



INNER WEST LOCAL PLANNING PANEL - FACT SHEET

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1. What is the Local Planning Panel?

The NSW Government has introduced Local Planning Panels (LPPs) for all Sydney Metropolitan Councils and Wollongong Council commencing from 1 March 2018. The Inner West Local Planning Panel (IWLPP) will determine development applications on behalf of Council and provide other advice to Council on planning matters. The State Government has introduced LPPs to 'reduce the risk of any conflict of interest and corruption, achieve better planning outcomes and elevate the role of the elected Council to focus on strategic planning and policy matters rather than the determination of development applications'.

LPPs will decide applications including those that fall under the following categories:

- Conflict of interest – development applications for which the applicant or owner is the Council, a Councillor, a member of a Councillor's family, a member of Council staff, or a State or Federal Member of Parliament.
- Contentiousness – development applications that receive 10 or more objections from different households.
- Strategic importance – development applications accompanied by a proposed voluntary planning agreement.
- Departure from development standards – development applications seeking to depart by more than 10 per cent from a development standard.
- High-risk developments and modifications – development applications associated with the potential for a higher risk of corruption such as:
 - Residential flat buildings assessed under SEPP 65
 - Demolition of heritage items
 - Licensed places of public entertainment and sex industry premises
 - Designated development, as set out in the Environmental Planning and Assessment Regulation 2000.

All Planning Proposals (rezoning applications) are required to be referred to the Panel for advice.

Council can elect to refer any other planning or development matter that is required to be determined by the Council to the Panel for advice.

Any Development Application which falls outside the remainder of the above criteria will be determined by staff under delegation. Development and other planning related applications will no longer be determined by Councillors at Council meetings.

2. Who sits on the Local Planning Panel?

The LPP will comprise a minimum of four (4) members – a Panel Chairperson, two (2) independent experts and one (1) community member. The Chairperson and two (2) alternate chairpersons have been approved for appointment by Council to the LPP and the two (2) experts have been selected by

Council from an approved list provided by the Department of Planning and Environment (DPE). The community member and an alternate have been appointed by Council following a call for Expressions of Interest from member of the public.

The experts (including the Chairperson and the alternate chairpersons) have qualifications and extensive experience in town planning, architecture, urban design, law, and public administration and management.

The Chairperson, independent experts and community members of the Panel will rotate between meetings, and it is the role of the Chair to ensure that Panel meetings are conducted in accordance with the Code of Conduct and Operational Procedures for LPPs as issued by the DPE. All members of the Panel are required to adhere to the Code of Conduct and the Operational Procedures.

Please note: Panel members are not permitted to communicate with any applicant, property owner or any other interested party, including submitters, on any matter being considered by the Panel.

3. How does the Local Planning Panel operate?

i. Site visits by the Panel

The LPP Panel will inspect each site for which they are determining an application before them. This is done before the Panel considers the application. Submitters' properties will also be inspected where required.

ii. Community Involvement in the Local Planning Panel Meeting

The Panel meetings are open to the general public.

The applicant and/or their representatives and any community member who has made a submission on the application during its public notification will be notified of Panel meetings and can register to address the Panel before the application is determined. Council will notify all such submitters of the Panel meeting date, location and time approximately two (2) weeks prior to the meeting occurring and include the relevant form to register to address the Panel. Submitters will also be notified if the Panel wishes to inspect their property and arrangements will be made to do so prior to the Panel meeting.

Submitters and the applicant will be given three (3) minutes to address the Panel before any determination is made on a development proposal.

Note: Planning Proposals are referred to the Panel for advice only and these meetings do not involve persons other than Panel members and Council staff.

iii. Notice of intention to address the panel at a public meeting

- a) Any person wishing to address the panel at its public meeting must register their intention to do so with Council by **12 noon on the day before the meeting**. Only one person from each residential dwelling (other than the site) will be able to register to speak. Strata units should nominate a spokesperson, unless units have different issues e.g. view loss from a particular unit that is different to other units. The applicant may register up to three people to speak (additional speakers may be registered to be available to answer questions from the panel, if required, on specific areas of expertise such as traffic, heritage, geotechnical etc).

The maximum number of public speakers on each item is 3 for and 3 against. You will be contacted by council officers if more than 3 registrations are received.

The application form available on Council's website should be used to register as a speaker.

- b) Where a number of people wish to register to speak on the same item, the Chair may limit the number unless it can be demonstrated that each speaker would raise individual matters not raised by other speakers.
- c) A person wishing to speak for or against an application must have already lodged a written submission on the subject application OR must provide a written summary (no longer than one A4 page in length) of the matters upon which they wish to address the panel. Any new written summary must **be submitted to Council by 12 noon the Wednesday prior to the meeting**.
- d) Councillors are able to address the panel on any items listed on the agenda. This is in addition to other speakers. Any Councillor who wishes to address the panel must register their intention to do **so by 12 noon on the day** before the panel meeting, by completing the registration form.
- e) A person who has not registered to speak may not do so, however under **exceptional circumstances** and at the discretion of the Chair you may be permitted to speak.

iv. Guidelines for addressing the panel at a public meeting

- a) To assist with the public address process and to ensure smooth running of the meeting, when addressing the panel please ensure you:

- Address the Chair.
 - Are concise, and emphasise your key points, noting that the panel has a copy of your submission so there is no need to merely read out your written submission.
 - If someone has already spoken before you and you agree with their key points, say so, there is no need to repeat what has already been said.
 - Focus on how the proposed development might affect you, in your own words.
 - Sometimes proposed developments do not comply with certain planning rules such as the height of the building. Rather than talking about this non-compliance, explain to the panel, in your own words, how this will affect you.
 - Talk about what you would like the panel to do or how the development could be changed to address your concerns.
 - If you are part of a group with similar concerns get together before the meeting and work out who will speak on a particular issue to avoid repetition and to make the most of everyone's 3 minutes.
- b) Be polite and respectful to the members of the panel, other attendees and council staff. Speakers (and all other people attending the public meeting) must refrain from engaging in disorderly conduct, or making potentially defamatory statements. If this behaviour occurs, the Chair may ask the person to stop speaking and/or request that they leave the meeting, or may adjourn the meeting.

v. Operation of the Planning Panel Meeting

- a) Speakers shall be heard for each item on the agenda in the following order:
- Councillors;
 - Objectors (or representative) speaking against the application; and
 - The applicant (or the applicant's representative) and supporters speaking for the application.

Note: *The Chair may vary the order of speakers if required.*

- a) A person is not entitled to be represented by a legal practitioner at any meeting of the panel unless the Chair grants permission. In 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.
- b) With the 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.
- c) Unless the Chair otherwise permits, no speaker may address the panel for more than three (3) minutes in respect of any one matter at any particular meeting. Two (2) bells will sound at the end of three (3) minutes. The Chair may allow for an extension of time to enable relevant issues to be adequately addressed.
- d) If a number of people wish to speak on a similar issue, e.g. parking, they are encouraged to nominate a single person to speak on their behalf.
- e) Where a number of people are registered to speak on the same item, the Chair may limit the number unless it can be demonstrated that each speaker would raise individual matters not raised by other speakers.
- f) A person, other than a member of the panel, shall not speak while another person is speaking or otherwise interrupt that person while speaking.
- g) Panel members may seek to clarify any matter with a speaker or council officer.

vi. Meeting Agendas and Minutes of the Panel Meeting

An agenda of all items to be determined by the Panel will be published on Council's LPP web page (under Planning and Development) approximately one (1) week prior to the scheduled Panel meeting.

The Panel meeting proceedings will be recorded and Minutes of the meeting will be formally taken and published also on Council's webpage as soon as possible.

The Panel Chair, in consultation with the other Panel members, will confirm the accuracy of the minutes before they are issued.

Following the issue of the Minutes, Determination Notices will be prepared and issued to applicants for all applications that are determined by the Panel at each meeting.

All those who made submissions on the development proposal will also be notified in writing of the Panel's determination.