



New South Wales

University of Technology (Kuring-gai Campus) Bill 2007

Explanatory note

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

Overview of Bill

The object of this Bill is to ensure that the Kuring-gai Campus of the University of Technology, Sydney, continues to be used for educational purposes.

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 or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 declares that the Kuring-gai Campus of the University of Technology, Sydney, can not be lawfully sold, leased, mortgaged, charged or otherwise alienated or encumbered, except as provided by the proposed Act. Subject to specified limitations, the proposed section enables the campus to be transferred, sold or leased, or the subject of a licence for occupation, solely for educational purposes.

Clause 5 precludes the Kuring-gai Campus being developed for purposes other than educational facilities. It also provides that the local council is the consent authority in relation to any development application relating to the campus and precludes development of the campus being made a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies.

Clause 6 enables the Minister to compulsorily acquire the Kuring-gai Campus and requires the Minister to take all reasonable steps to ensure that the campus, if so acquired, is used solely for the provision of education. The proposed section provides that the *Land Acquisition (Just Terms Compensation) Act 1991* does not apply to or in respect of any such acquisition.

Clause 7 provides that the proposed Act applies to each part of the Kuring-gai Campus in the same way as it applies to the whole of the campus and that it applies despite the provisions of any other Act including section 18 of the *University of Technology, Sydney, Act 1989*.



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New South Wales

University of Technology (Kuring-gai Campus) Bill 2007

No. , 2007

A Bill for

An Act to ensure that the Kuring-gai Campus of the University of Technology is retained for educational purposes.

| | |
|---|----------------------------|
| The Legislature of New South Wales enacts: | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>University of Technology (Kuring-gai Campus) Act 2007</i> . | 3 4 |
| 2 Commencement | 5 |
| This Act commences on a day or days to be appointed by proclamation. | 6 |
| 3 Definitions | 7 |
| In this Act: | 8 |
| <i>educational purposes</i> includes purposes that are incidental or ancillary to the provision of education, including, without limitation, the provision of residential accommodation for students. | 9 10 11 |
| <i>Kuring-gai Campus</i> means that part of Lindfield bounded by, but not including, Eton Road, Winchester Avenue, Lyle Avenue, Lady Game Drive and Lane Cove National Park (which is a campus of the University of Technology, Sydney, established by the <i>University of Technology, Sydney, Act 1989</i>). | 12 13 14 15 16 |
| 4 Kuring-gai Campus not to be alienated or encumbered | 17 |
| (1) After the commencement of this section, the Kuring-gai Campus can not be lawfully sold, leased, mortgaged, charged or otherwise alienated or encumbered, except as provided by this Act. | 18 19 20 |
| (2) However, this Act does not prevent a transfer or sale of the Kuring-gai Campus to a statutory body representing the Crown if: | 21 22 |
| (a) the statutory body is subject to the direction and control of the Minister, and | 23 24 |
| (b) it is a condition of the transfer or sale that the Kuring-gai Campus is to continue to be used solely for educational purposes. | 25 26 |
| (3) This Act also does not prevent the leasing of, or the granting of a licence to occupy, the Kuring-gai Campus to any person if: | 27 28 |
| (a) the Minister has given prior written approval to the lease or licence, and | 29 30 |
| (b) it is a condition of the lease or licence that under the lease or licence the premises to which it applies are to continue to be used solely for educational purposes. | 31 32 33 |

| | | |
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| 5 | Development controls for Kuring-gai Campus | 1 |
| (1) | Development of the Kuring-gai Campus may be carried out only for the purpose of facilities for educational purposes. | 2 3 |
| (2) | The consent authority for development applications relating to the Kuring-gai Campus is the council of the local government area in which the campus is situated. | 4 5 6 |
| (3) | Any development (such as development for residential purposes) that is not allowed by this section is prohibited at the Kuring-gai Campus, despite any other Act or environmental planning instrument. | 7 8 9 |
| (4) | After this section commences, a declaration must not be made under section 75B of the <i>Environmental Planning and Assessment Act 1979</i> : | 10 11 |
| | (a) that the carrying out of development on the Kuring-gai Campus is a project to which Part 3A of that Act applies, or | 12 13 |
| | (b) that has the effect of making the carrying out of the development on the Kuring-gai Campus a project or part of a project to which Part 3A of that Act applies. | 14 15 16 |
| (5) | Any such declaration has no effect to the extent to which it applies to the Kuring-gai Campus. | 17 18 |
| (6) | 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> . | 19 20 21 |
| 6 | Minister empowered to acquire Kuring-gai Campus | 22 |
| (1) | The Minister may, with the approval of the Governor, declare, by notice published in the Gazette, that the Kuring-gai Campus, or any specified part of the Kuring-gai Campus, is acquired by compulsory process. | 23 24 25 |
| (2) | A notice under this section may except any specified interest in the land from the operation of the notice. | 26 27 |
| (3) | On the date of publication in the Gazette of a notice under this section, the land described in the notice is, by force of this section: | 28 29 |
| | (a) vested in the Minister, and | 30 |
| | (b) 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. | 31 32 33 |

- (4) If: 1
 - (a) the notice excepts an easement from acquisition, and 2
 - (b) immediately before the vesting, the benefit of a restriction as to 3
user is annexed to the easement, 4then (unless otherwise specified in the notice) the restriction continues 5
to have effect as if the acquisition had not taken place. 6
- (5) The *Land Acquisition (Just Terms Compensation) Act 1991* does not 7
apply to or in respect of the acquisition of land under this section. 8
- (6) The Minister must not dispose of any interest in the Kuring-gai Campus, 9
or allow it to be used for any purpose, otherwise than as provided by this 10
section. 11
- (7) The Minister is to take all reasonable steps to ensure that, within 12 12
months after the commencement of this section, and at all times 13
thereafter, the Kuring-gai Campus is used solely for educational 14
purposes. 15

7 Application of Act 16

This Act applies: 17

- (a) to each part of the Kuring-gai Campus in the same way as it 18
applies to the whole of the Kuring-gai Campus, and 19
- (b) despite the provisions of any other Act, including section 18 of 20
the *University of Technology, Sydney, Act 1989*. 21