

Assessment of Development Applications Involving Conflict of Interest Policy

Leadership

An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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1. Objectives

The objectives of this policy are to:

- ensure that development assessment recommendations are properly made, and that all parties are dealt with fairly;
- avoid any occasion for suspicion of improper conduct in the exercise of development assessment functions; and
- ensure that no action, statement or communication to any party conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

This is aligned with and reflects Council's organisational values of:

- Integrity, Trust and Respect
- Responsibility and Accountability
- Communication and Team Work
- Service Quality.

2. Policy Statement

2.1 Council is committed to ensuring that development assessment recommendations are provided to Council or the LPP in a defensible, open and transparent manner where there is a conflict of interest or perceived conflict of interest in relation to the land owner, applicant or applicant's consultant.

2.2 For the purposes of this policy, there is a conflict of interest or a perceived conflict of interest for development applications for which the land owner, applicant or applicant's consultant (who may represent the applicant and/or have prepared the Statement of Environmental Effects, architectural plans or other development application documentation) is:

2.2.1 the Council;

2.2.2 a councillor;

2.2.3 a member of Council staff;

2.2.4 a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth);

2.2.5 a person who was a staff member of the Council within the previous three years;

2.2.6 a company or other body of which a person referred to in paragraph 2.2.5, or a nominee, partner or employer of the person, is a shareholder or member; or

2.2.7 a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in paragraphs 2.2.2 to 2.2.5,

but not development for the following purposes:

2.2.8 internal alterations and additions to any building that is not a heritage item;



2.2.9 advertising signage;

2.2.10 maintenance and restoration of a heritage item; or

2.2.11 minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2.3 The assessment of development applications referred to in clause 2.2 must be undertaken by one or more members of the External Assessment Panel, which members have no pecuniary or non-pecuniary interest (as defined in Council's Code of Conduct) in the development application.

3. Scope

This Policy applies to all Councillors, committee members, Council employees, contractors and volunteers.

4. Responsibilities

Responsibilities for the implementation of this Policy are shared as follows.

4.1 Councillors

Councillors shall:

- provide leadership in adhering to the requirements of this Policy.

4.2 Executive

The Executive shall:

- lead staff (either directly or through delegated authority) in their understanding of and compliance with this Policy and related documents.

4.3 Manager Development Assessment

The Manager Development Assessment shall:

- provide guidance to Councillors, Executive and other Council staff as to the content and implementation of this Policy;
- ensure the timely review of this Policy; and
- assist in investigations of alleged non-compliance with this Policy.

4.4 Group Managers and Managers

Group Manager and Managers shall:

- provide guidance to Council staff within their respective branches as to the content and implementation of this Policy, seeking guidance from the policy owner as required.

4.5 Council staff

Council staff shall:

- Read, understand and comply with this Policy.



5. Performance Measures

The success of this Policy will be measured by:

- No reports of breaches to this Policy.

6. Definitions

Applicant	means an applicant who lodges or proposes to lodge a development application.
Assessment	in relation to a development application, includes participation in meetings in connection with a proposed application or an application that has been lodged, the assessment of the application, and the preparation of an assessment report in relation to the application.
Development application	means an application for: <ul style="list-style-type: none">(a) development consent under Part 4 of the Environmental Planning and Assessment Act 1979 (NSW);(b) a proponent initiated planning proposal under Division 3.4 of the Environmental Planning and Assessment Act 1979 (NSW);(c) certification generally under the Environmental Planning and Assessment Act 1979 (NSW).
External Assessment Panel	means a panel of expert planning and assessment consultants that is established by Council for the purpose of procuring expert planning and assessment services to Council, including for the assessment of development applications.
Land owner	means the owner of the land to which a development application relates.
LPP	means the Wingecarribee Shire Council Local Planning Panel, or such other local planning panel as is constituted for all or part of the Wingecarribee Shire local government area from time to time.

7. Related Material

7.1 Related Legislation

The following legislative materials are related to this Policy:

- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*

7.2 Related Documents

The following documents are related to this Policy:

- Code of Conduct

- Code of Conduct Procedures

8. Non-compliance with this Policy

Non-compliance with this Policy may be taken to be a breach of Council’s Code of Conduct. Complaints alleging non-compliance with this Policy must be made in accordance with the Code of Conduct and will be dealt with in accordance with the Procedures for the Administration of the Code of Conduct.

9. Document Control

9.1 Version Control

Version	Adoption Date	Notes
1.0	14 December 2022	Initial adoption of document

10. Attachments

There are no attachments to this Policy.

Approved by:

WINGECARRIBEE SHIRE COUNCIL

14 December 2022