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Approved by Council on		
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1. Statement

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

2. Purpose and Principles

Free and open access to Councillors, and Council itself, is vital to efficient and effective local government.

Contact with Councillors is undertaken by many people in the community in relation to a broad range of matters. Lobbyists, developers and submitters seek access to Councillors to discuss potential and existing development applications and 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. Such principles are reflected in section 4 the Local Government Act 2009 (i.e. the "local government principles") and section 12 of that Act (the responsibilities of councillors).

3. Strategic Plan Links

This policy relates to:

- Listening, Leading and Financial Management

4. Regulatory Authority

Integrity Act 2009

5. Scope

This policy is in addition to the requirements and processes imposed upon councillors and lobbyists by the *Integrity Act 2009* (for example, the requirement for lobbyists to be registered before undertaking lobbying activities [1]).

6. Meeting or Exchanging Other Communication with Potential Developers and Lobbyists (where no proposal is presently before Council)

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

However, even in dealings with potential developers and lobbyists (for a potential development), councillors: -

- Must make clear to potential developers and lobbyists that they can provide general information on the application process but cannot give definitive advice about any likely decision;
- Should suggest that the developer or lobbyist consider seeking independent professional advice;
- If applicable, must encourage potential development applicants and lobbyists to seek preliminary advice on their proposal by utilising the established process for pre-lodgement meetings with Council staff;
- Must not in any way represent the Council's possible attitude to the potential application.

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. Again, councillors: -

- Must make clear to potential submitters that they can provide general information on the application process but cannot give definitive advice about any likely decision;
- Should suggest that the submitter consider seeking independent professional advice;
- Must not in any way represent the Council's possible attitude to the potential application.

In all exchanges of communication with a potential developer, lobbyist (for a potential development) or potential submitter, councillors should keep and maintain a written record of same. This written record should detail, as a minimum, the date and time of the exchange, the format of the exchange (i.e. face to face meeting, telephone call, exchange of emails or exchange of correspondence), a summary of the matters raised with the councillor and a summary of the councillor's response.

7. Meeting or Exchanging Other Communication with Developers, Lobbyists and Submitters (after a development application has been lodged)

After a development application has been lodged, if a councillor engages in any meetings, telephone discussions, email or other correspondence or exchange with a developer, lobbyist or submitter where they are seeking the councillor's support or opposition (as the case may be) to a development application, any such response or comment from the councillor must include the following statements:

- 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
- 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:
 - consistent with the planning legislation, Council's planning scheme and policies; and
 - made after having appropriate regard to any officer's (or Council appointed consultant's) advice; and

- not influenced by any other irrelevant or inappropriate consideration.

Meetings between councillors and developers, lobbyists or submitters where substantive issues concerning the application are to be discussed, should only occur by arrangement through the office of Council's CEO (or delegate) and only in circumstances where a Council officer (with adequate knowledge of the development application) is also present.

Where development matters arise during the course of an otherwise unrelated meeting, councillors should:

- Where it is not practical to immediately cease the discussion, make all reasonable attempts to include a Council officer with adequate knowledge of the development application in the conversation.
- Offer to arrange a further meeting to discuss the matter, in accordance with the fore mentioned clause.
- Provide a written summary to the General Manager – Planning and Regulatory Services of the exchange as per the below clause.

Councillors must keep a written record summarising the matters discussed during any meeting, telephone discussion, email or other correspondence or exchange. This written record should detail, as a minimum, the date and time of the meeting or exchange, a summary of the matters raised with the councillor and a summary of the councillor's response.

8. Roles and Responsibilities

Councillors are to ensure that they are fully conversant with the requirements outlined in this policy.

9. Key Stakeholders

The following will be consulted during the review process:

- Chief Executive Officer
- Legal and Governance Branch

10. Monitoring and Evaluation

The requirements of this policy will be included in the training package for all Councillors following the Local Government elections. Councillors will then be required to undertake yearly refresher training to ensure that remain fully conversant with the requirements of this policy and the *Integrity Act 2009*.

11. Definitions

For the purposes of this policy, the following terms are defined as:

Developer	An applicant for development approval. If the applicant is a body corporate, the term includes officer holders and employees of the applicant. If the applicant is a partnership, the term includes partners and employees of the applicant.
Development Application	An application for development that requires assessment against the provisions of Council's town planning scheme.
Development Approval	A development application that has been approved by Council.
Lobbyist	As defined in the Integrity Act 2009[2].
Submitter	As defined in the Sustainable Planning Act 2009[3].

12. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Corporate Governance Manager (Legal and Governance Branch) is responsible for authoring and reviewing this policy.