



New South Wales

# Environmental Planning and Assessment Amendment Bill 2014

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend the *Environmental Planning and Assessment Act 1979 (the Principal Act)*:

- (a) to increase substantially the maximum penalties for offences against the Principal Act and the regulations under the Principal Act, including the following:
  - (i) a maximum penalty of \$5 million in the case of a corporation or \$1 million in the case of an individual and additional daily penalties for an intentional offence that caused or was likely to cause significant harm to the environment or caused the death of or serious injury or illness to a person (tier 1 maximum penalty),
  - (ii) a maximum penalty of \$2 million in the case of a corporation or \$0.5 million in the case of an individual and additional daily penalties for other offences against the Principal Act (except certain certificate offences and other offences to which a tier 3 maximum penalty is applied) (tier 2 maximum penalty),
  - (iii) a maximum penalty of \$1 million in the case of a corporation or \$0.25 million in the case of an individual and additional daily penalties for certain certificate offences and other offences to which a tier 3 maximum penalty is applied (tier 3 maximum penalty),
  - (iv) a maximum penalty of \$110,000 for an offence against the regulations, and
- (b) to create additional offences, including for providing false or misleading information in connection with planning matters, and

- (c) to consolidate and expand the investigative powers of council and Departmental officers for the enforcement of the Principal Act and to make other provision for the enforcement of the Principal Act, including provision for cessation of utilities orders, and
- (d) to require the Secretary of the Department to establish and facilitate the online delivery of planning services and information (by means of the NSW planning portal), including to enable planning applications to be lodged and dealt with online and to facilitate public access to planning information, and
- (e) to make miscellaneous amendments, including to update references to the Director-General of the Department to the Secretary of the Department, and to clarify the obligation of directors of corporations to declare political donations in connection with planning matters.

The Bill also amends the *Subordinate Legislation Act 1989* to further postpone the staged repeal of the regulations under the Principal Act.

## 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 a day or days to be appointed by proclamation (except Schedules 4 and 5 which are to commence on the date of assent).

**Schedule 1** contains the amendments of the Principal Act outlined above relating to offences and penalties.

**Schedule 2** contains the amendments of the Principal Act outlined above relating to enforcement powers.

**Schedule 3** contains the amendments of the Principal Act outlined above relating to ePlanning.

**Schedules 4, 5 and 6** contain the miscellaneous amendments of the Principal Act and other instruments outlined above.