

Attachment A

**Matters to be Referred to the
Local Planning Panel**

Referral criteria for development applications to the City of Sydney Local Planning Panel

5 February 2019

1. Conflict of interest

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) A relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes which requires:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item,
- (d) development for the purpose of end of journey facilities, or
- (e) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

- (a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or
- (b) in any other case - is the subject of 25 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning and Environment which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

3. Departure from development standards

For development for the purpose of dwelling houses, dual occupancies and attached dwellings, development that contravenes a development standard imposed by an environmental planning instrument by more than 25% or non-numerical development standard.

For all other development, development that contravenes a development standard imposed by an environmental planning instrument by 10% or non-numerical development standards.

The above does not apply to variations over 10% associated with additions or works that do not significantly impact on the height, bulk or setbacks of an existing building or

structure that already exceeds the relevant development standard.

Note above provision only applies until 7 July 2019 unless renewed. Refer to Secretary of NSW Planning and Environment letter 6 July 2018 at:
<https://record.cityofsydney.nsw.gov.au/2018/373489>

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the panel can delegate these applications to council staff to determine.

4. Sensitive development

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* applies and is 4 or more storeys in height.
- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licenced premises, that will require one of the following liquor licences:
 - (i) a club licence under the *Registered Clubs Act 1976*,
 - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
 - (iii) An on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.

5. Delegations

The Local Planning Panel:

- (a) delegates its functions as a consent authority in relation to legal proceedings arising from a decision of the Local Planning Panel (or a decision that would have ordinarily been required to be dealt with by the Local Planning Panel) to the positions of Director City Planning, Development and Transport, Executive Manager Development and Manager Planning Assessments;
- (b) delegates its functions as a consent authority in relation to modification applications under sections 4.55 and 4.56 (former section 96 applications) to the positions of Director City Planning, Development and Transport, Executive Manager Development and Manager Planning Assessments;
- (c) delegates its functions as a consent authority in relation to development for which council is the applicant or land owner and the application proposes:
 - (i) internal alterations and additions to a building that is a heritage item; or
 - (ii) temporary installation of public art; or
 - (iii) a temporary event;to the positions of Area Planning Manager and Manager Planning Assessments.