

Environmental Planning and Assessment Amendment (Restoration of Community Participation) Bill 2008

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 provide for further objectives of the principal Act, and
- (b) to increase the level of community involvement in the determination of applications for approval of development projects that are made under Part 3A of the principal Act, and
- (c) to make it an offence for any property developer to make a donation to an elected office holder, candidate for election, political party or party official, or for such a donation to be accepted, and
- (d) to make it an offence for any person to make a development application under the principal Act or lodge an expression of interest in carrying out a development within 1 year after making a donation to an elected office holder, candidate for election, political party or party official, or to make such a donation within 1 year after the person's development application is determined.

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 the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendments to the *Environmental Planning and Assessment Act 1979* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Schedule 1 [1] extends the objects of the principal Act. The new objects are:

- (a) to encourage the reduction of greenhouse gas emissions and mitigation of the effects of climate change, and
- (b) to encourage the protection and enhancement of the health and wellbeing of the community.

Schedule 1 [2] makes it mandatory for the Minister to publish guidelines with respect to the environmental assessment requirements for approving projects under Part 3A of the principal Act.

Schedule 1 [3] makes it mandatory, for the purpose of the environmental assessment requirements under Part 3A of the principal Act, for the proponent of a project to prepare an environmental assessment of the project.

Schedule 1 [4] and [6] require public submissions regarding an environmental assessment of a project under Part 3A of the principal Act to be published on the website of the Department, provided to the proponent of the project and included in the Director-General's report to the Minister on the project.

Schedule 1 [5] allows the Director-General to edit a submission before providing it to a person, or publishing it, for the purpose of ensuring the privacy of the person who made it, or for certain other purposes.

Schedule 1 [7] extends the circumstances in which an objector to a project can appeal against a determination of the Minister to give approval to a project under Part 3A of the principal Act.

Schedule 1 [8] makes it an offence for a property developer to make or offer to make (including through another person) a donation to a member of Parliament, an elected member of a local council, a candidate for election, a political party or party official. It will also be an offence to accept or solicit such a donation. A ***property developer*** includes any person who has made a development application under the principal Act (or an application for approval under Part 3A) that is undetermined. It will also be an offence for any person (whether or not a property developer) to make a development application under the principal Act (including under Part 3A), or to lodge an expression of interest in carrying out a development, within 1 year after making a donation to a member of Parliament, an elected member of a local council, a candidate for election, political party or party official, or to make such a donation within 1 year after the person's development application is determined. The new offences will not prevent donations by home renovators.

Schedule 1 [9] provides for savings and transitional matters.