

# Our ethics in the assessment and determination of applications

## What are the legal requirements?

Chapter 14 of the *Local Government Act 1993* "Honesty and disclosure of interests" places obligations on councillors, council delegates and staff of councils to act honestly and exercise care and diligence in carrying out their functions.

It also requires that pecuniary interests of councillors, council delegates and other persons involved in making decisions or giving advice on council matters be publicly recorded. It also requires councillors and staff to refrain from taking part in decisions on council matters in which they have a pecuniary interest.

All councillors, staff and delegates should read this chapter of the *Local Government Act*. The following web sites offer further guidance:

- ✓ [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)
- ✓ [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)
- ✓ [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)
- ✓ [www.lgsa.org.au](http://www.lgsa.org.au)

## What is pecuniary interest?

A *pecuniary interest* is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

### We will at all times:

- ✓ Act in the public interest
- ✓ Be careful & diligent
- ✓ Be honest
- ✓ Be open & transparent
- ✓ Declare pecuniary interests
- ✓ Disclose non-pecuniary interests

## Providing excellent Customer Service

The planning, development control and building certification process is complex. The system is so complex that we struggle to understand every part of it. It is often the case that applicants and those making submissions find this system confusing.

### We will at all times:

- ✓ Notify and advertise applications in accordance with adopted policy
- ✓ Keep applicants and those who have made submissions informed
- ✓ Be accessible and responsive
- ✓ Make information accessible except where there are good reasons eg. Privacy, legal, medical, etc.
- ✓ Give reasons for the decisions we make
- ✓ Continuously strive to improve service delivery

## Making good recommendations and decisions

The complexity of planning and environmental law requires us to take a systematic approach. Our systems and procedures have been developed to ensure that our recommendations are based on a proper understanding of the proposal having regard to submissions, relevant planning controls, planning principles from the Land & Environment Court and the public interest.

We must not only act, but we must be seen to be acting, in the public interest.

We are not the advocate of applicants, objectors, or others with vested interests in seeing development approved or refused.

Civil matters, neighbour disputes or other irrelevant considerations do not influence us.

It is unlawful for council, the Mayor or individual councillors to direct staff as to the nature of advice or recommendation we will make in reports.

### We will at all times:

- ✓ Make recommendations on merit
- ✓ Be accountable for our decisions
- ✓ Be cautious & prudent
  - ✓ Be fair & realistic
  - ✓ Be focused on the impacts
  - ✓ Be objective & impartial
  - ✓ Be independent
  - ✓ Be legally compliant
  - ✓ Strive to be a leader in development assessment



## Separation of Assessment and Determination

Good outcomes in the development assessment process depend on everyone involved properly playing their assigned role. To ensure this occurs, all roles and responsibilities need to be clearly spelled out and understood.

**The Assessment Officer** - The assessment officer is responsible for all communication between the applicant, those making submissions and Council and for the carriage of the application from post development application review committee to notification of determination and appeal, if applicable.

**Development control Team Leaders** - The team leader is responsible for delegated determinations and is accountable for the content of reports placed before committees.

**The Manager Development Control** - The manager has oversight to ensure due process. The manager is responsible for communication with Councillors and may determine matters to be placed before committees outside delegations.

**The Director Planning & Development** - The director has general oversight, may consult with Councillors and may determine matters to be placed before committees outside delegations.

## Procedural Fairness and Natural Justice

We rely on applicants and those making submissions to provide accurate information necessary to permit a proper determination of the application. Likewise, we rely upon professionals acting for applicants and those making submissions to provide accurate information required by legislation or professional codes of conduct and ethics.

Our committee reporting and meeting process provides for applicants and those who have made submissions to be heard.

### We will at all times:

- ✓ Hear and consider written and verbal submissions from any member of the public made within exhibition periods
- ✓ Comply with Council's adopted delegations and policy
- ✓ Reject false & misleading applications
- ✓ Report to appropriate authorities any apparent corrupt conduct of any person, without fear or favour