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New South Wales

Sydney Cove Redevelopment Authority Amendment Bill 1998

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Sydney Cove Redevelopment Authority Act 1968* so that the Sydney Cove Redevelopment Authority ceases to have environmental planning functions with respect to land in the Sydney Cove Development Area, those functions to be exercised instead by the Minister administering the *Environmental Planning and Assessment Act 1979*.

The Bill also makes consequential amendments to other Acts and contains savings and transitional provisions.

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, being a day or days occurring on or after the day on which the *Environmental Planning and Assessment Amendment Act 1997* commences.

Clause 3 is a formal provision giving effect to amendments to the *Sydney Cove Redevelopment Authority Act 1968* set out in Schedule 1.

Clause 4 is a formal provision giving effect to consequential amendments to other Acts set out in Schedule 2.

Schedule 1 amends the *Sydney Cove Redevelopment Authority Act 1968* so as to give effect to the object of this Bill referred to above.

Schedule 2 amends the following Acts as a consequence of the amendments to the *Sydney Cove Redevelopment Authority Act 1968* to be effected by Schedule 1:

- *City of Sydney Act 1988 No 48*
- *Environmental Planning and Assessment Act 1979 No 203*
- *Local Government Act 1993 No 30*

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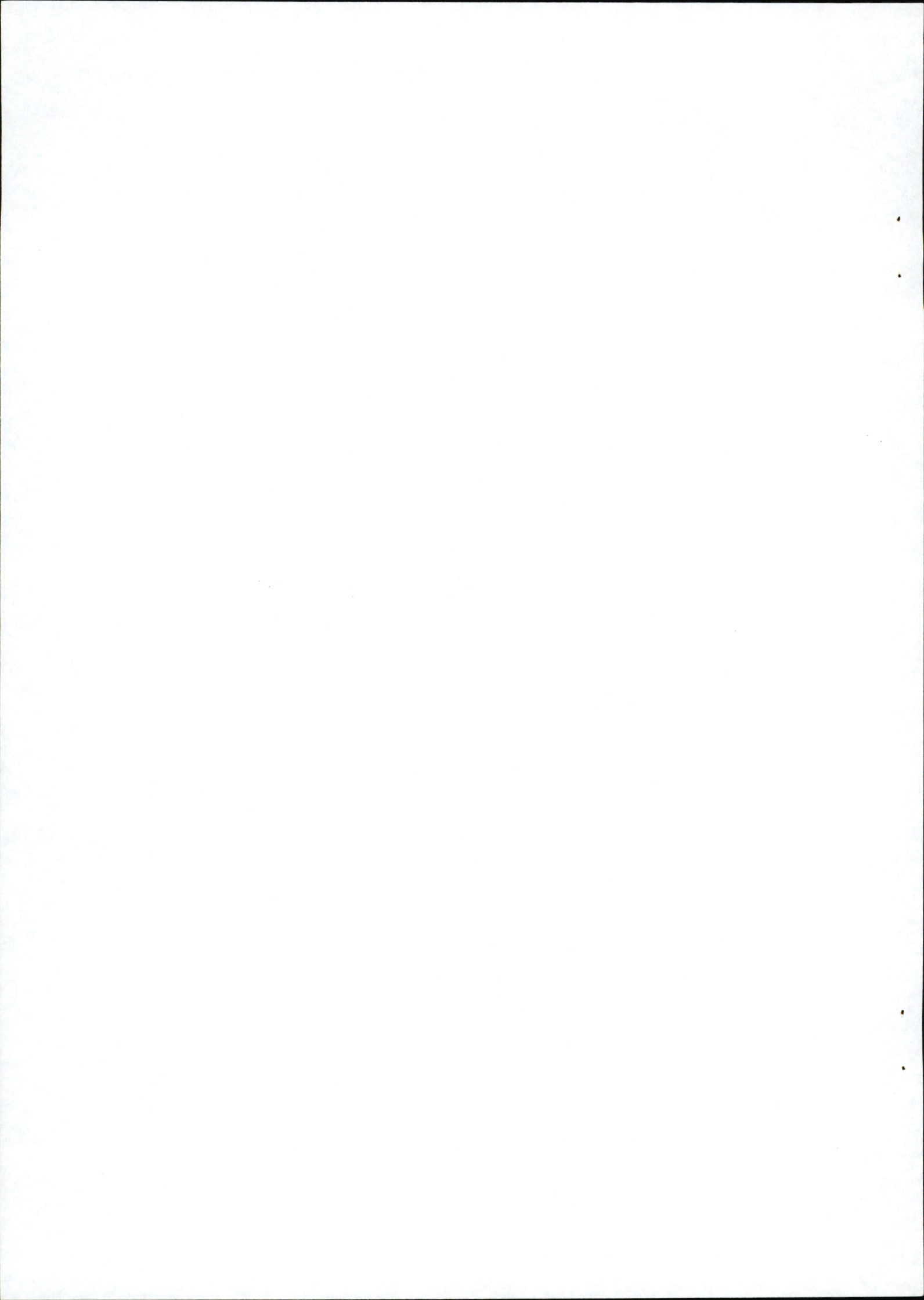
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New South Wales

Sydney Cove Redevelopment Authority Amendment Bill 1998

No. , 1998

A Bill for

An Act to amend the *Sydney Cove Redevelopment Authority Act 1968* with respect to environmental planning; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Sydney Cove Redevelopment Authority Amendment Act 1998*.

2 Commencement

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(1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).

(2) A day appointed under subsection (1) must not be a day occurring before the commencement of the *Environmental Planning and Assessment Amendment Act 1997*.

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3 Amendment of Sydney Cove Redevelopment Authority Act 1968 No 56

The *Sydney Cove Redevelopment Authority Act 1968* is amended as set out in Schedule 1.

4 Consequential amendments

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Each Act specified in Schedule 2 is amended as set out in that Schedule.

**Schedule 1 Amendment of Sydney Cove
Redevelopment Authority Act 1968**

(Section 3)

[1] Sections 13–17

Omit the sections.

5

[2] Section 18

Omit the section. Insert instead:

18 Authority to redevelop development area

(1) The principal function of the Authority is to plan and promote the redevelopment of the development area. 10

(2) In exercising that function in relation to land within the development area, the Authority is subject to the requirements of:

(a) the provisions of the approved scheme, and of any environmental planning instrument, to the extent to which they apply to that land, and 15

(b) the provisions of any other Act or law.

[3] Section 19 General powers of Authority

Omit “and without limiting the generality of section 18,” from section 19 (1).

20

[4] Section 19 (1) (g)

Omit “in accordance with the approved scheme”.

[5] Section 22 Authority may erect buildings or grant leases

Omit section 22 (2).

[6] Section 23 Approval of Authority to erection of building

25

Omit the section.

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Schedule 1 Amendment of Sydney Cove Redevelopment Authority Act 1968

[7] Section 24 Minor variation in approved scheme

Omit the section.

[8] Section 25 Development consent and building approval etc

Omit section 25 (1)–(1E) and (2)–(6).

[9] Section 25 (1F)

5

Omit "*Strata Titles (Leasehold)*".

Insert instead "*Strata Schemes (Leasehold Development)*".

Schedule 2 Consequential amendments

(Section 4)

2.1 City of Sydney Act 1988 No 48

Section 32 Relationship of this Part to the Planning Act etc

Omit section 32 (3).

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2.2 Environmental Planning and Assessment Act 1979 No 203

[1] Schedule 6 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

*Sydney Cove Redevelopment Authority Amendment Act
1998* 10

[2] Schedule 6, Part 8

Insert after Part 7 (as inserted by the *Darling Harbour Authority
Amendment and Repeal Act 1998*):

Part 8 Sydney Cove Redevelopment Authority Amendment Act 1998 15

27 Definitions

In this Part:

amending Act means the *Sydney Cove Redevelopment
Authority Amendment Act 1998*. 20

appointed day means the day appointed for the commencement of Schedule 1 to the amending Act by proclamation under section 2 of that Act.

approved scheme means the approved scheme for the purposes of the 1968 Act, as that scheme was in force immediately before the appointed day, and as amended from time to time in accordance with the regulations. 5

Sydney Cove Development Area has the same meaning as *development area* in the 1968 Act.

the 1968 Act means the *Sydney Cove Redevelopment Authority Act 1968*. 10

28 Consent authority

The consent authority with respect to land in the Sydney Cove Development Area is:

(a) except as provided by paragraph (b), the Minister, or 15

(b) in relation to an application for a complying development certificate or Part 4A certificate, the Sydney Cove Redevelopment Authority.

29 Carrying out of development 20

(1) This clause applies to such land within the Sydney Cove Development Area as is not the subject of a regional environmental plan or local environmental plan.

(2) Development of any kind may not be carried out on land to which this clause applies without development consent, subject to the provisions of any State environmental planning policy that allows development to be carried out on that land without development consent. 25

(3) For the purposes of section 76A: 30

(a) the approved scheme has effect as if it were an environmental planning instrument, and

- (b) subclause (2) has effect as if it were a provision of an environmental planning instrument.

Consequently, all development on land to which this clause applies must have development consent and must comply with the requirements of the approved scheme.

- (4) For the purposes of section 79C, the approved scheme has effect as if it were an environmental planning instrument.
- (5) The regulations may make provision for the amendment of the approved scheme.

30 Consents

- (1) An application for the consent of the Sydney Cove Redevelopment Authority under section 23 or 25 of the 1968 Act that had not been finally determined before the appointed day is to be dealt with under Part 4 of that Act as if the amending Act had not been enacted.
- (2) However, the application is to be dealt with by the Minister and not (subject to any delegation by the Minister under section 23) by the Sydney Cove Redevelopment Authority.
- (3) A consent under the 1968 Act, including a consent granted in accordance with this clause, is taken to be development consent granted under this Act.
- (4) This Act applies to development consent arising under this clause as if it had been granted when the consent referred to in subclause (3) was granted.

31 Power of Minister, corporation and Director to delegate functions

For the purposes of section 23, the Sydney Cove Redevelopment Authority is taken to be a council.

32 Application of environmental planning instruments within Sydney Cove Development Area

- (1) Any State environmental planning policy that is expressed to apply:
- (a) to the whole of the State, or

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Schedule 2 Consequential amendments

- (b) to land within the Sydney Cove Development Area, or
 - (c) to land of which the Sydney Cove Development Area forms part,
- applies, in accordance with its provisions, to land within the Sydney Cove Development Area. 5
- (2) Any regional environmental plan, local environmental plan or deemed environmental planning instrument that was in force before the commencement of this clause does not apply to land within the Sydney Cove Development Area. 10
 - (3) Subclause (2) does not prevent:
 - (a) a regional environmental plan or local environmental plan made after the commencement of this clause from applying to land within the Sydney Cove Development Area, or 15
 - (b) a regional environmental plan or local environmental plan made before the commencement of this clause from applying to land within the Sydney Cove Development Area as a consequence of an amendment to the plan made after that commencement. 20

2.3 Local Government Act 1993 No 30

[1] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts 25

Insert at the end of clause 1 (1):

Sydney Cove Redevelopment Authority Amendment Act 1998

[2] Schedule 8

Insert after Part 8 (as inserted by the *Darling Harbour Authority Amendment and Repeal Act 1998*):

**Part 9 Provisions consequent on the enactment of
the Sydney Cove Redevelopment Authority
Amendment Act 1998** 5

28 Action taken by Sydney Cove Redevelopment Authority

Anything done by the Sydney Cove Redevelopment Authority under this Act, as applied to land within the Sydney Cove Development Area by section 25 of the *Sydney Cove Redevelopment Authority Act 1968*, is taken to have been done by the relevant council under this Act. 10