

# **Attachment A**

**Local Planning Panels Direction –  
Appointment of New Members**

## LOCAL PLANNING PANELS DIRECTION – APPOINTMENT OF NEW MEMBERS

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



The Hon. Anthony Roberts MP  
Minister for Planning

Dated: 7/12/22

### 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), other than the council of the City of Sydney.

#### 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.
  
- 2.2. 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 24 April 2023.