

**Council conflict of interest management strategy**

<p><b>Project Name</b></p>	<p>Wamberal Beach Terminal Protection Works (<b>the Project</b>)</p>
<p><b>Potential Conflict</b></p>	<p>Coastal protection works are proposed on various parcels of private and public land at Wamberal Beach. Central Coast Council (<b>Council</b>) is one of the landowners involved in this proposed development, and hence the proposal is Council-related development. Council also has a role in the assessment of this proposed development.</p>
<p><b>Management strategy</b></p>	<p>In accordance with the requirements in Section 66A of the <i>Environmental Planning and Assessment Regulation 2021</i>, Council has prepared a Council-Related Development Applications Conflict of Interest Protocol (<b>Col Protocol</b>), adopted 30 May 2023. The Col Protocol provides the following measures to manage potential conflicts related to Council’s dual roles in the development assessment process:</p> <ul style="list-style-type: none"> <li>- The application will not be determined by Council or staff under delegation from Council (it is likely that the application will be determined by the Hunter and Central Coast Regional Planning Panel),</li> <li>- Council staff involved in the preparation of the development application are not involved in any aspect of the assessment of that development application,</li> <li>- Council assessment staff are not involved with preparation of the development application, other than the provision of advice in the manner they would provide to any applicant (clause 4.1.2).</li> <li>- Specialist development assessment referrals will be prepared by an external consultant rather than Council staff, where required (clause 4.1.3).</li> </ul> <p>While Council will not be the consent authority for this Project, it will play a role in the assessment of any related development application, including providing an assessment report and recommendation to the Hunter Central Coast Regional Planning Panel.</p> <p>As a result, Council has prepared the following management statement to outline the steps it has and will take to manage conflicts in respect of this Project:</p> <ul style="list-style-type: none"> <li>• Council has engaged an External Probity Advisor to provide it with probity advice and assistance in relation to both:             <ul style="list-style-type: none"> <li>○ the preparation of any development application for proposed coastal protection works; and</li> <li>○ the assessment of any associated development application.</li> </ul> </li> <li>• Council has also:             <ul style="list-style-type: none"> <li>○ prepared and formally adopted the Probity Plan – Terminal Protection Structure at Wamberal Beach to establish probity controls, principles and procedures that will apply throughout the life of this Project; and</li> <li>○ assigned a specific Council staff member with the position as Council’s internal probity officer for the Project. This person will:                 <ul style="list-style-type: none"> <li>▪ ensure that staff have been given a copy of the Probity Plan and understand their obligations under it;</li> <li>▪ ensure that staff complete their Declaration of Understanding and Conflicts of interest Form;</li> <li>▪ review the implementation of the Probity Plan, monitor and assess all relevant procedures;</li> <li>▪ conduct reviews and investigations into breaches of the probity plan; and</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>▪ engage with the external probity advisor for advice on probity issues as they arise.</li> </ul> </li> <li>• Under the Probity Plan, Council staff involved in the Project must: <ul style="list-style-type: none"> <li>○ act in the interests of the community as a whole and not in their own self-interest or for personal gain, and also a way that complies with, or gives effect to, the probity principles;</li> <li>○ perform their duties in a fair and unbiased way and act reasonably and fairly in the way they make decisions to instil public confidence in the Project and any decisions made in respect of it; and</li> <li>○ ensure their conduct in connection with the Project is to the highest and ethical and professional standards, and does not impact upon the integrity of the Project or give rise to a perception that would allow for the erosion of confidence in the way the Project is being conducted.</li> </ul> </li> <li>• Staff are also required to declare if they have any conflicts of interest by a 'Declaration of understanding and of conflicts of interest form' and keeping this form updated throughout their work on the project. If any conflicts are declared or otherwise picked up during the Project, the internal probity officer, Council and Council's external probity officer will: <ul style="list-style-type: none"> <li>○ work together to determine what measures are needed (if any) to mitigate the issue and address those risks; and</li> <li>○ then implement any chosen measures, and monitor them to ensure they are met.</li> </ul> </li> <li>• In accordance with clause 4.1.2 of the CoI Protocol, Council has put in place information barrier protocols between the different Council teams who will represent Council's interest as landowner for specific parcels of land proposed for development of coastal protection works, and those that will play a role in the assessment of any development application related to it.</li> <li>• Council is one of a number of landholders involved in the Project. Council will not be the applicant for the proposed development. A third party will manage the application on behalf of all participating landowners.</li> <li>• Council staff involved in the preparation of the Project will ensure that the Project adequately addresses Council's interests as a manager of public land for community benefit.</li> <li>• In accordance with clause 4.1.3 of the CoI Protocol, Council staff involved in the assessment of the DA will engage various consultants to assist in assessing the DA for the Project to ensure it is conducted on a professional, arm's length and independent basis.</li> </ul>
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