



Feedback and review of council member information sessions & staff workshops 2013

Background

In early 2013 the Regional Panels Secretariat (secretariat), on behalf of the Joint Regional Planning Panels (regional panels), conducted a series of council member information sessions and staff workshops across the state.

The main purpose of the information sessions was to brief new members and refresh existing member's knowledge on the planning legislation which relates to the regional panels, and the Operational Procedures and Code of Conduct for the regional panels (amended during 2012).

Each information session was followed by a short workshop for key council planning staff and administrative officers who deal with development applications lodged with the regional panels.

Information session and workshop participants were asked to comment on the operation of the regional panels and the support provided by the secretariat. This feedback has been collated and reviewed.

Review of feedback

The comments provided have been very useful in highlighting what is working well with the operations of the regional panels and where improvements are needed.

In response, the regional panels website has recently been redesigned with improved search functionality and accessibility. Regional panels fact sheets (FAQs), that explain different aspects of the operations of the

regional panels, have also been updated and expanded, including a new FAQ on regional panels and planning proposals.

Please take the time to read through the feedback review. You will notice that a number of actions require certain current procedures, or changes to procedure, to be considered and noted by the secretariat and council staff and panel members and chairs.

Thank you to all the participants of the information sessions and workshops who took the time to provide feedback.

Further Information

For any further information please contact the secretariat on (02) 9228 2060 or email jrppenquiry@jrpp.nsw.gov.au

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Issue (workshop session)	Comment	Action
Operational Procedures		
Suggestion that councils could send a quick update to the secretariat on a regular basis i.e. at key milestones, most agreed that would be a good idea (Ballina). The secretariat should regularly ring or email council to check the status of DAs and the progress of assessments (Newcastle).	The secretariat will liaise with council at key milestones. Generally following registration on the regional panels website, then again following close of exhibition and then regular contact will be maintained until the assessment report has been provided to the secretariat.	The secretariat will be proactively monitoring the progress of DA assessments.
The secretariat should be included in all formal communications between the panel and council (Wollongong).	This is a requirement of the operational procedures.	Panel chairs and councils to note.
120 day referral – if a matter is referred it is important to know if it has been considered by the elected council, IHAP or a design review panel. (Hurstville). The 120 day referral mechanism should require the Joint Regional Planning Panels (regional panels) to make a decision on the application as referred and not to defer the application (Parramatta – 1 st session).	Relevant information to be detailed in a cover letter to the Regional Panels Secretariat (secretariat). It is at the discretion of the regional panel chair whether to accept a 120 day referral. If the delay has been caused by the applicant the chair is not bound to accept the referral. If the referral is accepted it is up to the regional panel to decide whether they require further information and if a deferral is necessary.	Panel chairs and council staff to note.
Have briefing meetings earlier in the process – panel members have useful non-localised comments and a wide range of experience (Wollongong).	Regional panels endeavour to accommodate council briefing requests in accordance with operational procedures. The operational procedures state that it is preferable to hold council briefing meetings after the exhibition period and before any major requests for further information from the applicant.	Council staff to note. Secretariat to monitor and schedule briefings in accordance with operational procedures.
Briefing meetings are considered very useful, and councils are happy to attend.	Secretariat to continue to liaise with panel	Secretariat, council staff and panel chairs

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Noted that logistics of travel to where DAs are occurring has precluded briefing meetings recently (special trip for a briefing not considered appropriate)(Ballina).	members and council and arrange face to face briefing meetings where appropriate in regional areas. The more widespread use of teleconferencing will be explored but may be limited by council's capabilities.	to note.
Private briefing meetings can resolve disputed facts between Council and the applicant. If the DA is not controversial, it can be very useful (Parramatta – 1 st and 2 nd sessions and Newcastle).	Private briefing meetings are outlined within the operational procedures.	Panel chairs and councils to note limited circumstances where this can occur.
Regional panels should consider a cut off time for submissions rather than accepting late submissions and forwarding them to council for assessment (Newcastle).	Any submissions that are sent directly to the secretariat will be forwarded to council. It is up to council to determine whether they are 'late' and whether to include them in their assessment.	Panel chairs and council staff to note.
Discussion over how councils send regional panel DAs to elected council, as there have been some issues with assessment report being delayed in order for council to send report to council meeting. Tweed send an email to councillors, Ballina provide a list of regional panel DAs each month to councillors so they can decide early if they may wish to put in a submission. Suggested that advice on this matter be provided to all councils. (Ballina and Wollongong).	These issues are addressed in the operational procedures and FAQs. Assessment reports are to be sent to the secretariat immediately on completion and not sent to a council meeting. Once the secretariat has received the report it will be placed on the regional panels website for the council and the public to view it. Council may make a submission at that time. The regional panel will take into account any submission made by the council.	Council staff to note. Once a report is finalised it should be forwarded to the secretariat and only after this has occurred should it be provided to councillors. How councils alert councillors to upcoming regional DAs is a matter for individual councils.
The requirement to refer to concurrence bodies can slow down DAs (North Sydney). Some applicants are slow to provide additional information (Ballina).	The Department can assist in getting responses from state agencies and the applicant. The panel chair can send a letter to council with request that the applicant	If agencies are taking unreasonably long times to provide referral responses the secretariat can assist if requested.

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	provide information or the panel will determine the DA as it is. Council should use best endeavours to obtain necessary plans/additional information/referrals before requesting assistance.	
Council officers find it difficult to complete their report on time when additional information is provided at the last moment, and referrals are received from other agencies (Newcastle).	Acceptance of additional information is a matter for council to manage. Council to work toward timeframes and discuss concerns early with secretariat about the submission of their assessment report to the panel.	Council staff and panel chairs to note.
Parramatta City Council would like to send the assessment report to the panel members directly (Parramatta – 2 nd session).	All regional panel related correspondence is to travel via the secretariat for distribution. This is essential for consistency and proper management of the panels across the State.	Council staff to ensure that all regional panel correspondence and assessment reports are sent to the secretariat for distribution. Panel chairs to note.
Council would like to do a press release after the panel determination (Parramatta – 2 nd session).	Councils can co-ordinate media releases on regional development determinations with the panel chair via the secretariat.	Councils to contact secretariat to co-ordinate media releases.
There should be at least 1 council nominated member on a panel (Parramatta – 2 nd session)	Council is able to nominate two panel members to sit on the regional panel. A quorum for a regional panel determination meeting is three members, including the panel chair.	It is up to council members to make themselves available for regional panel meetings or to arrange for a nominated alternate member to be available.
Guidelines are required for making a determination that disagrees with the council recommendation (Wollongong).	Regional panels are required to provide reasons for determinations.	Guidelines and templates have been developed to assist regional panels to record their decisions.
Why are panels needed to consider a matter even if the assessment report	The regional panels are independent	No action required.

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recommends a refusal (Wollongong).	decision-making bodies. The panel may determine that the DA has planning merit regardless of council's assessment report.	
The drafts of the minutes of regional panel meetings are sent to the panel chair for endorsement, and not always sent to all members (Parramatta – 2 nd session).	It is a requirement that unconfirmed minutes are circulated to all panel members who participated in the meeting, prior to confirmation by the chair. Panel members should raise any issues about the draft minutes with the panel chair as a matter of priority.	The secretariat has reminded panel chairs that circulation of draft minutes prior to their confirmation is a requirement of the regional panels operational procedures.
Panel meeting minutes taking a long time to be finalised (Parramatta – 1 st session).	The confirmed minutes are to be available within 7 days of the meeting date. Panel minutes are to be circulated prior to confirmation by panel chair.	Panel members to provide any comments on draft minutes in a timely fashion to allow the panel chair to confirm the minutes and the secretariat to upload them to the website within 7 days of the meeting.
Query as to how council assessment staff may, during the meeting, advise the panel that they consider the matter should be deferred. (Ballina).	Generally council staff will be given the opportunity to respond to speaker's issues, it is at this stage they can provide advice to the panel chair.	Panel chairs to action. Secretariat to incorporate into a meeting procedures guideline for panel chairs.
Can the panel commission peer reviews if the council and the applicant disagree on specialist advice? (North Sydney).	The panel may commission a peer review but only when further clarification is required after an assessment report has been submitted for consideration. Council should get their own peer reviews if they want a second opinion to finalise the assessment report.	Council staff to note.
Some panel chairs prefer night meetings because they minimise public complaints. Council's preference is for meetings during normal office hours (Parramatta – 1 st session).	Panel meetings are arranged to consider a range of commitments of panel members and stakeholders. If a matter is considered controversial or of high	Councils and panel chairs to note.

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	interest, meetings may be scheduled at accessible times such as lunch times and evenings.	
Panel members requested that council should ensure staff are available if needed for meeting, particularly if there are discrepancies and questions for specialist staff, e.g. traffic engineer, drainage specialist (Wollongong and Parramatta – 2 nd session).	Consistent with operational guidelines.	Council staff to note.
If conditions are required to be changed after hearing the public speak at the determination meeting, the meeting can be adjourned to discuss the changes with council staff to ensure that no issues will arise from conflict with other conditions. Changing the wording of the conditions at the meeting causes lengthy meetings (Parramatta – 1st session).	The aim of the regional panel process is to reach a robust determination in an open forum. In the case of a determination to approve a DA this may require amendments to recommended conditions to ensure a workable consent. It is accepted that sometimes this results in lengthy meetings.	Panel chairs and councils to note.
If additional information or amended plans are requested by the panel or if the panel has deferred a decision to allow amended plans to be lodged, it is up to council staff whether they will accept the amended plans. Council staff need to do some level of assessment on the additional information or amended plans (North Sydney and Hurstville and other sessions).	Council staff retain their role in assessing the application. Council to liaise with secretariat in regard to amended plans or additional information requested by the panel. Chair to be informed of progress.	Council staff and panel chairs to note.
Electronic determinations are a great idea (Wollongong). Councils would prefer public meetings if the panel members have to ask Council officers to amend conditions to reflect the outcome of their resolution, but otherwise find that electronic determinations are a good idea (Newcastle). Electronic determinations – rarely undertaken as panel needs to do a site visit, and with logistics of travelling to the area of the DA it is considered that a panel meeting may as well be held at the time (Ballina).	Electronic determinations are utilised where considered appropriate.	No change in practice required.
Adjourning the meeting can add to the quality of the decision making process as it ensures that each panel member gets the opportunity to openly state their position and to hear the other panel members positions, which may help refine their views (Parramatta – 2 nd session).	Adjournments are at the discretion of the panel chair.	Panel chairs to note.

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<p>A matter in Wollongong was deferred twice (decision made at third meeting), just to appease the requests of one panel member. It shows a lack of enthusiasm to make a decision (Wollongong).</p> <p>Some frustration expressed when at panel meeting the panel asks council to further negotiate with applicant. Suggested that the panel may set timeframes or try to be specific in exact matters to be negotiated (Ballina).</p>	<p>It is important that the panel make considered decisions based on thorough assessments supported by adequate information. When a panel defers a decision the minutes should clearly state the reasons for the deferral and what is required to be done to avoid a further deferral. The operation procedures state that the panel may request supplementary reports be provided within a specified timeframe.</p>	<p>Council staff and panel chairs to note.</p>

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Code of Conduct		
The Department should look into whether the Council nominated members have a conflict of interest with planning proposals (Newcastle).	The secretariat has received legal advice on this issue. Where the regional panel is providing advice to the Minister for Planning and Infrastructure on a rezoning matter, councillor panel members do not have a conflict of interest if they have had involvement in the matter prior to the member becoming aware that the matter is to come before the panel.	The secretariat has issued a further FAQ fact sheet explaining the role of regional panels in the planning proposal process.
<p>Important to consider conflicts of interest and for members to absent themselves from council meetings if they think the DA will come to the regional panel (Ballina).</p> <p>Perceived conflicts of interest – even if a member does not feel conflicted sometimes the public may feel you are conflicted. (Hurstville).</p> <p>Conflicts of interest are not time limited (North Sydney).</p> <p>2 years seen as a general rule to determine if a member has a conflict i.e. if they have done work for a client in that timeframe, likely to be conflicted (Ballina).</p> <p>Conflicts of interest discussed, such as what to do if the panel member knows 10 people addressing the panel (Parramatta – 2nd session).</p>	<p>In order to maintain the confidence of the public in the operation of the panels, and the integrity of their decision-making, upholding the probity of the regional panels by panel members is of the utmost importance.</p> <p>While 2 years is useful as a general rule of thumb, panel members must be mindful not only of actual pecuniary and non-pecuniary interests but also of perceived conflicts of interest. The secretariat would prefer to see declarations made to the panel chair if a member is in any doubt. A member should be stepping aside from a determination meeting if there is a real or strong perception of a conflict.</p>	<p>Panel members to consider in relation to probity and upholding the integrity of the regional panel's decision making.</p> <p>Panel chairs to take into consideration when a declaration of interest has been made by a member.</p>
There are appropriate ways to respond to residents when lobbied about a DA. The best way to help residents is to advise them to write to Council with their concerns. (Hurstville).	<p>All residents and stakeholders are encouraged to put their concerns in writing.</p> <p>The code of conduct and FAQs on the</p>	The secretariat has updated FAQ fact sheets that deal with this issue.

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	regional panels website provide further information on this issue.	Panel members to note.
Is there additional information to show that council staff are meant to be independent when sitting as a nominated member on a regional panel? (Fairfield, Wollongong).	Members are referred to the operational procedures and code of conduct and FAQs on the website. All regional panel members are expected to come to panel meetings with an objective and open mind.	Refer to regional panel code of conduct and FAQs on the regional panels website.
Is there a conflict of interest if a councillor is sitting on the regional panel and their fellow councillors have objected to the DA? (Wollongong).	Objections made by fellow councillors will not create a conflict for a councillor regional panel member if that member has absented themselves from all council discussions and voting on the matter.	All panel members and councils to note the provisions of the regional panels code of conduct and operational procedures.

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Secretariat		
Panel chairs have requested that more information is included in the letter sent with the DA documents – eg, names of architect, planning consultant, etc. (North Sydney).	The provision of land owner details, planning consultant, and architect would assist panel members to identify if they have a conflict.	This has been adopted. Secretariat to action.
Call the pre-meeting a “final briefing” (North Sydney).	This would save confusion over the purpose of this meeting.	This has been adopted. Secretariat to action.
The secretariat should just do a Crown DA briefing report for the panel outlining the issues rather than any extra assessment. (North Sydney).	This is agreed, the secretariat is not an assessment body. This is now standard procedure.	This has been adopted. Secretariat to action.
A set meeting calendar which could be based on sub regional areas would greatly assist council and the applicant in identifying target timeframes for regional development applications. This would also assist council in providing the necessary resources for meetings.	A set meeting calendar currently exists on the regional panels website. Meetings can be rescheduled as necessary.	Council staff to note
Meetings could be conducted more efficiently with improved use of IT equipment namely tablets synced with overhead projection and the minute taker making any amendments to a draft working copy i.e. of conditions and showing track changes, in particular during the pre-determination meeting. (Parramatta – 1 st session).	Each meeting is subject to the facilities of the venue/council hosting the meeting. The secretariat project officers are equipped with laptops.	Where secretariat project officers are in attendance and responsible for taking regional panel minutes a laptop will be available.
Implement clearer communication channels between panels, secretariat and council staff during electronic determination processes (Wollongong).	Secretariat to provide improved email notification to council in regard to electronic determinations.	Secretariat to action.
There has been a lack of consistency in communication between council, the applicant, the panel and the secretariat. For example, a lack of consistent cc'ing (Wollongong).	Communications should be in line with the operational procedures. All formal communications between council and the panel must be via the secretariat. Members of the panel should not be in	Council staff and panel members to note.

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	direct communication with the applicant.	
All councils should nominate one primary or nominated point of contact for all JRPP matters, as it has proven helpful for Shoalhaven and Wollongong (Wollongong).	Although councils are encouraged to nominate a primary contact for regional panel matters this is a matter for individual councils to consider implementing	Council staff to consider whether nominating a primary point of contact for regional panel matters would be helpful.
Ensure there is enough travel time between meetings held on the same day in different LGAs, so that the first meeting is not rushed or cut short (Wollongong).	Meetings are scheduled at the discretion of the chair. Secretariat to draft achievable daily itineraries and liaise with panel chairs to ensure enough travel time allocated.	Secretariat to action.
Improve communication for site visits – e.g., whether the whole panel will attend, or just a few (Wollongong).	Secretariat to liaise with council when arranging site visit and confirm attendance with panel members. Site visits and attendance is at the panel chairs discretion. Normal practice is that panel members attend site meetings together.	Secretariat to action and panel chairs to note.
Notification of meetings – Garry West noted that in regional areas the postal service may delay the receipt of notification letters. Secretariat need to think about ways to deal with this (Ballina). There have been occasions where the notification letters to submitters were not received on time (Parramatta – 1st session).	The operational procedures require that at least 7 days notice be provided of panel meetings. Secretariat to post notification letters as early as possible to ensure that notification of meetings is provided in accordance with operational procedures. If for any reason this does not occur the panel chair may re-schedule the meeting date.	Secretariat to action.
Should include A3 size plans with business papers (Newcastle).	The secretariat currently provide CD copies of all documentation. Panel members with a preference for hard copy	Panel members to note these administrative procedures.

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	plans are able to invoice the secretariat for the cost of printing plans. It is noted that councils provide large scale plans at briefing meetings and at determination meetings.	
A report on outcomes from the last 3 years of legal appeals on regional panel determinations (eg. decisions consistent with council and/or regional panel recommendations etc.) would be helpful (North Sydney).	This detail is provided as part of the department's annual report.	Secretariat to action.
Some councils prefer to send additional information to the secretariat as received, others will wait and forward a number of documents together; panel members present indicated that they are okay with having documents drip-feed and may be helpful to keep track of progress on the DA. Panel members advised that it would be useful to have a tracking sheet which lists the additional information received (Ballina).	<p>Additional information provided through the course of council's assessment is not required to be sent to the secretariat or panel members. All additional information is to be lodged with, and assessed by, council.</p> <p>Council are to provide full details of additional information and final plans with the assessment report.</p> <p>Any additional plans and information requested by the panel as a result of a briefing meeting should be forwarded to the secretariat by council along with council's assessment report.</p> <p>If, at a determination meeting, the panel decides to defer their decision to allow further plans or information to be provided then this further information should be provided by council within the timeframe requested by the panel along with any necessary supplementary assessment.</p>	Council staff and panel chairs to note.
Disappointed that secretariat doesn't adhere to timeframes and let them slip – they have waited 4 to 5 weeks for a meeting once the report is completed (Wollongong).	Such circumstances are rare. Meeting dates are generally scheduled within two	Secretariat and panel chairs to note.

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	weeks of the council assessment being provided to the secretariat.	
Setting a date early for when the assessment report will be completed is difficult, as generally waiting on information from the applicant (Ballina).	Council to update secretariat on regular basis and as soon as all information received. Date can be set as soon as is practically possible.	Councils and secretariat to maintain close communication on expected completion date of assessment reports.
Council staff feel that applicants pay no attention to requests to supply amended plans unless they advise that the panel had concerns (Hurstville).	Secretariat can assist where necessary, but generally role of council. Panel members should not be indicating views on DAs prior to determination meeting. Points of clarification can be raised in briefing meetings. Council staff should be confident in their requests for additional information as 93% of decisions are consistent with the officer's recommendations.	Councils and panel members to note.
Shellharbour council was told early last year that their meeting would be advertised in the Sydney Morning Herald instead of their local paper (Wollongong).	Newspaper notifications of panel meetings are not a requirement of the Act, Regulation or the regional panels operational procedures. The aim is always to notify in the local paper where possible.	Secretariat to aim to have details finalised with enough lead time to advertise in local papers.

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Website		
Improve the website search function – eg, search by an address (North Sydney).	This is a current function of the website.	This has been actioned as part of the recent regional panels website upgrade.
Send an automated email when a DA is submitted to the regional panels website (Wollongong).	This is a current a function of the website.	This function has been retained as part of the recent regional panels website upgrade.
Put checklists, templates and related documents on website, or include as an automated response email package when matters registered on website (Wollongong).	A link to all templates relevant to council are included on the DA Registration page.	This has been actioned as part of the recent regional panels website upgrade.
Give council staff the ability to amend the DA description and information lodged (Hurstville).	Amendments can be made to the DA description by contacting the secretariat.	Secretariat to action on request by council officers.
DA description field to allow more characters. (Hurstville).	This field has been increased to 500 characters.	This has been actioned as part of the recent regional panels website upgrade.
The regional panels website sometimes does not work, making it difficult to register a DA (Parramatta – 1 st session).	The website has recently been upgraded.	This issue has been resolved. Councils to contact secretariat with any issues registering a DA.

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Comments and Questions		
Will Growth Centres Subdivisions DAs be going to the panel for determination? (Parramatta – 1 st session)	Only DAs that meet the criteria for regional development (Schedule 4A of the Act) will come to the regional panels.	Refer to regional panel FAQs on regional panels website.
Delegate matters to council when there are no submissions from the public (Parramatta – 1 st session) (Newcastle).	This issue has been considered.	The issue of delegations will be addressed in the new planning legislation.
Categories of development to be referred to the regional panels need to be closely reconsidered in view of the impending White Paper and Codes SEPP with potential inconsistencies between complying and regionally significant development.	This issue has been considered. Schedule 4A 2(a) of the Act addresses any potential inconsistencies between development that is complying and development that meets the criteria to be considered regional development.	Regional development criteria have been reviewed in preparation for the new planning legislation.
When a matter is deferred by the regional panel, the same panel members should be used when the matter is considered again (Parramatta – 2 nd session).	This is generally the expected procedure. From time to time the same panel members may not be available.	Panel chairs to note.
It is up to Council to decide whether a modification application is an application under s96(2) (Hurstville).	This is a council role.	Council staff to note.
Capital investment value (CIV) of a DA does not include the value of the land. It is the responsibility of council to investigate a CIV if they feel that it is not genuinely over \$20m (Hurstville).	Planning Circular PS 10-008 sets out the definition of capital investment value.	Council staff to note.
Swapping council members is an option for councils – eg. Marrickville Council can ask Ashfield Councillors to be the council nominated members (Hurstville).	Council member appointments are a council matter.	Councils to note.
Given the consistency between panel decisions and the council recommendation is it	The panels provide independent decision	No action required.

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worth the panel being involved? (Wollongong).	making removed from political interference. The continued use of Regional Planning Panels is Government policy.	
The importance of listening to the community has been demonstrated by instances where the panel's view has changed after listening to speakers (Ballina).	Noted.	No change in practice required.
The DP&I will send information to council staff in relation to noise policy guidelines and asbestos (Parramatta – 2 nd session).	This has been completed.	Actioned.
The panels depoliticise the process, which makes it great and worthwhile (Wingecarribee, Wollongong).	Noted.	No change in practice required.
The panel chair has stated that the operational procedures and code of conduct are viewed as very important in guiding the panel in day to day work (Ballina).	Secretariat to review and update the operational procedures and code of conduct periodically in order to ensure these documents continue to be relevant.	The secretariat will continue to monitor panel operations and periodically review guiding documents.
Timeframes set in briefing meetings for report completion were discussed, as was updating the secretariat on delays affecting that report (Hurstville).	Important to set timeframes early. Acknowledged that these may be altered through the assessment process as issues likely to delay the process become evident. Liaison with secretariat is required.	Councils and secretariat to maintain close communication on expected completion date of assessment reports.