

Strathbogie Shire Council

Councillor Interaction with Developers Policy

June 2024



Contents

COUNCILLOR INTERACTION WITH DEVELOPERS POLICY	3
PART 1 POLICY	3
1. PURPOSE	3
2. POLICY STATEMENT	3
3. APPLICATION OF THIS POLICY	4
4. ACCOUNTABILTY AND RESPONSIBLITIES	4
5. OPTIONAL SECTIONS.....	4
6. DEFINITIONS.....	4
7. RELATED POLICIES AND LEGISLATION	7
8. POLICY REVIEW	7

Councillor Interaction with Developers Policy

Document ID:	934771
Effective Date:	18 June 2024
Last Review:	New
Current Review:	June 2024
Date Adopted by Council:	18 June 2024
Next Scheduled Review Date:	June 2026
Responsible Officer:	Director People and Governance

PART 1 POLICY

1. PURPOSE

Council must represent the interests of the community, and engagement with community members is an essential component of the democratic process. Council is often required to make decisions about planning and developments in their municipality and as part of seeking information, may interact with developers regarding forthcoming projects.

This policy serves to preserve the integrity of Council and Councillors when engaging with developers, submitters and lobbyists by ensuring that interaction is conducted in accordance with the highest standards of transparency, integrity and honesty, and is open to public scrutiny.

2. POLICY STATEMENT

The Local Government Act 2020 requires Councillors to declare direct or indirect conflicts of interest on matters that come before them for consideration. Strathbogie Shire Council seeks to go beyond the minimum requirements set out in legislation and commits itself to a higher standard of transparency in the highly important function of proposed and actual land use planning and development decision making.

By going beyond the minimum requirements set out in legislation and registering the contact by councillors in accordance with this Policy, Councillors are benefitted by being protected from allegations or perceptions of inappropriate assistance or endorsement on matters in which they might ultimately have a role in seeing progressed through the land use planning decision making process.

The objectives of this policy are to:

- Ensure that interactions of Councillors with developers, submitters and lobbyists are open, transparent and accountable
- Avoid actual or perceived conflicts of interest
- Mitigate lobbying-related risk to minimise opportunities for misconduct or corrupt behaviour

3. APPLICATION OF THIS POLICY

This policy applies to all contact between Councillors, developers, submitters and lobbyists in Strathbogie Shire Council (Council), with regard to planning related matters outside of a Council Forum, Council Briefing or Council Meeting.

4. ACCOUNTABILITY AND RESPONSIBILITIES

Role	Responsibilities	Timeframe
Councillors	Ensure that any interaction with developers or lobbyists is conducted in accordance with this policy and is reported to the Governance Department.	Within seven (7) days of contact
Developers and Lobbyists	Conduct any interaction with Councillors in accordance with the Principles of Engagement contained within this policy.	Ongoing
Governance Department	Ensure that: <ul style="list-style-type: none"> • Details of interactions are recorded in Council's Register of Contact with Developers and Lobbyists within seven days of receipt • The register is published on the Council website on a quarterly basis • An annual report detailing interactions over the previous 12 months is provided to the Audit and Risk Committee. 	Ongoing

5. CONDITIONS OF ENGAGEMENT

5.1 Developers, submitters and lobbyists

Developers, submitters and lobbyists shall observe the following conditions when engaging with Councillors:

- They must advise that they are a developer, submitter or lobbyist or employee, contractor or person otherwise engaged by these.
- If a lobbyist, they must also advise:
 - That they are making contact on behalf of a third party or parties
 - The name of the third party or parties and the nature of the third party's issue and
 - Whether they also act for any other third party currently involved in a planning related matter.

- They should not approach Councillors directly and approaches should be made via Council's normal contact methods by emailing infor@strathbogie.vic.gov.au or telephone 03 5795 0000.
- They must not offer gifts or hospitality to Council representatives (Councillors and officers).
- They must not engage in any conduct that is corrupt, dishonest, or illegal, or cause or threaten any detriment or perceived by a reasonable person as such.
- They must use all reasonable endeavours to satisfy themselves of the truth and accuracy of all statements and information provided to parties whom they represent, Council, and the wider public.

5.2 Councillors

When interacting with developers, submitters and lobbyists, the following supports Councillors in managing the requirements of this policy. Councillors must:

- Prior to meeting, ensure that parties from outside Council are aware of the requirements applying to them under this policy;
- Disclose any conflicts of interest, whether general or material, in accordance with Part 6, Division 2 of the Local Government Act 2020 and Chapter 4 of the Strathbogie Shire Council Governance Rules;
- Neither solicit or accept any gift, in accordance with the Strathbogie Council Councillor Gift and Benefits Policy;
- Within seven (7) days of the meeting, provide details to the Governance department; and
- Immediately report to the Director People and Governance or Chief Executive Officer if it is known or suspected that a developer or lobbyist has breached any of the above conditions.

Councillors should avoid:

- Meeting with developers one on one; and
- Making public comments in relation to a planning application that is being assessed by council staff and before a decision by Council has been made.

5.3 Activities exempt from this policy

This policy is not intended to apply to interactions:

- That are in the nature of an enquiry or seeking information;
- With individuals, or those representing family or friends, regarding personal affairs; or
- With representatives of community groups and non-profit organisations or associations regarding the interests of their members.

6. REGISTER OF CONTACT WITH DEVELOPERS AND LOBBYISTS

6.1 Council will maintain a Register of Contact with Developers and Lobbyists that contains the following information:

- the date, time, duration and venue of the contact;
- the name of the Councillor/s and officers (if applicable) in attendance;
- the name and role/organisation of developer or lobbyist;
- the name of the client represented, if applicable;

- the names of any other parties present;
- the mode of contact;
- matters discussed; and
- whether or not a conflict of interest has been declared to exist.

6.2 The register will be available for public perusal on the Council website and updated on a quarterly basis, with a report providing details of any meetings between Council representatives and developers or lobbyists in the previous 12 months presented to Council’s Audit and Risk Committee annually.

7. COMPLIANCE

7.1 Breaches of this policy may result in action under the Strathbogie Shire Council Councillor Code of Conduct.

7.2 Breaches considered to be of a serious nature will be referred to the Independent Broad-based Anti-Corruption Commission (IBAC) and may result in criminal prosecution.

8. DEFINITIONS)

Term	Meaning
Contact	Any communication or information exchange between Councillor/s and a developer or submitter in relation to planning related matters, irrespective of whether it was expected, planned, solicited or reciprocated and includes all methods of communication.
Council	Strathbogie Shire Council
Councillor	A Councillor or Councillors of Strathbogie Shire Council which includes the Mayor and Deputy Mayor.
Developer	An individual, body corporate or company engaged in business that: <ul style="list-style-type: none"> • Regularly engages in planning related matters in relation with the residential or commercial development or use of land, with the ultimate purpose of the sale or lease of the land for profit; and • 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.
Lobbyist	A person, company or organisation who conducts lobbying activities on behalf of a third-party client, but does not include: <ul style="list-style-type: none"> • Charitable, religious and other organisations endorsed as deductible gift recipients • Non-profit organisations or associations that represent the interests of their members • Individuals making representations on behalf of family and friends regarding their personal affairs • Members of trade delegations visiting Australia

	<ul style="list-style-type: none"> • Members of professions whose activities are regulated by an Australian government scheme dealing with government representatives as part of their day-to-day work • Members of professions who occasionally make representations to a level of government on behalf of others as an incidental part of their professional services, such as doctors, lawyers and accountants • Representatives of other Government agencies
Lobbying Activity	Any contact with a Council representative to influence Council decision making. For the purposes of this policy, lobbying activity only relates to planning-related matters.
Submitter	A person or entity that makes, or proposes to make, a submission to a planning application or similar. Such submissions could be either in support of, or in opposition to, a land use planning application

9. RELATED POLICIES AND LEGISLATION

- *Local Government Act 2020*
- Victorian Government Professional Lobbyist Code of Conduct
- Conflict of Interest Policy
- Councillor Code of Conduct
- Public Transparency Policy
- Related Parties Policy

10. POLICY REVIEW

Council may review this policy at any time and at least two years from the date of adoption.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy (e.g. a change to the name of a related document, or a change in legislation).