

10.7. Draft Conflict of Interest Management Policy for Council Related Development

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ATTACHMENTS:

1. Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 [**10.7.1** - 3 pages]
2. Council-related Development Application Conflict Of Interest Guidelines - September 2022 (3) [**10.7.2** - 6 pages]
3. Council Related Development Conflict of Interest Policy 2022 Draft LV 12 1 (1) [**10.7.3** - 5 pages]

PURPOSE:

Changes to legislation require that all Councils implement a conflict of interest management policy for Council related development by 3 April 2023.

This report details Council's proposed policy and public exhibition, in preparation for a final report to Council on the 27 March 2023 for the adoption of the policy.

EXECUTIVE SUMMARY:

Changes to the *Environmental Planning and Assessment Regulation 2021* require that NSW councils implement a Conflict of Interest Policy for Council-related development.

In response to this statutory requirement, a policy has been drafted in consultation with Governance, Engineering and Property Services, Open Space and Environmental Services and Community Development. The draft policy is generally in accordance with the *Council-related Development Application Conflict of Interest Guidelines* published by the NSW Department of Planning and Environment.

The policy requires that all Council-related development be referred to Council's Manager Development Services for a conflict of interest risk assessment. Appropriate risk management strategies are to be identified and implemented during the assessment, certification, and compliance enforcement of the development. Some minor developments are exempt from risk management strategies. As the majority of these conflict of interest strategies have been historically implemented, it is unlikely that the policy will result in the disruption of existing processes concerning Council-related development applications.

There is no statutory requirement that this Policy be placed on public exhibition prior to adoption by Council. However, in the interest of transparency and civic engagement, it is

recommended that this policy be placed on exhibition for 28 days. This is to allow sufficient time for submissions, consideration of any submissions and preparation of a further report to Council for its meeting of 27 March 2023, prior to the 3 April 2023 deadline.

FINANCIAL IMPLICATIONS:

No additional financial implications have been identified.

RECOMMENDATION:

- 1. THAT** the draft Council-Related Development Conflict of Interest Policy be endorsed for public exhibition for a minimum period of 28 days.
- 2. THAT** a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and adopting the final Council-Related Development Conflict of Interest Policy.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- 3. Our Innovative City
 - 3.1 Our commercial centres are prosperous and vibrant
 - 3.2 North Sydney is smart and innovative
 - 3.3 Distinctive sense of place and design excellence

BACKGROUND

In response to concerns identified by the NSW Ombudsman in its report: [An inherent conflict of interest councils as developer and regulator](#) (December 2020), changes to the *Environmental Planning and Assessment Act 1979* and its *Regulation 2021* have been implemented to address the issue. The changes are included in an attachment to this report. The changes Councils are required to adhere to are as follows:

1. have a policy that sets out how they propose to manage any potential conflicts of interests that may arise in these circumstances,
2. consider this policy before determining any development applications that are council-related,
3. publicly communicate any management approach(es) that the council proposes to implement (if any) for each development by publishing a management statement, together with the development application when it is exhibited.
4. Council-related development applications need to be exhibited for at least 28 days.

The draft policy attached meets the statutory requirements.

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

It is noted that there is no statutory requirement to publicly exhibit this policy. However, in accordance with Council's commitment to public participation and open government, the draft policy is recommended to be publicly exhibited for 28 days.

DETAIL

Council-Related Development Definition

Council-related development to which this policy applies, is defined in point 3 in the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022*:

Council-related development applications means a development application, for which a 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.*

Process for Managing Council-Related Development Applications

The draft policy requires that all Council-related development must be referred to Council's Manager Development Services for a conflict of interest risk assessment.

Council's Manager Development Services or their delegate is to determine whether a conflict of interest exists, what phase of the development process will conflict of interest arise, assess the level of risk at each stage if any, determine what conflict of interest management strategies are the most appropriate at each stage of the development. Some minor developments are exempt from risk management strategies.

The determination of the level of risk is in accordance with a range of factors included in the policy.

The conflict of interest management approach for the application is documented in a statement that is published on the NSW Planning Portal. For low risk Council related development, where no management controls or strategies have been identified, Council is still required to communicate this decision through a statement published on the NSW Planning Portal.

Conflict of Interest Management Strategies

The management controls proposed by the draft policy are generally consistent with current conflict of interest management controls. For example, development applications in which Council has a commercial interest are assessed by an external contractor.

Many of the management strategies contained within in the draft policy are already subject to processes which address risk and manager probity. The option of entering into of a shared service agreement with neighbouring Councils for the enforcement of Council consents is new and provides an alternative to the engagement of a consultant.

Below is a list of the proposed management strategies for each stage of the development cycle:

1. the assessment of an application for Council-related development:

- enter into a shared service agreement with a neighbouring council for the assessment of the application.
 - use an external consultant to complete the assessment of development applications.
 - use external certifiers to complete the assessment of complying development certificates.
2. the determination of an application for Council-related development:
- local planning panel or a regional planning panel to determine development application
 - engage a private certifier for certification activities such as the issuing of complying development certificates, construction certificates and occupation certificates.
 - publish certificates issued under Part 6 of the EP&A Act on the NSW Planning Portal.
3. the regulation and enforcement of approved Council-related development:
- enter into a shared service agreement with a neighbouring council for the compliance and enforcement of development consent.
 - Principal Certifying Authority to assist in the compliance and enforcement of conditions construction certificates and complying development certificates.
 - Report enforcement milestones or actions to Council.

As mentioned earlier these strategies are largely in force at the present time.

Minor Development to be Exempt from Management Strategies

Small scale, uncontroversial development is to be excluded from having management strategies applied. This list was developed with consultation with Development Services, Engineering Infrastructure, Assets, Parks & Reserves and Community Development teams at Council. The list includes the following types of development:

- a. commercial fit outs and minor changes to the building façade
- b. internal alterations or additions to buildings that are not a heritage item
- c. signage which does not generate a commercial return
- d. minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services), and
- e. development where the Council might receive a small fee for the use of their land.

Mandatory 28-Day Notification Period for Council-related development

Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (*Environmental Planning and Assessment Act 1979*, schedule 1, clause 9B). This extra notification period is to be identified at the advertising stage of the development application process.

All notification correspondence for Council-related development is to state that the conflict of interest management statement is available on both Council's Applications Tracking site and the NSW Planning Portal.

Additional Workload resulting from implementation of Policy

Given that many of the proposed management strategies have already been implemented with formal processes developed, the only additional work is the documentation of the management strategies in a conflict of interest management statement and its publication on the NSW Planning Portal. It is unlikely that this record-keeping and administrative procedure will significantly impact workloads of the Development Services or CIS Administration teams.

There is scope to develop a reciprocal arrangement with a neighbouring Council for the enforcement of Council-related development consents if it is determined that this is an appropriate management strategy for certain developments. Such a strategy has the potential to reduce internal conflict and promote transparency in the event of Councils alleged non-compliance with consents and statutory requirements.

Conclusion

A draft *Council-Related Development Conflict of Interest Management Strategy* has been developed in accordance with statutory requirements. It is recommended that the policy be placed on public exhibition for 28 days for community feedback prior to adoption. Council's current conflict of interest management strategies are generally consistent with the proposed strategies, it is not envisaged that the policy will create any additional workload or disrupt existing Council processes for managing conflicts of interest for Council-related development applications.



Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

Explanatory note

The object of this Regulation is to impose requirements on councils to manage conflicts of interest that may arise in connection with council-related development applications because the council is the consent authority.

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.

Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 [NSW]

Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022*.

2 Commencement

This Regulation commences on 3 April 2023.

3 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 1 Community participation requirements

Insert after clause 9A—

9B Council-related development applications

- (1) Minimum public exhibition period for a council-related development application—28 days.
- (2) In this clause—
council-related development application means a development application, for which a 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*.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2021

[1] Section 30B

Insert after section 30A—

30B Council-related development applications

A council-related development application must be accompanied by—

- (a) a statement specifying how the council will manage conflicts of interest that may arise in connection with the application because the council is the consent authority (a *management strategy*), or
- (b) a statement that the council has no management strategy for the application.

[2] Section 66A

Insert after section 66—

66A Council-related development applications—the Act, ss 4.16(11)

- (1) 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) In this section—

conflict of interest policy means a policy that—

 - (a) specifies how a council will manage conflicts of interest that may arise in connection with council-related development applications because the council is the consent authority, and
 - (b) complies with the *Council-related Development Application Conflict of Interest Guidelines* published by the Department and available on the NSW planning portal.

[3] Section 240 Council to keep a register of development applications and development consents

Insert after section 240(3)(m)—

- (m1) for a development consent granted in response to a council-related development application—
 - (i) conflicts of interest that may arise in connection with the application because the council is the consent authority, and
 - (ii) measures taken by the council to manage the conflicts of interest,

[4] Schedule 7 Dictionary

Insert in alphabetical order—

council-related development application has the same meaning as in the Act, Schedule 1, clause 9B.

Council-related Development Application Conflict of Interest Guidelines

Introduction

Councils are development regulators. But they also can be the developer, landowner or hold a commercial interest in the land they regulate. Where councils have this dual role, an inherent conflict can arise between their interests in the development and their duty as regulator.

Identifying these conflicts of interest early and finding ways to address them is crucial to good governance and allows councils to strengthen their relationship with communities and build and enhance trust.

The following requirements have been introduced into the *Environmental Planning and Assessment Regulation 2021* to address conflicts of interest in council related development:

- Councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled. The policy must comply with the requirements in these Guidelines (section 66A).
- Council-related development applications must now be accompanied by either a management strategy statement, which explains how the council will manage potential conflicts of interest, or a statement that the council has no management strategy for the application (section 36A).
- Councils must record conflicts of interest in connection with each council-related development application, and the measures taken to manage the conflicts, in their existing DA register (section 242A).
- Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (*Environmental Planning and Assessment Act 1979*, schedule 1, clause 9B).

While the regulation changes do not mandate the use of the framework once a development consent is issued, it is best practice when developing their policies for councils to also address conflicts that may occur after development consent has been granted. This could be as simple as stating in the policy that the council will seek to enter a shared services arrangement with a neighbouring council about this phase of the development process, for any development that is the subject of the policy.

Purpose of these Guidelines

These Guidelines are intended to:

- set out the requirements for the council conflict of interest policy required under section 66A,



- assist councils in meeting these requirements by providing a sample policy and management strategy statement that can be used as a template when developing their policies
- provide general information and guidance about the policy.

Flexibility

In some circumstances, council may determine the risks associated with a council-related development are sufficiently low and no specific controls are warranted. Where this is the case, council should still publicly communicate that fact to ensure transparency.

Where a council determines for a particular class of development that the risks of a conflict of interest are very low, it may decide to not have any management controls for a specified type of development unless there is some direct involvement of a councillor or a council staff member in their private capacity.

This can happen, for instance, where the council is the owner of a large commercial building that has a range of shops within it, for which it receives many development applications for commercial fit outs and minor changes to the building facade. In those circumstances, the council's policy could outline that its management strategy for this class of development does not apply additional controls for conflicts of interest.

Other examples where this approach might be appropriate include development for internal alterations or additions to buildings that are not a heritage item, advertising signage, minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services), and development where the council might receive a small fee for the use of their land.

Sample policy

The sample policy below is to help councils develop their conflict of interest policies for council-related development. It provides practical solutions for developing and implementing ways to manage potential conflicts at all stages of the development process.

For councils that have local planning panels, the council's policy only needs to deal with a subset of this development, as a range of development to which the policy would otherwise apply will already be referred to local planning panels.

Using the sample policy is optional. Each council and local government area is different and has unique local settings, therefore, councils should decide what is appropriate in their circumstances and develop a policy for managing conflicts of interest about council-related development that is suitable for their local area.

An example management strategy statement is also included below.

Requirements for conflict-of-interest policies

Any policy prepared and adopted by a council must:



- establish management controls and/or a management strategy to address potential conflicts of interest at the different phases of the development process for the types of council-related development that the council could be involved in,
- outline the process through which potential conflicts of interest will be identified, the risks assessed and appropriate management controls determined, and
- outline the process that will be followed to publicly communicate the management approaches for each development subject to the policy.

Sample policy

Part 1 Preliminary

(1) Name of policy

This policy is the [insert name of policy].

Note: For example, Conflicts of interest policy – dealing with council-related development throughout the development process.

(2) Aim of policy

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

(3) Scope

This policy applies to council-related development.

(4) Definitions

(1) In this policy:

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 [insert name of the 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*.

(2) 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.

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



Note: Other definitions can be inserted.

Part 2 Process for identifying and managing potential conflicts of interest

(5) Management controls and strategies

- (1) The following management controls may be applied to:
- a. the **assessment** of an application for council-related development
 - *insert control(s)*
 - b. the **determination** of an application for council-related development
 - *insert control(s)*
 - c. the **regulation and enforcement** of approved council-related development
 - *insert control(s)*.

Note: For example, council will enter into a shared services arrangement with a neighbouring council.

- (2) The management strategy for the following kinds of development is that no management controls need to be applied:
- a. commercial fit outs and minor changes to the building façade
 - b. internal alterations or additions to buildings that are not a heritage item
 - c. advertising signage
 - d. minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
 - e. development where the council might receive a small fee for the use of their land.

Notes:

1. *While councils must have a policy that sets out how they propose to deal with potential conflicts of interest for council-related development, it could implement different controls for dealing with them based on the level of risk. For example, councils could set their controls based on:*
 - a. *risk category – low, moderate, high, very high*
 - b. *types of development – non-controversial small-scale development, development of a certain value with/without a commercial interest, controversial development, or even*
 - c. *capital investment value of the proposed development.*
2. *There is a range of management controls that could be applied in particular circumstances. The following are some examples that councils could use. Note that councils are not limited to one approach and could specify more than one approach if appropriate in their local settings:*
 - a. *Assessment and determination*
 - i. *The assessment and/or determination of an application are to be undertaken by council staff under delegation – this might be appropriate if the proposal is considered to be a low-level risk or non-controversial. For more controversial projects, this might only be effective if strict role separation controls are imposed.*
 - ii. *The application could also be referred for external assessment and/or determination to either:*



1. another council
2. a local planning panel if one is in place
3. a regional planning panel (may require negotiation – RPPs are not required to accept referrals)
4. a consultant.

The involvement of an external third party might be appropriate for development where council has a commercial interest in the land, or the development is seen to be a political priority for the council.

b. Regulation and enforcement

- i. Engagement of a private certifier
- ii. Publication of certificates issued under Part 6 of the Act on the NSW Planning Portal
- iii. Peer review by a neighbouring council and/or entering into a shared services arrangement with a neighbouring council
- iv. Reporting of key milestones to the full council.

3. Councils may also wish to take advantage of their audit and risk committee to provide guidance for the types of controls that could be applied in specific circumstances.

(6) Identifying whether a potential conflict of interest exists, assessment of level risk and determination of appropriate management controls

- (1) 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 4.

- (2) The general manager is to:

- 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 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 clause 6(2)(c) of the policy,

Note: The general manager could determine that no management controls are necessary in the circumstances.

- e. document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

Note: The following is an example of a statement that could be published by councils to document its proposed management approach in a particular circumstance.



Scenario

BlueStar Council is upgrading one of their assets, 'Blue River Civic Place'. Council is the landowner and the applicant and is proposing to redevelop the site into a mixed-use development with a total capital investment value (CIV) of \$4.9 million. The development application seeks approval for the construction and use of an additional 2 storeys on an existing 3 storey building comprising a childcare centre, commercial office spaces and partial use of the building for council's public administration.

Example management statement

Council conflict of interest management statement	
Project name	Blue River Civic Place
DA number	DA21/0001
Potential conflict	BlueStar Council is the applicant. Blue River Civic Place has an estimated capital investment value of \$4.9 million and the council expects to receive revenue through renting commercial office spaces.
Management strategy	<p>The council is managing potential conflicts of interest in this matter as follows:</p> <ul style="list-style-type: none"> • The application will be referred to the local planning panel to determine the development application. • Council development assessment staff not involved with preparing the application will assess the DA. The staff will remain separated from the project team. • A private certifier will be engaged to undertake the certification for the development. • Green Hill Council has agreed to peer review any regulatory decisions should compliance decisions be made. • Key project milestones following the development consent will be reported at a public council meeting.
Contact	Anyone with concerns about council fulfilling its obligations should report their concerns to the council.



DRAFT MANAGING CONFLICT OF INTEREST POLICY

[REF]

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Policy Owner: Director City Strategy

Category: Statutory

Direction: 3. Our Innovative City

1. STATEMENT OF INTENT

1.1 This Policy is in accordance with the *Environmental Planning and Assessment Regulation 2021*, that requires local councils to prepare and publicise a policy that sets out how they propose to manage potential conflicts of interest for Council-related development applications.

1.2 This Policy aims to manage potential conflicts of interest transparently at all stages of the development process for Council-related development applications.

2. ELIGIBILITY

2.1 This policy applies to Council-related development.

3. DEFINITIONS

3.1 **Application** - means an application for consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act), to carry out development and includes an application for a complying development certificate and an application to modify a development consent.

3.2 **Council** - means North Sydney Council.

3.3 **Council-related development** - means development for which the Council is the consent authority and is:

- a) Made by or on behalf of the Council, or
- b) For the development on land:
 - i. of which the council is an owner, a lessee, a licensee, or has commercial interest in, or
 - ii. otherwise vested in or under the control of the Council.

3.4 **Development process** - means application, assessment, determination, and enforcement.

Adopted by Council [inset date]

Note: 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.

4. PROVISIONS

- 4.1 Development Applications that are considered Council-related development as defined by 3.3 of this policy, must be referred to the Manager of Development Services for a conflict of interest risk assessment.
- 4.2 The conflict of interest risk assessment must:
- 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 in accordance with factors identified in clause 4.3 of this policy.
 - d) determine what (if any) management controls should be implemented to address the identified conflict of interest at each phase of the development address the risk identified in 4.2(c). Controls and strategies are outlined in clause 4.9 of this policy.
- 4.3 Factors to be considered when determining level of conflict of interest and resulting risks:
- a) Is Council a direct or indirect beneficiary of this application
 - b) Value of potential commercial gains resulting from the making of the application
 - c) Cost of works associated with the application
 - d) Is the application exempt from management controls/strategies as per 4.9 of this policy
- 4.4 The conflict of interest management approach for the application is documented in a statement that is published on the NSW Planning Portal.
- 4.5 For low risk Council related development where no management controls or strategies have been identified, Council is still required to communicate this decision through a statement published on the NSW Planning Portal.
- 4.6 Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (*Environmental Planning and Assessment Act 1979*, schedule 1, clause 9B).

Adopted by Council [inset date]

DRAFT MANAGING CONFLICT OF INTEREST POLICY

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- 4.7 All notification correspondence for Council-related development is to state that the conflict of interest management statement is available on both Council's Applications Tracking site and the NSW Planning Portal.
- 4.8 The following management controls may be applied to:
- a. the assessment of an application for Council-related development:
 - enter into a shared service agreement with a neighbouring council for the assessment of the application.
 - use an external consultant to complete the assessment of development applications.
 - use external certifiers to complete the assessment of complying development certificates.
 - b. the determination of an application for Council-related development:
 - local planning panel or a regional planning panel to determine development application
 - engage a private certifier for certification activities such as the issuing of complying development certificates, construction certificates and occupation certificates.
 - publish certificates issued under Part 6 of the *Environmental Planning and Assessment Act 1979* on the NSW Planning Portal.
 - c. the regulation and enforcement of approved Council-related development:
 - d.
 - enter into a shared service agreement with a neighbouring council for the compliance and enforcement of development consent.
 - Principal Certifying Authority to assist in the compliance and enforcement of conditions construction certificates and complying development certificates.
 - Report enforcement milestones or actions to Council
- 4.9 The management strategy for the following kinds of development is that no management controls need to be applied:
- a) commercial fit outs and minor changes to the building façade
 - b) internal alterations or additions to buildings that are not a heritage item
 - c) signage which does not generate a commercial return

 Adopted by Council [inset date]

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- d) minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
 - e) development where the Council might receive a small fee for the use of their land.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council officers making applications for Council-related development are required to refer the application to the Manager Development Services.
- 5.2 Council development assessment officers reviewing lodged development applications must refer Council-related development applications to the Manager Development Services.
- 5.3 Council building certifiers reviewing lodged complying development certificates, construction certificates, occupation certificates and building information certificates must refer Council-related development to the Manager Development Services.
- 5.4 Council's Manager Development Services is responsible for undertaking conflict of interest risk assessment and documenting what management controls or strategies are to be implemented during the phases of the application in a management statement.
- 5.5 Council's administration staff is responsible for publishing the management statement on the NSW Planning Portal.
- 5.6 Council's Manager Development Services is to ensure that the management controls and strategies are adhered to during the entire development cycle.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Code of Conduct - Councillors and Staff
- Mediation Policy

The Policy should be read in conjunction with the following documents/legislation:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Adopted by Council [inset date]

DRAFT MANAGING CONFLICT OF INTEREST POLICY

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- North Sydney Local Environmental Plan 2013
 - North Sydney Development Control Plan 2013

Version	Date Approved	Approved by	Resolution No.	Review Date
1	[insert date]	Council	[insert min. no.]	2024/25

Adopted by Council [inset date]