

# Independent Hearing and Assessment Panels

## Frequently Asked Questions

August 2017

### What is an Independent Hearing and Assessment Panel?

- An Independent Hearing and Assessment Panel, known as an IHAP, is a panel of three independent expert members and a community member which assesses development applications made to local Councils.
- IHAPs are to become mandatory for all councils in Sydney and for Wollongong City Council. IHAPs are to be put in place so that the process of assessment and determination of development applications (DAs) of high value, sensitivity or strategic importance is transparent and accountable.
- There are a number of criteria that will determine when DAs will be determined by IHAPs. If they don't meet the criteria they will be determined by council staff. Criteria are set out at the end of this FAQ.

### What is the role of the Minister for Planning in relation to IHAPs?

- The Minister's role in relation to IHAPs will be to facilitate their establishment and ensure their operations are independent and fair.
- The Minister will choose an independent, expert Chair, to be appointed to the panel by the council.
- The Minister will also approve a pool of independent, qualified persons from which the two other expert members are to be chosen by councils, for appointment to the panel.
- These members will have to be qualified in one or more of the following disciplines: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism, or government and public administration.
- The Chairs will have to have expertise in law or government and public administration.
- It will be up to council to appoint a community member to the panel.

### How will the pool of experts be recruited?

- The recruitment process will seek the best from the planning and related professions. This will ensure the appointment of chairs and members of high standing and integrity, who are able to balance all the competing issues that Sydney and Wollongong City Council face, listen to the community and provide fair and merit-based technical decisions on local development.

# Independent Hearing and Assessment Panels

## Frequently Asked Questions

August 2017

- The Department of Planning and Environment has extensive experience in recruiting independent experts to panels.
- The process for recruiting the pool of experts will be very similar to the robust and merit-based process previously used for recruiting Joint Regional Planning Panel and Sydney Planning Panel members.
- It will include a state-wide expression of interest for applicants, based on:
  - the expertise requirements;
  - the four general standards set out by the Public Service Commission in its Appointment Standards– merit, fairness, diversity and integrity; and
  - specified role capabilities.
- Councils will be invited to nominate suitable experts for consideration as part of this process.
- Members will need to comply with Council’s adopted Code of Conduct. Additional criteria will also apply.
- The code will ensure that panels members appropriately report and manage any perceived, potential or actual conflict of interests.
- To ensure panels meet their obligations, the Department will undertake a robust monitoring of their operations both in terms of the recruitment and maintenance of the pool of experts but also the ongoing operations and decisions of the panels.
- Councillors, property developers and real estate agents will be ineligible to sit on the IHAPs.

### **Can chairs and other expert members sit on more than one panel?**

- Yes, the chairs and other expert members will be able to sit on more than one panel, as long as they do not have conflicts of interest in the relevant local government areas.
- Some neighbouring councils may choose to share a panel. The Department will help to facilitate this.

# Independent Hearing and Assessment Panels

## Frequently Asked Questions

August 2017

### How do I apply to become a member of an IHAP?

- A clearly marked '**Candidate application for IHAP Chair/member**' addressing the capability areas in the Role Statement, the criteria and expertise specified in the advertisement and a current curriculum vitae should be forwarded by email to [enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)

### How do I find out more information?

- Role Statements and more information about the role and function of the IHAPs may be found on the Department of Planning and Environment website at <http://www.planning.nsw.gov.au>
- Please contact Stuart Withington at the Planning Panels Secretariat, on (02) 8217 2061 for any queries about the positions.

### What will IHAPs decide?

<b>Value</b>	Development applications with a value of between more than \$5 million but less than \$30 million.
<b>Conflict of interest</b>	Development applications for which the applicant or owner is the council, a councillor, a member of a councillor's family, a member of council staff, or a state or federal member of Parliament.
<b>Contentiousness</b>	Development applications that receive 10 or more objections from different households.
<b>Strategic importance</b>	Development applications accompanied by a proposed voluntary planning agreement.
<b>Departure from development standards</b>	Development applications seeking to depart by more than 10% from a development standard.
<b>High-risk development types</b>	Development applications associated with a higher risk of corruption: <ul style="list-style-type: none"><li>• residential flat buildings assessed under SEPP 65</li><li>• demolition of heritage items</li><li>• licensed places of public entertainment and sex industry premises</li><li>• designated development, as set out in the <i>Environmental Planning and Assessment Regulation 2000</i>.</li></ul>
<b>Modifications</b>	Modification applications that meet the above criteria.