

Councillor Contact with Developers and Submitters- Council Policy

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| Effective Date | Ordinary Meeting of Council - 17 August 2016 |
| Policy Owner | Customer Support and Governance General Manager |
| Link to Corporate Plan | Strategic Theme 1: Effective and Inclusive Governance |
| Review Date | May 2020 |
| Related Legislation | <i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Integrity Act 2009</i> <i>Sustainable Planning Act 2009</i> |
| Related Documents | Acceptable Request Guidelines - Council Policy This policy has been based, in part, on: - "Contact with Lobbyists, Developers and Submitters (Officers Present) and (Officers not Present), by King and Company, Solicitors – August 2010 and endorsed by LGAQ Executive 30 August 2010. |

| Policy Version | Approval Date | Adopted/Approved |
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| 1 | 17/08/2016 | Ordinary Meeting of Council - 17 August 2016 |
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*This policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be found in the policies section of Council's intranet or Website. **A hard copy of this electronic document is uncontrolled.***



1. PURPOSE

This policy is intended to provide ethical guidance for Councillors when dealing with potential developers, or developers who have made a development application, and potential submitters or submitters to a development application.

2. SCOPE

This policy applies to all elected representatives of Western Downs Regional Council and will assist Councillors in complying with the integrity and transparency principles under the *Local Government Act 2009*.

3. POLICY

3.1 Introduction

Developers and submitters may seek access to Councillors to discuss potential and existing development applications, or other projects. The public has a clear expectation that such contact is carried out ethically and transparently.

It is always the aim of Council to ensure that all decisions are legal, ethical and impartial in accordance with the principles reflected in the *Local Government Act 2009*.

3.2 Councillors Meeting or Exchanging Other Communication with Developers and Submitters

Councillors may encourage responsible and appropriate development in Council's area. Councillors should not feel inhibited in any communications with potential developers (for a potential development) in promoting the benefits of development in Council's local government area.

In all dealings with developers and submitters (potential or actual), Councillors should communicate the following:-

- a) that any opinions expressed by the Councillor are personal to the Councillor and do not in any way represent the Council's possible attitude to the development application; and
- b) in relation to Council's possible decision on the application, that the Councillor's principal obligation is to serve the public interest by ensuring that his /her decision is: -
 - a. consistent with the planning legislation, Council's planning scheme and policies;
 - b. made after having appropriate regard to any officer's (or Council appointed consultant's) advice; and
 - c. not influenced by any other irrelevant or inappropriate consideration.

Specifically in dealings with potential developers (for a potential development), Councillors:-

- a) must make clear to potential developers that they can provide general information on the application process but cannot give definitive advice about the developer's or lobbyists chance of success;
- b) should suggest that the developer seeks independent professional advice; and
- c) if applicable, encourage potential development applicants to seek preliminary advice on their proposal by utilising the established process for pre-lodgement meetings with Council staff.

Similarly, in relation to potential submitters to a development application, Councillors should not feel inhibited about discussing with potential submitters what is publicly known about a potential development application. Councillors: -

- a) must make clear to potential submitters that they can provide general information on the application process but cannot give definitive advice about the developer's chance of success; and
- b) should suggest that the submitter seeks independent professional advice.



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After a development application has been lodged with Council, as a matter of preference, Councillors meeting with developers or submitters for that development should do so with Council officers present. In such cases requests for meetings between Councillors and developers or submitters after a development application has been lodged should occur by arrangement through the Chief Executive Officer (or delegate) and only in circumstances where a Council officer (with adequate knowledge of the development application) is also present.

However, in circumstances where that is not practical, the following is recommended:-

- a) any requests for meetings between Councillors and developers or submitters should only occur after the Councillor has sufficiently appraised themselves of the nature of the development application; and
- b) if the Councillor proposes to attend the meeting, it is recommended that he/she notify the Mayor (or Deputy Mayor) and CEO (or the CEO's delegate) of their intention to attend such a meeting.

