3.01.4 Councillor/Staff – determination of Development Applications

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Introduction

For the purpose of ensuring probity in the planning process and to uphold the provisions of the Local Government Model Code of Conduct, this procedure outlines the types of development applications that must be considered and determined by the elected Council, and shall not be dealt with under the delegated authority of staff.

Determination of development applications involving Councillors and senior members of staff

Any development application lodged where a Councillor or a senior member of staff is in any way connected with a development application (for example, as an Applicant, Owner, employee, relative) shall be referred to the Council for consideration and determination and no aspect of the development application shall be dealt with under delegated authority.

Exemptions

Notwithstanding the above, the following development applications need not be reported to the Council for determination provided the development application complies in full with Council’s adopted plans and policies, and no objections have been received in relation to the development:

- Dwellings and secondary dwellings, including ancillary building structures

The determination of a development application subject to this exemption must be reviewed, prior to issue of any development consent, by the Manager of Planning and Sustainability, the Manager of Certification and Compliance, the Director of Community, Environment and Planning, or the General Manager.

Development applications involving non-senior members of staff

Where a non-senior member of staff is in any way connected with a development application (for example, as an Applicant, Owner, employee, relative) the determination of the development application must be reviewed, prior to issue of any development consent, by the Manager of Planning and Sustainability Services or Manager of Certification and Compliance or Director Community, Environment and Planning or General Manager.

Definitions

Relative

as per the definition in the Local Government Act 1993 means any of the following:

a. the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person’s spouse or de facto partner,

b. The spouse or de facto partner of the person or of a person referred to in paragraph (a).

Senior member of staff

means the General Manager, Directors and Managers.