



Handling of unclear, insufficient and Amended Development Applications

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1. Purpose

To facilitate the timely assessment of development applications by communicating the procedures Council will undertake to assess development applications, including applications made under section 96 and section 82A of the Environmental Planning and Assessment Act 1979 that are either non-compliant, contain insufficient information, are unclear, illegible or substantially amended.

2. Policy

City of Parramatta Council is committed to an efficient and effective development assessment service to achieve a built environment that reflects the desired character of the Parramatta City local government area.

City of Parramatta Council aims to deliver a consistent development assessment service within reasonable timeframes, based on the provisions of the Environmental Planning and Assessment Act 1979.

City of Parramatta Council assesses development applications on merit and in accordance with the provisions of the Environmental Planning and Assessment Act 1979, and all other relevant Acts and planning instruments and their related Development Control Plans and policies, that apply to land within the City of Parramatta Council local government area

2.1 PRINCIPLES

Delivery of a consistent development assessment service within reasonable timeframes is only possible when applicants provide appropriate information at the time of lodgement of applications and within requested timeframes so an informed, proper and timely assessment can be made of the application.

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The early identification and resolution of compliance and merit issues will alleviate the need for lengthy negotiations during the assessment of a development application.

2.2 SERVICES ASSOCIATED WITH DEVELOPMENT ASSESSMENT

Both Council and applicants can contribute to the efficient processing of development applications by following these guidelines:

2.2.1 Applicants:

- Become familiar with Council's plans, polices and codes which affect the proposal and development site.
- Speak to neighbours about what is proposed and consider their concerns in the design (this may help to avoid submissions objecting to your application).
- Comply with all policies, plans and codes.
- Attend a pre-lodgement meeting and follow the advice given.
- Submit all of the required information at the time of lodgement of the application, including any relevant checklists provided by Council
- Submit the required copies of all plans and associated documents, and in the correct format.

2.2.2 Council:

- Providing application checklists for applicants to complete before lodging the application (the checklists provide details to applicants on what information is required for Council to undertake an assessment of each application).
- Staff will not accept an application if it is inadequate in information or fees. Each application lodged will be checked at the Customer Contact Centre by a member of our Development Advisory Service team.
- Providing a pre-lodgement advisory service with senior staff from our Development and Traffic Services Unit to give the applicant written advice regarding how the proposed development fits with the relevant development

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standards and advice on improvements which can be made to achieve compliance and address identified issues.

Further Details on Council's Pre-lodgement Advisory Service can be found on our website www.cityofparramatta.nsw.gov.au

- Ensuring that all environmental planning instruments relevant to development within City of Parramatta Council are freely available on Council's website and ensuring printed copies are available at the Customer Contact Centre.
- Publicising the 'standard conditions' that all developments can expect as part of the conditions of consent.
- Providing information on Council's website about the development assessment process.
- Maintaining information on the status of each development application on Council's website (refer to the DA Tracking icon).

2.3 PROCESSING OF DEVELOPMENT APPLICATIONS, MODIFICATIONS AND REVIEW OF DETERMINATIONS

Applications will be processed in accordance with the Environmental Planning and Assessment Act and Regulations and all other relevant Acts and planning instruments and their related Development Control Plans and policies that apply to land within the City of Parramatta Council local Government area.

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

For development applications requiring notification, Council will adhere to the notification requirements as stated in the relevant Development Control Plan and notify surrounding landowners of the development application. A copy of the Development Control Plans is available from Council's Customer Contact Centre and Council website.

2.3.1 Illegible or unclear development applications

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Clause 51 of the Environmental Planning and Assessment Regulation 2000 provides that Council may reject a development application within 14 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).

Where a development application is illegible or unclear, the applicant will be notified in writing within 14 days of lodgement of the application and advised the application has been rejected. An application that is rejected is taken to have never been made, and Council will refund to the applicant all of the fees paid in relation to the application.

Council also utilises checklists to be completed by a suitably qualified person to accompany lodgement of certain applications. The checklists are to assist an applicant to understand and prepare for lodgement requirements and to assist Council in receiving appropriate information to enable assessment of an application in a time efficient manner. Submission of incomplete or inaccurate information associated with the checklists will mean an application cannot be lodged with Council until corrected.

2.3.2 Requests for further information

Clause 54 of the Environmental Planning & Assessment Regulation 2000 allows Council to request additional information about the proposed development to allow for the proper consideration of the application. Council will require any additional information to be provided within 14 days.

Council will apply 'stop the clock' provisions until;

- All necessary information is received, or
- The applicant notifies Council the information will not be provided, or
- The application is determined.

If the requested information has not been received at Council within 14 days of the date of the written request for the information 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.

The 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

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submission of the information. Under those circumstances the applicant may be provided with a further extension of time.

The extension of time will be considered by a senior staff member and the applicant will be notified in writing of the decision. Should the additional information not be provided after the expiry of that period, the application will then be determined on the information available and on the merit of the application.

Council will allow one opportunity to submit further information.

No request for further information will be given where:

- a pre-lodgement meeting was held and the applicant has not followed the advice given in that meeting in respect of the same issue.
- a pre-lodgement meeting was not requested by an applicant in respect of multi-unit residential developments (townhouses, residential flat buildings), mixed use development and multi storey or large scale commercial/industrial developments

2.3.3 Development applications not conforming with the planning controls

For development applications and modifications of consent (section 96 applications) that significantly breach the planning controls, a senior officer from our Development and Traffic Services Unit will determine whether the development application will have significant variation or is in conflict with the general principles of the development controls and design standards. In these circumstances Council will write to the applicant within 14 days of lodgement of the DA and request the applicant to modify or withdraw the application within 14 days from the date of the written request.

Only one opportunity will be provided to an applicant to amend a development application.

If the applicant notifies Council in writing that the application is withdrawn, Council will refund a percentage of the application fees based on the level of assessment undertaken by Council to date.

If the applicant notifies Council in writing that the amendments will not be made Council will then 'start the clock' and assess the development application on merit.

If the applicant fails to make any of the requested modifications, and has not notified Council in writing of their intention to withdraw the application, or does not provide the

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amendments by the end of the period specified, Council will assume that the information will not be provided. Council will then 'start the clock' and assess and determine the development application on its merit without further consultation with the applicant or the owner.

At completion of the notification period Council will assess the development application on merit, taking into account the non-compliant nature of the development application and any submissions received. This may result in refusal.

2.3.4 Accepting amended applications

Should an amended application be received prior to determination, Council will consider whether the changes are substantial in relation to the original application. Should the amended application involve substantial change, Council may reject the amended application and determine the original proposal.

A fee for the lodgement of amended plans will be charged in line with Council's fees and charges schedule.

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