

LEGISLATIVE COUNCIL

Environmental Planning and Assessment Amendment (Ski Resort Areas) Bill

Schedule of the amendments agreed to in Committee of the Whole
on Friday 14 December 2001 a.m.

R Jones No. 1 Page 5, Schedule 1. Insert after line 12:

- (2) Despite any other provision of this Act:
- (a) the Minister is the consent authority for all development applications relating to land within a ski resort area and regulation made pursuant to this Part can not make a council responsible for exercising any other function referred to in subclause (1), and
 - (b) a regulation may be made pursuant to this Part for or with respect to a ski resort area only on the recommendation of the Minister made after consultation with the Minister for the Environment, and
 - (c) a State environmental planning policy may be made for or with respect to a ski resort area only on the recommendation of the Minister made after consultation with the Minister for the Environment, and
 - (d) any other environmental planning instrument for or with respect to a ski resort area may be made by the Minister only after consultation with the Minister for the Environment.
- If the Minister recommends that any such regulation or State environmental planning policy be made, or makes any such other environmental planning instrument, against the advice of the Minister for the Environment, the Minister is to publish the reasons for making the recommendation or instrument in the same Gazette as that in which the regulation, policy or instrument is published.
- (3) When consulting with the Minister about whether a recommendation should be made for the making of a regulation or State environmental planning policy, and about whether any other environmental planning instrument should be made, for or with respect to a ski resort area, the Minister for the Environment must take into account whether the proposed regulation, policy or instrument:
- (a) promotes the objects of the National Parks and Wildlife Act 1974, and
 - (b) is consistent with the plan of management under that Act for the land concerned.

R Jones No. 2 Page 5, Schedule 1. Insert after line 20:

32E Effect of certain regulations

To remove any doubt, a regulation made pursuant to this Schedule can not have the effect of making any provision prevail over the *National Parks and Wildlife Act 1974*.

Gms

No. 3

Page 5, Schedule 1. Insert after line 20:

32F State of the environment report

- (1) The Director-General is to present to the Minister a report as to the state of the environment in each ski resort area on each second anniversary of the day on which this clause commenced.
- (2) Section 428 (2) (c) of the *Local Government Act 1993* applies to the content of a state of the environment report under this clause, except that references in that paragraph to a council are to be read as references to the Department and the National Parks and Wildlife Service.
- (3) Copies of each report must be furnished to such persons and bodies as are prescribed under section 428 (3) of the *Local Government Act 1993*.

AD

No. 4

Page 6, Schedule 2. Insert after line 3:

[1] Section 151AA

Insert after section 151A:

151AA Leases of land in Kosciuszko National Park ski resort areas

- (1) This section applies to land in a ski resort area, within the meaning of Part 8A of Schedule 6 to the *Environmental Planning and Assessment Act 1979*, which areas are within Kosciuszko National Park.
- (2) Before granting a lease of land to which this section applies, the Minister:
 - (a) is to refer the proposal to the Council for advice, and
 - (b) is to cause notice of the proposal to be published in a newspaper circulating throughout New South Wales and in a newspaper circulating in the locality in which the land is situated, unless the proposal is required to be advertised by another provision of this Act.
- (3) The notice must contain the following:

- (a) sufficient information to identify the land concerned,
 - (b) the purposes for which the land and any building or structure on the land are proposed to be used,
 - (c) the term of the proposed lease (taking into account any option to renew),
 - (d) the name of the person to whom the lease is proposed to be granted,
 - (e) the closing date for making submissions on the proposal (being a date not earlier than 28 days after the date on which the notice is first published),
 - (f) the address to which submissions are to be sent,
 - (g) any other information that the Minister considers relevant to consideration of the proposal, for example, identification of the provisions of any relevant plan of management that authorises the proposed purposes for which the land, and any building or structure concerned, are to be used.
- (4) The Minister may hold a public hearing into any proposed lease of land to which this section applies if the Minister thinks it appropriate to do so.
- (5) Before determining whether or not to grant any such lease, the Minister must take into account:
- (a) any submission received from the Council within 30 days of referral of the proposal to the Council, and
 - (b) any submissions received from anyone else before the notified closing date for submissions under subsection (3), and
 - (c) if relevant, any report from, or submissions received at, a public inquiry.

- (3) An order may not be made under Division 2A of Part 6 of the *Environmental Planning and Assessment Act 1979*, or under Chapter 7 of the *Local Government Act 1993*, that would prevent or hinder the Director-General from or in carrying out any power, authority, duty, function or responsibility conferred or imposed on the Director-General by or under this Act.