

INNER WEST PLANNING PANEL (IWPP) CHARTER

1. STATUS OF THE PANEL

The Inner West Planning Panel (the “Panel”) is a determining body with delegated authority to consider and determine development (and related) applications referred to it by the General Manager.

The Panel is a body constituted for the purpose of delegation of functions by the Council under Section 377 of the Local Government Act 1993.

2. FUNCTIONS OF THE PANEL

The functions of the Inner West Planning Panel are to:

- a) Determine development and related applications that are within the prescribed delegations provided to the Panel by the Council;
- b) Provide an independent and open forum for interested persons and the community to make submissions relevant to the applications being considered by the Panel;
- c) Provide a professional and technical assessment of applications within a transparent decision making process;
- d) Achieve best practice development outcomes consistent with the relevant legislation and local and State planning controls.

3. PANEL CONSTITUTION

3.1 Members

The Panel consists of members with the following qualifications and experience:

- a) Lawyers who are currently admitted or eligible for admission to practice law in New South Wales as a Barrister or Solicitor; or non-lawyers but professionals with exceptional levels of experience such as retired Land and Environment Court Commissioners;
- b) Professional experts with qualifications and experience in environmental law, planning, urban design, environmental planning, architecture, heritage, arboriculture, social planning, or government and public administration;
- c) Community representatives with a demonstrated understanding and experience in similar or related fields to the professional experts.

3.2 Membership pool

The members shall be in the form of a “pool”. To ensure the Panel has the widest available level of expertise, there is no maximum number of persons that may be accepted into the membership pool, provided they are appointed in accordance with the terms of this Charter.

The Chairperson of the Panel and an alternate Chairperson shall be appointed by the General Manager or delegate from the pool of members.

The pool, made up of persons meeting the Panel Charter criteria, will be maintained and there will be a rotation of members for the purpose of each meeting as specified by the General Manager or delegate.

The pool will include, as a minimum:

- 2 members that satisfy the criteria of 3.1 a);
- 4 members that satisfy the criteria of 3.1 b);
- 2 members that satisfy the criteria of 3.1 c).

In the event of an application to review a determination of a decision made by the Panel (under Section 82A or Section 96AB of the Environmental Planning and Assessment Act 1979), the Panel considering the review shall comprise of at least two (2) members who did not form part of the Panel that considered the original Development or Section 96 application.

3.3 Appointment

The Membership Pool shall be selected and appointed by the General Manager, and each Panel member shall sign a Memorandum of Understanding.

Members of the Panel for each Panel meeting will be selected from the membership pool by the General Manager or their delegate, having regard to the suitability of expertise for the matters being considered by the Panel, any conflict of interest disclosure and the Panel member’s availability.

The Panel will be selected at least 7 days prior to the meeting. This information will not become public information prior to the meeting.

3.4 Term

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 a further two (2) years.

3.5 Remuneration

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.

3.6 Vacancies

The office of a member becomes vacant if the member:

- a) dies, or
- b) completes a term of office and is not re-appointed, or
- c) resigns the office by letter or email addressed to the General Manager, or
- d) is removed from his or her membership of the Panel by the General Manager for breach of any relevantly applicable requirements of the Panel Code of Conduct, Charter, Guidelines or Memorandum of Understanding, issued by the General Manager in respect of the Panel as in force from time to time, or

- e) without reasonable excuse does not attend a meeting of the Panel in compliance with a call of the Panel or is otherwise absent (without a written explanation for any such absence given to and accepted by the General Manager) from 2 consecutive meetings of the Panel, or
- f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
- g) becomes physically or mentally incapacitated to such an extent that he or she is unable to continue discharging the responsibilities of being a member of the Panel, or
- h) is removed by the General Manager from office for any or no reason and without notice.

If the office of a member becomes vacant, the General Manager may recruit a replacement member.

3.7 Meetings

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

3.8 Quorum

Three (3) Panel members shall form a quorum for a meeting.

3.9 Meeting and Associated Practices and Procedures

- a) The Panel shall act in accordance with the Operational Guidelines for the Inner West Planning Panel issued by the General Manager.
- b) The Panel as a whole may undertake site inspections prior to the Panel meetings. Such inspections are for the purpose of the Panel members collectively acquainting themselves with the issues associated with an application. Site inspections are not open to the public.
- c) The Panel is not bound by the rules of evidence at meetings and may inquire into and inform itself on any matter in such manner as it thinks fit.
- d) At meetings 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.
- e) Meeting proceedings of the Panel shall be open to the public. However, the Panel may close part of a public meeting to the public where the Panel is of the opinion that such action is strictly necessary in order to protect commercial information of a confidential nature, or that it is necessary to adjourn the meeting for the express purpose of deliberating prior to reaching a decision about a matter.

3.10 Determinations/Decisions

- a) Determinations and any relevant decision of the Panel shall be by a majority of votes of members present at a meeting. If votes are tied the Chairperson will have the casting vote.
- b) Voting (including the names and vote of each Panel member when the vote is not unanimous) will be recorded in the minutes for the public record.
- c) Where the Panel determines to refuse an application, the reasons for refusal must be given and recorded in the minutes.
- d) Where an application is approved contrary to an officer's recommendation for refusal, the reasons for supporting the application must be given and recorded in the minutes.

4. MATTERS TO BE REFERRED TO THE PANEL

Refer to Attachment.

5. MEMBER OBLIGATIONS

All Panel members are required to observe the provisions of the Panel Code of Conduct; the Charter; the Guidelines; and the Memorandum of Understanding.

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.

Panel members must attend all meetings reasonably required by the General Manager or the Director of Planning and Environment or delegate.

Panel members will have read and be familiar with the documents provided by Council prior to attending a Panel meeting.

The relationship between the Council and the Panel member 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 of the Council.

Each Panel member must complete a Pecuniary Interest Declaration Return as required by the Local Government Act 1993.

Obligations regarding Declarations of Interest are contained in the Panel Code of Conduct and are to be strictly met.

Continued professional development of the Panel is important. This may, from time to time, be required either by the Panel receiving written reports from Council and working groups for information when appropriate or the Panel attending a face-to-face session (or multiple sessions).

6. ADDITIONAL DOCUMENTATION

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

- Inner West Planning Panel Code of Conduct;
- Inner West Planning Panel Operational Guidelines; and
- Inner West Planning Panel Memorandum of Understanding.

7. ON-GOING EVALUATION OF PANEL PROGRAM

The IWPP will be subject to on-going evaluation and review, and an annual report will be provided to Council on the activities and outcomes of the Panel in the previous 12 months.

ATTACHMENT

DELEGATIONS

- A. Development Applications to be delegated to the IWPP for determination, subject to Council being the consent authority.

In the case where a recommendation for approval is made:

1. Major development¹ on Council property;
2. Where an applicant or submitter is an Administrator, Councillor or senior member of staff (Team Leader or above);
3. Where an application involves a variation to a development standard in excess of 10% except as provided for by any special concession agreed to by the NSW Department of Planning and Environment;
4. Where the applicant has offered to enter into a Voluntary Planning Agreement in conjunction with the development application.
5. An application with an estimated cost of development in excess of \$10 million, except applications where Council is not the consent authority.
6. An application with unresolved² objections/submissions received in writing from 10 or more properties³.
7. An application for the establishment of a new brothel or sex services premises.
8. An application involving total demolition of a building listed as a heritage item or a contributory item⁴ in a Heritage Conservation Area.

- B. A request made under Section 82A of the *Environmental Planning & Assessment Act 1979* where there is no substantial change in recommendation on the matters subject of the Review.

Note 1: *Major development means any works with an estimated cost in excess of \$500,000.*

Note 2: *An unresolved objection/submission in an objection that is considered by the delegate to have planning merit, relevance, substance, reasonableness and validity which in the opinion of the delegate has not or been addressed though compliance with the relevant planning control/s or a condition of consent.*

Note 3: *Objections must be in writing and from residents/owners of 10 separate properties; and excludes 'form' letters and petitions.*

Note 4: *A contributory item is a structure or feature within a heritage conservation area that contributes to the heritage values of the area set out in the statement of significance. These items are not necessarily individually listed but by virtue of their age, scale, materials, details, design, style or intactness are consistent with the conservation area, and collectively reinforce its heritage significance, and the loss or demolition of one of these structures or features would erode the heritage significance of the area as a whole.*