

Planning Panel Changes

This document answers frequently asked questions about recent changes to rules and operating procedures for Local Planning Panels and Sydney District and Regional Planning Panels

What changes are you making to the Planning Panels?

Changes to the way Sydney District and Regional Planning Panels operate come into effect immediately, while changes to Local Planning Panels come into effect on 24 April 2023 to give councils time to recruit additional panelists.

Changes to the operation of Sydney District and Regional Planning Panels include:

- requiring RPP members to be rotated regularly so that there is randomisation of panel membership
- requiring probity checks, including police checks, for community representatives in RPPs, and a statutory declaration that representatives are not property developers or real estate agents
- encouraging councils to appoint a minimum of 4 alternate council members that can sit on their relevant RPP.
- Appointing a minimum number of 60 experts in the pool Sydney District and Regional Planning Panels choose from, which is underway.

Changes to the operation of Local Planning Panels include:

- mandating a minimum number of experts in pools for LPPs (15)
- mandating a minimum number of community representatives in LPP pools (4)
- requiring LPP members to be rotated regularly so that there is randomisation of panel membership
- requiring probity checks, including police checks, for community representatives in LPPs, and a statutory declaration that representatives are not property developers or real estate agents
- clarifying that applicants can request to formally meet with LPPs to brief them on any project
- implementing a framework for the Department to induct LPP members.

What prompted the changes? Is there evidence to suggest lobbying is going on?

We are not aware of any inappropriate lobbying or undue influence of panels. However, we need to be alert to the risk of corruption in the planning system and move to proactively address any risks.

How many experts are currently in a pool?

On average, eight experts are appointed by individual councils to their LPP's pool. This ranges from three experts to 20 experts. Most councils have six experts appointed to their pool.

There is currently one pool of approximately 55 State-appointed members and alternate members for Sydney District and Regional Planning Panels.

Who chooses who sits on a local planning panel from existing pools?

The chair on each panel selects the panel members based on availability, usually two weeks before a panel meeting.

What do you have to say to some councils who say this will be an administrative and financial burden, adding they are already stretched to select and appoint additional experts?

We make no apology for ensuring independent panels can operate free from influence. There is no change to council's assessment process, and this will not take up much more time. Councils have until 24 April 2023 to make sure they have enough time to appoint additional members.

Why haven't you put these changes on public exhibition for community consultation?

The changes aren't major. They're about improving the integrity of the panels by adding to the pool of panellists rather than overhauling the system.

These measures will enable us to reduce predictability and improve decision-making, while ensuring the panellists with the most relevant skills and experience can be selected to determine a project.

Isn't a panel chair already required to rotate members? And doesn't the department already formally induct them?

Data suggests that panel members are not rotating as frequently as they should be in some council areas. We are updating the rules and guidelines to support more frequent rotation of members and recommending that panels be monitored to ensure they are adequately rotating their panel members.

We currently require councils to report LPP data every quarter, which will be used to monitor rotations. If a council is not meeting expectations, we can step in to provide additional guidance and management.

We formally inducted panel members and council staff when the panels were first introduced, however this training has since been left with councils to manage.

We are going to develop consistent procedures and induction materials for newly appointed panellists, to ensure they are aware of their responsibility to report lobbying. We are also going to provide ongoing training and remind existing panel members of their obligations to manage conflicts of interests and their relationships with proponents.

What experience do these experts have?

These pools of experts include people with expertise in an array of fields, including planning, architecture, heritage, environment, urban design, economics, traffic and transport, law and government, and public administration.

What happens to the new specialists with strategic and Aboriginal land planning expertise? What is their role?

These strategic and Aboriginal land planning specialists will be included in the pool for Sydney District and Regional Planning Panels of at least 60 experts to bolster strategic planning and improve Aboriginal land planning outcomes.

How long have the panels being operating for?

Sydney and Regional Planning Panels have been operating since 2009, with Local Planning Panels introduced in 2018.

What type of applications go to the Sydney and Regional Planning Panels?

The Sydney and Regional Planning Panels make decisions on Regionally Significant Development and provide advice on planning proposals. They consider some of the most important developments in metropolitan and regional areas, to ensure the best outcomes for communities.

Generally, these projects have a capital investment value greater than \$30 million. Other categories of Regionally Significant Development include council or Crown development applications, with a capital investment value greater than \$5 million.

What type of applications go to the Local Planning Panels?

Local Planning Panels are made up of independent experts that determine development applications on behalf of council, and provide advice on planning matters, including planning proposals.

LPPs make decisions on sensitive and contentious development applications that come before councils. Council staff still determine the more straightforward DAs.

What did the panels achieve last financial year?

Local Planning Panels assessed 1,282 applications last financial year and approved 1,025 development applications worth \$3.45 billion, paving the way for 4,433 new homes and an estimated 6,898 jobs across NSW.

Sydney District and Regional Planning Panels assessed 301 applications last financial year and approved 260 development applications worth \$9.96 billion, paving the way for 12,511 new homes and 47,765 jobs across NSW

Together, these panels assessed 1,583 applications last financial year and approved 1,285 development applications worth \$13.41 billion, paving the way for 16,944 new homes and 54,663 jobs across NSW.

What's the breakdown of the Sydney District and Regional Planning Panels? How are they chosen?

There are nine Sydney District and Regional Planning Panels in operation:

- Four regional: Southern, Northern, Western and Hunter and Central Coast; and
- Five Sydney districts; Sydney North, Sydney Eastern City, Sydney South, Sydney Central City and Sydney Western City.

Each Panel is made up of five members:

- Three State expert members, including the chair, appointed by the Minister for Planning; and
- Two members appointed by the relevant council.

DPE oversees the recruitment process and members cannot be real estate agents or property developers (or a close associate). They are in the role for up to three years (the term of current members expires on 31 December 2022).

What about the Local Planning Panels? How are members chosen?

There are 36 Local Planning Panels throughout NSW. One for each of the 33 Sydney councils, and one each for the Central Coast, Wollongong and Wingecarribee.

The panels consist of a chair and two independent experts appointed by the relevant council from a Minister-endorsed pool of independent, qualified people, plus a community representative.

The panels are not state appointed. Councils appoint all the chairs and members to the panel from a pool of experts that have gone through a rigorous recruitment process and have been approved by the Minister as being appropriately qualified and experienced.

Over 60 experienced and independent persons have been approved for councils to appoint as chairs or alternate chairs, and a pool of more than 200 independent qualified experts from which councils can choose to appoint to their local planning panels.

A community representative is also chosen by the relevant council.

This approach strikes a balance between experts making decisions in relation to planning issues, with the ability to incorporate legitimate and relevant local knowledge through the inclusion of community members.

Where can I find out more?

Visit the Department of Planning and Environment's website for more information:

- [Local Planning Panels](#)
- [Sydney District and Regional Planning Panels](#)

For enquiries relating to the Planning Panels please contact the Planning Panels Secretariat on:

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