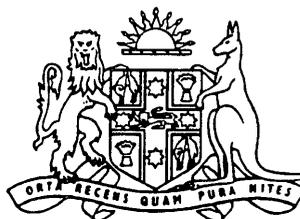


[Act 1996 No 31]



New South Wales

Environmental Planning and Water Legislation Amendment Bill 1996

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* and the *Water Act 1912* to enable a Commission of Inquiry under the former Act to consider an application for a water licence made under the latter Act, and so to co-ordinate consideration of the application for the water licence and consideration of the proposed development or activity in respect of which the application for the water licence is made.

Outline of provisions

Clause 1 provides for 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.

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 is a formal provision that gives effect to the amendments to the *Water Act 1912* set out in Schedule 2.

Schedule 1 Amendment of Environmental Planning and Assessment Act 1979

Schedule 1 [2] inserts a new section 120A. The new section requires a Commission of Inquiry that is investigating a development application under Part 4, or an activity the subject of environmental assessment under Part 5, to notify the Water Administration Ministerial Corporation if it becomes aware that the development or activity involves a work that may require a licence under Division 3 of Part 2 of the *Water Act 1912* (a *water licence*). The new section also requires the Commission of Inquiry to advise the applicant or proponent to make prompt application for a water licence, and to defer concluding its inquiry for so long as is necessary to enable the applicant or proponent to make such an application. As soon as practicable after an application for a water licence is referred to it under proposed section 11A of the *Water Act 1912*, the Commission of Inquiry must hold a public hearing into the application before making its report on the development or activity. To the extent to which the report relates to the application for a water licence, a copy of the report must be given to the Water Administration Ministerial Corporation. The new section is expressed to extend to inquiries begun, but not concluded, before its commencement.

Schedule 1 [1] is a consequential amendment that ensures that the provisions of section 120 are construed subject to the provisions of the proposed section 120A.

Schedule 2 Amendment of Water Act 1912

Schedule 2 [2] inserts a new section 11A. The new section applies to applications under section 10 that relate to a work in respect of which the Ministerial Corporation receives a notice under proposed section 120A of the *Environmental Planning and Assessment Act 1979*. The new section requires the Ministerial Corporation to refer any such application, and any objections relating to the application, to the Commission of Inquiry by which the notice

was given, and to defer making a decision on the application until it receives the Commission of Inquiry's report on the application. The Ministerial Corporation will be required to have regard to the Commission of Inquiry's report in making its decision on the application. The provisions of section 11 (4), (5) and (6) (which provide for public inquiries by a local land board or Magistrate and for appeals to the Land and Environment Court) will not apply to decisions made by the Ministerial Corporation on an application to which the proposed section applies. The new section is expressed to extend to applications made before its commencement.

Schedule 2 [1] is a consequential amendment that ensures that the provisions of section 11 are construed subject to the provisions of the proposed section 11A.