

Attachment A

**Revised City of Sydney Operational
Procedures**



Local Planning Panel – Operational Procedures

Introduction

1. These procedures are issued by the City of Sydney Local Planning Panel (the Panel) and should be read in conjunction with the Environmental Planning and Assessment Act 1979 (the Act), the Section 9.1 'Local Planning Panels Direction – Operational Procedures' Direction from the Minister for Planning **and Public Spaces** dated **30 June 2021** (s 9.1 Direction) and the Code of Conduct for Local Planning Panel Members (the Code) approved by the Minister for Planning under Clause 28 of Schedule 2 of the Act.
2. These procedures shall remain in force in their present form unless amended and may be periodically reviewed.

Before the Meeting

3. Local Planning Panel agendas and business papers will be made publicly available on the City of Sydney website: www.cityofsydney.nsw.gov.au seven days prior to the meeting.
4. Agendas and business papers are also available to view at the One Stop Shop and Neighbourhood Service Centres.
5. Any written representation from proponents or other interested parties on the business papers must be submitted to the City by 5.00pm three business days prior to the relevant Panel meeting. For Local Planning Panel meetings that occur on Wednesdays, this information is required by 5.00pm, the Friday prior to the relevant Panel meeting.
6. City staff will consider representations, and if required, prepare written advice ('Relevant To' memoranda) for the Panel and members of the public.
7. Any 'Relevant To' memoranda will be published on the City of Sydney website prior to the Panel meeting. For Local Planning Panel meetings that occur on Wednesdays, any 'Relevant To' memoranda will be published on the City of Sydney website prior to the relevant Panel meeting.
8. Any interested person including the submitter(s), applicant(s) or their representatives(s) wishing to address the Panel at any meeting of the Panel must register with the City's Secretariat via email secretariat@cityofsydney.nsw.gov.au or by calling (02) 9265 9310 before 12 midday on the day of the meeting.
9. Additional documents, reports and amended plans tabled at the meeting will not be received or considered by the Panel unless submitted by 5.00pm three business days prior to the Panel meeting **and only if the material provided is such that it can be reasonably reviewed and assessed by City staff then considered by the Panel before the meeting.**

Site Inspections

10. Site inspections will be held when considered necessary by the Panel.
11. Site inspections shall not take place except as a Panel (**however, site inspections will take place individually if required by Public Health Orders**), and 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.
12. City staff may accompany the Panel on site inspections as appropriate to clarify any issues raised by Panel members.
13. Site inspections are to be used as a means of procuring information for the purpose of good decision making. Site inspections are for the Panel to acquaint themselves with the site and relevant issues.

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14. The Panel is not to receive or invite formal presentations or submissions at site inspections. All presentations and submissions are to occur only in the formal Panel meeting.

Local Planning Panel Meetings

15. The Panel will adopt an annual schedule of dates for local planning panel meetings. The schedule of meetings will be publicly available on the City of Sydney website.
16. The commencement time for the public meeting of the Local Planning Panel will be 5.00pm.
17. Local Planning Panel meetings will be held in the City of Sydney Council Chamber (Sydney Town Hall) **or via audio visual links**.
18. In consultation with the Chair, the Chief Executive Officer may call extraordinary meetings or cancel a Panel meeting.
19. Notification of extraordinary meetings of the Panel will occur through the City of Sydney website. Agendas and business papers will be made publicly available as soon as practicable prior to the extraordinary Panel meeting.
20. The Chief Executive Officer shall arrange for the attendance of such City staff as are considered necessary by the Chief Executive Officer for the transaction of the notified Panel business.
21. Panel members are to manage and disclose pecuniary and non-pecuniary conflicts of interest in accordance with Part 4 and Part 5 of the Code.
22. Declared conflicts of interest relating to relationships of panel members with professional service providers will be dealt with in accordance with the process set out in Appendix A.

Order of Business

23. The order of business followed by the Panel is:
 - (1) Acknowledgement of country
 - (2) Disclosures of Interest
 - (3) Confirmation of Minutes
 - (4) Reports (with a presentation on each Development Application immediately prior to its consideration).

Webcasting of Meetings

24. All meetings of the Local Planning Panel are to be webcast on the City of Sydney website. This is subject to technical issues surrounding the webcasting of the meeting and no meeting of the Local Planning Panel will be temporarily suspended or adjourned due to the meeting not being webcast on the City of Sydney website.
25. The meetings will be audio visually recorded and webcast live.
26. There may be situations where, due to technical difficulties beyond the City's control, a live stream or recording of a meeting may not be available. Every reasonable effort will be made to ensure live streams and meeting recordings are made available on the City's website.
27. At the start of each meeting, the Panel Chair is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

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28. Members of the public attending a Local Planning Panel meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived.
29. Local Planning Panel meetings are public meetings where individuals may make statements or take actions which may be contrary to law. For example, those that are defamatory, discriminatory, breach privacy or harm another individual. Statements and actions such as these made in a Local Planning Panel meeting are not protected by privilege and may be the subject of legal proceedings and potential liability.
30. The City/Local Planning Panel does not accept any liability for statements made or actions taken by individuals during a Local Planning Panel meeting that may be contrary to law.

Addressing the Panel

31. Members of the public, applicants and their consultants may address Panel meetings on items that are on the Panel agenda. The Chair or any Panel Member may seek to clarify any matter with the speaker or City staff.
32. The time limit for addresses to the Panel is three minutes. The Chair may exercise discretion and allow for an extension of time, subject to the general agreement of the Panel, as required to ensure all issues are properly considered.
33. The Panel Chair may suggest that, if a satisfactory resolution to the matter on the agenda is being considered, there may be no need for members of the public to address the Panel.
34. Speakers are requested to give their full name and suburb in which they reside and declare membership of organisations or other interests relevant to consideration of the item that they wish to speak to.
35. If there are a large number of people interested in the same item, the Chair may request that three representatives be nominated to speak on behalf of a group and to indicate how many people they are representing.

Order at Meetings

36. The Chair shall be responsible for the good and orderly conduct of 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.
37. 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.
38. There is no 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.
39. The Panel will ordinarily deliberate, conclude and determine the matter in the public (open) meeting. However the Panel may decide to adjourn briefly for the express purpose of deliberating if considered warranted. If this occurs, the Panel will return to the public (open) meeting to conclude and determine the matter.

Decisions of the Panel

40. Should the Panel resolve to request additional information or seek amendment of the application, the Panel may defer the application providing reasons for deferral.
41. 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 Chair will have the casting vote. Voting (including the names and vote of each Panel member when the vote is not unanimous) will be recorded in the minutes.
42. The reasons for the Panel's decision must be recorded in the minutes as part of the decision. Where the Panel goes against or amends the officer's recommendation, the Panel must state the reasons.
43. If the Panel resolves to approve an application against the officer's recommendation, the application will need to be deferred for City officers to prepare draft conditions of consent. Following consideration of draft conditions by all Panel members, the application may subsequently be determined by electronic means or reporting to the next Panel meeting.

After the Panel Meeting

44. Minutes of the meeting shall be endorsed by the Panel Chair and relevant Panel members.
45. The minutes will include a reference to the conditions of approval or reasons for refusal of each application, as well as the Panel's written reasons for its decisions.
46. Minutes and electronic recordings of Panel meetings are to be made accessible via the City of Sydney website to the Panel and the public as soon as practicable following Panel meetings (generally within three business days).
47. Except where a matter is deferred, the applicant shall be provided with a Notice of Determination in accordance with the provisions of the Act and Regulations as soon as practicable.

Appendix A

Conflicts of interest - guideline for dealing with conflict of interest declarations relating to relationships with other professional service providers

This guideline is intended to provide guidance about how the Chair(s) of the City of Sydney Local Planning Panel deal with conflict of interest declarations involving a 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.

While the guideline provides 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.

1. 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.
2. 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.
3. 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.
4. 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.

