

[Act 1996 No 15]



New South Wales

Environmental Planning and Assessment Amendment (Contaminated Land) Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament?

Overview of Bill

The object of this Bill is to provide certain planning authorities with statutory protection against liability for the exercise of specified planning functions in relation to contaminated land.

• Amended in committee—see table at end of volume.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Environmental Planning and Assessment Act 1979* set out in Schedule 1.

Schedule 1 [1] inserts proposed Part 7A containing the following provisions:

Proposed section 145A contains definitions of *contaminated land*, *contaminated land planning guidelines* and *planning authority*.

Proposed section 145B confers statutory immunity on certain planning authorities who, in good faith, do or omit to do anything in duly carrying out certain planning functions in relation to contaminated land (including the likelihood of land being contaminated land) or in relation to the nature or extent of contamination of land. The proposed section also provides that anything done or omitted to be done in compliance with any contaminated land planning guidelines then in force is taken to be done or omitted to be done in good faith.

Proposed section 145C provides that the Minister may give notice of the publication of contaminated land planning guidelines in the Gazette. Copies of such guidelines are to be made available for inspection at council offices during ordinary office hours. Guidelines will have effect from the time that notification of their publication is made in the Gazette.

Schedule 1 [2] amends section 149 (6) to ensure that the general immunity conferred by that subsection does not apply to advice provided in relation to contaminated land. The new Part 7A will apply exclusively to determine liability for such advice.

Schedule 1 [3] and **[4]** contain provisions of a savings and transitional nature.