



New South Wales

# Environmental Planning and Assessment Amendment (Addressing Climate Change) Bill 2017

## Explanatory note

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

The following Bills are cognate with this Bill:

*Local Government Amendment (Climate Change) Bill 2017*

*Preservation of Trees and Public Open Space (Miscellaneous Legislation Amendment) Bill 2017*

## Overview of Bill

The object of this Bill is to ensure that climate change is taken into consideration when environmental planning instruments are made and when applications for development consent or approval are assessed.

## 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.

## Schedule 1      Amendment of Environmental Planning and Assessment Act 1979 No 203

**Schedule 1 [1]** inserts definitions of *climate change* and *greenhouse gas emissions*, terms used in the proposed provisions.

**Schedule 1 [2]** includes in the objects of the *Environmental Planning and Assessment Act 1979* the object of ensuring that the development of land is consistent with the reduction of greenhouse gas emissions and of the impact of climate change.

**Schedule 1 [3]** requires a person, public authority or other body, when exercising functions under the Act, to consider the implications of the proposal for climate change. In particular, the person, public authority or body is required to consider the need for all planning decisions and environmental planning instruments to be consistent with State and Federal commitments to limit global warming, the need to protect the site and adjoining areas from the likely impact of climate change and that any actions that reduce or prevent greenhouse gas emissions are the preferred form of adaptation to climate change.

**Schedule 1 [4]** requires the Minister to consider the implications of a proposed State environmental planning policy for climate change before recommending to the Governor that the policy be made and requires the Minister (or the Minister's delegate) and the Greater Sydney Commission to consider the implications of any proposed local environmental plan for climate change before making the plan.

**Schedule 1 [5]–[7]** specify the matters relating to climate change (including ways to minimise the cumulative lifetime greenhouse gas emissions from development or an activity):

- (a) that a consent authority is required to consider when determining a development application (under Part 4 of the Act), and
- (b) that a determining authority is required to consider when considering whether to approve an activity (under Part 5 of the Act), and
- (c) that the Minister is required to consider when considering whether to approve the carrying out of State significant infrastructure (under Part 5.1 of the Act).

**Schedule 1 [8]** inserts a power to make regulations establishing a standardised assessment process for determining whether proposed low-impact residential, commercial and agricultural development adequately minimises the cumulative lifetime greenhouse gas emissions from the development site, or the process for determining the implications for climate change in the course of preparing or making environmental planning instruments or assessing proposed development, activities or State significant infrastructure.

## **Schedule 2      Amendment of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

**Schedule 2** requires that, when assessing applications for fossil fuel extraction under the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, consideration is given to the impact of the development on the global atmosphere, in particular the impact of greenhouse gas emissions from the burning (whether in Australia or outside Australia) of fossil fuels recovered in the course of the development.