

Independent Hearing and Assessment Panels – Best Practice Meeting Procedures

September 2018

Meeting Procedures

The Department of Planning and Environment has developed this best practice guidance on meeting procedures for local planning panels.

The Minister's Local Planning Panel Direction- Operational Procedures sets out procedures for local planning panels.

This guidance should be read with the Minister's Direction.

Subject to the Minister's Direction, any direction by council, and the requirements of the *Environmental Planning and Assessment Act 1979* (the Act) the panels are to determine how to call meetings and conduct their business.

Development Assessment

A key function of the local planning panels is to determine development applications. The council that receives a development application will, through its staff, arrange for exhibition of the development application and prepare an assessment of the development application in accordance with the provisions of the Act. This will be provided to the panel to assist them to determine the application.

Site visits and briefings

Prior to the panel considering a development application at a panel meeting the chair may elect for the panel to attend a site visit or be briefed on the development application.

A site visit or briefing is solely to identify and clarify issues with the proposal. At a site visit or briefing, panel members will not offer opinions on the merits of the proposal or ask those involved with the assessment of the proposal for their opinion or recommendations.

A site visit or briefing will be attended by the local planning panel, council staff and other person engaged in the assessment of the matter. In some circumstances, other parties including the applicant and people who made submissions on the development application may also be invited to attend a site visit or briefing. Whether other parties are invited is at the discretion of the local planning panel.

A written record of the briefing or site visit should be made, however site visits or briefings are not recorded by audio/video record, an audio record or a transcription record.

Meetings

Prior to determining a development application, a local planning panel may call a meeting. The purpose of the meeting is to hear those who wish to express their view on the development application before a decision is made. Meetings will be scheduled as required dependent on the number of applications.

Panel members are not permitted to discuss any matter that is to be considered by the panel with councillors, the applicant, their consultants, parties who have made a submission, or any other person with an interest in the matter outside of a meeting.

The panel chair is responsible for managing the good and orderly conduct of the meeting and may do all things and take all steps necessary to control the conduct of the meeting.

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The chair will determine the order of presentations to the panel and the amount of time given to each speaker. With a view to discharging its responsibilities in a timely manner, the panel will impose time limits on presentations by persons making submissions to the panel. Where there are a large number of objectors with a common interest at any public meeting, the panel may, in its absolute discretion, hear a representative of those persons.

If held, a meeting is to be recorded (via audio/ video record, an audio record or a transcription record) and the recording made publicly available on the panel's website.

Adjourning meetings

A panel may adjourn a meeting where:

- a panel briefing is required to hear confidential or sensitive information; or
- the panel wishes to confer amongst itself before reconvening the meeting for voting and determination.

Before the adjournment the panel chair should publicly state the reasons for the adjournment which should be recorded in the meeting minutes.

After reconvening the meeting, the panel chair should briefly summarise the matters discussed in the adjournment.

Deferring the decision

A local planning panel may defer its determination to a subsequent meeting or to be determined by circulation of papers (discussed below). The chair should inform the meeting of the reasons for deferral of a decision and should advise of the procedures to be followed for determination of the DA.

As noted above, the local planning panel may be briefed following a meeting if it requires further information to make its determination or where there is commercially sensitive or confidential material that needs to be considered before the matter can be determined.

Circulation of papers

The Act permits a local planning panel to transact its business by the circulation of papers among all members of the panel and provides that a resolution in writing approved in writing by a majority of members is taken to be a decision of the panel.

The local planning panel may decide that it is unnecessary to hold a meeting to consider a DA. Circumstances where a meeting may not be required include:

- where the assessment report recommends approval and there are no submissions by way of objection; or
- where the local planning panel has held a meeting, and deferred its decision.

Resolutions approved by circulation of papers are to be recorded in the minutes of a subsequent meeting of the local planning panel and made publicly available on the panel's website.

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Review of determinations

Local planning panels also determine requests for review of determinations of the panel regarding development consents under Division 8.2 of the Act. The council that receives a request for review, will notify the local planning panel that a request has been lodged. The local planning panel reviewing the decision is to be comprised of different members to the members that made the original decision. This panel is to be called the Decision Review Panel of the [council name] local planning panel.

Meetings, site visits and briefings

If required, the panel may also hold site visits or briefings.

Prior to determining the review request, the panel may hold a meeting. The same process for meetings to determine a development application applies to a meeting to determine a review request.

The panels may also make its review determination by the circulation of papers, and the comments above apply in those circumstances.

Planning proposals

Local planning panels advise councils on planning proposals that have been, or will be prepared by councils under section 3.33 of the Act. This advice will be sought prior to the proposal being forwarded to the Minister or Greater Sydney Commission for a Gateway determination under section 3.34 of the Act. The panels are to make a recommendation on whether the proposal should be submitted for Gateway determination.

Panel briefing

The local planning panel may request to be briefed on the planning proposal by Council staff and any other person the panels considered to be relevant.

A record of the panel briefing should be made including time, date attendees and key issues discussed and should be published on the panels website.

The panels may conduct any of its business relating to planning proposals by circulation of papers (refer to the comments above that apply in these circumstances).

Where to find out more

For more information, please contact the Planning Panels Secretariat:

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