

## Council Policy

# Contact with Lobbyists, Developers and Submitters

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<b>Portfolio</b>	Council Sustainability	<b>Next Review Date</b>	20/12/2026
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### 1. Purpose/Objective

The objective is to provide ethical guidance for Councillors when dealing with lobbyists, potential developers or developers who have made a Development Application.

Free and open access to Councillors, and Council itself, is vital to efficient and effective local government.

Contact with Councillors is undertaken by many people in the community in relation to a broad range of matters. Lobbyists, developers and submitters seek access to Councillors to discuss potential and existing Development Applications and other projects. The public has a clear expectation that such contact is carried out ethically and transparently.

This Policy is intended to provide ethical guidance for Councillors when dealing with Lobbyists, potential Developers or Developers who have made a Development Application.

It is always the aim of Council to ensure that all decisions are legal, ethical and impartial. Such principles are reflected in section 4 the *Local Government Act 2009* (LGA) (i.e. the “local government principles”) and section 12 of the LGA (the responsibilities of Councillors).

### 2. Scope

This Policy applies to all council-business related contact between Councillors and Lobbyists, Developers and Submitters.

It does not apply to social interaction between Councillors and other persons simply because those other persons act as Lobbyists or Developers or are submitters in respect of a current Development Application. However Councillors are reminded of their obligation to both avoid conflicts of interest and disclose potential conflicts of interest, and are required to carefully consider possible implications of social interaction with Lobbyists, Developers or Submitters.

### 3. Responsibility

All councillors, including the Mayor, are responsible for ensuring that this policy is understood and adhered to.

### 4. Policy

#### 4.1. MEETING OR EXCHANGING OTHER COMMUNICATION WITH POTENTIAL DEVELOPERS AND LOBBYISTS (WHERE NO PROPOSAL PRESENTLY BEFORE COUNCIL)

Councillors may encourage responsible and appropriate development in Council's area. Councillors should not feel inhibited, in any communications, with potential Developers and Lobbyists (for a potential development), in promoting the benefits of developing in Council's local government area.

However, even in dealings with potential Developers and Lobbyists (for a potential development), Councillors:

1. Must make clear to potential Developers and Lobbyists that they can provide general information on the application process but cannot give definitive advice about the Developer's or Lobbyists chance of success;
2. Should suggest that the Developer or Lobbyist seeks independent professional advice;
3. If applicable, must encourage potential development applicants and Lobbyists to seek preliminary advice on their proposal by utilising the established process for pre-lodgement meetings with Council Workers excluding Councillors;
4. Must state that any opinions expressed by the Councillor are personal to the Councillor and do not in any way represent the Council's possible attitude to the potential application.

Similarly, in relation to potential submitters to a Development Application, Councillors should not feel inhibited about discussing with potential submitters what is publicly known about a potential Development Application. Again, Councillors:

1. Must make clear to potential submitters that they can provide general information on the application process but cannot give definitive advice about the developer's chance of success;
2. Should suggest that the submitter seeks independent professional advice; and
3. Must state that any opinions expressed by the Councillor are personal to the Councillor and do not in any way represent the Council's possible attitude to the potential application.

In all exchanges of communication with a potential Developer, Lobbyist (for a potential development) or potential Submitter, Councillors should keep and maintain a written record of same. This written record should detail, as a minimum, the date and time of the exchange, the format of the exchange (i.e. face to face meeting, telephone call, exchange of emails or exchange of correspondence), a summary of the matters raised with the Councillor and a summary of the Councillor's response.

#### 4.2. MEETING WITH DEVELOPERS, LOBBYISTS AND SUBMITTERS AFTER A DEVELOPMENT APPLICATION HAS BEEN LODGED

##### 4.2.1. Meetings

After a Development Application has been lodged, any requests for meetings between Councillors and Developers, Lobbyists or Submitters should only occur after the Councillor has sufficiently appraised

him/herself of nature of the Development Application. If the Councillor proposing to attend the meeting is the Mayor, he/she should notify the deputy Mayor and CEO (or the CEO's delegate) of the Mayor's intention to attend such a meeting. If the Councillor proposing to attend the meeting is not the Mayor, he/she should notify the Mayor and CEO (or the CEO's delegate) of the Councillor's intention to attend such a meeting.

At any such meetings, again, Councillors must state:

1. That any opinions expressed by the Councillor are personal to the Councillor and do not in any way represent the Council's possible attitude to the development application; and
2. In relation to Council's possible decision on the application, that the Councillor's principal obligation is to serve the public interest by ensuring that his /her decision is:
  - a. Consistent with the planning legislation, Council's planning scheme and policies; and
  - b. Made after having appropriate regard to any officer's (or Council appointed consultant's) advice; and
  - c. Not influenced by any other irrelevant or inappropriate consideration.

Councillors must keep a written record summarizing the matters discussed at any such meeting. This written record should detail, as a minimum, the date and time of the meeting a summary of the matters raised with the Councillor and a summary of the Councillor's response.

#### 4.2.2. Other Communications

After a Development Application has been lodged, if a Councillor engages in telephone discussions, email or other correspondence exchange with a Developer, Lobbyist or Submitter (where they are seeking the Councillor's support or opposition (as the case may be) to a Development Application), any such response from the Councillor must include the following statements:

1. That any opinions expressed by the Councillor are personal to the Councillor and do not in any way represent the Council's possible attitude to the Development Application; and
2. In relation to Council's possible decision on the application, that the Councillor's principal obligation is to serve the public interest by ensuring that his /her decision is:
  - a. consistent with the planning legislation, Council's planning scheme and policies; and
  - b. made after having appropriate regard to any officer's (or Council appointed consultant's) advice; and
  - c. not influenced by any other irrelevant or inappropriate consideration.

#### 4.3. RECORDKEEPING

Councillors must keep a written record of any such communications. This written record should detail, as a minimum, the date and time of the exchange, the format of the exchange (i.e. telephone call, exchange of emails or exchange of correspondence), a summary of the matters raised with the Councillor and a summary of the Councillor's response.

### 5. Definitions

**Councillor** means the Scenic Rim Regional Council elected officials including the Mayor and Councillors.

**Developer** means an applicant for development approval. If the applicant is a body corporate, the term includes officer holders and employees of the applicant. If the applicant is a partnership, the term includes partners and employees of the applicant.

**Development application** means an application for development that requires assessment against the provisions of Council’s town planning scheme.

**Development approval** means a development application that has been approved by Council.

**Lobbyist** means the same as defined in the *Integrity Act 2009*

**Submitter** means the same as defined in Schedule 2 of the *Planning Act 2016*

## 6. Related Legislations/Documents

*Integrity Act 2009*

This Policy supports the Scenic Rim Regional Council Corporate Plan 2026, in particular theme - Open and Responsive Government

## 7. Version Information

Version No	Adoption Date	Key Changes	Approved by
1	29/03/2011	NEW	Scenic Rim Regional Council
2	19/08/2019	Rescinded and amended to a procedure.	CEO
3	20/12/2023	New Council Policy to be reinstated. Item 11.21 Ordinary meeting 20.12.2023	Scenic Rim Regional Council