



New South Wales

Environmental Planning and Assessment Amendment (Review of Land Decisions) Bill 2020

Explanatory note

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

Overview of Bill

The object of this Bill is to amend various Acts as follows—

- (a) to allow a House of Parliament to disallow environmental planning instruments,
- (b) to provide for the mediation of disputes about certain determinations or decisions made under the *Environmental Planning and Assessment Act 1979*,
- (c) to confer administrative review jurisdiction on the Civil and Administrative Tribunal over—
 - (i) decisions relating to the use or value of private land, and
 - (ii) certain determinations or decisions made under the *Environmental Planning and Assessment Act 1979*.

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 legislation relating to disallowance of environmental planning instruments

Schedule 1.1 amends the *Interpretation Act 1987* to provide that—

- (a) written notice of the making of an environmental planning instrument must be laid before each House of Parliament, and
- (b) either House of Parliament may disallow an environmental planning instrument.

Schedule 1.2 amends the *Subordinate Legislation Act 1989* to provide that, if an environmental planning instrument is disallowed, no environmental planning instrument, being the same in substance as the disallowed environmental planning instrument, may be made within 4 months after the date of the disallowance.

Schedule 2 Amendment of Environmental Planning and Assessment Act 1979 No 203 relating to mediation of certain disputes

Schedule 2 inserts proposed Division 8.2A in the *Environmental Planning and Assessment Act 1979* to—

- (a) define *applicant* to mean—
 - (i) an applicant for development consent, or
 - (ii) an applicant for a complying development certificate, or
 - (iii) an applicant for modification of a development consent, and
- (b) provide that, if an applicant is dissatisfied with a determination or decision made by a consent authority, the dispute about the determination or decision may be referred for mediation.

Schedule 3 Amendment of legislation relating to administrative review of certain decisions about land

Schedule 3.1 amends the *Administrative Decisions Review Act 1997* to confer administrative review jurisdiction on the Civil and Administrative Tribunal over decisions relating to the use or value of private land.

Schedule 3.2 inserts proposed Division 8.2B in the *Environmental Planning and Assessment Act 1979* to provide that, if a dispute about a determination or decision is not resolved in the course of mediation, an applicant may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of the determination or decision.