



LIVERPOOL LOCAL PLANNING PANEL PROCEDURES

Adopted: 25 November 2024

394444.2024

Liverpool Local Planning Panel Meeting Procedures

Adopted by the Liverpool Local Planning Panel - 25th November 2024

1. The following procedures are adopted by the Liverpool City Council Local Planning Panel pursuant to section 3.3 of the direction made by the Minister for Planning under section 9.1 of the *Environmental Planning and Assessment Act 1979* on 23 February 2018.

Meeting Invitations and Agenda

2. Fourteen (14) days prior to the meeting date, invitation letters are to be sent to submitters, applicants and site owners notifying them of the upcoming meeting and provide these parties the opportunity to register to speak at the public meeting. Invitation letters are sent via email or post.
3. Seven (7) days prior to the meeting date, the Liverpool LPP Meeting Agenda will be published on Liverpool City Council's website. The Panel will be provided with supporting documentation for each item seven (7) days prior to the meeting date. Any requests for additional information or otherwise from the Panel, should be requested no later than COB on the Thursday prior to the meeting date.

Site Inspections

4. The Panel will inspect the site of any development application or planning proposal (if practical) to be considered at a public hearing, on the day of the hearing. A Council officer must accompany the Panel at the inspection.
5. Panel members may not enter private property without first obtaining the consent of the owner or occupier of the property, or prior written notice of the proposed inspection has been given by Council to the owner or occupier. Transport to and from the development sites shall be provided by Council, unless any individual panel member chooses to use his or her own vehicle.
6. The purpose of the site inspection is to identify and clarify issues arising from the development application or planning proposal.
7. At the site inspection a Panel member must not offer a concluded opinion on the merit of a proposed development or request a Council officer for his or her opinion or recommendation on the merits of the proposal. However, a Panel member may ask a Council officer to clarify any issues arising from the assessment report or from the site inspection.
8. Applicants and objectors will not be invited to attend site inspections. Panel members are to avoid contact with applicants or objectors during a site inspection, where practical.

Meeting Procedures

9. The business of the Panel may be transacted at a meeting of the Panel, by telephone or video conference, or by email. The chairperson shall decide the means by which business is transacted on an item by item basis.
 10. Meetings will be generally held at a venue determined by Liverpool City Council on the fourth Monday of every month. The location of the venue for each meeting will be published with the business paper for that meeting.
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11. A minimum of 3 panel members will form a quorum. Where a quorum for a meeting or other business is not present, the meeting or other business is to be deferred.
12. Panel meetings are to be conducted with as little formality as the circumstances of the case permit. Panel meetings are to be conducted according to equity, good conscience and the substantial merits of the case, without undue emphasis on technicalities or legal procedures
13. Meetings will comprise a public hearing part followed by a private deliberation part. The public hearing will be recorded by audio provided by the Council. The private deliberation part will not be recorded. Recordings are to be retained by Council.

The Public Hearing

14. The public hearing will generally commence at 2:00 pm.
 15. Members of the public may attend the public hearing and may remain at the hearing so long as they do not disrupt, or otherwise interfere with the orderly conduct of the meeting. Members of the public must:
 - a. avoid any comments or conduct that have the potential, in the opinion of the chair, to intimidate, abuse, harass, incite unruly behaviour or unlawfully discriminate against any other member of the public or Panel member; and
 - b. comply with any direction given by the Panel chair.
 16. At the commencement of the public hearing part of the meeting, the Panel chair will introduce the Panel members and provide a short explanation of the role of the Panel and meeting procedures. The Panel chair must invite Panel members to declare any conflicts of interest in respect of any item on the meeting agenda, and each panel member must either declare any conflict or advise the meeting that no conflict exists.
 17. Items on the meeting agenda will be called in the order appearing on the agenda, unless otherwise determined by the chair. In the case of development applications, when each item is called the panel will first hear from objectors against the application who have lodged prior notice with Council officers of their intention to speak. The Panel may then, at the chair's discretion, hear from objectors who have not lodged prior notice of their intention to speak.
 18. Where a large number of persons wishes to make submissions to the Panel at the public hearing, the Panel chair has the discretion to limit the number of such persons to a representative of the group.
 19. The Panel will hear from the applicant and the applicant's representatives after hearing from all objectors to that item. The Panel encourages applicants and their representatives and consultants to attend the Panel meeting, regardless of whether they intend to speak to the Panel. Applicants and their representatives will be given the opportunity to be heard by the Panel.
 20. The Panel may, at the discretion of the chair, accept additional information about an item on the agenda from an objector or an applicant. The Panel **may not** accept any amended plans or specifications from applicants at the Panel meeting. Applicants wishing to amend a proposal on the Panel agenda may request the Panel defer determination of the item to enable the amended details to be provided to Council officers for assessment and determination at a subsequent Panel meeting.
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21. Submissions by individual objectors and applicants are limited to a period of 3 minutes each. The Panel chair has the discretion to extend the period if appropriate.
22. The Panel may ask questions of an objector, an applicant or an applicant's representative, or Council officers about any item on the agenda. Appropriate Council officers are required to attend the public hearing part of the meeting and to assist the Panel to discharge its duties at the public hearing.

Planning Proposals

23. Planning proposals will be heard in a closed session either at the beginning or end of the monthly scheduled meeting date.
24. If the planning proposal is privately initiated, the proponent will be invited to answer any questions in relation to the proposal the panel may have.
25. The Panel will aim to provide the advisory minutes to Council officers within 5 business days following the Panel meeting.

Private Deliberation

26. At the conclusion of submissions on the last item on the agenda in the public hearing, the Panel will immediately convene in private for the purposes of determining the applications on the meeting agenda and preparing the meeting minutes.
 27. Council officers shall assist the Panel in properly discharging its functions at the deliberation stage of the meeting. The private deliberation shall be attended by those Council officers with knowledge of the items on the agenda, and appropriate expertise, as is necessary to properly inform the Panel given the nature of the issues arising in any particular item on the agenda. The Panel chair may request Council officers with particular expertise or position attend the meeting to assist the Panel in its deliberations.
 28. In the case of development applications, the Panel may at its absolute discretion, but according to law, determine an application on the agenda by:
 - a. granting development consent either unconditionally or conditionally;
 - b. refusing to grant consent, or
 - c. deferring determination to enable an applicant to modify the application, the applicant or Council to submit additional information to the Panel or for other reasons.
 29. If the Panel determines an application by the granting of development consent, the Panel shall either endorse the draft conditions provided by Council officers for that consent or add or delete any conditions.
 30. If the Panel resolves to defer an item:
 - a. the Panel minutes must clearly state the issues to be addressed by the applicant or the Council to enable the application to be determined; and
 - b. the Panel may also resolve to:
 - i. delegate its power to determine the application to the Council's Director Planning and Compliance following receipt and assessment of the additional information;
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- ii. determine the application at a subsequent electronic meeting of the Panel following receipt and assessment of the additional information.
31. In all cases, the minutes of the Panel meeting must record the reasons for the decision in relation to each item on the meeting agenda.
32. The Panel will aim to publish the minutes of the Panel meeting on the Council's website by 5 pm on the day following of the Panel meeting, but not more than 3 business days following the Panel meeting. The notice of determination for items determined by the panel will be issued by Council officers within 7 days of the Panel meeting.

Determinations made by telephone, video or email

33. The Panel Chair is to decide, in consultation with the Council's Director Planning and Compliance, whether an item is suitable for determination by means of telephone or video conference or email.
34. Where an item is to be considered by telephone or video conference or email, all Panel members must be present or otherwise able to participate.
35. The same procedures that apply to the conduct of business at a meeting shall apply to consideration of matters by telephone or video conference or email.

Class 1 Appeals

36. In accordance with Section 2.20(8) of the *Environmental Planning and Assessment Act 1979*, the Panel has assigned certain functions to the Council's Chief Executive Officer, Director Planning and Compliance, and Manager Development Assessment under Section 8.15(4) of the EPA Act concerning Appeals. The following guidelines are to be adhered to:
 - i. As required by Section 8.15(4) of the *Environmental Planning and Assessment Act 1979*, Council must notify the Panel Chair and Alternate Chairs electronically within 7 days of an Appeal concerning the Panel's determination or any deemed refusal of a Local Planning Panel development application.
 - ii. In any case of an Appeal relating to a determination or decision of the Panel that is contrary to a Council Officer's development assessment report, either the Chief Executive Officer, Director Planning and Compliance, or Manager Development Assessment will discuss the Appeal's handling with the Chair of the relevant Panel within 5 business days of receiving notice of the Appeal.
 - iii. For all Appeals related to a Panel's determination or decision, either the Chief Executive Officer, Director Planning and Compliance, or Manager Development Assessment will keep the Panel Chair that made the determination or decision informed about significant developments and the Appeal's outcome.
 - iv. If an Appeal is lodged regarding a deemed refusal of a Local Planning Panel development application, if practicable, it will be brought before the Panel at the earliest possible meeting for a decision. If consultation with the Chair (or nominee) is not feasible prior to the filing of a Statement of Facts and Contentions, either the Chief Executive Officer, Director Planning and Compliance, or Manager Development Assessment may finalise the document without prior consultation.
 - v. The Council will send a quarterly memo to all Panel members updating them on the status of Appeals relating to Panel determinations and deemed refusals of Local Planning Panel development applications. If a Section 34 agreement has been
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reached, the memo will provide sufficient reasons explaining how the Panel's decision was addressed in the agreement.

AUTHORISED BY

Liverpool Local Planning Panel

EFFECTIVE FROM

25 November 2024

REVIEW DATE

25 November 2026

VERSIONS

The current and previous version of the procedure should be set out in the following table.

Version	Amended by	Changes made	Date	TRIM Number
1	Danielle Hijazi		30 April 2018	119751.2018
2	Amanda Merchant		31 October 2022	363258.2022
3	Amanda Merchant		25 November 2024	394444.2024