

PLANNING REFORMS

Policy Statement – Joint Regional Planning Panels

May 2008

The *Environmental Planning and Assessment Amendment Bill 2008* (Bill) provides for the establishment of Joint Regional Planning Panels (panels).

Membership of panels

- The panels will comprise 5 members (3 State appointed members and 2 council nominees).
- People can be appointed to a panel if they have relevant expertise (including experience in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, engineering or other related areas).
- The councils of the area in which a panel operates will be responsible for nominating two people to sit on the panel.
- Each council will determine how it chooses its panel members in accordance with the expertise requirements of the Bill.
- Council staff will continue to undertake the assessment of the application and report recommendations to the panel.
- The Government will consult with councils about the regional areas to which JRPP will apply and whether councils have the resources to service such JRPPs.

Process for appointments by State appointed JRPP members

- The Government will call for expressions of interest for appointment to the panels.
- Nominations will also be invited from relevant professional bodies such as PIA, and RAIA, the LGSA and individual councils. Nominations will require the agreement of the candidate.
- Expressions of interest and nominations will have to address the expertise requirements and other appropriate criteria.
- The Government will establish a review group of senior practitioners to review the expressions of interest and nominations.
- The review group may interview candidates before preparing a shortlist.
- Before a shortlist is finalised, the Government will confer the relevant professional bodies such as PIA, the RAIA and the LGSA with respect to the proposed shortlist of candidates, mindful of the confidentiality applying to applications.
- A shortlist of recommended eligible candidates will be submitted to the Minister and representatives in each identified regional panel will be appointed together with at least one alternate member.
- Councils within each region covered by a panel will be requested to nominate their representative plus an alternate.

Proposed class of development for which panels will be consent authority

A State Environmental Planning Policy (SEPP) will identify the classes of development for which panels will be consent authority. The classes will include:

- designated development
- nominated development over \$5 million, including Crown development, private infrastructure (e.g. hospitals, educational facilities, water supply works, and waste facilities)
- residential development over \$50 million and commercial or retail development over \$20 million
- development where the council is the proponent, has a significant financial interest in the proposal, or otherwise wishes to refer a proposal to the panel
- nominated subdivisions and certain other development in the coastal zone that are currently dealt with under Part 3A of the *EP&A Act*.

Panels will also be responsible for reviewing council determination council determination where a third party has a right to seek a review (i.e. the new class of neighbour reviews where development standards have been exceeded).

Where no panel has been appointed for an area, the Planning Assessment Commission will be the consent authority and will carry out the functions of the panel.

Panel procedures

The panels will not be subject to the direction or control of the Minister in the exercise of their functions. However, panels will be required to comply with procedural requirements set out in the Act, the *Environmental Planning and Assessment Regulation 2000* (Regulation) and guidelines and protocols governing the panels' operations.

The Bill includes a number of provisions relating to the operation of panels including meeting procedure, quorum and voting requirements and appointment of alternates. It also includes appropriate accountability provisions including:

- requirements for the disclosure of pecuniary interest; and
- panel members being subject to the *Independent Commission Against Corruption Act 1988* and the *Ombudsman Act 1974*.

It is proposed that regulations and/or guidelines will be made setting out further requirements for panels, including:

- identifying when public meetings will be held by panels and the procedures to apply at those meetings
- specifying that people may not be represented (legally or otherwise) except with the approval of the panel
- setting out appropriate requirements to ensure all relevant persons, including applicants, neighbours, councils and other interested parties have an opportunity to be heard in relation to the matter
- identifying the circumstances in which site inspections will be undertaken
- specifying that panels must provide written reasons for their decisions, including, amongst other things, an explanation of why the recommendations of council staff have or have not been followed in the particular case.