

Local Planning Panel - Appointment of Members

File No: X102821

Summary

The City of Sydney Local Planning Panel (LPP) has been operating since 1 March 2018 and 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 had previously endorsed the Minister's appointed chairs in 2018 and 2021.

At its meeting of 19 February 2024, Council endorsed the appointment of Richard Pearson as Interim Chair of the City of Sydney Local Planning Panel until 30 June 2024. At that meeting Council also endorsed the appointment of Jan Murrell as an Interim Alternate Chair, and the reappointment of Linda Pearson as an Interim Alternate Chair, in both cases until 30 June 2024. Councils were directed to appoint interim chairs and alternate chairs to allow further time for the chair and expert member lists to be reviewed and approved by the Minister.

On 27 May 2024, the Department of Planning, Housing and Infrastructure advised that Dr The Hon Robert Stokes had been appointed as Chair of the City of Sydney Local Planning Panel, with Jan Murrell and Graham Brown appointed as Alternate Chairs. Formal notification from the Minister was received in correspondence dated 3 June 2024 and is shown at Attachment B.

The Department also advised that they have finalised the eligible expert members list, and the current expert members appointed to the City's Local Planning Panel remain eligible with the exception of three. All but three of the current interim expert members therefore can remain on the City's Local Planning Panel until their three-year term expires.

A general Ministerial Direction was also released directing an update to the operation of Local Planning Panels in order to reduce corruption risks and improve decision-making. Key changes included the following requirements:

- (a) to expand the pool of expert members to a minimum of 15; and
- (b) to increase the pool of community representatives to a minimum of four.

A copy of the Local Planning Panels Direction - Appointment of Members is provided in Attachment A.

To be consistent with the Direction, it is recommended that Council appoint four new expert members and one new community representative (following the resignation of a previously appointed community representative).

Information on the recommended Local Planning Panel chairs, expert members and community representative is provided in Attachment C.

This report seeks Council endorsement of Local Planning Panel members for three year terms as applicable.

This report also recommends the use of the appointed expert members for the independent member role on Council's Review of Determinations Panel, subject to their acceptance of the invitation and availability.

Recommendation

It is resolved that Council:

- (A) endorse the appointment of Robert Stokes as Chair of the City of Sydney Local Planning Panel for a three-year period commencing 1 July 2024;
- (B) endorse the appointment of Jan Murrell as Alternate Chair of the City of Sydney Local Planning Panel until 28 February 2027;
- (C) endorse the appointment of Graham Brown as Alternate Chair of the City of Sydney Local Planning Panel for a three year period commencing 1 July 2024;
- (D) endorse the appointments of four additional expert members from the Minister's list of eligible expert members to the City of Sydney Local Planning Panel, being Elizabeth Kinkade, Kara Krason, Elisabeth Peet and Louise Sureda for a period of three years from the date of appointment;
- (E) endorse the appointment of one additional community representative to the City of Sydney Local Planning Panel, being David Green (subject to probity checks) for a period of three years from the date of appointment; and
- (F) endorse the use of the appointed expert members for the independent role on Council's Review of Determinations Panel, subject to their acceptance of the invitation.

Attachments

- Attachment A.** Local Planning Panels Direction - 26 May 2024 - Appointment of Members
- Attachment B.** Correspondence from the Minister for Planning and Public Spaces - Received 3 June 2024
- Attachment C.** Information on Recommended Local Planning Panel Members

Background

1. The City of Sydney Local Planning Panel has been in operation since 1 March 2018.
2. The Local Planning Panel consists of four members: a chair, two expert members and one community representative.
3. The current City of Sydney Local Planning Panel members are:
 - (a) Chair - Richard Pearson
 - (b) Alternate Chairs - Jan Murrell and Linda Pearson
 - (c) Expert Members - Tony Caro, Paul Berkemeier, Penny Murray, Helena Miller, Megan Jones, Brendan Randles, Marcus Trimble, Annelise Tuor, John Bilmon, Melonie Bayl-Smith, Stephen Pearse, Jocelyn Jackson, Vanessa Holtham and Michael Harrison
 - (d) Community Representatives - Julie Armour, Jayden Bregu, Judy MacGraw and Peter Tzannes (since resigned).
4. The expert members and community representatives were endorsed by Council in November 2023. The end dates of the expert members' terms vary depending on the dates of their initial appointments.
5. A member of a local planning panel may not hold office as a member of that panel for more than six years in total.
6. The Minister for Planning and Public Spaces compiles a list of expert members, current for three years, from which Council appoints a pool of expert members for the meetings of the City of Sydney's Local Planning Panel.
7. The chair and alternate chairs of the Local Planning Panel are appointed by the Minister from an approved list, also current for three years.

Chairs

8. In accordance with a section 9.1 Local Planning Panel Direction, on 19 February 2024 Council endorsed as a temporary measure, the appointment of Richard Pearson as Chair and Jan Murrell as Alternate Chair, and the reappointment of Linda Pearson as Alternate Chair for an interim period to expire on 30 June 2024.
9. On 27 May 2024 the Department of Planning, Housing and Infrastructure advised the appointment of Dr The Hon Robert Stokes as Chair of the City of Sydney Local Planning Panel, and Jan Murrell and Graham Brown as Alternate Chairs.
10. Given that Ms Murrell began her three-year term as Alternate Chair on 28 February 2024, her current term will end on 28 February 2027.
11. The terms of Dr Stokes and Mr Brown, as Chair and Alternate Chair respectively, which will commence on 1 July 2024, will end on 30 June 2027.

Expert Members

12. 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.
13. In accordance with their signed Terms of Appointment, should the expert members be included in the Minister's refreshed pool of experts, their appointments will continue until the completion of their original three-year terms.
14. On 27 May 2024, the Department of Planning, Housing and Infrastructure advised the eligible expert members list had been finalised. All but three of the current interim expert members therefore can remain on the City's Local Planning Panel until their three-year terms expire.
15. The current City of Sydney Local Planning Panel Expert Members included in the list of state approved Local Planning Panel experts are Paul Berkemeier, Penny Murray, Helena Miller, Megan Jones, Brendan Randles, Marcus Trimble, Annelise Tuor, John Bilmon, Melonie Bayl-Smith, Stephen Pearse and Vanessa Holtham.
16. The current pool of City of Sydney Local Planning Panel Expert Members now contains 11 members. Fifteen expert members are required to be consistent with the Direction.
17. Using the refreshed list of eligible experts issued on 27 May 2024, City Planning staff have selected four new Expert Members, on the basis of their:
 - (a) professional standing;
 - (b) experience
 - (c) technical ability; and
 - (d) broad understanding of the development assessment process.
18. The four additional Expert Members selected from the approved list are:
 - (a) Elizabeth Kinkade;
 - (b) Kara Krason;
 - (c) Elisabeth Peet; and
 - (d) Louise Sureda.

Community Representatives

19. On 29 May 2024, community representative Peter Tzannes resigned from the City of Sydney Local Planning Panel. Four community representatives are required in accordance with the Direction.
20. In 2023, the City sought expressions of interest from the community for the role of community representative in line with the guidelines published by the Department. Of the 65 persons who expressed interest, 30 completed a formal nomination form and provided some information to address the selection criteria (one was excluded as they are not a resident in the local government area). Of these 16 addressed the selection criteria to some extent.

21. The list of potential candidates was shortlisted with consideration to the following outlined in the department guidelines:
 - (a) area of expertise that may be relevant to the panel;
 - (b) understanding of issues affecting the City of Sydney and planning/urban development matters;
 - (c) general availability to attend and participate on local planning panel meetings;
 - (d) appreciation of conflicts of interest; and
 - (e) judicious and independent thinking and decision-making capabilities.
22. City Planning staff reviewed the candidates shortlisted in 2023 and recommend an additional community representative, with consideration given to the following matters:
 - (a) Practicing professionals in the development sector such as architects, urban designer, heritage specialists and engineers, including those nominated on the Department of Planning's Local Planning Panel expert list are not recommended. This is because this expertise is provided by the local planning panel experts recommended in this report or those currently serving on the Panel.
 - (b) Candidates not recommended demonstrate a narrower focus in their community activities for example one particular group or activity sector such as planning and development.
 - (c) Potential conflicts that may arise for Councillors resulting from the candidate's political activities and associations.
 - (d) The diversity of community representatives.
23. The one additional community representative recommended is:
 - (a) David Green. David is a resident of Ultimo since the early 1990s and has volunteered in various community consultation workshops seeking to help the local community. For example as a member of the Darling Harbour Local Community Liaison Committee he contributed to discussions with Lend Lease during the \$5B redevelopment of Darling Harbour over five years and met regularly with ICC Sydney management. He continues to be an active member of local strata committees - serving as Chair and Treasurer. David is retired after a teaching career of 17 years.
24. The recommended candidate is required to be subject of the following probity checks:
 - (a) a public register of real estate agents check;
 - (b) a bankruptcy record check; and
 - (c) a National Police check (ACIC).

Additional Information

25. Information about the proposed new City of Sydney Local Planning Panel chairs, expert members and community representatives can be found at Attachment C to this report.

Review of Determinations Panel

26. Provisions under Division 8.2 of the Environmental Planning and Assessment Act 1979 allow applicants who are dissatisfied with a determination the City has made on a development application (DA), or a modification to a DA, to apply for that decision to be reviewed.
27. Reviews of decisions that have been made by the City of Sydney Local Planning Panel (LPP) and Central Sydney Planning Committee (CSPC) must be considered by the LPP and CSPC respectively. However, where the original decision was made under delegated authority by City staff, the review of the application may be made under delegation so long as it is conducted by another delegate who is not subordinate to the original decision maker.
28. At the City the review of applications function has, notwithstanding the delegations detailed above, been conducted by a panel which has been in operation in one form or another since January 2013. The panel is known as the Review of Determinations Panel.
29. The Panel is made up of senior staff: the City's Director City Planning, Development and Transport and senior managers and an independent member.
30. Local Planning Panel expert members are invited to fill the independent member role on Council's Review of Determinations Panel and those that accept will join the pool for this function, subject to availability.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

31. 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

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

Financial Implications

33. Local Planning Panel remuneration is based on meeting attendance.
34. City of Sydney Local Planning Panel remuneration rates are as follows:
 - (a) Chairpersons - \$2,000 plus GST per meeting (one per meeting);
 - (b) Expert members - \$1,500 plus GST per meeting (two per meeting); and
 - (c) Community representatives - \$1,500 plus GST per meeting (one per meeting).
35. The number of panellists at each meeting will not change, therefore there will be no change to the cost of administering each meeting of the City of Sydney Local Planning Panel.
36. 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 and Review of Determination Panel.

Relevant Legislation

37. Environmental Planning and Assessment Act 1979.

Critical Dates / Time Frames

38. Appointments are required to be made before the terms of the current Chair and Alternate Chairs expire on 30 June 2024.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Planning and Development