



Planning Panels

Complaints Report

01 Jul 2016 – 31 Dec 2016

1. Introduction

The Sydney Planning Panels and Joint Regional Planning Panels (Planning Panels) provide independent merit based decision making on regional development, or advice or decisions on certain planning proposals. The Planning Panels are not subject to the direction of the Minister for Planning or Greater Sydney Commission.

Regional development is a class or type of development as described in Schedule 4A of the *Environmental Planning and Assessment Act 1979* (the Act). Regional development is publically exhibited and assessed by local council staff. An assessment report is then prepared by council staff and submitted to the relevant Planning Panel for determination.

The Planning Panels are committed to addressing enquiries and resolving any complaints that may be raised about their operation, including complaints about the policies, procedures or quality of service of the planning panels or the Planning Panels Secretariat (Secretariat).

The Planning Panels Complaints Handling Policy (complaints policy) aims to promote an accessible, fair and equitable complaints handling process. The complaints policy does not extend to dealing with complaints concerning dissatisfaction with a determination of a planning panel, government policy or legislation or decisions of government.

All complaints are assessed on their individual merits. When dealing with a complaint the Secretariat undertakes a review in order to ascertain the facts of the matter and determine an appropriate course of action. Written responses are provided at the conclusion of the matter.

The Secretariat views complaints and their resolution as an opportunity for improvement of service quality. Similarly, the reporting of complaints enables the Secretariat to determine if any systemic problems exist or if any trends to complaints received warrant further action.

Under the complaints policy the Secretariat is required to report on the number and scope of complaints, key issues and any policy or operational response that has been taken to address the concerns raised.

This complaints report covers the six month period from 1 July to 31 December 2016.

2. Complaints received

During the period from 1 July to 31 December 2016, the Secretariat investigated four new complaints from members of the public and continued to investigate three outstanding complaints from the previous reporting period (a total of seven complaints investigated). There were six responses finalised in the period. As at 31 December 2016, there was one complaint to be resolved.

Table 1. Summary of number of complaints received and responses

| | No. of complaints |
|----------------------------------|-------------------|
| Outstanding from previous period | 3 |
| New received in period | 4 |
| Total complaints | 7 |
| Responses in period | 6 |
| Outstanding at end of period | 1 |

It should be noted that the number of complaints received is not necessarily an effective indicator of the seriousness of the matters raised. In some cases the decision on a single controversial application by a planning panel can trigger a number of complaints.

The following table (Table 2) breaks down the complaints that were responded to in this period by Planning Panel.

Table 2. Complaints responded to in this period, by planning panel

| Planning panel | No. of complaint responses |
|---|----------------------------|
| Sydney East Joint Regional Planning Panel * | 5 |
| Sydney West Joint Regional Planning Panel * | 1 |
| Total complaints responded to in this period | 6 |

* Note that the Sydney East and Sydney West Joint Regional Planning Panels were replaced by the Sydney Planning Panels on 21 November 2016. The complaints in this period were received before this time.

3. Issues raised

The following table (Table 3) breaks down the complaints that were responded to in this period by the number of times particular subjects and issues of concern were raised, as well as a summary of the response(s) provided.

Table 3. Issue breakdown, number of times issue raised and summary of response(s)

| Subject | Issue | No. of times raised | Summary of response(s) and any proposed follow up |
|---------------------------------|--|---------------------|---|
| Development Applications | | | |
| Conflict of interest | Conflict of interest of council nominated panel member | 2 | Two complaints regarding the same matter. In this case, the panel member declared a conflict and took no part in the determination, in accordance with the Planning Panel's Code of Conduct. |
| Meeting procedures | Meeting not located in local area | 1 | As the Panel acts on a regional level, the logistics of arranging meetings must account for the need to consider DAs across a number of different council areas within a single meeting day. In setting a venue and time, the Panel also consider other factors including the level of community interest and the number of matters to be considered. In this case, it was considered appropriate to use a central venue for the meeting. |
| Planning Proposals | | | |
| Conflict of interest | Involvement of council nominated panel member in site visit despite conflict of interest | 1 | The onus is on individual panel members to declare a conflict of interest. In this case, the panel member in question attended a site visit prior to declaring a conflict of interest. The panel member was not involved in preparing the Panel's advice. |

| Subject | Issue | No. of times raised | Summary of response(s) and any proposed follow up |
|-------------------------------|--|---------------------|--|
| Pre-Gateway Review procedures | Panel did not consider amendment to the Planning Proposal | 1 | Clarification was provided that the purpose of the review was to independently review Council's decision on the Planning Proposal. The Panel is not obliged to consider amended proposals. |
| | Advice report had incorrect 'reason for review' | 1 | This was an administrative error and the published record was subsequently amended to record the correct reason. |
| | Website showed revised Planning Proposal which was not considered by the Panel | 1 | A copy of the amended proposal was uploaded to the website as a record of what was tabled at the briefing meeting. This was subsequently removed due to the potential for confusion. |

4. Resolution times

The Secretariat aims to resolve complaints within 4 weeks (30 days) of receipt. During this reporting period, 67 per cent of complaints (four out of six complaints) were responded to within 30 days. The remaining two complaints took slightly longer to resolve (38 and 46 days) as one was over the Christmas shut-down period and the other involved a conflict of interest which required additional consultation.

5. Key outcomes

During this reporting period each complainant was provided with a response on conclusion of the review into the matters raised, which included clarification of the procedures that apply to the Panels. There were found to be no breaches of the Planning Panels Code of Conduct or Planning Panels Operational Procedures following an investigation of these complaints.