Declaration of Conflict of Interests
(to be completed and attached to Development Application Form)

Name and Position Title of Council Official Declaring an Interest

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<th>Name:</th>
<th>Position Title:</th>
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Matter in which you have an interest

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|                                    |

Nature of the Interest

Be specific and include information such as:
- The names of any person or organisation you have any relationship with
- The nature of your relationship with any person or organisation
- The reasons(s) why you consider the situation may (or may be perceived to) give rise to a conflict between your personal interests and your public duty as a council official

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Definitions

A pecuniary interest: “an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.”

A non-pecuniary interest: “are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.”
Define your interest – tick the appropriate box

- □ Pecuniary (refer dealing with Pecuniary Interests)
- □ Non-Pecuniary (refer dealing with Non-Pecuniary Interests)

Dealing with Pecuniary Interests (guidance)

The Code of Conduct states:

“7.7 - Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
   
a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (section 449)
   
b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (section 451)
   
c) designated persons immediately declare, in writing, any pecuniary interest. (section 459)

7.8 - Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.

7.9 - Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.”

Dealing with Non-Pecuniary Interests (Guidance)

The Code of Conduct states:

“7.15 - How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

7.16 - As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
   
a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person’s spouse, current or former spouse or partner, de facto or other person living in the same household
   
b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
   
c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

Dealing with Non-Pecuniary, Significant Conflict of Interests (Guidance)

The Code of Conduct states:

“7.17 - If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
   
a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
   
b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.
Dealing with Non-Pecuniary, Less Than Significant Conflict of Interests (Guidance)

The Code of Conduct states:

“7.18 - If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

7.19 - If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.”

Is your non-pecuniary interest, less than significant?

If you are of the view that your non-pecuniary interest is less than significant, please provide your explanation directly below (only complete if your are claiming that your non-pecuniary interest is less than significant)

Action Proposed

Tick one box only:

- In my opinion my interest is pecuniary and I am therefore required to take the actions specified in Section 451(2) of the Local Government Act 1993
- In my opinion my interest is non-pecuniary but significant. I am unable to remove the source of conflict and am therefore required to treat the interest as if it were pecuniary and take the actions specified in Section 451(2) of the Local Government Act 1993
- In my opinion my interest is non-pecuniary and less than significant. I therefore make this declaration as I am required to do pursuant to clause 7.13 of Council’s Code of Conduct but intend to continue to be involved in this matter.

Council Official Declaring an Interest

I disclose the above interest and acknowledge that I will take appropriate action as I have indicated above

Signature: 
Date:

Print Name and Position Title:
Manager Development Services - Comments / Recommendations

Tick one box only:

☐ I do not have any interests in this matter and can comment/make recommendations on this declaration as required.

OR I do have an interest in this matter and

☐ In my opinion **my interest is pecuniary** and I am therefore required to take the
actions specified in Section 451(2) of the Local Government Act 1993

☐ In my opinion **my interest is non-pecuniary but significant**. I am unable to
remove the source of conflict and am therefore required to treat the interest as if
it were pecuniary and take the actions specified in Section 451(2) of the Local
Government Act 1993

☐ In my opinion **my interest is non-pecuniary and less than significant**.
I therefore make this declaration as I am required to do pursuant to clause 7.13
of Council’s Code of Conduct but intend to continue to be involved in this matter.

Comments and/or recommendations from Manager Development Services (Note: details are required where the Manager Development Services does not concur with the opinion and / or proposed actions of the Council staff member otherwise signature will be taken to indicate concurrence with proposed action by officer.)


Print Name: Manager Development Services

Position Title: Manager Development Services

Director City Planning and Development - Comments / Recommendations

Tick one box only:

☐ I do not have any interests to declare in this matter and can comment/make recommendations on this declaration as required.

OR I do have an interest in this matter and

☐ In my opinion **my interest is pecuniary** and I am therefore required to take the
actions specified in Section 451(2) of the Local Government Act 1993

☐ In my opinion **my interest is non-pecuniary but significant**. I am unable to
remove the source of conflict and am therefore required to treat the interest as if
it were pecuniary and take the actions specified in Section 451(2) of the Local
Government Act 1993

☐ In my opinion **my interest is non-pecuniary and less than significant**.
I therefore make this declaration as I am required to do pursuant to clause 7.13
of Council’s Code of Conduct but intend to continue to be involved in this matter.

Comments and/or recommendations from Director (details are required where the Director does not concur with the opinion and / or proposed actions of the Council staff member otherwise signature will be taken to indicate concurrence with proposed action by officer.) (*Director to be involved in declarations by Council staff members only, no involvement in Councillor declarations)


Print Name:

Position Title: Director City Planning and Development