

Instrument of Delegation to the Development Applications Committee

Dated: 22 February 2022



- 1 The Development Applications Committee (**DAC**), which is a committee of the whole established by Council under section 260 of the *Local Government (General) Regulation 2021* (NSW) (**Regulation**) be delegated authority to determine development applications under the *Environmental Planning and Assessment Act 1979* (NSW) (subject to limitations in **Schedule 1**) if:
 - 1.1 the development application has an estimated cost exceeding \$15 million;
 - 1.2 City of Newcastle (CN) has received 25 or more individual written objections emanating from individual households, during the formal notification period, to the development application that CN has been unable to resolve in discussions with the objectors or that CN has been unable to address by appropriate conditions to the development application;
 - 1.3 CN Officers recommend approval of a development application that involves a variation to a development standard of an environmental planning instrument, where the extent of the proposed variation is assessed to be greater than 10%;
 - 1.4 two or more Councillors submit a request in writing that the development application be determined by the Development Applications Committee.
- 2 The delegations in this Instrument are subject to, and are to be exercised in accordance with, the requirements of the relevant legislation and any resolution of Council.
- 3 All previous delegations of functions the subject of this Instrument be revoked.
- 4 For the purpose of this Instrument, function includes powers, authorities and duties and anything ancillary or related to the exercise or performance of that function.

INTERPRETATION

- a) **Recess Period** means a period of time where Council has, by resolution of Council, specifically determined a break in Council's ordinary meeting schedule. A Recess Period does not include:
 - i. the time between meetings (an extraordinary meeting can be called where decisions are required to be made as a matter of urgency); or
 - ii. the time between Council terms (that is the period between the day of the last ordinary council meeting and the date of declaration of a new elected Council).

Schedule 1: Limitations

The delegations under this Instrument of Delegation during Council's Recess Period, in which case the determination of all Development Applications is delegated jointly to the Lord Mayor and Chief Executive Officer (except those limited by relevant legislation).

Refer to Instrument of Delegation to the Lord Mayor, and Instrument of Delegation to the Chief Executive Officer.