

Legislative Council
Quarantine Station Preservation Trust Bill 2003
Schedule of amendments agreed to in Committee of the Whole on
Thursday 30 October 2003

AD No.1 Page 2, clause 2, line 6. Omit “commences on the date of assent”. Insert instead “is taken to have commenced on 8 May 2003 (the date of introduction of the Bill for this Act in the Legislative Council)”.

Oppn No 2 Page 2, clause 3 (1), lines 9-17. Omit all words on those lines.

Oppn No. 3 Page 2, clause 3 (1). Insert after line 19:

member means a member of the Trust.

Quarantine Station site means the land for the time being described in Schedule 1.

Oppn No. 4 Page 2, clause 3 (1), lines 22-24. Omit all words on those lines.

Oppn No. 5 Page 3, clause 4 (2) (b) and (c), lines 8-11. Omit all words on those lines.

Oppn No. 6 Page 3, heading to clause 5 and clause 5 (1) and (2), lines 12-18. Omit all words on those lines. Insert instead:

5 Appointment and procedure of members of Trust

- (1) The Trust is to consist of the following members appointed by the Minister:
 - (a) one member chosen by the Minister as having expertise in the restoration and conservation of historic buildings,
 - (b) one member nominated by the National Trust of Australia (NSW),
 - (c) one member nominated by the Director-General of the Department of Environment and Conservation,
 - (d) one member nominated jointly by the local Aboriginal community in the Manly, Warringah and Pittwater local government areas and the local Aboriginal land council,
 - (e) one member nominated by the National Parks Association of NSW Incorporated,
 - (f) one member nominated by Manly Council (the council for the local government area in which the Quarantine Station site is situated),
 - (g) one member nominated by the Commonwealth Minister for the Environment and Heritage.
- (2) The constitution of the Trust is not affected by the failure of a person or body to make a nomination under subsection (1).

Oppn No. 7 Page 3, clause 5 (3), line 19. Omit “trustees”. Insert instead “members”.

Oppn No. 8

Page 4, clause 6, lines 4-13. Omit all words on those lines. Insert instead:

- (a) to advise the Minister on the care, control and management of the Quarantine Station site as part of North Head, and
- (b) to encourage the use and appreciation of the Quarantine Station site by the public by promoting the cultural, natural, historical, educational, scientific and recreational value of that site, and
- (c) to ensure the conservation of the cultural and natural values of the Quarantine Station site and the protection of the environment of North Head, and
- (d) to ensure that the management of the Quarantine Station site respects the natural and cultural values of the whole of North Head, and
- (e) any other objects, consistent with the functions of the Trust, in relation to the Quarantine Station site, that the Trust considers appropriate.

Oppn No. 9

Pages 4 and 5, clause 7, lines 16-37 on page 4 and lines 1 and 2 on page 5. Omit all words on those lines. Insert instead:

- (a) approve arrangements for the preservation, management and maintenance of the Quarantine Station site, and
- (b) approve any leases or licences of any part of the Quarantine Station site, and grants of easements through, on or in the Quarantine Station site, proposed by the Minister, and
- (c) approve a plan of management for the Quarantine Station site under Part 5 of the *National Parks and Wildlife Act 1974* that is integrated with the planning for the whole of North Head, and
- (d) approve any modifications to the Quarantine Station site only where consistent with its significant heritage values and relevant plans, and
- (e) permit the use of the whole or any part of the Quarantine Station site for activities of a cultural, natural, historical, educational, scientific and recreational nature, and
- (f) approve and promote exhibits, lectures, films, publications and other types of educational instruction relating to the Quarantine Station site, and
- (g) disseminate scientific, cultural and historical information concerning the Quarantine Station site to the public and educational, scientific, cultural and historical institutions, whether within or outside the State, and
- (h) in relation to the provision of food and other refreshments in connection with the Quarantine Station site:
 - (i) apply for, hold or dispose of any relevant licence, permit or other authority for the purpose of the provision of food and other refreshments in connection with the Quarantine Station site, or
 - (ii) permit the provision of food and other refreshments, or
 - (iii) authorise another person to apply for any relevant licence, permit or other authority for the purpose of the

provision of food and other refreshments in connection with the Quarantine Station site.

- Oppn** No. 10 Page 5, clause 7 (3), lines 5 and 6. Omit all words on those lines.
- Oppn** No. 11 Page 5, clause 7 (4), line 9. Omit “trust lands”. Insert instead “Quarantine Station site”.
- No. 12 Pages 6-8, Part 4. Omit part.
- Oppn** No. 13 Page 6. Insert before line 1:

Part 4 Limitations on grant of leases and licences relating to Quarantine Station site

Division 1 Application

8 Application of Part

- (1) This Part applies to and in respect of the exercise by the Minister of the following powers under the *National Parks and Wildlife Act 1974*:
- (a) the power under section 151 (1) (a)-(e) to grant a lease of land within the Quarantine Station site,
 - (b) the power under section 151 (1) (f) to grant a licence to occupy or use land within the Quarantine Station site,
 - (c) the power under section 151B (2) to grant a lease of land within the Quarantine Station site to enable the adaptive reuse of an existing building or structure on the land for any purpose specified in section 151B (12),
 - (d) the power under section 151B (3) to grant a licence to occupy and use land within the Quarantine Station site, and any existing building or structure on the Quarantine Station site, for any purpose.
- (2) In the event of any inconsistency between this Part and the *National Parks and Wildlife Act 1974*, this Part prevails to the extent of the inconsistency.

Division 2 Procedure

9 Public notice must be given of proposed grant of lease and licence

- (1) The Minister must not exercise any power to which this Part applies unless the Minister has:
- (a) caused notice of the proposal to grant the lease or licence, and a summary of the main terms of the lease or licence, to be published in at least one Sydney metropolitan newspaper and one local newspaper circulating in the locality of the Quarantine Station site, and
 - (b) in that notice, invited public comments on the proposed lease or licence within a time specified in the notice, being not less than 30 days after the publication of the notice, and
 - (c) had regard to any written comments received in response to the notices within 30 days after the date of the publication of

the notices (if they were both published on the same day) or after the publication of the later of the two notices (if published on different days), and

(d) forwarded to the Trust any written comments received in response to the notice within 30 days after the date of the last publication, and

(e) obtained the written approval of the Trust, and

(f) published, in at least one Sydney metropolitan newspaper, and one local newspaper circulating in the locality of the Quarantine Station site, the Minister's reasons for his or her decision to grant the lease or licence.

(2) If the Minister exercises a power to which this Part applies in breach of this section, the lease or licence granted by the Minister in the exercise of that power is void.

10 Grant of leases and licences must have prior approval of Trust

(1) The Minister must not exercise any power to which this Part applies unless the Minister has first obtained the written approval of the Trust to the exercise of that power.

(2) If the Minister exercises a power to which this Part applies in breach of this section, the lease or licence granted by the Minister in the exercise of that power is void.

11 Trust must not give approval unless it considers certain factors

(1) The Trust must not give approval to the exercise by the Minister of any power to which this Part applies unless the Trust has had regard to: (a) any written comments received by the Minister in response to the Minister's notice that were forwarded to the Trust, and

(b) any written comments received directly by the Trust in response to the Minister's notice, and

(c) the impact of the proposal on the cultural, natural, historical, educational, scientific and recreational values of the Quarantine Station site.

(2) The Trust must not give approval to the exercise by the Minister of any power to which this Part applies if the Trust forms the opinion that the grant of the relevant lease or licence will result in:

(a) less open space at the Quarantine Station site than existed when the site was reserved as part of a national park under the *National Parks and Wildlife Act 1974*, or

(b) an increase in the total floor area of all buildings that existed at the Quarantine Station site on that date, or

(c) an adverse impact on the significant heritage values of the Quarantine Station site.

(3) If the Trust exercises the power to give approval under this section in breach of this section, the lease or licence granted by the Minister the subject of that approval is void.

(4) Subsections (1) and (2) are not intended to limit the factors that the Trust may take into consideration when determining whether or not to give approval.

Division 3 Restrictions on leases or licence that may be granted

12 Restrictions on leases or licences that may be granted

- (1) The Minister must not exercise any power to which this Part applies unless the Minister has had regard to the impact of the proposal on open space at the Quarantine Station site, the floor area of buildings on the site and the significant heritage values of the Quarantine Station site.
- (2) The Minister must not exercise any power to which this Part applies if the Minister forms the opinion that the grant of the relevant lease or licence will result in:
 - (a) less open space at the Quarantine Station site than existed when the site was reserved as part of a national park under the *National Parks and Wildlife Act 1974*, or
 - (b) an increase in the total floor area of all buildings that existed at the Quarantine Station on that date, or
 - (c) an adverse impact on the significant heritage values of the Quarantine Station site.
- (3) If the Minister exercises a power to which this Part applies in breach of this section, the lease or licence granted by the Minister in the exercise of that power is void.
- (4) Subsections (1) and (2) are not intended to limit the factors that the Minister may take into consideration when determining whether or not to exercise his or her power.

13 Minister cannot lease or license all or a substantial part of Quarantine Station site to one person or unincorporated group of persons

- (1) Despite Part 12 of the *National Parks and Wildlife Act 1974*, the Minister must not:
 - (a) grant a lease of all or a substantial part of the Quarantine Station site to one person or one unincorporated group of persons, or
 - (b) grant a licence to occupy or use all or a substantial part of the Quarantine Station site to one person or one unincorporated group of persons, or
 - (c) grant a lease of all or a substantial part of the Quarantine Station site to enable the adaptive reuse of an existing building or structure on the land for any purpose specified in section 151B (12) to one person or one unincorporated group of persons, or
 - (d) grant a licence to occupy and use all land or a substantial part of the Quarantine Station site, and any existing building or structure, for any purpose to one person or one unincorporated group of persons.
- (2) If the Minister exercises a power to which this Part applies in breach of this section, the lease or licence granted by the Minister in the exercise of that power is void.

14 Minister cannot grant leases or licences with provisions for transfer or subletting

- (1) Despite the provision of the *National Parks and Wildlife Act*

1974, the Minister must not:

- (a) grant a lease of any part of the Quarantine Station site that contains a provision:
 - (i) that enables an assignment or transfer of that lease or an assignment or transfer of any personal obligations pursuant to that lease, or
 - (ii) that allows for a sublease, or
 - (iii) that allows the lessee to mortgage any or all of the lessee's interest in that lease, or
 - (b) grant a licence to occupy or use any part of the Quarantine Station site that contains a provision:
 - (i) that enables an assignment or transfer of that licence or an assignment or transfer of any personal obligation pursuant to that licence, or
 - (ii) that allows the licensee to mortgage any or all of the licensee's interest in that licence.
- (2) If the Minister exercises a power to which this Part applies in breach of this section, the lease or licence granted by the Minister in the exercise of that power is void.

15 Minister cannot grant leases and licences with term of 10 years or more

- (1) Despite Part 12 of the *National Parks and Wildlife Act 1974*, the Minister must not:
 - (a) grant a lease of any part of the land within the Quarantine Station site for a term of 10 years or more, or
 - (b) grant a licence to occupy or use any part of the land within the Quarantine Station site for a term of 10 years or more, or
 - (c) grant a lease of any part of the land within the Quarantine Station site to enable the adaptive reuse of an existing building or structure on the land for any purpose specified in section 151B (12) for a term of 10 years or more, or
 - (d) grant a licence to occupy and use any part of the land within the Quarantine Station site, and any existing building or structure on the Quarantine Station site, for any purpose for a term of 10 years or more, or
 - (e) grant a lease or licence with an option for renewal, the combined term of which is 10 years or more.
- (2) If the Minister exercises a power to which this Part applies in breach of this section, the lease or licence granted by the Minister in the exercise of that power is void.

AD No. 14 Page 9, Part 5, Line 1. Omit “**for trust lands**”. Insert instead “**for inclusion of trust lands in North Head site**”.

Grns No. 15 Page 9, clause 13 (2), line 7. Insert “, an integrated biodiversity management plan and recovery plans for threatened species for the whole of North Head” after “lands”.

AD No. 16 Page 9. Insert before line 17:

15 Preparation of plan of management

- (1) The Trust must, in accordance with any direction of the Minister, cause a plan of management to be prepared for the trust lands.
- (2) The plan of management must contain a detailed written scheme of the operations proposed to be undertaken in or in relation to the trust lands.
- (3) The plan of management must be prepared according to the *National Parks and Wildlife Act 1974* but must also:
 - (a) define the manner in which the management of the trust lands will be integrated with the control and management of the whole of North Head, and
 - (b) include:
 - (i) a transport, traffic and parking plan for the trust lands that is integrated with an ecologically sustainable transport, traffic and parking plan for the whole of North Head, and
 - (ii) an interpretation plan for the trust lands that is integrated with an interpretation plan for the whole of North Head.

16 Public notice must be given of proposed plan of management

The Minister must not adopt any plan of management unless the Minister:

- (a) has caused notice of the plan of management to be published in at least one Sydney metropolitan newspaper and one local newspaper circulating in the locality of the trust lands, and
- (b) has, in that notice, invited public comment on the plan of management within a time specified in the notice, being not less than 30 days after the publication of the notice.

17 Minister must have regard to public comments

The Minister must not adopt any plan of management unless the Minister:

- (a) has had regard to any written comments received in response to the notices given under section 16 within 30 days after the date of the publication of the notices (if they were both published on the same day) or after the publication of the later of the two notices (if published on different days), and
- (b) has forwarded to the Trust any written comments received in response to the notices within 30 days after the date of the last publication.

18 Approval of plan of management by Trust

The Minister must not adopt any plan of management unless the Minister has obtained the written approval of the Trust to the adoption.

19 Adoption of plan of management

- (1) After the procedure in this Part has been followed, the Minister may:
 - (a) adopt a plan of management without alteration, or
 - (b) refer it back to the Trust for further consideration.
- (2) If the Minister approves a plan of management, the Minister must ensure that the Minister's reasons for his or her decision to approve the plan of management are published in at least one Sydney metropolitan newspaper and one local newspaper circulating in the locality of the Quarantine Station site.
- (3) If the Minister fails to comply with a provision of this Part, any plan of management adopted by the Minister is void.

- AD** No. 17 Page 9, clause 15, line 21. Omit "Sections 13 and 14". Insert instead "The provisions of this Part".
- Oppn** No. 18 Page 10, clause 18 (2), line 8. Omit "trustees". Insert instead "members of the Trust".
- Oppn** No. 19 Page 10, clause 18 (3), lines 9 and 10. Omit all words on those lines.
- Oppn** No. 20 Page 10, clause 19 (a), line 17. Omit all words on that line.
- No. 21 Page 10, clause 20. Omit clause.
- Oppn** No. 22 Page 10, clause 21 (1), line 30. Omit "trustee". Insert instead "member of the Trust".
- Oppn** No. 23 Page 10, clause 21 (1), lines 30-31. Omit "or the Director or any other". Insert instead "or any".
- No. 24 Page 12, clause 22. Omit clause.
- No. 25 Page 12, clause 23. Omit clause.
- No. 26 Pages 12 and 13, clause 24. Omit clause.
- No. 27 Pages 13 and 14, clause 25. Omit clause.
- No. 28 Pages 14 and 15, clause 26. Omit clause.
- No. 29 Pages 15 and 16, clause 27. Omit clause.
- No. 30 Page 16, clause 28. Omit clause.
- No. 31 Page 16, clause 29. Omit clause.
- No. 32 Pages 16 and 17, clause 30. Omit clause.
- No. 33 Page 17, clause 31. Omit clause.
- Oppn** No. 34 Page 17, clause 32 (1), lines 14-28. Omit all words on those lines.

- Oppn** No. 35 Page 17, clause 32 (2) and (3), lines 32-35. Omit all words on those lines.
- No. 36 Page 18, clause 33. Omit clause.
- No. 37 Page 18, clause 34. Omit clause.
- Oppn** No. 38 Page 19, Schedule 1, line 1. Omit “Trust lands”. Insert instead “Quarantine Station site”.
- AD** No. 39 Page 19, Schedule 1, line 7. Insert “but not including the parcel of land known as Cannae Point” after “Cumberland”.
- Oppn** No. 40 Page 20, Schedule 2, line 1. Omit “the trustees”. Insert instead “members”.
- Oppn** No. 41 Pages 20-23, Schedule 2, line 3 on page 20 to line 25 on page 23. Omit “trustees” and “trustee” wherever occurring. Insert instead “members” and “member”, respectively.
- Oppn** No. 42 Page 24, Schedule 3, clause 2, line 9. Omit “3 trustees”. Insert “a majority of the members for the time being”.
- Oppn** No. 43 Page 25, Schedule 3, clause 7, lines 10-13. Omit all words on those lines.
- No. 44 Page 26, Schedule 4. Omit schedule
- Grns** No. 45 Page 1, long title. Omit “provide for the management and control of”. Insert instead “preserve, protect and manage”.