

A NEW PLANNING SYSTEM FOR NSW

WHITE PAPER



SUMMARY OF THE EXPOSURE PLANNING ADMINISTRATION BILL

2013

Exposure Planning Administration Bill 2013

This is a summary of the Exposure Planning Bill 2013 to provide practitioners and the community with an overview of the proposed draft planning legislation. Please refer to the full text of the Exposure Bill for the actual provisions.

The Exposure Planning Administration Bill 2013 is a Bill for planning and sustainable growth in NSW.

This document provides an overview of the Exposure Bill and has been prepared solely for information purposes.

Part 1 Preliminary

Part 1 of the Bill contains provisions relating to preliminary matters and interpretation.

Part 2 Minister and Director-General

The Minister and the Director-General are responsible for planning and the administration of the legislation. The Minister and the Director-General have any functions conferred on them by the legislation.

The Minister, the Director-General and the Ministerial Planning Corporation can delegate certain functions conferred on them to staff of the department, a public authority, a council, the Planning Assessment Commission, a Regional Planning Panel, a Subregional Planning Board or any person or body prescribed in the regulations.

Planning panels and committees

The Minister and the Director-General can establish planning panels and committees and identify functions for those panels and committees.

Part 3 Planning Ministerial Corporation

The Bill establishes a corporation called the Planning Ministerial Corporation. The Corporation has any functions conferred on it by the legislation or any other Act.

NOTE: THE FUNCTIONS OF THE PLANNING MINISTERIAL CORPORATION ARE SET OUT IN SCHEDULE 1 AND INCLUDE DEALING WITH LAND VESTED IN THE CORPORATION (FOR EXAMPLE, BY SELLING, LEASING OR GRANTING EASEMENTS OVER THE LAND) AND ACQUIRING LAND IN ACCORDANCE WITH THE *LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991*.

Part 4 Planning Assessment Commission

The Bill establishes a corporation called the Planning Assessment Commission. The Commission has the functions conferred on it by the legislation or by delegation, including:

- to review or advise on planning and development matters, Local Plans and the administration of the legislation if requested by the Minister or the Director-General
- to hold a public hearing into any matter the subject of review or advice if requested by the Minister
- the functions of a Regional Planning Panel, Subregional Planning Board or council appointed independent hearing and assessment panel in certain circumstances.

The Planning Assessment Commission can, with the approval of the Minister, delegate any of its functions to any person or body.

Part 5 Regional planning panels

The Minister can make an order to establish regional planning panels for particular parts of the State. A Regional Planning Panel has any functions conferred on it by the legislation, including:

- to advise on planning and development matters and local plans if requested by the Minister or the Director-General
- specified consent authority functions of a council for regionally significant development, in particular, the determination of applications.

A Regional Planning Panel can, with the approval of the Minister, delegate any of its functions to a council, the general manager of a council or other staff of the council.

Part 6 Subregional planning boards

The Minister can make an order to establish subregional planning boards for particular parts of the State. A Subregional Planning Board has any functions conferred on it by the legislation. For example, Part 3 of the Planning Bill provides that a function of a board is to prepare Subregional Delivery Plans.

Part 7 Council related provisions

The Bill includes other provisions relating to councils, including:

- the constitution of independent hearing and assessment panels
 - obligations for certain planning bodies to consult with a council before making decisions that may have a significant adverse financial impact on the council
 - obligations for councils to assist planning bodies
 - recovery of costs for certain expenses related to planning administrators
 - delegation to the general manager of a council despite the provisions of the *Local Government Act 1993*.
-

Part 8 Investigative powers

This Part sets out the investigative powers of councils and the department. These powers are conferred on people who are appointed by the Director-General or a council as investigation officers. Investigation officers have the power to:

- enter and search
 - obtain information or records
 - require answers and record evidence.
-

Other provisions set out the manner in which these powers are to be exercised and offences relating to investigations.

Part 9 Monitoring and environmental auditing of approved development

Conditions requiring monitoring and environmental auditing of State significant development and State infrastructure development can be imposed on approvals. It is an offence to provide false or misleading information or to fail to provide relevant information in any monitoring or audit report.

Part 10 Miscellaneous

Part 10 of the Bill contains miscellaneous provisions relating to:

- disclosure and misuse of information
 - exclusion of personal liability if acting in good faith
 - delegation by public authorities (other than councils and subregional planning boards)
 - publication of instruments of delegation
 - regulations.
-

The Bill provides that offences under the regulations will be subject to a maximum penalty of \$11,000.

Schedules

The Bill contains the following Schedules:

Schedule 1	Provisions relating to the Planning Ministerial Corporation
-------------------	--

This Schedule includes general property and financial provisions relating to the Corporation. It also establishes Growth Funds.

Schedule 2	Provisions relating to the Planning Assessment Commission
-------------------	--

This Schedule includes provisions relating to public hearings or reviews by, and the procedures of, the Planning Assessment Commission.

Schedule 3	Constitution of regional planning panels
-------------------	---

Schedule 4	Constitution of subregional planning boards
-------------------	--

Schedule 5	Provisions relating to planning bodies
-------------------	---

This Schedule includes provisions with respect to the members and general procedures of planning bodies

Schedule 6	Savings, transitional and other provisions
-------------------	---
