



CONFLICT OF INTEREST: COUNCIL-RELATED DEVELOPMENT APPLICATIONS POLICY

Dungog Shire Council

2023

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1 PURPOSE

This Policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for Council-related development.

2 SCOPE

This Policy applies to Council-related development.

3 DEFINITIONS

Application	means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent it does not include an application for a complying development certificate.
Council	means Dungog Shire Council
Council-related development	means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority
Development process	means application, assessment, determination, and enforcement
The Act	means the Environmental Planning and Assessment Act 1979.

A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

Notes included in this policy do not form part of the policy.

4 PROCESS FOR IDENTIFYING AND MANAGING POTENTIAL CONFLICTS OF INTEREST

Management controls and strategies

The following management controls may be applied to:

- a) The assessment of an application for council-related development
 - Assessment of applications with a low-level risk (as determined by the General Manager) are to be undertaken by council staff.
 - Assessment of applications with a higher-level of risk (as determined by the General Manager) are to be undertaken by a consultant or under a shared service arrangement with another council.

- b) The determination of an application for council-related development
- Determination of applications with a low-level risk are to be determined under delegation by the General Manager.
 - Determination of applications with a higher-level of risk (as determined by the General Manager) are to be reported to and determined by the full Council.
 - Determination of applications with a capital investment value (CIV) more than \$5 million are to be determined by the Joint Regional Planning Panel as required by legislation.
- c) The regulation and enforcement of approved council-related development
- Regulation and enforcement functions for low-level risk applications (as determined by the General Manager) are to be undertaken by council staff.
 - Regulation and enforcement functions for higher-level risk applications (as determined by the General Manager) or those that exceed staff accreditation are to be undertaken by a Private Certifier or under a shared service arrangement with another council.

The management strategy for the following kinds of development is that no management controls need to be applied:

- commercial fit outs and minor changes to the building façade
- internal alterations or additions to buildings that are not a heritage item
- advertising signage
- minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
- development where the council might receive a small fee for the use of their land.
- Temporary events on Council land where the applicant is a Not For Profit Organisation

5 IDENTIFYING WHETHER A POTENTIAL CONFLICT OF INTEREST EXISTS, ASSESSMENT OF LEVEL RISK AND DETERMINATION OF APPROPRIATE MANAGEMENT CONTROLS

Development applications lodged with the council that are council-related development are to be referred to the General Manager (or a delegate) for a conflict-of-interest risk assessment. Note: Council-related development is defined in section 3 of this Policy.

The General Manager is to:

1. assess whether the application is one in which a potential conflict of interest exists,
2. identify the phase(s) of the development process at which the identified conflict of interest arises,
3. assess the level of risk involved at each phase of the development process,
4. determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 5 of the policy and the outcome of the General Manager’s assessment of the level of risk involved as set out in section 4 of this Policy. *Note: The General Manager could determine that no management controls are necessary in the circumstances.*
5. document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

6 TEMPLATE MANAGEMENT STATEMENT

Council conflict of interest management statement	
<u>Project Name</u>	
DA Number	
Potential Conflict	
Management Strategy	<ul style="list-style-type: none"> • • •
Contact	Anyone with concerns about Council fulfilling its obligations should report their concerns to Council on (02) 4995 7777 or shirecouncil@dungog.nsw.gov.au

7 POLICY ADMINISTRATION

Responsible Officer:	Director Planning and Environment / Senior Town Planner
Council or Management:	Council
Adoption date:	14/12/2022
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Relevant legislation:	Environmental Planning and Assessment Regulation 2021 s.9B, 66A Council-related Development Application Conflict of Interest Guidelines



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