



# Camden Local Planning Panel Operational Procedures

The following procedures are adopted by the Camden Local Planning Panel (the Panel) pursuant to Section 3.3 of the direction made by the Minister for Planning and Public Spaces under Section 9.1 of the *Environmental Planning and Assessment Act 1979* on 30 June 2020.

## Part 1 - Pre-Panel Meeting Matters

1. A draft list of matters for the Panel meeting will be sent to the selected Panel members and the substantive Chair the Wednesday week preceding the panel meeting.
2. The Panel meeting agenda will be sent electronically to the selected Panel members the Friday week preceding a Panel meeting. If necessary, an electronic link to application documentation such as architectural drawings, engineering drawings, etc. may also be sent. Paper copies will not be circulated unless specifically requested by a Panel member for practical reasons associated with printing of architectural drawings and the like.
3. Copies of all submissions will be sent to Panel members as supporting documents to the main report but will not be made publicly available due to privacy reasons.
4. A 'run schedule' of the day will be distributed to Panel members with the agenda. This will include times and locations of site visits and other relevant information. The run schedule will be coordinated with the Chair of the Panel meeting and may include, if required for safety reasons, individual Panel members undertaking their own inspections, having first informed the Chair and Council.
5. In the event a public Panel meeting is to be held, applicants and those persons who have made written submissions to Council regarding relevant applications will be advised in writing of the matter being reported to a Panel meeting a minimum of one working week in advance of the meeting date.

Persons wishing to speak at the public Panel meeting must register with Council by 5pm on the Friday before the meeting.

6. Details of the specific Panel members selected for each Panel meeting will not be publicly available prior to each meeting.

## Part 2 - Panel Composition

### 2.1 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.

## **2.2 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.

## **2.3 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 3 - Panel Meetings**

### **3.1 Role of the 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 *Environmental Planning and Assessment Act 1979*, these operational procedures, any other directions from Council and the code of conduct for 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 representatives 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 Site Inspections and Panel Briefings**

1. The Chair may elect for the Panel to attend site inspections for applications to be considered at the public meeting. It is anticipated that there will be site inspections for all matters unless extenuating circumstances exist. If required for safety reasons, as determined by the Chair, individual Panel members may be permitted to undertake their own inspections, having first informed the Chair and Council.
2. Site visits should be conducted on the same day as a public hearing, if practicable. The site visits will be undertaken in the morning with the time and order to be determined by Council officers subject to the number of matters on the agenda.
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. However, a Panel member may ask a Council officer to answer questions and clarify any issues arising from the assessment report or from matters arising from the site inspection.
5. Applicants and objectors will not be invited to attend site inspections. Panel members are to avoid contact with the applicant or objectors during a site inspection, where practicable.
6. The Panel may be briefed by Council staff and any other person engaged in the assessment of the matter about the proposal. On request, and at the Chair's discretion, the applicant may attend a briefing, along with Council staff, to explain complex matters or present confidential or commercially sensitive material.
7. A written record of the site visit or briefing will be made publicly available on Council's website.

### **3.4 Meeting Procedures**

1. The Panel is only required to hold a public Panel meeting where the application has attracted 10 or more unique submissions by way of objection. Applications not meeting this criterion may be determined by an electronic circulation of papers.
2. Decisions made by electronic circulation of papers will be recorded in the Panel's minutes and made publicly available on Council's website.
3. As a minimum, public Panel meetings may take the form of teleconferences at the discretion of the Chair.
4. Public Panel meetings will comprise a public hearing part followed by a private deliberation part. The public hearing part will be recorded by audio.
5. The Panel shall hold meetings as required to meet Panel demands and workloads. The Panel must give reasonable notice to the public of the times and places of its public meetings. This must be through Council's website and may include other mechanisms as appropriate.
6. 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.

7. 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.
8. A minimum of 3 Panel members will form a quorum. Where a quorum for a Panel meeting or other business is not present, the meeting or other business is to be deferred.
9. The public Panel meeting will generally commence from 2pm. Any person may attend a public Panel meeting and may remain so long as they do not disrupt, or otherwise interfere with the orderly conduct of the meeting. Members of the public must comply with any direction given by the Chair at all times.
10. At the commencement of the public Panel meeting, the Chair will introduce the Panel members and provide a short explanation of the role of the Panel and meeting procedures. The Chair must invite Panel members to declare any conflicts of interest in respect of any matter on the meeting agenda, and each Panel member must either declare any conflict or advise the meeting that no conflict exists.
11. Matters on the meeting agenda will be called in the order appearing on the agenda, unless otherwise determined by the Chair. In the case of applications, when each matter is called the Panel will first hear from objectors against the application who have lodged prior notice with Council of their intention to speak. The Panel may then, at its discretion, hear from objectors who have not lodged prior notice of their intention to speak.
12. At the time of the Panel considering each individual matter on the meeting agenda Council staff attending the meeting will electronically project the matter's recommendation in order that it is visible for all those attending the meeting.
13. 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.
14. The Panel encourages applicants and their representatives to attend the public Panel meeting, regardless of whether they intend to speak to the Panel. Applicants and their representatives will be given the opportunity to be heard by the Panel, and for the Panel to ask questions. The Panel will hear from the applicant and the applicant's representatives after hearing from all objectors to that matter.
15. The Panel may, at the discretion of the Chair, accept additional information about a matter on the agenda from an objector or an applicant. The Panel may not accept any amended plans or specifications from applicants at the public Panel meeting. Applicants wishing to amend a proposal on the Panel agenda may request that the Panel defer determination of the matter to enable the amended details to be provided to Council staff for assessment after the meeting.
16. Submissions by objectors are limited to 4 minutes each. Submissions by applicants and/or their representatives are limited to 15 minutes in total for all applicant representations. The Chair has the discretion to extend the period if considered appropriate.
17. The Panel may ask questions of an objector, the applicant, the applicant's representatives or Council officers about any matter on the agenda. The Chair may require Council staff to attend both the public hearing and the private deliberation parts for the purposes of assisting the Panel in discharging its duties.

18. After hearing all submissions on all applications in public the Panel may close the public hearing part for deliberation and determination.
19. In the case of applications, the Panel may at its absolute discretion, but according to law, determine an application by:
  - a. granting development consent or modification approval either unconditionally or conditionally,
  - b. refusing to grant consent or modification approval, or
  - c. deferring determination for the submission of additional information and/or assessment.
20. If the Panel determines an application by the granting of development consent or modification approval, the Panel shall either endorse the recommended conditions provided by Council staff or add to, delete or modify those conditions.
21. If the Panel resolves to defer a matter, it must record the reasons for the deferral in its minutes.
22. If a matter is deferred for the submission of additional information and/or further assessment, the Panel may resolve to determine the matter in the future by way of electronic determination or may delegate its power to determine the application to Council staff on receipt and assessment of the additional information. The Panel must specify the timeframe in which the information is to be provided to Council for assessment.
23. The minutes of the Panel meeting must record the reasons for the decision in relation to each matter on the meeting agenda.
24. The Panel minutes will be published on Council's website within 48 hours of the Panel meeting.

#### **Part 4 - Reviews of Panel Decisions**

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

#### **Part 5 - Other Matters**

##### **5.1 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 Council until after it has consulted with Council.
2. The consultation may be in writing with 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.

##### **5.2 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 Panel meeting.

2. Point 1 above does not apply to persons employed by Council to assess the matters to be considered by the Panel.

### **5.3 Panel Meeting Minutes**

1. Council is responsible for ensuring that full and accurate records are kept of the proceedings of Panel meetings.
2. A copy of the unconfirmed meeting record will be provided to all Panel members who participated in the Panel meeting.
3. Panel members may submit any proposed corrections to the unconfirmed meeting record to Council for confirmation by the Chair.
4. Alternatively, the Panel may choose to complete and endorse the final meeting records immediately after completing the meeting. In this case, draft meeting records will not be circulated.
5. When the meeting records have been confirmed and endorsed by the Chair of that meeting, the meeting record will be placed on Council's website.

### **Part 6 - Consideration of Planning Proposals**

1. Planning proposals are referred to the panel for advice only. A proposal is to be referred to the Panel before it is reported to the Elected Council or forwarded to the Minister under section 3.34 of the *Environmental Planning and Assessment Act 1979* (forwarded by Council for a Gateway determination).
2. Any advice formulated by the Panel shall form part of the reporting of the matter to the elected Council. The Panel's advice shall also be forwarded to the Minister.
3. As planning proposals are referred to the Panel for advice only the meetings of the Panel will not involve persons other than Panel members and Council staff. As a result these meetings will not be held in public. The consideration of planning proposals by the elected Council will be held in public in accordance with Council's adopted meeting practices.
4. Planning proposals are able to be considered by an electronic circulation of papers. Consideration made by electronic circulation of papers will be recorded in the Panel's minutes and made publicly available on Council's website.

### **Part 7 - Panel Performance**

1. Once a planning assessment is completed by Council and referred to the Panel, the Panel will be expected to:
  - a. determine the matter within 2 weeks (14 calendar days) for development and modification of consent applications, and
  - b. provide its advice within 2 weeks (14 calendar days) on planning proposals.

2. The Panel Chair is obliged to work with senior Council staff to ensure that key issues are addressed during assessment in order to minimise the number of deferrals by the Panel at determination stage.
3. Should an application experience unreasonable delays in excess of 180 calendar days from lodgement, the Panel Chair may require Council to report the matters to the Panel within 4 weeks for determination.
4. In order for the Chair to undertake the function detailed in point 3 above, Council's Manager Statutory Planning will report on a monthly basis to the Chair details of any applications in excess of 180 days and the intended timetable for determination.