

c2017-063D  
OPP--OPPOSITION

LEGISLATIVE COUNCIL

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

First print

Proposed amendments

- No. 1      **Constitution of local planning panels required for all councils in State**  
Page 4, Schedule 1 [5], proposed section 23J (1) and (2), lines 18 to 23. Omit all words on those lines. Insert instead:
- (1) A council must constitute a single local planning panel for the whole of the area of the council.
- No. 2      **Persons ineligible to be member of local planning panel**  
Page 5, Schedule 1 [5], proposed section 23K. Insert after line 2:
- (3) A person is not eligible to be a member of a local planning panel constituted by a council if the person is:
    - (a) a councillor of that or any other council, or
    - (b) a property developer within the meaning of section 96GB of the *Election Funding, Expenditure and Disclosures Act 1981*, or  
**Note.** Section 96GB (1) of the *Election Funding, Expenditure and Disclosures Act 1981* provides that **property developer** includes a person who is a close associate of a property developer.
    - (b) a real estate agent within the meaning of the *Property, Stock and Business Agents Act 2002*.
- No. 3      **Local planning panel functions**  
Page 5, Schedule 1 [5], proposed section 23L (1)–(3), lines 22 to 35. Omit all words on those lines. Insert instead:
- (1) A local planning panel constituted by a council has the functions of the council as a consent authority under Part 4 in respect of the area for which the panel is constituted as provided by section 23I.
  - (2) Subsection (1) does not exclude a delegate of the council or a regional panel exercising functions as a consent authority under this Act.
- No. 4      **Panel members are “public officials” for purposes of ICAC Act**  
Page 6, Schedule 1 [6], proposed section 23LA. Insert after line 21:

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- (8) For the avoidance of doubt, a member of a local planning panel is a public official for the purposes of the *Independent Commission Against Corruption Act 1988*.

No. 5 **Costs of panels**

Page 6, Schedule 1 [6], lines 23 and 24. Omit all words on those lines. Insert instead:

Omit section 23O (3).

Insert instead:

- (3) The Secretary is to pay, out of money legally available, the remuneration, costs and expenses of any local planning panel.

No. 6 **Persons ineligible to be member of local planning panel**

Page 8, Schedule 1 [12], proposed Schedule 4B, clause 7 (1). Insert after line 33:

(h) becomes:

- (i) a councillor of any council, or  
(ii) a property developer within the meaning of section 96GB of the *Election Funding, Expenditure and Disclosures Act 1981*, or  
**Note.** Section 96GB (1) of the *Election Funding, Expenditure and Disclosures Act 1981* provides that **property developer** includes a person who is a close associate of a property developer.  
(iii) a real estate agent within the meaning of the *Property, Stock and Business Agents Act 2002*, or

No. 7 **Panel meetings**

Page 9, Schedule 1 [12], proposed Schedule 4B, clause 13, lines 23 to 27. Omit all words on those lines. Insert instead:

**13 Meetings**

- (1) A panel must give notice to the public of the times and places of its meetings.  
(2) A panel must conduct its meetings in public.  
(3) A panel must make electronic recordings (whether audio and video or audio only) and the council must make those recordings publicly available on its website.  
(4) A panel must give written reasons for its decision and the council must make those written reasons publicly available on its website.

No. 8 **Pecuniary interests**

Page 10, Schedule 1 [12], proposed Schedule 4B, clause 15 (6), line 47. Omit “, unless the Minister or the panel otherwise determines”.

No. 9 **Pecuniary interests**

Page 11, Schedule 1 [12], proposed Schedule 4B, clause 15 (7), lines 4 to 9. Omit all words on those lines.

No. 10 **ICAC reports**

Page 19. Insert after line 3:

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**Schedule 6      Amendment of Independent Commission  
Against Corruption Act 1988 No 35**

**Section 74C Reports relating to local government and planning authorities**

Insert "or of a local planning panel" after "joint regional planning panel" in section 74C (3C).