



# Camden Local Planning Panel Operational Procedures

The following procedures are adopted by the Camden Council Local Planning Panel pursuant to section 3.3 of the direction made by the Minister for Planning under section 9.1 of the *Environmental Planning and Assessment Act 1979* on 23 February 2018.

## **Consideration and Determination of Development Applications**

### **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 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 of the agenda will also be sent to members by express post.
3. Copies of all submissions will be sent to 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.
5. Applicants and those persons who have made written submissions to the 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.
6. Persons wishing to speak at the panel meeting must register with Council by 5pm on the Friday before the 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**

1. The chair may elect for the panel to attend site inspections for development applications to be considered at the public meeting. It is anticipated that there will be site inspections for all matters unless extenuating circumstances exist.
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 items 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.

### **3.4 Meeting Procedures**

1. Meetings will comprise a public hearing part followed by a private deliberation part. The public hearing will be recorded by audio.
2. 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 meetings. This must be through the website used by the panel and may include other mechanisms as appropriate.
3. 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.
4. 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.
5. 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.
6. The public meeting will generally commence from 2pm. Any person may attend a public 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 panel chair at all times.
7. The public meeting will be audio recorded.
8. At the commencement of the public 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 item on the meeting agenda, and each panel member must either declare any conflict or advise the meeting that no conflict exists.
9. Items on the meeting agenda will be called in the order appearing on the agenda, unless otherwise determined by the chair. In the case of development applications, when each item 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.
10. At the time of the panel considering each individual item on the meeting agenda Council officers attending the meeting will electronically project the assessment report and recommendation in order that it is visible for all those attending the meeting.

11. 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.
12. The panel encourages applicants and their representatives to attend the 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 item.
13. The panel may, at the discretion of the chair, accept additional information about an item on the agenda from an objector or an applicant. The panel may not accept any amended plans or specifications from applicants at the panel meeting. Applicants wishing to amend a proposal on the panel agenda may request that the panel defer determination of the item to enable the amended details to be provided to Council officers for assessment after the meeting.
14. 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.
15. The panel may ask questions of an objector, the applicant, the applicant's representatives or Council officers about any item on the agenda. The chair may require Council officers to attend both the public hearing and the private deliberation for the purposes of assisting the panel in discharging its duties.
16. After hearing all submissions on all applications in public the panel may close the public meeting for deliberation and determination. The panel minutes including the determination of matters will be published on Council's website within 48 hours of the panel meeting.
17. In the case of development applications, the panel may at its absolute discretion, but according to law, determine an application by:
  - a. granting development consent either unconditionally or conditionally;
  - b. refusing to grant consent, or
  - c. deferring determination for the submission of additional information.
18. If the panel determines an application by the granting of development consent, the panel shall either endorse the recommended conditions provided by Council officers or add to, delete or modify those conditions.
19. If the panel resolves to defer an item, the meeting minutes must clearly state the issues to be addressed by the applicant or the Council to enable the application to be determined.
20. If an application is deferred for the submission of additional information 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 on receipt and assessment of the additional information.
21. The minutes of the panel meeting must record the reasons for the decision in relation to each item on the meeting agenda.

22. The panel minutes will be published on Council's website within 48 hours of the panel meeting.

#### **Part 4 - Electronic Determination**

1. The panel may electronically determine a matter without the matter being considered at a public meeting where no submissions have been received and Council officers and the applicant are in agreement on any conditions recommended to be imposed.

#### **Part 5 - Reviews of Panel Decisions**

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 6 - Other Matters**

##### **6.1 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 the 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.

##### **6.2 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.

##### **6.3 Public Meeting Minutes**

1. Council is responsible for ensuring that full and accurate records are kept of the proceedings of public 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.

## **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 forwarded to the Minister under section 3.34 of the *Environmental Planning and Assessment Act 1979* (forwarded by the Council for a Gateway determination).
2. It will be a matter for Council officers to decide whether a proposal is forwarded to the panel for advice prior to the reporting of the matter by Council officers to the Elected Council or following the such reporting and consideration by the Elected Council.
3. If the matter is referred to the panel for advice prior to the reporting of the matter by Council officers to the Elected Council then the any advice formulated by the panel shall form part of the reporting of the matter to the Elected Council.
4. If the matter is referred to the panel for advice following reporting and consideration by the Elected Council and the Elected Council's decision is to forward the planning proposal for a Gateway determination, then the panel's advice shall also be forwarded to the Minister.
5. As Planning Proposals are referred to the panel for advice only then 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 the Council's adopted meeting practice.
6. The Pre-Panel Meeting Matters; Panel Composition; Role of Panel Members and general administrative matters associated with the panel and panel meetings shall be generally the same as for development applications, including distribution of papers, site inspections, interaction with applicants and Council officers and administrative support provided by the Council to the panel.