



New South Wales

Callan Park (Special Provisions) Bill 2002

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to ensure that the whole of Callan Park remains in public ownership, and
- (b) to ensure the preservation of the areas of open space at Callan Park that were in existence immediately before the commencement of this Act, and that extend to and include the foreshore of Iron Cove on the Parramatta River, and
- (c) to allow public access to that open space, including that foreshore, for public recreational purposes of both an active and a passive nature, and
- (d) to preserve the heritage significance of Callan Park, including its historic buildings, gardens and other landscape features, and
- (e) to impose appropriate controls on the future development of Callan Park.

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 Callan Park by reference to a lot in a Deposited Plan.

Clause 4 declares the objects of the proposed Act, which are listed above in the Overview.

Clause 5 prohibits the sale or other alienation, or the encumbering, of Callan Park or any part of it, but allows it to be vested in a statutory body representing the Crown that is subject to the direction and control of the Minister administering the proposed Act.

Clause 6 allows a lease or licence to be granted of a building or land within Callan Park, but only with the consent of the Minister and after the main terms of the lease or licence have been subject to public scrutiny and comment. Management agreements may be entered into subject to parallel restrictions with the local council or a body established particularly for the purpose.

Clause 7 restricts development at Callan Park. Health and aged care facilities or educational or community facilities are allowed with development consent, but buildings (except temporary structures) must be confined to the footprints of existing buildings and no increase in total floor space is allowed.

Clause 8 provides that regulations under the proposed Act may set up a community consultation committee for Callan Park.

Clause 9 provides that the proposed Act does not affect the application of the *Heritage Act 1977* to Callan Park.

Clause 10 allows the Governor-in-Council to make regulations for the purposes of the proposed Act.

Clause 11 prevents the proposed Act from affecting rights conferred by any easement, lease or licence that was in force immediately before the proposed Act commences.



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New South Wales

Callan Park (Special Provisions) Bill 2002

No. , 2002

A Bill for

An Act to preserve the public ownership of Callan Park; to protect its current features and restrict its future use; and for other purposes.

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Callan Park (Special Provisions) Act 2002*.

2 Commencement

This Act commences on the date of assent.

3 Definitions

In this Act:

Callan Park means the land at Rozelle comprised in Lot 1, Deposited Plan 807747, including all structures that are fixtures on that land.

development has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

environmental planning instrument has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

4 Objects of Act

The objects of this Act are:

- (a) to ensure that the whole of Callan Park remains in public ownership, and
- (b) to ensure the preservation of the areas of open space at Callan Park that were in existence immediately before the commencement of this Act, and that extend to and include the foreshore of Iron Cove on the Parramatta River, and
- (c) to allow public access to that open space, including that foreshore, for public recreational purposes of both an active and a passive nature, and
- (d) to preserve the heritage significance of Callan Park, including its historic buildings, gardens and other landscape features, and
- (e) to impose appropriate controls on the future development of Callan Park.

5	Callan Park not to be sold or otherwise disposed of	1
(1)	The sale, transfer, lease or other alienation, and any mortgage or other encumbrance, of Callan Park, or any part of Callan Park, is prohibited, except as provided by this Act.	2 3 4
(2)	The Governor may, by proclamation, vest Callan Park for an estate in fee simple in a statutory body representing the Crown that is subject to the direction and control of the Minister.	5 6 7
6	Leases, licences and management agreements	8
(1)	A lease of, or a licence allowing the use of:	9
(a)	a building or part of a building within Callan Park, and of any adjoining land needed to enable the use of the building or part of the building, or	10 11 12
(b)	any land within Callan Park,	13
	may be granted with the consent of the Minister.	14
(2)	The care, control and management of Callan Park, of any building at Callan Park or of any part of either of them may be contracted out with the consent of the Minister but only to:	15 16 17
(a)	the council of the local government area in which Callan Park is situated, or	18 19
(b)	some other body established for the purpose of assuming that care, control and management.	20 21
(3)	Before granting a consent under this section, the Minister must:	22
(a)	cause notice of the proposal to grant the lease or licence or to enter into the contract, and a summary of the main terms of the lease, licence or contract, to be published in at least 2 newspapers circulating in the neighbourhood, and	23 24 25 26
(b)	have regard to any written comments received in response to the notice within 30 days after the date of the last publication.	27 28
7	Development at Callan Park restricted	29
(1)	The provisions of environmental planning instruments that apply to Callan Park are the provisions of those instruments that so applied immediately before the commencement of this Act, subject to this section.	30 31 32 33

(2)	Development may be carried out at Callan Park, with development consent, for the purpose of health or aged care facilities and educational or community facilities.	1 2 3
(3)	<i>State Environmental Planning Policy No 5—Housing for Older People or People with a Disability</i> does not apply to Callan Park.	4 5
(4)	Buildings must not be erected at Callan Park outside the footprints of the buildings that existed immediately before the commencement of this Act. However, this requirement does not prevent the erection of temporary structures.	6 7 8 9
(5)	Consent must not be granted for any development at Callan Park if the development would result in:	10 11
	(a) less open space at Callan Park than existed immediately before the commencement of this Act, or	12 13
	(b) an increase in the total floor area of all buildings that existed at Callan Park immediately before the commencement of this Act.	14 15 16
(6)	Development at Callan Park must not adversely affect the Broughton Hall Garden, Charles Moore Garden or Kirkbride Garden.	17 18 19
(7)	In determining a development application, the consent authority must take into consideration the objects of this Act in addition to all other matters that are required to be taken into consideration.	20 21 22
(8)	In this section:	23
	<i>community facility</i> means a facility (not being an educational facility or a health service) providing services to the community on a not-for-profit basis.	24 25 26
	<i>educational facility</i> means a university or any other facility providing educational services on a not-for-profit basis, but does not include a secondary school or a primary school.	27 28 29
8	Community consultation committee	30
	The regulations may establish and provide for the functions and procedures of a community consultation committee for Callan Park.	31 32
9	Application of Heritage Act 1977	33
	This Act does not affect the application of the <i>Heritage Act 1977</i> to Callan Park.	34 35

10 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

11 Savings

This Act does not affect any easement, lease or licence that was in force immediately before the commencement of this Act or affect the granting of a further lease under an option provided for in such a lease.

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