

Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill 2001

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Wollongong Sportsground Act 1986*:
 - (i) to place certain land excised from Andrew Lysaght Park, Wollongong, under the care, control and management of the Wollongong Sportsground Trust (the Trust) and dedicate it partly for public recreation and partly for tourist purposes, and
 - (ii) to close part of a public road, place the land under the care, control and management of the Trust and dedicate it for public recreation, and
- (b) to amend the *Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969*:
 - (i) to excise certain land from Andrew Lysaght Park, and
 - (ii) to close another part of the public road referred to above and to dedicate the land as part of Andrew Lysaght Park, and
 - (iii) to allow easements to be granted through, on, in or above Andrew Lysaght Park to provide access to the Wollongong Sportsground and to permit the overhang of structures and roofs of buildings erected on the Trust's lands, and
- (c) to provide for the closing of other parts of the road the subject of the amendments referred to above and to reclassify the land as community land for the purposes of the *Local Government Act 1993*.

The Bill also makes minor, consequential and ancillary amendments to the *Wollongong Sportsground Act 1986* and the *Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969*.

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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Wollongong Sportsground Act 1986* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969* set out in Schedule 2.

Clause 5 is a transitional provision that provides for the closing of part of a public road and for the classification of the land as community land for the purposes of the *Local Government Act 1993*.

Schedule 1 Amendment of Wollongong Sportsground Act 1986

Schedule 1 [1], [3], [4], [6] and [7] make amendments consequential on the amendments made by Schedule 1 [5].

Schedule 1 [5] inserts new Part 3A, sections 12A–12C. Section 12A vests certain land excised from Andrew Lysaght Park (as provided for in the amendment made by Schedule 2 [5]) in the Crown and dedicates part of the land for public recreation and part for tourist purposes. Section 12B provides for the closing of part of a public road and dedication of the land for public recreation. Under the amendment made by **Schedule 1 [2]**, the land the subject of sections 12A and 12B (the *supplementary trust lands*) is to form part of the trust lands administered by the Wollongong Sportsground Trust.

Section 12C is a formal provision that provides for the application of the *Crown Lands Act 1989*

to the supplementary trust lands.

Schedule 1 [8] amends Schedule 4 to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed amending Act.

Schedule 2 Amendment of Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969

Schedule 2 [1] inserts a definition in section 2 as a consequence of the amendments made by Schedule 2 [2] and [5].

Schedule 2 [2] amends section 4 to require the Council of the City of Wollongong (as trustee of Andrew Lysaght Park) to ensure that use of the Park is limited to passive recreational activities that provide community benefit and that do not unduly intrude on the recognition of and respect for the land as an old cemetery. The Council must also ensure that use of the Park is consistent with any applicable plan of management adopted under the *Crown Lands Act 1989*.

Under the proposed amendments, nothing in section 4 is to prevent or affect the granting of easements through, on, in or above the Park to provide access to Wollongong Sportsground or to permit the overhang of any structure or the roof of any building erected on Wollongong Sportsground Trust lands.

Schedule 2 [3] inserts a new section 4A that provides for the closing of part of a public road and the addition of the land to Andrew Lysaght Park.

Schedule 2 [4] inserts a new section 12 to enable the making of regulations of a savings or transitional nature consequent on the enactment of the proposed amending Act.

Schedule 2 [5] amends the First Schedule, which describes the land comprising Andrew Lysaght Park, so as to excise certain land from the Park. (The excised land is further provided for in the amendments made by Schedule 1 [5]).