

**POLICY NAME**

Decision Making Arrangements During  
Council's Christmas Recess

**POLICY NUMBER**

LG 005

**DATE ADOPTED**

6 December 2004

**COUNCIL MINUTE NUMBER**

608

**ECM NUMBER**

3859508

**POLICY TYPE**

Council

**REVIEW DATE**

August 2019 - Under Review

**RESPONSIBLE DEPARTMENT**

Legal & Governance

**RELATED DOCUMENTS**

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**Purpose**

To provide Council staff with the guidelines to follow when decisions are required to be made of the Council's Christmas recess.

**Policy Statement**

During Council's annual Christmas recess period, and subject to conditions outlined in this policy, development applications which normally warrant reporting to Council can be determined by the General Manager in consultation with the Mayor, or in the Mayor's absence, the Deputy Mayor.

**Scope**

This policy applies to councillors and all staff.

## **POLICY:**

**NOTE: Without prejudice to the General Manager's delegations or delegation to Council Officers.**

### **1. Policy Statement**

During Council's annual Christmas recess period, and subject to conditions outlined in this policy, development applications which normally warrant reporting to Council can be determined by the General Manager in consultation with the Mayor, or in the Mayor's absence, the Deputy Mayor.

### **2. What is the Christmas Recess Period ?**

The Christmas recess period is the period of time starting on the day following the conclusion of the last Council meeting for a calendar year and ending at the close of business on the day preceding the first Council meeting of the subsequent calendar year.

### **3. Which Development Applications Normally Warrant Reporting to Council?**

Normally, development applications must be brought to Council for determination where any of the following circumstances apply.

1. A Councillor has requested that the matter be determined by the Council
2. Significant public objection has been raised
3. The application generates significant traffic, or otherwise warrants referral to Council
4. The development is proposed to be undertaken upon land owned by Council
5. The applicant is Council
6. The applicant is a Councillor, or related to a Councillor, and the application is for a development which is either:
  - On land other than that which is their current or proposed place of residence, or
  - Not to be used for residential purposes by the applicant.
7. The applicant is an employee of Council, or related to an employee of Council, and the application is for development which is either:
  - On land other than that which is their current or proposed place of residence, or
  - Not to be used for residential purposes by the applicant.
8. The development was commenced ahead of development consent being sought.

### **4. What Exclusions Apply to the Authority to Determine Development Applications Under this Policy ?**

The authority given to the General Manager in consultation with the Mayor, or in the Mayor's absence, the Deputy Mayor, to determine development applications during the Christmas recess excludes development applications to which any of the following circumstances apply.

1. A Councillor has requested that the matter not be determined by the General Manager in consultation with the Mayor or Deputy Mayor during the Christmas recess.
2. The proposed development is on land owned by Council
3. The applicant is Council
4. The applicant is a Councillor
5. The applicant is related to a Councillor.

**What Conditions Apply to the Authority to Determine Development Applications Under this Policy ?**

1. The General Manager and the Mayor or Deputy Mayor are to be provided with the same standard of report for a development application to be determined under this policy, as would normally be provided to Council in a business paper.
2. All Councillors are to be provided with a copy of any reports prepared for the General Manager and the Mayor or Deputy Mayor under this policy.
3. The General Manager preserves the right to defer determination of a development application until the resumption of Council meetings following the Christmas recess.
4. In the event that the General Manager in consultation with the Mayor or Deputy Mayor exercises the delegated authority under this policy to determine a development application, all Councillors are to be informed by fax or e-mail within 24 hours of the determination being made.