning constraints, and do not require notification, advertising or internal or external referral.

These applications are generally minor in nature and unlikely to cause impacts on neighbouring properties.

Fast Track applications can be assessed and determined in the Preliminary Assessment stage (see following page).

2. Standard

Standard DAs require notification; and/or advertising; and/or internal or external referral; and/or detailed consideration of environmental or planning matters as part of the assessment process.

Standard applications require the completion of both the Preliminary Assessment and Final Assessment stages. The Stop the Clock provisions should only be used once and only where absolutely necessary (that is, in response to information received as a result of exhibition or assessment information gaps identified during the preliminary assessment).

3. Other

These are standard DAs that trigger separate assessment and determination requirements including by the elected council, an Independent Hearing and Assessment Panel (IHAP) or Sydney Planning Panel (SPP)/Joint Regional Planning Panel (JRPP).

It is noted that both IHAPs and SPP/JRPPs have their own processing and delivery guidelines that should be considered by assessment officers in their assessment processes.

Preliminary Assessment (days 6–15):

Assessing officers should carry out a site visit with relevant specialist staff and undertake a preliminary assessment in regard to compliance with relevant environmental planning instruments.

Any major planning deficiencies are to be identified and comments from referring areas of council or state authority considered. If the DA includes requests to vary development standards and controls, an assessment should be carried out and a determination obtained from the relevant delegated authority.

A directions meetings should be held between junior and more senior staff at this point to efficiently problem solve complex issues and provide general assessment guidance and strategies where required.

If the DA remains fundamentally incomplete, contains major deficiencies or there are variation requests that cannot be supported in all reasonableness: the applicant should be encouraged to withdraw the application or be advised that the application will either be rejected as invalid or determined on the information currently before council. If the application is otherwise determined to be complete and able to be determined, the assessment officer should also deliver this update to the applicant in accordance with the earlier provided report back date.

If minor amendments are justified, these should be addressed by condition of development consent in the first instance, or if absolutely necessary, Stop the Clock correspondence.

Fast Track DAs should be able to be determined at this stage. Conditions arising from internal referrals should have been provided during the clearing house. Assessment reports for Fast Track DAs should be brief with compliance with relevant standards and controls being clearly determined.

Final Assessment (days 15–30):

All 'Standard' and 'Other' DAs should be finalised as soon as practical following notification/exhibition/referral taking into consideration all submissions received, including internal and external referrals, and any additional material provided by the applicant.

While council staff should make every effort to resolve issues raised in submissions, the practice of negotiating the withdrawal of submissions should be resisted. Council officers should use their professional judgement in ultimately resolving the matter (by condition if need be) to ensure the determination of the application is not unduly delayed.

Councils in applying conditions on their determinations should consider the following:

- Only applying the conditions where it is essential to eliminate risk of an unfavourable outcome with substantial consequences.
- Ensuring that consents minimise the need for further approvals including deferred commencements.
- Consider providing the applicant a right of response on recommended conditions before determination if non-standard.
- Consider adopting and publishing model conditions on an industry basis (such as housing).

The detailed assessment report should be promptly finalised and supporting determination material prepared for the determining authority.

Final Stop the Clock (by day 15): If Stop the Clock correspondence is issued to the applicant, a response is required within 14 days. If the applicant is not able to provide information within 14 days, the council should consider whether the information is critical to the assessment, and if so either encourage the application to be withdrawn or determine the application on the information before it at the time. The Stop the Clock provisions should only be used once and not be as a means to manage caseload.

ASSESSMENT TIMEFRAME:

- Fast Track applications assessed and determined within 6–15 days of lodgement.
- Standard and Other applications assessed within 30 days of lodgement before proceeding to determination stage.

PROCEDURAL TIMEFRAMES:

- Internal referrals should be completed, and comments provided to the assessing planner within 10 days of being allocated the DA.
- Stop the Clock correspondence should be issued no later than 15 days after being allocated to the assessing officer.
- Council should give no more than 14 days to an applicant to respond to Stop the Clock correspondence.



Stage 4 | Determination

Key Objectives

- To ensure that the decision is made in a timely manner.
- To ensure that the level of decision making reflects the nature of the DA.
- To ensure that the determination provides certainty and minimises the need for either modification or further approvals.
- To ensure the decision upholds the integrity of the planning system.



PEER REVIEW

Days 30–35

- Review by an equal or more senior officer.

DELEGATED

Days 35–40

- Determinations made under delegated authority.

COUNCIL, IHAP AND JRPP DETERMINATIONS

Days 35–40

- All documentation expeditiously submitted to decision maker compliant with agenda timeframes.

GENERAL REQUIREMENTS

The determination stage of a DA should be limited to a peer review and then determination by the one relevant authority or delegate. Requests for further information or amendments to plans should have been addressed during the assessment stage and should be avoided immediately prior to determination.

Where applications have unresolved issues or concerns at this late stage in the process with no immediate view of resolution, applicants should be encouraged to withdraw the DA or be advised that a decision will be made on the information before council at that time.

Administrative support teams should issue final documentation upon determination.

Delegations

Development assessment delegations should be maximised and standardised to ensure a consistent and efficient decision making process. For example, the:

General manager and planning staff:

Should determine DAs other than situations such as:

- Where there are more than ten objections by way of individual submissions from different households (note that a petition or pro-forma documents are counted as one objection).
- The development does not comply with an adopted council policy (including a development control plan), development standard in a Local Environmental Plan unless, in the assessment officer's opinion:
 - compliance with the policy is unreasonable and unnecessary in the circumstances;
 - any variation of a development standard has been addressed in accordance with Clause 4.6 or any other requirements of the council's Local Environmental Plan.
- The development is of Regional or State Significance.
- Notification in writing has been received by at least three councillors that the DA is required to be submitted to the elected council for determination. Any such notification should include reasons or policy position for why the application requires reporting to the council for determination.

Determinations made under delegated authority should include a prior review of the assessment report, a recommendation and draft determination by an equal or more senior officer.

Council determinations: Council meetings should be held at least twice a month to facilitate more council determinations within a 40 day period. Prior to the council meeting, the assessment report, recommendation and draft determination should be reviewed by a senior officer or manager. Assessment material including architectural plans and supporting information should be made available seven days prior to the meeting.

IHAP, SPP/JRPP and other determining

authorities: Council should consider the guidelines prescribed by the relevant determining authority in preparing the particular application for decision.

Any comments or assessment report, a recommendation and draft determination must be reviewed by a senior officer or manager.

If there is a need to notify council, this should be done early in the process so as not to delay final determination.

Best practice procedures for council, IHAP, JRPP and other determining authorities

- Councils should have a minimum of two meetings (council, committee or IHAP) a month, DAs should only be considered by the determining authority, meaning a DA should not go to council for information prior to being determined by SPP/JRPP (unless it is a council DA) nor should a DA go to IHAP for recommendation prior to being determined by council.
- DAs must be considered by the SPP/JRPP, council or IHAP within 10 business days of the manager's/senior assessment officer's endorsement.
- Matters should only be deferred by decision makers in exceptional circumstances where there is a significant risk of a sub-optimal outcome that has significant consequences. There should be a maximum of two decision delays (decision delays comprise deferrals and site visits – a site visit and subsequent consideration at another meeting would equate to the maximum of two decision delays).

ASSESSMENT TIMEFRAME:

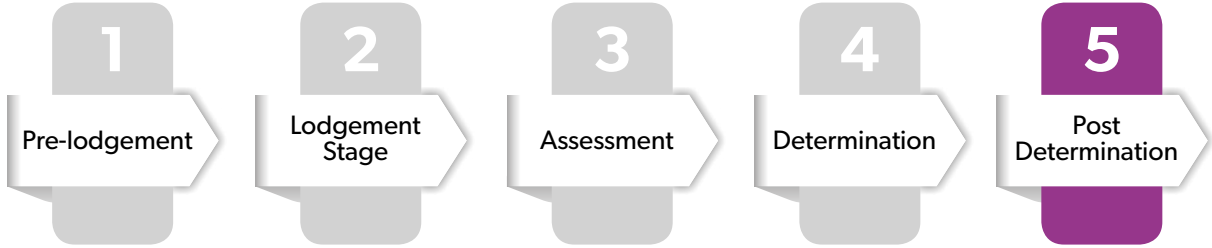
Determination, including peer review should be completed in 5–10 business days. DAs being determined by council, IHAPs and JRPPs should be scheduled by the assessing officer during the preliminary phase of the assessment stage to ensure there are no delays.



Stage 5 | Post determination

Key Objective

- To ensure the applicant and other relevant stakeholders are notified of decisions without delay



CONTACT APPLICANT	<ul style="list-style-type: none">• Assessing officer to contact applicant by telephone or email to advise of determination.
ISSUE NOTICE	<ul style="list-style-type: none">• Administration officers finalise the Notice of Determination, along with any development consent and stamped plans to be posted to the applicant or collected from council.• Administration officers finalises online reporting and closes file.

GENERAL REQUIREMENTS

An assessing officer should advise the applicant of the decision by telephone or email within one business day. If the assessment officer is not available to do this, it is the responsibility of senior assessment staff to ensure that this is undertaken within the timeframe.

The remainder of the post-determination stage should be carried out by administration officers who arrange for the determination, including any relevant development consent and stamped plans to be posted to the applicant, collected from council offices, or delivered electronically.

Administration officers should also handle all electronic updates including notifications and file archiving following issue of the determination.

ASSESSMENT TIMEFRAME:

One day



***Appendix A:
Assessment efficiency
partnership agreement***

Intent

Streamline the assessment process by clarifying roles, responsibilities and communications around the DA process by:

1. Putting the responsibility of submitting complete applications with the applicant.
2. Focussing council customer support efforts at the pre-lodgement stage.
3. Committing to timeframes for the assessment officer to report back on applications.
4. Limit distractions to assessment officers during the assessment phase of a DA.

Agreement

Applicant	Council
Pre-lodgement and Lodgement	
<ul style="list-style-type: none">• Commits to utilising pre-lodgement services and meetings (where appropriate).• Provides sufficient information 1–2 weeks prior to a pre-lodgement meeting.• Only lodges complete applications.	<ul style="list-style-type: none">• Provides clear and publicly available information on application requirements and pre-lodgement services.• Has regular pre-lodgement meetings available to book in advance.• Ensures all appropriate technical staff and state agencies (where complex concurrence and external approvals may be necessary) are in attendance at pre-lodgement meetings.• Customer service staff are trained to provide basic submission and process advice on lodgement and pre-lodgement.• Has a duty assessment officer available during office hours to answer standard questions on development standards, controls, assessment streams and timing.

Applicant	Council
Assessment	
<ul style="list-style-type: none"> Allows the assessment officer to undertake the assessment without escalating issues or disrupting staff unnecessarily. Will only escalate an issue with more senior staff and/or councillors following/after the report back date. Commits to having only a single member of their project team contact council. 	<p>Calls/emails the applicant within two days of receiving the application to:</p> <ul style="list-style-type: none"> Advise they have been allocated the application. Commit to a report back date (generally at 15 days of lodgement). <p>Reports back to the applicant by the report back date to advise:</p> <ul style="list-style-type: none"> The application has been assessed and has been determined. The application has a recommendation but is yet to determined by others. The application is at neither of these stages and the reasons for this. <p>Where an application is yet to be determined, council explains the reasons and commits to a determination timeframe.</p> <p>All staff to return applicant's phone calls/emails within 24 hours when made after the report back date.</p>
Determination	
<p>Once given a council/IHAP/SPP/JRPP meeting date agree to not contact assessment officers seeking further updates or discussions around the merits of the application.</p>	<p>Assessment officer to advise applicants within one business day of decision and/or of any change to decision timing (e.g. if matter is deferred or doesn't make an agenda).</p>

Agreement to be included on council websites and attached to application forms and to be acknowledged by both parties.

