

POLICY - COUNCIL

Assessment of Development Applications for Councillors and Designated Staff

Date adopted by Council	30 October 2023
Item & Minute #	H.10.1 - 23/215
Endorsed by	Senior Management Group – 20 September 2023
CM Ref	CD-53/23
Due for review	September 2027
Related documents	Code of Conduct for Staff Code of Conduct for Councillors
Responsible officer	Manager Planning, Building and Regulatory Services
Department/Section	Environmental and Community Services
Category	Development & Building
Community Strategic Plan goal	Goal-Protected Environment
	CS2.5 - Provide efficient and effective advisory, assessment and regulatory services focused on being customer 'friendly', responsive and environmentally responsible



Policy Statement

Council will ensure that systems and processes are in place to minimise the potential for conflicts of interest, misconduct and corruption by Councillors and staff involved in the assessment and determination of development applications.

Objective

The purpose of this policy is to provide an appropriate level of transparency for the assessment and determination of development applications where Councillors or Council senior staff with delegated authority to determine development applications have a pecuniary or non-pecuniary interest.

Scope

Development applications lodged by or on behalf of Councillors or Senior Staff (including the General Manager, Directors and staff with delegated authority to determine development applications).

Definitions

Term	Definition
Application	An application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent. It does not include an application for a complying development certificate.
Council	Upper Hunter Shire Council
Development process	Application, assessment, determination, and enforcement.
The Act	Environmental Planning and Assessment Act 1979

Procedure

1. All development applications lodged by or on behalf of Councillors or Senior Staff (including the General Manager, Directors and staff with delegated authority to approve development applications) must be assessed by an officer that is not the applicant and reported to Council for determination.
2. Should the value of the proposed development exceed \$1,000,000 the assessed application must be peer reviewed by a suitably qualified town planner not employed by UHSC, at the applicant's expense.
3. An assessment in accordance with Section 4.15 of the Environmental Planning and Assessment Act, 1979 will be completed and submitted to the Environmental & Community Services Committee (ECSC) and/or a meeting of Upper Hunter Shire Council (UHSC) for consideration.



- Recommendations from the ECSC shall be submitted to the next meeting of Council for determination of the application.

Responsibilities

Councillors

Councillors will clearly identify where they have a pecuniary or non-pecuniary interest in any development application.

All Directors

All Directors will clearly identify where they have a pecuniary or non-pecuniary interest in any development application.

All Managers and Officers

All Managers and Officers with delegated authority to approve development applications will clearly identify where they have a pecuniary or non-pecuniary interest in any development application

References and Related Legislation

- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Environmental Planning and Assessment Regulation 2021

Version History

Version No.	Date	CM Reference	Reason for Review
1	26/10/2009	INT-5843/09	New policy
2	26/08/2013	INT-8727/13	Timed review.
3	27/02/2017	INT-3882/17	Timed review.
4	31/05/2021	CD-38/21	Timed review & new template.
5	30/10/2023	CD-53/23	Timed review.