



# Elected Members Contact with Developers Policy

<b>Responsible Division</b>	Office of the CEO
<b>Responsible Business Unit</b>	Governance and OPD
<b>Responsible Officer</b>	Manager Governance and OPD
<b>Affected Business Units</b>	Governance and OPD Development and Place
<b>ECM Document Set ID</b>	4549455

## Purpose

To provide the highest standards of transparency and openness in town planning matters and development application decision-making and to avoid perceptions of bias or undue influence.

## Definitions

For the purpose of this policy —

**Contact** means any communication or conversation between a Council Member and a Developer, in relation to a town planning matter or a development application in the City, regardless of whether it is foreseen, planned, solicited or reciprocated. Contact does not include any contact in the form of a public statement made at a Council Forum, Council Briefing or Council Meeting or similar, or contact that involves the Council Member engaging in any discussion or communication with the developer on the town planning matter or development application at these occasions.

**Developer** means means an individual, body corporate or company engaged in a business that:

- (a) Regularly involves the making of planning or development proposals for land, with the ultimate purpose of the sale or lease of the land for profit; and
- (b) Includes any consultant, lobbyist, advisor, agent, representative or person closely associated with a developer and who is appointed to promote or advocate for the developer's interests or proposal, except when they are representing someone who is not regularly involved in the making of planning or development proposals for land.

**Town Planning matter** means and includes:

- (a) A proposed Local Planning Policy or amendment to a Local Planning Policy under the City's operative Town Planning Scheme; or
- (b) A proposed amendment to the City's operative Town Planning Scheme.

**Development Application** means and includes:

- (a) An application under the City's operative Town Planning Scheme or the Metropolitan Region Scheme for approval of the use or development of land; and

- (b) Which is currently before or at the time of contact known to require determination by Council or the Joint Development Assessment Panel.

## Policy Statement

1. All elected members are to record any contact they have with developers and to notify the CEO within 10 days of the contact occurring. This record should include:
  - (a) Developer's name;
  - (b) Date and time of contact;
  - (c) Type of contact;
  - (d) Property or properties within the City of Bayswater (the City) to which the contact related;
  - (e) Nature of the issue covered in the contact; and
  - (f) Elected member's response.
2. The CEO is to create and maintain a register of that contact, which will be made available to the public via the City's website and updated on a regular basis.
3. Planning or Development Proposals with a Residential Design Code of R25 or below are exempt from this policy.
4. Where contact occurs in the form of a group email or other correspondence to all elected members, then the Office of the Mayor shall provide a copy of the correspondence to the CEO for the purpose of compliance with this policy.
5. The City may develop and maintain a Management Practice to detail the process for managing and publishing the register.

## Related Legislation

Nil.

## Related Documentation

*City of Bayswater Code of Conduct for Council Members, Committee Members and Candidates 2021*

## Document details

<b>Relevant delegations</b>	Nil.		
<b>Risk evaluation</b>	Low		
<b>Strategic link</b>	Communicate in a clear and transparent way.		
<b>Council adoption</b>	27 March 2018	<b>Resolution</b>	13.3.1
<b>Reviewed/modified</b>	25 July 2023	<b>Resolution</b>	10.5.1.16
<b>Next review due</b>	July 2027		