

# Local Planning Panel

## Operational Guidelines



Central  
Coast  
Council

These guidelines should be read in conjunction with the provisions relating to local planning panels as contained in on the Local Planning Panel pages of the Department of Environment & Planning (DPE) website.

### Determination of the Development

#### Applications before the meeting

1. The Panel Chair and Panel Members rostered for a meeting will be provided with a draft list of agenda items for a meeting two weeks prior to the meeting.
2. Any conflicts of interest must be declared by the close of business on the day following this notification via email to the Panel Chair and Council's LPP dedicated email address [localplanningpanel@centralcoast.nsw.gov.au](mailto:localplanningpanel@centralcoast.nsw.gov.au). Panel Members may be replaced for a Panel meeting due to an identified conflict of interest.
3. Where a development application is the subject of less than 10 unique submissions by way of objection, the panel can determine the application by an electronic circulation of papers or closed session panel meeting.
4. Decisions made by electronic circulation of papers are to be recorded in the panel's minutes and made public available on Council's website.
5. The Panel Meeting Business Paper for any meeting will be sent electronically to the Panel Chair and Panel Members **at least seven days preceding a panel meeting** and placed on the Panel document sharing site. The agenda will identify whether items meet the criteria for a Public meeting or Closed Session Panel meeting. If necessary, an electronic link to application documentation such as architectural drawings, engineering drawings, etc. will also be sent. As with all Panel documents, these will also be available on the Panel document sharing site.
6. The Business Paper for any meeting will be made publicly available on Council's website the **Friday prior to the meeting**.
7. Applicants and people who have made written submissions will be advised of a Public Meeting date the week prior to the meeting.
8. Applicants and previous submitters wishing to address the Panel at the Public Meeting must register with the Panel Coordinator via email at [localplanningpanel@centralcoast.nsw.gov.au](mailto:localplanningpanel@centralcoast.nsw.gov.au) **by 12 noon 1 business day prior** to a Public Meeting.
9. Unless the Chair otherwise permits (generally only where exceptional circumstance are demonstrated), any person wishing to address the Panel must have already lodged a written submission on the subject development application prior to the agenda being made public.

10. Additional applicant or public submissions, documents, reports and amended plans lodged following the completion of Council's Assessment Report as published in the Business Papers will not be received or considered by the Panel.

## Site Orientation

11. Site orientation and/or inspections are held ordinarily in respect of each matter that is to come before the Panel when considered necessary and appropriate 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.
12. Site inspections are not open to, objectors or members of the public, nor to applicants except as provided by the NSW Government rules.
13. Council staff will accompany the Panel on-site inspections as appropriate.

## The Panel Meeting

14. A Public Meeting of the Panel will generally be **once a month on Thursday, virtually or at one of Council's Administration Centres**. The time of the meeting will be determined by the Chair after review of the agenda.
15. Speakers at the Public Meeting of the Panel shall be heard in the following order:
  - Any objectors, speakers in favour; and then
  - The applicant or the applicant's representative(s).

Unless the Chair 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, and the applicant or their representative/s may have a total of 15 minutes to respond. The Panel Chair may exercise discretion and allow for an extension of time if warranted 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.

16. The Panel Chair or any Panel Member may seek to clarify any matter with any speaker. The Panel Chair may invite Council staff to respond to any issues raised.
17. A person is not entitled to be legally represented at any meeting of the Panel unless the Panel Chair grants prior permission in an exceptional case. In considering such requests 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 Chair considers relevant.
18. The Chair is 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.
19. 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 asking a question.

20. Following the speakers' addresses, the Panel may decide to adjourn the meeting to deliberate on all or any matters. If this occurs, the Panel *may* return to the public (open) meeting to announce its determination. Alternatively the Panel may deliberate, conclude and determine all or any of the matters in the public (open) meeting
21. Speakers have no opportunity for debate with the Panel members or the applicant and/or their representatives and speakers may not enter into unsolicited comment or argument with the Panel.
22. 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.
23. 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.

### **After the Panel Meeting**

24. Minutes of the Panel Meeting shall be endorsed by the Chair.
25. 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 by Council of the Panel's decision.
26. Except where a matter is deferred, the applicant shall be provided with a Notice of Determination by Council in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations as soon as practicable.
27. Where the Panel resolves that amended material including drawings does not require re-exhibition, the matter will be referred to the Chair to decide if the matter can be determined electronically, with the report and recommendations made available on Council's website. In other cases, those who made submissions will be invited to a subsequent Panel meeting upon receipt of amended/additional plans and documentation from the applicant.

### **Consideration of Planning Proposals**

28. Planning Proposals are referred to the Panel for advice only. A proposal is to be referred to the Panel before it is forwarded by the Council to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 for a Gateway determination
29. Planning Proposals will be referred to the Panel for advice unless the Council's Chief Executive Officer 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 Chief Executive Officer considers will not have any significant adverse impact on the environment or adjoining land.
30. 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.

31. 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.
32. 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 relevant Ministerial direction.
33. As Planning Proposals are referred to the Panel for advice only, the Panel may 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.
34. 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 orientation /inspections, and Council staff and administrative support provided by the Council to the panel.
35. 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 ordinarily be provided **within 2 working days** of the briefing.
36. The Panel's advice on Planning Proposals will be published on Council's website **within 2 business days** following receipt.

#### Document Version history

V1: May 2020

V2: 1 July 2020

V3: 23 September 2020

V4 (this version): February 2022