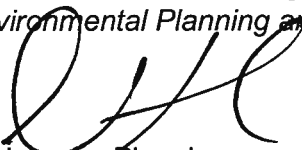


## LOCAL PLANNING PANELS DIRECTION – OPERATIONAL PROCEDURES

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.



Minister for Planning

Dated: 23/2/2018

### Objective

The objective of this direction is to set procedures for how local planning panels are to operate.

### Application

This direction applies to a local planning panel constituted under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

**Note:** Local planning panels are independent committees appointed by councils to determine certain development applications and to provide advice on planning proposals. A local planning panel is not subject to the direction or control of the council, except on matters relating to panel procedures or to the time within which the panel is to deal with a matter that is not inconsistent with this direction.

Subject to these procedures, any direction by council and the requirements of the EP&A Act, the panel is to determine how to call meetings and conduct its business.

### Direction

Local planning panels are directed to comply with the operational procedures set out in Schedule 1 to this direction.

This direction takes effect on 1 March 2018.

## **SCHEDULE 1 – OPERATIONAL PROCEDURES**

### **PART 1 – Panel composition**

#### **1.1 Chair selection and rotation**

1. The chair and any alternate chairs are to rotate presiding over panel meetings, or other business, as practicable, unless the chair or alternative chair is unavailable for any reason.
2. Where possible, deferred matters should be considered by the chair that presided over the original deferment.

#### **1.2 Independent expert members and alternates**

1. The independent expert members and alternate members can be interchanged as needed by the chair for that meeting for reasons including:
  - a. a member has a conflict of interest,
  - b. a member is unable to attend on the day, or
  - c. to periodically rotate the members.

#### **1.3 Community representatives for wards and use of alternates**

1. A community representative member can be interchanged as needed by the chair or alternate chairs for reasons including:
  - a. a member has a conflict of interest,
  - b. a member is unable to attend on the day, or
  - c. to periodically rotate the members.

### **PART 2 – Reviews of panel decisions**

#### **2.1 Reviews**

1. The determination of a review application from a panel decision shall be determined by different members of the panel to those who made the original determination.

### **PART 3 – Meeting procedures**

#### **3.1 Role of chair**

1. The chair is responsible for the management of the panel's functions and operations, including managing conflicts of interest.
2. The chair is to preside over panel meetings and other business.
3. The chair is to ensure the panel fully discharges its responsibilities under the EP&A Act, these operational procedures, any other directions from council, and the code of conduct for local panel members in a timely manner.
4. The chair is responsible for the good and orderly conduct of the panel meetings and may do all things and take all steps necessary to control the good and orderly conduct of any meeting of the panel or site inspection carried out by the panel in the performance of its functions.
5. The chair is to determine which alternative chair, independent expert members or alternates, and which community representative or alternates are to hear a matter prior

to the meeting commencing. The chair may make arrangements with the general manager (or delegate) to determine independent expert members or alternates, and which community representatives or alternates are to hear a matter.

### **3.2 Role of alternate chairs**

1. Alternate chairs have the same role as the chair when presiding over a panel meeting or any other business.

### **3.3 Meeting procedures**

1. The panel may determine detailed procedures for the execution of efficient and effective meetings.
2. The panel is not bound by the rules of evidence and may inquire into and inform itself on any matter, in such manner as it thinks fit, subject to the rules of natural justice and procedural fairness.
3. The panel is to act with as little formality as the circumstances of the case permit and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms.
4. The panel must give reasonable notice to the public of the times and places of its meetings. This must be through the website used by the panel and may include other mechanisms as appropriate.
5. The panel may:
  - a. adjourn the public meeting to deliberate before reconvening for voting and determination, or
  - b. close the public meeting for deliberation and/or voting and determination.
6. With a view to discharging its responsibilities in a timely manner, the panel may, in its absolute discretion, but otherwise fairly and consistently, impose time limits on presentations by persons other than members of the panel. Where, there are a large number of objectors with a common interest at any public meeting, the panel may, in its absolute discretion, hear a representative of those persons.
7. The panel shall hold meetings as required to meet panel demands and workloads.
8. Where a quorum for a meeting or other business is not present, the meeting or other business is to be deferred.

### **3.4 Site inspections**

1. The chair may elect for the panel to attend site inspections for development applications and planning proposals to be considered at the public meeting.
2. Site visits should be conducted on the same day as a public hearing, if practicable.
3. Site visits are solely to be used to identify and clarify issues with a proposal.
4. At a site visit, a panel member must not offer an opinion on the merit of the proposal, or ask those involved with the assessment of the proposal for their opinion or recommendation.

## **PART 4 – Other matters**

### **4.1 Obligation to consult with council if adverse financial impacts**

1. A panel must not exercise a function that will result in the making of a decision that would have, or that might reasonably be expected to have, a significantly adverse financial impact on a council until after it has consulted with the council.
2. The consultation may be in writing, with the council being given a specified time to respond in writing. Where a meeting with the General Manager (or delegate) is to be held to discuss the matter, all relevant panel members should be present and minutes kept of the meeting and its outcomes.

### **4.2 Interactions with third parties about matters before the panel**

1. Panel members are not to discuss any matter that is to be considered by the panel with councillors, the applicant, their consultants, parties who have made a submission, or any other person with an interest in the matter outside of the local planning panel meeting.
2. This does not apply to persons employed by the council to assess the matters to be considered by the panel.