



northern
beaches
council

DEVELOPMENT DETERMINATION PANEL (DDP) CHARTER

30 June 2022

DEVELOPMENT DETERMINATION PANEL (DDP)

CHARTER

1. Purpose

To determine applications for development which have local significance.

2. Objectives

- a) To provide consistency in determination outcomes of development applications.
- b) To strengthen the integrity and quality of decision making for locally contentious development applications.
- c) To achieve quality development and environmental outcomes consistent with all relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans.
- d) To reduce the number and cost of appeals lodged in the Land and Environment Court.
- e) To provide an opportunity for interested parties to address the DDP about development applications prior to their determination.

3. DDP Delegations

Delegations for the Panel are conferred by the Chief Executive Officer.

The criteria for applications to be referred to the DDP are contained in Attachment 1, which does not form part of the Charter and may change from time to time.

4. Panel Membership

The Panel will consist of three (3) members, being a Chairperson and two (2) other members.

The role of Chairperson shall be undertaken by a person holding or otherwise acting in the position of:

- Director,
- Executive Manager,
- Development Assessment Manager.

The remaining members shall be drawn persons holding or otherwise acting in from the following positions:

- Executive Manager
- Development Assessment Manager or Strategic Place Planning Manager
- Principal Planner.

Members of the DDP must be independent. They must not be directly involved in the management or assessment of applications on the agenda, or have a conflict of interest in any items on the agenda.

Should a DDP member and alternate not be available for a meeting, the Director may make an appointment as required.

5. Meeting Notification and Reporting

- a) Meeting agendas, which include the assessment report and recommendations, shall be posted on Council's website 7 days prior to the meeting.
- b) Interested parties (that is, the applicant or anyone making a submission) shall be given a minimum of 5 days formal notice of an item appearing on the agenda. Notice may be by means of an email, other written notice or via telephone.
- c) In the event of objections being received after the assessment report is finalised in the agenda, and prior to the DDP meeting, the DDP members may consider such objections where practical.

6. Representations on agenda items

- a) An opportunity will be provided for interested parties to make representations to the DDP members, either by way of written advice or addressing the DDP members at a pre-meeting prior to the meeting at which the matter is scheduled to be dealt with. Any written submission or information provided prior to or directly to the Panel will be made available on the Council's website as soon as practical.
- b) Representations, both written and in person, are to be restricted to comments/concerns with respect to the content, recommendations or conditions of consent contained within the assessment report. As the DDP members have access to all submissions and documentation, there is no need for an interested party to restate what has already been submitted in writing.
- c) Written representations are to be received by Council not less than 48 hours prior to the scheduled DDP meeting.
- d) Interested parties will be required to register their intention to address the DDP members by close of business on the Monday prior to the meeting.
- e) Registered parties shall be given between 3-5 minutes, which will be at the discretion of the Chairperson based on the number of registered persons.
- f) DDP members are not to make statements and are not answerable to the interested parties at the pre-meeting. DDP members may ask questions of interested parties in order to gain a better understanding of the issues.
- g) The pre-meeting is to be conducted in an orderly and respectful manner. The Chairperson has the discretion to adjourn the pre-meeting at any point to retain order.
- h) A minimum of two DDP members are required to be present to hear representations

7. Determination and Meeting Procedures

- a) All deliberations and decision making with respect to applications the subject of the agenda items will be undertaken in a closed meeting to ensure robust and thorough decision making. Relevant Council officers will attend to provide advice to assist the DDP members in their decision making.
- b) Three (3) DDP members shall form a quorum. A minimum of two (2) DDP members who attended the representation shall be present to form a quorum for the determination meeting. In the absence of a quorum, the determination meeting will be reconvened at

an appropriate time. Except as otherwise provided by this charter, relevant legislation or direction from the Department of Planning Industry and Environment, the Panel may regulate its own procedure.

8. Determination Procedures

- a) The DDP's determination may take the form of any of the following as permitted by legislation, including:
 - i) Approval as recommended;
 - ii) Approval with amended conditions;
 - iii) Deferred commencement consent
 - iv) Refusal;
- b) Should the DDP members not support the assessment officer's recommendation, reasons are to be provided in the Minutes.
- c) Where a DDP member requires clarification to enable a decision to be reached, a time will be arranged for the DDP to reconvene.
- d) Where the applicant lodges a request for a review of determination under section 8.2 (*formerly section 82A*) or a section 8.2(1)(b) (*formerly section 96AB*) application for review that had been determined by the DDP, the request shall be assessed and reported to an alternate DDP (not to be made up of the original DDP members).

9. Panel Obligations

- a) The DDP is at all times subject to, and must comply with, Northern Beaches Council's Code of Conduct.
- b) Pecuniary interests within the meaning of sections 442 and 443 of the *Local Government Act 1993* must be declared prior to the meeting.
- c) Any non-pecuniary interests that could lead to a reasonable apprehension of bias must also be declared prior to the meeting.
- d) DDP members must comply with all relevantly applicable Work Health and Safety legislation and requirements.

10. Authority

Charter authorised by CEO on: 28 June 2017

Charter amended by CEO on: 6 September 2019

Charter amended by CEO on 4 November 2021

Attachment 1 amended by CEO on 30 June 2022

Attachment 1

CRITERIA FOR REFERRAL TO THE DDP

The following applications to be referred to the DDP for determination:

- Any application for the carrying out of development with a minimum five (5) submissions objecting to the application
- Any application for modification of consent under section 4.55(2) (formerly S96(2)) in relation to a development application previously determined by the DDP or its previous equivalent panel that:
 - propose amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or
 - propose amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or
 - exceed or increase a non-compliance with a Local Environmental Plan development standard relating to Building height or Floor Space Ratio
- Any application for review of a determination under section 8.2 (*formerly section 82A*) or section 8.2(1)(b) (*formerly section 96AB*) in relation to a development application previously determined by the DDP, its previous equivalent Panels or a Manager,
- Any other application at the discretion of the Director Planning & Place or Executive Manager Development Assessment.

From 24 May 2019 to 24 November 2024 (or as otherwise authorised) based on concurrence provided by Department of Planning Industry & Environment:

Class 1 buildings (dwelling houses) and Class 10 buildings where the development contravenes a numerical standard by greater than 10% in the following circumstances:

- height of buildings under the Warringah LEP 2011, Manly LEP 2013 and Pittwater LEP 2014;
- FSR under the Manly LEP 2013; and
- any built form control considered a development standard under the B2 and C8 Localities of Warringah LEP 2000.

For the purposes of this charter reference to submissions should be read in conjunction with the Northern Beaches Community Participation Plan

Delegations and referral to DDP authorised by the CEO on: 28 June 2017 and amended on 6 September 2019, 24 January 2020, 30 June 2022.