

EC6 – Appointment of the Independent Hearing Assessment Panel

EC6

Appointment of the Independent Hearing Assessment Panel

235

TRIM 10100

EXECUTIVE SUMMARY

- Council is required to establish an Independent Hearing Assessment Panel (IHAP) to determine Development Applications on behalf of Council as well as to provide other advice to Council on planning matters.
- Council is to note the appointment of the Chair, alternative Chairs, expert panel members and community representatives.
- It is recommended that Council note the representatives of the Independent Hearing Assessment Panel.

REPORT

Under new provisions contained in the *Environmental Planning & Assessment Act 1979*, Councillors in Sydney and Wollongong will no longer be able to determine Development Applications. This function will be performed by either the IHAP, Council staff or the relevant Regional Planning Panel (the joint Regional Planning Panel or Sydney Planning Panel).

The Department of Planning and Environment has advised that the Minister for Planning will make directions to set out the types of Development Applications to be determined by IHAPs.

These directions include:

- Development Applications with a value of over \$5 million (but not more than \$30 million as these will be determined by Regional Planning Panels).
- Development Applications for which the applicant or owner is the Council, a Councillor, a member of the Councillor's family, a member of Council staff, or a State or Federal Member of Parliament.
- Development Applications that receive ten (10) or more objections from different households.
- Development Applications accompanied by a Voluntary Planning Agreement development.
- Development Applications seeking to depart by more than 10% from a development standard.

Efficient and Effective Council
Report to the Ordinary Meeting of Council held on Monday 19 February 2018

EC6 – Appointment of the Independent Hearing Assessment Panel

- Applications for development that are associated with a higher risk of corruption:
 - Residential flat buildings assessed under SEPP65.
 - Demolition of heritage items.
 - Licensed premises of public entertainment and sex industry premises.
 - Designated development, as set out in the *Environmental Planning and Assessment Regulations 2000*.
- Modification applications that meet the above criteria.

All other Development Applications will be determined by Council staff or by the Regional Planning Panel. It is anticipated that a majority of applications will be determined by Council staff.

The triggers for Regional Planning Panels becoming the consent authority are currently set out in a schedule to the Act but will move to the State Environmental Planning Policy (State and Regional Development 2011). The key trigger is that Regional Planning Panels determine Development Applications valued at more than \$20 million. From 1 March 2018, this threshold will increase to \$30 million so that more development will be determined at the local level, either by IHAPs or Council staff.

IHAPs will also provide advice to Council on planning proposals (proposals to change the Local Environmental Plan), such as rezonings. The final decision about whether to proceed with a rezoning will remain with the Council, consistent with the Council's strategic planning role. The IHAP will help the Council make this decision by providing independent, expert advice on the merit of the proposal.

The Department of Planning and Environment has also advised each IHAP will consist of a Chair, two other expert members and a community representative.

The Chair and the other expert members must be qualified in at least one of the following areas: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism or government and public administration.

The Chair must at least have expertise in law or government and public administration.

The Department of Planning and Environment has established a pool of independent, suitably qualified persons from which the Chair and expert members must be drawn. The Minister for Planning approves the persons in this pool.

EC6 – Appointment of the Independent Hearing Assessment Panel

The Minister chooses the Chair of each panel and the Council will formally appoint the two other expert members from a list provided by the Department of Planning and Environment.

The fourth panel member will be a community representative to enhance the Panel's knowledge of local matters. This person will be chosen by the Council and does not have to be an expert in any of the fields listed above.

At the time of writing this report the selection of expert panel members and community representatives was to be completed.

Further advice in this regard will be provided prior to the meeting.

The Minister of Planning has appointed the following persons to Chair the IHAP:

- Chair Mr Steven Kennedy
- Alternate Chair Mr Keith Dedden
- Alternate Chair Mr Ian Reynolds.

OTHER MATTERS

The term of the community representative for the IHAP will be reconsidered following the Local Government Elections in 2020 when the ward boundaries revert from three (3) to two (2).

CONSULTATION

- Department of Planning and Environment
- General Manager
- Director Planning
- Assistant Director People, Legal and Governance
- Manager Governance.

FINANCIAL IMPLICATIONS

The Department of Planning and Environment has estimated the annual cost of running the IHAP at \$100,000 and this is funded by the Department and the cost will be borne by Council.

When considering the logistics associated with the running of the IHAP, such as remuneration, travelling, webcasting and security, it is expected the costs will be in excess of this figure.

At the time of writing this report, the IHAP is unfunded. Funding will be considered as part of the December 2017 quarterly budget review.

ATTACHMENTS

Nil

Efficient and Effective Council
Report to the Ordinary Meeting of Council held on Monday 19 February 2018

EC6 – Appointment of the Independent Hearing Assessment Panel

RECOMMENDATION

1. That Council note the appointment of Mr Steven Kennedy (Chair), Mr Keith Dedden (Alternate Chair 1) and Mr Ian Reynolds (Alternate Chair 2).
2. That Council appoint the two (2) expert panel members recommended by the General Manager (from the authorised list provided by the Department of Planning and Environment).
3. That Council appoint to the Panel the Community Representatives.