



# Joint Regional Planning Panels

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Joint Regional Planning Panels

Complaints Report

01 January 2012 – 31 December 2012



## 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.

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 is the first report produced by the secretariat on complaints and covers the 12 month period from 1 January 2012 to 31 December 2012.

## 2. Complaints Received

During the period from 1 January 2012 to 31 December 2012 the secretariat investigated **33** new complaints and continued the investigation of **2** complaints that were current at 31 December 2011. There were **29** complaints finalised in the period. As at 31 December 2012 there were **six** complaints to be finalised.

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), by complainant (Table 2) and by the number of times particular subjects and issues of concern are raised (Table 3).

*Table 1.  
Complaints by regional panel region*

Hunter & Central Coast	3
Northern	4
Southern	2
Sydney East	10
Sydney West	13
Western	1

*Table 2.  
Complainant type*

Individual complaint from resident	24
Local council	4
Representation from Members of Parliament	2
Local Councillors	2
Applicant	2
Action groups/organisations	1

*Table 3.  
Issue breakdown and number of times issue raised*

Subject	Issue	No. of times raised
Meeting procedures	Meeting scheduled at inconvenient time	1
	Notice of the meeting too short or not advertised in local paper	1
	Assessment report not available for reasonable time prior to meeting	2
	Not allowing detailed reports to be tabled at the meeting	1
	Applicant not present at meeting	2
	Applicant allowed to speak	1
	Applicant not treated with procedural fairness	1
	Time for speaking too short	5
	Panel not allowing questions	1
	Lack of detail/accuracy in minutes of the meeting	4
Regional Panel Membership	Panel member/s do not have required expertise	2
	Issues with representation on panel (Minister appointed/Council appointed split, council members not in attendance, Chair using casting vote)	5
	Panel not independent	5
Conduct issues	Conflicts of interest	8
	Attitude of panel member/s	5
	Bias of panel/member/s	6
Determination	Panel made wrong determination or did not have proper regard to planning controls	10
	Determination was made quickly/appeared pre-determined	5
	Council assessment deficient	1
	Resident's concerns disregarded	3
Secretariat	Complete set of documents not sent to panel members, requiring meeting to be cancelled	1
	Failure in efficiency	1
	Breach of protocol	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 39.2 days, with the shortest resolution being 5 days and the longest being 90 days. With complaint handling efficiencies recently implemented within the secretariat it is expected that the average resolution time will be reduced to meet the target of 4 weeks in subsequent reporting periods.

### 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. 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.

However in respect of the regional panel operational procedures, given the number and variety of complaints it was evident that further clarification and consideration of procedural requirements was necessary.

The issues raised inform ongoing improvements to the regional panel's guiding documents: the code of conduct, the complaints policy and the operational procedures. These documents were revised, exhibited and amended during 2012, with the Minister for Planning and Infrastructure signing off on a revised code of conduct, complaints policy and operational procedures in September 2012.

A summary of the amendments made to these documents is available on the regional panels website at: [www.jrpp.nsw.gov.au](http://www.jrpp.nsw.gov.au).

These changes have resulted in:

- changes being made to address the Minister appointed/Council appointed balance of the panels
- the requirement for a regional panel to state reasons for their decision at the panel meeting

and further clarified:

- the independence of regional panels
- the expertise required of panel members
- the administrative responsibilities of the secretariat
- that notice of panel meetings is to be provided at least 7 days prior to a meeting
- that assessment reports and meeting agendas are to be publically availability 7 days prior to a meeting
- that the regional panel cannot accept written submissions and that any written material provided at a panel meeting should be minimal
- that all submissions should be made to council to be included in their assessment
- that the panel chair is able to set speaker timeframes
- that there is no limit to the number of speakers allowed at a panel meeting
- that oral presentations should focus on the assessment report and not re-state information within written submissions

Please read the Regional Panels Operational Procedures, Code of Conduct and Complaints Policy prior to lodging a complaint as your issue may have already been addressed.