



Brighton Council

POLICY NAME: **ASSESSMENT OF COUNCIL RELATED PLANNING APPLICATIONS**

POLICY No: **6.4**

PURPOSE:

The purpose of this policy is to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

SCOPE:

This policy applies to Council-related development.

POLICY:

1. Conflict of Interest Risk Assessment

Prior to the finalisation of submission of a council-related planning application, the proposal is to be referred to the Director Development Services, to undertake a conflict-of-interest risk assessment.

In reviewing the development application, the Director Development Services or their delegate will:

- Assess whether the application is one in which a potential exists for conflict of interest
- Identify the phases of the development process at which the identified conflict of interest arises
- Assess the level of risk involved at each phase of the development process
- Determine what (if any) management controls should be implemented to address the identified conflict of interest having regard to the controls and strategies outlined below and the level of risk identified
- Document the proposed management approach for the proposal in a Register that is maintained and published when reporting against the Annual Plan at ordinary council meetings.

2. Management control and strategies – Council related Planning Applications

2.1 The management control options below may be applied to:

- the assessment and determination of an application for council-related development – Refer to Table 1 (below)
- post development applications and processes such as subdivision works certificates and construction certificates
- the regulation and enforcement of approved council-related development.

Management control options include:

- use of independent consultants

- shared services arrangements with a neighbouring council
- public reporting on key milestones, such as construction and occupation certificates.

2.2 No management controls need to be applied to the following kinds of development:

- Development that meets Exemption under the current in effect planning scheme
- Minor amendment to an existing development approval.
- Scheme Amendments (Rezoning).

Category of Planning Approval	Assessment Options	Determination	Examples
Minor or Standard Planning Approval	Assessment by staff not involved in the preparation of the application and peer reviewed by Director Development Services.	Determination as per normal assessment process.	Permitted or Discretionary applications that are considered low impact with minimal community interest.
Major Planning Approval	Assessment by external independent town planning consultant, or Assessment by another of council's planning staff.	Determination by Planning Authority.	Discretionary applications that have potential community interest and impacts on surrounding areas.

Table 1 - Assessment and determination of an application for council-related development

Notes:

1. The Director Development Services or delegate will advise the Audit Committee of Major Planning Approvals at its next scheduled meeting.
2. The category for each application will be assessed by the Manager Planning and approved by the Director Development Services

3. Management controls and strategies – Compliance

The management strategy in relation to the undertaking of enforcement and compliance activities in relation to all Council-related development and all development on council land is as follows:

- The Manager Planning will oversee all compliance and enforcement activities related to Council-related development and all development on Council land and will provide regular updates on these activities to the Director Development Services.
- Where a non-compliance is identified (for example, a breach of conditions or a failure to comply with the terms of a Planning Notice), the matter will be escalated to the Director Development Services for review and consideration of appropriate action. This may include engaging external consultants in order to undertake investigations and/or to peer review recommendations of council staff. Non-compliances will be recorded in the Compliance Register until such time as the matter has been rectified.

- Where a matter is considered a significant breach of any law, the non-compliance will be referred by the Director Development Services to the Planning Authority for advice and action as appropriate.
- Any instances of deliberate non-compliance by Council staff may be investigated and dealt with in accordance with the Code of Conduct, Disciplinary Procedure and/or action under relevant legislation if appropriate.

All legal proceedings in relation to enforcement and compliance matters for council related development and activities on council land will be conducted by external legal providers, engaging third party consultants to provide expert advice if required.

LEGISLATION:

Local Government Act 1993

Land Use Planning and Approvals Act 1993

ADMINISTRATIVE DETAILS:

Policy compiled: August 2025

Adopted by Council: 19/08/2025

To be reviewed: August 2029



CHIEF EXECUTIVE OFFICER