



northern  
beaches  
council

# **DEVELOPMENT DETERMINATION PANEL (DDP)**

## **CHARTER**

**September 2019**

# **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, or
- Executive Manager.

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

- Executive Manager
- 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.

- c) Except as otherwise provided by this charter and relevant legislation, 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

## Attachment 1

# DELEGATIONS TO THE DDP

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

- Any application for the carrying out of development with an estimated cost of construction over \$1 million and with a minimum three (3) *unresolved objections*,
- Any application for subdivision which creates a net increase of 5 or more additional lots with a minimum three (3) unresolved objections,
- 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,
- 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 2021 based on concurrence provided by Department of Planning & Environment:

- Development for dwelling houses that contravenes a development standard (Height of Building or Floor Space Ratio) imposed by an environmental planning instrument by more than 10% will be determined under delegation to the DDP.

For the purposes of this charter:

*Unresolved objection: means objections that are considered valid and that cannot be resolved through the imposition of appropriate conditions*

*\* All submissions received from the same person will be considered a single submission.*

*\*All submissions received by or on behalf of the same dwelling will be considered as a single submission.*

\*Note: extracts from relevant DCPs

Delegations and referral to DDP authorised by the CEO on: 28 June 2017 and amended on 6 September 2019.