

FIRST PRINT

BADGERYS CREEK WASTE FACILITY BILL 1994

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to prohibit the establishment or use of a putrescible waste facility on certain land at Badgerys Creek.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the day on which it is assented to.

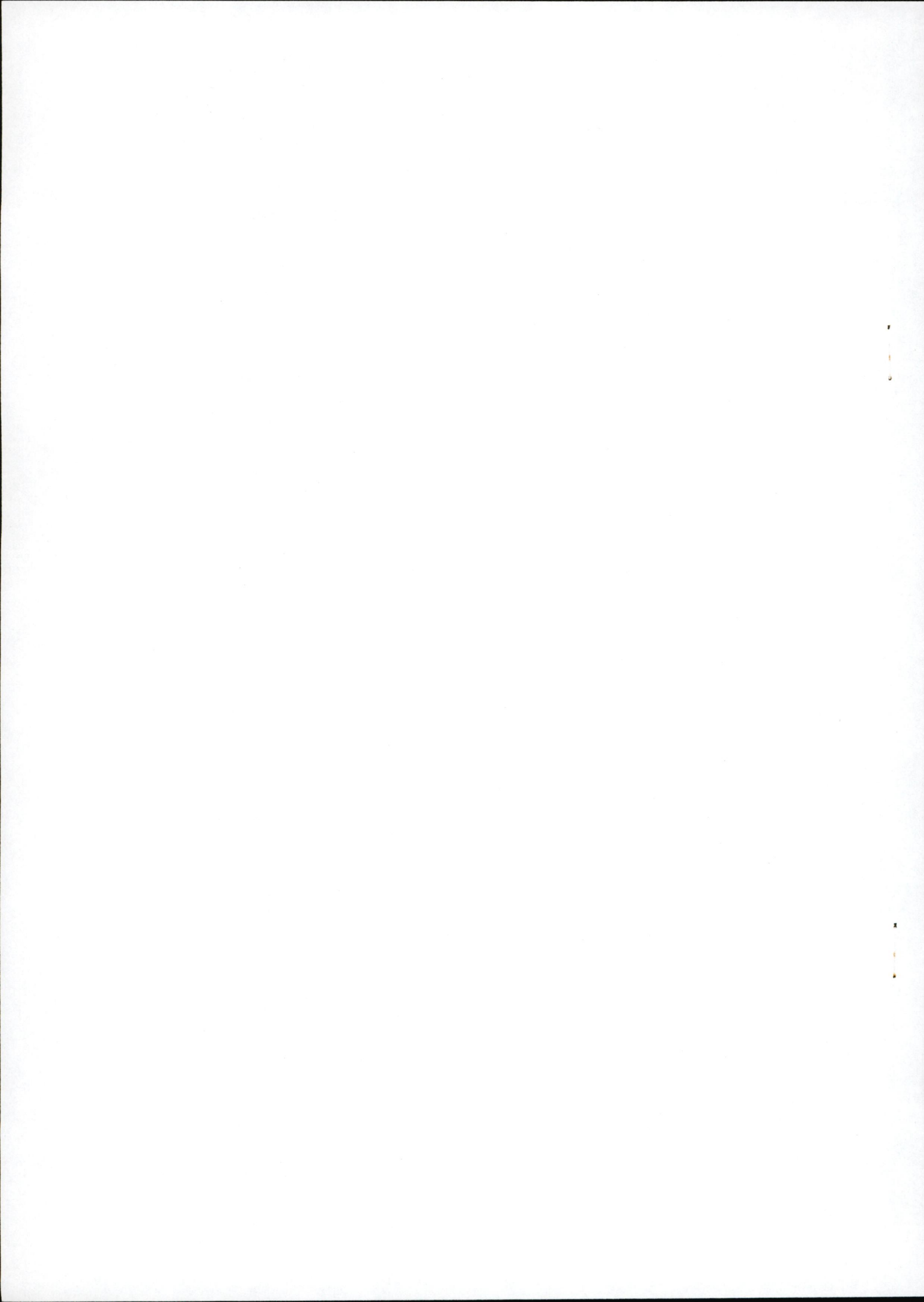
Clause 3 describes the land at Badgerys Creek to which the prohibition will apply.

Clause 4 prohibits the use of any of that land for the purpose of a putrescible waste facility. The prohibition is to apply regardless of whether any authorisation has been given for that use and whether or not that land had been lawfully used for that purpose before the commencement of the proposed Act.

Clause 5 declares that a breach of that prohibition is taken to be an offence against the Environmental Planning and Assessment Act 1979 and a breach of that Act. Consequently, proceedings will constitute an offence with a maximum penalty of \$100,000 and a further maximum daily penalty of \$10,000 and proceedings will be able to be taken under that Act for restraining orders and other civil remedies.

Clause 6 provides for the proposed Act to bind the Crown.

Clause 7 amends the Land and Environment Court Act 1979 as a consequence of its assuming additional jurisdiction with respect to the prohibition imposed by the proposed Act.



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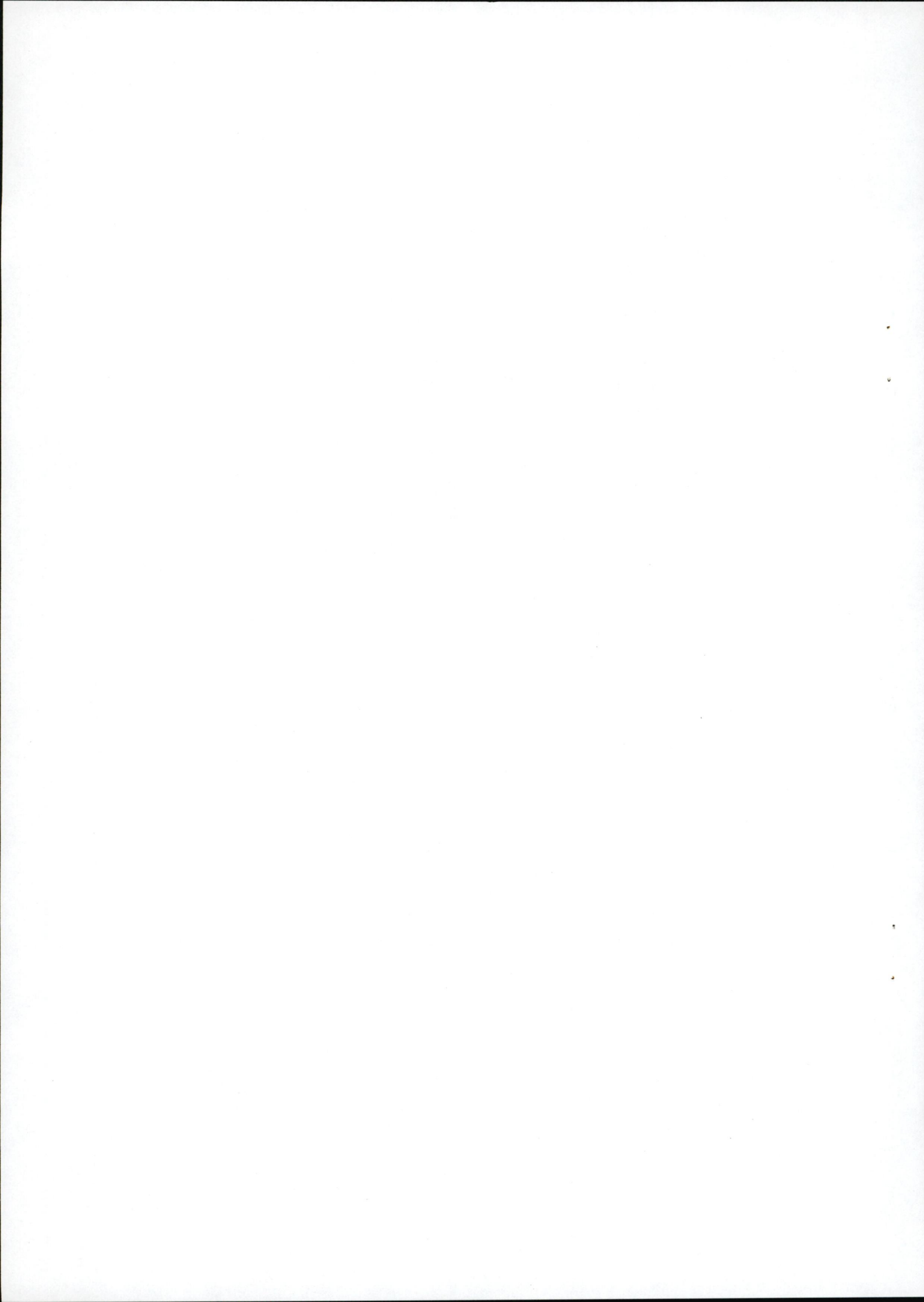
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BADGERYS CREEK WASTE FACILITY BILL 1994

NEW SOUTH WALES



No. , 1994

A BILL FOR

An Act to prohibit the establishment or use of a putrescible waste facility at Badgerys Creek; and to make consequential amendments to the Land and Environment Court Act 1979.

Badgerys Creek Waste Facility 1994

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Badgerys Creek Waste Facility Bill 1994.

5 **Commencement**

2. This Act commences on the date of assent.

Land to which this Act applies

10 3. This Act applies to land consisting of Lot 1 in DP 542395 and Lot 740 in DP 810111 in the Parish of Claremont and County of Cumberland at Elizabeth Drive in the City of Penrith.

Prohibition of putrescible waste facility

4. (1) Use of land to which this Act applies for the purpose of a facility for the reception, storage, treatment or disposal of putrescible waste is prohibited, despite the provisions of any other Act or law.

15 (2) Any such use of land is prohibited whether or not development consent or any other approval or permission has been given for the use and whether or not the use was being lawfully carried out on land to which this Act applies before the commencement of this Act.

20 (3) In this section, "putrescible waste" includes putrid waste, liquid waste and effluent (within the meaning of the Waste Disposal Act 1970) and sludge.

Enforcement of prohibition

25 5. (1) A breach of this Act is taken to be an offence against the Environmental Planning and Assessment Act 1979 and Division 4 of Part 6 of that Act applies accordingly.

(2) A breach of this Act is also taken to be a breach of the Environmental Planning and Assessment Act 1979 and Division 3 of Part 6 of that Act applies accordingly.

30 (3) For the purposes of the application of Division 3 of Part 6 of the Environmental Planning and Assessment Act 1979, a reference in that Division to a breach of that Act includes a reference to:

(a) a contravention of this Act; and

(b) a threatened or an apprehended contravention of this Act.

Badgerys Creek Waste Facility 1994

Act binds Crown

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

Amendment of Land and Environment Court Act 1979 No. 204 5

7. The Land and Environment Court Act 1979 is amended:

- (a) by inserting in section 20 (1) (c) after the matter "1979" the words "(and under that section as applied by section 5 of the Badgerys Creek Waste Facility Act 1994)";
 - (b) by inserting in alphabetical order in the list of Acts and provisions in section 20 (3) (a) the words "Badgerys Creek Waste Facility Act 1994;"; 10
 - (c) by inserting in section 21 (f) after the matter "1979" the words "(and under that section as applied by section 5 of the Badgerys Creek Waste Facility Act 1994)". 15
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