

**MEMORANDUM**

TO: Chair of Inner West Planning Panel
FROM: Matthew Pearce – General Counsel
DATE: 15 March 2022

RE: Delegations to Legal Services Staff concerning Land and Environment Court Appeals from Inner West Planning Panel

Inner West Council has a Legal Services Team of five (5) lawyers, which from time to time, have the carriage of Land and Environment Court appeals.

The Legal Services Team has changed over time and now consists of the following lawyers - myself, Mr Simon Turner, Mr Robert Wilcher, Mrs Megan Jenkins and Mrs Jill Blunden.

Section 8.15(4) of the *Environmental Planning and Assessment Act 1979* provides that Land and Environment Court appeals against determinations of the Panel are to be commenced against Council as the Respondent.

Section 2.20(8) of the Act permits the Panel to delegate any function of the Panel.

On 12 June 2018, at the request of the then General Counsel of the Council, the Panel resolved to grant requisite delegations as follows:

“Subject to the approval of the Inner West Council and the General Manager thereof, the panel individually delegates to Mr Joe Strati, Mr Mark Bonanno and Mr Simon Turner, for as long as they are employees of Inner West Council and holding a practicing certificate that permits them to practice as a legal practitioner in New South Wales, the functions of the panel under section 8.15(4) of the Environmental Planning and Assessment Act 1979.”

Since the delegations were made by the Panel in 2018, only one lawyer, Mr Simon Turner, remains an employee of the Council. Currently, this presents a difficulty in that other lawyers in the Legal Services Team undertake or may undertake Land and Environment Court appeals.



The purpose of this Memorandum is to seek a resolution of the Panel to update the 2018 delegations for the lawyers currently employed. The proposed requisite delegations sought by Council from the Panel would be:

“Subject to the approval of the Inner West Council and the General Manager thereof, the panel individually delegates to Mr Matthew Pearce, Mr Simon Turner, Mr Robert Wilcher, Mrs Megan Jenkins and Mrs Jill Blunden for as long as they are employees of Inner West Council and holding a practicing certificate that permits them to practice as a legal practitioner in New South Wales, the functions of the panel under section 8.15(4) of the Environmental Planning and Assessment Act 1979.”

I respectfully seek from the Panel a resolution of the proposed delegations and in doing so a recommendation will be sought from Council to approve such delegations at its next Ordinary meeting.

MATTHEW PEARCE

Matthew Pearce
GENERAL COUNSEL