



New South Wales

Clyde Waste Transfer Terminal (Special Provisions) 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 enable the carrying out of development on certain land at the Clyde Rail Marshalling Yards for the purposes of a waste transfer terminal. The development is necessary because the development consent for the Woodlawn landfill facility requires that waste sourced from the Sydney region must be transported by rail to an intermodal terminal near the landfill facility. This requirement was imposed to mitigate the environmental impacts of the transport of waste to Woodlawn by road.

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 the date of assent.

Clause 3 defines certain words and expressions used in the proposed Act. In particular, words and expressions used in the proposed Act that are defined in the *Environmental Planning and Assessment Act 1979* (**the Planning Act**) have the same meanings as in that Act.

Clause 4 provides that development consent is taken to have been granted under the Planning Act to carry out development on the land at the Clyde Rail Marshalling Yards for the purposes of a waste transfer terminal, subject to certain conditions which were settled at the time of proceedings in the Land and Environment Court concerning the development. The conditions are set out in a document to be tabled in the Legislative Council on the introduction of this Bill.

Clause 5 provides that the development that may be carried out under the development consent is taken to be State significant development that is integrated development, subject to clause 9. The clause specifies the approvals that are required in relation to the integrated development and the approval bodies for those approvals.

Clause 6 provides that the development consent is taken to become effective and operate from the date of assent to the proposed Act.

Clause 7 provides that the Minister is taken to be the consent authority in respect of the development consent.

Clause 8 specifies the classification of buildings within the development.

Clause 9 provides that certain specified provisions of the Planning Act are not to apply to or in respect of the development consent or the development that may be carried out in accordance with it.

Clause 10 makes ineffective the provisions of any environmental planning instrument applying to the land to the extent to which they are inconsistent with the provisions of the proposed Act.



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New South Wales

Clyde Waste Transfer Terminal (Special Provisions) Bill 2003

No. , 2003

A Bill for

An Act to permit the development of certain land at Clyde for the purposes of a waste transfer terminal; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Clyde Waste Transfer Terminal (Special Provisions) Act 2003*.

2 Commencement

This Act commences on the date of assent.

3 Definitions

(1) In this Act:

the development application means the development application made by Collex Pty Limited on 2 August 2001 under, or purporting to have been made under, the Planning Act.

the development consent means the development consent taken to have been granted as referred to in section 4.

the Planning Act means the *Environmental Planning and Assessment Act 1979*.

the subject land means the land the subject of the development application (being Part Lot 201, Deposited Plan 1007683, situated at the Clyde Rail Marshalling Yards).

(2) Words and expressions used in this Act that are defined in the Planning Act have the same meanings as in the Planning Act.

4 Development consent relating to certain land at Clyde

Development consent is taken to have been granted under the Planning Act to carry out development on the subject land for the purposes of a waste transfer terminal, subject to the conditions set out in the document entitled “Clyde Waste Transfer Terminal—Conditions of Development Consent” presented to the President of the Legislative Council (by or on behalf of the Member of the Legislative Council who introduced the Bill for this Act) when the Bill was introduced into the Legislative Council.

5 Nature of the development

(1) The development that may be carried out under the development consent is taken to be State significant development that is integrated development, subject to section 9.

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- (2) The following approvals are required from the following approval bodies in order for the development, as integrated development, to be carried out:
- (a) an environment protection licence referred to in sections 43 (b), 48 and 55 of the *Protection of the Environment Operations Act 1997* issued by the Environment Protection Authority,
 - (b) a consent under section 138 (1) (a), (b) and (e) of the *Roads Act 1993* granted by the Roads and Traffic Authority.

6 Date from which the development consent operates

The development consent is taken to become effective and operate from the date of assent to this Act.

7 Consent authority

The Minister is taken to be the consent authority in respect of the development consent.

8 Classification of buildings

A building that may be erected on the subject land in accordance with the development consent and that is described in Column 1 of the following Table has the classification under the *Building Code of Australia* specified opposite the description in Column 2 of the Table.

Table

| Column 1 | Column 2 |
|------------------------------------------|------------------------------------------------------------|
| Office and amenities building, gatehouse | Class 5 (office) |
| Waste compactors | Class 8 (process/manufacturing) |
| Transfer building, weighbridge | Class 10a/10b (non-habitable storage areas and structures) |

9 Application of the Planning Act

Sections 92, 92A, 96 (6), 97, 98, 98A (1) (a) and 99 of the Planning Act do not apply to or in respect of the development consent or the development that may be carried out in accordance with the development consent.

10 Effect of environmental planning instruments

The provisions of an environmental planning instrument, in so far as they apply to the subject land, which are inconsistent with any of the provisions of this Act have no effect to the extent of the inconsistency.