



# Joint Regional Planning Panels

---

Joint Regional Planning Panels

Complaints Report

01 January 2013 – 30 June 2013

---

## 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 or the Department of Planning and Infrastructure.

Regional development is a class or type of development as described in Schedule 4A of the *Environmental Planning and Assessment Act 1979*. 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 Panel 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 the 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 January 2013 to 30 June 2013.

## 2. Complaints Received

During the period from 1 January 2013 to 30 June 2013 the secretariat investigated **10** new complaints and continued the investigation of **6** complaints that were current at 1 January 2013. There were **15** responses finalised in the period. As at 1 July 2013 there was **1** complaint to be resolved.

The number of complaints in relation to regional panel operations during this period represents a significant improvement on past reporting periods, with a lower number of complaints received. All complaints were received from members of the public, with one complaint supported by a representation from a Member of Parliament.

It should be noted however 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 tables break down the complaints by regional panel region (Table 1) and by the number of times particular subjects and issues of concern are raised (Table 2).

*Table 1. Complaints by regional panel region*

Sydney East	8
Northern	1
Sydney West	1
Hunter & Central Coast	0
Southern	0
Western	0

*Table 2. Issue breakdown and number of times issue raised*

<b>Subject</b>	<b>Issue</b>	<b>No. of times raised</b>
Meeting procedures	Assessment report not available for reasonable time prior to meeting	1
	Time for speaking too short	2
	Speakers constrained on issues allowed to be raised	1
Regional Panel Membership	Panel not independent	2
Conduct issues	Conflicts of interest	2
	Attitude of panel member/s	1
	Bias of panel/member/s	1
Determination	Council assessment deficient	3
	Submitter's concerns disregarded	4
	Panel made wrong determination or did not have proper regard to planning controls	3
Secretariat	Breach of privacy	1

### **3. Resolution times**

The secretariat aim to resolve complaints within 4 weeks (30 days) of their receipt. During this reporting period complaints were resolved in an average of 36.2 days, with the shortest resolution being 1 day and the longest being 63 days (largely due to a filing error). Time taken to resolve complaints is higher than the target of 4 weeks but improvements have been made over the preceding reporting period which averaged 39.2 days.

### **4. Key outcomes**

The complaints raised a number of issues ranging from the behaviour of panel members while conducting panel meetings to procedural issues about the decision-making process of the regional panels. All complainants were provided with a response on conclusion of a review of the matter. There was found to be no breach of the Joint Regional Planning Panels Code of Conduct (code of conduct) on any occasion following an investigation of the complaints.

Due to the regional panels increased involvement in providing advice to the Minister in relation to rezoning issues, such as undertaking pre-Gateway reviews and being

appointed as the relevant planning authority (RPA), there have been concerns raised about potential councillor member conflicts when councillor members sit on regional panels considering strategic planning matters that have previously come before that member at a council meeting.

Legal advice obtained by the secretariat has clarified the situation in these circumstances:

- When a regional panel is requested to consider a matter in relation to plan-making under Part 3 of the Act, the panel does so in an advisory role or as the RPA. The Minister ultimately has an independent role in the plan-making process, for example, to decide whether to make a local environmental plan, and his discretionary powers under Part 3 are not impinged upon by the regional panel undertaking either of these advisory functions.
- A councillor members previous views and voting on strategic planning issues prior to the regional panel's involvement in the matter do not of themselves make it necessary or appropriate to exclude themselves from sitting on the panel and exercising their functions as a panel member.

Other issues raised will inform ongoing improvements to the regional panel's guiding documents: the code of conduct, the complaints policy and the operational procedures. These documents will undergo a review as part of the implementation of the new planning system. The secretariat will continue to monitor areas of concern and provide feedback to panel members on issues raised.

Complaints can often arise from unfamiliarity with the process and functions of the regional panels. Prior to lodging a complaint the regional panels Operational Procedures, Code of Conduct and Complaints Policy should be consulted, as these documents may address the issue of concern.

