

FIRST PRINT

SANDY CROSSING 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 waste facility on certain land at Sandy Crossing near Grafton.

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 Sandy Crossing to which the prohibition will apply.

Clause 4 prohibits the use of any of that land for the purpose of a 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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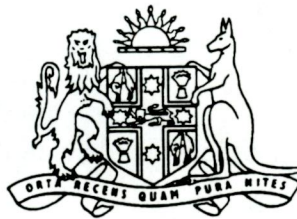


TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Land to which this Act applies
 4. Prohibition of waste facility
 5. Enforcement of prohibition
 6. Act binds Crown
 7. Amendment of Land and Environment Court Act 1979 No. 204
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SANDY CROSSING WASTE FACILITY BILL 1994

NEW SOUTH WALES



No. , 1994

A BILL FOR

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

Sandy Crossing Waste Facility 1994

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Sandy Crossing Waste Facility Act 1994.

5 **Commencement**

2. This Act commences on the date of assent.

Land to which this Act applies

3. This Act applies to land in the Coldstream River catchment in the locality near Grafton known as Sandy Crossing.

10 **Prohibition of 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 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, "waste" includes putrid and putrescible waste, liquid waste and effluent (within the meaning of the Waste Disposal Act 1970) and sludge.

Enforcement of prohibition

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.

25 (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.

Sandy Crossing 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 Sandy Crossing Waste Facility Act 1994)";
 - (b) by inserting in alphabetical order in the list of Acts and provisions in section 20 (3) (a) the words "Sandy Crossing 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 Sandy Crossing Waste Facility Act 1994)". 15
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