Attachment A

Local Planning Panels Direction –
Development Applications –
23 February 2018

LOCAL PLANNING PANELS DIRECTION – DEVELOPMENT APPLICATIONS

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

Minister for Planning

Dated: 23/2/xviii

Objective

The objective of this direction is to identify the development applications that are to be determined by local planning panels on behalf of councils in the Greater Sydney Region and Wollongong.

Application

This direction applies to councils in the Greater Sydney Region and Wollongong. It also applies to any other council that constitutes a local planning panel under the *Environmental Planning and Assessment Act 1979*.

Interpretation

A word or expression used in this direction has the same meaning as it has in the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* made under the Act, unless it is otherwise defined in this direction.

Direction

Local planning panels of councils in the areas identified in the Table below are to determine development applications involving development of a kind specified in the Schedule to this direction that is identified in the Table below.

Note: Councils can make arrangements for the determination of applications for the modification of development consents by either the local planning panel or council staff.

Table

Council	Development
Bayside, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Georges River, Hawkesbury, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Randwick, Ryde, Strathfield, Waverley, Willoughby, Wollondilly, Woollahra, and any other council that constitutes a local planning panel constituted under the EP&A Act	Schedule 1
Blacktown, Canterbury-Bankstown, Cumberland, Fairfield, Inner West, Liverpool, Northern Beaches, Parramatta, Penrith, Sutherland, The Hills, Wollongong	Schedule 2
City of Sydney	Schedule 3

This direction takes effect on 1 March 2018 and applies to development applications made but not determined before 1 March 2018.

If a council to which this direction applies has not delegated the function of determining a development application to an officer or employee of the council, then the local planning panel is to determine the development application.

SCHEDULE 1

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:

(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, or

(d) 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 10 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 and nature of submissions received about development.

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

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.

(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.

SCHEDULE 2

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, or

(d) 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 10 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

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

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.

SCHEDULE 3

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.

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.