

Conflict of Interest Management Strategy

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

This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development by publishing a Management Strategy containing a Risk Assessment and Management Controls to manage any conflicts.

Note: Green cells denotes selections and responses

Application number:	Mod2023/0415
Address:	1191 and 1193 Barrenjoey Road, Palm Beach
Description:	Modification of Development Consent DA2021/0669 granted for Demolition works and construction of a new restaurant, involving minor changes to external façade, roof elements and internal fitout -See statement of modification for details.
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:	Yes – Council is the Crown Land Manager for Governor Phillip Reserve (1193 Barrenjoey Road) on which carparking and ancillary building as are located. The main building is located on 1191 which does not fall under the control of council. All proposed external changes in this modification are located on this land, with the exception an eave which overhangs 1193.
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	<p>In its role, Council has a commercial interest in the land at 1193 in the form of a license agreement between Council and the operator/s of The Boathouse.</p> <p>The applicant has sought but is yet to be granted a lease extension by Council in relation to the redevelopment of The Boathouse through DA2021/0669 and subsequent modification applications.</p> <p>The subject modification itself is unlikely to result in additional revenue being received by Council.</p>	
Phase of development process in which conflict arises:	Preliminary advice - Assessment - Determination - Construction Certificate -	NA Yes Yes Yes
Level of risk at each phase:	Preliminary advice - Assessment - Determination - Construction Certificate -	N/A Low Low Low
Additional Management Controls:	The application was assessed by an external consultant planner, consistent with the assessment of previous applications on the site.	

Level of Risk

Policy Definitions

Low	Medium	High
<p>See below</p> <p><u>Determined under delegation by Council staff if not required by Ministerial Direction to be determined by LPP</u></p>	<p>Any application where the <u>Local Planning Panel is the consent authority</u> or where council has resolved to provide a grant</p>	<p>Any application where <u>the Sydney North Planning Panel is the consent authority</u> or where the CEO determines it high risk</p>
Level of Risk		
<p>Falls within the following categories:</p> <ul style="list-style-type: none"> • Internal fit outs and minor changes to the building façade. 		

* Internal alterations or additions to buildings that are not a heritage item.		
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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
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
Additional Controls		
The subject modification is assessed by an external consultant planner,		



consistent with the assessment of the DA and previous modification applications. The subject application is a S4.55(1A) and does not trigger requirement for determination by the Local Planning Panel based on the relevant Ministerial Directions.		
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Completed by:

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Date: 9/11/23



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