



New South Wales

Environmental Planning and Assessment Amendment (Territorial Limits) Bill 2019

Explanatory note

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

Overview of Bill

The object of this Bill is to prohibit the imposition of conditions of a development consent that purport to regulate any impact of the development occurring outside Australia or any impact of development carried out outside Australia.

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 amends the *Environmental Planning and Assessment Act 1979* for the purpose referred to in the Overview.

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

Schedule 2 makes a consequential amendment to *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* to remove the specific requirement to

consider downstream greenhouse gas emissions in determining a development application for development for the purposes of mining, petroleum production or an extractive industry.



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New South Wales

Environmental Planning and Assessment Amendment (Territorial Limits) Bill 2019

No. , 2019

A Bill for

An Act to make amendments to environmental planning legislation with respect to the imposition of conditions of development consent.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Environmental Planning and Assessment Amendment (Territorial Limits) Act 2019*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Environmental Planning and Assessment Act 1979 No 203	1
		2
Section 4.17A		3
Insert after section 4.17—		4
4.17A Prohibited conditions		5
(1)	A condition of a development consent described in this section has no effect despite anything to the contrary in this Act.	6
		7
(2)	A condition imposed for the purpose of achieving outcomes or objectives relating to—	8
		9
(a)	the impacts occurring outside Australia or an external Territory as a result of the development, or	10
		11
(b)	the impacts occurring in the State as a result of any development carried out outside Australia or an external Territory.	12
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Schedule 2	Amendment of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	1 2 3
Clause 14	Natural resource management and environmental management	4
	Omit “(including downstream emissions)” from clause 14(2).	5