

**GOSFORD-WYONG ELECTRICITY SUPPLY (SPECIAL PROVISIONS) BILL 1985**

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**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to validate the construction and authorise the use of certain electricity transmission lines and a substation in the Gosford-Wyong area. The works have already been completed by the Electricity Commission of New South Wales as part of a project for the augmentation of electricity supply to that area. However, after the project had commenced, the relevant planning instrument was amended in a manner that had the effect of prohibiting development for the purposes of the project and therefore of requiring the Commission to obtain an Environmental Impact Statement for the project. The subsequent action of the Commission in obtaining the Statement appears to be incapable of validating the earlier activities of the Commission in the course of the project. The use of part of the completed works for what is presently a prohibited purpose is also in doubt.

Clause 1 specifies the short title of the proposed Act.

Clause 2 defines certain expressions for the purposes of the proposed Act. An important definition is that of "completed works" which means the works already completed by the Commission as part of the Gosford-Wyong Electricity Supply Augmentation Project.

Clause 3 validates, to the extent of any invalidity, the actions of the Commission in constructing the completed works and protects those works against any possible claim for their demolition or removal from land on which they are constructed pending acquisition by the Commission of that land.

Clause 4 makes it clear that the Commission has a duty to acquire land (including an easement over land) on which the completed works are constructed and which has not already been acquired. Any impediment to land acquisition resulting from the failure of the Commission to prepare and consider an Environmental Impact Statement under Part V of the Environmental Planning and Assessment Act 1979 before constructing the completed works is removed as the clause provides that Part V is not to apply to any such land acquisition. Doubt as to the validity of the completed works also affects previous land acquisitions by the Commission for those works and the clause validates land acquisitions effected before the commencement of the proposed Act to the extent of any invalidity but does not affect the right of a person to compensation for land appropriated or resumed.

Clause 5 provides that the land acquired for the completed works may be developed (and therefore used) for the purpose of the transmission of electricity and deems any relevant planning instrument to be amended so as not to require development consent for that development. The clause will override provisions of a planning instrument which would otherwise prevent the use of the completed works. The clause also provides that the provisions of Part V of the Environmental Planning and Assessment Act 1979 do not apply to the use of the completed works and thereby removes any impediment to the use of those works resulting from the failure of the Commission to prepare and consider an Environmental Impact Statement before constructing those works.

Schedule 1 sets out a detailed description of the completed works.

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**GOSFORD-WYONG ELECTRICITY SUPPLY (SPECIAL  
PROVISIONS) BILL 1985**

No.       , 1985

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**A BILL FOR**

An Act to validate and authorise the use of certain completed works for the augmentation of electricity supply in the Gosford-Wyong area; and for other purposes.

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*Gosford–Wyong Electricity Supply (Special Provisions) 1985*

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**BE** it enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**5 Short title**

1. This Act may be cited as the “Gosford–Wyong Electricity Supply (Special Provisions) Act 1985”.

**Interpretation**

2. (1) In this Act—

10 “completed works” means the works described in Schedule 1;

“the Commission” means the Electricity Commission of New South Wales constituted by the Electricity Commission Act 1950.

(2) In this Act, a reference to the acquisition of land is a reference to the acquisition of land (including the acquisition of an easement or right over  
15 land) in accordance with Division 5 of Part III of the Electricity Commission Act 1950.

(3) The site of the completed works is as shown on the plan marked “Electricity Commission of New South Wales Gosford–Wyong Electricity Supply Augmentation General Site Location Drawing No. 203785A1”  
20 signed by the Chief Manager/Transmission of the Commission and deposited in the office of the Commission.

**Completed works validated**

3. (1) The carrying out of the completed works by the Commission is, to the extent (if any) of any invalidity, deemed to be, and deemed always  
25 to have been, valid.

(2) Where the completed works are erected on or over any land which has not been acquired by the Commission—

(a) the owner or occupier of that land is not entitled to demolish, remove or otherwise interfere with those works; and

30 (b) the Commission shall not be required to demolish or remove those works.

**Acquisition of land**

4. (1) The Commission shall, as soon as practicable after the commencement of this Act, acquire the land required for the purposes of the completed works which has not been acquired by the Commission.

5 (2) Part V of the Environmental Planning and Assessment Act 1979 does not apply to or in respect of any such acquisition of land.

10 (3) Any acquisition of land effected or purporting to have been effected by the Commission before the commencement of this Act for the purposes of the completed works is, to the extent (if any) of any invalidity, deemed to be, and deemed always to have been, valid.

(4) This section does not affect the right of a person to compensation for land acquired by appropriation or resumption.

**Use, etc., of completed works authorised**

15 5. (1) Notwithstanding anything in any environmental planning instrument, the Commission, or any person authorised by the Commission, may, on the land acquired or to be acquired for the completed works, carry out development for the purpose of the transmission of electricity, including (but without limiting the generality of the foregoing) the use of the completed works for that purpose.

20 (2) Any environmental planning instrument for the time being applying to the land acquired or to be acquired for the completed works shall be deemed to contain a provision to the effect that development as referred to in subsection (1) may be carried out without development consent being obtained under the Environmental Planning and Assessment Act 1979.

25 (3) Part V of the Environmental Planning and Assessment Act 1979 does not apply to or in respect of the carrying out of development as referred to in subsection (1).

30 (4) Expressions used in this section shall, unless the contrary intention appears, have the same meanings respectively as they have in the Environmental Planning and Assessment Act 1979.

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## SCHEDULE 1

(Sec. 2 (1))

## DESCRIPTION OF COMPLETED WORKS

1. Works for or associated with the augmentation of electricity supply to the  
5 Gosford-Wyong area comprising—
  - (a) a 330 kV electrical transmission line in the Parishes of Eglinton, Ourimbah  
10 and Tuggerah in the County of Northumberland, commencing at a Tee point  
in the existing Munmorah to Sydney East 330 kV transmission line near the  
Sterland geodetic station located some 11 kilometres west-south-west of Wyong  
township, proceeding generally in an easterly direction for a distance of about  
12 kilometres, traversing Ourimbah State Forest, passing to the north of Mardi  
Dam and terminating at Tower 6 (as shown on the plan referred to in section  
2 (3)) adjacent to and west of the Pacific Highway about 2 kilometres south of  
15 Wyong township and some 1.5 kilometres north-west of the Tuggerah 330/132  
kV electricity substation as described in paragraph (b);
  - (b) a 330/132 kV electricity substation located on part of portion 10 in the Parish  
of Tuggerah, County of Northumberland, included in Conveyance No. 154 in  
book 3039;
  - (c) a 132 kV double circuit electrical transmission line in the Parishes of Tuggerah  
20 and Ourimbah in the County of Northumberland, commencing at the Tuggerah  
330/132 kV electricity substation described in paragraph (b), proceeding  
generally in a southerly direction for about 3 kilometres through the Parish of  
Tuggerah, then turning and proceeding in a westerly direction for about 2  
kilometres crossing the main Northern Railway and then turning south-west  
25 and proceeding for about 3.5 kilometres through the Parishes of Tuggerah and  
Ourimbah, with one circuit terminating at the existing Ourimbah 132/33 kV  
electricity substation located off Yates Road, Ourimbah, and the other circuit  
connecting to the existing Gosford to Ourimbah 132 kV transmission line about  
300 metres west-south-west of the Ourimbah electricity substation; and
  - (d) works incidental to the works specified in paragraphs (a)–(c).
2. Roads of access to the works referred to in clause 1.
3. Works for the protection of the environment in connection with the carrying out  
of any of the works referred to in the other clauses of this Schedule.
4. Works ancillary or incidental to any of the works referred to in the other clauses  
35 of this Schedule.

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BY AUTHORITY  
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

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**GOSFORD-WYONG ELECTRICITY SUPPLY (SPECIAL  
PROVISIONS) ACT 1985 No. 182**

*New South Wales*



ANNO TRICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 182, 1985**

An Act to validate and authorise the use of certain completed works for the augmentation of electricity supply in the Gosford-Wyong area; and for other purposes. [Assented to, 4th December, 1985.]

*Gosford-Wyong Electricity Supply (Special Provisions) 1985*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the "Gosford-Wyong Electricity Supply (Special Provisions) Act 1985".

**Interpretation**

2. (1) In this Act—

"completed works" means the works described in Schedule 1;

"the Commission" means the Electricity Commission of New South Wales constituted by the Electricity Commission Act 1950.

(2) In this Act, a reference to the acquisition of land is a reference to the acquisition of land (including the acquisition of an easement or right over land) in accordance with Division 5 of Part III of the Electricity Commission Act 1950.

(3) The site of the completed works is as shown on the plan marked "Electricity Commission of New South Wales Gosford-Wyong Electricity Supply Augmentation General Site Location Drawing No. 203785A1" signed by the Chief Manager/Transmission of the Commission and deposited in the office of the Commission.

**Completed works validated**

3. (1) The carrying out of the completed works by the Commission is, to the extent (if any) of any invalidity, deemed to be, and deemed always to have been, valid.

(2) Where the completed works are erected on or over any land which has not been acquired by the Commission—

(a) the owner or occupier of that land is not entitled to demolish, remove or otherwise interfere with those works; and

(b) the Commission shall not be required to demolish or remove those works.

*Gosford-Wyong Electricity Supply (Special Provisions) 1985*

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**Acquisition of land**

4. (1) The Commission shall, as soon as practicable after the commencement of this Act, acquire the land required for the purposes of the completed works which has not been acquired by the Commission.

(2) Part V of the Environmental Planning and Assessment Act 1979 does not apply to or in respect of any such acquisition of land.

(3) Any acquisition of land effected or purporting to have been effected by the Commission before the commencement of this Act for the purposes of the completed works is, to the extent (if any) of any invalidity, deemed to be, and deemed always to have been, valid.

(4) This section does not affect the right of a person to compensation for land acquired by appropriation or resumption.

**Use, etc., of completed works authorised**

5. (1) Notwithstanding anything in any environmental planning instrument, the Commission, or any person authorised by the Commission, may, on the land acquired or to be acquired for the completed works, carry out development for the purpose of the transmission of electricity, including (but without limiting the generality of the foregoing) the use of the completed works for that purpose.

(2) Any environmental planning instrument for the time being applying to the land acquired or to be acquired for the completed works shall be deemed to contain a provision to the effect that development as referred to in subsection (1) may be carried out without development consent being obtained under the Environmental Planning and Assessment Act 1979.

(3) Part V of the Environmental Planning and Assessment Act 1979 does not apply to or in respect of the carrying out of development as referred to in subsection (1).

(4) Expressions used in this section shall, unless the contrary intention appears, have the same meanings respectively as they have in the Environmental Planning and Assessment Act 1979.

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## SCHEDULE 1

(Sec. 2 (1))

## DESCRIPTION OF COMPLETED WORKS

1. Works for or associated with the augmentation of electricity supply to the Gosford-Wyong area comprising—
  - (a) a 330 kV electrical transmission line in the Parishes of Eglington, Ourimbah and Tuggerah in the County of Northumberland, commencing at a Tee point in the existing Munmorah to Sydney East 330 kV transmission line near the Sterland geodetic station located some 11 kilometres west-south-west of Wyong township, proceeding generally in an easterly direction for a distance of about 12 kilometres, traversing Ourimbah State Forest, passing to the north of Mardi Dam and terminating at Tower 6 (as shown on the plan referred to in section 2 (3)) adjacent to and west of the Pacific Highway about 2 kilometres south of Wyong township and some 1.5 kilometres north-west of the Tuggerah 330/132 kV electricity substation as described in paragraph (b);
  - (b) a 330/132 kV electricity substation located on part of portion 10 in the Parish of Tuggerah, County of Northumberland, included in Conveyance No. 154 in book 3039;
  - (c) a 132 kV double circuit electrical transmission line in the Parishes of Tuggerah and Ourimbah in the County of Northumberland, commencing at the Tuggerah 330/132 kV electricity substation described in paragraph (b), proceeding generally in a southerly direction for about 3 kilometres through the Parish of Tuggerah, then turning and proceeding in a westerly direction for about 2 kilometres crossing the main Northern Railway and then turning south-west and proceeding for about 3.5 kilometres through the Parishes of Tuggerah and Ourimbah, with one circuit terminating at the existing Ourimbah 132/33 kV electricity substation located off Yates Road, Ourimbah, and the other circuit connecting to the existing Gosford to Ourimbah 132 kV transmission line about 300 metres west-south-west of the Ourimbah electricity substation; and
  - (d) works incidental to the works specified in paragraphs (a)–(c).
2. Roads of access to the works referred to in clause 1.
3. Works for the protection of the environment in connection with the carrying out of any of the works referred to in the other clauses of this Schedule.
4. Works ancillary or incidental to any of the works referred to in the other clauses of this Schedule.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985