



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
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THE HILLS SHIRE LOCAL PLANNING PANEL LOCAL OPERATIONAL GUIDELINES (SEPTEMBER 2020)

INTRODUCTION

1. These guidelines should be read in conjunction with the provisions relating to local planning panels as contained in Division 2.5 and Schedules 2 & 4B and the direction made by the Minister for Planning under section 9.1 of the *Environmental Planning and Assessment Act 1979* dated 30 July 2020. They shall remain in force in their present form unless amended and may be periodically reviewed.

DETERMINATION OF DEVELOPMENT APPLICATIONS

BEFORE THE MEETING

2. Panel Chairs and Panel Members will be provided with a draft list of items for a meeting two weeks prior to the meeting. Any conflicts of interest are required to be declared by the close of business on the day following this notification to the Panel Chair, The Hills Shire Council Group Manager – Development and Compliance and Councils dedicated email address localplanningpanel@thehills.nsw.gov.au. Selected Panel Members may be replaced for that Panel meeting due to any identified conflict of interest.
3. The Panel Meeting Business Paper for the Public Meeting will be sent electronically to the Panel Chair and selected Panel Members one week preceding a panel meeting. If necessary, an electronic link to application documentation such as architectural drawings, engineering drawings, etc. may also be sent. Paper copies of the Business Paper will also be sent to members by express post on that day.
4. The Business Paper for the Public Meeting will be made publicly available on Council's website the Friday prior to the meeting.
5. Applicants and people who have made written submissions will be advised of the Public Meeting date the week prior to the meeting.
6. People wishing to address the Panel at the Public Meeting must register with the Panel Coordinator via email at localplanningpanel@thehills.nsw.gov.au by 12 noon 1 business day prior to the Public Meeting of their intention to do so.
7. Unless the Chair otherwise permits, any person wishing to address the Panel must have already lodged a written submission on the subject development application.

8. Additional submissions, documents, reports and amended plans will not be received or considered by the Panel at the meeting.

SITE INSPECTIONS

9. Site inspections are held ordinarily in respect of each matter that is to come before any meeting of the Panel and when considered necessary by the Chair. Site inspections 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.
10. Site inspections are not open to applicants, objectors, or members of the public.
11. Council staff will generally accompany the Panel on-site inspections as appropriate.

THE PANEL MEETING

12. The Public Meeting of the Panel will generally be held on the third Wednesday of each month at Councils Administration Centre. The time of the meeting will be determined after review of the agenda.
13. Speakers for Development Applications at the Public Meeting of the Panel shall be heard in the following order:
 - Any objectors or other persons who wish to make representations; and then
 - The applicant or the applicant's representative.

Unless the Panel otherwise permits, any person who addresses the Panel at any meeting of the Panel may speak for no more than 3 minutes in respect of any one matter before any particular meeting. The Panel Chair may exercise discretion and allow for an extension of time as required to ensure all issues are properly considered. Where there are a large number of objectors with a common interest, the Panel may hear a representative of those persons with a view to discharging its responsibilities in a timely manner.

14. The Panel Chair or any Panel Member may seek to clarify any matter with the speaker. Council staff will be invited to respond to any issues raised by the Panel Chair.
15. A person is not entitled to be legally represented at any meeting of the Panel unless the Panel Chair grants permission in any particular case. On granting any such permission the Panel 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 Chairperson considers relevant.
16. The Panel Chair shall be responsible for the good and orderly conduct of the Public Meeting 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.

17. 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. Nothing in this guideline prevents a member of the Panel from raising a point of order.
18. Following the speakers' addresses on all listed matters, the Panel may deliberate, conclude and determine all or any of the matters in the public (open) meeting. Alternatively, the Panel may decide to adjourn the meeting to deliberate on all or any matters. If this occurs, the Panel will return to the public (open) meeting to announce its determination.
19. There is no further 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.
20. Should the Panel resolve to request additional information or seek amendment of the application, the Panel may defer the application, providing a written request to the applicant with the reasons for deferral, a copy of which will be made available on Council's website.
21. 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 Panel 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.
22. The Panel Chair may determine in an appropriate case that a Development Application that has not attracted at least 10 unique submissions by way of objection may be determined electronically rather than by public meeting.

In that case the panel will be briefed by Council officers the same day as the monthly public meetings and the panel determination will be placed on the website by close of business the day following that meeting.

AFTER THE PANEL MEETING

23. Minutes of the Panel Meeting shall be endorsed by the Panel Chair.
24. Minutes of the Panel Meeting will ordinarily be made publicly available on Council's website within 2 business days following the meeting. Where email or postal addresses are available, submitters will be advised of the Panel's decision.
25. Except where a matter is deferred, the applicant shall be provided with a Notice of Determination in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations as soon as practicable.

CONSIDERATION OF PLANNING PROPOSALS

26. Planning Proposals are referred to the Panel for advice only. A proposal is to be referred to the Panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 (forwarded by the Council for a Gateway determination).

27. Planning Proposals will be referred to the Panel for advice unless the Council's General Manager determines that the planning proposal relates to:
- the correction of an obvious error in a local environmental plan,
 - matters that are of a consequential, transitional, machinery or other minor nature, or
 - matters that Council's General Manager considers will not have any significant adverse impact on the environment or adjoining land.
28. Planning Proposals initiated by an application to Council from a Proponent will be forwarded to the Panel for advice prior to the reporting of the matter by Council staff to the Elected Council. Any advice formulated by the Panel shall form part of the reporting of the matter to the Elected Council.
29. Planning Proposals initiated by Council staff will be referred to the Panel for advice following reporting and consideration by the Elected Council. If the Elected Council's decision is to forward the Planning Proposal for a Gateway determination, then the Panel's advice shall also be forwarded to the Minister.
30. Council staff will provide a report to the Panel regarding each Planning Proposal on which it is seeking the advice of the Panel in the manner required by the Ministerial direction dated 27 September 2018.
31. As Planning Proposals are referred to the Panel for advice only, the Panel will generally provide such advice by circulation of papers electronically following a briefing by Council staff. The briefing will not involve persons other than Council staff and will not be held in public. The consideration of Planning Proposals by the Elected Council will be held in public in accordance with the Council's adopted meeting practice.
32. The arrangements for the Panel before the briefing, and general administrative matters associated with the Panel shall be generally the same as for development applications, including distribution of papers to Panel Members, site inspections, and Council staff and administrative support provided by the Council to the panel.
33. Briefings to obtain advice on Planning Proposals will be sought on the same day that the Panel considers Development Applications wherever practicable. The advice from the Panel will be provided within 2 working days of the briefing.
34. The Panel's advice on Planning Proposals will be published on Council's website within 2 business days following the electronic determination.

COVID 19

September 2020

As a result of NSW public health guidelines regarding social distancing, until further notice the following arrangements will be in place for Local Planning Panel operations.

Panel Site Inspections

Where the Panel Chair has determined that a site inspection should take place, members of the panel may in appropriate cases , attend site inspections with Council officers, or may attend individually depending on the circumstances of the case and as determined by the Panel Chair. In the case of individual inspections, the individual members will not enter the site but will view the site from the street and surrounding public places.

Public Meetings

Members of the public and applicants and their representatives will not attend public meetings in person but will dial in via Skype after registering with Council. The meeting will be recorded and placed on the Council website.

Procedure at Public Meetings

As far as possible the procedure at public meetings will follow that of the procedure set out in the operational guidelines, but the panel members will not announce their determination in the public meeting, instead placing their determination on the Council website, generally by close of business the day following the public meeting.