

Attachment A

**Local Planning Panels Direction
Interim Appointment of Members**

LOCAL PLANNING PANELS DIRECTION – INTERIM 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: 22/1/24

Objective

The objective of this direction is to extend the approval of chair and member pools and appoint existing chairs and members of local planning panels for an interim period from 28 February 2024 to 30 June 2024.

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 Continuation of the pools dated 28 February 2021 until 30 June 2024

- 1.1 A council to whom this direction applies must note that the chair/alternate chair pool dated 28 February 2021 is approved until 30 June 2024.
- 1.2 A council to whom this direction applies must note that the expert member pool dated 28 February 2021 is approved until 30 June 2024.

2. Direction 2 Interim appointment from the pool dated 28 February 2021

- 2.1 A council to whom this direction applies is to appoint a new or reappoint the current chair/alternate chair to a local planning panel for the period covering 28 February 2024 to 30 June 2024.
- 2.2 A council to whom this direction applies is to appoint a new or current panel member to a local planning panel for the period covering 28 February 2024 to 30 June 2024.
- 2.3 Any panel member who has served two terms on a specific local planning panel cannot be reappointed, this includes community representatives. In this case, a council to whom this direction applies must appoint a new panel member from the approved pool.
- 2.4 During this interim appointment period a council is permitted to have a reduced number of panel members in their approved pool, that is less than the 15 independent expert members and alternate members (see Local Planning Panels Direction – Appointment of New Members dated 7 December 2022).

3. Direction 3 Appointment of members

3.1 A council to whom this direction applies is to require in their letter of appointment or reappointment 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.

3.2 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.

3.3 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

This direction takes effect on 28 February 2024