

Royal Rehabilitation Centre Sydney Site Protection Bill 2006

Explanatory note

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

Overview of Bill

The object of this Bill is to protect the site of the Royal Rehabilitation Centre—Sydney at Putney (*the site*):

- (a) by ensuring that Ryde City Council (*the Council*) remains the consent authority for any application to carry out development on the site, and
- (b) by prohibiting the carrying out of excessive development on the site, and
- (c) by ensuring that satisfactory alternative arrangements are made for users of the site displaced by any development (including the Riding for the Disabled Association (New South Wales)), and
- (d) by protecting certain buildings on the site from demolition or alteration and requiring them to be maintained, and
- (e) by reserving part of the site as public open space, and
- (f) by requiring community consultation in relation to the carrying out of development on the site and the management of that public open space.

Outline of provisions

Part 1 Preliminary

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 certain words and expressions used in the proposed Act.

Part 2 Ryde City Council is consent authority

Clause 4 provides that the Council is the consent authority in relation to the carrying out of any development on the site.

Clause 5 prevents the making of any declaration under the *Environmental Planning and Assessment Act 1979* that the carrying out of development on the site is a project to which Part 3A of that Act applies or that has the effect of making development on the site a project or part of a project to which Part 3A of that Act applies. Any such declaration has no effect to the extent to which it applies to the site.

Part 3 Development of site requires consent

Clause 6 provides that development on the site cannot be carried out except with development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Clause 7 provides that the only development that may be carried out on the site is development for the purposes of a detached dwelling-house, development for the purposes of a new purpose-built specialised rehabilitation facility or demolition or alteration of a building.

Clause 8 provides that proposed sections 6 and 7 do not affect the continuation of any existing use of the site for the purposes of a rehabilitation facility.

Clause 9 imposes a limit on residential development on the site. The Council must not consent to the carrying out of development on the site for the purposes of a detached dwelling-house if, as a result of the development, the total floor space area of dwelling-houses on the site will exceed 51 per cent of the area of the site.

Clause 10 provides that the Council must not consent to the carrying out of development on the site unless it has taken into consideration the concept plan prepared under proposed Part 6.

Clause 11 provides that the Council must not consent to the carrying out of development on the site unless it is satisfied that satisfactory alternative arrangements are made for users of the site displaced by the development, including the Riding for the Disabled Association (New South Wales).

Part 4 Protection of existing buildings

Clause 12 requires the Council to assess each of the buildings on the site immediately before the commencement of the proposed Act and to determine which buildings are worthy of protection from demolition or alteration and which are not.

Clause 13 provides that the Council must not consent to the carrying out of development that involves the demolition or substantial alteration of a building that the Council has determined is worthy of protection from demolition or alteration under the proposed Part.

Clause 14 requires the Council to maintain all buildings that it has determined are worthy of protection from demolition or alteration and that are on land reserved as public open space under proposed Part 5.

Part 5 Reservation of certain land as public open space

Clause 15 provides for the reservation as public open space of that part of the site that is not being used as a rehabilitation facility or the subject of development consent after 2 years.

Clause 16 empowers the owner of land reserved as public open space to require the Council to acquire the land.

Clause 17 requires the Council to landscape any land so acquired.

Clause 18 requires the Council to consult the Community Consultative Forum established under proposed Part 7 on the management of the land so acquired.

Part 6 Concept plan for site

Clause 19 requires the Council to prepare and implement a concept plan for the site.

Clause 20 requires the Council to consult with the Community Consultative Forum in preparing a concept plan.

Part 7 Community consultation

Clause 21 provides that the Council must not consent to the carrying out of development on the site unless it is satisfied that the local community has been properly informed of the proposed development. In particular, the Council must not consent to an application for development consent unless the development application has been publicly notified in accordance with the *Environmental Planning and Assessment Act 1979* as if it were advertised development and the Council has taken into account any objections received as part of that notification procedure.

Clause 22 makes it the duty of the Council to establish an effective procedure for community consultation concerning the management of land at the site reserved as public open space and the development of the concept plan for the site.

Clause 23 provides for the establishment of a Community Consultative Forum.

Part 8 Miscellaneous

Clause 24 provides that the proposed Act applies despite any provision of any other Act, or of any regulation or environmental planning instrument, and that nothing in the proposed Act prevents the making of an environmental planning instrument that imposes additional restrictions on development on the site or on the Council's ability to consent to such development.

Clause 25 provides for the making of regulations under the proposed Act.