

Attachment A

**Local Planning Panels Direction
26 May 2024**

LOCAL PLANNING PANELS DIRECTION –APPOINTMENT OF MEMBERS

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*



The Hon. Paul Scully MP
Minister for Planning & Public Spaces

Dated: 26/5/24

Objective

The objective of this direction is to set requirements for the appointment of new members and the re-appointment of current members to local planning panels, and establish requirements for the creation of pools comprising appointed members.

Application

This direction applies to a council that has constituted a local planning panel under the *Environmental Planning and Assessment Act 1979* (the Act).

1. Direction 1 Appointment of members

1.1 A council to whom this direction applies is to require in their letter of appointment or re-appointment of any new or current panel member, that the proposed member agree to abide by the *Code of Conduct for Local Planning Panel Members*, in their acceptance of appointment to the local planning panel. The **Code of Conduct for Local Planning Panel Members** is the code approved by the Minister for Planning under section 28 of Schedule 2 to the Act.

1.2 Before appointing community representatives to a panel, a council must require proposed representatives to complete a statutory declaration stating that they are not:

- a) a councillor of that or any other council, or
- b) a property developer within the meaning of section 53 of the *Electoral Funding Act 2018*, or
- c) a real estate agent within the meaning of the *Property, Stock and Business Agents Act 2002*.

Note: these are grounds for ineligibility for membership of a local planning panel under section 2.18 of the Act.

1.3. Before appointing community representatives to a panel, a council must also arrange probity checks for the proposed representatives which must include (but are not limited to):

- a) Search of the Public Register of real estate agents
- b) Bankruptcy Register Search
- c) A Nationally Coordinated Criminal History Check

2. Direction 2 Appointment of members to a pool

- 2.1. A council must establish a pool comprising at least 15 independent expert members and alternate members that have been appointed for the purpose of constituting a local planning panel. A council must establish a pool comprising at least 4 community representatives that have been appointed for the purpose of constituting a local planning panel.

This direction takes effect on 30 June 2024