

Conflict of Interest Management Controls

Council-related Development Applications Policy – applies to all applications lodged from 3 April 2023.

Any matter must be referred to the Executive Manager Development Assessment (or delegate).

council-related development means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority)

Application Details

Application number:	DA2024/1216
Address:	Gourlay Avenue Balgowlah
Description:	Alteration and additions to Marina
Applicant:	North Harbour Marina P/L
Land owner:	<p>TfNSW owns the 'land' containing the structures in the water and part of the shore-based buildings.</p> <p>The Crown owns a small parcel containing some of the rest of the shore-based buildings. Council has care and control over this.</p> <p>Council then owns the road reserve containing the remainder of the buildings.</p> <p>The marina itself is privately owned, but they do have a road reserve lease with Council for operation of existing winches, slipways, garden beds, waste bin storage bays and access to structures below the high water mark and a toilet and shower amenity block, used in association with the Marina.</p>

Conflict of Interest risk assessment

Does a potential conflict of interest exist:	<p>Council is the land owner/land manager of two portions of the 'site'.</p> <p>The proposal consists of removing 10 commercial swing moorings, relocating 4 private swing moorings, the provision of 9 additional berths across the eastern and western arms, the removal of the existing two slipways and replaced with 72 dinghy racks with associated decking, and the facilitation of a new kiosk (as an on-premises venue) with the associated deck extension to the existing Marina Building.</p> <p>North Harbour Marina P/L prepared the application with no input from Council.</p> <p>Council has a road reserve lease that will not need to be changed as part of this application (confirmed by the Property Team).</p> <p>The majority of works are below the Mean High Water Mark meaning TfNSW will get most of the lease fee.</p>
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Level of Risk

Low	Medium	High
See below	Any application where the <u>Local Planning Panel</u> is the consent authority or where council has resolved to provide a grant	Any application where <u>the Sydney North Planning Panel</u> is the consent authority or where the CEO determines it high risk
Level of Risk		
	Medium	

Policy Definitions

Low Risk category

- Advertising signage on council properties.
- Internal fit outs and minor changes to the building façade.
- Internal alterations or additions to buildings that are not a heritage item.
- Council-related development in respect of which council may receive a small fee for the use of their land (such as outdoor dining areas for which fees are or may be payable under legislation).
- Alterations and additions to minor structures in parks and other public spaces (such as shade structures in playgrounds).
- Minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services).

Medium Risk category

- Any council-related development for which the Northern Beaches Local Planning Panel is the consent authority.
- Any council-related development in relation to which council has resolved to provide a grant.

High Risk category

- Any council-related development for which the Sydney North Planning Panel is the consent authority.
- Any council-related development which is assessed as being high risk by the CEO, due to the circumstances of the application.

Management Controls

Policy Controls		
Low	Medium	High
NA	Written records kept of all correspondence with applicant or representative of applicant, all substantial discussions are held in formal meetings which are documented	Written records kept of all correspondence with applicant or representative of applicant, all substantial discussions are held in formal meetings which are documented
Likely Controls for Development Application		
Assessed by Council staff	External independent assessment	External independent assessment
Determined by Local Planning Panel unless excluded in Ministerial Directions	Determined by Local Planning Panel	Determined by Sydney North Planning Panel

	External Certification of Construction Certificate	External Certification of Construction Certificate
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Completed by:



Name Steve Findlay
Acting Executive Manager, Development Assessments

Date: 23 September 2024