

First print



New South Wales

Environmental Planning Legislation Amendment Bill 1995

Explanatory note

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

Overview of Bill

The object of this Bill is to provide that a consent, approval or permission granted in respect of a development application that was made before the commencement of the *Environmental Planning and Assessment Act 1979* and that was in force immediately before that commencement is taken to be a development consent within the meaning of that Act. The amendment will overcome the decision of the Land and Environment Court in *Winn v Director-General of National Parks and Wildlife and RZM Pty Limited* in which judgment was given on 23 November 1995. In that case it was decided that, for the purposes of section 92B (11) of the *National Parks and Wildlife Act 1974*, such a consent, approval or permission was not a development consent within the meaning of the *Environmental Planning and Assessment Act 1979* and, consequently, that RZM Pty Limited was not entitled to be granted a licence to take or kill endangered fauna in the absence of a fauna impact statement.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the proposed Act to be taken to have commenced on 1 September 1980, being the date of commencement of the *Environmental Planning and Assessment Act 1979*. So providing for the commencement of the proposed Act will have the effect of validating things done after that date in accordance with certain consents, approvals and permissions in force immediately before that date.

Clause 3 makes an amendment to the *Miscellaneous Acts (Planning) Repeal and Amendment Act 1979* to achieve the object described above.

Clause 4 sets aside the decision in the *RZM case*.

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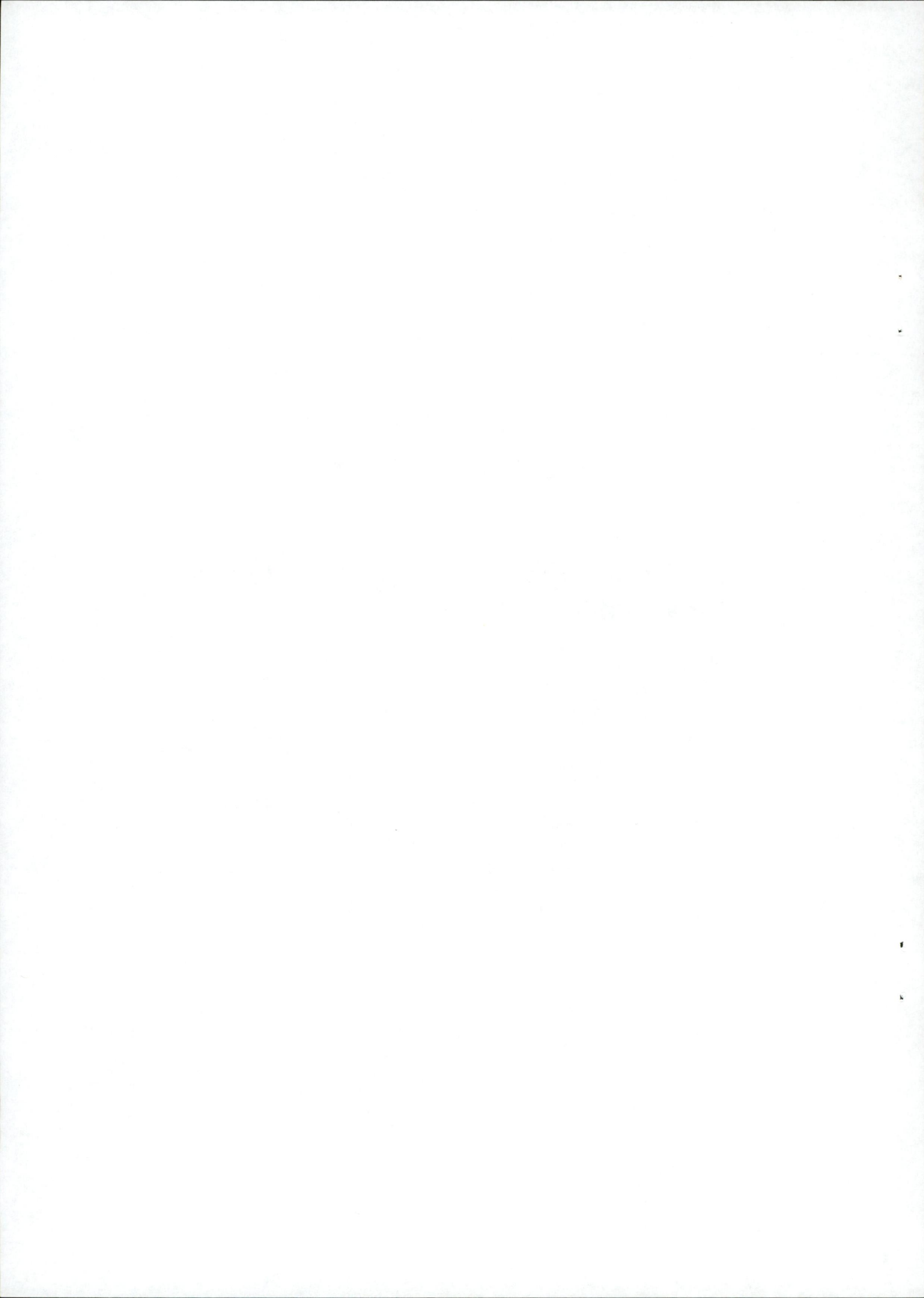


New South Wales

Environmental Planning Legislation Amendment Bill 1995

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New South Wales

Environmental Planning Legislation Amendment Bill 1995

No. , 1995

A Bill for

An Act to amend the *Miscellaneous Acts (Planning) Repeal and Amendment Act 1979* with respect to the effect of certain consents, approvals and permissions granted before the commencement of the *Environmental Planning and Assessment Act 1979*.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Environmental Planning Legislation Amendment Act 1995*.

2 Commencement

5

This Act is taken to have commenced on 1 September 1980.

3 Amendment of Miscellaneous Acts (Planning) Repeal and Amendment Act 1979 No 205

The *Miscellaneous Acts (Planning) Repeal and Amendment Act 1979* is amended by inserting after clause 7 (3) in Schedule 3 the following subclause: 10

- (4) A consent, approval or permission referred to in subclause (1) is taken to be a development consent within the meaning of the *Environmental Planning and Assessment Act 1979*. 15

4 Application of amendment

The amendment made by this Act extends to the consents granted by Port Stephens Shire Council on 7 June 1978 and 28 March 1979 to RZM (Newcastle) Limited in respect of mineral sandmining on land comprised in Mining Leases 594, 1226 and 774 despite the decision of the Land and Environment Court in *Paul Winn v Director-General of National Parks and Wildlife and RZM Pty Limited* (No 40209 of 1995). 20

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Environmental Planning Legislation Amendment Bill 1995

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Clerk of the Legislative Assembly.
Legislative Assembly*



New South Wales

Environmental Planning Legislation Amendment Bill 1995

Act No , 1995

An Act to amend the *Miscellaneous Acts (Planning) Repeal and Amendment Act 1979* with respect to the effect of certain consents, approvals and permissions granted before the commencement of the *Environmental Planning and Assessment Act 1979*.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Environmental Planning Legislation Amendment Act 1995*.

2 Commencement

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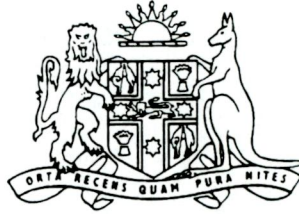
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(4) A consent, approval or permission referred to in subclause (1) is taken to be a development consent within the meaning of the *Environmental Planning and Assessment Act 1979*. 15

4 Application of amendment

The amendment made by this Act extends to the consents granted by Port Stephens Shire Council on 7 June 1978 and 28 March 1979 to RZM (Newcastle) Limited in respect of mineral sandmining on land comprised in Mining Leases 594, 1226 and 744 despite the decision of the Land and Environment Court in *Paul Winn v Director-General of National Parks and Wildlife and RZM Pty Limited* (No 40209 of 1995). 20

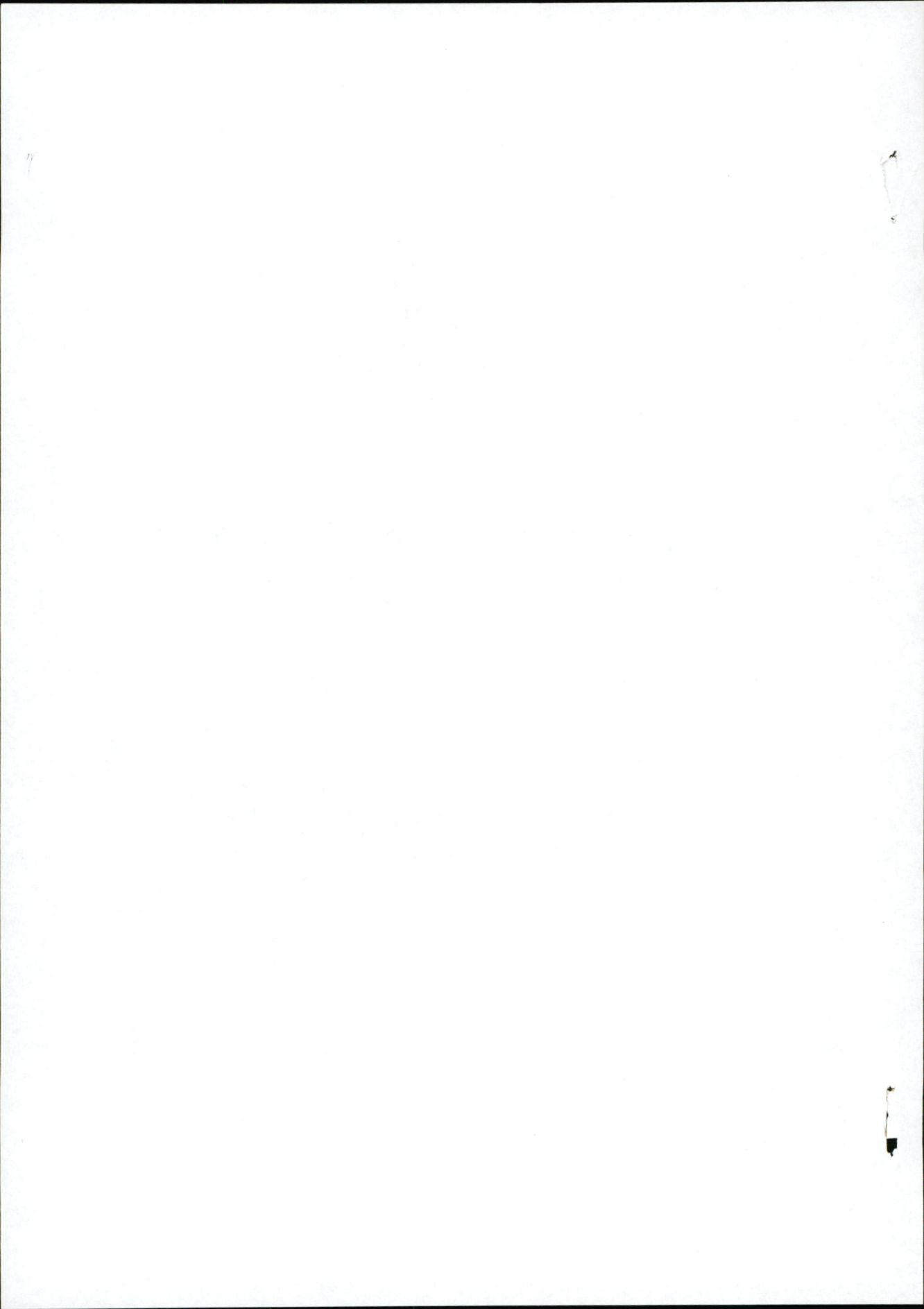


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Environmental Planning Legislation Amendment Act 1995 No 90

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New South Wales

Environmental Planning Legislation Amendment Act 1995 No 90

Act No 90, 1995

An Act to amend the *Miscellaneous Acts (Planning) Repeal and Amendment Act 1979* with respect to the effect of certain consents, approvals and permissions granted before the commencement of the *Environmental Planning and Assessment Act 1979*. [Assented to 21 December 1995]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Environmental Planning Legislation Amendment Act 1995*.

2 Commencement

This Act is taken to have commenced on 1 September 1980.

3 Amendment of Miscellaneous Acts (Planning) Repeal and Amendment Act 1979 No 205

The *Miscellaneous Acts (Planning) Repeal and Amendment Act 1979* is amended by inserting after clause 7 (3) in Schedule 3 the following subclause:

- (4) A consent, approval or permission referred to in subclause (1) is taken to be a development consent within the meaning of the *Environmental Planning and Assessment Act 1979*.

4 Application of amendment

The amendment made by this Act extends to the consents granted by Port Stephens Shire Council on 7 June 1978 and 28 March 1979 to RZM (Newcastle) Limited in respect of mineral sandmining on land comprised in Mining Leases 594, 1226 and 744 despite the decision of the Land and Environment Court in *Paul Winn v Director-General of National Parks and Wildlife and RZM Pty Limited* (No 40209 of 1995).

[Minister's second reading speech made in—
Legislative Assembly on 7 December 1995
Legislative Council on 14 December 1995]

BY AUTHORITY