

Policy P700 Developers and Lobbyists

Strategic Direction	Leadership
Responsible Business Unit/s	Governance
Responsible Officer	Manager Governance
Affected Business Unit/s	All Business Units

Policy Objectives

This policy provides guidance to Elected Members on disclosing their association with developers and lobbyists to ensure the highest levels of openness and transparency are maintained ensuring integrity in the Council's decision-making. This policy also requires the CEO to develop and maintain a register of the declarations which is to be publicly available.

Policy Scope

This policy applies to all Elected Members.

Policy Statement

The community must have trust in Elected Members' ability to make decisions free of influence, or the perception of influence or in relation to matters requiring a Council decision.

Definitions

'Contact' means any communication, conversation or an offer or acceptance of a gift or assistance between an Elected Member or Elected Member candidate, and a developer or lobbyist regardless of whether it is foreseen, planned, solicited or reciprocated, and includes but is not limited to the following: telephone, email, SMS, multimedia messaging service (MMS), facsimile, web-based networking platforms, written mail, face to face, offers of financial support etc.

‘Developer’ means an individual, body, trust or company (or a person with a financial interest in a body, trust or company) engaged in a business that involves the making of a relevant planning or development proposal in connection with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit.

‘Lobbyist’ includes any consultant, advisor, agent, representative or person closely associated with a developer and who promotes or advocates for a developer’s interest or proposal.

‘Exempt contact’ means any contact which:

- (a) Is made at a Council Forum, Council Briefing or Council Meeting; or
- (b) Does not involve the Elected Member engaging in any discussion or communication with the developer on a planning or development proposal.

‘Planning or Development Proposal’ means and includes:

- (a) A proposed Local Planning Policy or amendment to a Local Planning Policy under the City’s Town Planning Scheme;
- (b) A proposed amendment to the City’s Town Planning Scheme;
- (c) An application under the City’s 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, Joint Development Assessment Panel, or any other approving body.

‘Prescribed contact’ means any contact between an Elected Member and a developer or lobbyist relating to a planning or development proposal for which a developer or lobbyist is a proponent, excluding any exempt contact.

Policy Provisions

1. Subject to clause 2 below, Elected Members shall:
 - a. In writing, record every instance of prescribed contact by noting the: —
 - Developer or lobbyist name
 - Date and time of contact
 - Type of contact
 - Nature of any offer made
 - Property or properties within the City which relates to that contact
 - Nature of the issue covered in the contact
 - Elected Members response

- b. Subject to sub-clause (c) below, not more than 10 days after contact with the developer or lobbyist, provide to the City's Chief Executive Officer the details referred to in sub-clause (a) above.
 - c. Where the prescribed contact occurs with an Elected Member while they are on Approved Leave of Absence, then that Elected 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 prescribed contact occurs in the form of a group email or other correspondence to all Elected Members, a copy is to be provided to the Chief Executive Officer for the purpose of compliance with clauses 2 and 3 below.
2. This policy does not require Elected Members to record contact defined as exempt contact.
3. The Chief Executive Officer shall create and thereafter maintain a register of all Elected Member contact with developers and lobbyists, incorporating the details referred to in sub-clauses 1(a) 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, is updated on a quarterly basis.

Protocols for Elected Member Relationships with Developers and Lobbyists

ELECTED MEMBERS MEETING WITH DEVELOPERS AND LOBBYISTS INDIVIDUALLY

1. If an Elected Member believes there is a need to meet with a developer or lobbyist individually, to avoid the public perception of bias that can arise, the Elected Member should not agree to meet at a venue where it can be perceived that hospitality is being provided.
2. It is advisable the Elected Members only meet with a developer or lobbyist after the administration report relating to a planning or development proposal has been prepared and released.
3. Elected Members must not, when lobbied, commit their vote on a planning or development proposal.

ELECTED MEMBERS ATTENDING MEETINGS BETWEEN EMPLOYEES AND DEVELOPERS AND LOBBYISTS

Elected Members may wish to attend meetings between employees and developers or lobbyists. Approval of Elected Members attending meetings between employees and developers or lobbyists needs to be at the discretion of the Chief Executive Officer as they are best placed to determine whether their attendance compromises his or her legislative role of providing advice and information to Council.

Elected Members should refuse an invitation they receive from developers and lobbyists to attend meetings between employees and the developer or lobbyist.

BEING OFFERED A GIFT OR BENEFIT

To maintain a high degree of integrity, Elected Members should not accept any personal gifts from a developer or lobbyist.

Legislation / Local Law Requirements

Local Government Act 1995

Local Government (Administration) Regulations 1996

Other Relevant Policies / Key Documents

Councillor Code of Conduct

P698 Attendance at Events Policy