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31 August 2017

The Hon. Gladys Berejiklian MP
Premier
GPO Box 5341
SYDNEY NSW 2001

Dear Premier

Mandating Independent Hearing and Assessment Panels

I am writing to express my disappointment about the State Government's decision to mandate independent hearing and assessment panels (IHAPs) across Sydney and Wollongong councils and to seek an urgent meeting with you to discuss our concerns.

LGNSW is firmly opposed to mandating local planning panels. The decision to establish an IHAP should be a matter for individual councils, made in light of particular local needs and circumstances. LGNSW and its predecessors have consistently advocated this position in our numerous representations to the State Government on this subject over many years.

I am aware that a number of councils who have chosen to establish an IHAP report they have worked well. However, I put it to you that their success stems from the fact they were initiated, designed and implemented by the councils, not imposed on them by a Ministerial direction or statutory obligation. The majority of councils do not currently use IHAPs, and it is wrong to assume that support for panels from some councils (particularly when under Administration) equates to a tacit endorsement of *mandatory* panels across the sector.

I wrote to the Minister for Planning and Housing, the Hon. Anthony Roberts on this matter on 14 July, following revelations that he had asked the Department of Planning and Environment (DP&E) to investigate ways to strengthen the use of IHAPs. I also wrote to you and all Ministers in a subsequent letter on 4 August prior to Cabinet's consideration of this proposal.

The imposition of mandatory local planning panels was not included in the Planning Bill exhibited earlier this year. The clear policy position of the Government at that time – which was welcomed by LGNSW – was that “in the first instance, each council may decide whether it wishes to establish a local planning panel” (reference *Planning Legislation Updates – Summary of proposals*, January 2017, p 35). It also retained council control over the appointment of panel members and nothing in the Bill prevented an elected member being the community representative on such a panel. Provisions in the Bill allowing the Minister to direct a council to establish a IHAP were explicitly confined to certain circumstances (to be specified in the regulations) and LGNSW had asked to work with the Government to define the conditions under which the Minister could use such powers.

Our members are concerned that the forced introduction of IHAPs will not only create an additional bureaucratic process where there may be no need for one, but also introduce additional professional and administrative costs for councils and applicants. The DP&E advised that councils would be required to fund local planning panels which DP&E estimated would cost \$100,000 per annum. This additional administrative layer and associated costs have not been factored into councils' budgets. Panels operate most effectively where councils retain discretion as to whether to use one. In many instances, such as where councils already have effective delegations procedures, any benefits to be gained could well be outweighed by the level of resources needed to establish and maintain a panel.

The Government has failed to make a case for mandating local planning panels. Less than 3% of development applications (DAs) are currently referred to a council meeting for determination, with 97% already being approved by professional planning staff under delegation. DP&E has not presented empirical evidence to prove that planning panels will speed up approval times.

The hasty and ill-considered move to mandate IHAPs disregards the merits of the current system and ignores consultation with the very people who will be affected. The entire process demonstrates a total lack of respect for the valuable work that councils are doing to accommodate the tremendous rates of growth in the metropolitan area.

I urge you to defer commencement of this legislation and any associated Ministerial directions etc until such time that councils and the State Government can co-design a process that empowers and protects local communities.

I request an urgent meeting to discuss our concerns and look forward to hearing from you. Please ask your staff to contact Sue Sackar in the first instance on 9242 4011 or sue.sackar@lqns.w.gov.au.

Yours sincerely



Cr Keith Rhoades AFSM
President