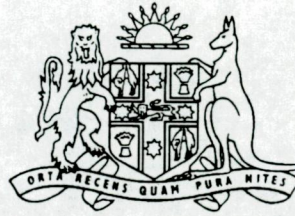


Introduced by the Hon George Souris, MP

First print



New South Wales

M5 East Motorway Bill 1997

Explanatory note

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

Overview of Bill

The objects of this Bill are to ensure that the proposed extension to the M5 Motorway between Bexley North and Arncliffe (including any ventilation stack) is built along previous road reservations and not in residential areas, and to ensure that certain environmental and other requirements relating to the motorway and associated activities and structures are met.

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.

Clause 4 requires any road or structure (including a ventilation stack) proposed as part of the M5 East Motorway extension located between Bexley Road, Bexley North, and Marsh Street, Arncliffe, to be constructed under land included in a county road reservation for a freeway under the County of Cumberland Planning Scheme or on land that is not zoned for, or does not adjoin land zoned for, residential purposes.

Clause 5 prohibits any road or structure (including a ventilation stack) proposed as part of the M5 East Motorway extension from being constructed unless it will have a minimal environmental impact on the Wolli Creek Valley, will have a minimal environmental impact on the suburbs of Kingsgrove, Undercliffe, Earlwood, Bardwell Park, Bardwell Valley, Arncliffe and Turrella and will have a beneficial environmental effect on Sydney.

Clause 6 prohibits a person from carrying out development, or granting an approval, consent, licence or permission, or any form of authorisation, to the carrying out of development, for the purposes of a road, or associated land use, activity or structure, that contravenes proposed section 4 or 5.

Clause 7 applies provisions of the *Environmental Planning and Assessment Act 1979* to breaches of the proposed Act. The effect of this is that any person may seek an order from the Land and Environment Court to remedy or restrain a breach of the proposed Act.

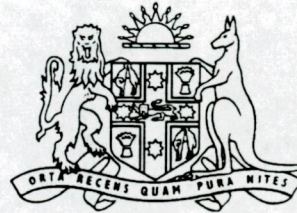
Clause 8 provides that the proposed Act binds the Crown.

Clause 9 provides that the proposed Act has effect despite any other Act, including the *Environmental Planning and Assessment Act 1979*.

Clause 10 amends the *Land and Environment Court Act 1979* as a consequence of proposed section 7.

Introduced by the Hon George Souris, MP

First print



New South Wales

M5 East Motorway Bill 1997

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Definitions	2
4 Restrictions on location of motorway	2
5 Environmental requirements for motorway	3
6 Prohibited development and consents	3
7 Enforcement of Act	3
8 Act binds Crown	4
9 Effect of Act	4
10 Amendment of Land and Environment Court Act 1979 No 204	4



New South Wales

M5 East Motorway Bill 1997

No. , 1997

A Bill for

An Act to regulate the route of the M5 East Motorway extension and the placement of associated structures, to limit the effects on the environment of the M5 East Motorway extension; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *M5 East Motorway Act 1997*.

2 Commencement

This Act commences on the date of assent. 5

3 Definitions

In this Act:

development has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

M5 East Motorway extension means the proposed extension to the road known as the M5 from the end of the M5 at King Georges Road, Beverly Hills, to General Holmes Drive, Kyeemagh. 10

4 Restrictions on location of motorway

(1) Any road or associated structure (including a ventilation stack) proposed as part of the M5 East Motorway extension located between Bexley Road, Bexley North, and Marsh Street, Arncliffe, must be constructed wholly under the surface of land: 15

(a) included in a county road reservation for the purposes of a freeway under the *County of Cumberland Planning Scheme*, established by the *Local Government (Amendment) Act 1951*, or 20

(b) that is not zoned for use for development for residential purposes or that does not adjoin land zoned for use for development for residential purposes. 25

(2) For the purposes of subsection (1), land is taken to be zoned for use for development for residential purposes if:

(a) it is so zoned, or
(b) it was so zoned in the period of 6 months immediately preceding the commencement of this Act, or 30

-
- (c) it is so zoned immediately before its purchase or acquisition for the purposes of any road or associated structure (including a ventilation stack) proposed as part of the M5 East Motorway extension.

5 Environmental requirements for motorway

5

Any road or associated structure (including a ventilation stack) proposed as part of the M5 East Motorway extension must not be constructed unless it meets the following standards:

- (a) the road and any associated structures (including ventilation stacks) will have a minimal environmental impact on the Wolli Creek Valley, 10
- (b) the road and any associated structures (including ventilation stacks) will have a minimal environmental impact on the suburbs of Kingsgrove, Undercliffe, Earlwood, Bardwell Park, Bardwell Valley, Arncliffe and Turrella, 15
- (c) the construction and use of that part of the M5 East Motorway extension will have a beneficial environmental effect on Sydney.

6 Prohibited development and consents

20

A person must not:

- (a) carry out development, or
- (b) grant an approval, consent, licence or permission, or any other form of authorisation, for the carrying out of development, 25

for the purposes of any road, or associated land use, activity or structure (including a ventilation stack), that contravenes section 4 or 5.

7 Enforcement of Act

- (1) A breach of this Act may be dealt with in the same way as a breach of the *Environmental Planning and Assessment Act 1979*. 30
- (2) Division 3 of Part 6 of the *Environmental Planning and Assessment Act 1979* applies to a breach of this Act in the same way as it applies to a breach of that Act.

- (3) For the purposes of the application of Division 3 of Part 6 of the *Environmental Planning and Assessment Act 1979*, a reference in this section to a breach of this Act is a reference to:
- (a) a contravention of or failure to comply with this Act, and
 - (b) a threatened or an apprehended contravention of or a threatened or apprehended failure to comply with this Act. 5

8 Act binds Crown

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities. 10

9 Effect of Act

This Act has effect despite any other Act, including the *Environmental Planning and Assessment Act 1979*.

10 Amendment of Land and Environment Court Act 1979 No 204

The *Land and Environment Court Act 1979* is amended: 15

- (a) by inserting in section 20 (1) (c) after the matter "1979" the words "(and under that section as applied by section 7 of the *M5 East Motorway Act 1997*)",
- (b) by inserting in alphabetical order in the list of Acts and provisions in section 20 (3) (a) the words "*M5 East Motorway Act 1997*". 20