

[Act 2001 No 126]



New South Wales

Environmental Planning and Assessment Amendment (Ski Resort Areas) Bill 2001

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Environmental Planning and Assessment Act 1979* to enable regulations to be made to facilitate certain ski resort areas within Kosciuszko National Park (that are presently covered by Part 5 of that Act) becoming subject to the requirements of Part 4 of that Act pursuant to proposed environmental planning instruments and to make further provision for the effect of certain provisions of the *Local Government Act 1993* in those areas, and

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

- (b) to amend the *National Parks and Wildlife Act 1974* to remove those ski resort areas (except in relation to things authorised under the *Snowy Hydro Corporatisation Act 1997*) from the operation of a provision of that Act that exempts most of the lands reserved or dedicated under that Act from the operation of Division 2A (Orders) of Part 6 of the *Environmental Planning and Assessment Act 1979* and Chapter 7 (What are the regulatory functions of councils?) of the *Local Government Act 1993*.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendment to the *Environmental Planning and Assessment Act 1979* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendment to the *National Parks and Wildlife Act 1974* set out in Schedule 2.

Schedule 1 Amendment of Environmental Planning and Assessment Act 1979

Schedule 1 enables certain regulations to be made in relation to ski resort areas within the Kosciuszko National Park that are identified by the Minister by order published in the Gazette. Any such order may only be made with the concurrence of the Minister for the Environment. Presently, activities within those ski resort areas are subject to Part 5 of the *Environmental Planning and Assessment Act 1979* because they do not require development consent under Part 4 of that Act. However, it is proposed that most activities within those ski resort areas will require development consent in the future (initially, under a State environmental planning policy and, subsequently, under a comprehensive regional environmental plan).

The regulations may deal with matters of a savings and transitional nature in relation to the ski resort areas becoming subject to Part 4 requirements. In particular, the regulations may deal with the conversion of existing approvals and requirements of those approvals in relation to activities in the ski resort areas into development consents under Part 4 and into other authorities, such as construction certificates.

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The regulations may also modify the operation of the *Environmental Planning and Assessment Act 1979* in limited ways to specify who is to carry out functions under the Act in relation to the ski resort areas and the way in which those functions are to be carried out. In particular, this will enable appropriate provision to be made to recognise the role in those areas of long-term lessees.

The amendments also provide that Chapter 7 of the *Local Government Act 1993* does not apply to the ski resort areas except as otherwise provided by the regulations.

Schedule 2 Amendment of National Parks and Wildlife Act 1974

Schedule 2 makes the amendment outlined in paragraph (b) of the Overview above.