

POLICY

Assessment & Determination of Development Applications for Councillors and Designated Staff

Date adopted by Council	31 May 2021
Minute number	H.05.2
Endorsed by	Senior Management Group
CM Ref	CD-68/21
Due for review	April 2024
Related documents	CD-17/21 – Code of Conduct for Staff CD-16/21 – Code of Conduct for Councillors
Responsible officer	Manager Planning, Building & Regulatory Services
Department/Section	Environmental & Community Services
Category	Development & Building
Community Strategic Plan goal	<p>Goal 4 Plan for a sustainable future</p> <p>CS13 Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community.</p> <p>CS14 Provide efficient and effective advisory, assessment and regulatory services focused on being Customer ‘friendly’, responsive and environmentally responsible.</p>



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

To provide an appropriate level of transparency and impartiality in the assessment and determination of Development Applications and avoid potential conflicts of interest.

Scope

This policy applies to Councillors, General Manager, Directors and any staff with delegated authority to determine development applications.

Definitions

All terms used in this policy have the standard dictionary definition.

Policy Details

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 (unless the application is for State or Regionally Significant Development).
2. An assessment in accordance with Section 4.15 of the Environmental Planning and Assessment Act, 1979 will be completed and submitted to the Development & Environmental Services Committee (DESC) and/or a meeting of Upper Hunter Shire Council (UHSC) for consideration.
3. Recommendations from the DESC shall be submitted to the next meeting of Council for determination of the application.
4. In some circumstances, the General Manager may require the application to be assessed by an independent, external planning consultant and referred to Council for determination.



Responsibilities

Councillors

Councillors will consider 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

General Manager, Directors and Staff with Delegated Authority to Approve Development Applications

Will comply with this policy at all times.

References and Related Legislation

- Environmental Planning and Assessment Act 1979

Version History

Version No.	Date	CM Reference	Reason for Review
1	August 2013	CD-38/21	Policy
2	6/3/2017	CD-38/21	Policy review – this policy was adopted by Council at its meeting on 27 February 2017, and replaced that of the same title adopted on August 2013
3	31/5/2021	CD-68/21	Policy review – update on new template