

Botany Bay National Park (Helicopter Base Relocation) Bill 2004

Explanatory note

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

Overview of Bill

The object of this Bill is to enable the relocation of the Southern Region SLSA Helicopter Rescue Service from the former Prince Henry Hospital site to an area within Botany Bay National Park by:

- (a) revoking the reservation under the *National Parks and Wildlife Act 1974* of certain land as part of Botany Bay National Park, and
- (b) vesting that land in the Crown as Crown land within the meaning of the *Crown Lands Act 1989*, and
- (c) facilitating the use of that land for the purposes of a helicopter base for emergency aerial evacuation, retrieval and rescue.

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 or days to be appointed by proclamation.

Clause 3 describes the objects of the proposed Act.

Clause 4 defines *helicopter facilities* as including buildings and installations for the parking, fuelling, servicing and maintenance of helicopters.

Clause 5 specifies the land to which the proposed Act applies.

Clause 6 revokes the reservation under the *National Parks and Wildlife Act 1974* of that land as part of Botany Bay National Park.

Clause 7 vests the land to which the proposed Act applies in the Crown and provides for it to be Crown land within the meaning of the *Crown Lands Act 1989*. It also dispenses with the necessity for a separate assessment to be carried out under the *Crown Lands Act 1989* in relation to land to which the proposed Act applies, prior to the granting of a lease or a licence under the *Crown Lands Act 1989* for the following purposes:

- (a) the taking off, landing and movement of helicopters used for emergency evacuation, retrieval or rescue,
- (b) helicopter facilities for those helicopters,
- (c) accommodation for the crew of those helicopters, including pilots, medical practitioners, nurses and paramedical workers.

Clause 8 overrides any provisions of an environmental planning instrument made under the *Environmental Planning and Assessment Act 1979* that prohibit, require development consent for, or otherwise restrict, the development of land to which the proposed Act applies for those purposes.

Clause 9 makes it clear that the development of land, to which the proposed Act applies, for those purposes is an essential public purpose for the purposes of section 36 of the *Aboriginal Land Rights Act 1983*. This has the effect of resolving any doubt as to whether the land is claimable Crown land under that Act.

Clause 10 enables the Minister administering the *National Parks and Wildlife Act 1974* to grant an easement or right of way, over land reserved under that Act, for the purpose of enabling access or the provision of services to land to which the proposed Act applies.

Clause 11 ensures that the proposed Act does not operate to extinguish native title rights and interests existing in relation to the land to which the proposed Act applies immediately before it is vested in the Crown under the proposed Act.

Clause 12 provides that the proposed Act binds the Crown.

Clause 13 enables the making of regulations for the purposes of the proposed Act, including regulations of a savings or transitional nature consequent on the enactment of the proposed Act.