



New South Wales

Local Government Amendment (Climate Change) Bill 2017

Explanatory note

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

This Bill is cognate with the *Environmental Planning and Assessment Amendment (Addressing Climate Change) Bill 2017*.

Overview of Bill

The objects of this Bill are as follows:

- (a) to require local councils to exercise their functions in a manner that furthers the State's ability to meet its targets to reduce greenhouse gas emissions and adapt to the implications of climate change for people, communities and ecosystems in the State,
- (b) to require councils to prepare and implement 5-year climate change action plans detailing their policies and programs to reduce greenhouse gas emissions and adapt to climate change, and to report annually to the Minister on the implementation of those action plans,
- (c) to authorise councils to make emission reduction pledges,
- (d) to allow councils to enter into environmental upgrade agreements relating to works that will reduce the hazard impact of floods or sea level rise on buildings and nearby land, or environmental processes, or both.

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 Local Government Act 1993 No 30

Schedule 1 [1] includes in the guiding principles that councils are required to observe the additional principle that they should exercise their functions in a manner that, as far as possible, furthers the State's ability to meet its targets to reduce greenhouse gas emissions and adapt to the implications of climate change for people, communities and ecosystems in the State.

Schedule 1 [2] extends provisions about environmental upgrade works to include works that will reduce the hazard impact of floods or sea level rise on the building and nearby land, or environmental processes, or both. This will mean that, if flood or sea level rise are found to have an impact on a building, or to be exacerbated by a building, this may prompt the negotiation of an environmental improvement agreement.

Schedule 1 [3] requires councils to prepare a climate change action plan every 5 years (whether or not they have also made an emission reduction pledge) in which they outline their planned contributions to climate change mitigation, and adaptation to the implications of climate change, and their strategy to achieve the priorities of the State and Commonwealth governments. The first plan will be due by the end of 2018.

Schedule 1 [3] also enables councils to take an emission reduction pledge about their proposals in relation to its greenhouse gas emission reductions over a 5-year period.

Schedule 1 [4] inserts definitions of terms used in the proposed provisions.



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New South Wales

Local Government Amendment (Climate Change) Bill 2017

No. , 2017

A Bill for

An Act to amend the *Local Government Act 1993* to provide a framework for action by councils on climate change.

The Legislature of New South Wales enacts:

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1 Name of Act

2

This Act is the *Local Government Amendment (Climate Change) Act 2017*.

3

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 Local Government Act 1993 No 30	1
[1] Section 8A	Guiding principles for councils	2
	Insert after section 8A (1):	3
	(1A) Exercise of functions having regard to climate change	4
	Councils should exercise their functions in a manner that, as far as possible, furthers the State’s ability to meet its targets to reduce greenhouse gas emissions and adapt to the implications of climate change for people, communities and ecosystems in the State, having regard to the following:	5
	(a) Climate change is a serious threat to the social, economic and environmental well-being of the State.	6
	(b) There is strong scientific evidence indicating that:	7
	(i) climate change caused by human activity and greenhouse gas emissions has a significant effect on people, communities and ecosystems, and	8
	(ii) continued greenhouse gas emissions will increase climate change and the threat of serious or irreversible damage on people, communities and ecosystems, and	9
	(iii) reduction of greenhouse gas emissions and adaptation to the effects of climate change are complementary strategies in addressing climate change.	10
	(c) There is a global objective, reflected in treaties and other international agreements, to reduce greenhouse gas emissions in order to reduce the increase in average global temperatures and the risk of serious or irreversible damage on people, communities and ecosystems.	11
	(d) Climate change is a global concern that requires a response from all levels of government, the private business sector and the wider community.	12
	(e) Councils should take urgent action and develop strategies, policies and programs to address climate change.	13
[2] Section 54E	What are environmental upgrade works?	14
	Omit section 54E (1). Insert instead:	15
	(1) For the purposes of this Part, <i>environmental upgrade works</i> are works:	16
	(a) to improve the energy, water or environmental efficiency or sustainability of the building to which the agreement relates, or	17
	(b) to reduce the hazard impact of floods or sea level rise on the building to which the agreement relates and nearby land, or environmental processes, or both.	18
[3] Chapter 13, Part 2A		19
	Insert after Part 2:	20
	Part 2A Climate change planning	21
407A	Climate change action plan	22
	(1) Each local government area must have a climate change action plan.	23

- (2) The climate change action plan must include an outline of the following: 1
- (a) the council's strategies to contribute to climate change mitigation and adapt to the effects of climate change on people, communities and ecosystems in the State, 2
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 - (b) the council's strategies to achieve the priorities of the State and Commonwealth governments to reduce greenhouse gas emissions and adapt to those effects of climate change, 5
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 - (c) any other matters prescribed by the regulations. 8
- (3) The first such plan must be prepared by 31 December 2018 and a council is required to prepare a new plan by 31 December in every fifth year after that date. 9
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- (4) A council must: 12
- (a) provide a copy of each of its climate change action plans to the Minister, and 13
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 - (b) make each of its climate change action plans publicly available. 15
- (5) A council must, as soon as practicable after the end of each financial year, give the Minister a report relating to the authority's implementation of its climate change action plan during the financial year. 16
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- (6) In exercising its functions, a council must ensure that it does not decrease the State's ability to adapt to the effects of climate change on people, communities and ecosystems in the State. 19
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- (7) In assessing whether or not the exercise of its functions would have any such effect, the council must have regard to any relevant guidelines issued by the Minister. 22
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- (8) The obligations under this section apply whether or not the relevant council has made an emissions reduction pledge under this Part. 25
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- 407B Councils may make emission reduction pledges** 27
- (1) A council may make a statement in respect of greenhouse gas emissions reductions resulting from the performance of the council's powers and duties. 28
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- (2) An emission reduction pledge is to relate to the period of 5 years starting on 1 January in the year following its preparation. 30
31
- (3) An emission reduction pledge must include: 32
- (a) a description of actions to be undertaken by the council over the next 5 years that are reasonably expected to contribute to the reduction of greenhouse gas emissions caused or otherwise influenced by the council, and 33
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 - (b) a reasonable estimate of the total level of greenhouse gas emissions reductions expected to result from the implementation of those actions, and 37
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 - (c) any other matters prescribed by the regulations. 40
- (4) In preparing an emission reduction pledge, a council must consider its guiding principles. 41
42
- (5) A council that prepares an emission reduction pledge must give a copy of the pledge to the Minister as soon as practicable after its preparation. 43
44
- (6) The Minister may issue directions for or with respect to the preparation of emission reduction pledges, which may, among other things, specify the 45
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methodology to be used in determining the estimated reduction in greenhouse gas emissions set out in the emissions reduction pledge.	1 2
(7) A council must have regard to any directions issued by the Minister in preparing an emission reduction pledge.	3 4
[4] Dictionary	5
Insert in alphabetical order:	6
<i>climate change</i> means a change of climate over an extended period, typically decades or longer, which is caused by human activity or natural climate variability.	7 8 9
<i>greenhouse gas emissions</i> means emissions of carbon dioxide, methane, nitrous oxide, sulphur hexafluoride, a hydrofluorocarbon gas, a perfluorocarbon gas or any other gas prescribed by the regulations for the purposes of this definition.	10 11 12 13