

Introduced by Mr J G Brogden, MP

First print



New South Wales

## **Pittwater (Winnererremy Bay) Open Space Bill 1996**

### **Explanatory note**

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

### **Overview of Bill**

The object of this Bill is to dedicate as Crown land certain land registered in the name of the Minister for Public Works that fronts Winnererremy Bay in Pittwater. The land is to be dedicated for the purposes of public recreation and conservation as well as any other public purposes prescribed by regulation.

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## 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 to be appointed by proclamation, but in any case not later than 3 months after assent.

**Clause 3** defines the land to which the proposed Act applies and *the Minister* as the Minister administering Part 5 (Dedication and reservation of land) of the *Crown Lands Act 1989*.

**Clause 4** transfers the land from the Minister for Public Works to the Minister (as defined in clause 3). The transfer is to be treated in many respects as an acquisition of land under the *Land Acquisition (Just Terms Compensation) Act 1991*, but without any right in the Minister for Public Works to compensation.

**Clause 5** dedicates the land under Part 5 of the *Crown Lands Act 1989* for certain specified public purposes.

**Clause 6** sets out the manner in which the *Crown Lands Act 1989* is to apply to the land. The land is to be treated as if it had been dedicated under Part 5 of that Act. The land is therefore to be subject to a trust under that Part. However, **clause 7** will make Pittwater Council responsible for the land and its administration by making it manager of the affairs of the reserve trust for the land.

Most of Part 5 is to apply as it would to any other Crown reserve. That means, for example, that the functions of the trust will be governed by that Part. It also means that if the manager of the reserve trust is to change or if the dedication of the reserve is to be revoked, that will have to be done under that Part. In addition, any revocation would be subject to Parliamentary scrutiny under that Part.

**Clause 7** is referred to above.

**Clause 8** states that no stamp duty is payable on the transfer.

**Clause 9** enables regulations to be made, including regulations of a savings or transitional nature.

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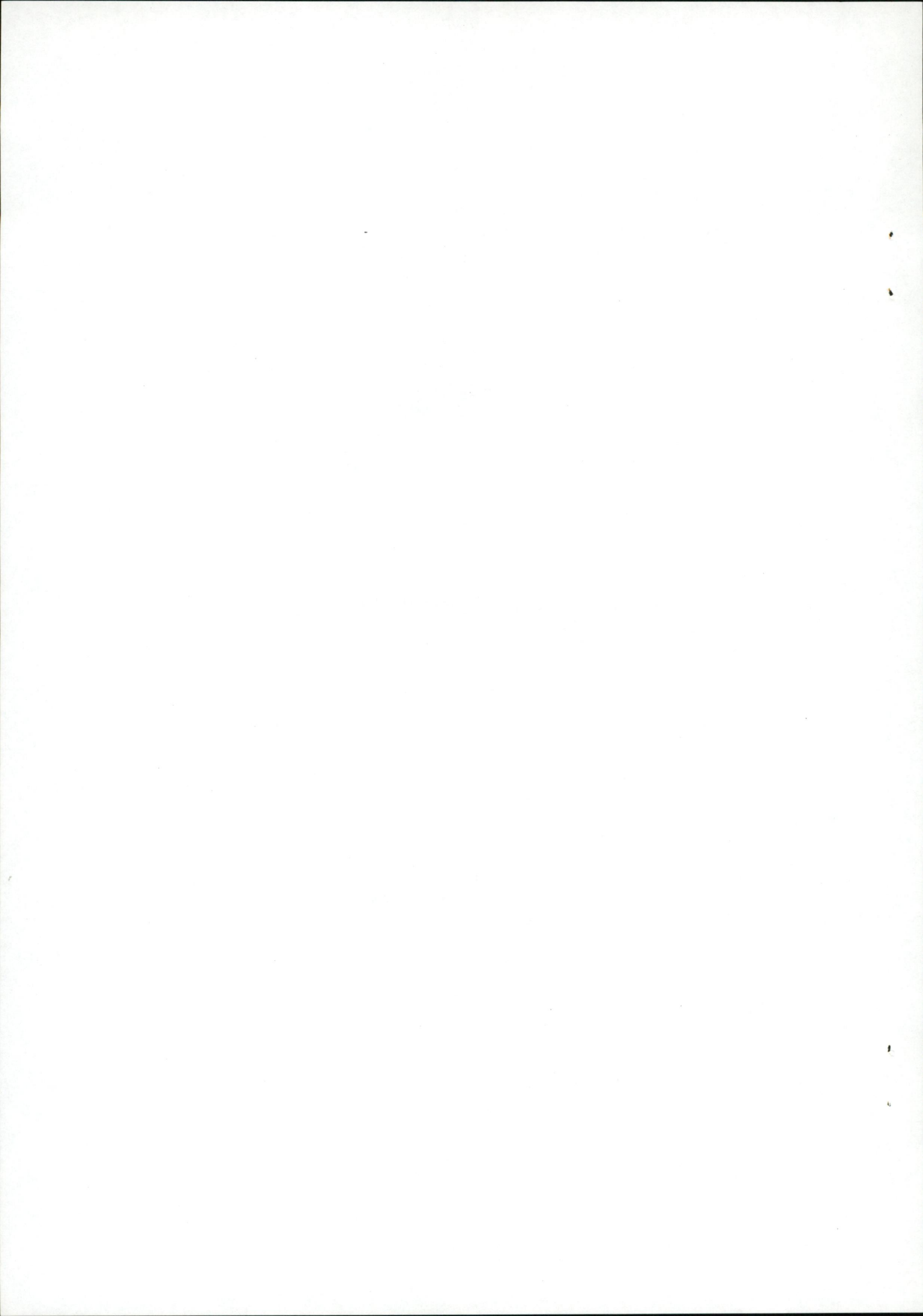
# Pittwater (Winnererremy Bay) Open Space Bill 1996

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New South Wales

## **Pittwater (Winnererremy Bay) Open Space Bill 1996**

No , 1996

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### **A Bill for**

An Act to dedicate certain vacant government land fronting Winnererremy Bay in Pittwater as a reserve under the *Crown Lands Act 1989* for public recreation and conservation and for other public purposes.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Pittwater (Winnererremy Bay) Open Space Act 1996*.

**2 Commencement**

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This Act commences on the earlier of the following days:

- (a) the day that is 3 months after the date of assent,
- (b) a day to be appointed by proclamation.

**3 Definitions**

In this Act:

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*the land* means all that parcel of land at Mona Vale and Bayview, Local Government Area of Pittwater, Parish of Narrabeen, County of Cumberland, of about 11.989 hectares, being Lots 9 and 10 in Deposited Plan 578688 (comprised in Certificates of Title Volume 13208 Folios 192 and 193) at the Land Titles Office, Sydney.

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*the Minister* means the Minister for the time being administering Part 5 (Dedication and reservation of land) of the *Crown Lands Act 1989*.

**4 Acquisition of land**

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(1) On the commencement of this Act, the land is:

- (a) vested in the Minister on behalf of the Crown, and
- (b) except as provided in this section, freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land.

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(2) The interest formerly comprised in Certificate of Title Volume 11468 Folio 230 that is the subject of caveat N130637, to the extent that that interest subsists in the land immediately before the commencement of this Act, is not vested in the Minister and continues to have effect. Likewise, nothing in this Act affects that caveat.

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(3) For the purposes of the *Land Acquisition (Just Terms Compensation) Act 1991*, the land is taken to have been compulsorily acquired, on the commencement of this Act, by the Minister by an acquisition notice under section 19 of that Act.

(4) This Act does not confer any right to compensation for the acquisition by the operation of this Act of any interest in the land held, immediately before the commencement of this Act, by the State or an authority of the State (including the Minister for Public Works). 5

#### **5 Dedication of land as reserve for public purposes** 10

The land is taken to have been dedicated, on the commencement of this Act, as Crown land under Part 5 of the *Crown Lands Act 1989* for the following public purposes, without the need for any notification under section 80 of that Act:

- (a) public recreation, 15
- (b) conservation of the bushlands, wetlands and open space of the land for the purposes of promoting a better environment and protecting the environment,
- (c) any public purpose prescribed by the regulations.

#### **6 Extent of application of Crown Lands Act 1989** 20

(1) Sections 79 (Order declaring land not to be reserve), 80 (Power of Minister to dedicate land), 82 (Tabling of proposed dedication or addition in Parliament), 85 (Requirement for assessment) and 95 (1) of the *Crown Lands Act 1989* do not apply to the land.

(2) The remainder of Part 5 of the *Crown Lands Act 1989*, and such of the provisions of the other Parts of that Act as are relevant to the operation of that remainder and this Act, apply to the land. 25

#### **7 Manager of reserve trust**

Pittwater Council is taken to have been appointed, on the commencement of this Act, under section 95 (1) of the *Crown Lands Act 1989* to manage the affairs of the reserve trust that is trustee of the land. 30

#### **8 No stamp duty**

Stamp duty is not chargeable in respect of:

- (a) the vesting under section 4, or 35

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- (b) anything certified by the Minister as having been done in consequence of such vesting (for example, the transfer or registration of an interest in the land).

**9 Regulations**

- (1) 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. 5
- (2) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act. 10
- (3) A provision referred to in subsection (2) may, if the regulations so provide, take effect as from the date of assent to this Act or a later date.
- (4) To the extent to which such a provision takes effect on a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 15
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 20