

Item 10.

Local Planning Panel - Revised Operational Procedures

File No.: X011302

Summary

This report seeks approval of the adoption of revised City of Sydney Local Planning Panel Operational Procedures.

The proposed changes are the inclusion of guidelines for dealing with conflicts of interest relating to relationships between panel members and other professional service providers, and minor corrections to formatting and text.

The procedures continue to be consistent with those provided by the Department of Planning and Environment, with relevant clauses specific to the City of Sydney Local Planning Panel included.

The operations of the Panel continue to be consistent with the operation of Council and Committees of the City of Sydney and the Central Sydney Planning Committee.

Recommendation

It is resolved that the Local Planning Panel adopt the revised City of Sydney Local Planning Panel Operational Procedures, as shown at Attachment A to the subject report.

Attachments

Attachment A. Revised City of Sydney Local Planning Panel Operational Procedures

Background

1. The City of Sydney Local Planning Panel (LPP) was established by resolution of the Council on 19 February 2018.
2. The Minister for Planning issued a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979 (the Act) on 23 February 2018 setting operational procedures to ensure that Local Planning Panels meet their obligations in the most efficient and effective manner.
3. Operational Procedures specific to the City of Sydney Local Planning Panel were endorsed by the Panel on 28 March 2018.
4. Revised Operational Procedures were endorsed by the Panel on 23 May 2018.
5. The Panel Chair has requested amendments to the Operational Procedures in order to establish guidelines for managing conflicts of interest relating to relationships between panel members and other professional service providers.
6. The proposed guidelines serve to provide a framework for the Chair and alternate Chairs to determine whether a declared conflict is actual, potential or reasonably perceived, and whether it requires the panel member to stand down from consideration and determination of the matter.

Key Implications

Guidelines for the Management of Conflict of Interest Declarations

7. The guidelines are intended to provide guidance about how the Chair and Alternate Chairs of the City of Sydney Local Planning Panel are likely to deal with conflict of interest declarations involving the declaration by a member of a relationship with a planning consultancy, architectural practice or other professional service provider involved in the preparation of a development application coming before the Panel.
8. While the guidelines provide broad guidance to ensure consistency in the consideration of declarations, each matter will be considered on merit and the view of the presiding Chair will be final.
9. The proposed guidelines are as follows:
 - (a) If a member or a member's practice has had any involvement in preparation of or input to a development application coming before the panel, including providing advice to another professional service provider, there is a clear conflict of interest and the member will be ineligible to consider or determine the matter.
 - (b) If a member or a member's practice directly engages, has a business relationship with or is a member of a joint consultancy team with a professional service provider on a frequent or regular basis, there is highly likely to be a conflict of interest sufficient to require the member to stand down from determination of the relevant matter.

- (c) If a member or member's practice declare an association with a professional service provider that relates to a former relationship some time in the past, this may not be a conflict sufficient to require the member to stand down from determination of the relevant matter. The recency and extent of any such past relationship will be considered in this regard.
 - (d) If a member or a member's practice declare an association that relates to occasional, sporadic or one-off instances of being on a joint consultancy team, there may not be a conflict sufficient to require the member to stand down from determination of the relevant matter. The detailed nature of the association will be considered in this regard.
10. The proposed guidelines provide greater certainty in determining what constitutes an actual, potential or reasonable perceived conflict of interest when a panel member declares a past, current or future relationship with a professional service provider involved in the preparation of a development application coming before the Panel.
 11. Minor corrections have been made where errors have been identified and amendments have also been made to improve readability and application of the procedures.

Relevant Legislation

12. The Environmental Planning and Assessment Act 1979.

Critical Dates / Time Frames

13. Local Planning Panels commenced operations from 1 March 2018.
14. The City of Sydney Local Planning Panel Operational Procedures were endorsed by the Panel on 28 March 2018.
15. The City of Sydney revised Local Planning Panel Operational Procedures were endorsed by the Panel on 23 May 2018.

Public Consultation

16. The public has not been consulted by the City of Sydney on these revised Operational Procedures. The Panel is able to determine its own meeting procedures under the direction given by the Minister on 23 February 2018. The procedures continue to be consistent with those provided by the Department of Planning and Environment with relevant clauses specific to the City of Sydney Local Planning Panel included.

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