

# **DEVELOPMENT APPLICATIONS**

## **POLICY FOR THE HANDLING OF UNCLEAR, NONCONFORMING OR INSUFFICIENT APPLICATIONS**



City of Ryde

**Effective Date 18 March 2005**

## **1. The purpose of this policy is:**

To facilitate the assessment of development applications by communicating the procedures Council will undertake to assess development applications that:

- have significant variation to policies and standards; or
- contain insufficient information, or are unclear or illegible.

## **2. Policy statement**

The City of Ryde is committed to an efficient and effective development assessment service to achieve a built environment that reflects the desired sustainable future for our City.

The City of Ryde aims to deliver a consistent development assessment service within reasonable timeframes, and within the framework of Part Four of the Environmental Planning and Assessment Act 1979 (the Act).

The City of Ryde assesses all development applications within the framework and guidelines set out by the Act (in particular Section 79 C), the Ryde Planning Scheme, any other relevant environmental planning instruments and development control plans. The City of Ryde assists potential applicants by making Council's requirements for development consent readily accessible.

## **3. Principles**

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

The early resolution of compliance issues alleviates the need for protracted negotiation during assessment of an application.

Applicants can contribute to efficient processing of applications by following these guidelines:

- ✓ Become familiar with Council's plans, policies and codes and any relevant state planning policy.

- ✓ 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 the required information with the application.
- ✓ Submit the required copies of all documents and plans.

## **Our Pre-lodgement Service**

We offer a comprehensive Pre-lodgement Service and we have an Urban Design Review Panel. These work together to assist applicants to have complete applications and applications which comply with Council policy. The officers providing pre-lodgement advice are not involved in the following assessment of the development application as this protects both the applicants and objectors from any suggestion that the application has been predetermined.

Both the Pre-lodgement Panel and the Urban Design Panel provide comprehensive notes of their discussions with proponents.

Further information about the Pre-lodgement Service can be obtained from our website [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).

## **4. Additional Information or Seeking Amendments to Applications**

### **a) Services offered by Council to applicants to assist them to lodge Development Applications:**

- ⊕ Providing checklists for applicants to complete before lodging the application (acts as self assessment of DA adequacy). In accordance with Council policy, staff will not accept an application has inadequate information or fees. This is checked at the Customer Service Centre.
- ⊕ Provide advice from experienced and qualified staff at the Customer Service Centre about your application.
- ⊕ Offering a Pre-lodgement meeting with Client Managers to give the applicant advice regarding how the proposed development fits with the

relevant development standards etc and advice on improvements such as setbacks, design issues, landscaping and parking etc.

- ⊕ Ensuring that all of the City’s development policies are freely available on Council’s website and ensuring the printed versions are priced reasonably.
- ⊕ Providing information on our website regarding the development assessment process.
- ⊕ Providing brochures at our Customer Service Centre.

## **b) Notification of Development Applications**

For development applications requiring notification Council will follow to the notification requirements in the Notification Development Control Plan and notify surrounding landowners and occupiers of the development application. A copy of DCP (no 15) is available from the Customer Service Centre or on our website.

## **c) “Stop the Clock” Provisions**

Section 54 of the Environmental Planning And Assessment Regulation 2000 allows the Council to request additional information about the proposed development to allow for the proper consideration of the application. This is commonly known as the “stop the clock” provision, as the assessment period is stopped until the information requested is provided

The Council request will be in writing and specify a period within which the information must be provided. This period is either 14 or 30 days (depending on the nature of the information or the type of application) from the date of the letter requesting the information.

**Note:**

*The information that Council may request does not include, in relation to building or subdivision work, the information that is required to be attached to an application for a construction certificate.*

Stop-the Clock (calculation of time to consent or refuse a DA) will apply until:

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

- The number of days lapses (allowed in the original request and the follow up letter)

If the requested information has not been received within the days specified in the original letter a further letter will be sent to the applicant advising that if all information is not provided within 7 or 21 days the development application will be determined on the information available and may be refused.

#### **d) Illegible or Unclear Development Applications**

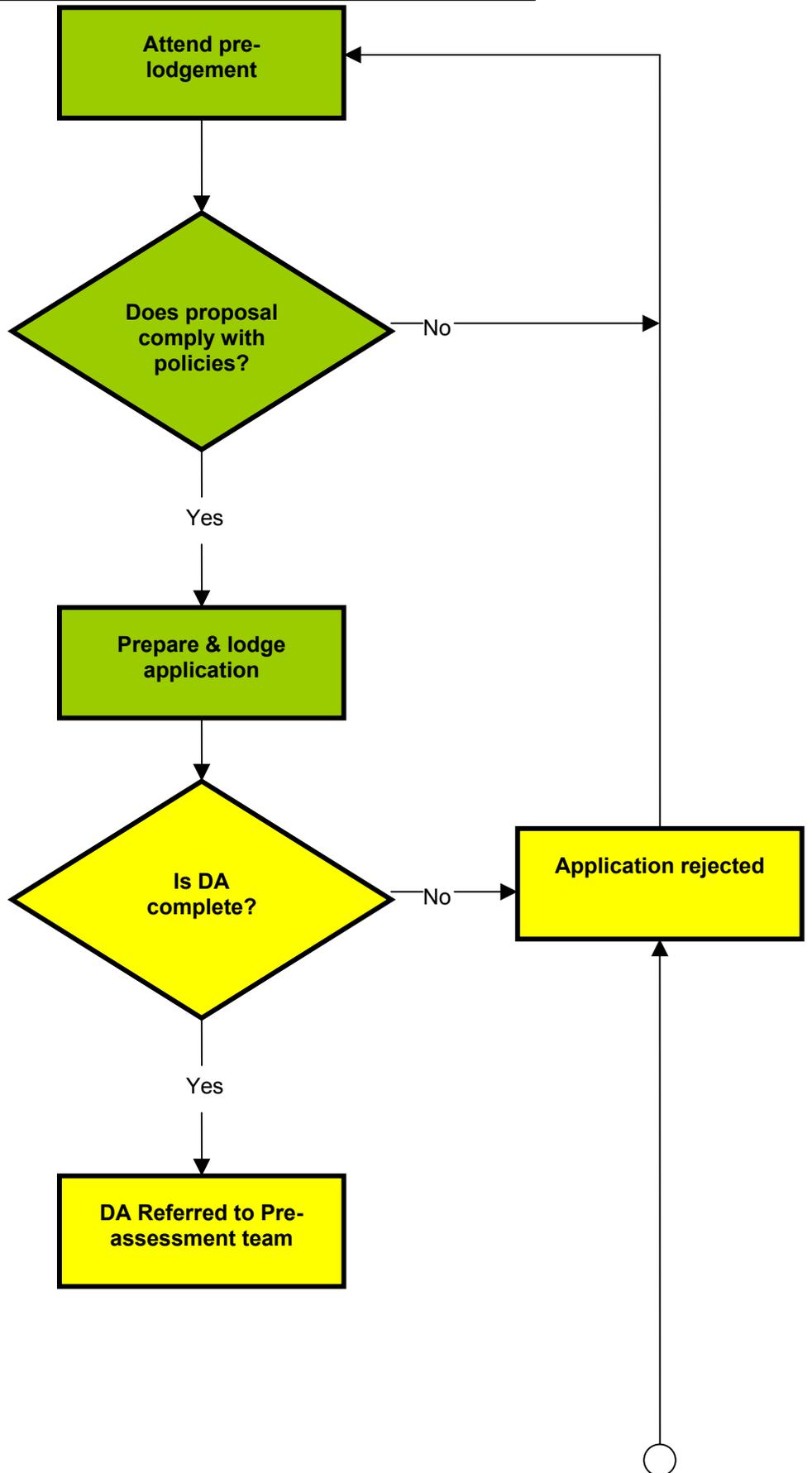
Section 51 of the Environmental Planning and Assessment Regulation 2000 provides that Council may reject a development application within 7 days after receiving it if the application is illegible or unclear as to the development consent sought.

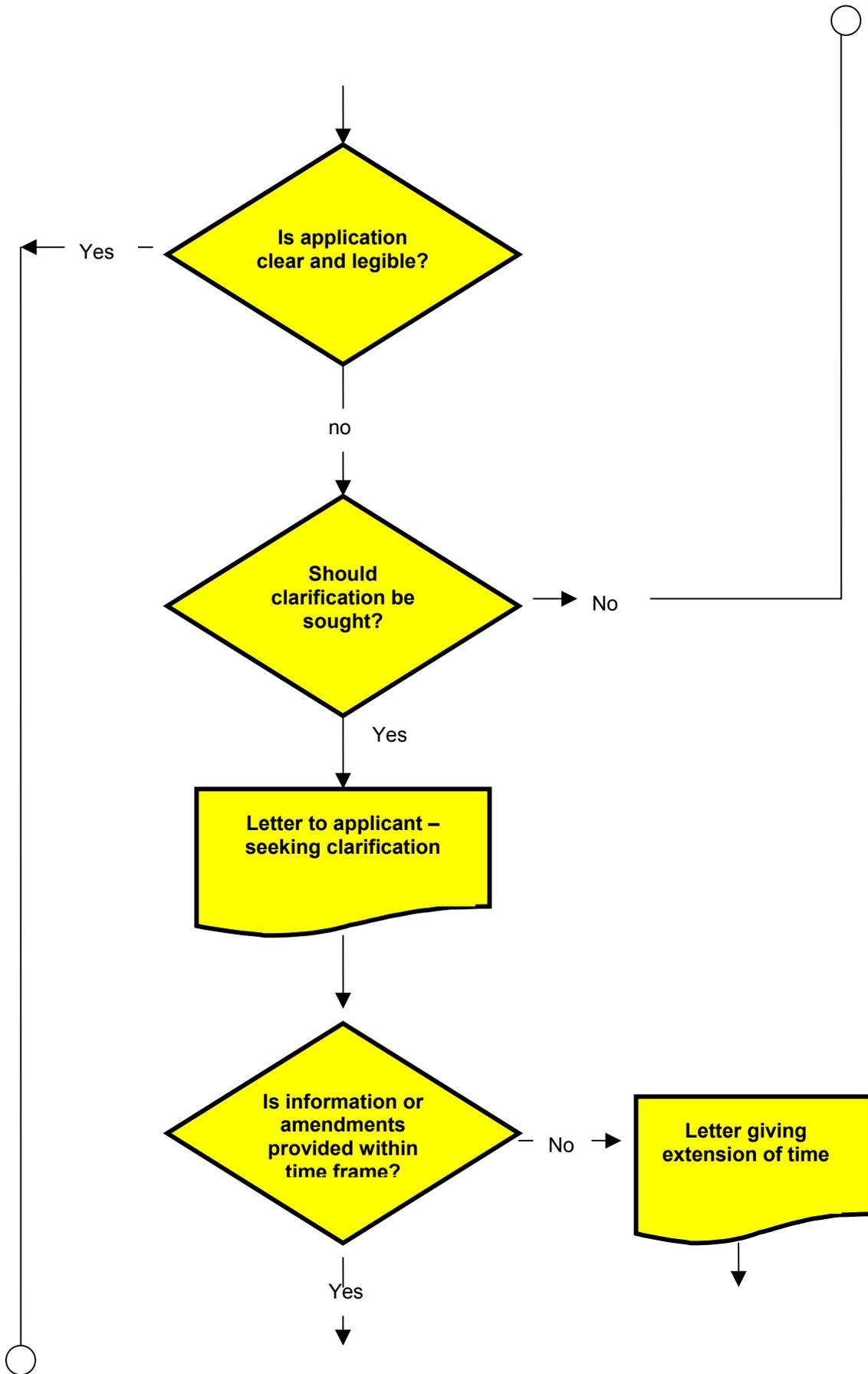
If a development application is illegible or unclear, the applicant will **be notified in writing within 7 days** of lodgement of the development application and advised the application may be rejected. An application that is rejected is taken to have never been made, and Council will refund to the applicant all fees in relation to the application. Alternatively, the Council may choose to request the applicant to provide clarification and/or additional information within 14 or 30 days. In this instance “Stop the Clock” (calculation of time to consent or refuse a DA) will apply until:

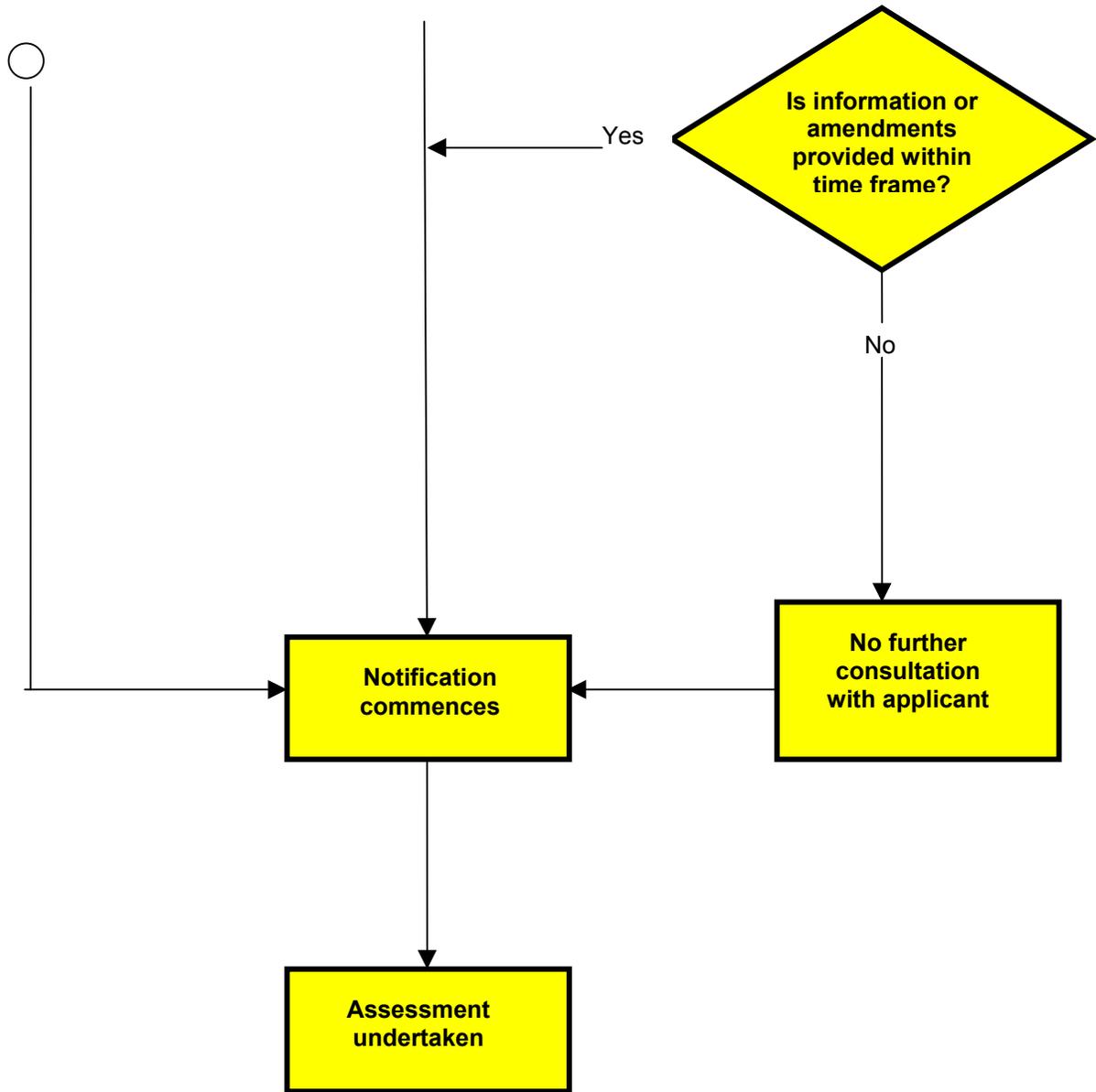
- All necessary information or clarification is received, or
- The applicant notifies Council the clarification/information will not be provided, OR
- The 14 or 30 days lapses

If the requested clarification and/or information has not been received within the time specified in the original letter a further letter will be sent to the applicant advising that if all information is not provided within 7 or 21 days the development application will be determined on the information available and may be refused. This is explained in the following diagram:

**Illegible or Unclear Development Applications**







### **e) Development Applications Not Conforming with the Planning Controls**

The City of Ryde provides a comprehensive pre-lodgement service to advise potential applicants of the framework and planning controls that apply to the assessment of development applications. The aim of this service is to facilitate the lodgement of applications that comply with the framework, and all applicants are encouraged to use the service.

The Pre-Assessment Team will determine if a development application is considered to have significant variations or in conflict with either the general principles of development control, the built form controls, the design guidelines or the development standards.

In this circumstance the Council will write to the applicant within 21 days (usually within 7 days) of lodgement of the DA and request the applicant to modify or withdraw the application within 21 or 30 days (depending on the nature of the amendments required).

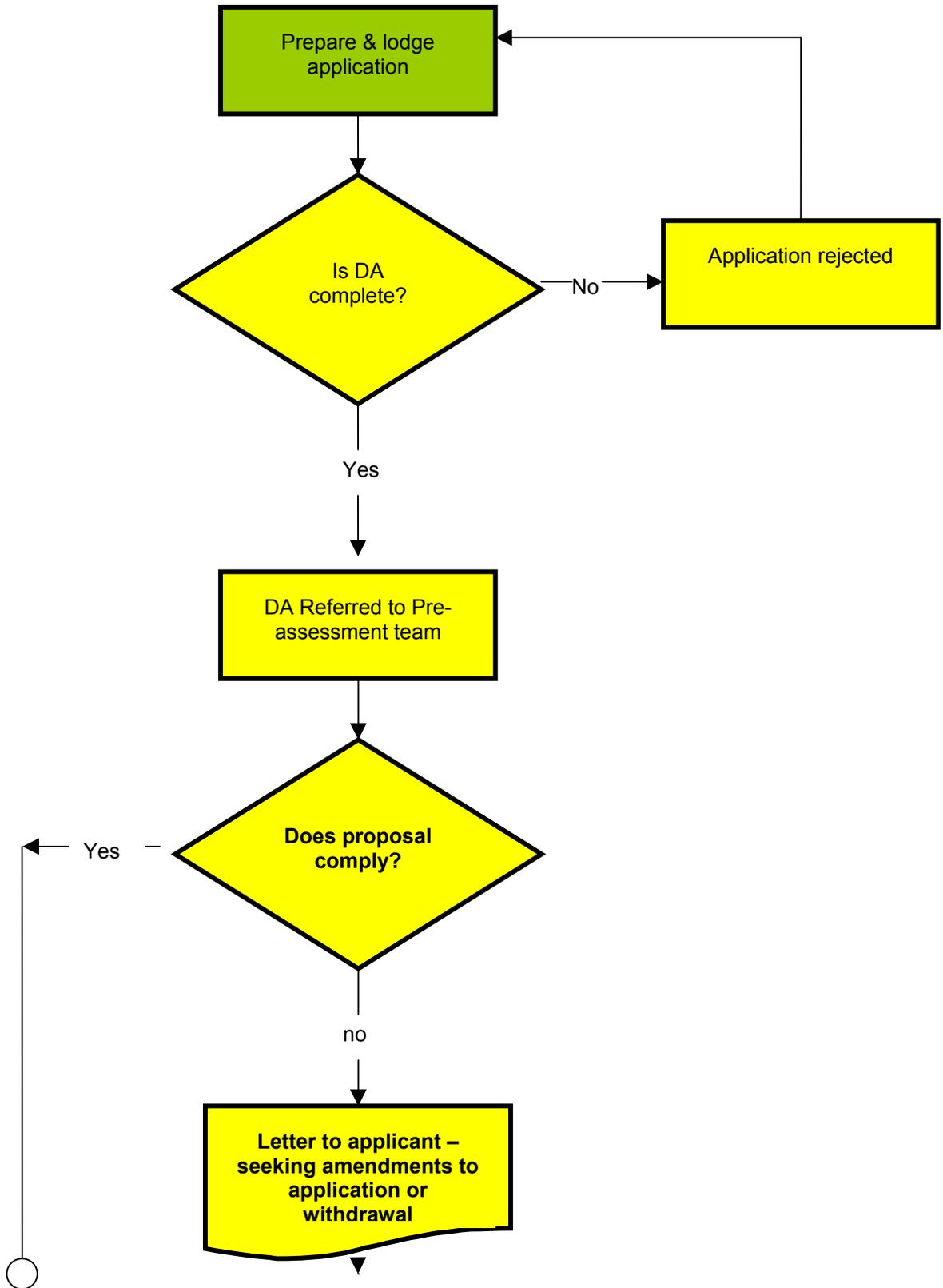
If applicant notifies Council in writing that the application is withdrawn. Council will refund to the applicant 50% of the application fees paid and the notification fee.

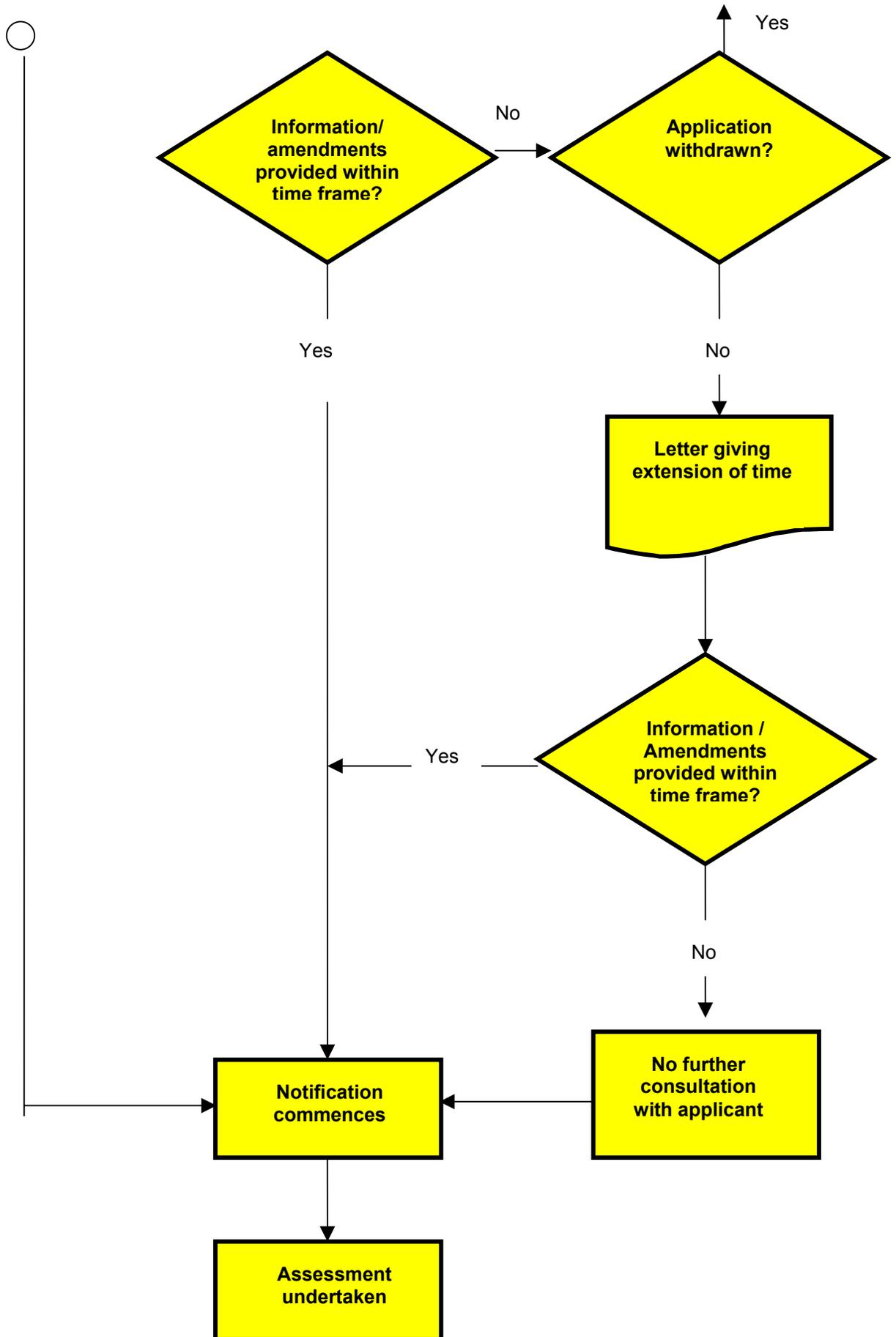
If the applicant notifies Council in writing that the amendments will not be made. Council will then “start the clock” and assess the development application on merit.

If the applicant fails to make any of requested modifications, and has not notified Council in writing of their intention to withdraw the application, or not provided the modifications by the end of the period specified, the 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.

Council will follow the notification protocols stated in Notification Development Control Plan and notify surrounding landowners and occupiers of the development application. At completion of the notification period Council will assess the development application on its merit, taking into account the variations or conflicts and any submissions received.

**Development Applications that do not Comply with Policy**





## **f) Development Applications submitted with insufficient information**

An applicant whose development application is considered to contain insufficient information for proper consideration of the application will be notified of such in writing within 21 days (but usually within 7 days) of lodgement of the DA and requested to provide additional information within 30 days.

The type of information required includes:

- Plans
- Environmental Impact Studies
- Shadow Diagrams
- Landscaping Details
- Storm water Details

Instead of providing the information requested, the applicant may:

- Notify Council in writing that the application is withdrawn. Council will then refund to the applicant 50% of the application fees paid
- OR
- Notify Council in writing that the information will not be provided. Council will then “start the clock” and assess the development application on merit.

If the applicant has failed to provide any of the requested information, and not notified Council in writing of their intention to withdraw the application, or not provided the information by the end of the period specified the 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.

## **g) Consideration of Additional Information**

Failure to provide additional information will result in the application being determined on merit. The Council will only agree to a further extension of time if the provision of additional information is out of the control of the applicant, for example awaiting a response from a statutory authority. Under this circumstance the applicant will be provided with a further extension of time. 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 case.