



Planning &
Infrastructure



Ingleside Precinct Probity Plan

December 2013

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1 Introduction

1.1 Purpose

The purpose of the Probity Plan is to provide a framework which identifies the potential probity risks in the planning process and establishes procedures to minimise the impact of those risks. The Project Plan for the Ingleside Precinct Planning Process nominates the need to *promote probity and transparency* (p3) as one of the principles for the Process. The Probity Plan will be an appendix to the Project Plan.

The Probity Plan sets out the background and strategic context to the Project, the governance arrangements to apply, and the procedures and controls required to promote the integrity of the planning process. It provides a guide for the participants in the planning process to ensure that they act with integrity and give the community confidence in the planning outcomes.

1.2 Project background

The Minister for Planning and Infrastructure and Pittwater Council (Council) have agreed to undertake a Precinct Planning Process for the Ingleside Release Area to confirm development potential and to establish planning controls to enable development consistent with that potential.

Ingleside Precinct is located within the Pittwater Local Government Area (LGA) and is approximately 700 hectares. The area adjoins the Garigal and Ku-ring-gai National Parks, the Ingleside/Warriewood Escarpment to the east and Ingleside Chase Reserve.

Within Ingleside there are three discernible areas for planning and infrastructure provision. These areas are referred to as South Ingleside (on the south side of Mona Vale Road), North Ingleside (on the north side of Mona Vale Road and east of Chiltern Road), and Wirreanda Valley (on the north side of Mona Vale Road, west of Chiltern Road)).

The Precinct currently has non-urban zoning under Pittwater Local Environmental Plan (LEP) 1993 which has a wide range of permissible activities. Current controls are struggling to ensure suitable outcomes in relation to the physical and environmental characteristics of the area and have resulted in a complex mix of urban and non-urban development.

A mix of public and private land ownership exists in the Precinct. Approximately one third of the area is in State Government ownership. The Office of Strategic lands (OSL) owns a relatively large number of properties, mainly in South Ingleside. About 105 hectares in a number of parcels across Wirreanda Valley and North Ingleside is Crown Land. Private land holdings have fragmented ownership and are not currently consolidated.

Council owns a portion of land in South Ingleside and the Ingleside Park/Warriewood Escarpment, abutting the south-western boundary of Ingleside. The rest of the land is in fragmented private ownership. Landowners in the street block of Wilga and Wilsons Streets (known as the Wilga-Wilson group) in South Ingleside have previously requested the rezoning of the area.

In May 2011, Council approached the NSW Government to discuss the progression of a comprehensive Government led approach to planning for Ingleside. Following discussions, in November 2012 it was agreed that DP&I would outline in a letter to Council the Government's approach to land release and its potential application in Ingleside for Council's consideration. Council resolved (subject to matters to be considered as part of the process) at its meeting of 18 February 2013 to be involved in a Precinct Planning Process led and funded by the NSW Government.

1.3 Planning framework

Precinct Planning is well established in the Sydney Region Growth Centres and enacted via State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006. Under this Policy the Government commits to funding studies, coordinating infrastructure and offers to fund council resources. While Ingleside is not in the Growth Centres, Council and the State Government have agreed to model the planning for Ingleside on the Precinct Planning approach, led by DP&I, in partnership with Council. UrbanGrowth NSW will contribute significant input on development feasibility, staging and infrastructure delivery and will also be part of the project management team.

The key deliverables of the Precinct Planning Process are the following documents:

- A Precinct Planning Report and supporting background studies
- The Indicative Layout Plan (ILP).
- Statutory planning controls under a SEPP (or equivalent planning instrument under the New Planning System).
- A Development Control Plan (DCP) or equivalent under the New Planning System.
- A Development Contributions Plan or equivalent under the New Planning System.
- An Infrastructure Delivery Plan and identification of funding arrangements for infrastructure at the local and State/regional levels.

Preparation and endorsement of these documents is required to allow development applications to be assessed by Council.

1.4 The Precinct Planning Process

The Precinct Planning Process will be led by DP&I, in partnership with Council and UrbanGrowth NSW. The following sections outline the roles of these three key stakeholders.

Department of Planning and Infrastructure – Housing Delivery

The Precinct Planning Process will be led by the DP&I Greenfield Delivery team. The Greenfield Delivery team within DP&I have a key function of delivering the government's vision for urban release areas in Sydney.

In performing this task, DP&I objectives include:

- co-ordinating government agencies across a diverse range of fields, drawing them into the process in a pro-active manner;
- managing community and Government expectations of up-front infrastructure delivery, including roads, public transport, schools and hospitals;
- coordinating the sometimes disparate interests of landowners;
- simultaneously delivering multiple projects on a large scale;
- maintaining constructive relationships with Council throughout Precinct planning and land delivery phases;
- managing commercial risks to government through timely decisions about, and efficient procurement of, key infrastructure; and
- ensuring all aspects of the planning process are undertaken with due regard to probity.

Pittwater Council

Council will be responsible for assisting with infrastructure funding, planning and implementing the outcomes of the precinct planning process through assessment and approval of development proposals.

Council has expressed their aims and objectives through a Council resolution dated 18 February 2013, with requests that the planning process takes into account the following matters:

- the future protection and management of environmentally sensitive land, including environmental, biodiversity and creek line corridors;
- a sustainable and ecologically sensitive development form based on the highest standards;
- the sensitivity of downstream flooding from the upper catchment downstream to Warriewood Valley
- the threat from bushfire and provision of emergency access/egress e.g. bushfire;
- the economic viability of the land release particularly associated with the findings of the report to Council on 19 October 2009;
- the extent of capitalisation evident in private landholdings in Ingleside;
- the need to upgrade Mona Vale Road and relevant intersections which would be exacerbated by any intensification of development in Ingleside;
- provision of a comprehensive waste water management proposal;
- comprehensive consideration of Powderworks Road and the impact and safety of its users and adjoining residents;
- delivery of infrastructure in a timely manner over the life of the development process
- financial risk to Council and the State Government if the development potential is not achieved or is delayed;
- uncertainty with the developer funded mechanisms;
- uncertainty with the implications of the programmed new Planning Act;
- maintaining ridge lines as areas of well-designed landscaped areas dominated by trees rather than buildings;
- opportunities for provision of affordable housing;
- comprehensive community engagement process including the establishment of a Community based committee that will be regularly updated on issues, studies and progress of the Precinct Planning process.

The Council materials depot is located within the Precinct on Council-owned land. In circumstances where Council owns substantial land within the Precinct, probity arrangements will have to be developed and documented to ensure that there is a separation of roles between the role of Council officers in the Project and internal Council consideration of the best planning outcome for the Council-owned land.

UrbanGrowth NSW

UrbanGrowth NSW will be a member of the Project Control Group and the Precinct Working Group. UrbanGrowth NSW will provide advice to the PWG on infrastructure delivery, and assessing and advising on development feasibility and staging. It will also contribute development expertise to other aspects of the Precinct Planning Process and deliverables.

Landcom (now UrbanGrowth NSW) had previously commissioned studies for Ingleside relating to urban design, transport, development feasibility, and biodiversity. Understanding this information is a central part of the precinct planning process.

UrbanGrowth NSW is not a landowner within Ingleside Precinct and will not participate as a traditional land developer (selling land, homes or apartments). The organisation does however have the capability to assist Government Landowners to identify development opportunities within surplus Government land and package them for sale to the Private Sector. Such opportunities may be identified as an outcome of this Project and therefore it is necessary that appropriate probity arrangements must be in place to ensure transparency throughout the precinct planning process.

Other key stakeholders

Of significance to the probity aspects of this Project are other stakeholders as identified below.

Office of State Lands

The Office of Strategic Lands (OSL) operates on behalf of the Minister for Planning and Infrastructure to identify, acquire, manage (on an interim basis) and transfer to other government agencies land that is required for planning purposes throughout Sydney Region.

OSL owns approximately 70 hectares of land within the Precinct made up of some 200 land parcels with an average size of about 3,000sq/m. Currently the land has a restrictive zoning with no dwelling rights – effectively rural, non-urban land.

OSL is within the Finance and Services Division of DP&I. It is responsible for administering the Sydney Regional Development Fund (SRDF). The planning costs for the Project are to be funded from the SRDF on behalf of OSL. OSL anticipates that it will recoup some of the costs involved from future Section 94 funds and the like. The Project Manager for the Project provides a budget update to OSL every two months.

OSL is separate from the Planning Division of DP&I that is responsible for the longer term planning of development and the coordination of infrastructure delivery to service that development.

However, this arrangement whereby OSL funds the cost of the Planning Division for the Project creates the potential for a conflict of roles between the two sections of DP&I. Arrangements to ensure the separation of roles are documented in Appendix 2.

Community Reference Group

The Ingleside Community Reference Group has been established by Council in order to provide a forum for community representatives to contribute to the planning process.

As outlined in the Terms of Reference:

The Community Reference Group is to:

- *provide a safe and equitable forum where members, derived from registered community groups, community organisations and Pittwater residents, have equal opportunity to contribute and be involved in discussions with the Ingleside Project Team on relevant issues,*
- *complement other elements of the broader consultation framework established for the Ingleside Precinct Planning project,*
- *act as another mechanism through which Council and the Ingleside Project Team can bring items where consultation is required,*

- *be a means of identifying innovative ideas that can enhance the precinct planning for Ingleside.*

The operation of the Community Reference group is governed by formal Terms of Reference and the Pittwater Council Code of Conduct for Representatives on Council's Reference Groups. The Community Reference Group is chaired by a Councillor and represents a diverse range of community interests in the Ingleside Precinct.

2 Probity

2.1 Probity fundamentals

The Project is being conducted in a manner that accords with the “probity fundamentals” as stated in the NSW Independent Commission Against Corruption (ICAC) document *Probity and Probity Advising – Guidelines for Managing Public Sector Projects*. These probity fundamentals are:

- Obtaining value for money
- Maintaining impartiality
- Managing and/or declaring conflicts of interest
- Maintaining accountability and transparency
- Maintaining confidentiality

The Probity Plan has been developed to assist in ensuring that the probity fundamentals are met and specific risks that could undermine them identified and appropriately managed.

2.2 Conduct requirements

All Project participants have a responsibility to ensure that their personal behaviour does not adversely impact on the integrity of the Project. Each person is to:

- Act in accordance with the Probity Plan and other approved plans guiding the Planning Process and their role
- Be transparent in relation to personal interests potentially impacting or impacted by the Project
- Not engage in an assessment or decision making role where there is any real, perceived or potential conflict of interest that could be seen to undermine that role, and declare such interests immediately to the Project Manager
- Behave impartially, honestly and fairly
- Maintain the confidentiality of confidential information
- Act at all times in a professional manner
- Not to offer or accept any gifts, hospitality or other benefits that may, or be perceived to, affect the integrity of the Project
- Not make public comment about the Project without appropriate authorisation
- Report any breaches of the Probity Plan, or other probity concerns, to the Project Manager and probity adviser immediately
- Maintain appropriate records in relation to activities, deliberations and decision-making concerning the Project
- Observe the requirements of their organisation’s code of conduct
- For members of the Ingleside Community Reference Group, ensure that the requirements of the Terms of Reference and the Code of Conduct for Reference Groups are observed
- For Council participants, ensure that the requirements of the Council Code of Conduct are observed.

2.3 Key Probity risks

The Project Plan (p5) identifies the probity risk that could arise should UrbanGrowth NSW's role develop from a planning-related function to delivery. The risk relates to the potential for a conflict of roles for UrbanGrowth NSW's participants in the Project as different planning options may have varying potential outcomes for UrbanGrowth NSW.

The Project Plan also confirms (p25) that the Office of Strategic Lands, part of DP&I will fund the Precinct Planning Process. As already identified, this creates the potential for a conflict of roles within DP&I and guidelines to address this risk are documented in Appendix 2.

Similarly, Council owns land in the Precinct and the potential for a conflict of roles in relation to the approval of planning changes is apparent. Guidelines to address this risk are documented in Appendix 1.

In the context of the budget for the Project, probity risks arise in relation to the procurement (engagement) of consultants. Risk areas include dealing with conflicts of interest, ensuring an impartial engagement process and achieving value for money.

The Community Participation Plan identifies the probity risk arising as a consequence of a perception of conflict of interest due to the scale of NSW Government and Council owned land in the Precinct. The Community Participation Plan also highlights the potential for community cynicism about the planning process being undertaken.

2.4 Amendment

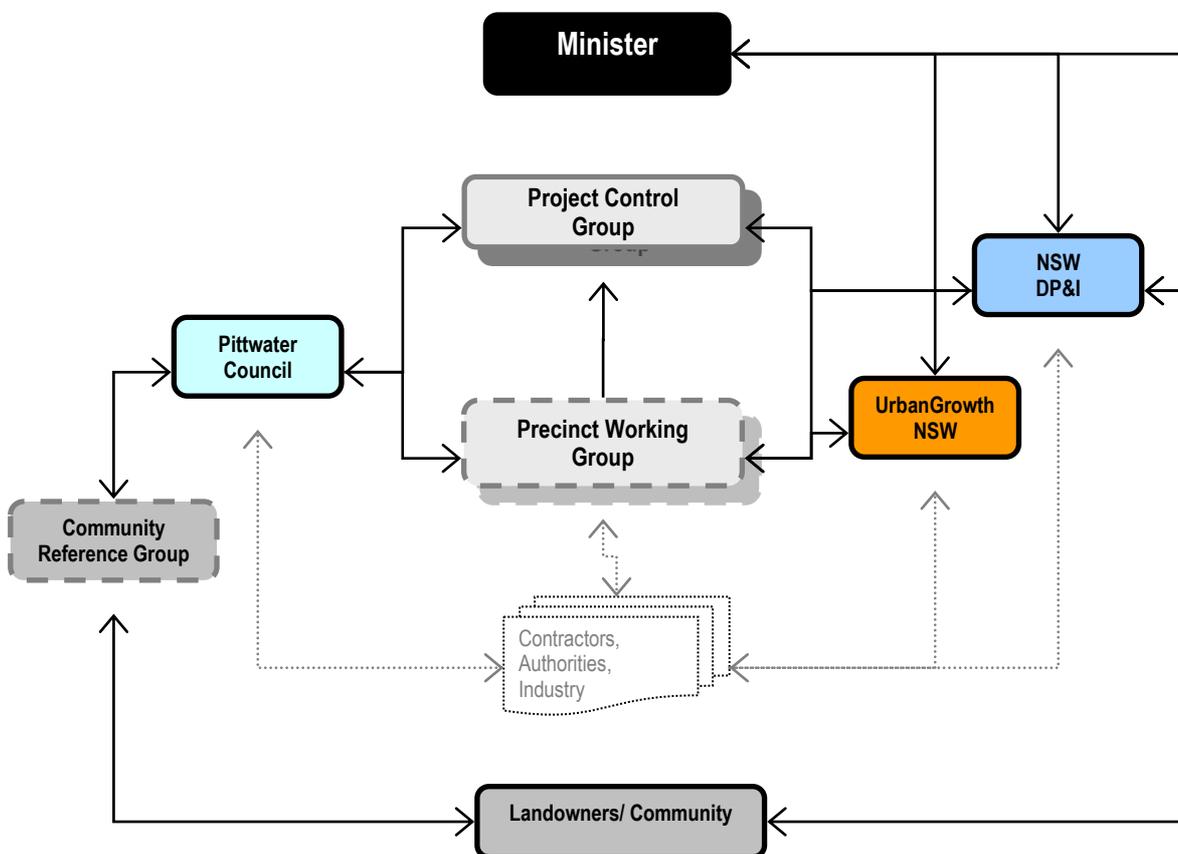
The Project Control Group is to approve any amendment to this Probity Plan with the reasons for amendment clearly documented.

3. Project Governance

The core project team consists of the Department of Planning and Infrastructure, Pittwater Council and UrbanGrowth NSW. The Precinct Planning Process will be administered by DP&I. The Department will retain the principal project management role and will ultimately be responsible for the project's successful delivery. The Project will be based on respect for all parties' opinions, comments and representations.

Consistent with the Precinct Planning Process a Project Control Group (PCG) and Precinct Working Group (PWG) will be established. Figure 4-1 shows the structure of the project team, reporting, and key personnel involved in Precinct planning. The chart highlights key communication lines, including key management and reporting directions.

Figure 3-1 Project Organisation Chart



3.1 Project Control Group

The Precinct Project Control Group (PCG) is responsible for providing direction to the Precinct Planning Process and overall delivery of the Precinct Planning documents. The members of the PCG will be:

- DP&I Project Director;
- DP&I Project Manager;
- DP&I Precinct Planner;
- Council Project Coordinator;
- Council's Manager Planning & Assessment; and
- UrbanGrowth General Manager and Project Coordinator.

Each of the core members may nominate alternates. Permanent replacement attendees may also be approved by the PCG.

Key functions of the PCG will be to:

- set the strategic directions for the process;
- act as an interface with the Council, UrbanGrowth NSW and DP&I Executive to ensure a smooth passage for the Precinct Plan;
- make key decisions about the Precinct Planning Process, including endorsement of the Indicative Layout Plan (ILP) and the Final Precinct Plan;
- report on all major decisions to the DP&I Executive, to Council and UrbanGrowth NSW;
- assist in negotiations with government authorities, and co-ordinate their input into the Precinct Planning Process;
- agree on a project program and ensure the project meets key milestones;
- ensure all work is completed to agreed standards by Council, DP&I, Urban Growth and contractors;
- review and adapt the Precinct Planning Process to address changing circumstances;
- oversee the delivery of the Community Participation Strategy, including determining matters to be discussed with the proposed Community Reference Group; and
- resolve disputes left unresolved by the Precinct Working Group.

In the event of issues remaining unresolved at the PCG level, the issue will be minuted and reported to the DP&I Executive, Council's General Manager, and UrbanGrowth's CEO to seek resolution.

Servicing of the PCG will be undertaken by the DP&I. This will include scheduling meetings, chairing meetings, preparation and distribution of agendas, status reports, minutes and other documentation.

The PCG is likely to meet on a monthly basis. The PCG may meet initially or at key stages more regularly. A meeting schedule for the life of the project program will be agreed at the first meeting of the PCG. Meetings will be held at DP&I's and Council's offices.

Items that will generally need to be covered in PCG reports and meetings are outlined in Appendix B.

3.2 Precinct Working Group

The Precinct Working Group (PWG) will be responsible for coordinating and providing technical information to the project specialist team. The PWG will guide the day to day operation and detail of the Precinct Planning Process. It is to be chaired by the DP&I Project Manager. Membership of the PWG may change as the Precinct Planning Process evolves through the different stages, but will generally include:

- DP&I Project Manager;
- DP&I Precinct Planning Officer;
- DP&I Project Officer administrative staff as required;
- Council's Project Coordinator and Planner;
- UrbanGrowth NSW's Project Coordinator and Project Manager;
- DP&I Sydney Region East Team, Regional Director (or delegate); and
- Agency and service provider representatives, specialist contractors and Council and UrbanGrowth technical staff, as required by invitation only.

The PWG will:

- assist the Project Director and Project Manager, as required;
- guide the day-to-day operation and detail of the Precinct Planning Process, including consultant work, preparing briefs for such work, and making recommendations for acceptance or otherwise of environmental studies; and
- provide technical advice, when requested.

It is proposed that the PWG will operate by consensus. If consensus cannot be achieved on any matter, the matter will be referred to the PCG for resolution.

The PWG will meet on a weekly or fortnightly basis as required. PWG meetings will be held at the offices of the DP&I or Council, noting that it may occasionally be desirable to meet in other locations, such as onsite or at the offices of UrbanGrowth or project contractors.

3.3 Project Team Overview

DP&I Precinct Project Manager

The Precinct Project Manager (Project Manager) is responsible for the day-to-day management of the project, and the successful completion of the Precinct Planning Process under the direction of the Project Director. This role will carry overall responsibility for the decision-making and the delivery of the Precinct Planning Process, including the performance of the project team, and delivery of the Precinct Plan within agreed timeframes and budgets. The Project Manager will work closely with the Council's Project Coordinator, other Council staff and UrbanGrowth NSW Project Coordinator to deliver the project.

Specifically, the Project Manager will:

- be appointed by the DP&I, and report directly to the DP&I Executive;
- coordinate the PCG, oversee the PWG, and undertake administrative tasks for the PCG as requested by the Project Director;

- make decisions about the day-to-day operation and detail of the Precinct Planning Process;
- be responsible in consultation with Council and UrbanGrowth for decisions to procure relevant specialist contractors to undertake work, where such contractors are to be contracted to the DP&I, including issuing briefs for such work;
- be responsible for the pro-active management of specialist contractors, appointed by the DP&I;
- be responsible for acceptance or otherwise of specialist studies relating to the precinct planning process;
- liaise with service providers and authorities to ensure that the Precinct Planning Process is efficient and proceeds in a timely fashion;
- liaise with and coordinate input from government agencies;
- liaise with the Probity Advisor and have responsibility for implementation of the Probity Plan;
- liaise with Council through the Council Project Coordinator;
- liaise with the UrbanGrowth NSW Project Coordinator;
- manage budget expenditure, including authorisation of invoices; and
- manage the procurement and tendering processes.

DP&I Precinct Planning Officer

The Precinct Project Manager will work closely with the Department's Precinct Planning Officer. Specifically, the Precinct Planning Officer will:

- be appointed by the DP&I, and report directly to the DP&I;
- coordinate the PWG and undertake administrative tasks for the PWG as requested by the Project Manager;
- assist the Project Manager to procure relevant specialist contractors to undertake work, where such contractors are to be contracted to the DP&I, including issuing drafting scope of works for such work;
- assist the Project Manager with the review and acceptance or otherwise of environmental studies, including from contractors contracted to the DP&I;
- assist with liaising with and coordinate input from government agencies;
- liaise with Council through the Council Project Coordinator ; and
- liaise with UrbanGrowth NSW through the UrbanGrowth Project Coordinator.

Council Project Coordinator

The DP&I will fund a Council appointed Project Coordinator to work alongside the Project Manager.

The Council Project Coordinator's role and responsibilities will include the following:

- represent Council and act as the principal Council contact in the Precinct Planning Process;
- work in close collaboration with the Precinct Project Manager;
- provide a 'whole of Council' point of view, in liaison with Council and DP&I officers, in the offices of either party, as necessary;
- understand and analyse the land use planning proposals presented by the master planner;
- provide development and planning advice and devise the strategy to meet the project outcomes;
- facilitate technical expertise from Council resources as necessary;
- coordination of, attendance at and actively contributing to the PCG and PWG meetings as required;
- report to the PCG including project progress, program and cost;

Director General Department of Planning and Infrastructure

The Director General is responsible for considering the documents that constitute the key deliverable (see section 1.3, p4). As part of these considerations, the Director General should determine if a robust and defensible planning and assessment process has been undertaken in a manner that is consistent with the Probity Plan.

Probity adviser

The probity adviser is responsible for reviewing and advising on the observance of the ICAC's probity fundamentals and the Probity Plan, as well as providing advice in relation to any probity issues that may arise in the course of the Project. The probity adviser is independent of the Project's processes and will provide a compliance report at the public exhibition stage and at other stages as required by DP&I.

In undertaking this role the probity adviser may attend meetings of the PWG, PCG and other project meetings and consultative forums as necessary.

Project participants who are unclear about any aspects of their probity responsibilities or have concerns about probity issues are urged to discuss them with the probity adviser immediately any issue or question arises or is likely to arise.

4. Implementation of the probity plan

DP&I, through the Project Manager, is responsible for overseeing the implementation of the Probity Plan.

Probity risk assessment and compliance review

A probity risk assessment (Appendix 3) has been completed with risks categorised according to the probity principles identified by the ICAC. Implementation of the *Mitigation Actions* is intended to provide effective action to minimise the impact of the identified risks.

A probity risk compliance review will be conducted by the Probity Adviser at the conclusion of the planning phase when all documentation is forwarded for approval to proceed to public exhibition. It will include a report on the implementation of the mitigation actions.

Confidentiality

As outlined in Section 1.3 as a result of Precinct Planning Process the following documents will be produced:

- A Precinct Planning Report and supporting background studies
- The Indicative Layout Plan (ILP).
- Statutory planning controls under a SEPP (or equivalent planning instrument under the New Planning System.
- A Development Control Plan (DCP) or equivalent under the New Planning System.
- A Development Contributions Plan or equivalent under the New Planning System.
- An Infrastructure Delivery Plan and identification of funding arrangements for infrastructure at the local and State/regional levels.

Confidentiality applies to each of these documents and they must be stored with appropriate security. Similarly, the PWG will need to consider the level of confidentiality that should apply to the reports prepared by consultants.

Managing Perceptions of Undue Influence

The PWG will be responsible for arranging consultation processes with landowners and the general community. This will be done in consultation with the Community Reference Group and as a component of the Community Participation Plan. One-on-one meetings between the DP&I or Council employees with landowners will also be available and will be formally minuted if they occur.

All parties with an interest in Precinct planning are able to comment on planning documentation at the same time as part of the public exhibition process.

Any communication or interaction with a registered lobbyist is to be in accordance with the Lobbyist Code of Conduct and the procedures implemented by the DP&I to regulate and document all contact between Departmental officers and lobbyists. These procedures shall also apply to Council members of the PCG and PWG.

Conflicts of Interest

Conflicts of interest can occur when a person has another interest, financial or otherwise related to the planning process. Potential conflicts of interest will need to be declared at the PCG and PWG as well as at the Community Reference Group. Where a potential conflict is identified, appropriate mitigation measures will need to put in place.

Consultants employed by the DP&I during the Precinct Planning Process will need to declare that they have no current financial or other relationship with landowners which could be perceived to create a conflict of interest.

Council Conflict of Roles

The ICAC in its publication *Corruption Risks in the Development Approval Process* (September 2007) provided guidance to councils on ways in which a conflict of roles can be dealt with if Council owns land within the precinct. Guidelines to address the manner in which this conflict of roles will be addressed by the Council Property Team and Technical Team are documented in Appendix 1.

Governance

The Project Plan sets out the roles and responsibilities for the PCG and PWG as well as the Project Manager and Council Project Coordinator. All meetings of the PCG and PWG are to be formally minuted. The Project Plan includes procedures for decision-making, communications protocols, and a timetable for regular meetings.

Engagement of consultants to conduct planning studies

All consultants for the required planning studies will be engaged by DP&I utilising the DP&I Procurement Guidelines.

Quality and impartiality will be assured through a number of mechanisms as follows:

- the PCG and/or PWG will have the right to commission peer review of any studies deemed necessary,
- the PCG confirms the acceptability of all planning studies; and
- all consultants engaged to undertake planning studies or to carry out other planning roles will be required to sign confidentiality and conflict of interest undertakings.

Appendix 1 - Pittwater Council Probity Arrangements

Decisions in relation to Council-owned land in the area subject to the Ingleside Review will require Council resolution to initiate the statutory re-zoning process.

Council's officer contribution to the Ingleside Review will be the responsibility of the Technical Team which will operate with complete independence and separation from the Property Team.

The members of the Property Team shall declare in writing any conflicts of interest they may have in relation to the consideration of Council-owned property.

The Property Team shall operate within parameters established by Council decision and within the formal delegation made by the General Manager. Reports to Council from the Property Team shall be confidential in accordance with Section 10A (2) (d) of the Local Government Act.

Members of the Property team shall sign confidentiality deeds in relation to the confidential information necessary for their responsibilities. Private landowners involved in discussions related to Council owned land shall be required to respect the commercial in confidence nature of such discussions before they commence.

Separation and security of information on Council IT systems is to be managed in accordance with Council policy requirements. Separation of access on Council record keeping systems to the confidential information developed by both teams is to be maintained.

Appendix 2 – Office of Strategic Lands Probity Arrangements

In order to ensure the separation of the roles undertaken by the Strategies and Land Release division of DP&I and OSL following arrangements shall be implemented:

- The land owned by OSL shall be considered by the Project in the same manner and be assessed on its merits as with all land within the Precinct.
- Any meetings with OSL by Project team members shall be conducted in the same manner as meetings with private landholders with an agenda circulated in advance and formal minutes recorded. Any such meetings shall include more than one Project team member with at least one participant being from outside DP&I.
- OSL shall respond to the public exhibition of planning proposals in the same manner and under the same conditions as all respondents. The OSL submission shall be prepared by the OSL office with appropriate separation from the Strategies and Land Release Division. The OSL submission shall be a public document as with all submissions.

**Appendix 3 Table of Probity Risks and Mitigation
Actions**

Ingleside Precinct Probity Plan

Probity Risks and Mitigation Actions

| Description of Risk | Impact | Likelihood/ Consequence | Grade | Change | Mitigation Actions (Preventative or Contingency) | Individual/Group Responsible for Mitigation Action | Timeline for Mitigation Action |
|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------|-------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------|
| Impartiality | | | | | | | |
| Planning outcome influenced by conflict of roles for Council and State government agencies as landowners and/or developers | Diminished public trust in planning processes Loss of confidence in Project | M/H | B | | PWG has access to all relevant information Appropriate separation of functions documented and adhered to Probity Plan has been prepared with access to a probity advisor if required. | PWG Outlined in probity plan PD | Ongoing To be completed. To be completed |
| Pressure from private landowners to participate in and influence outcomes of the Project | Independence of the Project compromised. Outcome of Project may be delayed | H/H | A | | PCG oversees Project outcomes Community reference group established with terms of reference and code of conduct Communication with landowners in accordance with Community Participation and Probity Plans | PWG PD PWG | Ongoing Ongoing |

| Description of Risk | Impact | Likelihood/Consequence | Grade | Change | Mitigation Actions (Preventative or Contingency) | Individual/Group Responsible for Mitigation Action | Timeline for Mitigation Action |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------|-------|--------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------------------------------|
| Landowners lobby the Minister to achieve desired planning Outcomes | Improper influence on planning decisions Media embarrassment for NSW Government and Council | L/H | C | | All planning decision-making procedures followed and transparent. | PWG | Ongoing |
| | | | | | PWG members, Department and Council staff disclose any interests or meetings with landowners/developers at PWG meetings. | PWG | Ongoing |
| | | | | | Legal requirements re declaration of political donations and lobbyists adhered to. | PWG | Ongoing |
| | | | | | Communication with landowners in accordance with Community Participation And probity Plan. | PWG | Ongoing |

| Description of Risk | Impact | Likelihood/Consequence | Grade | Change | Mitigation Actions (Preventative or Contingency) | Individual/Group Responsible for Mitigation Action | Timeline for Mitigation Action |
|----------------------------------------|------------------------------------|------------------------|-------|--------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------------------------------|
| Conflicts of Interest | | | | | | | |
| PWG members have conflicts of interest | Loss of confidence in PWG outcomes | M/H | B | | All actual, potential and perceived conflicts of interest declared. | PWG | ongoing |
| | | | | | Commencement of each meeting Chair to confirm if any update in relation to Conflicts of Interests. | PWG | ongoing |
| | | | | | Action to address identified conflict of interest discussed with Probity Adviser, implemented and monitored | PWG | To be completed |

| | | | | | | | |
|-------------------------------------------------------------|----------------------------------------|-----|---|--|--------------------------------------------------------------------------------------------------------------------------|----|-----------------|
| Consultants demonstrate conflict of interest | Loss of confidence in planning process | M/H | B | | Consultants required to notify of all actual, potential and perceived conflicts of interest as part of selection process | PD | To be completed |
| | | | | | All actual, potential and perceived conflicts of interest declared to the PWG for determination of agreed action | PD | To be completed |
| | | | | | Action to address identified conflict of interest discussed with Probity Adviser, implemented and monitored | PD | To be completed |
| Community Reference Group members have conflict of interest | Loss of confidence in planning process | M/H | B | | All members make declarations in accordance with Council Code of Conduct | PC | Ongoing |
| | | | | | Conflict of interest update included on all meeting agendas | PC | Ongoing |

| Description of Risk | Impact | Likelihood/ Consequence | Grade | Change | Mitigation Actions (Preventative or Contingency) | Individual/Group Responsible for Mitigation Action | Timeline for Mitigation Action |
|--------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------|-------|--------|-----------------------------------------------------------------------------------|----------------------------------------------------------|-----------------------------------|
| Transparency and Accountability | | | | | | | |
| PWG does not fulfill probity requirements | Breach of probity affecting the integrity of the Project | L/E | B | | PCG and PWG adopt Probity Plan for the conduct of the Project | PWG | To be completed |
| | | | | | Probity risk assessment undertaken by probity adviser and endorsed by PCG and PWG | PWG | To be completed |
| | | | | | Probity adviser reviews compliance with Governance and Probity Plan | PWG | To be completed |
| Decision making by PCG and PWG not formally documented | Decisions made in ad hoc manner Transparency and accountability undermined | L/H | C | | Formal minutes of meetings prepared | PD | Ongoing |
| | | | | | Agreed protocol for decisions between meetings | PCG | Ongoing |

| Description of Risk | Impact | Likelihood/ Consequence | Grade | Change | Mitigation Actions (Preventative or Contingency) | Individual/Group Responsible for Mitigation Action | Timeline for Mitigation Action |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------------------------------|
| Confidentiality | | | | | | | |
| Community and stakeholder communication inadequate | Loss of confidence in Project. Landowners unsatisfied with the outcomes of the Project. Landowners hold separate community meetings and go to the Media with their concerns. | M/H | B | | Community Participation Plan developed, adopted and implemented by DP&I and Council Public disclosure of project information and confidential documents in accordance with Governance and Probity Plan. Communication Protocols ensure that there is a clear demarcation of responsibility for responding to community questions Implementation of Communications Plan monitored by DP&I | PD/PC PWG / PD PD PD | To be completed To be completed To be completed To be completed |

| Description of Risk | Impact | Likelihood/Consequence | Grade | Change | Mitigation Actions (Preventative or Contingency) | Individual/Group Responsible for Mitigation Action | Timeline for Mitigation Action |
|---------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------|-------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------------------------------|
| Landowner and stakeholder expectations that the project will result in an upzoning to their land. | Landowners unsatisfied with the outcomes of the Project. | M/H | B | | Community Participation Plan developed, adopted and implemented by DP&I and Council Information session held and media release issued to ensure landowners are aware of the scope of the Project. | PD/PC PD | To be completed |
| Stakeholder views not addressed | Stakeholders unsatisfied with the outcomes of the Project. | M/H | B | | Community Participation Plan developed, adopted and implemented by DP&I and Council Community reference group established. | PD/PC PD / PC | Ongoing Completed |

| Description of Risk | Impact | Likelihood/Consequence | Grade | Change | Mitigation Actions (Preventative or Contingency) | Individual/Group Responsible for Mitigation Action | Timeline for Mitigation Action |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------------------|
| Management of expectations | Landowners expect this process to result in an upzoning of their land. Landowners unsatisfied with the outcomes of the Project (proposed zones allocated to their land). | M/H | B | | Information session held and media release issued to ensure landowners are aware of the scope of the Project. | PD / PC | To be completed |
| Media and/or public misinformation provided by community groups | Loss of confidence in Project. | H/H | A | | Community Participation Plan developed, adopted and implemented by DP&I and PC | PD / PC | Ongoing |
| Decision making process not followed | Decisions made by inappropriate officers Role of PCG and PWG undermined | L/E | B | | PCG oversees decision-making procedures Agreed protocol for decisions between meetings Final decisions taken by Government in accordance with statutory requirements | PCG PCG/PWG DP&I | Ongoing Ongoing To be completed |

| Description of Risk | Impact | Likelihood/Consequence | Grade | Change | Mitigation Actions (Preventative or Contingency) | Individual/Group Responsible for Mitigation Action | Timeline for Mitigation Action |
|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|------------------------|-------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------|
| No documented justification for decisions made | Review bodies have no records to confirm the process Decisions cannot be justified | L | C | | Detailed Review Report prepared by PWG and endorsed by the PCG Appropriate records to be created and maintained Probity review at prior to public exhibition | PD PD Probity Adviser | To be completed Ongoing To be completed |
| Council/State Government do not document separation of roles related to Council/State land | Loss of confidence in Review process Damage to reputation | L/M | B | | DP&I and Council document separation protocols. | Dp&I, PC and Probity Adviser | To be completed |
| | | | | | | | |

| Description of Risk | Impact | Likelihood/ Consequence | Grade | Change | Mitigation Actions (Preventative or Contingency) | Individual/Group Responsible for Mitigation Action | Timeline for Mitigation Action |
|---------------------------------------------|-----------------------------------------------------------------------------|----------------------------|-------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------|
| Reports not secured | Sensitive planning information becomes available to unauthorised parties | M/H | B | | <p>Department and Council procedures in place for secure storage of hard copies and material on computer network</p> <p>All participants in the PWG and PCG, and consultants sign confidentiality deeds</p> <p>Information security requirements documented for Department and Council</p> | <p>PWG</p> <p>PD</p> <p>PD / PC</p> | <p>Ongoing</p> <p>To be completed</p> <p>To be completed</p> |
| Public comment made by unauthorised persons | Inappropriate, inconsistent or incorrect information provided to the public | H | B | | <p>Responsibility for public comment agreed between Department and Council</p> <p>Councillors advised of agreed protocol</p> | <p>PD / PC</p> <p>PC</p> | <p>To be completed</p> <p>To be completed</p> |

| Description of Risk | Impact | Likelihood/Consequence | Grade | Change | Mitigation Actions (Preventative or Contingency) | Individual/Group Responsible for Mitigation Action | Timeline for Mitigation Action |
|-------------------------------------------------------------------------------|----------------------------------------------------------|------------------------|-------|--------|-----------------------------------------------------------------------------------|----------------------------------------------------|--------------------------------|
| Planning information available prematurely | Unfair benefit to recipients | M/H | B | | Department and Council agree on release of material | PD /PC | To be completed |
| | | | | | Procedures for release of project information agreed and documented | PWG | To be completed |
| Breach of IT security | Inappropriate access to confidential information | M/H | B | | All information stored in accordance with record keeping protocols | PWG | Ongoing |
| | | | | | Access to IT system controlled and available to authorised persons only | PWG | To be completed |
| | | | | | Probity review if any breaches. | PD/Probity Advisor | If required |
| Timing | | | | | | | |
| Pressure from the community to complete the Project in a compressed timeframe | The project is not completed to an appropriate standard. | M/H | B | | A realistic timeframe for completion of key milestones is drafted and maintained. | PCG | To be completed |

| Description of Risk | Impact | Likelihood/Consequence | Grade | Change | Mitigation Actions (Preventative or Contingency) | Individual/Group Responsible for Mitigation Action | Timeline for Mitigation Action |
|----------------------------------------------------------------------------------------------------|-------------------------------|------------------------|-------|--------|-------------------------------------------------------------|----------------------------------------------------|--------------------------------|
| Responsiveness of project parties to complete tasks as per agreed schedule – risk of project slip. | Delay delivery of the project | M/M | B | | PCG endorsement of Project Plan, Probity Plan and schedule. | PCG | To be completed |

Key to risk rating and definitions

| Rating for Likelihood and Consequence for each risk | | | | | |
|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-----|--------|------|---------|
| L | Low | | | | |
| M | Medium | | | | |
| H | High | | | | |
| E | Extreme (Used for Consequence only) | | | | |
| NA | Not Assessed | | | | |
| Grade: Combined effect of Likelihood/Consequence | | | | | |
| | Consequence | | | | |
| Likelihood | | Low | Medium | High | Extreme |
| | Low | N | D | C | A |
| | Medium | D | C | B | A |
| | High | C | B | A | A |
| Recommended actions for grades of risk | | | | | |
| Grade | Risk mitigation actions | | | | |
| A | Mitigation actions to reduce the likelihood and consequence to be identified and implemented as soon as the project commences | | | | |
| B | Mitigation actions to reduce the likelihood and consequence to be identified and appropriate actions implemented during project execution | | | | |
| C | Mitigation actions to reduce the likelihood and consequence to be identified and costed for possible action if funds permit | | | | |
| D | To be noted - no action is needed unless grading increases over time. | | | | |
| N | To be noted - no action is needed unless grading increases over time. | | | | |
| Change to Grade since last assessment | | | | | |
| NEW | New risk | | | | |
| — | No change to Grade | | | | |
| ↓ | Grading decreased | | | | |
| ↑ | Grading increased | | | | |
| Definitions | | | | | |
| PCG | Project Control Group | | | | |
| PWG | Project Working Group | | | | |
| DP&I | Dept of Planning and Infrastructure | | | | |
| PC | Pittwater Council | | | | |
| PD | Project Director | | | | |