

MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023

Councillor Peter Kafer left the meeting at 8:20pm and did not return to the meeting.

ITEM NO. 4

FILE NO: 23/252131
EDRMS NO: PSC2018-02573-007

REVISED EXCEPTIONS TO DEVELOPMENT STANDARDS POLICY

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the revised Exceptions to Development Standards policy shown at **(ATTACHMENT 1)**.
 - 2) Places the revised Exceptions to Development Standards policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
 - 3) Revokes the Exceptions to Development Standards policy dated 9 February 2021, Minute No. 007, should no submissions be received.
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ORDINARY COUNCIL MEETING - 14 NOVEMBER 2023 MOTION

269	<p>Councillor Glen Dunkley Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorses the revised Exceptions to Development Standards policy shown at (ATTACHMENT 1).2) Places the revised Exceptions to Development Standards policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.3) Revokes the Exceptions to Development Standards policy dated 9 February 2021, Minute No. 007, should no submissions be received.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement to place the revised Exceptions to Development Standards Policy (the 'Policy') (**ATTACHMENT 1**) on public exhibition.

The Policy aims to provide guidance on the application and administration of Clause 4.6 Exceptions to Development Standards in the Port Stephens Local Environmental Plan 2013 (LEP).

The revised Policy has been updated to incorporate the reforms of the NSW Department of Planning and Environment (DPE) in relation to Clause 4.6 which will come into effect on 1 November 2023.

The key reforms that have been implemented are outlined below:

- 1) Proposed variations of greater than 10% are still required to be determined by the elected Council where there is no local planning panel
- 2) The reporting of Clause 4.6 exceptions to development standards is now through the NSW Planning Portal when the development application is lodged and quarterly reporting will cease to be required
- 3) Planning Circular PS 20-002 will be repealed on 1 November 2023.

Please note that yellow highlighting in the attached Policy indicates an amendment has been made and strikethrough text is to be deleted.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Program to develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

The recommendation will not result in any financial or resource implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		

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Source of Funds	Yes/No	Funding (\$)	Comment
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no known legal or policy implications as a result of the proposed recommendation.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the legislative process will not be clear to some applicants, resulting in delays in the development assessment process.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Policy is intended to:

- Set out the processes and requirements that apply when development applications are lodged that seek to vary development standards under Clause 4.6 of the LEP
- Create opportunities for greater transparency and community participation when decisions are made to vary development standards

Exhibition of the Policy will ensure the aims continue to be met.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment section.

Internal

Internal consultation was undertaken with the Development Assessment and Compliance section, and the units responsible for administering the Policy. No objections were raised.

The Executive Team has been consulted to seek management endorsement.

External

In accordance with local government legislation, the revised Exceptions to Development Standards Policy will go on public exhibition for a period of 28 days.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Revised Exceptions to Development Standards Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.