



Campbelltown City Local Planning Panel Operation Guidelines

Definitions

Council means Campbelltown City Council

Development Application (DA) means an application under Part 4 of the *Environmental Planning and Assessment Act 1979* to carry out development but does not include an application for a complying development certificate

Minister means the Minister for Planning and Public Spaces

Panel or planning panel means the Campbelltown City Council Local Planning Panel

Planning Proposal means a document prepared to explain the intended effect of, and justification for, making a proposed environmental planning instrument

1. Purpose

- a. These Guidelines should be read in conjunction with the provisions relating to local planning panels as contained in Division 2.5 and Schedules 2 and the Direction made by the Minister for Planning and Public Spaces on 30 June 2020 under section 9.1 of the *Environmental Planning and Assessment Act 1979*.
- b. The Guidelines may be periodically reviewed but shall remain in force in their present form unless amended.

2. Panel Performance

- a. Once a planning assessment is completed and referred to the Panel, the Panel will be expected to:
 - i. Make a decision on the matter within 2 weeks (14 calendar days from publication of the Agenda on Council's website for the purpose of a public or electronic meeting) of the application being referred to the Panel for development and modification of consent applications; and
 - ii. Provide its advice within 2 weeks (14 calendar days) on planning proposals.
- b. Panel Chairs will work with Council's senior staff on an ongoing basis and discuss issues related to the processing of those applications to ensure key issues are addressed during assessments, in order to minimise the number of deferrals at determination stage.
- c. On a monthly basis, the Principal Panel Chair will meet with Senior Council staff to identify all applications that meet the criteria for determination by the Panel, including, details of applicant, property address, development description, days since lodgement and status of assessment.
- d. Should an application experience unreasonable delays in excess of 180 calendar days from lodgement, the Principal Panel Chair may require the Council to report the matter to the Panel's next available meeting for its decision.

3. Determination of Development Applications

a. Before the Meeting

- i. The Panel Meeting Business Paper and relevant submissions will be sent electronically to the Panel Chair and sitting Panel Members one week prior to its meeting. An electronic link to the relevant Development Application, relevant Local Environmental Planning Instrument and Relevant Development Control Plan will also be sent. Paper copies of the Business Paper will also be sent to members by express post on the same day as electronic notification.
- ii. Any conflicts of interest are required to be declared to Council as soon as possible and preferably by the close of business on the day following the notification in the paragraph above. The Chair shall decide whether or not a panel member shall be replaced for the purpose of the particular meeting or item as a result of the conflict(s) declared. (Noting that under 4.9 of the DPIE Local Planning Panels Code of Conduct a written declaration will also be required).
- iii. Each Panel member is to confirm in writing they have reviewed the documents produced to the Panel prior to its meeting, including the matters outlined in Section 3(a)(i) above, via a form to be distributed to the Panel.
- iv. The Business Paper for the Public Meeting will be made publicly available on Council's website the week prior to the Panel Meeting.
- v. Applicants and people who have made written submissions will be advised of the Public Meeting date the week prior to the Panel Meeting.
- vi. People wishing to address the Panel at the Public Meeting must register on the Council's website by midday the day prior to the meeting.
- vii. It is the absolute discretion of the Chair to accept or refuse additional submissions, documents, reports and amended plans at the meeting.

b. Site Inspection

- i. Site inspections will be held in respect of each matter that is to come before a meeting of the Panel unless the Chair determines otherwise. Site inspections shall, so far as practicable, be held on the same day as the meeting of the Panel at which the particular matter is to be considered.
- ii. Site inspections are not open to applicants, objectors, or members of the public. Where an applicant owner or objector needs to be present to facilitate access to a property, the applicant, owner or objector is not permitted to address panel members.
- iii. Council staff will accompany the Panel onsite inspections as appropriate to provide information to panel members.
- iv. A written record of the site visit must be made available in the meeting minutes.

c. Panel Briefings

- i. 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.

- ii. A written record of the briefing must be made available on the Panel's meeting minutes.

d. The Panel Meeting

- i. Public Meetings of the Panel will generally be held on the third Wednesday of each month at Council's Administration Centre. The time of each meeting will be determined after a review of the agenda.
- ii. Speakers in relation to Development Applications at the Public Meeting of the Panel shall be heard in the following order:
 - any objectors or other persons who wish to make representations; and then
 - the applicant or the applicant representative

Unless the Chair otherwise permits, any person who addresses the Panel at any meeting of the Panel may speak for no more than three minutes in respect of any one matter before any particular meeting. The Panel Chair may exercise discretion and allow for an extension of time as required to ensure all issues are properly considered. Where there are a large number of objectors with a common interest, and at the discretion of the Chair, the Panel may hear a representative of those persons with a view to discharging its responsibilities in a timely manner.

- iii. The Panel Chair or any Panel Member may seek to clarify any matter with the speaker. The Panel Chair may invite Council staff to respond to any issues.
- iv. A person is not entitled to be legally represented at any meeting of the Panel unless the Chair grants permission in any particular case. On granting any such permission, the Chair shall have regard to the following matters:
 - the nature and complexity of the matter and whether it involves a question of law
 - whether the person has the capacity to present their submission without legal representation, and
 - such other matters as the Chair considers relevant
- v. The Chair shall be responsible for the good and orderly conduct of the Public Meeting 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.
- vi. A person, whether a member of the Panel or a member of the public, shall not speak while another person is speaking or otherwise interrupt that person while speaking. Nothing in this guideline prevents a member of the Panel from raising a point of order.
- vii. Following the speakers' addresses on all listed matters, the usual operation of the Panel will be to close the public session of the meeting, deliberate on and determine the matters. Decisions of the Panel will be notified on Council's web site within 2 business days of the Panel Meeting. Where considered appropriate by the Chair, the panel may re-open the public meeting to announce its decision.
- viii. There is no further opportunity for debate with the Panel members or the applicant and/or their representatives and speakers are not allowed to enter into unsolicited comment or argument with the Panel.
- ix. Should the Panel resolve to request additional information or seek amendment of the application, the Panel may defer the application, providing a written request to

the applicant with the reasons for deferral, and specifying the timeframe in which the information is to be provided for assessment. A copy of the Panel's decision will be made available on the Council's website.

- x. Determinations and any relevant decision of the Panel shall be by a majority of votes of members present at a meeting and entitled to vote. If votes are tied, the Panel Chair will have the casting vote. Voting will be recorded in the minutes.

e. Transaction of business outside meetings

- i. Where a development application is the subject of less than 10 unique submissions by way of objection, the Panel is able to determine the application by electronic circulation of papers.
- ii. Decisions made by electronic circulation of papers must be made available on the Panel's meeting minutes.
- iii. The provisions of Section 3(a) and 3(b) remain applicable for electronic determinations.

f. After the Panel Meeting

- i. Minutes of the Panel Meeting shall be endorsed by the Panel Chair.
- ii. Minutes of the Panel Meeting will ordinarily be made publicly available on Council's website within two business days following the meeting. Where email or postal addresses are available, submitters will be advised of the Panel's decision.
- iii. Except where a matter is deferred, the applicant shall be provided by Council with a Notice of Determination in accordance with the provisions of the *Environmental Planning and Assessment Act and Regulations* as soon as practicable.
- iv. Upon the submission of additional information in satisfaction of a deferred matter, the application, upon direction of the Panel Chair, may either be rescheduled to the next available Panel meeting or circulated electronically to Panel members for determination. The minutes of any deferred matter determined electronically will be placed on Council's website within two business days of the decision.

4. Consideration of Planning Proposals

- a. 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).
- b. Planning Proposals will be referred to the Panel for advice unless the Council's General Manager determines that the planning proposal relates to:

- the correction of an obvious error in a local environmental plan,
 - matters that are of an inconsequential, transitional, machinery or other minor nature, or
 - matters that Council's General Manager considers will not have any significant adverse impact on the environment or adjoining land.
- c. Planning Proposals initiated by an application to Council from either a Proponent, Council staff or resolution of Council will be forwarded to the Panel for advice prior to the reporting of the matter by Council staff to the Elected Council. Any advice provided by the Panel shall form part of the reporting of the matter to the Elected Council.
- d. Council staff will provide a report to the Panel regarding each Planning Proposal on which it is seeking the advice of the Panel in the manner required by the Ministerial direction dated 30 June 2020.
- e. As Planning Proposals are referred to the Panel for advice only, the Panel will generally provide such advice by circulation of papers electronically following a briefing by Council staff. The report and briefing will not involve persons other than Council staff and will not be held in public. The listing of a Planning Proposal on the agenda for the advice of the Panel will only reference the address of the land or any other description appropriate to describe the land, where relevant.
- f. The arrangements for the Panel before the briefing, and general administrative matters associated with the Panel shall be generally the same as for development applications, including distribution of papers to Panel Members, site inspections and Council staff and administrative support provided by the Council to the panel.
- g. Briefings or presentations to obtain advice on Planning Proposals will be provided by Council staff on the same day that the Panel considers Development Applications wherever practicable. At the discretion of the Chair, an applicant may provide a presentation to the Panel to facilitate consideration of the proposal.
- h. The Panel's advice on Planning Proposals will be published on Council's web site in the meeting minutes within two days of the briefing.

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