



NSW GOVERNMENT  
**Department of Planning**

# Procedures for the Operation of Joint Regional Planning Panels



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The Procedures do not affect or replace relevant statutory requirements. Where an inconsistency arises between the provisions of the Procedures and relevant statutory provisions, the statutory requirements prevail.

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It should be noted that the Procedures may be affected by changes to legislation at any time and/or be subject to revision without notice.

It is recommended that independent advice be sought in respect of the operation of the Procedures and the statutory requirements applying to Joint Regional Planning Panels under the *Environmental Planning and Assessment Act 1979*.

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## 1. Introduction

Joint Regional Planning Panels (Regional Panels) were introduced in NSW on 1 July 2009 in order to strengthen decision making on regionally significant development applications and certain other planning matters.

These procedures have been developed to explain the means of operating Regional Panels and to clarify the roles of various parties in the process.

The procedures should be read in conjunction with the Code of Conduct for Joint Regional Planning Panels which explains the standard of conduct expected of Regional Panel members.

These procedures are in relation to the operation of Regional Panels under the *Environmental Planning and Assessment Act 1979* (EP&A Act), and extend to Regional Panels if they are undertaking any functions conferred on them under the EP&A or any other Act.

These procedures will be kept under review and may be amended from time to time as needed following the experience of implementing and operating Regional Panels.

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## 2. Functions of Regional Panels

### 2.1 Functions

The principal function of Regional Panels is to determine regionally significant development applications. Additional functions of regional panels include:

- Acting as the relevant planning authority (RPA) for the purpose of preparing a local environmental plan when appointed to do so by the Minister for Planning;
- Determining Crown development applications that have been referred to the Regional Panel by the council or the applicant, after having not been determined by the council within the time prescribed in the regulations;
- Determining applications to modify a consent for regionally significant development under s.96(2) of the EP&A Act; and
- Providing advice on planning or development matters when requested to do so by the Minister.

The EP&A Act provides that if a Regional Panel has not been appointed for a particular part of the State, any function that is conferred on a Regional Panel is to be undertaken by the Planning Assessment Commission (PAC).

### 2.2 Membership of Regional Panels

Regional Panels consist of 5 members as follows:

- **State Members:** Three State members appointed by the Minister, each having expertise in one or more of the following: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.
- **Council Members:** Two council members appointed by each council that is situated in a part of the state for which a Regional Panel is established. At least one council member is required to have expertise in one or more of the following: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

It is a matter for each council to identify how the members are selected. In selecting members, however, Councils should have regard to the conflict of duties that would be created for a person nominated to the Regional Panel if they were in any way responsible for or involved in the assessment and recommendation of a matter to be determined by the Regional Panel.

As a general rule it is not appropriate for council staff to be members of a JRPP, as it would be difficult for them to appropriately manage the conflicts of duties between being a council staff member and fulfilling the obligations of a JRPP member.

At a meeting of a Regional Panel, matters in a number of different council areas may be considered. The two (2) members of individual councils will join the three (3) State members to comprise the Regional Panel whenever

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the Regional Panel is considering a matter that is located in that council's area.

If a council within the area of a Regional Panel fails to nominate one or more council members, a Regional Panel may still exercise its functions in relation to the area of the council concerned.

Councils can appoint, terminate, and reappoint, members at anytime. Councils should, however, reappoint council members within 12 months following a council election.

- **Chairperson and Deputy Chairperson:** The Minister will appoint one of the state members as the Chairperson for the Regional Panel.

The members may determine to elect a State member to be Deputy Chairperson. The role of a Deputy Chairperson is to act as the Chairperson at anytime the Chairperson is absent from the meeting.

A Deputy Chairperson can be elected for the duration of their term of office as a member or for a shorter term. A State member can be elected as Deputy Chairperson by members of the Regional Panel at anytime.

The Chairperson (or, in the absence of the Chairperson, a person elected by the members) presides at meetings of Regional Panels. The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

- **Alternates:** The Minister may, from time to time, appoint a person to be the alternate of a State member, and may revoke any such appointment.

A council may also, from time to time, appoint a person to be the alternate of a member nominated by the council, and may revoke any such appointment.

A person may be appointed to be the alternate of two (2) or more members, although they can only have one (1) vote at a meeting.

The Panel Secretariat is responsible for the maintenance of a register of Regional Panel members comprising state members as appointed by the Minister and council members as nominated by the council.

The EP&A Act stipulates the circumstances when a vacancy in office of a Regional Panel member occurs. The Minister in the case of a state member, and the council in the case of a council member, would fill such a vacancy in accordance with the EP&A Act.

## 2.3 Defining the Regions

Joint Regional Planning Panels are constituted by the Minister for Planning by order published in the Gazette. The Minister may revoke an order and make new orders at any time.

There are 5 Regional Panels, corresponding with the Department of Planning Regional Boundaries as shown in the following maps. The following 5 Joint Regional Planning Panels were constituted by order on 1 July 2009:

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- Northern Region Joint Planning Panel ;
  - Hunter and Central Joint Planning Panel ;
  - Southern Region Joint Planning Panel (excluding Wagga Wagga local government area);
  - Sydney East Region Joint Planning Panel (excluding City of Sydney local government area); and
  - Sydney West Joint Planning Panel

In June 2009 the Minister for Planning announced that she would also establish a Joint Planning Panel for the Western Region of New South Wales, corresponding to the Department of Planning's Western Region. This region will be established by separate order as soon as practicable after 1 July 2009.

The Regional Panel provisions do not apply in the City of Sydney, where the Central Sydney Planning Committee will continue to function, and the Planning Assessment Commission will function in lieu of a Regional Panel in the case of Crown development applications not determined by the Council within the time prescribed in the regulations.

#### **2.4 Classes of Regional Development and functions to be exercised by Regional Panels**

Part 3 (Regional development) of *State Environmental Planning Policy (Major Development) 2005* identifies the types of development that Regional Panels will be responsible for determining.

Division 3 of Part 3 of the Major Development SEPP sets out the functions to be exercised by Regional Panels, including determination of specified:

- classes of development applications;
- staged development applications; and
- modification applications (but only where the Regional Panel granted consent to the development).

#### **2.5 Administration**

Administration and support for Regional Panels is provided by the Panel Secretariat. Such support is in relation to preparation and issue of meeting agendas, arrangements for travel to meetings and accommodation (if required), and support to Panel members.

Councils will be responsible for the usual notification process for applications, the assessment reports (including the consideration of submissions) and the post-determination functions.

Councils may be requested to assist JRPPs with the provision of meeting venues, arrangements for site visits and briefings (where appropriate).

#### **2.6 Monitoring and Review**

The performance of Regional Panels in relation to their handling of development applications and other matters will be monitored and reported on in a Regional Development Monitor to be published annually.

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### **3. Roles of councils and other panels in relation to the JRPP**

#### **3.1 Role of Councillors and Council Staff**

Councillors (as the elected Council) and council staff have distinctly different roles in the handling of development applications. The separation of these roles is reinforced in s.352 of the *Local Government Act 1993* (LG Act) which provides that a member of staff is not subject to direction by the council or by a councillor as to the content of any advice or recommendation made by the member. Equally, a council or councillor is not bound by the advice or recommendation made by a member of staff.

##### ***Assessment Role***

The role of council staff is to undertake the assessment of the development application. The assessment of a development application requires undertaking various statutory requirements such as public notification, advertising, consultation, concurrence and obtaining general terms of approval from an agency if required, and consideration of the matters set out in the EP&A Act including s.79C. The assessment is documented in an assessment report with recommendations. The report is subsequently considered by the person or body whose role it is to determine the application.

##### ***Determination Role***

The role of the elected Council is to determine, or make decisions on, development applications in their capacity as consent authority. There are occasions, however, where the determination role is undertaken by other persons or bodies either because the Council has delegated that function, or because it has been conferred upon another person or body.

Section 23G of the EP&A Act has conferred upon Regional Panels the function of elected councils to determine regionally significant, and certain other types of development applications. As such, regionally significant development applications are not determined by councils although the council retains responsibility for its other functions as consent authority.

#### **3.2 Support provided to Regional Panels by councils**

The EP&A Act provides that Regional Panels are entitled to the use of the staff and facilities of the relevant council for the purpose of carrying out its functions and that a General Manager of a council must carry out any reasonable direction of a Regional Panel when it is carrying out any of the functions of that council.

It is expected that the use of council facilities such as meeting rooms would be arranged prior to meetings of Regional Panels. From time to time support such as copying of documents and the provision of professional advice may also be required.

The Chairperson and members of a Regional Panel will need to be mindful of the regular duties and responsibilities of council staff when requests for assistance are made.

Requests by members of Regional Panels for support and assistance from councils should be made through the Chairperson to the General Manager

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(or other person nominated by the General Manager) of the council concerned.

### **3.3 Role of Design Review Panels**

Design Review Panels are established by councils either formally, under the provisions of State Environmental Planning Policy No. 65 - Quality of Residential Design (SEPP 65) with the approval of the Minister, or informally, in order to bring special design expertise to the assessment of certain types of development applications.

Design Review Panels that are properly integrated in the assessment process are an effective tool helping to improve the quality of design. The quality of design has a bearing on many, but obviously not all, of the matters considered in the assessment of a development application.

The role of Design Review Panels in the assessment of applications is not changed by the fact that the application is to be determined by a Regional Planning Panel. It is generally more effective in terms of design quality outcomes and timeliness, however, if the Design Review Panel is convened at the pre-DA stage or early in the assessment phase.

### **3.4 Role of Independent Hearing and Assessment Panels**

A number of councils have voluntarily established Independent Hearing and Assessment Panels (IHAPs). Their purpose is to provide an independent review of the development applications referred to the IHAP as well as an opportunity for people with an interest in development applications to raise and discuss issues in a public forum before a decision is made on the application.

The roles of IHAPs and the role of Regional Panels overlap in so much as Regional Panels provide the opportunity for people with an expressed interest in a development application to be properly heard. Regional Panels also bring independent expertise.

As such, applications to be determined by a Regional Panel are not to be referred to Independent Hearing and Assessment Panels - except those which are established under by s.231(2) of the EP&A Act and where the applicable environmental planning instrument requires assessment by a panel.

Note: Section 231(2) of the EP&A Act requires councils to constitute Independent Hearing and Assessment Panels if an assessment by a panel is required by an environmental planning instrument.

### **3.5 Role of Planning Assessment Panels (s.118 panels)**

Under the provisions of section 118 of the EP&A Act the Minister is able to appoint Planning Assessment Panels to exercise all or any particular function or class of functions of the council as a consent authority or in relation to the making of environmental planning instruments.

The *Environmental Planning and Assessment Regulations 2000* (EP&A Regulation) includes transitional provisions to clarify that where a planning assessment panel has been established (s.118 panels), such panels may

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not exercise the council consent authority function that have been conferred on them where development is of a class to be determined by a Regional Panel. However, all other classes of applications will continue to be determined by the Planning Assessment Panel.

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## **4. The Assessment Process**

### **4.1 Pre-DA Meetings**

Pre-DA meetings between applicants and assessment officers are commonly used to resolve the assessment requirements for applications before they are submitted to the consent authority.

It is not appropriate for determining bodies, such as Regional Panels or their members, to participate in such meetings in so far as a determining body, or individual members of a determining body, cannot express an opinion regarding the merits or otherwise of a development application prior to the proper assessment of the development application at a formal meeting of the Regional Panel.

### **4.2 Making of Development Applications**

Development applications, including staged development applications, are made in the ordinary manner to the council that would otherwise have had the function of determining the application. Applicants should be requested to submit the application and supporting material in electronic form for notification on the council's website as well as for ease of notification of the Panel Secretariat.

In the case of development located in two (2) or more local government areas, a separate development application must be lodged with the councils of each local government area. Additionally:

- Each DA should only address that part of the development located on land in the relevant LGA;
- Neighbouring councils may wish to consider setting up joint assessment procedures, if appropriate; and
- The JRPP will determine each DA separately (although the determinations may be made concurrently).

### **4.3 Notification to Panel Secretariat**

Within seven (7) days of receiving a development application for regional development for which the Regional Panel is the determining body, the council is to notify the Panel Secretariat.

The notification is to include:

- A copy of the development application and Statement of environmental Effects or Environmental Impact Statement to be used for the purpose of public notification;
- The dates during which it is proposed to conduct public notification of the application;
- The estimated date by which the assessment report will be completed.
- Details of the key contact person within Council (name, phone number and email address); and
- The link to the Council's web-site where the application will be available during the exhibition period (for inclusion on the Regional Panel web-site).

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#### **4.4 Assessment of the Development Application**

The council that received the application (including applications for staged development and to modify a consent) is responsible through its staff for undertaking the assessment of the application in accordance with the provisions of the EP&A Act. Usually councils would rely on their own professional staff. However, where they do not have the technical expertise required in-house, they may involve external expertise in the assessment of aspects or the whole development application.

Public notification of the application, and re-notification if required, is undertaken by the council staff in accordance with the requirements of the EP&A Act, including the provisions of any development control plan the council has for the notification or advertising of development applications.

Public notification, including letters and advertisements, should contain an appropriate statement to advise that submissions made in respect of the application will be provided to the Joint Regional Planning Panel and may be viewed by other persons with an interest in the application.

Council staff will negotiate Voluntary Planning Agreements (VPAs) with applicants in the normal way and VPAs may only be entered into by the Council.

#### **4.5 Panel briefings or site visits during the assessment phase**

Prior to an assessment report for a development application being submitted to a Regional Panel to be determined, the Chairperson may agree to a site visit or a briefing as part of a formal meeting of the Regional Panel. The site visit or briefing may be as a result of a request from the applicant, community representative or the council.

The purpose of the briefing would be for the information of the Regional Panel. The Regional Panel is not able to offer an opinion on the overall merits of the proposal at this stage prior to considering the assessment report and recommendations.

The Code of Conduct (section 5.5) includes more specific requirements regarding the obligations upon JRPP members with respect to meetings/briefings with applicants, objectors or other third parties with an interest in the proposed development.

#### **4.6 Council representation to the Regional Panel**

A council may make a submission on a development application that is to be determined by a Regional Panel during and up to seven (7) days before the Panel Meeting. The applicant may consider it appropriate to provide a briefing to council prior to the council framing its submission to the Panel.

The council submission should be forwarded to the Panel Secretariat. A Regional Panel will give consideration to a council submission in its determination of the application. A council submission, however, is not a matter that must be specifically addressed in the assessment report or recommendations prepared by the council staff.

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#### **4.7 Submission of Assessment Report to Panel Secretariat**

The completed assessment report and recommendation, signed by the officer responsible for the report, is to be forwarded electronically to the Panel Secretariat immediately upon completion.

The assessment report is not required to be endorsed or presented to the Council before being forwarded to the Panel Secretariat.

The following items are to be forwarded in a digital format to the Secretariat:

- Assessment Report, any attachments and the Recommendations (including conditions);
- Development Application and Statement of Environmental Effects or Environmental Impact Statement along with any plans, drawings or other material submitted with the application if it has not previously been submitted to the Panel Secretariat;
- Copies of each submission (or a summary of submissions) received in respect of the application along with a table containing the names and addresses (preferably email addresses) of every person or body who made a submission. In the case of petitions, only the name and address of the head petitioner, if that person can be identified. A hard copy as well as a digital copy should be submitted.

Note: Copies of submissions are requested in order to enable the Regional Panel to consider the submissions for the purposes of s. 79C of the EP&A Act and to enable the Panel Secretariat to notify persons who made submissions of the time, date and venue of the Panel meeting at which the relevant application will be considered.

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## 5. The Determination Process

### 5.1 Setting of meeting date and agenda

A regular schedule of proposed meeting dates will be determined in advance by the Panel Secretariat in consultation with the Chairperson. The schedule is likely to be on a 2 or 3 week cycle depending on the particular region and the likely volume of applications. If there are no items for a scheduled meeting date, the meeting will not take place.

Special meetings of a Regional Panel may be organised at the discretion of the Chairperson subject to the notice requirements discussed later.

The agenda for each meeting is approved by the Chairperson of the Regional Panel, who may consult with the General Managers (or their nominee) of the councils with items for the Regional Panel as necessary.

Preliminary agendas should be forecast as far ahead as possible, being mindful that issues may emerge during public notification that will alter the originally estimated date for completion of the assessment report. In these circumstances, the council is to notify the Panel Secretariat of the revised date for completion of the assessment report and the brief reasons for the delay.

### 5.2 Meeting venue

The meeting venue is determined by the Chairperson in consultation with the Regional Director of the Department of Planning, and the General Managers (or their delegates) of the councils with items for the particular Regional Panel Meeting having regard to:

- The location of the matters to be considered at the Regional Panel meeting;
- The number of persons who have expressed an interest in the different matters to be considered at the Regional Panel meeting;
- The accessibility of the proposed venue for those persons.

It is anticipated that meetings will be held at the offices of a council or at a community meeting room of the council. The aims are to:

- Maximise accessibility to people who have expressed an interest in the matters to be considered at the meeting;
- Rotate meetings between different local government areas;
- Facilitate the open exchange of information between the Panel members and other parties.

In metropolitan areas, items from a number of different local government areas might be considered in the one meeting provided the venue is reasonably accessible.

In regional areas, where there are likely to be fewer applications to consider but over a wider area, the Chairperson may need to convene meetings in a number of locations to ensure they are accessible to the greatest number of people with an interest in the application being considered.

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### **5.3 Notice of meeting**

Notice of a Regional Panel Meeting is to be given by the Panel Secretariat seven (7) days before the meeting. The notice is to be provided to the Regional Panel members, the General Managers (or their nominee) of the Councils in that region, every person who made a submission in respect of an item to be considered at the meeting and the applicants for those items. The notice is also to be included on the web-site of the councils with items to be considered at the meeting. The notice is to include details of:

- The time and date of the meeting;
- The venue for the meeting; and
- The development applications; and
- The Assessment Report and recommendations; and
- Other matters to be considered at the meeting

### **5.4 Distribution of meeting agenda**

The meeting agenda, accompanying reports and attachments including any representations made by councils are to be distributed electronically to members of the Regional Panel by the Panel Secretariat no less than seven (7) working days prior to the meeting.

### **5.5 Site visits**

Formal visits by the Regional Panel to the site of a development application being considered may be arranged prior to the meeting at the discretion of the Chairperson. The Chairperson may also invite the responsible council assessment officer and the proponent as well as any relevant community member or representative who has requested to make a presentation. Entry on to any private land in these circumstances may only take place with the express permission of the owner of the land.

Informal visits to the locality of a matter before a Regional Panel may also be undertaken by Regional Panel members at their own discretion and in order to assist their understanding of the matter before the Panel. In such circumstances, however:

- Panel members should not enter onto any land, even if invited by the landowner or a neighbouring property owner or any other person;
- Panel members should not discuss the merits or otherwise of an application with any person, including the applicant, any person representing the applicant, or any person who made a submission in respect of the application;
- Panel members should advise the Chairperson of such visits; and
- Panel members are reminded of their obligations under section 5.5 of the Code of Conduct with respect to meetings and briefings.

### **5.6 Quorum for a Regional Panel Meeting**

A quorum for a meeting of a Regional Panel is a majority of its members (including the Chairperson).

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## 5.7 The Regional Panel Meeting

Regional Panel meetings are to be conducted in public, unless otherwise directed by the Minister, or unless the Chairperson is of the opinion there are justifiable reasons to conduct any part of the meeting in closed session.

Justifiable reasons to conduct any part of the meeting in closed session may include the Regional Panel's consideration of:

1. Commercial information of a confidential nature that would, if disclosed:
  - a) prejudice the commercial position of the person who supplied it; or
  - b) reveal a trade secret; or
2. Advice concerning litigation, or Regional Panel advice that would otherwise be privileged from production in legal proceedings or for other purposes on the ground of legal professional privilege;
3. Information concerning the nature and location of a place or an item of Aboriginal significance on community land;
4. A potential conflict of interest of a member; or
5. To transact business outside of a formal meeting as provided in section 5.9 of these procedures.

Before the Chairperson decides to conduct any part of a Regional Panel meeting in closed session, the Chairperson may allow members of the public to make representations as to whether that part of the meeting should be closed.

Where a Chairperson decides to close any part of a Regional Panel meeting, the reasons for closing that part of the meeting must be recorded in the minutes of the meeting.

## 5.8 Presentations at Regional Panel Meeting

The Chairperson will determine the order of presentations to the panel. The panel members may ask questions of those making presentations. The amount of time afforded to persons being heard will be at the discretion of the Chairperson.

### (a) Presentation by the applicant

Prior to considering an item, the applicant will be given the opportunity to outline the proposal and, with the approval of the Chairperson, respond where appropriate to any issues raised during public notification or the assessment of the application.

### (b) Presentation by persons or bodies who made submissions

Persons (or persons on behalf of bodies) who made a submission on a matter before the Regional Panel may request to address the Panel. Requests can be made to the Panel Secretariat prior to the meeting.

Where a large group of people have common issues, the Chairperson may ask that a spokesperson be appointed to speak on behalf of the group. The Chairperson will seek, where practicable, to ensure that all groups or individuals who request to address the Panel are heard.

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**(c) Presentation by person responsible for assessment**

A person responsible for the assessment report and recommendations is to be present at the Regional Panel meeting during consideration of that item. Other technical experts from the council as appropriate may also be present having regard to the nature of the matter before the Regional Panel (e.g. traffic engineers and the like).

The panel may request assistance from that person or persons clarifying issues regarding the assessment or matters raised earlier by the applicant or persons who made submissions.

Note: A person responsible for the assessment report can be either the person who prepared the assessment report, or a person in a supervisory position who accepts responsibility for the report and its recommendations.

**(d) Presentation by a panel appointed expert**

For the purpose of determining a development application, or an application to modify a development consent, a Regional Panel may obtain independent assessment reports, advice and assistance as the panel thinks fit, particularly in relation to complex technical matters. This would be in addition to any assessment report or other information provided by the relevant council in assessing the application. Depending on the circumstances, the expert may submit a report with recommendations directly to Regional Panel. In addition, the expert may be invited to present the outcomes of the investigation at the public meeting.

**5.9 Transaction of business outside formal meetings**

A Regional Panel can transact any of its business, if it thinks fit, at a meeting at which members participate by electronic means including telephone and closed circuit television. The occurrence of such meetings is likely to be limited to extraordinary circumstances, and is likely to be in order to conclude business transacted substantially in a public meeting.

Clause 268I of the EP&A Reg provides that:

1. A planning body (which includes a Regional Panel) may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the planning body for the matter for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the planning body.
2. The planning body may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
3. For the purposes of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),The chairperson and each member of the planning body have the same voting rights as they have at an ordinary meeting of the planning body.

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4. A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the planning body.
  5. Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

#### **5.10 Obligation to consult council – if adverse financial impacts**

A Regional Panel must not make a decision that will have, or that might reasonably be expected to have a significantly adverse financial impact on a council until after it has consulted with the council. These costs may be associated with the need for additional infrastructure or services.

The consultation may be in writing, with the council given a specified time to respond in writing. Where a meeting with the General Manager (or nominee) is to be held to discuss the matter, all panel members should be present and minutes kept of the meeting and its outcomes.

#### **5.11 Making the determination**

Where a decision cannot be made by consensus, the decision of the Regional Panel is to be made by majority vote. The presiding member will have a second or casting vote if required because of an equality of votes.

A decision may be deferred for any reason including the obtaining of additional information or advice. In these circumstances, the decision may be made at a subsequent meeting; including a meeting conducted by the circulation of papers or by electronic means in accordance with clause 268I of the *Environmental Planning and Assessment Regulation 2000*.

The Regional Panel may engage experts to obtain independent advice and assistance as the panel thinks fit, to ensure adequate and appropriate information is available for consideration in making a determination.

Where the determination is not consistent with the recommendations by the relevant council officers, the Regional Panel will be required to provide reasons.

Section 82A reviews are not available in respect of determinations by Regional Panels.

#### **5.12 Recording of minutes**

The Chairperson is responsible for ensuring that full and accurate minutes are kept of the proceedings of each meeting of a Regional Panel.

The unconfirmed minutes must be endorsed by the Chairperson and made publicly available within five (5) days of the Regional Panel meeting. A copy of the unconfirmed minutes must also be provided to the relevant councils which participated in the Regional Panel Meeting, once they have been endorsed by the Chairperson. Panel members may submit any proposed corrections of the unconfirmed minutes to the Panel Secretariat for distribution to the Panel members prior to the meeting at which the minutes are to be confirmed.

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The minutes of a meeting must be submitted for confirmation at the next ordinary meeting of the Regional Panel. When the minutes have been confirmed at a subsequent meeting of the Regional Panel, the Chairperson of that meeting must sign them.

The minutes must record:

- (a) The opening and closing times of the meeting
- (b) The names of state members (or their alternates) present at the meeting
- (c) The names of the council members (or their alternates) in respect of each item
- (d) Any disclosure of interest made by a member and the reason for that disclosure of interest and whether the member making the disclosure participated in the discussion or determination of the matter
- (e) The names of each person heard by the Regional Panel in respect of an item and a summary of key issues raised
- (f) The decision of the Regional Panel for each item. Where the determination is not consistent with the recommendations by the relevant council officers, the following must be provided:
  - (i) Reasons for the decision; and
  - (ii) Any conditions of consent or changes to the recommended conditions of approval.
- (g) The names of: each member who voted for; and of each member who voted against.

Minutes are recorded by an officer of the Panel Secretariat. The Panel Secretariat is responsible for keeping records of the Regional Panels.

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## **6. Post Meeting Procedures**

### **6.1 Issuing the notice of determination**

The notice of determination is issued by the council that received the development application following the decision of the Regional Panel and in accordance with the EP&A Act and Regulation and the council's normal procedures.

### **6.2 Monitoring of and compliance with conditions of approval**

The council as the consent authority will continue to be responsible for the monitoring of, and enforcing compliance with, any conditions of the development consent.

### **6.3 Appeals against determination where Council is applicant**

Appeals against the determination of a Regional Panel are to be defended by the council that received the development application as though the determination were made by the council.

However, the EP&A Regulations provide that where a council is the applicant and makes an appeal or otherwise commences Land and Environment Court proceedings concerning a Regional Panel determination in respect of the Council's application, the Regional Panel will be the relevant respondent in such proceedings.