



Joint Regional Planning Panels

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Complaints Report

01 Jul 2015 – 31 Dec 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 July to 31 December 2015.

2. Complaints received

During the period from 1 July to 31 December 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 five responses finalised in the period. As at 31 December 2015, there were two complaints 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	5
Outstanding at end of period	2

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	0
Hunter and Central Coast	4
Northern	0
Southern	0
Western	0
Total complaints responded to in this period	5

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
Conduct of panel member(s)	Comment by acting chair that objectors might not be present at meeting as they were worn out after fighting matter for six years	1	Acting Chair apologised to objector for comment, which was not intended to offend
	Undeclared conflict of interest of panel members	1	Matter investigated, panel members consulted, no conflict of interest identified.
	Comment to media made by panel member	1	Clarified that panel members can speak to media, but any such comment was not on behalf of the regional panel; advice to panel member that only panel chair can speak to the media on behalf of the regional panel
Meeting procedures	Objectors not notified of meeting	1	Clarified notification process, where notification letters are sent to addresses supplied by Council; an ad was also placed in the local paper seven days before the meeting.

Subject	Issue	No. of times raised	Summary of response(s) and any proposed follow up
	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.
	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.
	Minutes did not include a pecuniary interest declared by a panel members at the meeting	1	Advice given that conflict was insignificant and non-pecuniary, therefore panel member decision to remain on the panel was consistent with the Code of Conduct; acknowledged that failure to record this in the minutes was an administrative error; new minutes issued that included declaration.
	Not permitted to record the panel meeting	2	Clarified procedures that the minutes are the record; advice given that the minutes met the required standard in this instance.
Determination	Content of Council's assessment report	2	Advice given that Council's assessment report included assessment of the planning merits and potential impacts associated with the proposed development, and also considered the issues raised during the exhibition of the proposal.
	Adequacy of panel member review of assessment report and documentation	1	Advice given that the panel make a merit-based decision after considering the assessment report, DA documentation and submissions.
	Adequacy of documentation provided to panel	1	Advice given that the regional panel was satisfied that they had received sufficient information
	Continual granting of extensions to applicant by deferral of determination by panel	2	Clarified that procedures give panel discretion to defer a decision where appropriate.
	Conditions of consent in contradiction to earlier conditions set	1	Clarified that conditions were not set before the application was determined.

Subject	Issue	No. of times raised	Summary of response(s) and any proposed follow up
	Connection between panel decision and an illegal demolition which previously occurred on site.	1	Illegal demolition works are a Council compliance matter. In determining the DA the panel included a condition to clarify that the development consent did not give retrospective approval to any unapproved demolition.

4. Resolution times

The Secretariat aims to resolve complaints within 4 weeks (30 days) of their receipt. During this reporting period, 40 per cent of complaints (two out of five complaints) were resolved within 30 days. There were delays in responding to the remaining 60 per cent of complaints due to the complex, multi-issue nature of the complaints.

5. Key outcomes

With regards to the five 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 was one complaint that alleged conflict of interests for two members, which was raised and investigated. No breaches were found, however the panel members in question were reminded of their obligations under the Code of Conduct.