



Joint Regional Planning Panels

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Complaints Report

01 Jan 2015 – 30 Jun 2015

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 for 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 six month period from 1 January to 30 June 2015.

2. Complaints received

During the period from 1 January to 30 June 2015, the secretariat investigated six new complaints from members of the public and continued to investigate one outstanding complaint from the previous reporting period (a total of seven complaints investigated). There were six responses finalised in the period. As at 30 June 2015, there was one complaint to be resolved.

Table 1. Summary of number of complaints received and responses

	No. of complaints
Outstanding from previous period	1
New received in period	6
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 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.

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

Panel region	No. of complaint responses
Sydney East	1
Sydney West	1
Hunter and Central Coast	2
Northern	1
Southern	1
Western	0
Total complaints responded to in this period	6

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 member does not have required expertise	1	Clarified procedures. Councils may nominate members as they deem appropriate, provided at least one of the members meets the expertise requirements outlined in the legislation.
	Councillors should not be on the panel in their own area	1	Council have responsibility for nominating their panel members. They can be council staff or external persons.
	Too many council representatives on the panel	1	Clarified that there can be no more than two council nominated members on the panel.
Conduct of panel member(s)	Alleged conflict of interest of panel member	2	The regional panels' code of conduct requires members to declare any interest and excuse themselves from the panel if necessary. In one case, the panel member advised that they had no conflict of interest. In the other case, the matter was investigated by the secretariat but no breach was found. The Panel member was reminded of obligations under the Code of Conduct.

Subject	Issue	No. of times raised	Summary of response(s) and any proposed follow up
	Inappropriate conduct of panel member	1	Matter was investigated by the secretariat but no serious breach was found. Panel member reminded of obligations under the Code of Conduct.
	Failure of members to undertake Code of Conduct training	1	Non-mandatory Code of Conduct training was introduced in 2014 for new members. The members in question were nominated to the panel before this date and therefore had not completed the training.
Meeting procedures	Unsuitable meeting time	1	Complaint referred to a meeting which has held at 11am. The complainant was advised that the panel endeavours to hold meetings at a time which is convenient for attendees while also accounting for logistic requirements.
	Insufficient notification of meeting given	1	Clarified notification process, where at least seven days notice of the meeting is provided. In this case, notification letters were sent more than two weeks before the meeting.
	Notification of meeting not received	1	Clarified notification process, where at least seven days notice of the meeting is provided. In this case, notification letters were sent more than two weeks before the meeting.
	Inadequate time to review council assessment report before meeting	1	Clarified procedures, where the assessment report is made available no less than seven days before the meeting.
	Issues with venue facilities	1	Advice given that the meeting venue was chosen for proximity to the development site to better allow local residents to attend the meeting. The venue had not been used for meetings before and the venue's facilities did not meet expectations, particularly given the unforeseen high temperature on the meeting day.
	Speaker not allowed to raise matters at meeting	1	Clarified the role of the Panel Chair in moderating proceedings and using discretion to advise speakers how they may best address the panel in order to allow all speakers to have their say.
	No right of reply allowed to comments made by the applicant	1	Clarified that the panel meeting is a forum for the public to state their views directly to the panel rather

Subject	Issue	No. of times raised	Summary of response(s) and any proposed follow up
			than hold a public debate. There is no right of reply. The panel have the discretion to ask any follow up questions of other parties should clarification be required on any issues raised by speakers.
	Private briefing process unjust and not transparent	1	Clarified procedures for briefing meetings. A briefing meeting was held between the panel and council assessment staff so that panel members could be fully briefed on the technical aspects of the proposal. To avoid any apprehension of bias, no other parties were involved in these meetings. The public meeting is the forum for the applicant and members of the public to present their views to the panel.
Determination	Pre-determination	1	No particular evidence was provided as to the panel making a decision prior to the meeting. The complainant was advised that panel members are aware of their duty, in accordance with the Code of Conduct, to consider all relevant information when making their decisions.
	Crown DA had to be approved so public meeting was pointless	1	Clarified procedures for DAs, where the regional panel can recommend refusal. If that was the case the DA would be referred to the Minister for decision. In this instance, the regional panel approved the DA and it did not need to be referred to the Minister.
	Conditions were amended at the panel meeting	1	Clarified that it is standard procedure for any amendments to conditions of consent to be made at the public meeting when the panel make their decision, and recorded as part of the Record of Decision.
	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.

4. Resolution times

The secretariat aims to resolve complaints within 4 weeks (30 days) of their receipt.

During this reporting period, 50 per cent of complaints (three out of six complaints) were resolved within 30 days. There were delays in responding to the remaining 50 per cent of complaints due to office closures over the Christmas period, and investigation into alleged code of conduct breaches requiring additional consideration and correspondence with involved parties.

5. Key outcomes

With regards to the six 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 majority of the complaints required a response to clarify the procedures under which the panels operate. There were two alleged conflict of interest and one conduct issue which were raised and investigated. No breaches were found, however the panel members in question were reminded of their obligations under the Code of Conduct.