

First print



New South Wales

Royal Botanic Gardens and Domain Trust Amendment Bill 1997

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Royal Botanic Gardens and Domain Trust Act 1980* to facilitate the redevelopment of the Conservatorium of Music and the improvement of the environs of the Royal Botanic Gardens in its immediate vicinity by removing certain restrictions on use of Trust lands adjoining the present Conservatorium site.

The proposed Act also amends an environmental planning instrument to make it clear that development may be carried out for the purpose of relocating the Conservatorium High School on the Conservatorium site.

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 is a formal provision giving effect to the amendments to the *Royal Botanic Gardens and Domain Trust Act 1980* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendment to *Central Sydney Local Environmental Plan 1996* set out in Schedule 2.

Clause 5 validates anything done or omitted to be done on or after 11 November 1997 and before the date of assent to the proposed Act (such as the lodging and determination of a development application relating to the proposed redevelopment) that could not have been lawfully done unless the amendment made to *Central Sydney Local Environmental Plan 1996* had been in force when it was done or omitted.

Schedule 1 Amendment of Royal Botanic Gardens and Domain Trust Act 1980

The functions of the Royal Botanic Gardens and Domain Trust are limited by sections 7 and 8 of the Act (which state the principal objects and the powers of the Trust) and other provisions of that Act prohibit the trust from selling or creating long-term interests in any of the Trust lands and otherwise impose restrictions on its dealings with the Trust lands.

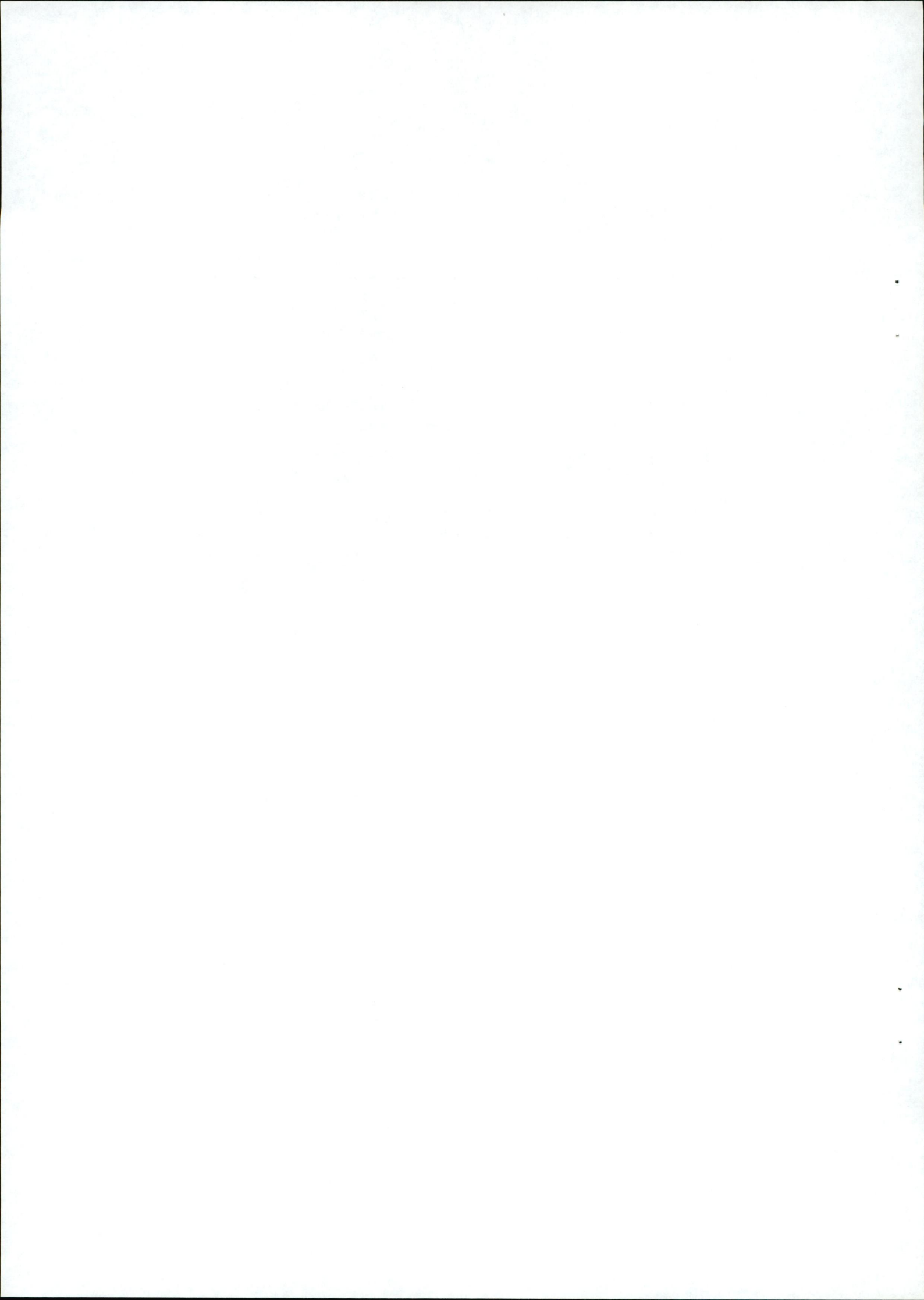
Schedule 1 [1], [2] and [5] insert a new Part 5 into Schedule 2 to the Act which Part contains a description of the strip of land vested in the Trust and surrounding the Conservatorium site that will be involved in the proposed redevelopment (the affected land) and make consequential amendments to section 4 of the Act so as to allow that land to be dealt with separately from other Trust lands.

Schedule 1 [3] and [4] suspend any prohibitions or restrictions that would otherwise be imposed by the Act on use of the affected land so as to allow the proposed redevelopment and other improvements to be carried out. However, these amendments also allow such of the affected land as is developed to improve the environs of the Royal Botanic Gardens to be removed from Part 5 of Schedule 2 by a proclamation under section 19 of the Act and again made subject to those prohibitions and restrictions.

Any of the affected land that is needed only for the redevelopment of the Conservatorium will be able to be consolidated with the present Conservatorium site.

**Schedule 2 Amendment of Central Sydney Local
Environmental Plan 1996**

Schedule 2 amends the relevant local environmental plan to provide that additional land uses may be carried out, with development consent under the *Environmental Planning and Assessment Act 1979*, on the current Conservatorium site and on the affected land, so as to ensure that the Conservatorium High School can be relocated within the development site and to remove any doubt that certain other uses of minor significance to the project may be carried out.





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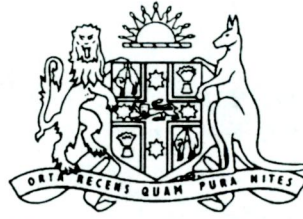
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New South Wales

Royal Botanic Gardens and Domain Trust Amendment Bill 1997

No. , 1997

A Bill for

An Act to amend the *Royal Botanic Gardens and Domain Trust Act 1980* to facilitate the redevelopment of the Conservatorium of Music and improvements to the environs of the Royal Botanic Gardens; and for related purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Royal Botanic Gardens and Domain Trust Amendment Act 1997*.

2 Commencement

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This Act commences on the date of assent.

3 Amendment of Royal Botanic Gardens and Domain Trust Act 1980 No 19

The *Royal Botanic Gardens and Domain Trust Act 1980* is amended as set out in Schedule 1.

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4 Amendment of Central Sydney Local Environmental Plan 1996

(1) *Central Sydney Local Environmental Plan 1996* is amended as set out in Schedule 2.

(2) The amendment made by this section may be repealed or amended by any environmental planning instrument made in accordance with the *Environmental Planning and Assessment Act 1979*.

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5 Validation

(1) Anything done or omitted to be done on or after 11 November 1997 and before the date of assent to this Act in relation to the development of land described in Part 5 of Schedule 2 to the *Royal Botanic Gardens and Domain Trust Act 1980* is as valid as it would have been had section 4 and Schedule 2 been in force when the thing was done or omitted.

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(2) This section extends to the lodging and determining of a development application relating to that land and to the carrying out of development in accordance with any development consent granted in response to such an application.

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**Schedule 1 Amendment of Royal Botanic Gardens
and Domain Trust Act 1980**

(Section 3)

[1] Section 4 Definitions

Insert “, any land for the time being included in Part 5 of that Schedule” after “Schedule 2” in the definition of *Trust lands* in section 4 (1). 5

[2] Section 4 (2) (a)

Insert “or any land for the time being included in Part 5 of that Schedule” after “that Schedule”. 10

[3] Section 19 Vesting of certain land in Trust

Insert after section 19 (1B):

(1C) A proclamation that adds any of the land described in Part 5 of Schedule 2 to Part 1 or 2 of that Schedule also has the effect of excluding the land from Part 5 of that Schedule. 15

[4] Section 21

Insert after section 20:

21 Facilitation of redevelopment of Conservatorium of Music 20

(1) Nothing in this Act prohibits or restricts:

(a) the carrying out, on any land for the time being included in Part 5 of Schedule 2, of development (within the meaning of the *Environmental Planning and Assessment Act 1979*) that may be carried out on that land in accordance with that Act with or without development consent, or 25

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Schedule 1 Amendment of Royal Botanic Gardens and Domain Trust Act 1980

- (b) the granting by the Trust of a lease, easement or licence of any of that land for any term, or any other approval, to allow any such development to be carried out, or
 - (c) the sale or other disposal by the Trust, or the acquisition from the Trust, of any part of that land that is not included in Part 1 or 2 of that Schedule by a proclamation under section 19. 5
- (2) While land is included in Part 5 of Schedule 2, it vests in the Trust for an estate in fee simple freed and discharged from any trusts, obligations, estates, interests, charges and rates that existed in respect of the land before 1 July 1980 (the date of commencement of this Act). 10
- (3) Subsection (2) does not affect any estate or interest in land created by section 12B of the *Government Railways Act 1912*. 15

[5] Schedule 2, Part 5

Insert after Part 4 of Schedule 2:

Part 5 Land affected by redevelopment of the Conservatorium of Music 20

Part of Lots 25 and 33, and Lot 27, in Deposited Plan 39586 situated in the Parish of St James and County of Cumberland and within the City of Sydney, as shown hatched and within heavy black edging on the map titled "Land Affected by Conservatorium Redevelopment", identified by Catalogue No 53305 and lodged in the Head Office of the Department of Public Works and Services at Sydney. 25

Schedule 2 Amendment of Central Sydney Local Environmental Plan 1996

(Section 4)

Clause 27 Development within the Parks and Community Places zone

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Insert after clause 27 (4):

- (4A) On land within the Parks and Community Places zone adjacent to Macquarie Street and including the site of the Conservatorium of Music, being the land shown edged heavy black on the map titled "Land Affected by Conservatorium Redevelopment", identified by Catalogue No 53305 and lodged in the Head Office of the Department of Public Works and Services at Sydney, development for the purpose of the following may be carried out, but only with development consent:

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educational establishments,

libraries and bookshops,

machines used for selling food and drinks or for automatic banking.