



New South Wales

Clyde Waste Transfer Terminal (Special Provisions) Act 2003 No 88

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Clyde Waste Transfer Terminal (Special Provisions) Act 2003 No 88

Act No 88, 2003

An Act to permit the development of certain land at Clyde for the purposes of a waste transfer terminal; and for other purposes. [Assented to 8 December 2003]

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Clyde Waste Transfer Terminal (Special Provisions) Act 2003*.

2 Commencement

This Act commences on the date of assent.

3 Definitions

(1) In this Act:

the development application means the development application made by Collex Pty Limited on 2 August 2001 under, or purporting to have been made under, the Planning Act.

the development consent means the development consent taken to have been granted as referred to in section 4.

the Planning Act means the *Environmental Planning and Assessment Act 1979*.

the subject land means the land the subject of the development application (being Part Lot 201, Deposited Plan 1007683, situated at the Clyde Rail Marshalling Yards).

(2) Words and expressions used in this Act that are defined in the Planning Act have the same meanings as in the Planning Act.

4 Development consent relating to certain land at Clyde

Development consent is taken to have been granted under the Planning Act to carry out development on the subject land for the purposes of a waste transfer terminal, subject to the conditions set out in the document entitled “Clyde Waste Transfer Terminal—Conditions of Development Consent” presented to the President of the Legislative Council (by or on behalf of the Member of the Legislative Council who introduced the Bill for this Act) when the Bill was introduced into the Legislative Council.

5 Nature of the development

(1) The development that may be carried out under the development consent is taken to be State significant development that is integrated development, subject to section 9.

(2) The following approvals are required from the following approval bodies in order for the development, as integrated development, to be carried out:

- (a) an environment protection licence referred to in sections 43 (b), 48 and 55 of the *Protection of the Environment Operations Act 1997* issued by the Environment Protection Authority,
- (b) a consent under section 138 (1) (a), (b) and (e) of the *Roads Act 1993* granted by the Roads and Traffic Authority.

6 Date from which the development consent operates

The development consent is taken to become effective and operate from the date of assent to this Act.

7 Consent authority

The Minister is taken to be the consent authority in respect of the development consent.

8 Classification of buildings

A building that may be erected on the subject land in accordance with the development consent and that is described in Column 1 of the following Table has the classification under the *Building Code of Australia* specified opposite the description in Column 2 of the Table.

Table

Column 1	Column 2
Office and amenities building, gatehouse	Class 5 (office)
Waste compactors	Class 8 (process/manufacturing)
Transfer building, weighbridge	Class 10a/10b (non-habitable storage areas and structures)

9 Application of the Planning Act

Sections 92, 92A, 96 (6), 97, 98, 98A (1) (a) and 99 of the Planning Act do not apply to or in respect of the development consent or the development that may be carried out in accordance with the development consent.

10 Effect of environmental planning instruments

The provisions of an environmental planning instrument, in so far as they apply to the subject land, which are inconsistent with any of the provisions of this Act have no effect to the extent of the inconsistency.

[Second reading speech made in—

Legislative Council on 19 November 2003

Legislative Assembly on 5 December 2003]

BY AUTHORITY