

## INDEPENDENT HEARING & ASSESSMENT PANEL AGENDA

**WEDNESDAY 28 OCTOBER 2009**

To be held in the Level 9 Function Room  
Council's Administration Building  
41 Burelli Street  
WOLLONGONG

Commencing at 5:00 PM

The following development applications are referred to the Independent Hearing and Assessment Panel for consideration and recommendation.

<b>ITEM No</b>	<b>Matters to be heard</b>	<b>Council officer/consultant report and application documentation</b>
1	Declarations any pecuniary or conflicts of interest	
2	DA-2009/915 – 21 Coledale Avenue, Coledale - Alterations and additions to dwelling-house	Attached
3	DA-2009/1062 - 18 Norman Clark Crescent, Horsley - Single storey dwelling	Attached
4	DA-2008/756 – Corrimal Shopping Centre, Princes Highway, Corrimal	Attached

Notes:

- Person/s found lobbying or external communication from applicants or objectors outside the forum of Panel hearings will disqualify those person/s from addressing the Panel or Council.
- Submissions by the applicant and objectors will be considered at the hearing. An objector is deemed to be a person who has made a written submission in respect to the application. The Panel shall, upon prior request, hear submissions from persons who identify prior to a hearing that they wish to make a submission to be considered by the Panel.
- Objectors will be given the first opportunity to present their concerns. Applicants will then be given the opportunity to respond.
- Where there are a large number of persons making submissions with common interests, the Panel shall have the discretion to hear a representative of those persons.
- The applicant is the person nominated on the development application form as applicant. Consultants and legal representatives of the applicant will be permitted to address the Panel at the discretion of the

Chairperson. The Panel shall not receive substantive additional information that amends the application. The Panel will not deal with issues of legal interpretation.

- Presentations to the Panel by the applicant and objectors shall be restricted to **3 minutes** each. The Panel Chairperson has the discretion to extend the period if considered appropriate
- Persons who have made submissions at the Hearing will have no further opportunity s to speak at the Council meeting at which the matter is determined.

Should you wish to address the Panel, please advise Lauren Wilson on (02) 4227 7285, no later than close of business on Tuesday 27 October 2009.

## **INFORMATION ABOUT THE INDEPENDENT HEARING AND ASSESSMENT PANEL**

### **Background**

Council, at its meeting of 27 May 2008, resolved that an Independent Hearing and Assessment Panel be established to provide increased transparency and probity in the development application assessment process and to provide an independent forum for stakeholders (applicants and objectors) to present and discuss issues relating to controversial development proposals.

The Panel consists of four (4) members to represent the areas of:

- Law
- Town Planning
- Urban Design
- Environment
- Community

### **Purpose:**

An independent forum for stakeholders (applicants, the community and objectors) to submit and discuss issues relevant to the following types of Development Applications:

1. Class 2 to 9 buildings under the Building Code of Australia (BCA) including residential flat buildings, mixed use developments, retail and commercial, industrial, motels, hospitals, clubs etc., with a construction cost greater than \$1 million and where Council has received 5 or more unresolved objections<sup>2</sup>, with the exception of:
  - i. Subdivision of existing or approved development;
  - ii. Change of use or fit out of a property/tenancy;
  - iii. Signage applications;
  - iv. Modifications of consent and alterations and additions;
2. Residential subdivisions creating 5 or more lots and where Council has received 5 or more unresolved objections<sup>1</sup>.
3. Multi-dwelling housing including townhouses and villas involving 5 or more dwelling units and where Council has received 5 or more unresolved objections<sup>1</sup>.
4. Applications involving variations to LEP development standards.
5. Applications involving a use only permitted after satisfying the provisions of clause 11 of Wollongong LEP 1990 and where Council has received 2 or more unresolved objections<sup>1</sup>.
6. All development applications where Council is the owner of the land and the proposal involves a commercial activity or where Council holds a commercial interest.
7. Applications lodged by a Councillor, Administrator, State or Federal Member of Parliament, or Council Officer, (other than Complying Development Certificate applications).
8. Applications which are the subject of a Section 82A Review of Determination where the original application had been considered by IHAP or determined by full Council.

Note: Applications will not be referred to the IHAP where the proposal is non-compliant with the LEP and DCP(s), or where fundamental information has been requested and not received and the application is determined by refusing consent.

### **Quorum:**

A minimum of three (3) Panel members shall form a quorum and any duly convened hearing at which a quorum is present shall be competent to perform the Panel's functions.

**Conflicts of Interest**

The first item of business at Panel Inspections and Public Hearings will be Panel members declaring any pecuniary or conflicts of interest that may prevent them from participating in or considering any particular item on the agenda.

**Frequency of Meetings:**

One meeting will be held each month. Additional meeting may be held as required.

**Recommendations of the Panel:**

On conclusion of the public hearing, the Panel will convene in private, agree on its findings and recommendations and record the findings and recommendations in a standard format for presentation to Council. The Panel's recommendations become public after the meeting and prior to the next scheduled Council meeting.

**Information:**

Should you require further information about the Panel, please contact the IHAP Coordinator, Lauren Wilson on (02) 4227 7285 during normal business hours or visit Councils website.