



New South Wales

Environmental Planning and Assessment Amendment (Maintenance of Local Government Development Consent Powers) Bill 2010

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to change the procedures for appointing planning administrators, and to change the functions of such administrators, so that a council's development consent powers and other decision-making functions are maintained, except in the limited circumstances where an administrator can exercise them (namely, if the planning administrator is of the opinion that the council has exercised the functions in a manner that fails to comply with the council's obligations under the planning legislation or in a manner that is not in the best interests of the community served by the council). The Bill also abolishes planning assessment panels.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 1 [4] inserts the following new provisions concerning planning administrators:

Subdivision 1 Preliminary

Proposed section 117C defines terms used in the proposed provisions. In particular, it defines *prescribed planning functions*, which are the only functions that a planning administrator can exercise, as:

- (a) the refusal of consent to a development application, or
- (b) the granting of consent to a development application, or
- (c) the imposition of conditions on a development consent, or
- (d) the modification of conditions on a development consent, or
- (e) the extension of the term of a development consent, or
- (f) any other function as a consent authority conferred by an environmental planning instrument, or
- (g) a function of a relevant planning authority relating to the making of an environmental planning instrument under Part 3 of the *Environmental Planning and Assessment Act 1979*, or
- (h) a function of a council relating to the making of an environmental planning instrument under Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*, or
- (i) a function relating to the preparation, making and approval of a development control plan, or
- (j) a function relating to the preparation and approval of a contribution plan.

Subdivision 2 Appointment of planning administrators

Proposed section 117D constitutes the Panel for the Review of Councils, the functions of which are to advise the Minister about the need to provide assistance to councils in the exercise of their prescribed planning functions and to advise the Minister about the need to appoint planning administrators for particular councils.

Proposed section 117E provides that the Panel may advise the Minister as to whether or not to appoint a planning administrator for a particular council. The Panel may provide such advice at the request of the Minister or if the Independent Commission Against Corruption has made certain recommendations in relation to the council.

Proposed section 117F provides for the Minister to appoint a planning administrator for a particular council, after giving notice to the council.

Subdivision 3 Functions of planning administrators

Proposed section 117G confers functions on a planning administrator appointed for a particular council, which include providing advice to the council in relation to the exercise by the council of its prescribed planning functions and assisting the council in making improvements to its governance and to the process by which it exercises its prescribed planning functions. In certain limited circumstances, the planning administrator can reverse the exercise of one or more of the prescribed planning functions of the council or seek the revocation by the Minister of any delegation of a prescribed planning function made by a council to its general manager.

Proposed section 117H provides that a planning administrator appointed for a particular council may reverse the exercise of a planning function of the council and exercise the planning function in the place of the council, but only if the planning administrator is of the opinion that the council has exercised a prescribed planning function in a manner that fails to comply with the council's obligations under the planning legislation or in a manner that is not in the best interests of the community served by the council.

Proposed section 117I provides that the appointment of a planning administrator for a particular council does not affect any delegation of a prescribed planning function made by the council to its general manager, but the planning administrator may apply to the Minister for the revocation of any or all delegations by the council to its general manager or that other person in relation to prescribed planning functions.

Subdivision 4 Reporting of planning administrators

Proposed section 117J provides for a planning administrator to provide an interim review and progress report about the first 6 months of the administrator's appointment. That report must include an evaluation of the key performance indicators that relate to the decision-making of the council.

Proposed section 117K provides for a planning administrator to provide an annual report about the first 12 months of the administrator's appointment. That report must include an evaluation of the key performance indicators that relate to the decision-making of the council and a recommendation as to the need for the continuation or otherwise of the period of planning administration.

Proposed section 117L provides for the Minister to extend the term of appointment of the planning administrator if the administrator's annual report recommends the continuation.

Proposed section 117M makes it clear that the Minister can terminate the appointment of a planning administrator for any other reason.

Subdivision 5 Miscellaneous

Proposed section 117N makes it clear that the proposed provisions do not affect the power of the Governor to dismiss the mayor and councillors of a council.

Schedule 1 [1]–[3], [5]–[19] and [24] are consequential on the revision of provisions about planning administrators and the abolition of planning assessment panels.

Schedule 1 [20]–[23] extend a provision that protects the exercise of certain functions of Ministers so that it applies to planning administrators. The Minister may consent to the provision being over-ridden.

Schedule 1 [25] provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act.

Schedule 1 [26] revokes any existing appointments of planning administrators and planning assessment panels.

Schedule 1 [27] makes provision for the membership and procedure of the Panel for the Review of Councils.

Schedule 2 Amendment of Independent Commission Against Corruption Act 1988 No 35

Schedule 2 makes a consequential amendment. It modifies the power of the Independent Commission Against Corruption to recommend that a person be appointed under the *Environmental Planning and Assessment Act 1979* to administer the functions of a council because of serious corrupt conduct by any of the councillors in connection with the exercise or purported exercise of functions under that Act. The amended provision instead provides for the Commission to recommend the appointment of a planning administrator or regional panel to exercise planning functions.



New South Wales

Environmental Planning and Assessment Amendment (Maintenance of Local Government Development Consent Powers) Bill 2010

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New South Wales

Environmental Planning and Assessment Amendment (Maintenance of Local Government Development Consent Powers) Bill 2010

No. , 2010

A Bill for

An Act to amend the *Environmental Planning and Assessment Act 1979* in relation to the appointment of planning administrators; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Environmental Planning and Assessment Amendment (Maintenance of Local Government Development Consent Powers) Act 2010</i> .	3 4 5
2 Commencement	6
This Act commences on the date of assent to this Act.	7

Schedule 1	Amendment of Environmental Planning and Assessment Act 1979 No 203	1
		2
[1]	Section 4 Definitions	3
	Omit the definition of <i>planning assessment panel</i> in section 4 (1).	4
[2]	Section 23D Functions of Commission	5
	Omit “or a planning assessment panel” from section 23D (1) (c).	6
[3]	Part 6, Division 1AA, heading	7
	Omit the heading. Insert instead:	8
	Division 1AA Planning administrators and regional panels	9
[4]	Part 6, Division 1AA	10
	Omit section 117C. Insert instead:	11
	Subdivision 1 Preliminary	12
	117C Definitions	13
	In this Division:	14
	<i>Panel for the Review of Councils</i> means the Panel for the Review of Councils constituted by section 117D.	15 16
	<i>planning administrator</i> for a council means a person appointed as a planning administrator for that council under section 117F.	17 18
	<i>prescribed planning function</i> means any of the following functions:	19 20
	(a) the refusal of consent to a development application,	21
	(b) the granting of consent to a development application,	22
	(c) the imposition of conditions on a development consent,	23
	(d) the modification of conditions on a development consent,	24
	(e) the extension of the term of a development consent,	25
	(f) any other function as a consent authority conferred by an environmental planning instrument,	26 27
	(g) a function of a relevant planning authority relating to the making of an environmental planning instrument under Part 3,	28 29 30

- (h) a function of a council relating to the making of an environmental planning instrument under Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*, 1
2
3
 - (i) a function relating to the preparation, making and approval of a development control plan, 4
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 - (j) a function relating to the preparation and approval of a contribution plan. 6
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- regional panel* means a joint regional planning panel. 8

Subdivision 2 Appointment of planning administrators 9

117D Panel for the Review of Councils 10

- (1) There is constituted by this section a body corporate to be called the Panel for the Review of Councils. 11
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- (2) The Panel is to have 3 members appointed by the Minister. 13
- (3) Of the members: 14
 - (a) one is to be nominated by the Minister, and 15
 - (b) one is to be nominated by the Minister for Local Government, and 16
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 - (c) one is to be nominated by the Local Government Association and the Shires Association of NSW acting together. 18
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- (4) The functions of the Panel are: 21
 - (a) to advise the Minister about the need to provide assistance to councils in the exercise of their prescribed planning functions, and 22
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 - (b) to advise the Minister about the need to appoint planning administrators for particular councils. 25
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- (5) For the purposes of providing such advice, the Panel may seek, receive and consider submissions from interested persons and may gather relevant information from any source. 27
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- (6) Schedule 7 makes provision for the membership and procedure of the Panel. 30
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117E Panel may advise Minister to appoint planning administrator 32

- (1) The Panel for the Review of Councils may advise the Minister as to whether or not to appoint a planning administrator for a particular council. 33
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(2)	The Panel may provide such advice:	1
(a)	at the request of the Minister, or	2
(b)	if a report referred to in section 74C of the <i>Independent Commission Against Corruption Act 1988</i> recommends that consideration be given to the appointment of a planning administrator for a particular council because of serious corrupt conduct by any of the councillors in connection with the exercise or purported exercise of prescribed planning functions, or	3 4 5 6 7 8 9
(c)	of its own volition.	10
(3)	If the Panel advises that a planning administrator should be appointed for a particular council, the Panel:	11 12
(a)	must specify to the Minister its reasons for advising that the appointment be made, and	13 14
(b)	must specify the key performance indicators on which the planning administrator will be required to report under Subdivision 4 (which are to reflect the reasons for advising the appointment of the planning administrator).	15 16 17 18
117F	Appointment of planning administrator	19
(1)	The Minister may appoint a planning administrator for a particular council:	20 21
(a)	on the advice of the Panel for the Review of Councils, or	22
(b)	with the agreement of the relevant council.	23
(2)	Before appointing a planning administrator for a particular council on the advice of the Panel, the Minister must notify the council concerned in writing of the proposed action (including the reasons for the proposed action) and request the council to show cause why the action should not be taken.	24 25 26 27 28
(3)	The Minister must consider any written submissions made by the council within 6 weeks of notice being given under subsection (2) and must not take action under this section earlier than 6 weeks after the notice is given.	29 30 31 32
(4)	A planning administrator is to be appointed by order of the Minister published in the Gazette.	33 34
(5)	The Minister must, as soon as reasonably practicable after appointing a planning administrator, make the reasons for that appointment publicly available.	35 36 37
(6)	The Minister may specify the term of appointment of a planning administrator.	38 39

Subdivision 3	Functions of planning administrators	1
117G	Functions of planning administrator	2
	A planning administrator appointed for a particular council has the following functions:	3
		4
	(a) to provide advice to the council in relation to the exercise by the council of its prescribed planning functions,	5
		6
	(b) to assist the council in making improvements to its governance and to the process by which it exercises its prescribed planning functions,	7
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		9
	(c) in the circumstances specified in section 117H—to reverse the exercise of one or more of the prescribed planning functions of the council,	10
		11
		12
	(d) in the circumstances specified in section 117I—to seek the revocation by the Minister of any delegation of a prescribed planning function made by a council to its general manager.	13
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117H	Planning administrator may reverse exercise of prescribed planning functions of council	17
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	(1) This section applies if a planning administrator appointed for a particular council is of the opinion that the council has exercised a prescribed planning function:	19
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		21
	(a) in a manner that fails to comply with the council’s obligations under the planning legislation, or	22
		23
	(b) in a manner that is not in the best interests of the community served by the council, because of the manner in which the council has dealt with the matter, the time taken or in any other respect.	24
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	(2) The planning administrator may reverse the exercise of the planning function and exercise the planning function in the place of the council, in which case:	28
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	(a) the planning function the exercise of which is reversed is taken never to have been exercised, and	31
		32
	(b) the exercise of the planning function by the administrator is taken to be the exercise of the function by the council.	33
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	(3) The planning administrator must not reverse the exercise of a function under this section unless the planning administrator has first:	35
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	(a) reported the proposed reversal to the council, and	38

(b)	provided the council with reasons for that reversal.	1
(4)	The planning administrator is not entitled to reverse the exercise of a function more than 3 months after the function was exercised by the council.	2 3 4
(5)	A planning administrator is not to enter into a contract in the exercise of the planning administrator's functions except:	5 6
(a)	with the consent of the Minister and the concurrence of the Minister for Local Government, or	7 8
(b)	in the case of a contract for the appointment of staff—with the authority conferred by a regulation made under section 118AF.	9 10 11
(6)	Subsection (2) has effect even if the appointment of the planning administrator is subsequently found not to have been validly made.	12 13 14
(7)	In this section:	15
	<i>failure to comply with obligations under the planning legislation</i> includes:	16 17
(a)	a failure to carry into effect or enforce the provisions of this Act, an environmental planning instrument or a direction under section 55, 94E or 117, or	18 19 20
(b)	a failure to comply with the requirements of the staged repeal program under section 33B with respect to the preparation or making of a replacement local environmental plan, or	21 22 23 24
(c)	without limiting paragraph (a), a failure to comply with a determination under section 56, or	25 26
(d)	without limiting paragraph (a), a failure to provide access to and the use of staff and facilities to the Planning Assessment Commission or a planning arbitrator as referred to in section 23N (1).	27 28 29 30
117I	Planning administrator may seek revocation of certain planning delegations	31 32
(1)	The appointment of a planning administrator for a particular council does not affect any delegation of a prescribed planning function made by the council to its general manager.	33 34 35
(2)	However, a planning administrator may apply to the Minister for the revocation of any or all delegations by the council to its general manager in relation to prescribed planning functions.	36 37 38

- (3) The Minister must seek advice on any such application from the Panel for the Review of Councils. 1
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- (4) The Minister may deal with such an application by: 3
 - (a) revoking any or all of the delegations made by the council to its general manager, or 4
5
 - (b) refusing to revoke the delegations. 6
- (5) If the general manager of a council has been notified in writing of any revocation of a delegation under this section, the general manager or other person is no longer a delegate of the council for that purpose. 7
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Subdivision 4 Reporting by planning administrators 11

117J Interim review and progress report 12

- (1) If a planning administrator appointed for a particular council exercises functions for a continuous period of more than 6 months, the planning administrator must provide the Minister with an interim review and progress report about the first 6 months of the administrator's appointment. 13
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- (2) The report must be delivered no later than 4 weeks after the end of that 6 month period. 18
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- (3) The report must include: 20
 - (a) an evaluation of the key performance indicators that relate to the decision-making of the council (which were specified on the appointment of the planning administrator), and 21
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 - (b) any other matters that the planning administrator considers appropriate. 25
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- (4) The Minister must provide a copy of the report to the relevant council as soon as practicable after the Minister receives the report. 27
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117K Annual report 30

- (1) If a planning administrator appointed for a particular council exercises functions for a continuous period of more than 12 months, the planning administrator must provide the Minister with a further report about the first 12 months of the administrator's appointment. 31
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- (2) The report must be delivered no later than 4 weeks after the end of that 12 month period. 36
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(3)	The report must include:	1
(a)	an evaluation of the key performance indicators that relate to the decision-making of the council (which were specified on the appointment of the planning administrator), and	2 3 4 5
(b)	a recommendation as to the need for the continuation or otherwise of the period of planning administration, and	6 7
(c)	any other matters that the planning administrator considers appropriate.	8 9
(4)	The Minister must provide a copy of the report to the relevant council as soon as practicable after the Minister receives the report.	10 11 12
(5)	If, before the end of the term of appointment of the planning administrator, he or she has not recommended the continuation of the period of planning administration, the term of the administrator expires.	13 14 15 16
117L	Minister to take action on recommendation concerning term of appointment	17 18
(1)	This section applies if the annual report under section 117K of a planning administrator appointed for a particular council recommends the continuation of the administrator's administration.	19 20 21 22
(2)	The Minister may extend the term of appointment of the planning administrator by order published in the Gazette.	23 24
(3)	Before extending the term of appointment of a planning administrator for a particular council, the Minister must notify the council concerned in writing of the proposed action (including the reasons for the proposed action) and request the council to show cause why the action should not be taken.	25 26 27 28 29
(4)	The Minister must consider any written submissions made by the council within 6 weeks of notice being given under subsection (3) and must not take action under this section earlier than 6 weeks after the notice is given.	30 31 32 33
(5)	The planning administrator may continue to exercise functions until the Minister has made a decision under this section.	34 35
(6)	The appointment of a planning administrator operates:	36
(a)	until the end of any extension of his or her term made by the Minister under this section, or	37 38

(b)	until the Minister makes a decision under this section not to extend the term.	1 2
117M	Minister's power to terminate appointment unaffected	3
	Nothing in this Subdivision prevents the Minister from terminating the appointment of a planning administrator prior to any of the scheduled reporting and review periods specified in sections 117J and 117K if the Minister is of the opinion that it is appropriate to do so.	4 5 6 7 8
	Subdivision 5 Miscellaneous	9
117N	Power of Governor to dismiss mayor and councillors unaffected	10
	This Part is in addition to, and does not affect, the power of the Governor under section 255 of the <i>Local Government Act 1993</i> to declare civic offices in relation to a council to be vacant.	11 12 13
[5]	Section 118 Appointment of regional panels	14
	Omit "a planning administrator, a planning assessment panel or" and "(or all of them)" from section 118 (1).	15 16
[6]	Section 118 (2) and (5)–(7)	17
	Omit the subsections.	18
[7]	Section 118 (3) and (4)	19
	Omit "planning assessment panel or" wherever occurring.	20
[8]	Section 118 (7B), (8) and (11)	21
	Omit "appointing a planning administrator or planning assessment panel, or" wherever occurring.	22 23
[9]	Section 118 (9)	24
	Omit "appoint a planning administrator or a planning assessment panel, or".	25
[10]	Sections 118AA and 118AB	26
	Omit the sections.	27
[11]	Section 118AC Costs of planning administrator	28
	Omit "or planning assessment panel" wherever occurring.	29

[12] Section 118AD Council to assist planning administrator	1
Omit “, planning assessment panel or” from section 118AD (1) (a).	2
Insert instead “appointed for the council or any”.	3
[13] Section 118AD (1) (b)	4
Omit “, planning assessment panel”.	5
[14] Section 118AD (1) (c)	6
Omit the paragraph.	7
[15] Section 118AD (2)	8
Omit “(a)–(c)”. Insert instead “(a) or (b)”.	9
[16] Section 118AD (2A)	10
Omit “or planning assessment panel” and “or panel”.	11
[17] Section 118AE Annual report on activities of planning administrators	12
Omit “and planning assessment panels” wherever occurring.	13
[18] Section 118AF Regulations	14
Omit “, planning assessment panel” wherever occurring.	15
[19] Section 118AF	16
Omit “, planning assessment panel’s” wherever occurring.	17
[20] Section 118AG Protection for exercise of certain functions by Minister or planning administrator	18
Omit “or planning assessment panel,” from section 118AG (1).	19
Insert instead “or the revocation, or refusal to revoke, a delegation under section 117J, or conferred or imposed on a planning administrator”.	20
[21] Section 118AG (2)	21
Insert “or planning administrator” after “Minister”.	22
[22] Section 118AG (2)	23
Insert “, except with the consent of the Minister,” after “may not”.	24
[23] Section 118AG (3) and (4)	25
Insert “or by the planning administrator” after “delegate of the Minister” wherever occurring.	26
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Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

[24] Schedule 5B Planning assessment panels	1
Omit the Schedule.	2
[25] Schedule 6 Savings, transitional and other provisions	3
Insert at the end of clause 1 (1):	4
<i>Environmental Planning and Assessment Amendment</i>	5
<i>(Maintenance of Local Government Development Consent</i>	6
<i>Powers) Act 2010</i>	7
[26] Schedule 6, Part 23	8
Insert after Part 22:	9
Part 23 Environmental Planning and Assessment	10
Amendment (Maintenance of Local	11
Government Development Consent	12
Powers) Act 2010	13
135 Revocation of appointments	14
(1) On the commencement date:	15
(a) any appointment of a planning administrator that was in	16
force immediately before the commencement date is	17
revoked, and	18
(b) any appointment of a planning assessment panel that was	19
in force immediately before the commencement date is	20
revoked.	21
(2) In this clause:	22
<i>commencement date</i> means the date of commencement of the	23
<i>Environmental Planning and Assessment Amendment</i>	24
<i>(Maintenance of Local Government Development Consent</i>	25
<i>Powers) Act 2010.</i>	26

[27] Schedule 7	1
Insert after Schedule 6:	2
Schedule 7 Membership and procedure of Panel for the Review of Councils	3 4
(Section 117D)	5
1 Meaning of “Panel”	6
In this Schedule:	7
<i>Panel</i> means the Panel for the Review of Councils.	8
2 Chairperson	9
(1) One of the members of the Panel is to be appointed by the Minister as Chairperson of the Panel. The appointment may be made at the time the person is appointed as a member or after that appointment.	10 11 12 13
(2) A person vacates the office of Chairperson if the person:	14
(a) ceases to be a member, or	15
(b) resigns that office by instrument in writing addressed to the Minister, or	16 17
(c) is removed from that office under this clause.	18
(3) The Minister may at any time remove a person from the office of Chairperson.	19 20
3 Deputies of members	21
(1) The Minister may, from time to time, appoint a person to be the deputy of a member of the Panel and the Minister may revoke any such appointment.	22 23 24
(2) In the absence of a member, the member’s deputy:	25
(a) may, if available, act in the place of the member, and	26
(b) while so acting, has all the functions of the member and is to be taken to be a member.	27 28
(3) The deputy of a member who is the Chairperson does not (because of this clause) have the member’s functions as Chairperson.	29 30 31
(4) A person while acting in the place of a member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the person.	32 33 34

4	Terms of office	1
	Subject to this Schedule, a member of the Panel holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	2 3 4 5
5	Allowances	6
	A member of the Panel is entitled to be paid such allowances as the Minister from time to time determines in respect of the member.	7 8 9
6	Vacancy in office of member	10
(1)	The office of a member of the Panel becomes vacant if the member:	11 12
(a)	dies, or	13
(b)	completes a term of office and is not re-appointed, or	14
(c)	resigns the office by instrument in writing addressed to the Minister, or	15 16
(d)	is removed from office under this clause, or	17
(e)	is absent from 4 consecutive meetings of the Panel of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Panel or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Panel for having been absent from those meetings, or	18 19 20 21 22 23 24
(f)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	25 26 27 28
(g)	becomes a mentally incapacitated person, or	29
(h)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.	30 31 32 33 34
(2)	The Minister may remove a member from office at any time.	35
7	Filling of vacancy in office of member	36
	If the office of a member of the Panel becomes vacant, a person may, subject to this Schedule, be appointed to fill the vacancy.	37 38

8 Disclosure of pecuniary interests	1
(1) If:	2
(a) a member of the Panel has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Panel, and	3 4 5
(b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,	6 7 8
the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Panel.	9 10 11
(2) A disclosure by a member at a meeting of the Panel that the member:	12 13
(a) is a member, or is in the employment, of a specified company or other body, or	14 15
(b) is a partner, or is in the employment, of a specified person, or	16 17
(c) has some other specified interest relating to a specified company or other body or to a specified person,	18 19
is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person that may arise after the date of the disclosure and that is required to be disclosed under subclause (1).	20 21 22 23
(3) Particulars of any disclosure made under this clause must be recorded by the Panel in a book kept for the purpose and that book must be open at all reasonable hours for inspection by any person on payment of the fee (if any) determined by the Panel.	24 25 26 27
(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Panel otherwise determines:	28 29 30
(a) be present during any deliberation of the Panel with respect to the matter, or	31 32
(b) take part in any decision of the Panel with respect to the matter.	33 34
(5) For the purpose of the making of a determination by the Panel under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:	35 36 37 38
(a) be present during any deliberation of the Panel for the purpose of making the determination, or	39 40

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Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

(b)	take part in the making by the Panel of the determination.	1
(6)	A contravention of this clause does not invalidate any decision of the Panel.	2 3
9	General procedure	4
	The procedure for the calling of meetings of the Panel and for the conduct of business at those meetings is, subject to the regulations and to any direction of the Minister, to be as determined by the Panel.	5 6 7 8
10	Quorum	9
	The quorum for a meeting of the Panel is a majority of the members for the time being of the Panel.	10 11
11	Presiding member	12
(1)	The Chairperson of the Panel or, in the absence of the Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Panel.	13 14 15
(2)	The person presiding at any meeting of the Panel has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.	16 17 18
12	Voting	19
	A decision supported by a majority of the votes cast at a meeting of the Panel at which a quorum is present is the decision of the Panel.	20 21 22
13	Minutes of meetings	23
	The Panel is required to keep minutes of proceedings at its meetings.	24 25

Environmental Planning and Assessment Amendment (Maintenance of
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Amendment of Independent Commission Against Corruption Act 1988 No 35 Schedule 2

Schedule 2	Amendment of Independent Commission Against Corruption Act 1988 No 35	1 2 3
	Section 74C Reports relating to local government and planning authorities	4 5
	Omit “person under section 118” from section 74C (3A).	6
	Insert instead “planning administrator or regional panel under Division 1AA of Part 6”.	7 8