



Glamorgan Spring Bay Council

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# **Assessment of Council Related Development Applications**

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# 1 Introduction

## 1.1 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.

## 1.2 Scope

This policy applies to Council-related development applications. This policy does not apply to building or plumbing applications.

## 1.3 Definitions

**Application** – means an application for a development permit under the *Land Use Planning and Approvals Act, 1993* to carry out development.

**Chief Executive Officer (CEO)** – means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act, 1993*.

**Council** – means Glamorgan Spring Bay Council.

**Council-related development application** – means a development application for which the Council is the consent authority, that is –

- (a) Made by or on behalf of the Council, or
- (b) For development on land other than a public road -
  - (i) Of which the Council is an owner, or lessee or a licensee; or
  - (ii) Otherwise vested in or under the control of the Council.

## 1.4 Related Policies and Legislation

This policy relates to and depends on other Council policies, as well as legislation, including:

- *Local Government Act 1993*
- *Land Use Planning and Approvals Act 1993*

## 1.5 Policy Review and Update Cycle

This policy is to be reviewed every four years.

# 2 Policy

## 2.1 Conflict of Interest Risk Assessment

Prior to submission of a council-related development application the proposal is to be referred to the Director Planning & Development to undertake a conflict of interest risk assessment.

In reviewing the proposal, the Director or their delegate will:

- Assess whether the application is one in which a potential exists for conflict of interest;
- Identify at which phases of the development process 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; and
- 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.

## 2.2 Management control and strategies – Council related Development Applications

### 2.2.1 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 application 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 and/or private certifiers.
- Shared services arrangements with a neighbouring council.
- Public reporting on key milestones, such as construction and occupation certificates.

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

- Commercial fit outs and minor changes to building façade.
- Internal alterations and additions to buildings, including heritage listed buildings where the works do not affect the heritage value of the building.
- Advertising signage.
- Minor building structures projecting from a building façade over public land (such as awnings, verandahs, bay windows, flagpoles, pipes and services).
- Development where the council might receive a small fee for the use of land.
- Minor modifications to an existing development approval.

Category of DA	Management Options	Determination	Examples
Minor DA	Assessment by staff not involved in the preparation of the application and peer reviewed by Senior Planner.	Determination as per normal assessment process.	Assessment of No Permit Required or Permitted Applications.

<b>Standard DA</b>	Assessment by staff not involved in the preparation of the application and peer reviewed by Director Planning & Development.	Determination as per normal assessment process.	Discretionary applications that are considered low impact with minimal community interest.
<b>Major DA</b>	Assessment by external independent town planning consultant, or assessment by another 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 category for each application will be assessed by the Senior Planner and approved by the Director Planning & Development

### 2.2.3 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 Compliance Co-ordinator will oversee all compliance and enforcement activities related to Council-related development on Council land and will provide regular updates on these activities to the Director Planning & Development.
- Where a non-compliance is identified (for example, a breach of development consent conditions or a failure to comply with the terms of a development control order), the matter will be escalated to the Director Planning & Development 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 Planning & Development to the Chief Executive Officer (CEO) 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.

## 3 Implementation

Implementation of this Policy rests with the Chief Executive Officer (CEO).