

## 8.2 NOM NO. 13 - DEVELOPER CONTACT REGISTER

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| <b>Submitting Councillor/s:</b> | Cr Tina Samardzija - Mayor |
|---------------------------------|----------------------------|

### RECOMMENDATION

That Council:

1. **Implements a compulsory “Developer Contact Register” from 1 December 2023. The register will require Councillors to list all contact with Developers (phone, email, text, messaging applications, written mail, face to face and the like) in relation to any proposed, current, or future planning applications within the City of Monash.**
2. **Defines “Developer” as an individual, body corporate or company engaged in a business that:**
  - a. **regularly makes planning applications in connection with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit, with the exclusion of single dwelling residential developments; 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 relevant planning applications or the development of land.**
3. **Determines that the Developer Contact Register will include the name of the Councillor and Developer, date and time of contact, type/ method of conduct, relevant properties, nature of issues covered, Councillor responses, and any other matters considered relevant after consideration of an officer report at the November 2023 Council meeting.**
4. **Publishes the Developer Contact Register on the Council Website and updates it monthly.**
5. **Directs the CEO to arrange a report to the November 2023 Council meeting which recommends:**
  - (a) **guidelines on the reporting of any contact between Councillors and Developers relating to a planning or development proposal, including proposals in a preliminary stage,**
  - (b) **the final format of the Developer Contact Register,**
  - (c) **potential changes to the Councillor Code of Conduct which reinforce the Developer Contact Register, and**
  - (d) **any other matter which officers believe are appropriate.**

## **INTRODUCTION**

The introduction of a Developer Contact Register is proposed to partially address corruption concerns relating to issues like those explored by IBAC during its Operation Sandon.

## **ISSUES AND DISCUSSION**

It is not uncommon for developers to contact Councillors about applications before Council.

There is nothing inherently wrong with such interactions.

However, as identified by IBAC's Operation Sandon, developers can occasionally seek to improperly influence Councillors.

It is believed that the risk can, to a significant degree, be mitigated by transparency, such as a Developer Contact Register to be completed by Councillors after each interaction with a developer.

## **CONCLUSION**

It is recommended that Council implement a Developer Contact Register and associated support mechanisms.

## **ATTACHMENT LIST**

1. Officers Response to NOM [8.2.1 - 2 pages]

## **OFFICERS REPORT**

### **DEVELOPER CONTACT REGISTER**

Submitting Councillor: Cr Tina Samardzija - Mayor

#### **MOTION**

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***BUDGET IMPLICATIONS***

Officers do not currently have ‘line of sight’ as to the number of interactions between developers and Councillors. Therefore, it is difficult for officers to fully scope the ongoing workload with any degree of certainty. The development of a Developer Contact Register and associated changes can be achieved within existing resources. It is also assumed that the implementation and ongoing maintenance of such a register is manageable within current resourcing.

***IMPACT ON INTERNAL RESOURCES***

As discussed above under Budget implications, it is likely that the development, implementation, and ongoing maintenance of a Developer Contact Register can be achieved with existing resources.

***COUNCIL PLAN AND COUNCIL POLICIES***

The creation of a Developer Contact Register would be consistent with Council’s commitment to good governance.

***RELEVANCE TO WORK ALREADY UNDERTAKEN BY OFFICERS OR COMMITTEES***

Officers are waiting on guidance from the State Government about integrity changes relating to Councillors and developers following the recent release of IBAC’s Operation Sandon report. The possibility of limiting the role of Councillors in the planning and development process has been mooted. However, there is no certainty as to the outcomes of the consideration of IBAC’s Operation Sandon recommendations.

***FURTHER CONSIDERATIONS***

As mentioned, there is currently considerable uncertainty in this space, and it is likely that there will be legislative change. However, it is not possible to predict the final direction of this change with any degree of certainty. If Council believes that a Developer Contact Register is appropriate, officers are in a position to develop, implement, and maintain such a register.