



Joint Regional Planning Panels

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Complaints Report

01 Jul 2014 – 31 Dec 2014

1. Introduction

The six Joint Regional Planning Panels (regional panels) provide independent merit based decision making on regional development. They are not subject to the direction of the Minister of Planning.

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 regional panel for determination.

The regional 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 regional panels or the Regional Panels Secretariat (secretariat).

The Joint Regional 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 regional 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 view 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 6 month period from 1 July 2014 to 31 December 2014.

2. Complaints received

During the period from 1 July 2014 to 31 December 2014, the secretariat investigated 8 new complaints from members of the public and continued to investigate 3 outstanding complaints from the previous reporting period (a total of 11 complaints investigated). There were 10 responses finalised in the period. As at 31 December 2014, there was 1 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 | 8 |
| Total complaints | 11 |
| Responses in period | 10 |
| 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 regional panel can trigger a number of complaints.

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

This report differs from previous reports in that the complaints analysed are those responded to in the period, rather than those received in the period. Therefore, there is a double counting of some complaints between the two reports.

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

| Panel region | No. of complaint responses |
|---|----------------------------|
| Sydney East | 4 |
| Northern | 2 |
| Hunter and Central Coast | 1 |
| Sydney West | 1 |
| Southern | 1 |
| Western | 1 |
| Total complaints responded to in this period | 10 |

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 |
|----------------------|---|---------------------|---|
| Panel membership | Panel should have no more than one member with development exposure | 1 | Process clarified whereby panel members are appointed in accordance with expertise requirements set out in the Act. |
| Determination | Jurisdiction of panel to consider the matter | 1 | Clarification provided that the matter met criteria to be determined by the panel. |
| Conflict of interest | Alleged conflict of interest of panel member | 4 | The regional panels' code of conduct requires members to declare any interest and excuse themselves from the panel. In all cases investigated, the panel member was asked to comment and advised that they had no conflict of interest. |
| Meeting procedures | Unsuitable meeting time | 2 | Both complaints referred to the same meeting which has held at 12pm. Complainants advised that the panel endeavours to hold meetings at a time which is convenient for attendees whilst |

| Subject | Issue | No. of times raised | Summary of response(s) and any proposed follow up |
|---------|---|---------------------|---|
| | | | accounting for logistic requirements. |
| | Unfair time given to speakers | 2 | Clarification provided on the general speaking times of 3 minutes for individual speakers and 15 minutes for the applicant. |
| | Insufficient notification of meeting given | 2 | Both complaints referred to the same meeting. Clarification given on notification process whereby at least 7 days notice of the meeting is provided. |
| | Representation of applicant by lawyer | 2 | Clarification given on section 23H of the Act referred to by complainants. This outlines that the regulations may include provisions regarding representations by parties, however no such provisions are currently in place. |
| | Speakers restricted in matters they could raise | 1 | Clarification provided that speakers are not bound by any parameters but are advised to focus their oral presentations to the panel on council's assessment report, rather than re-stating information outlined in their written submissions which have already been provided to the panel. |
| | Submitters not given opportunity to attend site visit | 1 | Clarification provided that it is not normal practice for the panel to conduct site visits with either the applicant or objectors. Site visits are usually carried out with council assessment staff only. |
| | Site visit undertaken with applicant | 1 | Complainant advised that a site visit was not held with the applicant. Clarification provided that it is not normal practice for the panel to conduct site visits with either the applicant or objectors. Site visits are usually carried out with council assessment staff only. |
| Panel | Panel member provided amended conditions document prior to panel decision | 1 | Clarification given that the provision of possible amendments to conditions of consent does not imply pre-determination of the application. |
| | Did not listen to, or question, speakers | 2 | Clarification provided that it is at the discretion of the panel whether to ask questions in order to clarify any issues raised by speakers which are of relevance to their decision and have not been addressed in council's assessment report. |

| Subject | Issue | No. of times raised | Summary of response(s) and any proposed follow up |
|---------|---|---------------------|---|
| | Did not address issues raised by submitters in their written decision | 1 | Clarification given that the procedures of the panel do not require the record of decision to refer to specific issues raised by individual submitters. |
| | Bias shown to applicant | 1 | Advice given that panel members are subject to a code of conduct which requires that they not show any favour or bias to any party in making its determination. |
| | Decision made in short timeframe | 1 | Advice given that the panel has considered council's assessment report and written submissions prior to the public determination meeting. |
| Records | Error in meeting minutes | 1 | The meeting minutes omitted the name of two speakers. The error was subsequently rectified. |
| | No approval of meeting minutes | 1 | Advice given that the minutes were prepared in accordance with the panel operational procedures. There is no requirement for the minutes to be approved by any parties external to the panel. |

4. Resolution times

The secretariat aims to resolve complaints within 4 weeks (30 days) of their receipt. During this reporting period, the complaints were resolved in an average of 20 days which was well within the target timeframe.

5. Key outcomes

With regards to the ten complaints completed in the period, complainants were provided with a response on conclusion of a review of the matter. There were found to be no breaches of the Joint Regional Planning Panels Code of Conduct or Joint Regional Planning Panels Operational Procedures following an investigation of these complaints.

The responses to the complaints all required clarification of the operational procedures, with the exception of one issue raised regarding a minor error in one set of meeting minutes (which was subsequently rectified). This highlights an opportunity to better communicate the operational procedures to members of the public.