

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

Overview of Bill

The objects of this Bill are:

- (a) to establish the Western Sydney Parklands, and
- (b) to establish the Western Sydney Parklands Trust (the Trust) as a NSW Government agency, and
- (c) to set out its objectives and functions, which are principally to develop the Western Sydney Parklands into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the Parklands on an ongoing basis, and
- (d) to enable the Governor to transfer to the Trust specified property of a government agency by order published in the Gazette.

Outline of provisions

Part 1 Preliminary

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 a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act. In particular, the term government agency is defined to mean a public authority constituted by or under an Act, a NSW Government agency and a Division of the Government Service (but does not include a State owned corporation or any person or body exempted by the regulations) and land of a government agency is defined to mean land (including an interest in land) vested in the government agency, or vested in the Crown or Her Majesty and controlled by the government agency (including vacant Crown land).

Part 2 Constitution and management of Trust

Clause 4 provides for the constitution of the Trust as a corporation.

Clause 5 states that the Trust is a NSW Government agency.

Clause 6 provides that the Trust is subject to the direction and control of the Minister.

Clause 7 establishes a Board of the Trust consisting of the Director of the Trust, the Director-General of the Department of Planning (or his or her nominee), the Director-General of the Department of Environment and Conservation (or his or her nominee) and not more than 5 other persons appointed by the Minister.

Clause 8 provides that the Director of the Trust is responsible for the management of the affairs of the Trust.

Clause 9 enables the Board or the Trust to establish advisory committees.

Clause 10 enables the Trust to delegate its functions to certain persons.

Clause 11 enables the Trust to exercise its functions through subsidiaries, or in a partnership, joint venture or other association with other persons or bodies.

Part 3 Functions of Trust

Clause 12 sets out the principal functions of the Trust, including to develop the Parklands into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the Parklands on an ongoing basis.

Clause 13 enables a government agency and the Trust to enter into an agreement for one of those bodies to manage, maintain, improve or develop the land of the other.

Clause 14 requires the Trust to arrange for any of its services to be provided, or any of its functions to be undertaken, by a person or body other than its staff if the Minister directs.

Clause 15 enables the Trust to acquire land by compulsory acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

Clause 16 prevents the Trust from selling, exchanging or otherwise disposing of

Trust land within the Parklands (subject to proposed section 18) and requires the Trust to obtain the Minister's consent for a long-term lease or licence in relation to Trust land within the Parklands. The proposed section sets out the criteria for the granting of the Minister's consent to certain long-term leases or licences of Trust land within the Parklands. The clause also requires the Trust to maintain a register of land that is vested in it or managed by it.

Clause 17 enables the Trust, with the consent of the Minister, to deal with Trust land for the purposes of biodiversity banking schemes, carbon sequestration and greenhouse gas abatement schemes. The proposed section sets out the criteria for the granting of the Minister's consent.

Clause 18 enables the Trust to dedicate land for a public purpose or as a public road.

Clause 19 requires the consent of the Trust to the provision, opening, dedication, closing or realignment of roads within the Parklands.

Clause 20 enables the Trust to acquire property by gift, devise or bequest.

Clause 21 enables the Trust, with the Minister's approval, to form and acquire interests in private corporations or to dispose of such interests.

Part 4 Western Sydney Parklands

Division 1 Western Sydney Parklands

Clause 22 provides that the land comprising the Parklands is specified in proposed Schedule 2 and enables that Schedule to be amended by regulation.

Division 2 Plan of management for Parklands

Clause 23 requires the Trust to prepare a plan of management for the Parklands.

Division 3 Precincts and precinct plans

Clause 24 enables the Trust to divide the Parklands into precincts and sub-precincts.

Clause 25 enables the Trust to prepare a precinct plan for each precinct.

Division 4 Procedure for preparation and adoption of plan of management and precinct plans

Clause 26 requires the Trust to consult with government agencies that own land within the Parklands or a precinct or sub-precinct of the Parklands when preparing the plan of management or precinct plans.

Clause 27 provides for the adoption of plans of management, precinct plans and amendments of such plans by the Minister.

Clause 28 requires the Trust to review the plan of management and each precinct plan at least once every 7 years.

Division 5 Other provisions relating to management of Parklands

Clause 29 enables the Trust to use Trust land for the purposes of a cemetery or crematorium in accordance with a precinct plan applying to the land.

Clause 30 requires the Trust to exercise its functions in accordance with the plan of management, and the Trust and each government agency that owns land within a precinct to give effect to the provisions of the relevant precinct plan as far as possible. The proposed section also requires the Minister responsible for a government agency to consult with the Minister before the government agency disposes of land that it owns within the Parklands.

Clause 31 provides for the Western Sydney Regional Park, currently reserved as a regional park under the National Parks and Wildlife Act 1974, to continue to be reserved and managed under that Act by the Trust. At present, that Park is managed by the Director-General of the Department of Environment and Conservation.

Clause 32 provides that the proposed Division does not authorise the use or development of the Parklands in contravention of the provisions of any other Act or law.

Division 6 Transfer of land to Trust

Clause 33 contains definitions used in the proposed Division.

Clause 34 provides for the transfer to the Trust of the property described in proposed

Schedule 3. Unless otherwise specified in the proposed Schedule, the property is transferred subject to any existing trusts, interests, conditions and other restrictions. On transfer, the rights and liabilities of the previous owner of the property become the rights and liabilities of the Trust.

Clause 35 enables the Governor, by order published in the Gazette, to insert the description of any property of a government agency in proposed Schedule 3 if it is within the Parklands. The effect of such an order is to transfer the property to the Trust.

Clause 36 sets out the effect of a transfer of property under the proposed Division, including, for example, that it does not constitute a breach of contract.

Clause 37 enables the Trust to administer certain leases, licences and other authorisations applying to land within the Parklands that is transferred to the Trust.

Clause 38 provides that State taxes are not payable in relation to the transfer of land under the proposed Division and associated transactions.

Part 5 Finance

Clause 39 requires the Western Sydney Parklands Fund to be established in the Special Deposits Account and provides for money to be paid into and out of the account. The proposed section enables money to be paid out of the Fund established under section 94EJ of the Environmental Planning and Assessment Act 1979 and into the Western Sydney Parklands Fund.

Clause 40 enables the Minister to direct the Trust to pay certain amounts received from its operations to the Development Fund created for the Sydney Region under section 129 of the Environmental Planning and Assessment Act 1979.

Clause 41 provides for the financial year of the Trust.

Clause 42 provides for the investment powers of the Trust.

Part 6 Miscellaneous

Clause 43 enables disputes under the Act between Ministers administering government agencies and the Minister or the Trust to be settled by the Premier.

Clause 44 provides that the Director of the Trust, members of the Board of the Trust or a committee and certain persons acting under the direction of the Trust or the Board not to be personally liable for things done in good faith for the purposes of executing the proposed Act.

Clause 45 provides for the custody and affixing of the seal of the Trust.

Clause 46 provides for the recovery of money owed to the Trust.

Clause 47 enables the Trust to appoint certain persons to be rangers.

Clause 48 enables the regulations to prescribe offences under the proposed Act for which penalty notices may be issued.

Clause 49 deals with proceedings for offences under the proposed Act.

Clause 50 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 51 is a formal provision that gives effect to the savings, transitional and other provisions set out in Schedule 4.

Clause 52 is a formal provision that gives effect to the amendments to the Acts and instruments set out in Schedule 5.

Clause 53 provides for the review of the proposed Act in 5 years.

Schedule 1 Members and procedure of Board

Schedule 1 contains provisions relating to the members and procedure of the Board of the Trust, including the term of office of members and the procedure for meetings of the Board.

Schedule 2 Western Sydney Parklands

Schedule 2 specifies the land that comprises the Parklands.

Schedule 3 Land transferred to Trust

Schedule 3 specifies the land to be transferred to the Trust under proposed Division 6 of Part 4.

Schedule 4 Savings, transitional and other provisions

Schedule 4 contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

Schedule 5 Amendment of Acts and instruments

Schedule 5 contains consequential amendments to the Acts and instruments specified in the Schedule.