

PART 1 PRELIMINARY

1. NAME OF POLICY

The name of this policy is the Coonamble Shire Council-Related Development Applications Policy.

2. AIM OF POLICY

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

3. SCOPE

The 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 Coonamble 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*.

(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.

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 applicant for council-related development
 - All Council-related development with a construction value exceeding \$2M shall be assessed by Council staff and referred to an external body (consultant or adjoining Council) for peer review. Note – All Council-related development with a construction value exceeding \$5M shall be assessed by Council staff and referred to the Western Regional Planning Panel.
 - Communication between the applicant and Council's assessment staff is to be made via public avenues, for example the NSW Planning Portal or email (council@coonambleshire.nsw.gov.au).
 - Council development assessment staff not involved in preparing the application will assess the Development Application. The staff will remain separated from the project team.
- b. The determination of an application for council-related development
 - All Council-related development with construction works shall be reported to the General Manager for determination.
 - All Council-related development with a construction value exceeding \$1M shall be reported to Council for determination. Note – All Council-related development with a construction value exceeding \$5M shall be referred to the Western Regional Planning Panel for determination – and is not subject to this policy.
- c. The regulation and enforcement of approved council-related development.
 - Publication of certificates issued under Part 6 of the Act on Council's website and NSW Planning Portal
 - Engagement of a Private Certifier.
 - Peer review by a neighbouring council and/or entering into a shared services arrangement with a neighbouring council.
 - Reporting of key milestones to the full 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 façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)

- e. Development where 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

- (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.
- (2) 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 clause 6(2)(c) of the policy,
 - 5. Document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

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Paul Gallagher General Manager		