

1996—No. 65

**ENERGY SERVICES CORPORATIONS ACT 1995—
REGULATION**

(Energy Services Corporations (Savings and Transitional) Regulation 1996)

NEW SOUTH WALES



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HIS Excellency the Lieutenant-Governor, with the advice of the Executive Council, and in pursuance of the Energy Services Corporations Act 1995, has been pleased to make the Regulation set forth hereunder.

P. C. Scully
Acting Minister for Energy.

Citation

1. This Regulation may be cited as the Energy Services Corporations (Savings and Transitional) Regulation 1996.

Commencement

2. This Regulation commences on 1 March 1996.

Definitions

3. In this Regulation:

“**former distributor**” means an electricity distributor constituted under the Electricity Act 1945;

“**new distributor**” means an energy distributor constituted under the Energy Services Corporations Act 1995;

“**new generator**” means an electricity generator constituted under the Energy Services Corporations Act 1995;

“**Pacific Power**” means the corporation constituted by section 5 of the Electricity (Pacific Power) Act 1950.

Application of Pt. 5 of Environmental Planning and Assessment Act 1979 to new generators

4. (1) This clause applies to any activity in respect of which:
- (a) Pacific Power has obtained an environmental impact statement before 1 March 1996; or
 - (b) the Director-General of the Department of Urban Affairs and Planning has, before 1 March 1996, notified a person preparing an environmental impact statement for Pacific Power of requirements with respect to the form and contents of such a statement.
- (2) Part 5 of the Environmental Planning and Assessment Act 1979 applies to any such activity that is carried out by a new generator as if
- (a) the new generator had been in existence when such a statement was obtained or such requirements were notified; and
 - (b) anything that has been done before 1 March 1996 by, to or in respect of Pacific Power in connection with the activity (including the obtaining of such a statement or the notification of such requirements) had instead been done by, to or in respect of the new generator.
- (3) Clause 5 of Schedule 5 to the Energy Services Corporations Act 1995 does not apply to an activity to which this clause applies.

Application of Pt. 5 of Environmental Planning and Assessment Act 1979 to new distributors

5. (1) Division 4 of Part 5 of the Environmental Planning and Assessment Act 1979 does not apply to an activity carried out by a new distributor if
- (a) the former distributor of the same name has obtained an environmental impact statement for that activity before 1 March 1996; or
 - (b) the former distributor of the same name obtains an environmental impact statement for that activity after 1 March 1996, but the Director-General of the Department of Urban Affairs and Planning has before that date duly notified the person preparing the statement of requirements with respect to the form and contents of the statement.
- (2) Clause 11 of Schedule 5 to the Energy Services Corporations Act 1995 does not apply to an activity that is excluded by this clause from the operation of Division 4 of Part 5 of the Environmental Planning and Assessment Act 1979.
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EXPLANATORY NOTE

The object of this Regulation is to provide for the application of Part 5 of the Environmental Planning and Assessment Act 1979 to activities carried out by energy services corporations.

This Regulation is made under the Energy Services Corporations Act 1995, including section 17 (the general regulation making power) and clauses 15 and 11 of Schedule 5.
