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| POLICY NAME | CONFLICT OF INTEREST POLICY – COUNCIL RELATED DEVELOPMENT APPLICATIONS |  |
| Date Adopted | 25 February 2026 | |
| Resolution Number | 32/26 | |
| Policy Custodian | Director Corporate Services | |
| Policy Development Officer | Manager Planning & Development | |
| Review Date | 2029 (3 years from resolution date) | |
| Relevant Legislation | <i>Environmental Planning & Assessment Act, 1979</i> <i>Environmental Planning & Assessment Regulation, 2021</i> | |
| Related Documents | Nil | |

POLICY OBJECTIVES

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

POLICY SCOPE

This policy applies to all council-related development within the Tenterfield Shire Council Local Government area.

Clause 9B(2) of Schedule 1 to the EPA Act defines 'council-related development applications' as a development application, for which council is a consent authority, that is

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

Exclusions:

This policy does not apply to activities under Part 5 of the Act and Review of Environmental Factors (REF) with the Act.

POLICY STATEMENT

Management controls and strategies

- (1) The assessment of an application for council-related development.
 - a. Applications be prepared by another section of Council or external consultancy.
 - b. Where there is a significant conflict of interest the application can be peer reviewed by a third-party consultant prior to determination.

- c. All Council related development applications are to be provided with a conflict of interest management statement and publicly exhibited for a minimum 28 days.

(2)The **determination** of an application for council-related development.

- a. Where Council is the determining authority, Development Applications with a Capital Investment Value (CIV) less than \$250,000.00 can be determined under delegated authority.
- b. At the discretion of the General Manager and where there is significant public interest, an application can be referred to a Council meeting for determination.
- c. Development Applications that meet the criteria of regionally significant development shall be reported to and determined by the Northern Regional Planning Panel.

(3)The **regulation and enforcement** of approved Council-related development may be undertaken by:

- a. A private certifier.
- b. Council, where council is nominated as the certifying authority for building or subdivision work as required under the EPA Act.
- c. Appointment of an independent third party.

(4) Management controls are **not required** for the following activities:

- a. Any development that is deemed exempt and complying development under the Codes SEPP.
- b. Commercial fit outs and minor changes to a building façade that are not identified as a heritage item.
- c. Internal alterations or additions to buildings that are not identified as a heritage item.
- d. Advertising signage.
- e. Minor building structures projecting from a building façade over public land (including awnings, verandahs, bay windows, flagpoles, pipes & services).
- f. Solar energy systems and associated battery storage in association with an existing building.
- g. Temporary events and structures with a lifespan of three days or less.

- h. Non-controversial development that is compliant with relevant town planning, engineering and building regulations.
- i. Development where Council might receive a small fee for the use of their land.

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

- 1) Development Applications lodged with Council that are identified as council-related development are to be referred to the General Manager (or delegate) for a conflict of interest risk assessment.
- 2) The General Manager (or delegate) is to:
 - a. Assess whether the application has a potential conflict of interest,
 - 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 having regard to any management controls and strategies of the policy and the outcomes of the assessment of the level of risk involved as set out in the above-mentioned clause,
 - e. Document the proposed management approach for the development in a Conflict of Interest Management Statement that is published on the NSW Planning Portal.

APPENDIX 1

Checklist – Potential conflict of interest for a Council-related development application

| Potential conflict of interest checklist for Council-related development applications | |
|--|---|
| Project Name | |
| Project Description | |
| Location | |
| Estimated capital investment value | |
| Potential conflict | <i>Describe (anticipated community interest / council commercial benefit / environmental sensitives / cost / perceived council benefit)</i> |
| Development for which no management controls need to be applied (Clause 4) | |
| | a. Any development that is deemed exempt and complying development under the Codes SEPP. |
| | b. Commercial fit outs and minor changes to a building façade that are not identified as a heritage item. |
| | c. Internal alterations or additions to buildings that are not identified as a heritage item. |
| | d. Advertising signage. |
| | e. Minor building structures projecting from a building façade over public land (including awnings, verandahs, bay windows, flagpoles, pipes & services). |
| | f. Solar energy systems and associated battery storage in association with an existing building. |
| | g. Temporary events and structures with a lifespan of three days or less. |
| | h. Non-controversial development that is compliant with relevant town planning, engineering and building regulations. |
| | i. Development where Council might receive a small fee for the use of their land. |

Management Controls

| | | YES | NO |
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| DA Assessment | a. Applications be prepared by another section of Council or external consultancy. | | |
| | b. Where there is a significant conflict of interest the application can be peer reviewed by a third party consultant prior to determination. | | |
| | c. All Council related development applications are to be provided with a conflict of interest management statement and publicly exhibited for a minimum 28 days. | | |
| DA Determination | a. Where Council is the determining authority, Development Applications with a Capital Investment Value (CIV) less than \$250,000.00 can be determined under delegated authority. | | |
| | b. At the discretion of the General Manager and where there is significant public interest, an application can be referred to a Council meeting for determination. | | |
| | c. Development Applications that meet the criteria of regionally significant development shall be reported to, and determined by the Northern Regional Planning Panel. | | |
| Regulation and Enforcement | a. A private certifier. | | |
| | b. Council, where council is nominated as the certifying authority for building or subdivision work as required under the EPA Act. | | |
| | c. Appointment of an independent third party. | | |
| Completed by: | | | |
| Signature: | | | |
| Date: | | | |

APPENDIX 2 Conflict of Interest Management Statement

Council-related development applications must be accompanied by a management strategy statement, which explains how the council will manage potential conflicts of interest, or publish a statement that the council has no management strategy for the application (section 36A).

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| Project Name & Description | |
| DA Number | |
| Potential conflict (include details of any conflicts of interest that may arise – anticipated community interest/Council commercial benefit/environmental sensitivities/cost/perceived Council benefit) | |
| Management Strategy (tick all that apply) | <p>The Council is managing potential conflicts of interest in this matter as follows:</p> <ul style="list-style-type: none"><input type="checkbox"/> Council-related development applications to be accompanied by a conflict of interest management statement and publicly exhibited for a minimum of 28 days.<input type="checkbox"/> Council’s development assessment staff will not be involved in the preparation or lodgement of the application, except for providing pre-da advice if required.<input type="checkbox"/> Where Council staff are involved with the preparation of the application they will remain detached from assessment & regulatory staff during the assessment process, except to provide additional information if required.<input type="checkbox"/> The application is identified as having relative public interest and will be peer reviewed by a third-party consultant prior to determination.<input type="checkbox"/> The application is identified as having significant public interest and will be referred to a Council meeting for determination. |

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| | <input type="checkbox"/> The application is identified as regionally significant development and will be referred to the Northern Regional Planning Panel for determination. <input type="checkbox"/> A private certifier will be engaged to undertake the certification for the development. |
| Contact | <p>Anyone with concerns about Council fulfilling its obligations should report their concerns to Council in writing.</p> <p><i>The General Manager 247 Rouse Street Tenterfield NSW 2372</i></p> |

POLICY DEFINITIONS (fill in table below)

| Definition | Meaning |
|------------------------------------|---|
| 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 | Tenterfield 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 <i>Environmental Planning and Assessment Act 1979</i> . |

- (1) 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.
- (2) Notes included in this policy do not form part of the policy.

VERSION CONTROL & CHANGE HISTORY

| Previous Versions | Date of Adoption by Council | Resolution # | Author/Editor | Summary of Changes |
|-------------------|-----------------------------|--------------|--------------------------------|--------------------|
| New Policy | 25/02/26 | 32/26 | Manager Planning & Development | New Policy |
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