

DA/MOD Conflict of Interest Management Controls

Council-related Development Applications Policy – applies to all applications lodged from 3 April 2023, including preliminary meetings held prior to lodgement.

Any matter must be referred to the Executive Manager Development Assessment (or delegate) and the issue of appropriate management controls must be an agenda item for discussion at the meeting, with the proposed approach recorded as part of the minutes of the meeting.

Note: Coloured cells denotes selections and responses

Application number:	MOD2023/0684
Address:	1191 Barrenjoey Rd Pam Beach
Description:	Modification of Development Consent DA2021/0669 granted for Demolition works and construction of a new restaurant, carparking and associated uses, including a Voluntary Planning Agreement – the modification involves a change of operating hours
Applicant:	Lance Doyle
Land owner:	NSW Government - Department of Industry – Lands, Council has no role in the management or lease over 1191 Barrenjoey Road. 1193 Barrenjoey Road Council is the Crown Land Manager, which is land owned by the NSW Government.

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)

Conflict of Interest risk assessment

Does a potential conflict of interest exist:	<p>Council is the Crown Land Manager for Governor Phillip Reserve (1193 Barrenjoey Road) on which carparking and ancillary buildings are located. The main building is located on 1191 which does not fall under the control of council.</p> <p>This modification only seeks a change to the approved hours of operation from:</p> <p>The hours of operation outside of daylight saving are to be restricted to:</p> <p style="padding-left: 40px;">Monday to Saturday – 7.00am to 4.00pm Sunday and Public Holidays – 7.00am to 4.00pm</p> <p>The hours of operation during daylight saving are to be restricted to:</p> <p style="padding-left: 40px;">Monday to Thursday – 7.00am to 4.00pm Friday and Saturday – 7.00am to 10.00pm Sunday – 7.00am to 4.00pm</p> <p>Upon expiration of the permitted</p> <p>To:</p> <p style="padding-left: 40px;">Monday to Sunday (inclusive) 7.00am to 11.00pm</p>
--	---

Phase of development process in which conflict arises:	Preliminary advice – NA no advice given for modification Assessment - Yes Determination - Yes Construction Certificate - NA
Level of risk at each phase:	Preliminary advice – NA Assessment - Low Determination - Low Construction Certificate - NA
Additional Management Controls:	The modification will be assessed by an external consultant planner, consistent with the assessment of previous applications on the site.

Level of Risk

Policy Definitions

Low	Medium	High
See below Determined under delegation by Council staff if not required by Ministerial Direction to be determined by LPP	Any application where the <u>Local Planning Panel is the consent authority</u> or where council has resolved to provide a grant	Any application where <u>the Sydney North Planning Panel is the consent authority</u> or where the CEO determines it high risk
Level of Risk		
Low, based on an external assessment.	Medium	

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).

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
Public exhibition 28 days	Public exhibition 28 days	Public exhibition 28 days
External independent assessment	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
Additional Controls		
	The subject application is submitted as a Section 4.55(1A) and as such would not trigger determination by the Local Planning Panel based on the relevant Ministerial Directions. If assessed as a Section 4.55(1A) the application can be determined under delegation.	

Completed by:



Peter Robinson
Executive Manager Development Assessments

Date: 4/01/2024