OBJECTIVE

The purpose of this policy is to provide guidelines to Elected Members for the management of their meetings with Developers, and define their duties, responsibilities and recording of such meetings.

POLICY STATEMENT

Applicants, objectors and members of the community must have trust in Elected Members’ ability to make decisions free of influence or the perception of influence, particularly in respect of town planning and development decisions.

Contact with Developers is a normal and necessary function of the role of an Elected Member. However, the nature and frequency of that contact can sometimes lead to allegations or perceptions of bias, influence or even corruption being made towards Elected Members. Implementing transparent decision-making processes will reduce opportunities for such allegations or perceptions to be raised. In part this includes setting standards for how Elected Members interact with Developers.

The Town of Cambridge aims to provide the highest standards of transparency and openness in town planning and development decision-making, by requiring all Elected Members to declare any Prescribed Contact they have with a Developer and for any such declaration to be recorded in the minutes of the Committee and/or Council meeting where a Planning or Development Proposal is being considered that involves the Developer.

LEGISLATION/LOCAL LAW REQUIREMENTS

Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007
Freedom of Information Act 1992

OTHER RELEVANT POLICIES/KEY DOCUMENTS

Town of Cambridge Governance Manual
Code of Conduct

1. DEFINITIONS

"Contact"

Means any communication or conversation between an Elected Member and Developer, regardless of whether it is foreseen, planned, solicited or reciprocated, and includes but is not limited to the following methods of communication – telephone, electronic mail (e-mail), short message service (SMS), multimedia messaging service (MMS), web-based networking platform, written mail, face to face and the like.

"Developer"

Means an individual, body corporate or company engaged in a business that:

(i) involves the making of relevant planning applications in connection with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit; and
(ii) 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.

(Derived with minor modifications from: Election Funding, Expenditure and Disclosures Act 1981 (NSW), s.96GB)

"Exempt Contact"

Means any contact which:

(i) is in the form of a public statement made at a Council Forum, Council Briefing or Council Meeting; or

(ii) does not involve the Elected Member engaging in any discussion or communication with the Developer on the Planning or Development Proposal.

"Planning or Development Proposal"

Means and includes:

(i) a proposed Local Planning Policy, Local Development Plan, Activity Centre Plan, Structure Plan or any amendment to these planning documents under the Town’s operative Local Planning Scheme;

(ii) a proposed amendment to the Town’s operative Local Planning Scheme;

(iii) an application under the Town’s operative Local 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 the Joint Development Assessment Panel.

"Prescribed Contact"

Means any contact relating to a Planning or Development proposal, excluding any Exempt Contact.

2 POLICY PROVISIONS

1. Subject to clause 3 below, Elected Members shall:

   (a) keep a record of every instance of Prescribed Contact with a Developer by noting the:
       • Developer’s name
       • Date and time of contact
       • Type of contact (i.e. in person meeting, telephone call, letter, email etc.)
       • Property or properties within the Town of Cambridge to which the contact related
       • Nature of the issue covered in the contact
       • Council Member response

   (b) declare any Prescribed Contact including the Developer's name, date and type of contact for every instance they have had Prescribed Contact with a Developer at the time a Planning or Development Proposal is being considered by a Committee and/or Council meeting.

   (c) any such declaration made in (b) is to be recorded in the minutes of Committee and/or Council meeting where a Planning or Development Proposal is being considered that involves the Developer.
2. Compliance with this Policy alone does not obviate the need for Elected Members to comply with all other relevant provisions of the Code of Conduct.

3. This Policy does not require Elected Members to declare contact defined as Exempt Contact. Notwithstanding, all written communication to and from Elected Members relating to Council business is deemed to be a corporate record and must be provided to the Chief Executive Officer for record keeping purposes and inclusion in the Town’s relevant files, which may be accessible under the Local Government Act 1995 and Freedom of Information Act 1992.

3 PROTOCOLS FOR ELECTED MEMBER RELATIONSHIP WITH DEVELOPERS

Elected Members Meeting with Applicants Individually

1. If an Elected Member believes there is a need to meet with a Developer individually, to avoid the public perception of bias that can arise, the member should not agree to meet at a venue where it can be perceived that hospitality is being provided.

2. It is advisable that Elected Members only meet with a Developer 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 the Planning or Development Proposal. Elected Members may offer support or otherwise.

Elected Members Meeting with Applicants in the Company of Other Elected Members

4. Information gained by the Elected Members at meetings involving more than one Elected Member should be made available to the professional staff and other members as soon as practicable.

Elected Members Attending Meetings between Employees and Applicants

5. Elected Members may wish to attend meetings between professional staff and Developers. Approval of Elected Members attending meetings between Employees and Developers needs to be at the discretion of the CEO as the CEO is best placed to determine whether their attendance compromises his or her legislative role of providing advice and information to Council.

6. Elected Members should refuse an invitation they receive from Developers to attend meetings between professional staff and the Developer.

Being Offered a Gift or Benefit

7. To maintain a high degree of integrity, Elected Members should not accept any personal gifts from a Developer with a Planning or Development Proposal which is currently before, or at the time of contact, known to require determination by Council or the Joint Development Assessment Panel.