

## POLICY STATEMENT

### ASSESSMENT OF THE COUNCIL'S DEVELOPMENT APPLICATIONS

**POLICY ADOPTED:** 18 March 2014

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#### **Policy Objective:**

To ensure that when a Development Application (DA) is lodged and the Council is both the applicant and landowner, the assessment, the consideration of submissions and the recommendations put forward for the Council's consideration of that DA are –

- free from any conflicts of interest
- undertaken independently and in an unbiased manner
- in line with the Independent Commission Against Corruption (ICAC)'s Position Paper on *"Corruption Risks in NSW Development Approval Processes"* dated September 2007.

This policy is formulated following the Council's consideration of the ICAC Position Paper recommending: *"That individual local councils take steps to manage their conflicting roles in matters where they are the regulator of land and have a financial interest in the outcome of the matter."*

#### **Policy Statement:**

##### 1. Application of this Policy

This policy applies to all development applications under Part 4 of the *Environmental Planning & Assessment (EP&A) Act 1979*, where the Council is the applicant and landowner [including those under the *SEPP (Infrastructure)2007*] requiring development consent, other than minor applications.

The determination of what category the development application is shall be made after consideration of the following criteria, at the discretion of the General Manager and delegated authority.

##### *Minor Small Scale*

- The estimated value of the works to be undertaken;
- The potential impact on surrounding residential amenity associated with the proposed development;
- The consistency of the proposed works with an existing Council Strategic Plan or strategy;
- Whether the proposal involves any substantial variations from existing Council policy; and
- Whether the proposal will lead to any financial benefit for the Council.

##### *General Development*

- The estimated value of the works to be undertaken;
- The potential impact on surrounding amenity associated with the proposed development;
- The consistency of the proposed works with an existing Council Strategic Plan or strategy;

- Whether the proposal involves any substantial variations from existing Council policy;
- Whether the proposal will lead to any financial benefit for the Council; and
- Current experience and qualifications of the assessing officer.

#### *Routine Larger Subdivision DA*

- The estimated value of the works to be undertaken;
- The potential impact on surrounding amenity associated with the proposed development;
- The consistency of the proposed works with an existing Council Strategic Plan or strategy;
- Whether the proposal involves any substantial variations from the existing Council policy;
- Whether the proposal will lead to any financial benefit for the Council; and
- Current experience and qualification of the assessing officer.

#### *Significant Major DA*

- The estimated value of the works to be undertaken;
- The potential impact on surrounding amenity associated with the proposed development;
- The consistency of the proposed works with an existing Council Strategic Plan or strategy;
- Whether the proposal involves any substantial variations from existing Council policy;
- Whether the proposal will lead to any financial benefit for the Council;
- Current experience and qualification of the assessing officer;
- Potential social & economical impact of the proposed development; and
- Potential environmental impact of the proposal.

Where the Council may have an interest in the land even if the Council is not the applicant; eg. the Council land under contract for sale or the Council is the trustee of the land.

## 2. Provisions

Category of development application where the Council is both the Applicant and Landowner, or where the Council has an interest on the land Provision.

*Minor, small-scale*, routine operational development, non-controversial development application

- Assessment by Council staff not involved in the application.
- Determination under delegated authority. \*\*

*General Development* (not minor) or other form of development application that takes place such as community facilities and alike, complies with zoning, landuse provisions and Council policies.

- Assessment by Council staff not involved in the application and peer reviewed by Manager Development Services.
- Determination under delegated authority by member of staff under guidance of Manager Development Services. \*\*
- Report to Council would be an option if substantial submissions received.

*Routine larger subdivision development application* (not minor) that takes place within the Council's industrial estates or on Council reserves and complies with zoning, landuse provisions and Council policies.

- Assessment by Council staff not involved in the application and peer reviewed by Manager Development Services.
- Determination under delegated authority by member of staff under guidance of Manager Development Services. \*\*
- Report to Council would be an option if substantial submissions received.

*Significant Major development application* involving complex planning issues, an external independent town planning consultant will be contracted to:

- assess the development application in accordance with requirements of Section 79C of the *Environmental Planning & Assessment (EP & A) Act 1979*;
  - ◆ Consider any submissions received following the development application's notification in accordance with the Council's Policy which may include addressing a resident briefing

- meeting; and
- ◆ prepare and submit to the Council a report on the Section 79C assessment and consideration of submissions, including recommendations for the consideration of the full Council.

\*\* Other than for development on community land under Section 47E of the *Local Government Act 1993*.

## 2.1 Exceptions to this Policy

Notwithstanding Clause 1,

- Where the original development application (eg, a parent subdivision application) has been subjected to this policy and a subsequent, proposed development is consistent with the original development application, that development application is not subjected to the provisions of the policy.

## 3. Implementation

To be implemented by the Development Services Department

## 4. Review

This policy will be reviewed within one year of the election of every new Council, or earlier should circumstances arise to warrant revision.

### **Definitions:**

Nil

### **Responsibilities:**

Nil

### **Recommended Practices:**

Nil

### **References:**

- a. Environmental Planning & Assessment (EP&A) Act 1979.
- b. “*Corruption Risks in NSW Development Approval Processes*”, Commission Against Corruption (ICAC)’s Position Paper, September 2007.
- c. SEPP (Infrastructure) 2007.
- d. Local Government Act 1993.

### **Appendices:**

Nil

### **Authorisation:**

<b>Status</b>	<b>Committee</b>	N/A	
	<b>Manex</b>	N/A	
<b>Owner</b>	<b>Director of Corporate, Community &amp; Development Services</b>		
<b>EDRMS Doc. ID</b>	405155		
<b>Superseded Policy</b>			
<b>Date of Adoption/ Amendment</b>	<b>Revision Number</b>	<b>Minute Number</b>	<b>Review Date</b>
16 March 2010	0		One year of election of new Council
9 January 2014	1		One year of election of a new Council

18 March 2014	2		One year of election of a new Council February 2017
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<b>Related Council Policy / Procedure</b>