

LEGISLATIVE COUNCIL

Snowy Hydro Corporatisation Amendment (Snowy 2.0) Bill 2018

First print

Proposed amendments

- No. 1 **Limiting works to Stage 1 exploratory geotechnical works or engineering investigations**
Page 3, Schedule 1 [1], lines 5–9. Omit all words on those lines. Insert instead:
Snowy 2.0 project—Stage 1 means the carrying out of exploratory geotechnical works or engineering investigations for the purposes of the pumped hydro and generation works to be known as Snowy 2.0 on land between Tantangara Reservoir and Talbingo Reservoir as referred to in clause 9 (3) of Schedule 5 to *State Environmental Planning Policy (State and Regional Development) 2011*, as in force on 1 September 2018, that is approved to be carried out under the *Environmental Planning and Assessment Act 1979*.
- No. 2 **Limiting works to Stage 1 exploratory geotechnical works or engineering investigations**
Page 3, Schedule 1 [2] (proposed section 37A), line 12. Insert “—Stage 1” after “Snowy 2.0 project”.
- No. 3 **Snowy 2.0 leases only to be granted over prescribed land**
Page 3, Schedule 1 [2] (proposed section 37A). Insert after line 12:
(1) Despite subsections (2)–(8), this section applies only in relation to land in the Kosciuszko National Park, or other land reserved or dedicated under the NPW Act, that is prescribed by the regulations.
- No. 4 **Limiting works to Stage 1 exploratory geotechnical works or engineering investigations**
Page 3, Schedule 1 [2] (proposed section 37A (1)), line 16. Insert “—Stage 1” after “Snowy 2.0 project”.
- No. 5 **Limiting works to Stage 1 exploratory geotechnical works or engineering investigations**
Page 3, Schedule 1 [2] (proposed section 37A (2)), line 19. Insert “—Stage 1” after “Snowy 2.0 project”.
- No. 6 **Maximising use of existing easements and rights of way**
Page 3, Schedule 1 [2] (proposed section 37A). Insert after line 20:
(3) Despite subsection (2), the Minister administering the NPW Act must not grant a Snowy 2.0 lease that is an easement or a right of way unless the Minister has had regard to maximising the use of existing easements and rights of way.

No. 7 **Minister to publish reasons for determination of conditions**

Page 3, Schedule 1 [2] (proposed section 37A). Insert after line 31:

- (5) The Minister administering the NPW Act must, as soon as practicable after determining the conditions (if any) that should be attached to any such grant, ensure that the Minister's reasons for that determination (including the regard had for the matters set out in subsection (3)) are published on the Office of Environment and Heritage's website.

No. 8 **Proposed leases etc to be publicly exhibited and granted leases to be published**

Page 3, Schedule 1 [2] (proposed section 37A). Insert after line 31:

- (5) Before a Snowy 2.0 lease is granted, the Minister administering the NPW Act must:
 - (a) ensure the proposed Snowy 2.0 lease is publicly available for a period of at least 28 days, and
 - (b) seek public comment on the proposed Snowy 2.0 lease during the period of public exhibition and public comment may be made during that period, and
 - (c) have regard to any public comment received during the period allowed for public comment, and
 - (d) consult with the relevant regional advisory committee (within the meaning of the NPW Act) regarding the grant.
- (6) After a Snowy 2.0 lease is granted, the Minister administering the NPW Act must, as soon as practicable, ensure that the Snowy 2.0 lease is published on the Office of Environment and Heritage's website.

No. 9 **Leases etc to be subject to rent, fee or charge**

Page 3, Schedule 1 [2] (proposed section 37A). Insert after line 31:

- (5) A Snowy 2.0 lease is subject to a condition that the Snowy Hydro Company is to pay an annual market rent, fee or charge (as appropriate) determined by the Independent Pricing and Regulatory Tribunal in accordance with the following provisions:
 - (a) the Independent Pricing and Regulatory Tribunal must, before making a determination:
 - (i) ensure the proposed market rent, fee or charge (and the reasons for the proposed determination) is publicly available for a period of at least 28 days, and
 - (ii) seek public comment on the proposed determination during the period of public exhibition and public comment may be made during that period, and
 - (iii) have regard to any public comment received during the period allowed for public comment,
 - (b) the Independent Pricing and Regulatory Tribunal must re-determine the annual market rent, fee or charge every 5 years,
 - (c) when making a determination, the Independent Pricing and Regulatory Tribunal must determine a rent, fee or charge that includes compensation for any loss of environmental, recreational or cultural values.

No. 10 **Limiting works to Stage 1 exploratory geotechnical works or engineering investigations**

Page 3, Schedule 1 [2] (proposed section 37A (5)), lines 32 and 33. Insert instead:

- (5) A Snowy 2.0 lease expires 5 years after the day on which it was granted.

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- No. 11 **Snowy 2.0 lease not transferable and terminated if Snowy Hydro ownership changes**
Page 3, Schedule 1 [2] (proposed section 37A). Insert after line 37:
- (8) A Snowy 2.0 lease is not transferable.
 - (9) All Snowy 2.0 leases terminate on the occurrence of any change of ownership of the Snowy Hydro Company. However, nothing in this subsection prevents the grant of any new Snowy 2.0 lease to take effect after such a termination.
- No. 12 **Limiting works to Stage 1 exploratory geotechnical works or engineering investigations**
Page 3, Schedule 1 [3] (proposed section 38 (4)), line 42. Insert “—Stage 1” after “Snowy 2.0 project”.
- No. 13 **NPW Minister’s concurrence required for regulations**
Pages 3 and 4, Schedule 1 [3], line 43 on page 3 to line 4 on page 4. Omit all words on those lines. Insert instead:
- (5) The Minister is not to recommend the making of a regulation under subsection (4) unless the Minister certifies to the Governor that the regulation is made with the concurrence of the Minister administering the NPW Act.
- No. 14 **Limiting works to Stage 1 exploratory geotechnical works or engineering investigations**
Page 4, Schedule 1 [4] (proposed section 39A), lines 7–26. Omit all words on those lines.
- No. 15 **Snowy 2.0 leases only to be granted over prescribed land**
Page 4, Schedule 1 [4] (proposed section 39A). Insert after line 7:
- (1) Despite subsections (2)–(7), this section applies only in relation to land in the Kosciuszko National Park, or other land reserved or dedicated under the NPW Act, that is prescribed by the regulations.
- No. 16 **Maximising use of existing leases, licences, easements and rights of way**
Page 4, Schedule 1 [4] (proposed section 39A). Insert after line 16:
- (3) Despite subsection (2), the Minister administering the NPW Act must not grant an easement or a right of way referred to in subsection (1) unless the Minister has had regard to maximising the use of existing easements and rights of way.
- No. 17 **Proposed leases etc to be publicly exhibited and granted leases to be published**
Page 4, Schedule 1 [4] (proposed section 39A). Insert after line 16:
- (3) Before a lease, licence, easement or right of way referred to in subsection (1) is granted, the Minister administering the NPW Act must:
 - (a) ensure the proposed lease, licence, easement or right of way is publicly available for a period of at least 28 days, and
 - (b) seek public comment on the proposed lease, licence, easement or right of way during the period of public exhibition and public comment may be made during that period, and
 - (c) have regard to any public comment received during the period allowed for public comment, and
 - (d) consult with the relevant regional advisory committee (within the meaning of the NPW Act) regarding the grant.
 - (4) After a lease, licence, easement or right of way referred to in subsection (1) is granted, the Minister administering the NPW Act must, as soon as practicable, ensure that the lease, licence, easement or right of way is published on the Office of Environment and Heritage’s website.
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No. 18 **Leases etc to be subject to rent, fee or charge**

Page 4, Schedule 1 [4] (proposed section 39A). Insert after line 17:

- (4) A lease, licence, easement or right of way referred to in this section is subject to a condition that TransGrid (or the relevant holder of a transmission operator's licence) is to pay an annual market rent, fee or charge (as appropriate) determined by the Independent Pricing and Regulatory Tribunal in accordance with the following provisions:
- (a) the Independent Pricing and Regulatory Tribunal must, before making a determination:
 - (i) ensure the proposed market rent, fee or charge (and the reasons for the proposed determination) is publicly available for a period of at least 28 days, and
 - (ii) seek public comment on the proposed determination during the period of public exhibition and public comment may be made during that period, and
 - (iii) have regard to any public comment received during the period allowed for public comment,
 - (b) the Independent Pricing and Regulatory Tribunal must re-determine the annual market rent, fee or charge every 5 years,
 - (c) when making a determination, the Independent Pricing and Regulatory Tribunal must determine a rent, fee or charge that includes compensation for any loss of environmental, recreational or cultural values.

No. 19 **NPW Minister's concurrence required for regulations**

Page 4, Schedule 1 [4], lines 21–26. Omit all words on those lines. Insert instead:

- (6) The Minister is not to recommend the making of a regulation under subsection (5) unless the Minister certifies to the Governor that the regulation is made with the concurrence of the Minister administering the NPW Act.

No. 20 **Limiting works to Stage 1 exploratory geotechnical works or engineering investigations**

Page 4, Schedule 1 [4] (proposed section 39B (1) (b)), line 37. Omit "or 39A".

No. 21 **Limiting works to Stage 1 exploratory geotechnical works or engineering investigations**

Page 4, Schedule 1 [4] (proposed section 39B (1) (c)), line 40. Insert "—Stage 1" after "Snowy 2.0 project".

No. 22 **Limiting works to Stage 1 exploratory geotechnical works or engineering investigations**

Page 4, Schedule 1 [4] (proposed section 39B (1) (d)), line 42. Insert "—Stage 1" after "Snowy 2.0 project".

No. 23 **Limiting works to Stage 1 exploratory geotechnical works or engineering investigations**

Page 5, Schedule 1 [6] (proposed Schedule 4, Part 5, clause 7 (1)), lines 24 and 26. Insert "—Stage 1" after "Snowy 2.0 project".