



North Sydney Independent Planning Panel

1. NAME

North Sydney Independent Planning Panel (NSIPP)

2. STATUS

The North Sydney Independent Planning Panel (the Panel) is a Determining Body, with delegated authority to consider and determine development applications or any other matters referred to it by the General Manager.

3. ESTABLISHED

Established: 27 May 2013 (Min No. 320)

4. FUNCTIONS

The functions of the Panel are to:

- 4.1 Provide an independent and open forum for interested persons and groups to hear and make submissions about development proposals referred for determination;
- 4.2 Provide transparency of process and expert assessment of development proposals referred;
- 4.3 Consider and determine development applications, Sec 82a reviews or any other matters referred to it by the General Manager pursuant to any specific resolutions of the Council; and
- 4.4 Achieve development outcomes consistent with the relevant legislation and the North Sydney Local Environment Plan (LEP) and Development Control Plan (DCP) planning controls.

5. MATTERS TO BE REFERRED TO THE PANEL

Development applications that are not otherwise determined under the delegation of the General Manager shall be referred to the Panel for consideration and determination where they are:

- 5.1 For a Council proposal with a value greater than \$250,000;
- 5.2 For individual Councillors, State or Federal members of Parliament or Council staff;

- 5.3 Considered by the General Manager or delegate as contentious, particularly complex or in the public interest for the Panel to determine;
- 5.4 Proposing to vary a development standard pursuant to SEPP1 in accordance with Planning Circular PS08-14 as varied by the Director General and as advised to Council in writing by greater than that allowed under delegation to staff; and
- 5.5 The subject of a Section 82A Review of Determination where the original application had been determined by the NSIPP.

6. PANEL CONSTITUTION

Members

The Panel consists of members with the following qualifications:

- 6.1 Professional experts with a university degree in urban design, planning or architecture or equivalent qualification;
- 6.2 Professional experts with a university degree in environmental science or equivalent qualification;
- 6.3 Lawyers who are currently admitted or eligible for admission to practice law in New South Wales as Barrister or Solicitor; or non-lawyers but professionals with exceptional levels of experience such as retired Land and Environment Court Commissioners;
- 6.4 Community representatives with a demonstrated understanding and experience in similar or related fields to the professional experts; and
- 6.5 The members shall be in the form of a “pool” with a minimum of four members attending each NSIPP meeting.

Appointment

- 6.6 Members of the Panel shall be appointed by the General Manager.

Term

- 6.7 The term of the members of Panel appointed by the General Manager shall be for a period of two (2) years with an option to extend the term again a further two (2) years.

Remuneration

- 6.8 A retainer set by the General Manager shall be paid to the Chairperson of the Panel.
 - 6.8.1 A member or an alternate member is entitled to be paid such remuneration as the General Manager shall, from time to time, determine in respect of the member for attendance at the NSIPP.

Chairperson

- 6.9 The Chairperson of the Panel shall be appointed by the General Manager. Should the Chairperson not be present/available for a meeting the members attending shall elect an alternate Chairperson.

Alternates

- 6.10 The General Manager may, from time to time, appoint a person to be the alternate to a member.
- 6.10.1 Whilst acting in place of a member, the alternate member has all the functions of the member and is taken to be a member.
- 6.10.2 The alternative member is to be paid for his/her attendance at the NSIPP in accordance with the schedule adopted by the General Manager.

Meetings

- 6.11 A meeting of Panel will generally consist of four (4) members including one (1) community representative.

Quorum

- 6.12 A minimum of three (3) Panel members shall form a quorum for a meeting.

7. MEETING PRACTICES AND PROCEDURES

- 7.1 The Panel shall act in accordance with any guidelines issued by the General Manger.
- 7.2 The Panel is to act with as little formality as the circumstances of the case permit and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms.
- 7.3 Proceedings of the Panel shall be open to the public. Deliberations and decisions of the Panel shall be conducted and made in closed session following the hearing of submissions made on behalf of the applicant and any other interested parties.
- 7.4 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.
- 7.5 Individual persons addressing the Panel may do so for no longer than three (3) minutes. Representatives of community groups may address the Panel for no longer than ten (10) minutes. The Panel may grant an extension of time in either case.
- 7.6 Each member of the Panel is entitled to one vote. However, the person presiding at a meeting of the Panel has, in the event of an equality of votes, a casting vote.

- 7.9 Independent inspections by panel members are not permitted.
- 7.10 The General Manager shall make available relevant staff to the panel for inspections and meetings to answer questions and clarify issues.
- 7.11 A Council officer appointed by the General Manager shall act as secretary to the Panel and will be present at any meeting of the Panel.
- 7.12 Agendas for meetings shall be finalised no later than six (6) days prior to the meeting.
- 7.12.1 Agendas and reports for meetings are to be publicly available four (4) days prior to the meeting.
- 7.13 Speakers who wish to nominate to address the meeting must advise the Meeting Secretary of their intention to do so before the meeting.
- 7.13.1 Speakers at the public hearing of the Panel shall be heard in the following order:
- a) any objectors or other persons who wish to make submissions or representations;
 - b) the applicant, or the applicant's representative;
- unless through the Chair any panel member wishes to clarify any matter with a speaker or Council officer at a later time.
- 7.14 Solicitors may only appear on behalf of parties with leave of the Chair.
- 7.15 Registrations to speak and any late correspondence relating to an application before the Panel must be submitted to the Council not later than 5.00pm on the Monday prior to the Panel meeting.
- 7.16 Those wishing to address the Panel may submit a written summary, not longer than one (1) A4 page, of their views on the proposal.
- 7.17 Documents, plans, etc. which have not been submitted as outlined above will not be received or considered by the Panel at the meeting.

8. PANEL DETERMINATIONS/DECISIONS

- 8.1 Determinations and any relevant decision of the Panel shall be made by a majority of votes of members present at a meeting and voting. If votes are tied the Chairperson will have the casting vote. Voting is to be recorded for the public record.
- 8.2 The Panel shall publish its reasons and conclusions for decisions that are contrary to the officer's recommendation.
- 8.3 The Panel's decision can be for approval, refusal, or deferral for additional information if such information has not been previously requested by Council's staff.

- 8.4 If the Panel approves the application, the Panel shall provide consent conditions based on Council's standard list of conditions, the assessment officer's recommended conditions, as well as any specific conditions considered appropriate by the Panel.
- 8.5 If the Panel refuses the application, the Panel shall provide reasons for refusal - such must be capable of being defended in the Land and Environment Court if an appeal is lodged against a Council refusal.
- 8.6 If the Panel decides for deferral of the application, the Panel must explicitly state the issues to be addressed by the applicant or the Council, to enable the application to be brought back to the Panel for final consideration. Any deferred application may be determined by the General Manager upon submission of the required information. The Panel must also consider the need to re-notify substantially amended proposals and consider an assessment officer's revised report.

9. MEMBER OBLIGATIONS

All Panel members are required to comply with the following conditions of engagement:

- 9.1 All Panel members are required to observe the provisions of Council's *Code of Conduct - North Sydney Independent Planning Panel*. Panel members must perform their obligations faithfully and diligently and must, at all times, act in accordance with the Code of Conduct and the requirements of the Panel Charter.

If Panel members do not comply with the Code of Conduct or the Panel Charter, the General Manager may terminate the Panel member's appointment without notice.

- 9.2 All Panel members as well as other participants (registered speakers) are expected to observe the following protocols:
- a) Be courteous to other Panel members, Council Officers and Councillors;
 - b) Help to create an environment that is free of harassment and discrimination; and
 - c) Protect the health, safety and welfare of yourself and others at meetings and related activities.
- 9.3 Outside of the meeting process Panel members must immediately report in writing to the General Manager any contact or approach by any applicant, resident, consultant, technical expert, Councillor or unauthorised staff member in connection with the Panel functions.
- 9.4 Except as required to properly perform their duties, Panel members must not disclose any confidential information obtained in connection with the Panel functions.
- 9.5 Panel member/s shall not make oral or written statements of any description to any newspaper, television station or radio network or to any person associated with such organisations, in connection with any work undertaken in connection with the Panel functions.

- 9.6 Panel members may communicate with senior Council staff or other staff nominated by the General Manager in any protocol for interaction between Panel members and staff.
- 9.7 Panel members must attend all meetings reasonably required by the General Manager.
- 9.8 Panel members will have read and be familiar with the documents provided by Council prior to attending a Panel meeting.
- 9.9 The relationship between the Council and the Panel members is that of a client and independent contractor, and nothing shall be taken as constituting the Panel members or any of their employees as an employee or servant of the Council.
- 9.10 Each Panel member must complete a Pecuniary Interest Declaration Return as required by the *Local Government Act 1993*.
- 9.11 Declarations of Interest:
- Panel members are required to disclose any personal (non-pecuniary) or financial (pecuniary) interest in a matter under discussion, particularly when the interest is one of a pecuniary nature. Such declarations will be noted in the minutes.
 - Note: a conflict of interest does not mean that you will be barred from participating in a meeting. Instead, it allows others to understand your position and prevents criticism of Council activities or decisions at a later date.
- 9.12 Registered speakers who are paid lobbyist representing an individual or group, you are required under Council's *Lobbyist Policy* to declare their role and register as a lobbyist on Council's *Lobbyist Register*. For more information on how to register contact Council's Governance Coordinator.
- 9.13 Gifts or Benefits - Panel members should not offer to a Councillor or Council officer a gift or benefit that is:
- a) Designed to gain advantage for themselves or a group they represent; or
 - b) May be perceived by the public to give advantage to them or a group they represent.
- 9.14 Alcohol and Drugs - Panel members and participants shall not attend meetings whilst under the influence of alcohol or other drugs that could impair their ability or cause danger to the safety of themselves or others.

10. TIMETABLE FOR MEETINGS

- 10.1 Panel meetings are to be held on a monthly basis and to be held during business hours.

- 10.2 The General Manager may call for extraordinary Panel meetings or cancel a Panel meeting.
- 10.3 The Panel may make on-site inspections of properties, the subject of applications and/or submissions. On-site inspections shall be carried out on the day of the panel meeting. Site inspections are for the panel to acquaint themselves with the site and relevant issues and conversation/dialogue will not be entered into except in clarification through the Chair.

11. ACCESS TO COUNCIL CODES, POLICIES AND GUIDELINES

- 11.1 Related Council Codes, Policies and Guidelines, including the *Code of Meetings Principles and Practices*, *Code of Conduct - North Sydney Independent Planning Panel* and *Lobbyist Policy* may be viewed on Council's website and/or hard copies may be obtained upon request from Council's Corporate Planning and Governance Department.

12. ADDITIONAL DOCUMENTATION

The following documents are to be read in conjunction with this Charter:

- 12.1 NSIPP Memorandum of Understanding;
- 12.2 NSIPP Code of Conduct; and
- 12.3 Application to address NSIPP.