



# **Independent Assessment of Development Applications where Council has a Conflict of Interest Policy**

<b>Date policy was adopted by Council:</b>	25 March 2009
<b>Resolution number:</b>	108/09
<b>Previous Policy review date:</b>	November 2013
<b>Next Policy review date:</b>	July 2016
<b>Reference number:</b>	C13121352

**1. OUTCOMES:**

To ensure probity, transparency and objectivity in the determination of Development Applications, where Council has a potential conflict of interest.

**2. POLICY:**

Independent assessment of development applications is required where:

- Council is the owner of the land and proposes to develop the land for a purpose which may impact on the amenity of the surrounding land owners and would be in competition with other commercial business
- Council is the owner of the land and the sale of the land is dependent on the approval of a development application , or
- Council stands to gain financially as a result of the decision in respect of a development application

**3. DEFINITIONS**

Nil

**4. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS**

Nil

**5. CONTENT:**

1. An independent Town Planning assessing officer shall be appointed from either:
  - a) another Council within the region, with that Council's agreement; or
  - b) Through the services of a suitably qualified consultant Town Planner. The appointment of an independent assessing officer shall be arranged by the Manager Development Control with the approval of the General Manager and the Mayor.
2. A Town Planning Officer from within Council's Development Control Section shall be nominated as the coordinating officer.
3. The appointed independent assessing officer shall be consulted regarding the level of public notification required for the development application. The coordinating officer will undertake the notification and exhibition of the development application in accordance with the independent assessing officer's instructions.


4. All requests from the independent assessing officer for further information, plans etc. are to be followed up by the coordinating officer and documentation received is to be immediately forwarded to the independent assessing officer by the coordinating officer.
5. The development application shall be available for public inspection in the offices of the Sustainability and better Living Group..
6. All objections are to be forwarded to Queanbeyan Council's Development Control Section. The Town Planning officer appointed to coordinate the process shall be responsible for ensuring that all objections received are forwarded to the independent assessing officer.
7. Where the independent assessing officer deems it necessary to meet with concerned residents, the arrangements for such a meeting shall be the responsibility of the nominated Council coordinating officer, in consultation with the independent assessing officer. The appointed coordinating officer shall sit in on the meeting as an observer.
8. At the end of the public notification period the coordinating officer is responsible for ensuring that the independent assessing officer has all the documentation held by Council in respect of the development application including all relevant Council policies as soon as possible, LEP's and standard conditions that are required to carry out the assessment of the application.
9. The independent assessing officer shall supply to Council a written report outlining his or her assessment of the application in accordance with the requirements of the E P & A Act 1979 (as amended) including a recommendation and where appropriate the conditions of consent that are deemed necessary.
10. The independent assessing officer's report shall be reproduced in full within the Council Agenda without alteration. Council's coordinating officer shall be responsible for ensuring that the report is included in the relevant Council Meeting agenda and for checking the report for any omissions or errors in the reproduction.
11. That the independent assessor be required to attend the meeting when the Council is determining the application.

## **6. PERFORMANCE INDICATOR**

All development applications that fall within the parameters in part 2 above are independently assessed.

<b>POLICY:-</b>	
<b>Policy No:</b>	
<b>Policy Title:</b>	Independent Assessment of Development Applications where Council has a Conflict of Interest
<b>Date Policy was adopted by Council:</b>	25 March 2009
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<b>PROCEDURES/GUIDELINES:-</b>	
<b>Date Procedure/Guideline (if any) was developed:</b>	Nil
<b>RECORDS:-</b>	
<b>Container Reference in TRIM: Policy</b>	SF080616
<b>Container Reference in TRIM: Procedure</b>	Nil
<b>Other locations of Policy:</b>	Intranet (linked to TRIM Container)
<b>Other locations of Procedures/Guidelines:</b>	Nil
<b>DELEGATION (if any):-</b>	Nil
<b>RESPONSIBILITY:-</b>	
<b>Draft Policy developed by:</b>	Group Manager, Sustainability and Better Living
<b>Committees (if any) consulted in the development of the Draft Policy:</b>	Nil
<b>Responsibility for Implementation:</b>	Group Manager, Sustainability and Better Living
<b>Responsibility for Review of Policy:</b>	Group Manager, Sustainability and Better Living

<b>INTEGRATED PLANNING FRAMEWORK:</b>	
<b>Community Strategic Plan:</b>	Strategic Priority No. 6
<b>Delivery Program Title:</b>	Land Use Regulation
<b>Operational Plan:</b>	Program No. 526

<b>Senior Authorising Officer</b>	<b>Position</b> General Manager	<b>Signature/Date</b>  25 March 2009
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<b>ACTION</b>	<b>COUNCIL MEETING DATE</b>	<b>RESOLUTION NUMBER</b>	<b>REPORT ITEM NUMBER</b>
New	16 June 1999	1446	Environmental Services item 7
Amended	25 March 2009	108/09	Item 16/16

<b>DATE REVIEWED</b>	<b>REVIEWER POSITION</b>	<b>REVIEWER NAME</b>
November 2013	Group Manager – Sustainability and Better Living	Michael Thompson