



Policy No.69 – Managing Conflicts of Interest – Council Related Planning Applications

CM Ref:	DOC/25/8659
Adopted:	21 July 2025
Minute:	133/2025
Version:	1
Reviewed Date:	-
Author	Consultant Town Planner
Responsible Officer	Director –Development Services
Statutory Authority	<i>Local Government Act 1993 (TAS)</i> <i>Land Use Planning and Approvals Act 1993</i>

1. Background

- 1.1. The Dorset Council is the Planning Authority for the municipal area of Dorset.
- 1.2. In some circumstances, the Council can also be the developer, landowner or hold a commercial interest in the land it regulates. Where Council holds this dual role, a conflict can arise. Identifying these conflicts of interest early and finding ways to address them is crucial to good governance, transparency and accountability.
- 1.3. Following a Board of Inquiry into Dorset Council, the Minister for Local Government issued Ministerial Directions to Council on 22 January 2025 pursuant to section 225(2) of the *Local Government Act 1993 (Act)*.
- 1.4. The Ministerial Directions relevant to this Policy are:

Direction 1: implement a policy and procedure... to address the conflict of interest that arises where Council is the applicant and/or developer in respect of a planning application, and at the same time is the planning authority determining the application; and

Direction 2: for the term of the Council, refer all discretionary development applications within the meaning of section 57 of Land Use Planning and Approvals Act 1993 with a financial value of \$500,000 and above in respect of which Council is the applicant and/or developer to external consultants for assessment and recommendation to Council as the planning authority.

(collectively **Ministerial Directions**).

2. Purpose

- 2.1. The purpose of this Policy is to address and satisfy the Ministerial Directions whilst additionally ensuring the Council manages its obligations both under the Act and the *Land Use Planning and Approvals Act 1993 (LUPAA)*.
- 2.2. The Policy specifically relates to planning applications where the Council is the applicant, and seeks to address any conflict of interest which may arise where Council is the applicant/proponent in respect of a planning application made under LUPAA, and at the same time is the planning authority tasked with determining that planning application under LUPAA.
- 2.3. Due to the complimentary nature of both directions 1 and 2 of the Ministerial Directions, this Policy collectively addresses the requirements of each.
- 2.4. The scope of the Policy has been extended beyond the Ministerial Directions to include all planning applications made under LUPAA (i.e. both sections 57 and 58) of any monetary value.

3. Objective

- 3.1. To provide a framework for the Council to best deal with any conflict of interest which may arise where Council is the applicant/proponent in respect of a planning application made under LUPAA, while at the same time is the planning authority tasked determining the application under LUPAA.

4. Scope

- 4.1. This policy applies to all planning applications where:
 - (a) Council is the applicant in respect of a planning application made under LUPAA; and/or
 - (b) Council is the underlying developer or proponent in respect of a planning application made under LUPAA, but may not be the applicant.

5. Responsibilities and Actions

- 5.1. Council recognises that in situations where it is the applicant/proponent for a planning application, whilst also being the Planning Authority responsible for determining the planning application, situations of conflict of interest will arise.
- 5.2. Upon the lodgement by Council as the applicant/proponent of any planning application made under LUPAA, Council's Director - Development Services must prepare a brief and refer the assessment of the planning application to an external third-party planning consultant (**Consultant**).
- 5.3. The Consultant is to be engaged for the express purpose of providing an assessment and consideration of the planning application's compliance with the provisions of the applicable planning scheme.
- 5.4. The Director - Development Services is to ensure that the Consultant does not themselves have a conflict of interest when considering the planning application.
- 5.5. The Consultant is to be responsible for:

- (a) the assessment of the planning application against the provision of the applicable planning scheme;
- (b) the content of any requests for additional information from the Planning Authority to the Council as the applicant;
- (c) consideration of any representations received by the Planning Authority in the case of discretionary planning applications; and
- (d) the preparation of the necessary report (delegated or planning authority report to a Council meeting), including recommendation(s) to the Planning Authority and the drafting of any conditions.

5.6. Council's Development Services officers shall provide the Consultant with any necessary assistance during the Consultant's engagement to complete its tasks.

5.7. The standard administrative functions associated with the planning application assessment process of the planning application, include but are not limited to: internal and external third-party referrals, distribution of requests for additional information, notice of discretionary planning applications and general communication between applicants and representors, and are to be conducted by Council's Development Services Department under the guidance and direction of the Consultant.

5.8. The Consultant's engagement by Council is to cease upon an approval or refusal of that planning application by the Planning Authority.

6. Legislation

6.1. *Land Use Planning and Approvals Act 1993* (Tas)

6.2. *Local Government Act 1993* (Tas)

7. Related Council Documents

7.1. Operational Procedure – Monitoring of Planning Conditions and Restrictions.

8. Review

8.1. The first review of this policy is to occur following the election of a new Council in 2026, and unless required sooner, every five (5) years thereafter.

DOCUMENT INFORMATION

Version	Doc Ref	Date Reviewed	Author	Comments
V1	DOC/25/8659	July 2025	George Walker	Policy established