

[Act 1996 No 45]



New South Wales

# Environmental Planning and Assessment Amendment (Public Authorities) 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 clarify the meaning of the expression *public authority* where used in the *Environmental Planning and Assessment Act 1979*. The amendment removes doubt that the heads of government departments, including the Director-General of the Department of Urban Affairs and Planning, and certain other chief executive officers, are public authorities for the purposes of that Act and are therefore able to act as consent authorities and concurrence authorities under the provisions of environmental planning instruments.

The Bill will also enable public authorities, other than local government councils, to delegate their functions under the *Environmental Planning and Assessment Act 1979*. Local government councils already have power under the *Local Government Act 1993* to delegate functions derived from any source but must do so only in accordance with the regime established under the *Local Government Act 1993*.

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## 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 a day to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Environmental Planning and Assessment Act 1979* set out in Schedule 1.

### **Schedule 1 Amendments**

**Schedule 1 [2]** substitutes the definition of *public authority* in the *Environmental Planning and Assessment Act 1979* to give effect to the object of this Bill.

**Schedule 1 [1]** makes a consequential amendment.

**Schedule 1 [3]** provides for the exercise of functions on behalf of unincorporated public authorities.

**Schedule 1 [4]** enables a public authority (as redefined by the proposed Act but excluding a local government council) to delegate any functions conferred or imposed on the public authority by or under the *Environmental Planning and Assessment Act 1979*.

**Schedule 1 [5]** and **[6]** amend the schedule of savings, transitional and other provisions in the *Environmental Planning and Assessment Act 1979* to validate the role of department heads and other chief executive officers as concurrence authorities.