



COUNCIL-RELATED DEVELOPMENT APPLICATION CONFLICT OF INTEREST POLICY

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Purpose

The purpose of this Policy is to outline the process by which council-related development applications are to be assessed and determined.

Objectives

The objective of the Policy is to provide guidelines for dealing with council-related development applications and to establish principles for action where a potential conflict of interest arises.

Scope

This Policy applies to council-related development applications. A Council-related development application is a development application, for which the council is the consent authority, that is—

- (a) made by or on behalf of the council, or
- (b) for development on land—
 - (i) of which the council is an owner, a lessee or a licensee, or
 - (ii) otherwise vested in or under the control of the council.

Note - Land vested in or under the control of the council includes public land within the meaning of the *Local Government Act 1993*.

This Policy applies to an application for consent under Part 4 of the *Environmental Planning and Assessment 1979* and includes an application to modify development consent. This Policy does not relate to exempt development, development permitted without consent or an application for complying development certificate.

The Policy does not apply to development applications for temporary uses or ancillary works within road reserves associated with an adjoining residential development.

Legal and Procedural Framework

The current legal and procedural framework requiring council to adopt a conflict of interest policy is set by:

- Part 4, Division 1, Section 66A of the *Environmental Planning and Assessment Regulation 2021*.

This part of the Regulation should be read in conjunction with this Policy.

The NSW Department of Planning and Environment have prepared a document titled Council-related Development Application Conflict of Interest Guidelines that set out the requirements for the council conflict of interest policy required under section 66A.

Process for Identifying and Managing Potential Conflicts of Interest

The procedure to follow for dealing with council-related development applications are as follows:

- A. Council-related development applications are to be referred to the Director Environment and Planning for determination on whether management strategies should be used for the development assessment, to manage potential conflict of interest and increase transparency.

Considerations will include:

- The scale and value of the proposal
- The number and nature of potential objections
- Whether Council has an interest in the outcome of the development application due to a potential sale of the land
- The significance of any potential environmental impact

Management Strategies could include:

- No management controls in cases like commercial fit outs and minor changes to the building façade and small advertising signage
- Peer review by a Senior Staff Member
- The assessment of the application undertaken by an external consultant
- The appointment of a Probity Advisor for large commercial applications

B. Regardless of whether the application is reported on by an external consultant or Council staff, all council-related development applications must be determined by the local planning panel. The exception to the above process will be development applications that are required to be determined by the NSW Minister, the Independent Planning Commission or a Regional Planning Panel.

The proposed management approach for the proposal is to be included in a statement with the lodgement of the Application that is published on the NSW Planning Portal.

Review

This policy will be reviewed every four years unless otherwise directed by the Executive team.

Contact

Enquiries should be directed to the Director Environment and Planning on 9978 4000.

Amendments

Date	Amendment	Reference