



# Councillor Procedure in Representing Community Interest in Planning Matters **Policy**

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# Contents

Contents.....	2
Purpose .....	3
Scope.....	3
Background.....	3
General .....	4
Review.....	5
Compliance, monitoring and review .....	5
Records management.....	5
Related resources.....	5
History of revisions .....	7

## Purpose

1. The purpose of this policy is to:
  - Support Central Coast Councillors in engaging on matters relating to development applications, requiring determination by the Central Coast Local Planning Panel (CCLPP), and
  - Assist Councillors in representing community interests in local planning matters. Recognising that Councillors play an important role in representing the collective interests of residents, ratepayers and the local community (section 232 of the *Local Government Act 1993*).

## Scope

2. This Policy applies to all Central Coast Councillors. It informs Councillors of their role and how they may engage with development applications that are determined by the CCLPP.
3. It is recognised that this Policy does not bind the CCLPP. Council does not have any role in determining the functions and operations of the CCLPP. The operation of Local Planning Panels is governed by a legislative framework supported by Ministerial Directions and policies/guidance prepared by the NSW Department of Planning, Industry and Environment. The Local Planning Panels Best Practice Meeting Procedures notes:

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

## Background

4. The CCLPP was constituted at the Ordinary Meeting of Council on 11 May 2020, following amendments to the *Environmental Planning & Assessment Regulation 2000* that required the formation of the Local Planning Panel.
5. Section 4.8 of the *Environmental Planning & Assessment Act 1979* sets out that, once a Local Planning Panel is constituted, the elected Council is no longer able to act as a consent authority for any Development Application (DA) under Part 4 of the Act. Instead, the functions are to be exercisable on behalf of the council by either:
  - The Local Planning Panel; or
  - Delegated Officers of the Council.

6. Councillors, although no longer having a decision-making role, play an important role in representing the collective interests of residents, ratepayers and the local community as provided for in section 232 of the *Local Government Act 1993* (LG Act).

7. Section 232 of the LG Act states:

*(1) The role of a councillor is as follows--*

*(a) to be an active and contributing member of the governing body,*

*(b) to make considered and well-informed decisions as a member of the governing body,*

*(c) to participate in the development of the integrated planning and reporting framework,*

*(d) to represent the collective interests of residents, ratepayers and the local community,*

*(e) to facilitate communication between the local community and the governing body,*

*(f) to uphold and represent accurately the policies and decisions of the governing body,*

*(g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.*

*(2) A councillor is accountable to the local community for the performance of the council.*

## General

8. Councillors will be engaged in local planning matters in the following ways:

- Council staff will provide Councillors with a weekly list of DAs being notified/advertised.
- Council staff will provide timely responses to requests for general information via the Councillor request system for matters relating to any DA. General information may include date of lodgement, notification timeframe, number of submissions and the major issues.
- Via the CCLPP webpage Councillors can access all information relating to upcoming meetings, the panel members, the livestream, as well as outcomes and minutes.
- 7 days prior to each CCLPP meeting Council staff will provide Councillors with a copy of the agenda and all assessment reports for matters scheduled to be considered at the next CCLPP meeting.
- As provided for in the CCLPP Operational Guidelines, as at 1 July 2020, Councillors can make written submissions up 72 hours before a CCLPP meeting on any matter being considered at the meeting.

- As provided for in the CCLPP guidelines, Councillors that have made written submissions may register their intention to speak by 12 noon on the day before the Panel meeting, by completing the registration form.
- The quarterly report on DA outcomes (presented to Ordinary Meeting of the Council) will include detail on the CCLLP outcomes.

## Review

### Compliance, monitoring and review

9. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.
10. Breaches of this policy by Councillors may result in an investigation of the alleged breach in line with Council's complaint handling policy, the Local Government Guidelines on Investigations and the Code of Conduct. Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

### Records management

11. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.

## Related resources

12. Legislation:
  - a. [Environment Planning & Assessment Act 1979 \(NSW\)](#)
  - b. [Environment Planning & Assessment Regulation 2000 \(NSW\)](#)
  - c. [Local Government Act 1993 \(NSW\)](#)
13. External documents:
  - a. Ministerial Directions (dated [23 February 2018](#) and [3 November 2019](#)).
  - b. [CCLPP Operational Guidelines](#).
  - c. [NSW Department of Planning, Industry and Environment's LPP Best Practice Meeting Procedures](#).

14. Associated/Internal documents:

- a. [Code of Conduct](#)
- b. [Councillor and Staff Interaction Policy](#)
- c. [Procedures for the Administration of the Code of Conduct](#)

## History of revisions

Amendment history	Details
Original approval authority details	Central Coast Council <hr/> 24/08/2020 Minute Number 815/20 <hr/> Review to be undertaken in July 2021 in consultation with Councillors. <hr/>