

Council Member Contact With Developers

Legislation / local law requirements	<i>Local Government (Model Code of Conduct) Regulations 2021.</i>
Relevant delegations	Nil.
Related policies, procedures and supporting documentation	Code of Conduct for Council Members, Committee Member and Candidates (Nominated Members Code) Contact with Developers Register Register of Interests Disclosed at Council Meetings Governance Framework

PRELIMINARY

INTRODUCTION

Applicants, objectors and members of the community must have trust in Council Members’ ability to make decisions free of influence or the perception of influence, particularly in respect of town planning and development decisions.

Contact with developers is a normal and necessary function of the role of a Council Member. However, the nature and frequency of that contact can sometimes lead to allegations or perceptions of bias, influence or even corruption being made towards Council Members. Implementing transparent decision-making processes will reduce opportunities for such allegations or perceptions to be raised. In part this includes setting standards for how Council Members interact with developers.

The City of Vincent aims to provide the highest standards of transparency and openness in town planning and development decision-making, by requiring all Council Members to record any Prescribed Contact they have with developers and also by requiring the Chief Executive Officer of the City to create and maintain a register of that contact

PURPOSE

To provide guidance on the recording of “Prescribed Contact” between Council Members and developers.

OBJECTIVE

To:

- facilitate integrity and transparency in the determination of the City’s development applications; and
- guide Council and Administration on the recording of prescribed contact between Council Members and developers.

SCOPE

This Policy applies to all “Prescribed Contact” between Council Members and developers.

Council Member Contact With Developers



DEFINITIONS

Contact means any communication or conversation between a Council Member and Developer, regardless of whether it is foreseen, planned, solicited or reciprocated, and includes but is not limited to the following methods of communication – telephone, electronic mail (e-mail), short message service (SMS), multimedia messaging service (MMS), facsimile, web-based networking platform, written mail, face to face and the like.

Developer means an individual, body corporate or company engaged in a business that:

- a. regularly involves the making of relevant planning applications in connection with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit; and
- b. includes any consultant, lobbyist, advisor, agent, representative or person closely associated with a Developer and who is appointed to promote or advocate for the Developer's interests or proposal, except when they are representing someone who is not regularly involved in the making of relevant planning applications or the development of land.

(Adapted from: Election Funding, Expenditure and Disclosures Act 1981 (NSW), s.96GB)

Exempt Contact means any contact which:

- a. is in the form of a public statement made at a Council Forum, Council Briefing or Council Meeting; or
- b. does not involve the Council Member engaging in any discussion or communication with the developer on the planning or development proposal unless routine information only is conveyed.

Planning or Development Proposal means and includes:

- a. a proposed Local Planning Policy or amendment to a Local Planning Policy under the City's operative Town Planning Scheme;
- b. a proposed amendment to the City's operative Town Planning Scheme; and
- c. an application, under the City's operative Town Planning Scheme or the Metropolitan Region Scheme for approval of the use or development of land and which is currently before or at the time of contact known to require determination by Council or the Joint Development Assessment Panel;
- d. a proposal for the development of land (including its use or works on that land) that at the time would require approval under the City's operative Town Planning Scheme or the Metropolitan Region Scheme.

Prescribed Contact means any contact relating to a planning or development proposal, including proposals in a preliminary stage, for which the developer is a proponent, excluding any exempt contact.

Routine Information means advising a Developer where to access information on the planning or development process or to contact the City of Vincent Administration or State Government regarding their planning or development proposal.

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POLICY PROVISIONS

- 1 Subject to clause 2 below, Council Members shall:
 - a. In writing, record every instance of Prescribed Contact with a developer by noting the:
 - Developer's name
 - Date and time of contact
 - Type of contact
 - Property or properties within the City of Vincent to which the contact related
 - Nature of the issue covered in the contact
 - Council Member response
 - b. Subject to sub-clause (c) below, not more than 10 days after contact with the Developer, provide to the City's Chief Executive Officer the details referred to in sub-clause (a) above.
 - c. Where the Prescribed Contact occurs with a Council Member while he/she is on Approved Leave of Absence, then that Council Member shall provide the information referred to in sub-clause (a) above to the City's Chief Executive Officer within 10 days of the last day of their Approved Leave of Absence.
 - d. Where the Prescribed Contact occurs in the form of a group email or other correspondence to all Council Members, then the Office of the Mayor shall provide a copy of the same to the Chief Executive Officer for the purpose of compliance with clause 2 and 3 below.
 - e. Where Prescribed Contact occurs prior to the lodgement of an application under the City's operative Town Planning Scheme or the Metropolitan Region Scheme, including during the Design Review Panel assessment, the Council Member shall disclose all contact, in accordance with the provisions above, for inclusion in the confidential register specified in clause 3a.
- 2 This Policy does not require Council Members to record contact defined as Exempt Contact. Notwithstanding, all written communication to and from Council Members relating to Council business is deemed to be a corporate record and must be provided to the Chief Executive Officer for the record keeping purpose of and inclusion in the City's relevant files, which may be accessible under the Local Government Act 1995 and Freedom of Information Act 1992.
- 3 The Chief Executive Officer shall create and thereafter maintain a:
 - a. confidential register of all Council Member contact with the Developers prior to lodgement of a development application, incorporating the details referred to in subclauses 1a and d above; and
 - b. public register of all Council Member contact with the Developers, incorporating the details referred to in sub-clauses 1a and d above. Such register shall be made publicly available in an electronic format on the City's website.
- 4 The Chief Executive Officer shall ensure the public register referred to in 3 above are updated on a monthly basis.

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OFFICE USE ONLY	
Responsible Officer	Executive Manager Corporate Strategy and Governance
Initial Council Adoption	02/06/2015
Previous Title	Applicable if the policy has been renamed
Reviewed / Amended	18/10/2016, 18/10/2022
Next Review Date	10/2026