

Document Name	Document Version Number	Review Date
Independent Assessment of Development Applications Policy	1.0.1	August 2024
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19 August 2020	5655	Revised

Purpose

This policy shall apply where Council or Council staff are the applicant of the development application, or where Council is the owner of land.

Scope

Under the provision of the Environmental Planning and Assessment Act 1979 (the Act) Council is the consent authority for approvals issued under the Act and the purpose of this policy is to outline the circumstances where Council will voluntarily elect to utilise consulting assessment staff to provide additional independence in the assessment of an application for approval under the Act.

The purpose of independent assessment is to prevent any actual or perceived conflicts of interests that may arise in some circumstances from Council acting in its capacity as consent authority.

Definitions

- Consulting assessment staff – private consulting planners that are engaged by Council on a fee for service basis on an at needs basis on the strict understanding that Council is seeking an independent assessment of a proposal.
- Significant Development - subdivision of land involving more than 10 allotments (boundary adjustments or consolidation of allotments are not significant development) and where development notification does not result in a submission to Council, erection of a building which is classified under the Building Code of Australia as a class 2-9 building with a value not exceeding \$2,000,000 or the erection of more than one class 1 building at one time and where neighbor notification does not result in a submission to Council.
- Development (General Manager, Directors, and Councillors) - subdivision of land involving more than 2 allotments (boundary adjustments or consolidation of allotments are not significant development), erection of a building which is classified under the Building Code of Australia as a class 2-9 building with a value not exceeding \$600,000 or the erection of more than one class 1 building at one time.

Policy Content

As mentioned in the scope of this policy, Council is the consent authority for approvals under the Act. These approvals are development consents and Part 4A Certificates which could be Construction Certificates, Complying Development Certificates, etc.

The Act and the Building and Development Certifiers Act has provisions that deal with conflict of interest considerations in relation to Part 4A Certification and therefore this policy does not address the assessment of these certificates.

Consulting assessment staff will be engaged where an application for development approval has been received and one of the following situations exists:

- Council is the applicant for defined significant development or
- The General Manager, the Directors of the Council or Councillors are the applicant for development which is defined as Development (General Manager, Directors and Councillors) or

- Council is an adjoining land owner to land where an application for significant development has been received and there is a concern that a perceived conflict of interest may exist due to perception that Council may want to promote economic development or the proposed significant development may have a detrimental effect on Council's asset.

Links to Policy

Nil.

Links to Procedure

Procedure for the assessment of development application where Consulting Assessment Staff are to be engaged:

1. Receipt of payment and the assembly of the development assessment file is to be performed by Council staff, other than the staff member making the application;
2. Notification procedures and consulting with concurrence and approval bodies is to be undertaken by Council staff, other than the staff member making the application;
3. Collation of public responses and responses from concurrence and approval bodies is to be undertaken by Council staff, other than the staff member making the application;
4. Assessment of the respective application and preparation of either an assessment report for Council or a delegated approval report for authorisation by the Director or Environment and Planning is to be undertaken by the Consulting Assessment Staff; and
5. Issue of a Notice of Determination is to be performed by Council staff, other than the staff member making the application.

Links to Forms

Nil.

References

Nil.

Responsibility

Nil.

Document Author

Director Environment & Planning.

Relevant Legislation

Environmental Planning and Assessment Act 1979. Building and Development Certifiers Act 2018.

Associated Records

Nil.