



New South Wales

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *Environmental Planning and Assessment Act 1979* in relation to the establishment and operation of local planning panels, and in particular:
 - (i) to require a council of an area in the Greater Sydney Region or the City of Wollongong to constitute a local planning panel and to allow other councils to do so, and
 - (ii) to provide that where a local planning panel has been constituted the consent authority functions of the council are not to be exercised by the councillors but are to be exercised on behalf of the council by the panel or by council staff as delegates of the council (and to authorise the Minister to give directions on the development applications that are to be determined on behalf of the council by a panel), and
 - (iii) to confer on a local planning panel (in addition to the consent authority functions of the council) the function of advising on planning proposals relating to planning instruments that are referred to the panel by the council (or at the direction of the Minister), and
 - (iv) to provide that a local planning panel is to be constituted by 4 members, comprising an independent chairperson approved by the Minister, 2 other independent persons with relevant experience approved by the Minister and a community representative for the area (or if the area is divided into wards, a community representative who is most closely associated with the matter before the panel), and

- (v) to enable the Minister to approve of individual persons to be appointed to a local planning panel or to approve of a panel of persons from whom a member is to be selected, and
 - (vi) to make provision relating to the members and procedure of a local planning panel that is similar to the provision made in relation to regional panels, and
 - (vii) to provide that existing local panels (called independent hearing and assessment panels) established as at 1 September 2017 are continued until 1 March 2018 and taken to be local planning panels under the proposed Act,
- (b) to amend the *Environmental Planning and Assessment Regulation 2000* to make ancillary provisions relating to the exercise by a local planning panel of the consent authority functions of the council,
- (c) to amend the *Environmental Planning and Assessment Act 1979* and *State Environmental Planning Policy (State and Regional Development) 2011*:
- (i) to change the general threshold for regional panels to exercise the consent authority functions of a council from development exceeding \$20 million in capital investment value to development exceeding \$30 million in capital investment value, and
 - (ii) to transfer that threshold and other relevant thresholds relating to the jurisdiction of regional panels from the Act to the State Environmental Planning Policy,
- (d) to amend the *Parliamentary Electorates and Elections Act 1912* to authorise the Electoral Commission to institute proceedings for offences under the *Local Government Act 1993* in connection with the conduct of local government elections and to exercise its investigative powers under the *Election Funding, Expenditure and Disclosures Act 1981* for that purpose,
- (e) to amend the *Local Government Act 1993* to extend the time for bringing criminal proceedings for an offence under the *Local Government Act 1993* in connection with the conduct of local government elections after the commencement of the proposed Act from 12 months to 3 years after the alleged commission of the offence.

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.

Schedule 1 (except items [4] and [11]) contains the amendments to the *Environmental Planning and Assessment Act 1979* set out in paragraph (a) of the Overview.

Schedule 2 contains the amendment to the *Environmental Planning and Assessment Regulation 2000* set out in paragraph (b) of the Overview.

Schedule 1 [4] and [11] and **Schedule 3** contain the amendments to the *Environmental Planning and Assessment Act 1979* and *State Environmental Planning Policy (State and Regional Development) 2011* set out in paragraph (c) of the Overview.

Schedule 4 contains the amendment to the *Parliamentary Electorates and Elections Act 1912* set out in paragraph (d) of the Overview.

Schedule 5 contains the amendment to the *Local Government Act 1993* set out in paragraph (e) of the Overview.