



New South Wales

# Save Erskineville Public School 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 Erskineville Public School to be retained as a public asset, and
- (b) to promote its conservation, and
- (c) to place restrictions on its use so that it may be used only for the purpose of a public school.

## 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 Erskineville Public School as including the school grounds.

**Clause 4** declares that Erskineville Public School and its grounds can not be lawfully granted, sold, leased, mortgaged, charged or otherwise alienated or encumbered, except as provided by the proposed Act.

**Clause 5** restricts development of Erskineville Public School and its grounds. The restrictions allow them to be used only for the purpose of a government school and only with development consent.

**Clause 6** allows the buildings and grounds to be leased, and for a person to be licensed to use the buildings and grounds, 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 Erskineville Public School or its grounds 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 Erskineville Public School.



New South Wales

# Save Erskineville Public School Bill 2002

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New South Wales

# **Save Erskineville Public School Bill 2002**

No , 2002

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**A Bill for**

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

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Save Erskineville Public School Act 2002</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5
<b>3 Definition</b>	6
In this Act:	7
<i>Erskineville Public School</i> means Lot 1 in Deposited Plan 779946 and Lots A, B, C and D in Deposited Plan 436247, and includes all buildings and other fixtures situated on that land.	8 9 10
<b>4 Erskineville Public School not to be alienated or encumbered</b>	11
(1) After the commencement of this Act, Erskineville Public School can not be lawfully granted, sold, leased, mortgaged, charged or otherwise alienated or encumbered, except as provided by this Act.	12 13 14
(2) Subsection (1) applies to each part of Erskineville Public School in the same way as it applies to the whole of Erskineville Public School.	15 16 17
(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.	18 19 20
<b>5 Development controls for Erskineville Public School</b>	21
(1) Development of Erskineville Public School may be carried out for the purpose of a government school, within the meaning of the <i>Education Act 1990</i> , but only with development consent.	22 23 24
(2) Any development (such as development for a residential purpose) that is not allowed by this section is prohibited at Erskineville Public School, despite any other Act or any environmental planning instrument.	25 26 27 28
(3) The consent authority for development applications relating to land within Erskineville Public School is the council of the local government area within which the land is situated, despite any other Act or any environmental planning instrument.	29 30 31 32

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(4)	Except as provided by subsection (1), words in this section have the same meanings as they have in the <i>Environmental Planning and Assessment Act 1979</i> .	1 2 3
<b>6</b>	<b>Leases and licences</b>	4
(1)	Leases may be granted of buildings situated within Erskineville Public School (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.	5 6 7 8 9
(2)	Licences may be granted authorising the licensee to use buildings situated within Erskineville Public School (and of 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.	10 11 12 13 14
(3)	Before any lease or licence is granted, the proposed content of the lease or licence must be publicly exhibited at Erskineville Public School 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.	15 16 17 18 19
(4)	A lease or licence can not allow any use contrary to section 5.	20
(5)	A sublease of a lease granted under this section may be granted, but only with the approval of the Minister administering this Act.	21 22
<b>7</b>	<b>Savings—existing leases and licences</b>	23
	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.	24 25 26
<b>8</b>	<b>Application of Heritage Act 1977 No 136</b>	27
	Nothing in this Act is to be construed as excluding or limiting the application of the <i>Heritage Act 1977</i> to Erskineville Public School.	28 29

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