



29 November 2017

Department of Planning and Environment
Attn: Marcus Ray, Deputy Secretary Planning Services
GPO Box 39
Sydney NSW 2001

Via email: PlanComment@planningpanels.nsw.gov.au

Dear Mr Ray,

RE: Draft Referral, Criteria Code of Conduct and Operational Procedures for Independent Hearing and Assessment Panels

We refer to your letter of 20 November 2017 to Mr Stephen Cartwright, Chief Executive Officer, NSW Business Chamber in relation to the establishment of Independent Hearing and Assessment Panels (IHAP's). Stephen has shared your correspondence and requested that the Sydney Business Chamber respond.

As you are aware, the Sydney Business Chamber is a division of the NSW Business Chamber and represents Sydney's leading corporations, advocating for Sydney to be a competitive and sustainable global city.

The Chamber strives to identify, develop and promote the major issues that contribute to economic activity and growth in Australia's only global city, Sydney. This is achieved on behalf of business by representation and collaboration with governments at the local, state and federal level.

The Chamber has been a consistent and vocal advocate for the need for greater levels of independence and transparency to be introduced into council development assessment.

Independent panels have been successfully used by individual councils for a number of years now providing independent, transparent and skilled assessment of key development applications. IHAPs typically draw on the expertise of professionals from across planning, urban design and architecture as well as representatives from the community.

The proposal to mandate their use across Sydney is supported as a way to ensure assessment is undertaken by qualified professionals and that politics is taken out of development determinations.

Introducing these panels will also enable councillors to focus more of their time to important local strategic decisions, such as the setting of new local

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environment and community strategic plans rather than focussing on individual developments.

Referral Criteria

The Chamber has reviewed the proposed IHAP referral criteria and the groupings of councils into 3 broad categories to reflect their relative growth rates and demand for development.

The Chamber agrees with the assessment and groupings of these councils and that the threshold values for development to be assessed by an IHAP of more than \$5 million (for Group A), \$10 million (for Group B) and \$20 million (for Group C) as appropriate.

In addition, we welcome the integrity measures introduced within the schedules that will see developments with conflict-of-interest implications, is contentious or departs significantly from development standards be assessed by the IHAP.

Code of Conduct and Operational Procedures

The Chamber supports the adoption of the key provisions of the *Model Code of Conduct for Local Councils in NSW* as a basis for the development of the proposed *Code of Conduct for Local Planning Panel Members*.

The Chamber supports the more stringent limitations within the proposed code in terms of panel members approaching applicants, consultants or objectors to a development application. These changes will provide clarity in terms of expected standards of behaviour and ensure the independence of the panel is maintained.

The Chamber also supports the proposed operational procedures for IHAPs – including the proposal to rotate presiding chairs regularly as appropriate.

The Chamber thanks you the opportunity to comment on these matters. We believe that IHAPs will greatly enhance the integrity of decision-making for participants of the system and will give the community confidence in local planning processes. Please contact Luke Aitken, Senior Manager Policy NSW Business Chamber on 02 9458 7582 or luke.Aitken@nswbc.com.au if you would like to discuss this submission further.

Yours sincerely

A handwritten signature in black ink that reads 'Patricia Forsythe'.

The Hon. Patricia Forsythe
Executive Director



Sydney Business Chamber

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