



New South Wales

Kooragang Coal Terminal (Special Provisions) Act 1997 No 138

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Kooragang Coal Terminal (Special Provisions) Act 1997 No 138

Act No 138, 1997

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. [Assented to 17 December 1997]

The Legislature of New South Wales enacts:

1 Name of Act

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

2 Commencement

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.

Principal Act means:

- (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

- (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.

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- (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.

[Minister's second reading speech made in—
Legislative Assembly on 19 November 1997
Legislative Council on 4 December 1997]