

Item 10

Local Planning Panel - Appointment of Interim Chairs

File No: X102821

Summary

The City of Sydney Local Planning Panel (LPP) has been operating since 1 March 2018. When meeting to determine development applications, a Local Planning Panel consists of four members: a chair, two expert members and one community representative.

On 20 November 2023, Council endorsed the appointment of expert members and community representatives for three-year terms to create pools of expert members and community representatives to attend Local Planning Panel meetings.

The appointment of the chair and alternate chairs is a matter for the Minister for Planning and Public Spaces. Council has previously endorsed the Minister's appointed Chairs in 2018 and 2021.

On 23 January 2024, the City of Sydney (the City) was provided with a Direction dated 22 January 2024 (under section 9.1 Directions by the Minister) requiring councils to reappoint chairs for an interim period to 30 June 2024. The Direction requires that the interim appointments must be completed by 28 February 2024.

In accordance with Schedule 2, Part 11 (6) of the Environmental Planning and Assessment Act 1979, a member of a local planning panel may not hold office as a member of that panel for more than six years in total. Two of the City's current chairs (Abigail Goldberg and Steven Layman) will have sat on the City's Panel for six years at 28 February 2024 and therefore cannot be considered for an interim appointment.

Previous chair Richard Pearson (2018-2021) is eligible and is recommended for interim appointment as chair. Richard was chair of the City's Local Planning Panel from 2018-2021.

Current alternate chair Linda Pearson (2021-2024) remains eligible and is recommended for interim appointment as alternate chair. Linda has been an alternate chair on the City's Panel since 2022.

Jan Murrell is eligible as a member of the Minister's pool of local planning panel chairs and is recommended for interim appointment as alternate chair. Jan has been chair of the North Sydney panel for six years.

Information on the recommended Local Planning Panel interim chairs is provided at Attachment B.

Recommendation

It is resolved that Council:

- (A) note the Ministerial Direction dated 22 January 2024 requiring councils to appoint interim chairs to the Local Planning Panel as shown at Attachment A to the subject report;
- (B) endorse the appointment of Richard Pearson as Chair of the City of Sydney Local Planning Panel for an interim period to 30 June 2024; and
- (C) endorse the appointment of Linda Pearson and Jan Murrell as alternate Chairs of the City of Sydney Local Planning Panel for an interim period to 30 June 2024.

Attachments

- Attachment A.** Local Planning Panels Direction - Interim Appointment of Members
- Attachment B.** Local Planning Panel Chairs Shortlist - Curricula Vitae (Confidential)
- Attachment C.** Local Planning Panels Pool of Chairs Approved by the Minister (Confidential)

Background

1. The independent City of Sydney Local Planning Panel (LPP) has been operating since 1 March 2018.
2. The City of Sydney Local Planning Panel operates in accordance with the NSW Government's [Local Planning Panels Code of Conduct](#) and the [City of Sydney's Local Planning Panel Operational Procedures](#).
3. When meeting to determine development applications, a Local Planning Panel consists of four members being:
 - (a) a chair;
 - (b) two expert members; and
 - (c) one community representative.
4. On 20 November 2023, Council endorsed the appointment of expert members and community representatives as follows:
 - (a) Paul Berkemeier, Tony Caro, Helena Miller and Penny Murray (expert members reappointed until 8 April 2025);
 - (b) Megan Jones, Brendan Randles, Marcus Trimble and Annelise Tuor, Melonie Bayl-Smith, John Bilmon, Michael Harrison, Vanessa Holtham, Jocelyn Jackson and Stephen Pearse (expert members appointed until 31 January 2027); and
 - (c) Julie Armour, Jayden Bregu, Peter Tzannes and Judy MacGraw (community representatives appointed until 31 January 2027).

Local Planning Panel Direction - Appointment of Interim Members

5. On 23 January 2024, the City was provided with a section 9.1 Local Planning Panel Direction dated 22 January 2024.
6. The objective of the Direction is to extend the approval of chair and member pools and appoint existing chairs and members to local planning panels for an interim period from 28 February 2024 to 30 June 2024.
7. The Department of Planning, Housing and Infrastructure has advised that they have commenced a recruitment process for 2024 chairs and expert members. Once the recruitment is finalised the new term will commence on 1 July 2024.
8. It is noted that Council endorsed the appointment and reappointment of expert members on 20 November 2023. Should any expert member appointed by Council no longer be part of the expert member pool, their term will end on 30 June 2024.
9. The appointment of community representatives is not impacted by the section 9.1 Local Planning Panel Direction of 22 January 2024.

Appointment of Interim Chairs

10. In accordance with Schedule 2, Part 11 (6) of the Environmental Planning and Assessment Act 1979 a member of a local planning panel may not hold office as a member of that panel for more than six years in total.

11. Two of the City's current chairs (Abigail Goldberg, Chair and Steven Layman, alternate Chair) will have been members of the City's Panel for six years at 28 February 2024 and therefore cannot be considered for an interim appointment. Where any panel member has served six years the Minister's Direction directs councils to appoint interim chairs from an approved pool.
12. The Direction is a departure from the previous practice where the Minister appointed Local Planning Panel chairs to each Panel and Council was required to endorse the chairs appointed by the Minister.
13. Council has previously endorsed the Minister's appointed chairs in 2018 and 2021.
14. To maintain the efficient operation of the Panel, three panel chairs are recommended for the interim period given the high number of applications reported to the panel and to the need to manage potential conflicts. The City's Panel has operated with a chair and two alternate chairs since its inception.
15. The approved pool of Panel chairs provided by the Department lists 62 potential candidates and states their expertise and their current chair appointments where applicable. A copy of the list is provided at Attachment C.
16. From the list of 62 a shortlist of seven potential chairs was developed and their curricula vitae are shown at Attachment B. Of these, three candidates are recommended with consideration given to the following:
 - (a) expertise in planning, law, government, and public administration;
 - (b) experience as chair in the operation and practices of the City's Panel and experience in a challenging high density city environment;
 - (c) roles and client base that would minimise potential conflicts. For example, there is a higher likelihood for conflicts to arise for planning consultants working in consultancy firms with a client base within the City who regularly act for development applications and planning proposals within the City; and
 - (d) their agreement to be considered for a chair role for the City's Panel during the interim period.
17. Previous Chair Richard Pearson (2018-2021) is eligible and is recommended for interim appointment as chair. Richard's experience relative to the chair role includes:
 - (a) current member of Independent Planning Commission since August 2023;
 - (b) Chair of City of Sydney Local Planning Panel and alternate Chair of The Hills Local Planning Panel determining contentious and sensitive development applications (2018-2021);
 - (c) director of town planning consultancy providing strategic, policy, rezoning, development and local government reform advice to State Government and councils; and
 - (d) administrator, Inner West Council (2016-2017).

18. Current alternate Chair Linda Pearson (2021-2024) remains eligible and is recommended for interim appointment as alternate chair. Linda's experience relative to the Chair role includes:
 - (a) City of Sydney Local Planning Panel alternate Chair 2021 to present;
 - (b) Civil and Administrative Tribunal of New South Wales 2016 to present;
 - (c) Principal Member – Appeal Panel; Consumer and Commercial Division (2016-2018), Administrative and Equal Opportunity and Occupational Divisions (2018-); and
 - (d) 2009-2016: Land and Environment Court of New South Wales Commissioner – Hearing and determining merit appeals, conciliation, mediation.
19. Jan Murrell is eligible as a member of the Minister's pool of local planning panel chairs and is recommended for interim appointment as alternate chair:
 - (a) current Chair of North Sydney Local Planning Panel and Bayside City Local Planning Panel;
 - (b) alternate Chair of Strathfield and Canterbury/Bankstown Local Planning Panels;
 - (c) expert member on other local planning panels including Waverley; Sutherland; Inner-West; and Sutherland;
 - (d) state member on Sydney Eastern Planning Panel appointed in 2020 and alternate state member on other regional panels;
 - (e) Land and Environment Court of New South Wales full time Commissioner for 14 years (1998–2012); and
 - (f) Liverpool City Council (1995-1998) Corporate Manager Built Environment.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

20. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - the operation of the Local Planning Panel is a collaboration between City staff, applicants, objectors, independent members and the NSW Government.
 - (b) Direction 4 - Design excellence and sustainable development - the Local Planning Panel determines development applications and reviews conditions of consent which provide for sustainability, renewal and design excellence.
 - (c) Direction 10 - Housing for all - the Local Planning Panel determines development applications which contribute to housing diversity and good design.

Organisational Impact

21. City staff provide secretariat and operational support to the Local Planning Panel.

Risks

22. If interim chairs are not appointed by 28 February 2024, the Local Planning Panel may not be able to meet and determine development applications.

Financial Implications

23. Local Planning Panel remuneration is based on meeting attendance.
24. Remuneration rates of chairs is \$2,000 plus GST per meeting.
25. There are sufficient funds available in the 2023/24 operating budget and future years' forward estimates for the operation of the City of Sydney Local Planning Panel.

Relevant Legislation

26. Environmental Planning and Assessment Act 1979.
27. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information of a personal nature concerning individuals other than councillors.
28. Attachments B and C contain confidential personal information concerning particular individuals other than councillors.

Critical Dates / Time Frames

29. In accordance with the Local Planning Panel Direction, interim chairs must be appointed by 28 February 2024.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Planning and Development