



Greater  
Hume  
Council

**INTEROFFICE MEMO**

<i>Date:</i>	9 October 2024
<i>Memo To:</i>	Evelyn Arnold – General Manager
<i>From:</i>	Gayan Wickramasinghe – Town Planner
<i>Subject:</i>	Conflict of Interest Assessment for DA 10.2024.137.1 - waste/resource management facility, including site rehabilitation works on Lot 251 DP 753731 at Walla Walla NSW 2659

Council has received a Development Application – DA 10.2024.137.1 for a waste/resource management facility, including site rehabilitation works, on Lot 251 DP 753731 at Walla Walla, NSW 2659, on 9 October 2024.

Based on the available records, the site has been used as a waste management facility (also known as the “Walla Walla Tip”) until 2011. As the operation of the Walla Walla Tip has been discontinued for a continuous period of twelve (12) months, according to the Environmental Planning and Assessment (EP&A) Act 1979, it is considered that the use of the site has been abandoned for the purpose of a waste management facility.

The above-mentioned site (Lot 251 DP 753731) is currently zoned RU1 Primary Production according to the Greater Hume Local Environmental Plan (GHLEP) 2012. Although the proposed use is not a permitted form of development under the GHLEP 2012, in accordance with Section 2.153 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the specific use has been identified as a permitted form of development with consent. The submitted Statement of Environmental Effect (SOEE), prepared by Council staff, indicates that the development site is only to receive a maximum of 10,000 tonnes of waste. Therefore, the proposal is not considered to be integrated development pursuant to Schedule 1, Part 1, Section 42 of the Protection of the Environment Operations (POEO) Act 1997. As a result, the Council is considered to be the approval authority and regulator for the development

According to Council’s GIS Register, although the State of New South Wales (Crown Lands) owns the site, Council is the manager of the site.

In April 2023, to address potential conflicts of interest in Council-related development applications, the Department of Planning and Environment (DPE) amended the Environmental Planning and Assessment Regulation (EP&A Reg) 2021. As a result, Council adopted the amended ‘Conflicts of Interest Policy for Council Related Development’ on 15 May 2024 (Council’s Policy). According to Council’s Policy, in the event that Council receives a development application or a modification application for Council-related developments, the application is required to be referred to the General Manager (or a delegate) for a conflict-of-interest risk assessment.

As the development application was lodged by Council staff on behalf of Council, and in this instance, Council is considered to be the regulator and consent authority, it is reasonable to assume that there could be a conflict of interest regarding the development. I believe that the proposed development can be categorised as a 'moderate or high risk' development pursuant to 'Part B—Procedures' of the Policy

Under the provisions of 'Part B' of Council's Policy, the General Manager must make a determination regarding the phases of the development where a conflict of interest may exist, the degree or risk of the conflict, and possible management controls to address the conflict. **Due to the nature of the development (i.e., no structures to be erected, etc.),** I have concluded that the proposal will only have the following two main steps

<b>Phase(s) of the development</b>	<b>Risk</b>	<b>Management Controls</b>
Assessment Stage	<b>Moderate</b> – Council's management will have influence over DA assessment staff.	An external consultant will be used to assess the development application. The final determination will be made by the Director of Planning and Environmental Services.
Post Consent – enforcement	<b>Moderate</b> - Council's management will have influence over potential breaching of conditions outlined in the consent.	Council will enact its shared services arrangement with the neighbouring council (i.e., Coolamon Council) to address any potential breach of the consent.

In addition to that as required under **Subsection (d)**, I have developed the following management controls based on the template provided within the Councils Policy.

As Council is required to adhere to this process for any Council related development applications, please review the above assessment and confirm if you wish me to publish the below 'Conflict of Interest Management Statement' on the NSW Planning Portal as required under this Policy.

If the above assessment has not adequately addressed the requirement, please provide additional comments at your convenience.

## Greater Hume Council Conflict of Interest Management Statement

<b>Description of the Development</b>	Waste/resource management facility, including site rehabilitation works
<b>DA Number</b>	DA 10.2024.137.1
<b>Location (including site address and Lot/Section/Deposited Plan Number)</b>	Walla Walla NSW 2659 Lot 251 DP 753731
<b>Potential conflict – Moderate Risk</b>	Greater Hume Council is the applicant and manager of the land. In this instance, Council is also considered to be the regulator and consent authority. Therefore, it is considered to have the potential for a conflict.
<b>Management Strategy</b>	Greater Hume Council is managing potential conflicts of interest in this project as follows: <ul style="list-style-type: none"><li>- Council development assessment staff who prepare the application will not be involved in the assessment of the application.</li><li>- Key project milestones following the development consent will be reported at a public Council meeting.</li><li>- Engage a suitably qualified external town planning consultant to carry out the assessment.</li><li>- Utilise the expertise of another Council to address any potential breach of the consent</li></ul>
<b>Contact</b>	Anyone with concerns about Council fulfilling its obligations should report their concerns to the Council.

Should you have any questions regarding the above assessment, please feel free to contact me. Thank you

Authorised by General Manager – Evelyn Arnold



Date 15/10/2024

