



New South Wales

Port Kembla Development (Special Provisions) Act 1997 No 40

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Port Kembla Development (Special Provisions) Act 1997 No 40

Act No 40, 1997

An Act to declare the validity of a development consent and a modification of that consent in connection with the upgrading and expansion of a copper smelter and refinery at Port Kembla; and for related purposes. [Assented to 30 June 1997]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Port Kembla Development (Special Provisions) Act 1997*.

2 Commencement

This Act commences on the date of assent.

3 Definitions

- (1) In this Act:

development consent means the development consent granted, or purporting to have been granted, by the Minister for Urban Affairs and Planning in connection with the upgrading and expansion of a copper smelter and refinery at Port Kembla on 19 February 1996 and for other purposes, together with the conditions to which it was expressed to be subject.

modification means the modification of the development consent, being the modification made, or purporting to have been made, by the Minister for Urban Affairs and Planning on 19 November 1996.

modified consent means the development consent as modified by the modification.

Principal Act means the *Environmental Planning and Assessment Act 1979*, and includes the regulations under that Act, as respectively in force at any relevant time.

- (2) Words and expressions used in this Act have the same meanings as in the Principal Act.

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

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- (b) to have been duly granted on 19 February 1996, and thereafter to be, and to have been at all relevant times, a valid development consent.
- (2) Without limiting subsection (1), anything done or omitted to be done on or after 19 February 1996 and before 19 November 1996 is as valid as it would have been had the development consent been in force when the thing was done or omitted.

5 Validation of modification

- (1) The modification is validated (to the extent of any invalidity), and is taken:
 - (a) to have been duly made in accordance with the Principal Act and otherwise in accordance with law, and
 - (b) to have been duly made on 19 November 1996, and thereafter to be, and to have been at all relevant times, a valid modification of the development consent.
- (2) Without limiting subsection (1), anything done or omitted to be done on or after 19 November 1996 is as valid as it would have been had the modification been in force when the thing was done or omitted.

6 Validation of modified consent

- (1) Without limiting the generality of sections 4 and 5, the modified consent is validated (to the extent of any invalidity).
- (2) Without limiting the generality of subsection (1) or of sections 4 and 5, anything done or omitted to be done on or after 19 November 1996 is as valid as it would have been had the modified consent been in force when the thing was done or omitted.

7 Operation of Act

Sections 4, 5 and 6 have 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 28 May 1997
Legislative Council on 19 June 1997]