

[Act 1999 No 3]



New South Wales

Walsh Bay Development (Special Provisions) Bill 1999

Explanatory note

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

Overview of Bill

The object of this Bill is to validate certain approvals granted under the *Heritage Act 1977* and certain development consents granted under the *Environmental Planning and Assessment Act 1979* in relation to the development of Walsh Bay, to the extent of any invalidity.

The approvals and development consents are the subject of proceedings before the Land and Environment Court.

The Bill also:

- (a) appoints the Minister who is to administer the proposed Act to be the consent authority for future development applications concerning Walsh Bay, and
 - (b) prevents appeals from being made against future determinations under the *Heritage Act 1977* and the *Environmental Planning and Assessment Act 1979* in relation to Walsh Bay development, and
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- (c) prevents the bringing of proceedings to restrain breaches of those Acts in relation to Walsh Bay development, except by that Minister or a person with the consent of that Minister.

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 Permanent Conservation Order No 559 (*PCO No 559*) made under the *Heritage Act 1977*, to the extent of any invalidity.

Clause 5 provides that a certain part of Walsh Bay referred to in PCO No 559 is to be taken to be a single item (within the meaning of the *Heritage Act 1977*) and the whole of a building. This is done in order to assist the validation of the decision of the Heritage Council to approve the carrying out of works that included demolition of Wharves 6/7.

Clause 6 validates certain exemptions that were subsequently made to PCO No 559, to the extent of any invalidity.

Clause 7 validates certain approvals of the Heritage Council under the *Heritage Act 1977*, to the extent of any invalidity.

Clause 8 validates certain development consents granted under the *Environmental Planning and Assessment Act 1979*, to the extent of any invalidity.

Clause 9 appoints the Minister to be the consent authority under the *Environmental Planning and Assessment Act 1979* for future development applications made concerning development on land at Walsh Bay. The Minister's role as the consent authority may be terminated by a provision of a State environmental planning policy or regional environmental plan.

Clause 10 removes the right of an applicant to appeal against a decision under the *Heritage Act 1977* concerning development at Walsh Bay.

Clause 11 removes the right of an applicant to appeal against a decision under the *Environmental Planning and Assessment Act 1979* concerning development at Walsh Bay.

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Clause 12 removes the right of an objector to appeal against a decision under the *Environmental Planning and Assessment Act 1979* concerning development at Walsh Bay.

Clause 13 prevents proceedings from being brought under the *Heritage Act 1977* to restrain breaches of that Act in relation to development at Walsh Bay, except by the Minister or a person with the consent of the Minister.

Clause 14 prevents proceedings from being brought under the *Environmental Planning and Assessment Act 1979* to restrain breaches of that Act in relation to development at Walsh Bay, except by the Minister or a person with the consent of the Minister.

Clause 15 provides that the proposed Act is to have effect despite the existence of, or the decision in, any proceedings pending in any court immediately before the commencement of the proposed Act.

Clause 16 enables the Governor to make regulations of a savings or transitional nature as a consequence of the enactment of the proposed Act.