

First print



New South Wales

# **Kooragang Coal Terminal (Special Provisions) Bill 1997**

## **Explanatory note**

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

### **Overview of Bill**

The object of this Bill is to validate a development consent granted by the Minister for Urban Affairs and Planning on 25 November 1996 for the construction and operation of the Stage Three expansion of the Kooragang Coal Terminal, including coal receipt, stockpiling, blending and shiploading, to the extent of any invalidity. The Terminal is located on Kooragang Island, Newcastle.

The development consent was granted subject to conditions, and was the subject of an unsuccessful challenge in proceedings in the Land and Environment Court. The decision in those proceedings is the subject of appeal proceedings before the Supreme Court.

---

## 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 the date of assent.

**Clause 3** defines certain words and expressions used in the proposed Act.

**Clause 4** validates the development consent granted by the Minister for Urban Affairs and Planning on 25 November 1996, and consequently validates anything done or omitted to be done pursuant to it. Clause 4 (3) provides that the validation is effective despite any pending legal proceedings in any court.

First print



New South Wales

# Kooragang Coal Terminal (Special Provisions) Bill 1997

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Definitions	2
4 Validation of development consent	2

---



New South Wales

## Kooragang Coal Terminal (Special Provisions) Bill 1997

No , 1997

---

### **A Bill for**

An Act to declare the validity of a development consent in connection with the construction and operation of the Stage Three expansion of the Kooragang Coal Terminal located in the Parish of Newcastle, County of Northumberland; and for related purposes.

---

---

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

**1 Name of Act**

This Act is the *Kooragang Coal Terminal (Special Provisions) Act 1997*.

**2 Commencement**

5

This Act commences on the date of assent.

**3 Definitions**

In this Act:

***development consent*** means the development consent granted, or purporting to have been granted, on 25 November 1996 under the Principal Act by the Minister for Urban Affairs and Planning in connection with the construction and operation of the Stage Three expansion of the Kooragang Coal Terminal, including coal receipt, stockpiling, blending and shiploading. 10

***Principal Act*** means: 15

- (a) the *Environmental Planning and Assessment Act 1979*, and
  - (b) the regulations under that Act, and
  - (c) any relevant environmental planning instruments,
- as respectively in force at any relevant time.

**4 Validation of development consent**

20

- (1) The development consent is validated (to the extent of any invalidity), and is taken:
  - (a) to have been duly granted in accordance with the Principal Act and otherwise in accordance with law, and
  - (b) to have been duly granted on 25 November 1996, and thereafter to be, and to have been at all relevant times, a valid development consent. 25



- 
- (2) Without limiting subsection (1), anything done or omitted to be done on or after 25 November 1996 is as valid as it would have been had the development consent been in force when the thing was done or omitted.
- (3) This section has effect despite the existence of, or the decision in, any proceedings pending in any court immediately before the commencement of this Act.

5