



**D6.50**

**Determination of Development  
Applications Contrary to Director's  
Recommendations**



## **D6.50 DETERMINATION OF DEVELOPMENT APPLICATIONS CONTRARY TO DIRECTOR'S RECOMMENDATIONS**

### ENVIRONMENT AND PLANNING - DEVELOPMENT

#### **POLICY OBJECTIVES**

To ensure that the required ethical and professional standards are applied in determination of applications.

To protect the interests of Council in the event that a decision is challenged by appeal to the Land and Environment Court.

#### **POLICY STATEMENT**

##### **Approval Contrary to Director's Recommendation**

A Where Council wishes to approve an application, contrary to the recommendation made by the Director:

The application will be approved and referred to the DAU for appropriate conditions prior to issue of consent. Council shall indicate the reasons for approval to be included in the letter of notification to the applicant and objectors.

##### **OR**

The application shall be referred to an independent consultant for a report setting out reasons which could be advanced in support of the application, together with a list of conditions appropriate to the proposal. The consultant's report to be submitted to Council.

##### **Refusal Contrary to Director's Recommendation**

B Where Council determines an application by way of refusal, contrary to the recommendation made by the Director:

Council shall indicate the reasons to be attached to a refusal of the application;

##### **OR**

The application shall be referred to an independent consultant for a report setting out all the reasons which could be advanced as grounds for a refusal of the application. The consultant's report to be submitted to Council.

##### **Appointment of Consultants**

C The reference to consultants shall mean:

- (i) a person having educational and professional qualifications acceptable for corporate membership of the Planning Institute of Australia and/or the Australian Institute of Building Surveyors and who has, in the opinion of the Council, adequate and relevant experience in the assessment of development proposals of equivalent size, complexity, and type to the application under consideration.

## **Court Appearance**

- D When approval for an application has been recommended by Council officers and Council resolves to refuse, officers not be allowed to appear in court unless they have been served a subpoena.

(Min No 794/1993 - 13 July 1993)

(Min No 328/1993 - 23 March 1993)

(Min No 1366/1993 - 28 October 1993)

(Min No 651/1996 - 27 August 1996 - Review of Policies)

(Min No 239/2000 – 24 October 2000 – Review of Policies)

(Min No 214/2005 - 8 March 2005 - Review of Policies)

(Min No 2007/327 - 5 June 2007)

(Min No 311/2009 - 5 May 2009 - Review of Policies)