

[Act 1995 No 90]



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

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\* Amended in committee — see table at end of volume.

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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*.