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New South Wales

# **Local Government Amendment (Ecologically Sustainable Development) Bill 1997**

## **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 *Local Government Act 1993*:

- (a) to require councils to take into consideration the principles of ecologically sustainable development, and
  - (b) to enhance requirements as to state of the environment reporting by councils.
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## Outline of provisions

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

**Clause 2** provides for the proposed Act to commence on a day or days to be proclaimed.

**Clause 3** is a formal provision giving effect to the Schedule of amendments to the *Local Government Act 1993*.

**Schedule 1 [1]** amends section 7 to include a reference in the list of purposes of the Act to the requirement for councils to have regard to the principles of ecologically sustainable development in carrying out their responsibilities.

**Schedule 1 [2]** amends section 8 to include a reference in the charter of councils to the principles of ecologically sustainable development.

**Schedule 1 [3]** amends section 89 to require councils to have regard to the principles of ecologically sustainable development when determining applications for approval under the Act.

**Schedule 1 [4]** omits section 89 (3) (a), as this paragraph is superseded by the amendment proposed to be made by Schedule 1 [3].

**Schedule 1 [5]** amends section 403 to require council management plans to include material about council activities to promote the environment consistently with the principles of ecologically sustainable development, and material responding to and addressing priorities identified in current state of the environment reports.

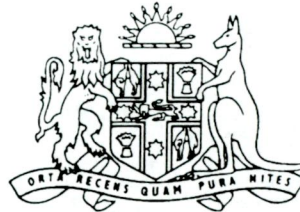
**Schedule 1 [6]** amends section 428 to revise the matters that are to be included in annual state of the environment reports of councils.

**Schedule 1 [7]** omits section 428 (2) (i), as this paragraph is superseded by the amendment proposed to be made by Schedule 1 [6].

**Schedule 1 [8]** amends Schedule 8 to insert a reference to the proposed Act into clause 1, thereby enabling regulations of a savings or transitional nature to be made in relation to the enactment of the proposed Act.

**Schedule 1 [9]** amends the Dictionary at the end of the Act to insert a definition of *principles of ecologically sustainable development*. The definition refers to the principles described in the *Protection of the Environment Administration Act 1991*.

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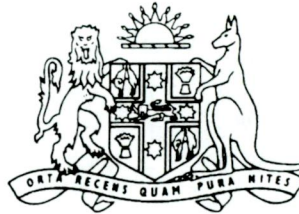
# Local Government Amendment (Ecologically Sustainable Development) Bill 1997

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New South Wales

## **Local Government Amendment (Ecologically Sustainable Development) Bill 1997**

No. , 1997

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### **A Bill for**

An Act to amend the *Local Government Act 1993* to require councils to take into consideration the principles of ecologically sustainable development and to enhance requirements as to state of the environment reporting by councils; and for related purposes.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Local Government Amendment (Ecologically Sustainable Development) Act 1997*.

**2 Commencement**

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This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Local Government Act 1993 No 30**

The *Local Government Act 1993* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 7 What are the purposes of this Act?

Omit section 7 (e). Insert instead:

- (e) to require councils to have regard to the principles of ecologically sustainable development in carrying out their responsibilities. 5

### [2] Section 8 The council's charter

Omit "to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible" and the preceding bullet point. 10

Insert instead:

- to properly manage, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development 15

### [3] Section 89 Matters for consideration

Insert at the end of section 89 (1) (b):

, and 20

- (c) must take into consideration the principles of ecologically sustainable development.

### [4] Section 89 (3) (a)

Omit the paragraph.

**[5] Section 403 Contents of draft management plan with respect to council's work and activities**

Omit "activities to protect environmentally sensitive areas and to promote the ecological sustainability of the area undertaken by the council" from section 403 (2) and the preceding bullet point. 5

Insert instead:

- activities to properly manage, protect, restore, enhance and conserve the environment in a manner that is consistent with and promotes the principles of ecologically sustainable development 10
- activities in response to, and to address priorities identified in, the council's current report or reports as to the state of the environment

**[6] Section 428 Annual reports**

Omit section 428 (2) (c). Insert instead: 15

- (c) a report as to the state of the environment in the area, and in particular in relation to the following environmental sectors:
    - (i) land,
    - (ii) air, 20
    - (iii) water,
    - (iv) biodiversity,
    - (v) waste,
    - (vi) noise,
    - (vii) Aboriginal heritage, 25
    - (viii) non-Aboriginal heritage,
- with particular reference, with regard to each such environmental sector, to:
- (ix) management plans relating to the environment, 30

- (x) special council projects relating to the environment,
- (xi) the environmental impact of council activities.

**[7] Section 428 (2) (i)** 5

Omit the paragraph.

**[8] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts**

Insert at the end of clause 1 (1):

*Local Government Amendment (Ecologically Sustainable Development) Act 1997* 10

**[9] Dictionary**

Insert in alphabetical order:

*principles of ecologically sustainable development* means the principles of ecologically sustainable development described in section 6 (2) of the *Protection of the Environment Administration Act 1991*. 15

**Note.** Section 6 (2) of the *Protection of the Environment Administration Act 1991* is as follows:

(2) ... ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs: 20

- (a) The precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. 25



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Schedule 1      Amendments

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- (b) Inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- (c) Conservation of biological diversity and ecological integrity. 5
- (d) Improved valuation and pricing of environmental resources.