

FIRST PRINT

**CASTLEREAGH LIQUID WASTE DISPOSAL DEPOT
BILL 1992**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The use of the Castlereagh Liquid Waste Disposal Depot is currently regulated by State Environmental Planning Policy No. 3—Castlereagh Liquid Waste Disposal Depot (“SEPP No. 3”). That Policy authorises the Depot to be used for the purpose of liquid waste disposal and also authorises certain other work, particularly landscaping, to be carried out on the land on which the Depot is situated. Neither form of development requires development consent under the Environmental Planning and Assessment Act 1979.

The object of this Bill is to ensure that the Depot may not be used for other forms of waste disposal unless the environmental assessment provisions of Part 5 of the Environmental Planning and Assessment Act 1979 have been complied with.

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 defines “development” and “waste” for the purposes of the proposed Act. The clause also provides that development for the purpose of landscaping (permitted by SEPP No. 3) or for some other purpose is also development for the purpose of waste disposal if it involves, or is carried out for the purpose of, the disposal of waste.

Clause 4 provides that the proposed Act applies to the land on which the Castlereagh Liquid Waste Disposal Depot is situated, being the land to which SEPP No. 3 applied immediately before the date on which this Bill was introduced into the Legislative Assembly.

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Clause 5 provides that Part 5 of the Environmental Planning and Assessment Act 1979 (the environmental assessment provisions) applies to the carrying out of development for the purpose of waste disposal (other than liquid waste disposal) on the land on which the Depot is situated. The clause further provides that, for the purposes of that Part, any such development is taken to be an activity that is likely to significantly affect the environment and that the person by whom any such development is proposed to be carried out is taken to be the determining authority in the event that there is no other determining authority in relation to the carrying out of that development.

Clause 6 excludes the use of the land on which the Depot is situated for the purpose of waste disposal (other than liquid waste disposal) from the provisions of Division 2 of Part 4 of the Environmental Planning and Assessment Act 1979 (the existing and continuing use provisions) where the use commenced before the date of assent to the proposed Act.

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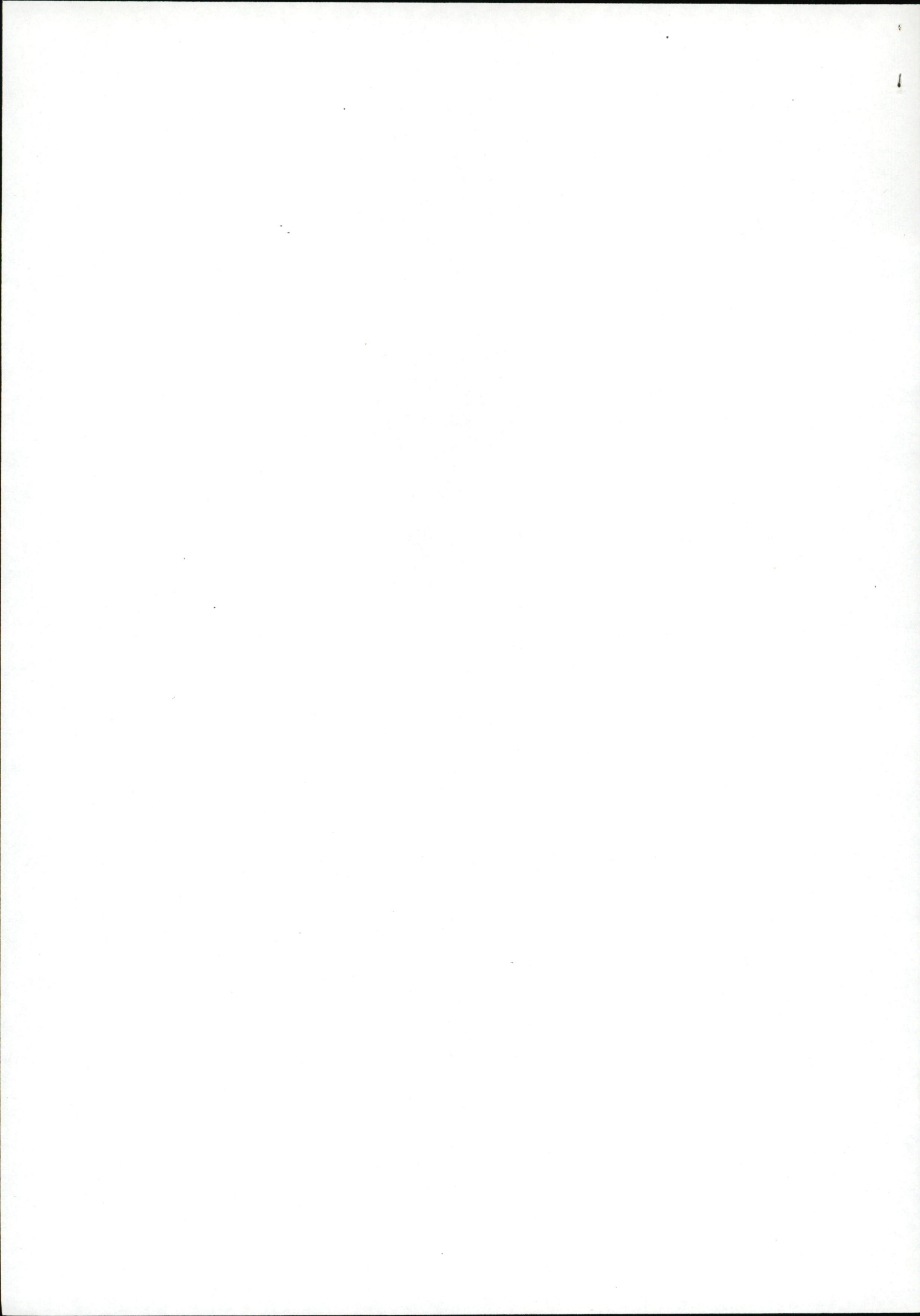
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**CASTLEREAGH LIQUID WASTE DISPOSAL DEPOT
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No. , 1992

A BILL FOR

An Act relating to waste disposal at the Castlereagh Liquid Waste Disposal Depot.

Castlereagh Liquid Waste Disposal Depot 1992

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Castlereagh Liquid Waste Disposal Depot Act 1992.

5 Commencement

2. This Act commences on the date of assent.

Definitions

3. (1) In this Act:

10 "development" has the same meaning as it has in the Environmental Planning and Assessment Act 1979;

"waste" has the same meaning as it has in the Waste Disposal Act 1970.

15 (2) Development for the purpose of landscaping or for some other purpose is also development for the purpose of waste disposal if it involves, or is carried out for the purpose of, the disposal of waste.

Land to which Act applies

20 4. This Act applies to the land on which the Castlereagh Liquid Waste Disposal Depot is situated, being the land to which State Environmental Planning Policy No. 3—Castlereagh Liquid Waste Disposal Depot applied immediately before the date on which the Bill for this Act was introduced into the Legislative Assembly.

Part 5 of the Environmental Planning and Assessment Act 1979 to apply to certain development

25 5. (1) The provisions of Part 5 of the Environmental Planning and Assessment Act 1979 apply to the carrying out of development for the purpose of waste disposal (other than liquid waste disposal) on the land to which this Act applies.

(2) In the application of those provisions to the carrying out of development for that purpose:

30 (a) the development is taken to be an activity that is likely to significantly affect the environment; and

35 (b) the person by whom the development is proposed to be carried out is taken to be the determining authority in the event that there is no other determining authority in relation to the carrying out of that development.

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(3) To avoid doubt, it is declared that the provisions of Part 6 of the Environmental Planning and Assessment Act 1979 extend to matters arising under Part 5 of that Act, as applied in accordance with this section.

(4) This section has effect:

- (a) even if development consent under Part 4 of the Environmental Planning and Assessment Act 1979 is required or has been obtained in relation to the carrying out of the development; and
- (b) even if the carrying out of the development is prohibited under an environmental planning instrument.

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Division 2 of Part 4 of the Environmental Planning and Assessment Act 1979 not to apply to certain development

6. Division 2 of Part 4 of the Environmental Planning and Assessment Act 1979 does not authorise the continuance of the use of the land to which this Act applies for the purpose of waste disposal (other than liquid waste disposal) in the event that such a use was commenced before the date of assent to this Act.

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