

## SUMMONS

LAND AND ENVIRONMENT COURT  
15 NOV 2010

### COURT DETAILS

Court The Land and Environment Court of New South Wales  
Registry 225 Macquarie Street, Sydney  
Case number 40922 of 2010

### TITLE OF PROCEEDINGS

Applicant Hunter Community Environment Centre Inc  
First Respondent Minister for Planning  
Second Respondent Delta Electricity

### FILING DETAILS

Filed for Hunter Community Environment Centre Inc  
Legal representative Kirsty Ruddock, Environmental Defender's Office (NSW) Ltd  
Legal representative reference 1015549  
Contact name and telephone BJ BeomJin Kim (02) 9262 6989

### HEARING DETAILS

This summons is listed at 9.15am 10 DEC 2010

225 Macquarie St Sydney  
(WINDEYER CHAMBERS)

### TYPE OF CLAIM

Planning Law – judicial review proceedings (Section 123 of the *Environmental Planning and Assessment Act 1979*) and/or common law.

### RELIEF CLAIMED

- 1 In relation to the declaration of critical infrastructure projects under section 75C of the *Environmental Planning and Assessment Act 1979* (the **EP&A Act**) for facilities for the generation of electricity purportedly made by the First Respondent on or about 26 February 2008 (the **Critical Infrastructure Declaration**):
  - (a) a declaration that the Critical Infrastructure Declaration is invalid and of no effect; and
  - (b) an order quashing the Critical Infrastructure Declaration.
  
- 2 In relation to the project approval for Major Project Application No 09\_0117 for the Munmorah Power Station Rehabilitation subject to the conditions in Schedule 2 of that approval purportedly granted by the First Respondent on or about 11 October 2010 under section 75J of the EP&A Act (**Project Approval**):
  - (a) a declaration that the Project Approval is invalid and of no effect; and

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must be served

by ..... 22 NOV 2010

- (b) an order quashing the Project Approval; and
- (c) an injunction restraining the Second Respondent from taking any action in reliance on the Project Approval.

- 3 An order that the Respondents pay the Applicant's costs of the proceedings.
- 4 Such further or other orders as the Court thinks fit.

#### SIGNATURE OF LEGAL REPRESENTATIVE

This summons does not require a certificate under section 347 of the *Legal Profession Act 2004*.

I have advised the applicant that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Solicitor on the Record

Date of signature

15 November 2010

#### NOTICE TO RESPONDENT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the relief claimed in the summons and for the applicant's costs of bringing these proceedings.

You must enter an appearance before you can appear before the court.

#### HOW TO RESPOND

**Please read this summons very carefully. If you have any trouble understanding it or require assistance on how to respond to the summons you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the summons from:

- The court registry.
- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).

Court forms are available on the UCPR website at [www.lawlink.nsw.gov.au/ucpr](http://www.lawlink.nsw.gov.au/ucpr) or at any NSW court registry.

**REGISTRY ADDRESS**

Street address

225 Macquarie Street Sydney

Postal address

GPO Box 3565 SYDNEY NSW 2001

Telephone

9113 8200



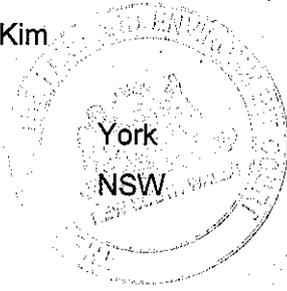
## FURTHER DETAILS ABOUT APPLICANT

### Applicant

Name Hunter Community Environment Centre Inc  
 c/o Environmental Defender's Office (NSW) Ltd  
 Level 1  
 89 York Street  
 SYDNEY NSW 2000

### Legal representative for applicant

Name Kirsty Ruddock  
 Practising certificate number 27704  
 Firm Environmental Defender's Office (NSW) Ltd  
 Contact solicitor BJ BeomJin Kim  
 Address Level 1  
 89 York Street  
 SYDNEY NSW 2000  
 DX address n/a  
 Telephone 9262 6989  
 Fax 9262 6998  
 Email bj.kim@edo.org.au



## DETAILS ABOUT RESPONDENTS

### First Respondent

Name Minister for Planning  
 Address Department of Planning  
 23-33 Bridge Street  
 SYDNEY NSW 2000

### Second Respondent

Name Delta Electricity  
 Address Level 20  
 125 Liverpool Street  
 Sydney NSW 2000