



New South Wales

Save Callan Park 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 require Callan Park to be retained as a public asset, and
- (b) to promote its conservation, and
- (c) to place restrictions on its use.

Outline of provisions

Clause 1 sets out the name (also called the long 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 registered by the Registrar-General.

Clause 4 declares that Callan Park can not be lawfully granted, sold, leased, mortgaged, charged or otherwise alienated or encumbered, and that licences can not be granted allowing the use of Callan Park, except as provided by the proposed Act.

Clause 5 restricts development of Callan Park. The restrictions allow it to be used by the public for passive recreation without development consent, and for the purpose of a public health care service, a public educational facility or a community facility with development consent. Minor works and limited building work may also be carried out with development consent to facilitate those uses.

Clause 6 allows buildings within Callan Park to be leased, and for a person to be licensed to use those buildings, for up to 10 years, but only after the public has had an opportunity to comment on the content of the proposed lease or licence.

Clause 7 saves any leases or licences that affected Callan Park immediately before the Bill for the proposed Act was introduced into the Legislative Assembly.

Clause 8 provides that the proposed Act does not affect the application of the *Heritage Act 1977* to Callan Park.

Introduced by Mr Andrew Humpherson, MP

First print



New South Wales

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New South Wales

Save Callan Park Bill 2002

No , 2002

A Bill for

An Act to require Callan Park to be retained as a public asset; to promote its conservation; to place restrictions on its use; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Save Callan Park Act 2002</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5
3 Definition	6
In this Act:	7
<i>Callan Park</i> means the land known as Lot 1 in Deposited Plan 807747 and includes all buildings and other fixtures situated on that land.	8 9 10
4 Callan Park not to be alienated or encumbered	11
(1) After the commencement of this Act, Callan Park can not be lawfully granted, sold, leased, mortgaged, charged or otherwise alienated or encumbered, and a licence can not be lawfully granted authorising a person to use Callan Park, except as provided by this Act.	12 13 14 15 16
(2) Subsection (1) applies to each part of Callan Park in the same way as it applies to the whole of Callan Park.	17 18
(3) However, this Act does not prevent a grant, transfer or sale to a statutory body representing the Crown if the statutory body is subject to the direction and control of a Minister.	19 20 21
5 Development controls for Callan Park	22
(1) Callan Park may be used by the public for passive recreation without development consent, subject to the conditions of any development consent or lease granted pursuant to this Act.	23 24 25
(2) Development of Callan Park may be carried out for the purpose of any one or more of a health service, an educational facility and a community facility, and minor works may be carried out at Callan Park for the purpose of its passive recreational use by the public, but only with development consent.	26 27 28 29 30
(3) Consent may be granted for the refurbishment of an existing building, and for the re-development or replacement of an existing building, but only if:	31 32 33

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- (a) the total amount of open space at Callan Park is not reduced below that total immediately before this Act commenced, and 1
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- (b) the ratio of the total floor area of all buildings at Callan Park to the area of Callan Park is not increased above that ratio immediately before this Act commenced. 3
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- (4) Except as provided by subsection (3), consent must not be granted for the erection of buildings at Callan Park. 6
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- (5) Any development (such as development for a residential purpose) that is not allowed by this section is prohibited at Callan Park, despite any other Act or any environmental planning instrument. 8
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- (6) The consent authority for development applications relating to land within Callan Park is the council of the local government area within which the land is situated, despite any other Act or any environmental planning instrument. 11
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- (7) In this section: 15
- community facility* means a facility (not being an educational facility or a health service) providing services to the community on a not-for-profit basis. 16
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- educational facility* 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. 19
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- health service* has the same meaning as in the *Health Services Act 1997*. 22
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- (8) Except as provided by subsection (7), words in this section have the same meanings as they have in the *Environmental Planning and Assessment Act 1979*. 24
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6 Leases and licences 27

- (1) Leases may be granted of buildings situated within Callan Park (and of any land in their immediate vicinity necessary for their use) for a term that, including the term of any further lease that may be granted under an option for renewal of the lease, does not exceed 10 years. 28
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- (2) Licences may be granted authorising the licensee to use buildings situated within Callan Park (and to use any land in their immediate vicinity necessary for their use) for a term that, including the term of any further licence that may be granted under an option for renewal of the licence, does not exceed 10 years. 32
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<p>(3) Before any lease or licence is granted, the proposed content of the lease or licence must be publicly exhibited at Callan Park for at least 30 days and any written comments in response received within that period by the Minister administering this Act must be taken into account before the lease or licence is granted.</p> <p>(4) A lease or licence can not allow any use contrary to section 5.</p> <p>(5) A sublease of a lease granted under this section may be granted, but only with the approval of the Minister administering this Act.</p> <p>7 Savings—existing leases and licences</p> <p style="padding-left: 40px;">This Act does not affect any lease or licence that was entered into before the Bill for this Act was introduced into the Legislative Assembly.</p> <p>8 Application of Heritage Act 1977 No 136</p> <p style="padding-left: 40px;">Nothing in this Act is to be construed as excluding or limiting the application of the <i>Heritage Act 1977</i> to Callan Park.</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p>
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