

FIRST PRINT

SYDNEY HELIPORT BILL 1993

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 development of a heliport at Pymont Wharf No. 8 or at any other place within 1 kilometre of that wharf.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 prohibits a person from carrying out development for the purposes of a heliport at Pymont Wharf No. 8 or at any other place within 1 kilometre of that wharf. The clause also prevents a person (who might be otherwise authorised to do so) from granting any form of consent or permission that would enable the carrying out of any such development. "Development" is defined to have the same meaning as in the Environmental Planning and Assessment Act 1979. As so defined, it will include the erection of buildings, the carrying out of works, the use of land, buildings or works and the subdivision of land.

Clause 4 provides that the proposed Act will not prevent a person from using any place as a heliport in an emergency.

Clause 5 provides for breaches of the proposed Act to be dealt with in the same way as breaches of the Environmental Planning and Assessment Act 1979.

Clause 6 provides for offences against the proposed Act to be dealt with in the same way as offences against the Environment Planning and Assessment Act 1979.

Clause 7 provides that the proposed Act binds the Crown.

Clause 8 provides that the proposed Act has effect despite any other Act, including the Environmental Planning and Assessment Act 1979. This will have the effect, for example, of excluding the operation of section 28 of that Act (Suspension of laws etc. by environmental planning instruments) and section 100A of that Act (Carrying out of prohibited development).

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Clause 9 makes consequential amendments to the Land and Environment Court Act 1979 to identify the classes of the jurisdiction of the Land and Environment Court in which actions for breaches of the proposed Act and offences against the proposed Act are to be dealt with.

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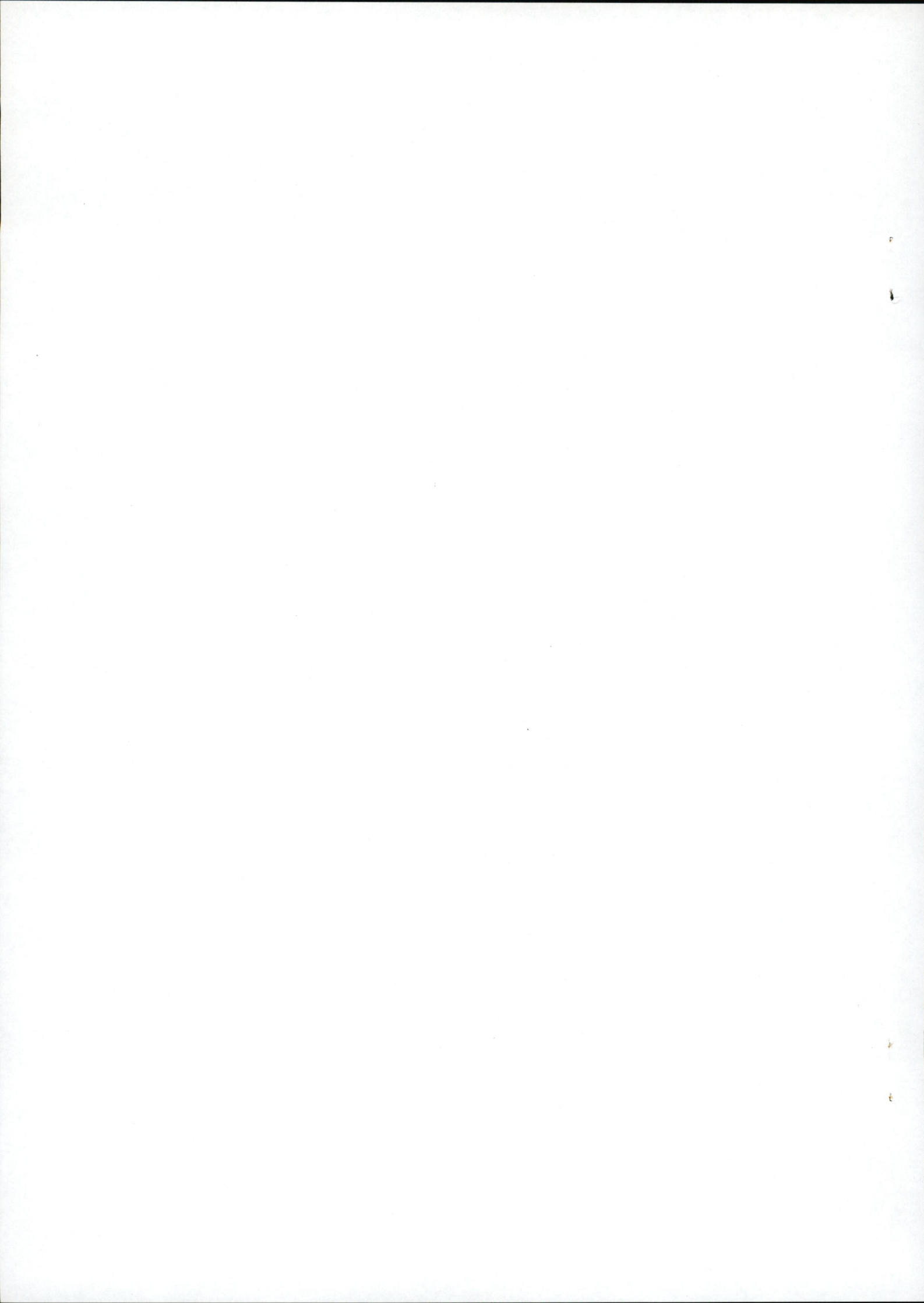
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SYDNEY HELIPORT BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to prohibit the development of a heliport at, or within 1 kilometre of, Pyrmont Wharf No. 8; and to make consequential amendments to the Land and Environment Court Act 1979.

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The Legislature of New South Wales enacts:**Short title**

1. This Act may be cited as the Sydney Heliport Act 1993.

Commencement

- 5 2. This Act commences on the date of assent.

Prohibition of development for the purposes of a heliport

3. (1) A person must not:

(a) carry out development; or

- 10 (b) grant an approval, consent, licence or permission, or any form of authorisation, to the carrying out of development,

for the purposes of a heliport on land, water or any structure comprising the site of Pyrmont Wharf No. 8 or at any other place within 1 kilometre of that wharf.

- 15 (2) For the purposes of this section, “development” has the same meaning as in the Environmental Planning and Assessment Act 1979.

Emergencies

4. Nothing in this Act prevents a person from using any place for the purposes of a heliport in an emergency.

Effect of breaching this Act

- 20 5. (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.

(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.

- 25 (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

- 30 (b) a threatened or an apprehended contravention of or a threatened or apprehended failure to comply with this Act.

Offences against this Act

6. (1) A person who breaches this Act is guilty of an offence against this Act.

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(2) Division 4 of Part 6 of the Environmental Planning and Assessment Act 1979 (section 125 excepted) applies to an offence against this Act in the same way as it applies to an offence against that Act.

Act binds Crown

7. 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.

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Effect of Act

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

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Amendment of Land and Environment Court Act 1979 No. 204

9. 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 Sydney Heliport Act 1993)";
- (b) by inserting in alphabetical order in the list of Acts and provisions in section 20 (3) (a) the words "Sydney Heliport Act 1993;";
- (c) by inserting in section 21 (f) after the matter "1979" the words "(and under that section as applied by section 6 of the Sydney Heliport Act 1993)".

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