

Passed by both Houses



New South Wales

National Parks and Wildlife Amendment (Telecommunications Facilities) Bill 2003

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of National Parks and Wildlife Act 1974 No 80	2
 Schedule 1 Amendment	 3

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2003*



New South Wales

National Parks and Wildlife Amendment (Telecommunications Facilities) Bill 2003

Act No , 2003

An Act to amend the *National Parks and Wildlife Act 1974* with respect to the use of land reserved under that Act for the purpose of telecommunications facilities; and for related purposes.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *National Parks and Wildlife Amendment (Telecommunications Facilities) Act 2003*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Amendment of National Parks and Wildlife Act 1974 No 80

The *National Parks and Wildlife Act 1974* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Section 3)

[1] Section 151D Register of certain interests to be publicly available

Insert “, licences granted under section 153D” after “leases granted under this Act” in section 151D (1).

[2] Section 151D (2) (a)–(e)

Insert “licence,” after “lease,” wherever occurring.

[3] Section 153A Leases etc relating to wilderness areas

Insert at the end of section 153A (b):

, or

- (c) grant a lease, licence, easement or right of way under section 153D,

[4] Section 153D

Insert in appropriate order in Part 12:

153D Leases, licences and easements for telecommunications facilities

- (1) For the purpose of the erection, use or maintenance of telecommunications facilities, the Minister may grant leases of, or licences to occupy or use, or easements or rights of way through, on or in, any land reserved under this Act.
- (2) A lease, licence, easement or right of way under this section may be granted subject to such terms and conditions as the Minister may determine.
- (3) The Minister may from time to time revoke or vary any grant under this section of an easement or right of way.
- (4) The Minister must not grant a lease, licence, easement or right of way under this section unless the Minister is satisfied that:
 - (a) there is no feasible alternative site for the proposed telecommunications facility concerned on land that is not reserved under this Act, and
 - (b) the site of any proposed above ground telecommunications facility covers the minimum area possible, and

- (c) the proposed telecommunications facility is to be designed and constructed in such a manner as to minimise risk of damage to the facility from bushfires, and
 - (d) the site and construction of the proposed telecommunications facility have been selected, as far as is practicable, to minimise the visual impact of the facility, and
 - (e) if feasible, an existing means of access to the proposed site of the lease, licence, easement or right of way is to be used, and
 - (f) the proposed telecommunications facility is essential for the provision of telecommunications services for land reserved under this Act or for surrounding areas to be served by the facility, and
 - (g) the telecommunications facility is to be removed and the site of the facility is to be restored as soon as possible after the facility becomes redundant (for example, due to advances in technology), and
 - (h) the site of the proposed telecommunications facility has been selected after taking into account the objectives set out in any plan of management relating to the land concerned, and
 - (i) the proposed telecommunications facility is, if feasible, to be co-located with an existing structure or located at a site that is already disturbed by an existing lease, licence, easement or right of way on the land concerned.
- (5) The Minister must not grant a lease, licence, easement or right of way under this section in respect of land that is within an area designated as a remote natural area in a plan of management or an Aboriginal area.
- (6) In this section:
- telecommunications facility*** means a facility within the meaning of the *Telecommunications Act 1997* of the Commonwealth.