

STRATHFIELD COUNCIL

Managing Council- Related Development Policy

Conflicts of Interest

Part 1 Preliminary

1. Name of Policy

This policy is the Managing Council-Related Development Policy.

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

A) In this policy

application means an application for consent under Part 4 of the Act to carry out development but does not include an application for a complying development certificate

council means Strathfield Municipal Council

council-related development means development on land other than a public road within the meaning of the *Local Government Act 1993* 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

general manager means the General Manager of the council

local planning panel means the Strathfield Local Planning Panel

local planning panel direction means the referral criteria for development and modification applications set out by the Minister for Planning and Public Spaces, dated 30 June 2020, published on the Department of Planning and Environment website

small fee means \$250 or below

the Act means the Environmental Planning and Assessment Act 1979

NOTE: [Appendix 4: Local Planning Panels direction - Operational procedures \(nsw.gov.au\)](#)

B) A word or expression 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.

C) Notes included in this policy do not form part of this policy.

Part 2 Process for Identifying and Managing Potential Conflicts of Interest

5. Management Controls and Strategies

- A) The following management controls may be applied to:
- i. The assessment of an application for council-related development
 - a. Refer to Table 1
 - ii. The determination of an application for council-related development
 - a. Refer to Table 1
 - iii. The options for the regulation and enforcement of approved council-related development are either of the following –
 - a. Shared services agreement with a neighbouring council (i.e.
 - b. Use of independent consultants
- B) The management strategy for the following kinds of development is that no management controls need to be applied:
- i. Commercial fit outs and minor changes to the building façade
 - ii. Internal alterations or additions to buildings that are not a heritage item
 - iii. Advertising signage
 - iv. Minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
 - v. Development where the council might receive a small fee for the use of their land

6. Identifying whether a Potential Conflict of Interest Exists, Assessment of Level Risk and Determination of Appropriate Management Controls

- A) 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 category assessment. See Table 1 for the list of categories.
- B) The General Manager (or a delegate) is to:
- i. Assess whether the application is one in which a potential conflict of interest exists
 - ii. Identify the phrase(s) of the development process at which the identified conflict of interest arises
 - iii. 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

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

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

Table 1 Assessment & Determination Criteria

Categories	Assessment	Determination
Development application with an estimated cost of development that is equal to or less than \$5 million	Assessment by a council Planner A Management Statement to be prepared, unless it is a development specified in Part 2, CI5(B) of this policy	Determination by a local planning panel
Development application with a capital investment value that is greater than \$5 million	Assessment by a council Planner A Management Statement to be prepared, unless it is a development specified in Part 2, CI5(B) of this policy	Determination by a regional planning panel
Modification application under s4.55(1) of the Act	Assessment by a council Planner A Management Statement to be prepared, unless it is a development specified in Part 2, CI5(B) of this policy	Determination by a delegate
Modification applications under s4.55(1A) & s4.56 of the Act	Assessment by a council Planner A Management Statement to be prepared, unless it is a development specified in Part 2, CI5(B) of this policy	Determination by the local planning panel
Modification application under s4.55(2) of the Act	Assessment by a council Planner A Management Statement to be prepared, unless it is a development specified in Part 2, CI5(B) of this policy	Determination by the local planning panel
Review applications under s8.2 of the Act	Assessment by a council Planner not involved in the original application A Management Statement to be prepared, unless it is a development specified in Part 2, CI5(B) of this policy	Determination by the local planning panel

Table 2 Conflict of Interest Management Statement

Conflict of Interest Management Statement	
Application Number	
Proposal Description	
Potential Conflict	
Management Strategy	<p>No management strategy required for the subject application.</p> <p>OR</p> <p>Assessment: refer to Table 1 Determination: refer to Table 1</p>
Contact	Anyone with concerns about council fulfilling its obligations should report their concerns to the council.