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### **Q – How has the introduction of a mandatory IHAP changed decision making about local development in your council?**

- Not that I am yet aware.
- Prior to the introduction of the mandatory IHAP, we had in place a Planning Panel which independently assessed development applications where objections from residents remained unresolved. The Panel was an advisory body to the Council and comprised of a lawyer, architect, environmental scientist and community representative. The purpose of the Panel was to independently assess applications and provide a recommendation to Council. The application would then be determined by Council at its ordinary meeting. The Panel was established by Council in 1999 and successfully operated for 18 years. Since the introduction of the mandatory IHAP, it has been identified that a number of matters that were previously dealt with by staff are now being dealt with by the Panel. Examples include designated development, residential flat buildings and minor Council applications with minimal environmental impact. Conversely, some matters that were previously dealt with by the Panel are now being dealt with by staff. This primarily includes applications that generate up to 10 submissions as a result of the notification process.
- Council and our community have been working with a Independent Planning Panel since May 2011. Our Panel was subjected to community consultations and the process reviewed to ensure we had a Panel that worked well. We made representations to the Minister to allow our Development Assessment Panel to continue, but this was denied. Of critical importance, decision making about DA's on public land previously remained with the elected councillors, not MDAP. IHAP has removed this authority and further distanced locally elected councillors from the planning process
- A greater number of DA's are dealt with under delegated authority.
- The new Local Planning Panel process has resulted in delays in decision making due to the scope of proposals necessitating LPP determination which would otherwise have been processed and determined under delegated authority.
- NA
- It has changed the requirement of what is referred. There is some confusion as to whether they are a determining authority or an assessment authority. It has also been unclear as to how we deal with planning proposals and matters with regards to appeals with the Land and Environment Court. Also referring matters to the IHAP need to be explored allowing General Managers to have discretion to refer applications when necessary.
- It has improved the quality of decision making for item that are referred to IHAP.
- It has frustrated our community and councillors as people still think we are the go to for Development applications. Some applications have been approved that would probably have not been approved before. Greater expertise brought to the decision making process. Greater cost and staff resources. No additional time saving in determination times.

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- Council had already established an IHAP prior to the introduction of mandatory Local Planning Panels in March 2018. To this extent, the decision making “process” has remained largely unchanged.
- Slowed decision making. Increased delays in the assessment process and as a result of Panel disagreeing with officer recommendations.
- Removed local politics from decision making.
- Yes.
- The biggest change concerns applications that warrant refusal due to substantial departures from development standards in our LEP. Prior to the mandatory IHAP provisions these applications would have been refused under delegated authority. They are now subject to the IHAP process which in most cases is not warranted given that the proposal is not worthy of support.
- Removed Councillors from the decision making process.
- Council had already moved to a Independent Planning panel with full delegation four years prior to the state mandated Local Planning Panels. The benefits of having a independent panel determining applications were thus well known and supported both politically and professionally. The biggest issue was the loss of the ability to have matters called up by Councillors or sent to the panel at Officers discretion which has caused a degree of angst in the community. This issue may be addressed through a submissions policy that is acceptable to the Secretary of Planning. The mandated panels thus caused some initial work with changing the identity of the panel and recruiting afresh but overall the process was near seamless.
- No, same decisions but different process.
- As a result of the mandatory IHAP it is noted that Councillor involvement in development applications has decreased significantly.
- Changes to some triggers that go before a panel. Council has an IHAP prior to March 2018. Has increased the times for assessment on smaller RFBs that we previously had delegation for but most of the other triggers were similar to our previous IHAP.
- Yes, most significantly DAs are being determined on a technical basis without political interference. Recommendations are also being made on planning proposals (Council still makes the decision), which adds a further weight and level of probity to staff recommendations.
- Removed the politics out of the decision making process.
- Provides for independent decision making by experts
- It feels disconnected from the political side of Council, although local panel members appear to be ex-politicians which doesn't say much for its independence.
- It has given more authority to staff under delegation. Councillors have no role on DAs which undermines democracy and our role as elected representatives. It has not improved decision making, actually giving determination powers to another level of bureaucracy is another cost shift for ratepayers.

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- Not really. Staff continue to perform their role in assessing as they previously would. The difference is that professional people consider the merits of the application rather than politicians making judgements and decisions based on matters NOT related to those requiring consideration under the Act.
- The referral criteria of the Mandatory IHAPs is more restrictive than Council's previous voluntary IHAP which has caused issues on applications with unresolved view loss (less than 10 submissions is typical) and conflicts of interest where a Councillor or relative is an objector.
- The consideration and determination of development applications is now being undertaken by members who have the relevant experience providing a more robust and transparent process
- Provides for increased delays in reporting and loss of work time attending meetings which go all day.
- Decisions that were previously made under delegation by staff are now required to be reported to the Panel for consideration. Prior to the introduction of the Panels applications were determined after the report had been reviewed by an officer with the appropriate delegation, now applications cannot be determined until there is an available Panel meeting. Preparation of Panel reports is more time consuming than delegated reports as a formal agenda and attachments are required.
- Council has run a mandatory IHAP as the determining body for over 5 years, so the LPP has not been too different for us, apart from the criteria for referrals which has changed (and for which we have requested our own submissions policy).
- It has given the Panel decision making powers.
- No. All DA's that have been determined are considered very minor in comparison to the overall development assessment of development and the process has added significant delay and very significant cost for simply rubber stamping officer recommendations.
- The outcomes are generally still the same; however, there appears to be increased confidence in the decisions. I note that prior to the introduction of mandatory IHAPs in March, we did not previously have an IHAP. Consequently, I have not answered those questions that relate to an existing (previous) IHAP.
- Determinations are now 100% professional/technical/legal decisions now that Councillors are not involved as non-expert decision makers. Change has resulted in more work, expense and delays due to higher volume going to panel.
- Council introduced IHAP prior to it becoming mandatory. The introduction of them becoming the determining body without the input of the elected body is having a negative effect
- The introduction of the LPP has enabled decisions to be based on planning matters, with appropriate focus on our LEP and DCP, rather than matters peripheral to the planning system. Having experienced experts on the panel enables detail to be questioned and issues resolved, rather than enabling decisions to be made without these issues being scrutinized. It has also enabled Councillors to redeploy their focus onto strategic planning matters, which is positive.
- Yes. Positives include decisions made by qualified persons.

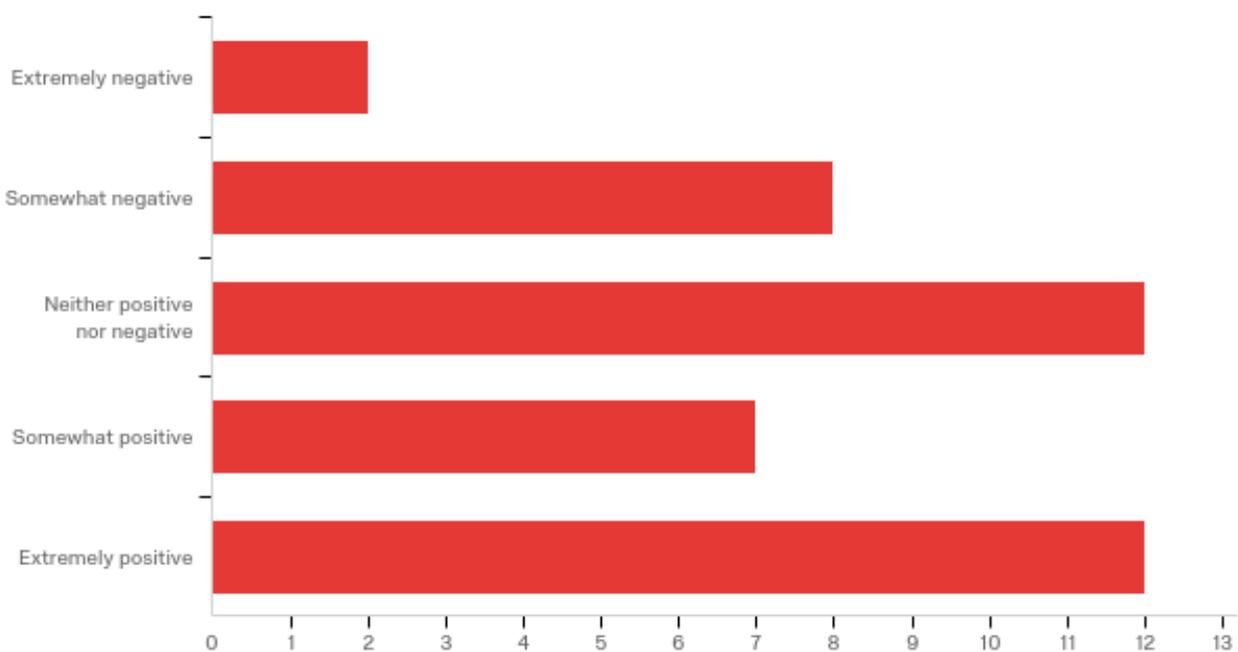
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- Firstly, why do you continue to refer to Local Planning Panels as IHAPs when we have received an explicit direction from your Department that they should be referred to as Local Planning Panels? Yes, our LPP has changed the decision making process and the outcomes we are getting. We consider that the LPP is applying our planning controls more stringently. It has not been afraid to make its own independent decisions even where those decisions are contrary to staff recommendations. We have had cases where applications recommended for refusal have been approved and applications recommended for approval have been refused.
- Less political more evidence based.

### Q – How would you rate the impact of the mandatory IHAP in your council?



#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	How would you rate the impact of the mandatory IHAP in your council?	1.00	5.00	3.46	1.23	1.52	41

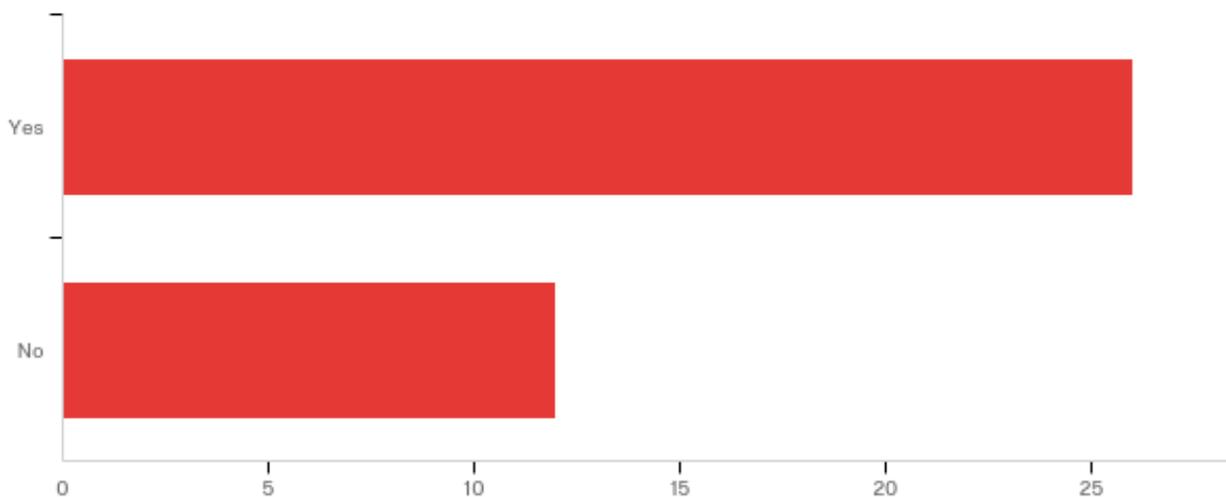
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#	Answer	%	Count
1	Extremely negative	4.88%	2
2	Somewhat negative	19.51%	8
3	Neither positive nor negative	29.27%	12
4	Somewhat positive	17.07%	7
5	Extremely positive	29.27%	12
	Total	100%	41

**Q – Has the transition from the existing IHAP to the mandatory IHAP resulted in changes to how matters are being determined?**



#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
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1	Has the transition from the existing IHAP to the mandatory IHAP resulted in changes to how matters are being determined?	1.00	2.00	1.32	0.46	0.22	38
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#	Answer	%	Count
1	Yes	68.42%	26
2	No	31.58%	12
	Total	100%	38

### Q – Can you describe the changes?

- A number of matters that were previously dealt with by staff are now being dealt with by the Panel. Examples include designated development, residential flat buildings and minor Council applications with minimal environmental impact. Conversely, some matters that were previously dealt with by the Panel are now being dealt with by staff. This primarily includes applications that generate up to 10 submissions as a result of the notification process.
- As per previous comments. Also we had a benchmark of 3 objections automatically referring a matter. Now it is 10 objections. This is an adverse change.
- Changes have introduced a mandatory LPP process which has in part resulted in delayed determinations that would otherwise have been made under delegation. The administration functions associated with the panels in terms of reporting requirements, arrangement of panel meetings, and the costs of running the panel is also a difficult impost to manage. The cost of running the panel is often in excess of the application fees received which are intended for the processing of the development application.
- The referral criteria in regards to current Council delegations. Also it is unknown by whom the application will be determined until further into the process hence very confusing for the lay person application and the administrative process of Council.
- We didn't have iHap before at all.
- The most notable change to how matters are being determined result from the Minister's Local Planning Panel Directions that were released in conjunction with the new mandatory Panel legislation. These Directions require, inter alia, all SEPP 65 development proposals for 4 storeys or higher to be referred to the Panel for determination. The results of this, together with the other referral criteria established by the Minister, have necessitated Council hold a Planning Panel meeting on a twice monthly basis, which has had

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significant financial implications for Council as well as contributing to delays in development application processing times.

- Better focussed reports with balanced arguments
- Appropriate planning decisions are being made based on planning considerations only.
- Applications are now dealt with by staff or an internal committee consisting of professional and technical staff and chaired by an independent senior staff member (e.g. General Manager or Director etc.)
- Some applications which were previously determined under delegation are now sent to the Panel due to the nature of the Ministers direction. This includes applications which are fatally flawed that would of been dealt with as a delegated refusal. Other examples include relatively minor applications with a CI 4.6 variation of more than 10% where that objection is largely technical and arises from the existing nature of the building. Some applications previously called up to the panel by Councilors or sent at officers discretion are now done under delegation. This causes some concern within the community and requires careful expectation management of the community who feel cut out of the process by a delegated decision.
- As described before - smaller RFBs having to be determined by the panel when before they had staff delegation (except for cl4.6 10% and greater or more than 10 objections)
- Determinations are no longer made by the Council
- Developments and the officers recommendations are considered on their merits by experts
- Less prone to political influence.
- We did not have an IHAP, though most matters were dealt with under delegation. We now send more matters to IHAP resulting in some delays. We had a recommending IHAP and not the IHAP makes determinations. These are procedural changes which are largely positive.
- We did not have an IHAP previously, applications were determined by elected Council.
- Panel members can spend a significant amount of time debating minor issues such as the wording of conditions or how an issue has been considered in the assessment report. Panel members do not seem to appreciate or have sufficient experience (or any..) regarding digital assessment and prefer paper copies of plans/documents. On a positive note the Panel is more likely to make a final decision on an application, which is prone to deferring matters over and over again so that the applicant can make amendments and an approval can be issued.
- It has given the Panel decision making powers.
- More delay. Significant cost.
- Volume going to LPP is more than double that went to IHAP. Meetings are held twice per month with 4-6 items per meeting rather than once per month with 2-3 items.
- IHAP now has the final say.

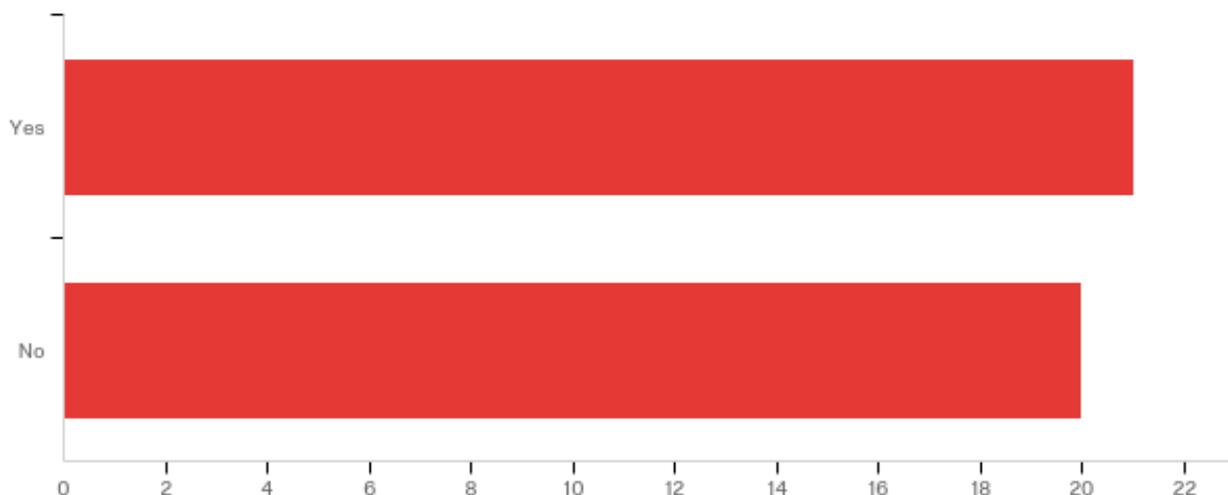
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- The final decision may not (necessarily) change, but the process (the how) has changed. There is a targeted focus on issues relevant to the DA, and little time spent on non-related issues that, in a more political decision making forum, can soak up time and confuse both decision makers and the community. This improves the community's understanding of the role DAs play and this improves knowledge of, and trust in, the system more generally.
- A number of Development Applications that were previously determined under delegated authority e.g. RFBs and refusal of controversial applications now required to be determined by the Panel.
- Panel members are reviewing staff reports in great detail and doing their best to make merit based decisions without political influence.

**Q – Has the new mandatory IHAP process affected transparency or consistency of decision making in the council?**



#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	Has the new mandatory IHAP process affected transparency or consistency of decision making in the council?	1.00	2.00	1.49	0.50	0.25	41

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#	Answer	%	Count
1	Yes	51.22%	21
2	No	48.78%	20
	Total	100%	41

### Q – If yes, can you describe how?

- As previously described.
- Applications that involve Council as an interested party require determination through a transparent panel forum under the recent changes. Previously Council sought independent peer reviews on assessments where Council had a vested interest.
- Decisions have been made in an open forum allowing the general public to speak, meetings are also web-cast so people are able to view remotely.
- It has resulted in improvement to the quality of applications received and accepted therefore improving the decision making of applications overall.
- Greater consistency in determinations due to expertise of panel.
- The inception of mandatory IHAPs has not created any material change in process (affecting transparency and consistency) for decision making for Council, as an IHAP had already been established prior to March 2018. Notwithstanding this, it is suggested that the public meeting requirement is the most important aspect in the operation of the Local Planning Panel in affecting transparency and consistency. However, it is worth acknowledging that the determination of development applications by an elected Council not only included a public meeting forum similar to the current Local Planning Panel, allowing applicants and objectors to directly address the decision making authority, but also ensured that deliberation of the planning matters was undertaken in the public meeting, which does not appear to be the case for many IHAPs in metropolitan Sydney.
- Less lobbying from resident action groups.
- Decisions from the IHAP Local Planning Panel seem to be more consistent , most likely due to the absence of political interference.
- Increased transparency
- Residents get to address the panel, which considers merit based issues in relation to an application. Reports are presented to the panel, they undertake site visits (which most Councillors never did) and they

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debate the merits. The decision is then minuted with reasons where councillors previously made odd decisions without any justification or sense.

- Decisions being made by members of the Panel who have the relevant experience.
- Panel members appear to have little understanding of the time and efforts which go into assessing applications or preparing reports for the public agenda.
- Decisions are made based solely on the considerations in the EP&A Act, and are therefore more consistent.
- To some degree. More open and transparent when discussed with an elected body of 11 than an external body of 5. Previously matters are debated and discussed in open view of the public
- See previous response
- Panel members conduct site inspections whereas Councillors did not inspect sites prior to meetings. More open and public debate.
- Reasons for decision are well thought through in each individual case.
- More evidence based. Determinations made by panel of experts not panel of lay people- councillors Less political decisions and less potential for corruption

### **Q – How have recent changes to the planning system affected how the council approaches strategic planning and assessment?**

- There is no guidance as to what weight is to be given to the strategic implications arising from recent legislative changes. The IHAP process for reviewing planning proposals commenced on 1 June 2018, so it is difficult to quantify at this point the likely impacts of these changes.
- I do not believe the changes affect strategic planning and assessment. The assessment process should be the same whether the DA goes before an Independent panel or an IHAP.
- Changes have identified the need for continued revision of strategic planning documents and environmental planning instruments to better respond to housing and growth demand.
- NA
- It is too early to fully assess the impact as no planning proposals have been tabled as yet.
- Council has improved its strategic planning which in turn will result in better guidelines and outcomes for assessment.
- We are still doing the same as before.
- The additional step of referral to Planning Panel can delay Council and DPE consideration of the Planning Proposal. It can also result in every party wanting to put their own stamp on the proposal.

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- Council has had an independent hearing and assessment panel in place since inception. In addition to determining development applications, this panel has provided advice on Planning Proposals and strategic planning matters. As such, the recent changes to the planning system have had a minimal impact on how Council approaches strategic planning an assessment, due to Council already having this aspect in place. Under the current legislation, Council continues to apply a high degree of transparency and robust assessment to its strategic planning, as well as its development assessment. The changes have had a minimal effect on efficiency of the assessment of planning proposals, in that Council already had a panel in place which operated in line with the changes mandated by the recent legislation amendments.
- Nil
- More participation form the public and elected Councillors
- Decisions on DAs based on planning merit.
- Yes. See earlier comment on applications that would have ordinarily been refused under delegated authority, but now require report to the IHAP.
- In terms of assessment, little has changed as we had already embraced the benefits of an independent panel. Part of that benefit is the general well experienced nature of the panelist who also provide an education and mediation role. The need to refer PP's to the panel arguably adds less value than it may in other Council areas as PP's had been referred (and for the moment continue to do so) to Councils long established design excellence panel. This panel acts in an advisory capacity similar to the inputs of the Local Planning Panel. The need to refer adds a level of duplicity and potentially slows the process. A number of additional meetings will need to be called to deal with the additional work load caused by planning proposals.
- Changes to the planning systems are always occurring. We respond by updating our reports to reflect the new requirements or heads of consideration.
- Not applicable to my role.
- Added a level of confusion on gazett because not all changes happened at once and some things needed to be changed again as it appears the ramifications of the changes weren't completely thought through.
- Yes, although the changes have only recently been introduced and Council is in the process of preparing its new planning framework. Major changes such as the local strategic planning statement and community participation plan are still being worked on. There has been a greater focus on good design, which is very positive, and the Council will be introducing a design review panel to improve architectural and urban design outcomes across the city.
- It hasn't.
- The process provides for clarity for our community in that there are clear guidelines as to which applications will be determined by the Panel. It also provides certainty for staff assessing the application in that there are clear requirements with respect to the types of applications being reported to the Panel

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- No.
- Currently undergoing new LEP which needs to be practical and acceptable. Tough as councillors need more training - less ideology or politics.
- Councillors do not understand their strategic role. More importantly and concerning is councillors wanting to play politics and take their strategic plan making powers to say no, Sydney is full and blame the government.
- No
- Recent changes have not had a significant impact on how an officer prepares an assessment report for a DAs.
- If you are referring to IHAP changes, we have been affected by the current submissions policy which, compared to our own IHAP, is restrictive. Council has resolved to seek its own submissions policy but to date have not received a response from the department on whether or not this will be accepted.
- Not particularly.
- No it remains the same as Council dealt with very few development Applications. The ihap has dealt with more applications in three months that Council did in the entire previous year.
- Our approach to assessment has not changed significantly; however, the panel requires more rigorous assessment reports. It is too early to comment on how changes have affected council's approach to strategic planning - we have our first planning proposal going to the panel shortly.
- Not in relation to changes around the LPP process.
- Early days but Councillors appear to be engaging more effectively in strategic matters.
- Unfortunately the introduction of Planning Panels has created additional administrative work scheduling and organising meetings.
- We are seeing an increased focus on strategic planning but there is growing concern about the State's pressure for increased housing.
- Not well positioned to answer this due to my position (i'm not a planner) but I would expect it should not change strategic planning and assessment. IHAPS are a determining body not an assessment body

### **Q – Using examples from your council, how have the changes affected the efficiency of these processes?**

- Development applications not previously considered by the Panel which are of minimal environmental impact now being referred to the Panel. One such example includes the referral to the Panel of a temporary circus event because one of the land owners was a relative of a member of parliament. Another example is a change of use application located in the Town Centre where the existing office building was proposed to

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be used as a community facility. As the site was owned by the Council, the application required referral and determination by the Panel. Under the previous arrangement, these matters would have been dealt with by staff. Another issue with respect to the new process is that it is not possible to verify whether an applicant and/or land owner has a conflict of interest and therefore triggering referral to the Panel for determination. This is a matter that should be further reviewed.

- Not evident to date.
- The changes have created some inefficiencies in terms of resourcing demands placed upon Council to coordinate, run and manage panel operations for applications that would otherwise have been considered and determined under delegations, or through PP where warranted.
- NA
- It has created another layer to the planning process and assessment and one could argue this is replacing the procedures when Councillors were determining applications.
- It has improved these processes and it is considered that it will result in ongoing improvements.
- Alterations to previously approved DAs that were put in place with specific conditions are now having this conditions overturned because the panel do not understand why the conditions were put in place.
- Limited effect due to frequency of panel meetings (in order to reduce costs) compared to previous Ward Councillor meetings (as required and at no additional costs). Time savings for applications with less than ten submissions as now determined under delegation.
- All development applications being referred to the Planning Panel are generally determination ready two (2) to three (3) weeks prior to the Panel meeting being held. This is a function of planning assessment reports required to be finalised for inclusion on business papers in sufficient time to be distributed to Panel members and advertised via post as well as electronically leading up to the meeting date. This additional processing time is applicable to all applications being referred to the Panel. Moreover, in the event that a report misses a deadline for a given upcoming meeting, there is additional time expended in waiting for the next available meeting for the matter to be heard, further contributing to delays in the processing time.
- Increased workload from Panel reporting requirements having an adverse impact on staff morale and their capacity to attend to other applicants.
- Greater public consultancy /participation.
- Additional processing times for applications that would have been refused under delegated authority pre-IHAP. Otherwise no significant change.
- See above. In broad terms to the existence of the former Independent Panel there is Little change in the overall
- efficiency of the Assessment Process. The additional requirement to refer Planning Proposals to the Panel in an advisory capacity adds a further layer of processing which duplicates in many ways Councils Design

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Excellence Panel. An ability to seek exemption from the Minister to the requirement to involve the LPP in Planning Proposals would assist with this issue.

- I cannot think of an example at this time.
- Not applicable to my role.
- Efficiency is a result of internal Council processes; nothing to do with the changes to the legislation.
- N/A
- Unknown
- No.
- We have great median times. It actually takes longer for applicants going through IHAP. Councillors don't know about DAs unless contacted by interested parties.
- Development Assessment is working well. Planning Proposals and Council wide LEP changes has been problematic. We had an application where officers rightly recommended no and Councillors voted yes because they like the applicant. We also had comprehensive area wide rezoning plans initiated by Council out of the previous Labor Government growth targets and following years of work and consultation they were voted down by this Council because they don't want change and use it to fight the government politically, which is a bad outcome for the community. If you would like to meet and discuss these issues with staff confidentially we can provide the reports and more background for discussion.
- The introduction of IHAPs has slowed the determination of applications that could previously have been determined under delegation.
- Council is seeking the ability for the General Manager to decide which DAs are referred to IHAP. This would enable certain contentious matters (but with less than 10 objections) to be determined by the IHAP on issues such as view loss, privacy impacts, precedent-creating planning issues, etc. Such referral powers worked well under our previous IHAP.
- Faster approvals for IHAP items as they are no longer required to be reported to Council for determination.
- It hasn't. Its added a duplicate costly administrative system of oversight on what can be considered very minor applications. The panel has simply endorsed officer recommendations.
- Whilst we expect the efficiency to improve in the long term, so far we have seen an increase in the workload for planners as a result of the introduction on the IHAP as new processes are implemented. Each panel meeting takes a full day (site visits commence at 9:30 and the meetings typically do not finish until after 5pm), so Council staff involved in the meeting lose a working day. Further, planners have experienced an increased number of phone calls from residents. Prior to the introduction of IHAPs residents would contact Councillors if they were dissatisfied with the recommendation of the Council staff and seek to have the application called up to a Council meeting. Objectors no longer have this option (and are unable to contact the panel members) so frequently spend a lot of time discussing/arguing with the planner.

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- The efficiency is that the decisions are made by LPP on the day they meet - previously recommendations went from IHAP to a sub-committee and then to Council. The inefficiency is that many more DAs go to LPP vs IHAP due to the trigger set by the Minister
- More resource intensive - LPP meetings are separate to Council meetings. Council meetings are still required for other issues. This means there is a resourcing cost in holding more meetings. The tasks required to administer a separate meeting often come at the expense of other tasks in the DA process, this hindering overall efficiency.
- More applications have to be referred to the Planning Panel, particularly RFBs (with no objections) would have been determined under delegated authority. Process encourage more objections to be received to force matters to the Panel.
- No change in the efficiency of strategic planning processes. However, the LPP has placed considerable extra workloads on Council to ensure that it operates in an effective manner.
- Matters are generally determined (approved or rejected) more quickly- less deferrals on spurious grounds, or delay as a political tactic. Gives proponent and objectors greater certainty more quickly

### **Q – Are there any important issues relating to the new process which you would like to mention?**

- It is considered that the Panel now adds another layer of decision making to the planning process which was previously undertaken in a satisfactory and timely manner. The significant additional cost associated with running a Panel should not be at the cost of Council. Further support by the Department of Planning such as providing the relevant information and guidelines prior to the implementation of any changes to the Panel functions would better assist Councils. Another important issue is the recently amended conflict of duties changes to the code of conduct for regional planning panels and the impact this may have on the requirement for Councils to provide Council nominated Panel members to the regional planning panel.
- Reliance on private certification by the site developer is not an independent and transparent process. Developers appointing certifiers has the potential at every point of the certification process to be a major conflict of interest.
- The costs associated with the running of the panel has at times exceeded the DA fees submitted for the assessment of the applications being determined. The regulations should be revised to ensure that mandatory panel processes are cost recoverable as a component of the prescribed fees associated with the assessment and determination of an application or a strategic planning proposal.
- NA
- It has added significant cost and impact on our budget along with the financial impact it has added to the administrative load.
- No
- The staff have more control as we do not have the ability to call up contentious DAs

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- Concern that advice on PPs did not adequately consider the process and objectives of the adopted Strategy.
- There is some level of inconsistency in decision making through both Local and Regional Planning Panels in determining development applications. This appears to be a function of different expert chairs, different alternate chairs and different expert members having differing views on which aspects of development applications are supportable and which are not. As a consequence, similar development applications types are on occasion treated differently by the Panels overall.
- It is incredibly time consuming and draining on staff at all levels. The level of reporting is disproportionate to the benefits obtained. The Panel has already cost approximately \$75,000 for 6 months of operation. This cost is unfunded in current budgets and impacts significantly on our service delivery.
- N/A
- There should be some mechanism by which the IHAP Chair can delegate certain applications back to Council. Examples being substantial departures from Council's LEP that are not worthy of support, and minor applications on Council-owned land that are agreed to be of only minimal consequence/impact.
- The state appointed Experts are not often well experienced with Assessment work. While clearly being skilled planners, architects or lawyers, many work in the private sector and have little recent experience in application assessment. There can be a difficulty in putting together a panel for the day due to the other roles the experts play in their Professional careers including private consultancy work and work for other panels. The result is a relatively thin spread of experts which has the potential to result in a lack of a court. This has not happened as yet but near experience has resulted in our panel of experts being expanded from 10 to 12. The most effective Experts are those who have recent direct experience in Assessment work including those individuals who have served in the Court, on other local panels or with assessment authorities such as Councils.
- I am generally happy with the LPP requirements.
- No.
- None at this time.
- No
- It is a much better process
- Nil
- Local panel members appear to be political friends of Councillors or MPs.
- There should be a trigger that allows council to determine DAs or override IHAPs. Not for everything but certain circumstances. Elected Council should be allowed to make submissions to IHAP and allow Councillors to be on the IHAP.
- No

# IHAP Final Data

## IHAP Review – Councils/LGA

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- The Panel should not be deferring items if it is just for the Applicant to address the reasons for refusal. The contentions are matters which have already been raised with the Applicant and they have failed to address these matters. The Panel should determine the application deferring for such a reason creates unnecessary time delays and impacts staff work loads. Every application is given the opportunity to address matters it is should not be a never ending opportunity. Deferring the matter for further advise or clarification is a different circumstance because the Panel is of the opinion they have matters that have not been addressed. Deferring for design changes in response to a recommendation for refusal has impacts on determination times and staff resources which come at the cost of other applicants trying to do the correct thing.
- Panel members need to accept digital assessment.
- On other matters of Strategic Planning, the opportunity for a developer to obtain a Rezoning Review if a Planning Proposal has been rejected by Council has removed Council's ability to control development in its area and has undermined the power of the local LEP. The process, in my view, is biased against Council and is too site-specific in its assessment and not necessarily in the best strategic interests of the LGA as a whole.
- Panel involvement and instructions in court proceedings need to be clearer
- Too costly, is affected by conflicts of interest, deals with very minor development, delays determinations and urgently needs to be changed
- The financial impacts of the panel are significant. In addition to the remuneration of panel members (\$6500/meeting plus travel expenses for experts/chairs that don't live in the Sydney metropolitan area), Council is required to pay bus hire fees (for the site inspections) and catering. Further, there are significant administrative costs associated with setting up and running the meeting as well as the time costs for members of the planning team who are required to attend the meeting. Significant additional costs are also incurred when matters are deferred for electronic determination by the panel. In one day (9:30 to 5:30pm) a maximum of 6-8 applications can be determined. Thus the cost per application is quite high.
- Criteria are capturing DAs that don't need to go to IHAP.
- A process needs to be put in place for the governing body to have a say in applications. Previously officers would prepare a report which would go to IHAP for their meeting, they would include recommendations then Council would determine. Now its Council Officer report to IHAP and determination made
- The process, overall, is functioning well.
- None
- Yes, there are too many items of little significance going to the panel, e.g. minor alterations and additions to an existing building which is already in excess of a development standard.
- I am a big fan. I rarely now receive calls from applicants 'feeling' me out on their application, as I have little or nothing to do with determining it. Also residents appreciate the rigor behind the process and that it is evidence based

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### Do you have any suggestions to further improve the operation of the IHAPs or the Joint Panels?

- Council's should be given more flexibility on deciding which types of matters should be referred to the Panel. The Minister's 9.1 Direction development referral criteria needs to be reviewed and better customised to accommodate the unique issues identified by each Council.
- More local residents being on the Panels. IHAP members and JRPP members not selected by the Planning Minister, but by a highly qualified, relevant( say ex L&E Court Judge) Independent person
- The transparency functions of the panel have benefit especially where there could be a perception of a conflict of interest however the scope of applications requiring reporting to an LPP should be further reviewed. For example, applications such as RFB developments, where an urban design review panel has deemed the proposal supportable, and where other triggers relating to 4.6 variations or submissions are not met, could more efficiently be determined by Council under applicable delegations.
- NA
- No
- They are operating well in our LGA.
- The joint panels are hopeless. They have met 4 times in 2 years but book out many days to meet. This is difficult for elected people who work to plan around. IHaps should be there for councillors to use as an option and not be mandatory.
- Reporting back to DPE on Planning Panel statistics is time consuming and unnecessary.
- A review of the Minister's Local Planning Panel Directions should be undertaken as the current requirements appear to be somewhat onerous, particularly as it relates to development applications affected by SEPP 65.
- Reduce the number of matters that must go to a Panel. Give greater delegation to Council officers. Reduce the number of Chairs. 3 Chairs is unwieldy in arranging meetings and leads to inconsistency in decision making. N/a
- See above comment about mechanisms to enable the IHAP Chair to delegate functions back to Council in certain cases.
- The primary issue is the one size fits all approach of the Ministers directive regarding matters to be referred to the Panel. It is acknowledge that this issue is likely to be somewhat addressed by a Submissions Policy. Another issue is the need to manage the is of perceived conflict of interest. Experts who consistently work for Developers in supporting development proposals are not always seen by the Community as being independent. However, it is acknowledged that the thin spread of appropriate experts across the mandated panels makes this perceived issue difficult to address.
- I'm not sure about the utility of the LPP in the consideration of planning proposal. Perhaps their role should be limited to pre-gateway appeals.

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- No.
- We need a permanent chair appointed to the PP. We need the ability to gain a chair for the PP if one is not available- being told we'd have to cancel a meeting days out, after we'd sent out invitations and the business papers were published. Having a pool of available chairs would be helpful.
- Yes, regarding the community representatives on the Local Planning Panels. There is no framework or assessment process for the selection of community representatives, and there is a risk that they are political appointments in panel that is otherwise made up of technical experts. I believe this is a corruption risk. For example, the community representatives were selected by the Mayor with no process or justification for their selection. The community representatives are mostly former Councillors, one of which is an advocacy consultant for developers. It is not appropriate for people like this to be on Local Planning Panel. In addition, a former State politician with a legal background has been appointed as an independent expert. The selection process for State members and community representatives needs to be tightened so that it is free of this sort of backwater political influence via ex- politicians and development advocacy consultants. As a separate matter, the term 'community representative' needs to be rethought, as it's misleading. The code of conduct requires that community representatives cannot discuss local planning panel items with members of the community outside of full local planning meetings.
- No
- No
- Truly independent planning, design and other experts should be local panel members, not politicians.
- The balance needs to come back to elected Councillors in some form.
- I think that Councillors should not be able to sit on Joint Panels. For the LPP's (IHAP's) There should be a criteria and a rotation requirement for any community representatives that the Council uses.
- Panels should not have a position already decided before addressing the public meeting. If they are deciding to defer a matter, as they do not appear with Council's recommendations they should at least wait to hear the applicant address the Panel and then can make a more informed decision as to why Council is at a position of recommending refusal because an Applicant is not capable of resolving issues which have continually been raised with them through the assessment process.
- Panel members should have qualifications and relevant development assessment experience.
- 1. Take action to consider/adopt individual Councils' submissions policies for IHAPs. 2. Abolish Rezoning Reviews for all Councils.
- Abolish them! If they are to remain make sure they are adding value by independently deciding seriously contentious (say 50 objectors or more) or matters of increased complexity of merit (ecological vs bushfire safety). Lower the cost. The daily pay with allowances is outrageous for the return.
- Providing clearer guidelines on the operating procedures for panels; and providing standard wording for resolutions.

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- Review criteria for which DAs go to IHAP.
- All panel discussions should be held in open forum
- Clarification on which types of modifications, if any should be referred to a Panel. Suggest that only controversial modifications be determined by the Panel. Clarification on 10 or more unique submissions. Suggest that this be reworded to be "10 or more unique submissions by way of objection from nearby property owners". This would resolve confusion around petitions and stop activist groups forcing matters to be determined by Panels as a result of submissions from out of area.
- Review the Local Panels Direction - Development Applications, particularly item 3 relating to departure from development standards.
- No