

Dealing With Development Applications Lodged by Council Staff or Councillors

Policy Number: POL16/235 • **Adopted:** 10/03/2009 • **Reaffirmed:** 26/02/2013 • **Amended:** 21/03/2017 • **Minute Number:** MIN09.271, MIN13.110, MIN17.206 • **File:** 3621E • **Produced By:** Planning, Environment & Development Group • **Review Date:** 1/12/2020

1. PURPOSE

To ensure that where a Development Application (DA) is lodged, and the applicant and/ or land owner is a Council staff member or Councillor, that:

- the development assessment process is free from any conflicts of interest;
- the development assessment process is undertaken in a transparent and unbiased manner;
- the assessment of DAs for staff and/ or Councillors is undertaken strictly in accordance with Council's Code of Conduct and is free from any undue influence; and
- this procedure will also provide both the DA applicant/ land owner and assessor guidance on how to appropriately deal with the application prior to its determination.

2. STATEMENT

That this procedure is applied to **all** DAs lodged where the applicant and/ or land owner is a Council staff member or Councillor. Council's Code of Conduct must be adhered to in every respect.

3. PROVISIONS

3.1. General

Any DA subject to this Procedure will be processed in the same way as any other DA subject to the conditions and criteria set out in this procedure to ensure transparency and public confidence.

3.2. Relationship between Assessing Officer and Applicant and/ or Land Owner (when Applicant and/ or Land Owner is a Council Staff Member or Councillor)

Staff need to be aware that if they are the assessing officer, referral officer, supervisor and/ or applicant and/ or land owner, the following principles should be adhered to:

- 3.2.1. If a Council staff member is the applicant and/ or land owner, any discussion relating to the affected DA processing, status, etc, must be undertaken in the staff member's (ie, applicant) own time, in a public location (eg, foyer, front counter) and the applicant should be treated in the same manner as any other member of the public.
- 3.2.2. If a Councillor or staff member is the applicant and/ or land owner, the Councillor or staff member must not use his/ her position to influence the Assessing Officer in the processing of his/ her application.
- 3.2.3. The assessing officer is to ensure that all processes undertaken during the assessment of any DA are in accordance with Council's policies and procedures and the applicant is neither given any special treatment nor discriminated against.

3.3. How to ascertain if the DA is to be reported to Council for determination

Generally, any DA lodged where the applicant and/ or land owner is a Council staff member or Councillor, the DA should be processed in the normal manner, which may include determination under delegated authority. Nevertheless if one (1) or more of the following matters are triggered, the DA is to be reported to the elected Council for determination:

- 3.3.1. The scale and extent of the DA lodged eg, pergola vs larger commercial proposal;
- 3.3.2. The proposed DA seeks a substantive variation to any performance-based DCP or Council Policy;
- 3.3.3. The proposed DA creates significant public interest and/ or large numbers of submissions;
- 3.3.4. Whether an independent assessment and/ or peer review has been undertaken;
- 3.3.5. The applicant and/ or land owner is a staff member within the development assessment sections of the Planning, Environment and Development (PED) Group; and
- 3.3.6. The extent of any public perception of a possible conflict of interest that may exist between the DA lodged and the applicant's and/ or landowner's relationship with the PED Group (ie, relevant assessment staff).

4. DECLARATION OF CONFLICTS OF INTEREST FOR DES GROUP STAFF MEMBER

Where a staff member, working within the PED Group, is party to a development application as applicant and/ or land owner, the staff member shall advise their supervisor of their conflict of interest and ensure that this procedure and Council's Code of Conduct are adhered to.

5. IMPLEMENTATION

To be implemented by PED Group as required.

6. REVIEW

This policy will be reviewed within one (1) year of the election of every new Council, or earlier should circumstances arise to warrant revision.