



New South Wales

National Parks and Wildlife Amendment (Telecommunications Facilities) Bill 2003

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *National Parks and Wildlife Act 1974* to enable leases, licences, easements or rights of way to be granted for the purpose of telecommunications facilities in respect of land reserved under that Act.

Outline of provisions

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

Clause 2 provides that the proposed Act commences on its date of assent.

Clause 3 is a formal provision that gives effect to the amendment to the *National Parks and Wildlife Act 1974* set out in Schedule 1.

Schedule 1 Amendment

Schedule 1 inserts proposed section 153D into the *National Parks and Wildlife Act 1974 (the Principal Act)* to provide that, for the purpose of the erection, use or maintenance of telecommunications facilities (as defined in the *Telecommunications Act 1997* of the Commonwealth), the Minister for the Environment may grant leases of, or licences to occupy or use, or easements or rights of way through, on or in, any land reserved under the Principal Act.

The Minister is prevented from granting such a lease, licence, easement or right of way under the proposed 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 the Principal Act, and
- (b) the proposed telecommunications facility is essential for the provision of telecommunications services for land reserved under the Principal Act or for surrounding areas to be served by the facility, and
- (c) 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
- (d) 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
- (e) all existing leases, licences, easements and rights of way and all existing structures on the land concerned have been assessed to determine whether the proposed telecommunications facility could be co-located with an existing structure or whether the proposed facility could be located at a site that is already disturbed by an existing lease, licence, easement or right of way or an existing structure.

First print



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No. , 2003

A Bill for

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.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>National Parks and Wildlife Amendment (Telecommunications Facilities) Act 2003</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of National Parks and Wildlife Act 1974 No 80	7
The <i>National Parks and Wildlife Act 1974</i> is amended as set out in Schedule 1.	8 9

Schedule 1 Amendment

(Section 3)

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 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
 - (c) 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
 - (d) 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
 - (e) all existing leases, licences, easements and rights of way and all existing structures on the land concerned have been assessed to determine whether the proposed telecommunications facility could be co-located with an existing structure or whether the proposed facility

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2003

Schedule 1 Amendment

could be located at a site that is already disturbed by
an existing lease, licence, easement or right of way or
an existing structure.

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(5) In this section:

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telecommunications facility means a facility within the
meaning of the *Telecommunications Act 1997* of the
Commonwealth.

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