



**COUNCIL-RELATED
DEVELOPMENT
APPLICATION
CONFLICT OF
INTEREST POLICY**

P2.0350.1

COUNCIL-RELATED DEVELOPMENT APPLICATION CONFLICT OF INTEREST POLICY

DIVISION: Planning and Environment

BRANCH: Statutory Planning

CATEGORY: 1

PART 1 - INTRODUCTION

1. BACKGROUND

1.1 Section 66A of the *Environmental Planning and Assessment Regulation 2021* requires that a council-related development application must not be determined by the consent authority unless:

- (a) the council has adopted a conflict of interest policy; and
- (b) the council considers the policy in determining the application.

2. PURPOSE

2.1 The purpose of this Policy is to:

- (a) specify how Council will manage conflicts of interest that may arise in connection with Council-related development applications because Council is the consent authority;
- (b) comply with the *Council-related Development Application Conflict of Interest Guidelines* published by the Department of Planning and Environment; and
- (c) increase transparency at all stages of the development process.

3. SCOPE

3.1 This policy applies to all Council-related development applications on land within the Camden Local Government Area.

4. DEFINITIONS

4.1 **Council** means Camden Council.

4.2 **Council-related development application** means a development application, for which Council is the consent authority, that is:

- (a) made by or on behalf of Council; or
- (b) for development on land, other than a public road within the meaning of the *Local Government Act 1993*:
 - (i) of which Council is an owner, a lessee or a licensee, or

- (ii) otherwise vested in or under the control of Council.

4.3 **Development process** means application, assessment, determination and enforcement.

PART 2 - PROCESS FOR IDENTIFYING AND MANAGING POTENTIAL CONFLICTS OF INTEREST

5. MANAGEMENT CONTROLS AND STRATEGIES

5.1 The following management controls will be applied at the following stages of the development process:

Application

- (a) A Council-related development application will not be prepared or submitted by Council's Statutory Planning Branch or Development Certification Branch.
- (b) A Council-related development application will be accompanied by:
 - (i) a statement specifying how Council will manage conflicts of interest that may arise in connection with the application because Council is the consent authority; or
 - (ii) a statement that Council has no management strategy for the application.
- (c) The statement required under point (b) above will be included in the documents published on Council's website when the Council-related development application is placed on public exhibition.

Assessment

- (a) The assessment of all Council-related development applications with an estimated cost of works of \$2 million or more will be completed by an independent planning consultant, except where the development is for:
 - (i) internal alterations and additions to any building;
 - (ii) advertising signage;
 - (iii) maintenance and restoration of a building; or
 - (iv) minor building structures projecting from the building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, services and sun shading devices).
- (b) The assessment of all other Council-related development applications will be completed by Council staff, unless otherwise directed by the Manager Statutory Planning or Director Planning and Environment.

Determination

- (a) Council-related development applications with a capital investment value exceeding \$5 million where Council is the applicant or land owner will be determined by the Sydney Western City Planning Panel, except where the application is delegated by the Panel to Council staff for determination.
- (b) Council-related development applications with a capital investment value of \$5 million or less where Council is the applicant or land owner will be determined by the Camden Local Planning Panel, except where the development is:
 - (i) delegated by the Panel to Council staff for determination;
 - (ii) internal alterations and additions to any building that is not a heritage item;
 - (iii) advertising signage;
 - (iv) maintenance and restoration of a heritage item; or
 - (v) minor building structures projecting from the building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, services and sun shading devices).

The determination of the development applications in (i)-(v) above will be completed by Council staff under delegation.

- (c) Council-related development applications where Council is not the applicant or land owner, but is a lessee, licensee or the land is vested in or under the control of Council, will be determined by Council staff under delegation, subject to the peer review and concurrence of a senior member of Council staff (i.e. Manager level or above).

Regulation and Enforcement

- (a) The regulation of all approved Council-related development with an estimated cost of works of \$2 million or more will be completed by a private certifier, except where Council is required to be nominated as the principal certifier by the *Environmental Planning and Assessment Act 1979*. Where Council is required to be nominated as the principal certifier, Council staff under delegation will regulate approved Council-related development, subject to the peer review and concurrence of a senior member of Council staff (i.e. Manager level or above).
- (b) The regulation of all approved Council-related development with an estimated cost of works less than \$2 million and be completed by Council staff under delegation, subject to the peer review and concurrence of a senior member of Council staff (i.e. Manager level or above).
- (c) The enforcement of all approved Council-related development will be completed by Council staff under delegation in accordance with Council's Environment and Regulatory Services Enforcement Policy.

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

6.1 Council-related development applications will be referred to the General Manager (or delegate) for a conflict of interest risk assessment.

6.2 The General Manager (or delegate) will:

- (a) assess whether the application is one in which a potential conflict of interest exists;
- (b) identify the phase(s) of the development process at which the identified conflict of interest arises;
- (c) assess the level of risk involved at each phase of the development process;
- (d) determine what (if any) management controls will 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 this policy and the outcome of the General Manager's (or their delegate's) assessment of the level of risk involved; and
- (e) publish on Council's website the measures taken by Council to manage any conflicts of interest.

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RELEVANT LEGISLATIVE INSTRUMENTS:

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

RELATED POLICIES, PLANS AND PROCEDURES:

Code of Conduct

RESPONSIBLE DIRECTOR:

Planning and Environment

APPROVAL:

Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New	Approved by Council 11/04/2023	23/228186