

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

**I. P. K. VIDLER,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 21 November, 1968.*

## New South Wales



ANNO SEPTIMO DECIMO

**ELIZABETHÆ II REGINÆ**

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**Act No.       , 1968.**

An Act to provide for the constitution of the Sydney Cove Redevelopment Authority and to define its powers, authorities, duties and functions; to vest certain property in the Authority and to provide for the acquisition by it of certain other property; to amend the Crown Employees Appeal Board Act, 1944; and for purposes connected therewith.

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*Sydney Cove Redevelopment Authority.*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**PART I.**

**PRELIMINARY.**

1. (1) This Act may be cited as the "Sydney Cove Redevelopment Authority Act, 1968".

Short title and commencement.

10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is divided as follows :—

Division into Parts.

PART I.—PRELIMINARY—ss. 1–3.

15 PART II.—CONSTITUTION OF THE AUTHORITY—ss. 4–9.

PART III.—ACQUISITION OF THE DEVELOPMENT AREA—ss. 10–12.

20 PART IV.—POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY—ss. 13–25.

PART V.—ADVISORY COMMITTEES—ss. 26–27.

PART VI.—FINANCE—ss. 28–42.

PART VII.—GENERAL—ss. 43–54.

SCHEDULES.

25 3. (1) In this Act, except in so far as the context or subject matter otherwise indicates or requires—

Interpretation.

"Authority" means the Sydney Cove Redevelopment Authority constituted by this Act;

"development

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*Sydney Cove Redevelopment Authority.*

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“development area” means the land described in the First Schedule to this Act and any other land acquired by the Authority pursuant to this Act;

“Director” means Director of the Authority;

5 “public authority” means any public or local authority constituted by an Act other than this Act;

“prescribed” means prescribed by this Act or by the regulations;

10 “public road” has the meaning ascribed to that expression in the Local Government Act, 1919;

“regulations” means regulations made under this Act;

“road” has the meaning ascribed to that expression in the Local Government Act, 1919.

(2) In this Act, a reference to an Act includes all  
15 amendments of that Act, whether by subsequent Acts or otherwise, and an Act passed in substitution for the Act referred to, or incorporating any of its provisions.

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PART II.

CONSTITUTION OF THE AUTHORITY.

20 4. (1) There shall be a Sydney Cove Redevelopment Constitution  
Authority which shall have and may exercise and discharge of  
the powers, authorities, duties and functions conferred or Authority.  
imposed upon it by or under this or any other Act.

25 In the exercise and discharge of its powers, authorities,  
duties and functions the Authority shall, except where the  
Authority makes a recommendation to the Minister, be  
subject in all respects to the control and direction of the  
Minister.

(2) For the purposes of any Act the Authority shall  
30 be deemed to be a statutory body representing the Crown.

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*Sydney Cove Redevelopment Authority.*

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(3) The Authority shall consist of six members appointed by the Governor. Of the members so appointed—

- 5 (a) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment or by a subsequent instrument, be appointed as the Chairman of the Authority;
- 10 (b) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment or by a subsequent instrument, be appointed as the Director;
- (c) two shall be persons nominated by the Minister as persons who, in his opinion, have special knowledge of, and experience in, either town planning or building development;
- 15 (d) one shall be an officer of the Department of Public Works nominated by the Minister for the time being administering that Department;
- (e) one shall be an officer of the Council of the City of Sydney nominated by that Council.

20 (4) A member of the Authority shall, subject to this Act, hold office as such a member for such term not exceeding seven years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment from time to time.

25 Any such reappointment shall be for such term not exceeding seven years as may be specified in the instrument of his reappointment.

30 (5) On the occurrence of a vacancy in the office of a member of the Authority otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated as provided by subsection three of this section for his predecessor in office.

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*Sydney Cove Redevelopment Authority.*

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(6) A person who is of or above the age of sixty-five years shall not be appointed as a member of the Authority.

(7) The Director—

5 (a) shall be the chief executive and administrative officer of the Authority, shall devote the whole of his time to the duties of his office, and shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on him by this Act and such of the powers, authorities, duties and functions of the Authority as are delegated to him by the Authority; and

10 (b) shall be the Deputy Chairman of the Authority and shall, during the absence or illness of the Chairman, act in the place of the Chairman with, in addition to the powers, authorities, duties and functions conferred or imposed on him as Director, the powers, authorities, duties and functions conferred or imposed on the Chairman.

15 (8) No person shall be concerned to inquire whether 20 any occasion has arisen requiring or authorising the Director to act as Deputy Chairman in the place of the Chairman, and all acts or things done or omitted by the Director while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the 25 Chairman.

(9) During the absence or illness of the Director the Minister may, on such terms and conditions (including terms and conditions as to payment of salary or remuneration, and allowances) as the Minister may determine, appoint any 30 person as Acting Director of the Authority, and the person so appointed, while he holds office as Acting Director of the Authority—

(a) shall have and may exercise or perform the powers, authorities, duties and functions of the Director and Deputy Chairman of the Authority; and

35 (b) if he is not otherwise a member of the Authority, shall be deemed to be such a member.

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*Sydney Cove Redevelopment Authority.*

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(10) No person shall be concerned to inquire whether any occasion has arisen requiring or authorising the Acting Director to act in the place of the Director, and all acts or things done or omitted by the Acting Director of the Authority  
5 while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Director.

(11) The Chairman and members of the Authority, other than the Director, shall receive such remuneration and  
10 allowances and the Director shall receive such annual salary and allowances, as the Governor in each case may from time to time determine.

(12) Where any member of the Authority, other than the Director, is an officer of the Public Service or of a public  
15 authority he shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration and allowances under this section in addition to any remuneration and allowances to which he is otherwise entitled.

20 (13) Where by or under any other Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to dis-  
25 qualify him from holding that office and also the office of a member of the Authority other than the Director.

(14) The office of a member of the Authority, other than the Director, shall not for the purposes of any Act be deemed to be an office or place of profit under the Crown.

30 (15) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment by the Governor of any member of the Authority and any such member so appointed shall not, in his capacity as such a member, be subject to the provisions of that Act during his  
35 term of office.

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*Sydney Cove Redevelopment Authority.*

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(16) A member of the Authority shall be deemed to have vacated his office—

- (a) if he dies;
- 5 (b) if, being the Director, he engages during his term of office in any paid employment outside the duties of his office;
- 10 (c) if, being the Director, he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) unless such absence is occasioned by illness or other unavoidable cause;
- 15 (d) if, being a member other than the Director, he is absent from four consecutive ordinary meetings of the Authority of which reasonable notice has been given him either personally or in the ordinary course of post unless on leave granted by the Authority or unless he is, before the expiration of four weeks after the last of such meetings, excused by the Authority for his absence from such meetings;
- 20 (e) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;
- 25 (f) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- 30 (g) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- 35 (h) if he resigns his office by writing under his hand addressed to the Governor, and the Governor accepts the resignation;

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*Sydney Cove Redevelopment Authority.*

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- (i) if he is removed from office by the Governor;
- (j) if he is a member appointed under paragraph (d) or (e) of subsection three of section four of this Act and he ceases to hold the qualification by virtue of which he was appointed; or
- (k) on the day on which he attains the age of sixty-five years.

(17) The Governor may, for any cause which appears to him sufficient, remove any member of the Authority from office.

(18) Where the Director is, at the date of his appointment as Director, an officer of the Public Service and he ceases to be the Director from any cause whatsoever, otherwise than in pursuance of subsection sixteen (paragraph (h) excepted) or seventeen of this section, he shall, if he is under the age of sixty years, be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as the Director.

(19) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or the Superannuation Act, 1916, or the Local Government (Superannuation) Act, 1927, to any person appointed as Director who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927.

(20) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916, or any permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, who is appointed as Director shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he



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*Sydney Cove Redevelopment Authority.*

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he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, or a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, as the case may  
5 be, and for that purpose his service as Director shall be deemed to be service for the purpose of the Act under which he continued to contribute or by which that entitlement is conferred.

In respect of a Director who contributes to a fund or  
10 account as aforesaid, the Authority shall pay to the State Superannuation Board or the Local Government Superannuation Board, as the case may be, such amounts as would have been payable by the employer by whom he was employed immediately before his appointment as the Director, if the  
15 Director had remained an employee or permanent servant as aforesaid and had continued to be employed at the same salary or wage as the salary or wage at which he is employed by the Authority.

5. (1) The Authority shall be a body corporate with  
20 perpetual succession and a common seal, and may sue or be sued in its corporate name, and shall, subject to this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing or suffering all such acts and things  
25 as bodies corporate may by law do and suffer.

Authority  
to be body  
corporate—  
proceedings  
of Authority.

(2) The corporate name of the Authority shall be "Sydney Cove Redevelopment Authority".

(3) The common seal shall be kept in the custody of the Director and shall not be affixed to any instrument except  
30 in pursuance of a resolution of the Authority.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of the Chairman or the Director, and one other member.

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*Sydney Cove Redevelopment Authority.*

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(4) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Authority.

5 (5) Four members of the Authority, including the Chairman of the Authority or the Director, or both of them, shall form a quorum and any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority.

10 (6) In the event of an equality of votes at any meeting of the Authority, the Chairman shall have, in addition to a deliberative vote, a second or casting vote.

A decision of a majority of the members present at a meeting of the Authority at which a quorum is present shall  
15 be the decision of the Authority.

(7) The Authority shall cause full and accurate minutes to be kept of the proceedings at its meetings, and submit to the Minister a copy of the minutes of each such meeting within one week after the day on which it is held.

20 (8) No act or proceeding of the Authority shall be invalidated or prejudiced by reason only of the fact that at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the office of a member of the Authority.

25 (9) No matter or thing done, and no contract entered into, by the Authority and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Authority shall, if the matter or thing was done, or the contract was entered into, bona fide for the  
30 purpose of executing this Act, subject a member of the Authority or a person so acting personally to any action, liability, claim or demand whatsoever.

Nothing

*Sydney Cove Redevelopment Authority.*

Nothing in this subsection shall exempt any member of the Authority from liability to be surcharged with the amount of any payment which he authorised, or joined in authorising, where the payment is disallowed by the Auditor-General in the accounts of the Authority.

6. (1) The Authority shall appoint and employ such servants as may be necessary for carrying out the provisions of this Act.

(2) Subject to this Act, every servant of the Authority shall continue in the service of the Authority at the will of the Authority only.

(3) All servants of the Authority shall be subject to the sole control and governance of the Authority which may fix wages and conditions of employment where they are not fixed in accordance with the provisions of any other Act.

7. The regulations may make provision for and with respect to—

- (a) the control and governance of servants by the Authority; and
- (b) any other matter or thing necessary or convenient to ensure the maintenance of discipline and efficiency in the service of the Authority.

8. (1) Where a servant of the Authority has acquired a right to leave with pay in respect of long service leave and dies before entering upon it or, after entering upon it, dies before its termination, the widow or widower of the servant or, if there is no such widow or widower, the children of the servant or, if there is no such widow or widower or there are no such children, a person who in the opinion of the Authority was, at the time of the death of the servant, a dependent relative of the servant, shall be entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary or wages the servant received at the time of his or her death, less any amount paid to the servant in respect of the leave not taken or not completed.

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*Sydney Cove Redevelopment Authority.*

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(2) Where there is a guardian of any children entitled under subsection one of this section, the payment to which those children are entitled may be made to that guardian for their maintenance, education and advancement.

5 (3) Where there is no person entitled under subsection one of this section to receive the money value of any leave, payment in respect thereof shall be made to the personal representative of the servant.

(4) Where payment of the money value of leave has  
10 been made under this section no action may be brought against the Authority for payment of any amount in respect of that leave.

9. The Crown Employees Appeal Board Act, 1944, is **Amendment** amended by inserting at the end of the Second Schedule **of Act No. 15, 1944.**  
15 words "Sydney Cove Redevelopment Authority".

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**PART III.**

**ACQUISITION OF THE DEVELOPMENT AREA.**

10. (1) In this subsection "land" does not include land <sup>Vesting or</sup> that immediately before the commencement of this Act, was <sup>purchase of</sup> a dedicated public road or was set apart, dedicated or <sup>certain</sup> reserved under any Act for any public purpose.  
20 land.

Notwithstanding anything contained in any Act—

25 (a) any estate or interest that, immediately before the commencement of this Act, was vested in any person on behalf of Her Majesty, or as Constructing Authority, or in a public authority, being an estate or interest in land within the land described in the Second Schedule to this Act, is hereby vested in the Authority for the purposes of this Act, freed and  
30 discharged from any trusts affecting it immediately before that commencement but otherwise without prejudice to any other estate or interest in that land;  
**and**

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*Sydney Cove Redevelopment Authority.*

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5 (b) any land within the land described in the Second Schedule to this Act that, immediately before the commencement of this Act was Crown land within the meaning of the Crown Lands Consolidation Act, 1913, may be granted to the Authority for the purposes of this Act, subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Governor may deem expedient.

10 (2) In this subsection "land" means any part of the land described in the Second Schedule to this Act that is excluded from the operation of subsection one of this section, and any part of the land described in the Third Schedule to this Act.

15 After the giving by the Authority, in the manner prescribed, of such notice as may be prescribed the Governor may, by proclamation published in the Gazette, declare that land described or referred to in the proclamation is vested in the Authority and, notwithstanding anything contained in any Act, upon publication of such a proclamation—

20 (a) where, immediately before publication of the proclamation the land described or referred to therein was land set apart, dedicated (otherwise than as a public road) or reserved under any Act for any public purpose, or was a dedicated public road, the  
25 setting apart, dedication or reservation thereof shall be deemed to have been duly revoked;

(b) where, immediately before publication of the proclamation, the land described or referred to therein—

30 (i) was land so set apart, dedicated or reserved and had been granted; or

(ii) was not land so set apart, dedicated or reserved, or was a dedicated public road,

35 the estate or interest of the grantees, or their successors in title, in land referred to in subparagraph (i) of this paragraph, and any estate or interest in land referred to in subparagraph (ii) of

*Sydney Cove Redevelopment Authority.*

5 of this paragraph that, immediately before that publication, was vested in any person on behalf of Her Majesty, or as Constructing Authority, or in a public authority, shall vest in the Authority for the purposes of this Act, freed and discharged from any trusts affecting it immediately before that publication but otherwise without prejudice to any other estate or interest therein; and

10 (c) where, immediately before publication of the proclamation, the land described or referred to therein was not land that had been granted to or vested in any person, the land so described or referred to may be granted to the Authority for the purposes of this Act, subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the  
15 Governor may deem expedient.

(3) Notwithstanding anything contained in any Act, land that is a public road and is vested pursuant to this section or section eleven of this Act shall remain vested in the  
20 Authority until divested in accordance with this Act.

(4) The Authority shall not be required to pay, by way of compensation or otherwise, any amount to the Crown, or to any person or public authority, in respect of the granting or vesting, pursuant to subsection one or two of this section,  
25 of an estate or interest in land, but nothing in this subsection shall be construed as affecting the provisions of this or any other Act relating to the adjustment of the capital debt of the Authority or any public authority.

(5) The Authority may acquire, by purchase, the land  
30 described in the Fourth or Fifth Schedule to this Act, or any part thereof.

**11.** (1) Where the Authority—

35 (a) has made application to the Governor through the Minister for the appropriation or resumption of any land within the land described in the Second, Third or Fourth Schedule to this Act, or any part thereof, or any land adjoining or in the vicinity of the development area;

Appropriation or resumption of certain land.

(b)

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*Sydney Cove Redevelopment Authority.*

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5 (b) has made provision to the satisfaction of the Minister for payment of compensation for the proposed appropriation or resumption, together with interest and all necessary charges and expenses incidental thereto; and

(c) has given such notice of its application as may be prescribed,

10 the Governor may appropriate or resume the land under Division 1 of Part V of the Public Works Act, 1912, as if the appropriation or resumption were for the purposes of carrying out an authorised work within the meaning of that Act and as if the Governor had directed that any land required for that work be taken pursuant to that Division.

15 (2) Notwithstanding anything contained in the Public Works Act, 1912, upon the publication in the Gazette pursuant to subsection one of this section of a notification under Division 1 of Part V of that Act, the land described or referred to in the notification shall vest in the Authority for the purposes of this Act for an estate in fee simple in 20 possession, freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements whatsoever.

25 (3) The provisions of subsection two of section 536A and sections 536AA to 536DH, both inclusive, of the Local Government Act, 1919, shall, mutatis mutandis and subject to subsection four of this section, apply to and in respect of the appropriation or resumption of land pursuant to this section and matters incidental thereto.

30 (4) For the purposes only of subsection three of this section, the provisions of the Local Government Act, 1919, referred to therein shall, without prejudice to the generality of that subsection, be read and construed as if—

35 (a) references therein to the resumption or appropriation of land by a council were references to the appropriation or resumption of land pursuant to this section, and other references to a council were references to the Authority; and

(b)

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*Sydney Cove Redevelopment Authority.*

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- (b) (i) paragraphs (a), (c) and (d) of subsection two of section 536c had been omitted therefrom;
- 5 (ii) by omitting from paragraph (e) of the same subsection the words "construction of any works upon the land taken" and by inserting in lieu thereof the words "carrying out of the approved scheme under the Sydney Cove Redevelopment Authority Act, 1968, or any Act amending that Act, or the carrying out of any part of that scheme";
- 10 (iii) by omitting from the same paragraph the words "Provided that the court in ascertaining such compensation shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of any works on the land taken, but in no case shall this proviso operate so as to require any payment to be made by such owner to the council in consideration of such enhancement of value as aforesaid:";
- 15 (iv) by omitting from the same paragraph the word "also" where secondly occurring.
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(5) Except to the extent provided by this section and by the Local Government Act, 1919, as applied by this section, the provisions of the Public Works Act, 1912, shall  
30 not apply to or in respect of an appropriation or resumption pursuant to this section.

(6) Notwithstanding anything contained in this section (subsection one excepted) or in any other Act, the Authority shall not be required to pay, by way of compensation or otherwise, any amount to the Crown, or to any  
35 person on behalf of Her Majesty, or to a public authority, in respect of an appropriation or resumption of land pursuant to this section.



*Sydney Cove Redevelopment Authority.***12.** (1) On and from—

- (a) the commencement of this Act, in the case of land or any estate or interest therein that is vested in, or may be granted to, the Authority by or pursuant to subsection one of section ten of this Act; and
- (b) the publication of the proclamation, in the case of land or any estate or interest therein that is vested in, or may be granted to, the Authority by virtue of a proclamation published pursuant to subsection two of that section,
- the Authority shall be entitled to the rents and profits, and shall pay all proper outgoings, in respect of that land, and no attornment by a lessee from the immediate predecessor in title of the Authority shall be necessary.
- (2) Except as provided by this Act, or by way of surrender to Her Majesty, the Authority shall not sell, lease, exchange or otherwise deal with or dispose of land vested in, granted to, or otherwise acquired by, the Authority.

**PART IV.****20 POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY.**

- 13.** (1) Subject to this Act the Authority shall be charged with the responsibility of planning and promoting the redevelopment of the development area in accordance with the provisions of this Act and shall, within twelve months from the commencement of this Act, or within such further period as the Minister may in writing allow, submit to the Minister a detailed scheme for the redevelopment of the development area.
- (2) Without limiting the generality of subsection one of this section the scheme shall include—
- (a) a plan of the development area showing—
- (i) the parcels of land, in this Act referred to as “building sites”, on which the Authority proposes that buildings shall be erected;
- (ii)

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*Sydney Cove Redevelopment Authority.*

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- (ii) the parcels of land which the Authority proposes shall be retained or established or dedicated as public places, open spaces, recreation areas and the like;
- 5 (iii) the parcels of land which the Authority proposes shall be retained with, and in association with, buildings of an historical nature erected thereon or on part thereof;
- 10 (iv) the roads which the Authority proposes should be closed or retained and the roads which the Authority proposes should be opened or dedicated as public roads;
- 15 (v) the location or proposed relocation of public utility services in or adjoining the development area;
- (b) proposals for the progressive redevelopment of the development area, including—
- 20 (i) perspective plans of the proposed redevelopment of the development area;
- (ii) recommendations for the redevelopment of the development area in stages and in a progressive and orderly manner;
- 25 (iii) recommendations as to the purpose for which buildings proposed to be erected on each building site should be used, the height and general external design and appearance of each building, the area of each building site to be covered by each building and the situation of each building in relation to the
- 30 boundaries of its building site.
- (3) The scheme shall include, or be accompanied by—
- (a) a statement of the result of a consideration by the Authority of the economic aspects involved;
- 35 (b) such other information as the Authority considers would be necessary or desirable to enable the Minister to consider the scheme, or as the Minister may require.

*Sydney Cove Redevelopment Authority.*

**14.** (1) The Minister shall consider the plan referred to in paragraph (a), and the proposals referred to in paragraph (b), of subsection two of section thirteen of this Act, and may then direct the Authority— <sup>Minister to consider scheme.</sup>

- 5 (a) to proceed with the scheme constituted by the plan and proposals;
- (b) to proceed with that scheme with such alterations as the Minister deems expedient and notifies in writing to the Authority; or
- 10 (c) not to proceed with that scheme, but to submit another scheme for the Minister's consideration.

(2) If, pursuant to paragraph (c) of subsection one of this section, the Minister directs the Authority to submit another scheme, the Authority shall comply with the direction within such period as the Minister may allow, and subsection one of this section shall apply to and in respect of that other scheme as if it were the original scheme.

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**15.** Subject to this Act, where the Minister gives a direction under paragraph (a) or (b) of subsection one of section <sup>Approved scheme.</sup> fourteen of this Act, the scheme in respect of which the direction is given shall constitute the approved scheme for the purposes of this Act and the redevelopment of the development area, and all redevelopment of that area shall, subject to this Act, be carried out in accordance with the approved scheme.

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**16.** (1) The approved scheme shall be filed in the office <sup>Evidence.</sup> of the Authority and may be inspected during the office hours of the Authority by any person on payment of such fees as may be determined by the Authority.

30 (2) A copy of, or an extract from, any document, map or plan embodied in the approved scheme shall be admissible in evidence if it—

- (a) purports to be a copy of, or an extract from, the original document, map or plan and purports to be printed by the Government Printer or by the authority of the Authority; and
- 35

(b)

*Sydney Cove Redevelopment Authority.*

(b) purports to be certified under the hand of the Director.

For the purposes of this subsection a copy of, or an extract from, a document, map or plan may be on the same 5 scale as the original or may be an enlarged or reduced copy.

(3) The Director shall furnish a certified copy or extract referred to in subsection two of this section on the application of any person and upon payment of such fee as may be determined by the Authority, either generally or in 10 a particular case.

17. (1) Subject to this section, the Minister may, on the recommendation of the Authority, vary the approved scheme. Approved scheme may be varied.

(2) Before recommending to the Minister a variation of the approved scheme that involves a variation of the 15 perspective plan, an alteration in the proposed use of a building, an alteration of the height or general external design and appearance of a building, the area of a building site to be covered by a building or the situation of a building in relation to the boundaries of a building site, the Authority 20 shall give notice as prescribed of its intention to make the recommendation and shall, in that notice, specify—

- (a) full particulars of the proposed variation; and
- (b) the time, being not less than thirty days after the giving of the notice, within which any person who, 25 pursuant to this Act, has acquired an estate or interest in a building site (not being a tenancy at will or a license) may lodge with the Authority an objection to the proposed variation.

(3) An objection lodged pursuant to subsection two 30 of this section shall be deemed not to have been duly made unless—

- (a) it is in writing, setting forth the grounds of the objection; and
- (b) it is lodged within the time specified in the notice 35 of the recommendation to which it relates.

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*Sydney Cove Redevelopment Authority.*

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(4) When making its recommendation to the Minister the Authority shall forward to the Minister a copy of any objections duly made to the proposed variation, and a report of the Authority's consideration thereof.

5 (5) After considering the recommendations and any objections, the Minister may direct the Authority—

(a) to vary the approved scheme as recommended by the Authority;

10 (b) to vary the approved scheme with such alterations as the Minister, arising out of his consideration of the Authority's recommendation, and of any objections, deems expedient and notifies in writing to the Authority; or

(c) not to vary the approved scheme.

15 (6) Where the Minister gives a direction under paragraph (a) or (b) of subsection five of this section, the approved scheme, as varied in accordance with the direction, shall be the approved scheme for the purposes of this Act and the provisions of this section and section sixteen of this Act  
20 shall apply to and in respect of the approved scheme as so varied as if it were the original approved scheme.

**18.** (1) The Authority shall, as soon as practicable, cause the development area to be redeveloped in accordance with the approved scheme.

Authority to cause re-development of development area.

25 (2) In the application of Part XIIA of the Local Government Act, 1919, or any scheme prescribed under that Part, to and in respect of the development area—

30 (a) a reference in Division 7 of that Part to a council, and a reference in any such scheme to the responsible authority, shall be deemed to be a reference to the Authority constituted under this Act;

35 (b) in so far as that Part provides for an appeal against a decision on an interim development application, or on an application for consent to carry out development under any such scheme, it shall be deemed to provide only for an appeal to the Minister; and

(c)

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*Sydney Cove Redevelopment Authority.*

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- (c) any such scheme shall, to the extent that it is inconsistent with the approved scheme, be deemed to be suspended.

**19.** (1) For the purposes of this Act, and without limiting the generality of section eighteen of this Act, the Authority may— General powers of Authority.

- (a) pending redevelopment thereof, generally manage property vested in it and grant tenancies at will and licenses, in respect thereof;
- 10 (b) cause surveys to be made, and plans of survey to be prepared, showing the subdivision of the development area or any part thereof into the parcels referred to in subparagraphs (i), (ii) and (iii), and the roads and locations referred to in sub-
- 15 (c) subparagraphs (iv) and (v), of paragraph (a) of subsection two of section thirteen of this Act;
- (c) by notification published in the Gazette, close or realign any public road, or part thereof, within or adjacent to the development area;
- 20 (d) demolish, or cause to be demolished, any building or structure in the development area of which it has exclusive possession;
- (e) arrange, on such terms and conditions as may be agreed upon, for the location or relocation of public utility services in or adjoining the development area or, if no agreement can be reached, on such terms and conditions as may be determined by the
- 25 Minister;
- (f) by notification published in the Gazette, exempt any public road within or adjoining the development area, or any part thereof, from the operation of Division 13A of Part IX of the Local Government Act, 1919, and, by a like notification vary or revoke any such notification; and
- 30 (g) do all things necessary or desirable to cause the development area to be redeveloped in accordance with the approved scheme.
- 35

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Notwithstanding anything contained in any Act, upon the publication, pursuant to paragraph (c) of subsection one of this section, of a notification closing a public road or part thereof, the estate or interest therein of any person or public authority shall vest in the Authority, freed and discharged from any trusts affecting it immediately before that publication and freed and discharged from any rights of the public or any person thereto as a highway.

(3) No compensation shall be payable to the Crown or to any person or public authority in respect of the closing by the Authority of any road.

**20.** (1) The Authority may, by notification published in the Gazette, declare that it proposes to surrender to Her Majesty land described or referred to in the notification to be dedicated for any public purpose specified in the notification or, if so specified in the notification, as a public road.

Dedication  
of land for  
public  
purposes  
or as a  
road.

(2) Upon the surrender of land described or referred to in a notification published pursuant to subsection one of this section, the land so described or referred to shall be Crown land reserved from sale or lease generally and, upon revocation of the reservation, may be dedicated under the Crown Lands Consolidation Act, 1913, for the public purpose specified in the notification or, as the case may require, under the Public Roads Act 1902, as a public road.

(3) The Authority may, in a notification published pursuant to subsection one of this section, limit the description of, or reference to, land to a specified depth below the surface thereof and, where such a description or reference is so limited, subsection two of this section shall not apply to or in respect of land below the depth so specified.

(4) The Authority may, by notification published in the Gazette, declare to be a public road any elevated or subterranean structure owned by the Authority that continues the line of a public road and, upon publication in the Gazette of such a notification, the structure shall, except in relation to any vesting thereof, be deemed to be a public road.

(5)

*Sydney Cove Redevelopment Authority.*

(5) Notwithstanding anything contained in any Act, a road within the development area shall not be provided, opened, dedicated, closed or realigned by the Crown or any person or public authority except pursuant to the provisions 5 of this Act or with the consent of the Authority.

21. (1) For the purposes of this Act, the Authority may make and enter into contracts with any person for the carrying out of any work or the performance of services or the supply of goods, machinery or material in connection with the 10 exercise or discharge by the Authority of the powers, authorities, duties and functions conferred or imposed upon it by this or any other Act.

Authority may enter into contracts.

(2) Any such contract or agreement shall be deemed, for the purposes of the Constitution Act, 1902, to be a con- 15 tract or agreement for or on account of the Public Service of New South Wales.

22. (1) At any time after the Minister has directed the Authority to proceed with the approved scheme the Authority may—

Authority may erect buildings or grant leases.

- 20 (a) erect or cause to be erected a building on a building site; or
- (b) grant, with the approval of the Minister, a lease of a building site to the Crown, to any public authority or to any person for such term, on such conditions 25 and subject to such covenants, not inconsistent with any prescribed term, condition or covenant, as the Authority may determine and, except in the case of a prescribed term, condition or covenant, the Minister may approve.

30 (2) The covenants referred to in subsection one of this section shall include covenants on the part of the lessee—

- (a) not to commence the erection of a building on the land leased or any work preparatory or incidental thereto, without the written consent of the 35 Authority;

(b)



*Sydney Cove Redevelopment Authority.*

(b) not to erect on the land leased a building that is not in conformity with plans and specifications thereof approved by the Authority; and

5 (c) not to contravene any condition imposed by the Authority when giving the consent referred to in paragraph (a) of this subsection.

Nothing in this subsection shall be construed as limiting the form of any covenant referred to therein or the form or extent of any other covenant in a lease of a building site.

10 (3) Where a covenant, condition or stipulation in a lease granted by the Authority excludes, or is inconsistent with, the operation of a provision of an Act passed before or after the commencement of this Act, being a provision whereby, but for this subsection—

15 (a) a right would be conferred, or an obligation imposed, on a lessor or lessee; or

(b) a covenant, condition or stipulation would be implied, or be deemed to be included, in the lease,

20 the provision shall not, to the extent of the exclusion or inconsistency, operate in respect of the lease.

(4) A lease granted by the Authority may provide for payment of a penalty for a breach of a covenant, condition or stipulation in the lease and may assign different penalties for different breaches and, upon such a breach, the 25 penalty specified in relation thereto shall, whether or not the breach gives rise to a right of re-entry or forfeiture, be recoverable as liquidated damages.

23. (1) Subject to this section—

30 (a) the Authority may give a consent referred to in paragraph (a) of subsection two of section twenty-two of this Act upon the application of a person entitled to apply to the Council of the City of Sydney for its approval to the erection of a building; and

35 (b) the Authority may impose conditions in giving such a consent.

(2)

Approval  
of Authority  
to erection  
of building.

*Sydney Cove Redevelopment Authority.*

(2) Subject to section twenty-four of this Act, the Authority shall not give a consent pursuant to subsection one of this section unless—

- 5 (a) the application therefor is accompanied by such plans and specifications of the building in respect of which the consent is sought, and such other information in respect of that building, as may be prescribed or as the Authority may require; and
- 10 (b) the application therefor and the accompanying plans, specifications and other information disclose that the building in all respects will be in conformity with the approved scheme as to—
- 15 (i) the use to which the building will be put;
- (ii) the height and general external design and appearance of the building;
- (iii) the area of the building site to be covered by the building; and
- (iv) the situation of the building in relation to the boundaries of the building site.

20 **24.** (1) Where application is made to the Authority for its consent to the erection on a building site of a building that is not in all respects in conformity with the approved scheme and, in the opinion of the Authority, any variation from the approved scheme is a minor variation in respect of the matters referred to in subparagraphs (i) to (iv), both inclusive, of paragraph (b) of subsection two of section twenty-three of this Act, the Authority shall make a recommendation to the Minister in connection with the application.

30 (2) The Minister shall consider a recommendation made pursuant to subsection one of this section and the circumstances of the case and, if he is of the opinion that the variation which, if the proposed building were erected, would be made in the approved scheme—

- 35 (a) is not one which should be dealt with pursuant to section seventeen of this Act;
- (b) will not prejudice the approved scheme;
- (c) will not adversely affect the amenity of the development area; and
- (d)

*Sydney Cove Redevelopment Authority.*

(d) will not adversely affect the rights of any person who, pursuant to this Act, has acquired an estate or interest (not being a tenancy at will or a license) in land in the development area,

5 the Minister may approve of the application in writing.

An approval given by the Minister pursuant to this section may be given subject to such conditions as he thinks fit and shall be deemed to be a consent given by the Authority pursuant to subsection one of section twenty-three of this  
10 Act subject to those conditions.

**25.** (1) The consent of the Authority to the erection of a building in the development area shall be a consent for the purposes of this Act only and, subject to this section and subsection two of section eighteen of this Act, shall not be  
15 construed as authorising the erection of the building without any other approval which, by or under any other Act, or any rule, regulation, by-law or ordinance, is required for or in connection with the erection of the building.

(2) Notwithstanding anything contained in any  
20 other Act, or any rule, regulation, by-law or ordinance, where the Authority has consented to the erection of a building in the development area, the Council of the City of Sydney shall be deemed to have approved, pursuant to any such Act, rule, regulation, ordinance or by-law—

- 25 (a) the building line and height of the building;  
(b) the proportion of the site to be covered by the building, and any open space and light areas to be provided;  
30 (c) the position of the building in relation to other buildings and the boundaries of the building site;  
(d) the means of access to the building;  
(e) the space or accommodation to be provided for vehicles likely to be used by the occupants of, or visitors to, the building; and  
35 (f) the accommodation to be provided for the loading or unloading of vehicles.

*Sydney Cove Redevelopment Authority.*

PART V.

ADVISORY COMMITTEES.

26. (1) The Minister may, on the recommendation of <sup>Advisory</sup> the Authority, by notification published in the Gazette, <sup>committees.</sup>  
5 appoint advisory committees to carry out such investigations and furnish such reports and recommendations as the Authority may require in connection with any matter or thing relating to the redevelopment of the development area or the carrying out or exercise by the Authority of any  
10 power, authority, duty or function conferred or imposed upon the Authority by this or any other Act.

(2) Without limiting the generality of subsection one of this section advisory committees may be appointed to investigate, and report and make recommendations on, any  
15 matter relating to—

- (a) the co-ordination of redevelopment in the development area;
- (b) the use and preservation of historical sites and buildings; and
- 20 (c) the design and location of buildings, services, public roads and public places within the development area, and services and public roads adjacent to the development area.

27. (1) Each advisory committee shall consist of a <sup>Constitu-</sup> chairman and such other persons as the Minister thinks fit. <sup>tion of</sup>  
25 <sup>advisory</sup>

(2) A member or servant of the Authority may be <sup>committees.</sup> appointed to an advisory committee.

(3) Officers or employees of any Government Department or of any public authority or any officer or  
30 servant of the Council of the City of Sydney may, with the approval of the Minister of the Department concerned, or of the public authority or the Council, as the case may require, be appointed to an advisory committee on such terms and conditions as may be arranged.

35 (4) Each member of an advisory committee shall be appointed for such term, not exceeding three years, as may be

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*Sydney Cove Redevelopment Authority.*

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be specified in the instrument of his appointment and, if otherwise qualified, shall be eligible for reappointment from time to time.

Any such reappointment shall be for such term, not exceeding three years, as may be specified in the instrument of reappointment.

(5) On the occurrence of a vacancy in the office of a member of an advisory committee otherwise than by the expiration of the term for which he was appointed the Minister may, by notification published in the Gazette, appoint any person to fill the vacant office and any person so appointed shall hold office for the remainder of his predecessor's term of office.

(6) A member of an advisory committee shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Authority and his resignation is accepted by the Authority;
- (c) is, on the recommendation of the Authority, removed from office by the Minister;
- (d) being a member or servant of the Authority ceases to hold office as such a member or ceases to be such a servant; or
- (e) having been appointed by virtue of his being an officer or employee or servant of a Government Department, public authority or the Council of the City of Sydney, ceases to be employed by that Government Department, public authority or Council, as the case may be.

(7) The Minister may, on the recommendation of the Authority, remove from office for any cause which appears to him sufficient, any member of an advisory committee.

(8) The procedure for the calling of meetings of an advisory committee, and for the conduct of business at such meetings shall, subject to any direction by the Authority, be as determined by the advisory committee.

(9)

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*Sydney Cove Redevelopment Authority.*

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(9) A member of an advisory committee, not being a member or servant of the Authority, shall be entitled to receive such remuneration (whether by way of fee or allowance or otherwise) and such travelling expenses as may  
5 from time to time on the recommendation of the Authority be fixed by the Minister.

(10) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting  
10 him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of an advisory committee or from accepting and retaining any remuneration and expenses payable to him as such a member.

15 (11) The office of member of an advisory committee shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

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**PART VI.**

**FINANCE.**

20 **28.** (1) The Authority shall cause to be kept proper books of account in relation to all of its operations, and shall, as soon as practicable after the thirtieth day of June in each  
25 year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority.

Accounts  
to be kept  
by the  
Authority.

(2) The Minister shall cause the statement of accounts to be laid before Parliament within fourteen sitting days after its receipt by him if Parliament is in session, and  
30 if not, then within fourteen sitting days after the commencement of the next session.

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*Sydney Cove Redevelopment Authority.*

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29. (1) The accounts of the Authority shall be audited <sup>Audit of</sup> by the Auditor-General who shall have, in respect thereof, all <sup>accounts.</sup> the powers conferred on him by any law now or hereafter in force relating to the audit of public accounts; and the Audit  
5 Act, 1902, shall apply to the members of the Authority and its officers in the same manner as it applies to accounting officers of Public Departments.

(2) The Auditor-General shall report to the Authority and the Minister—

- 10 (a) whether or not in his opinion—
- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Authority;
  - 15 (ii) the expenditure incurred has been duly authorised, vouched and supervised;
  - (iii) any of the moneys or other property of the Authority have been misappropriated or improperly or irregularly dealt with; and
- 20 (b) as to any other matters which in his judgment call for special notice or which are prescribed.

(3) Towards defraying the costs and expenses of such audit the Authority shall pay to the Consolidated Revenue Fund such sums, at such times, as the Treasurer may decide.

25 30. (1) As soon as practicable after the commencement of this Act the Valuer General shall determine the improved <sup>Capital</sup> capital value of all the land vested pursuant to paragraph (a) <sup>debt of the</sup> of subsection one of section ten of this Act, and the total <sup>Authority.</sup> amount of the value so determined and certified by the  
30 Treasurer to the Authority shall be deemed to be the capital debt assumed by the Authority.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Where, pursuant to subsection one or two of section ten of this Act, any land is granted to the Authority and where, pursuant to paragraph (b) of subsection two of that section, any land is vested in the Authority, the Valuer General shall determine the improved capital value of the land so granted or vested, and the capital debt of the Authority shall be increased by the amount of the value so determined and certified by the Treasurer to the Authority.

(3) Where, pursuant to section twenty of this Act, any land vested in the Authority is surrendered to Her Majesty, the Valuer General shall determine the improved capital value of the land so surrendered, and the capital debt of the Authority shall be reduced by the amount of the value so determined and certified by the Treasurer to the Authority.

15 31. In respect of its capital debt the Authority shall pay interest to the Treasurer for credit to the Consolidated Revenue Fund interest at such rates and on such terms and conditions as the Treasurer may from time to time determine and notify to the Authority.

Interest on capital debt.

20 32. The Treasurer may at any time require the Authority to pay from accumulated funds to the credit of the Consolidated Revenue Fund such amounts as he may determine and notify to the Authority as being surplus to the requirements of the Authority from time to time.

Payment of surplus funds to Consolidated Revenue Fund.

25 33. The Authority may invest moneys held by it in Government securities of the Commonwealth of Australia or of the State of New South Wales, or in any securities guaranteed by the Government of the said State, or on call or on fixed deposit, or partly on call and partly on fixed deposit, with the Treasurer or with any bank, or in such other securities as the Governor may approve or as may be prescribed.

Investment of funds.



*Sydney Cove Redevelopment Authority.*

34. (1) For the temporary accommodation of the Authority it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Authority's funds to such extent as may from time to time  
5 be approved by the Governor.

(2) The Treasurer may advance such moneys to the Authority, upon such terms and conditions as to repayment and interest, as may be agreed upon.

35. The Authority may from time to time with the concurrence of the Treasurer and the approval of the Governor  
15 borrow money for—

- (a) the purpose of carrying out and performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans;
- 15 (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank; or
- (d) any other purpose of this Act.

36. (1) The Authority shall establish a reserve for loan  
20 repayment fund in respect of each loan or renewal loan raised by the Authority.

(2) The Authority shall during each year transfer to each such fund from the revenue of the Authority a sum not less than the sum that the Authority in its application for  
25 approval of the loan specified that it proposed to transfer as aforesaid.

(3) Moneys held as reserve for loan repayment may be invested in government securities of the Commonwealth of Australia or of the State of New South Wales, or in  
30 debentures, bonds, inscribed stock or other prescribed securities in any loan of the Authority, or in any securities guaranteed by the Government of the said State, or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

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*Sydney Cove Redevelopment Authority.*

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(4) Any interest or profits realised on such investments shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All moneys paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

10 (6) Where the Authority decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, the Authority shall, in addition to the sum otherwise payable to the reserve for repayment of that  
15 loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and one-half per centum per annum on the face value of the cancelled securities from the date of their cancellation until  
20 the maturity of the loan.

(7) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the Authority.

(8) A reserve for loan repayment fund shall not be  
25 subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

30 **37.** (1) For securing repayment of the principal and interest on any moneys borrowed, the Authority may as provided by the regulations issue debentures, bonds, inscribed stock or other prescribed securities. <sup>Debentures, etc.</sup>

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond and whether  
35 separated therefrom or not shall be transferable by simple delivery.

(3)

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*Sydney Cove Redevelopment Authority.*

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(3) Inscribed stock shall be transferable in the books of the Authority in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall as regards both the issue and transfer thereof for full consideration or money or money's worth be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

10 (5) The holder of a coupon originally annexed to a debenture or bond and whether separated therefrom or not shall be entitled to receive payment from the Authority of the interest specified in the coupon upon its presentation on or after the date when, and at the place where, the interest is  
15 payable.

(6) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the Authority, and the interest thereon, shall be a charge upon the income and revenue of the  
20 Authority from whatever source arising and is hereby guaranteed by the Government.

(7) Any liability arising under the guarantee given by subsection six of this section shall be discharged out of moneys provided by Parliament.

25 (8) The charge created by subsection six of this section shall not prejudice or affect any power of the Authority to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

**38.** (1) Notwithstanding anything contained in this Part  
30 any money which the Authority is authorised to borrow may be borrowed by a loan raised wholly or in part in such place outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be negotiated and raised in any currency.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and containing any term, condition or provision permitted under the law of the place where the loan is raised, 5 and the Authority may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The Authority may in respect of any such loan agree that a sinking fund shall be established and controlled 10 at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of section thirty-six of this Act shall apply with regard to that loan only in respect of the amount, if any, the repayment of 15 which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this section, the Authority may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, 20 stock or other securities referred to in subsection two of this section, or for the sale of such debentures, bonds, stock or other securities, or the granting of an option to purchase such debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or 25 in any other part of the world in connection with such loan or with the issue, management and redemption of or otherwise with respect to such debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the 30 giving or receipt of consideration as the Authority thinks fit. Copies of any such agreement shall be forwarded to the Minister who shall cause the same to be laid before both Houses of Parliament as soon as possible after the loan is raised.

35 (5) The Governor may, upon the recommendation of the Authority, by notification published in the Gazette, appoint two or more persons to enter into for and on behalf of the Authority all such agreements as the Authority is by this section authorised to enter into and to sign, execute, or 40 otherwise perfect all such agreements, debentures, bonds, stock

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*Sydney Cove Redevelopment Authority.*

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stock or other securities as are by this section provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like  
5 notification, revoke or vary any such appointment and make any fresh appointment.

The production of a copy of the Gazette containing a notification of any such appointment or revocation as aforesaid shall in favour of a lender or of any holder of a security  
10 be conclusive evidence of the appointment or revocation.

(6) All debentures, bonds, stock or other securities bearing the signatures of such persons so appointed in that behalf shall be deemed to be securities lawfully issued under seal by the Authority and the principal moneys and interest  
15 secured thereby shall be a charge upon the income and revenue of the Authority from whatsoever source arising, and the due repayment of such principal moneys and interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under  
20 the authority of this section and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Authority and, if they purport to have been sealed by those persons, to have been lawfully executed by the Authority under seal.

25 A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of such security was in fact duly authorised.

(7) Subject to this section and the law in force in the place where any loan is raised under this section and  
30 applicable to that loan and the securities issued in connection therewith, the provisions of this Part of this Act (other than subsection one of section thirty-seven and subsections three and four of section forty) shall apply, mutatis mutandis, to and in respect of such loan and such securities.

35 **39.** (1) Any trustee, unless expressly forbidden by any <sup>Trustees.</sup> instrument creating the trust, may invest any trust moneys in his hands in stock inscribed by the Authority, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925.

(2)

*Sydney Cove Redevelopment Authority.*

(2) Any debenture issued or stock inscribed by the Authority shall be a lawful investment for any moneys which any company, council or body corporate incorporated by any Act is authorised or directed to invest in addition to any  
5 other investment expressly provided for the investment of such moneys.

(3) No notice of any express, implied or constructive trust shall be received by the Authority or by any officer of the Authority in relation to any debenture or  
10 coupon issued or stock inscribed by the Authority.

40. (1) If any debenture or bond issued by the Authority is lost, destroyed or defaced before it has been redeemed, the Authority may, subject to the provisions of this section, issue a new debenture or bond in lieu thereof.

15 (2) A new debenture or bond issued under subsection one of this section with interest coupon annexed shall bear the same date, number, principal sum, and rate of interest as the lost, destroyed or defaced debenture or bond.

20 (3) Where a debenture or bond is lost or destroyed a new debenture or bond shall not be issued unless—

(a) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture or bond, or of some other person approved by the judge, that it has been  
25 lost or destroyed before redemption;

(b) such advertisements as the judge may direct have been published;

(c) six months have elapsed since the publication of the last of those advertisements; and

30 (d) sufficient security has been given to the Authority to indemnify it against any double payment if the missing debenture or bond is presented for redemption.

(4)

*Sydney Cove Redevelopment Authority.*

(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Authority for cancellation.

5 (5) The provisions of this section shall, *mutatis mutandis*, extend to the case of a lost, destroyed, or defaced coupon.

(6) Notwithstanding any other provision of this section, in case of the loss, theft, destruction, mutilation or  
10 defacement of any debenture or bond issued under section thirty-eight of this Act, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the Authority of such loss, theft, or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case  
15 may be, and upon the Authority receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

41. (1) A person advancing money to the Authority shall  
20 not be bound to inquire into the application of the money advanced, or be in any way responsible for its non-application or misapplication. Protection of investments.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the  
25 Authority shall, in favour of a lender and of any holder of security given by the Authority, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to the borrowing by the Authority in a place outside New South Wales and in a  
30 particular currency, shall also be conclusive evidence in favour of such persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

42. All debentures, bonds, stock or other securities which  
35 are secured upon the income and revenue of the Authority shall rank *pari passu* without any preference one above another by reason of priority of date or otherwise. Debentures, bonds, etc., to rank *pari passu*.

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PART

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*Sydney Cove Redevelopment Authority.*

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PART VII.

GENERAL.

43. (1) For the purpose of enabling the Authority to <sup>Power of</sup> exercise and discharge the powers, authorities, duties and <sup>entry.</sup> functions conferred or imposed on the Authority by or under this or any other Act, any person authorised in writing by the Authority for the purpose may, in respect of land within or adjacent to the development area, at any reasonable time—
- 10 (a) enter into and upon that land and survey and take levels, and for these purposes dig trenches, break up the soil and set up any posts, stakes or marks;
- 15 (b) in or upon that land, make inspections and for this purpose open any ground and take such measures as may be necessary to ascertain the character and condition of the land and any pipe, sewer, wire or drain thereunder; and
- 20 (c) in or upon that land, open any ground, dig trenches and sink test holes or bores for the purpose of ascertaining the nature and quality of the material comprising the subsoil and dig, gather, take and carry away samples of any such material for analysis and testing.
- 25 (2) In the exercise of the power conferred on him by subsection one of this section, an authorised person shall do as little damage as possible and any person (other than the Crown or a public authority) who suffers damage in consequence of the exercise of that power shall be compensated therefor by the Authority.
- 30 (3) Any person who obstructs a person authorised by the Authority pursuant to subsection one of this section in the exercise of the powers conferred on him by that subsection shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars.

44.



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*Sydney Cove Redevelopment Authority.*

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44. (1) For the purposes of exercising and discharging the powers, authorities, duties and functions conferred or imposed on the Authority by or under this or any other Act the Authority may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of any Government Department.

Authority may make use of facilities, and employees of the Crown or a public authority.

(2) The Authority may, for the like purposes, with the approval of the public authority concerned and the Minister, and on such terms as may be arranged, make use of the facilities, or of the services of any of the officers, servants or employees, of a public authority.

45. (1) The Authority may, in writing, delegate to the Director or any other member of the Authority any power, authority, duty or function (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act.

Delegation by Authority.

(2) A decision of the Director or any other member of the Authority when he is acting in pursuance of any delegation under subsection one of this section shall be deemed to be the decision of the Authority.

(3) A delegation under this section may be revoked by the Authority at any time and shall be without prejudice to the exercise or performance by the Authority of the power, authority, duty or function so delegated.

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*Sydney Cove Redevelopment Authority.*

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**46.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying this Act into effect. Regulations.

(2) Without limiting the generality of subsection one of this section, the regulations may prescribe a form of lease of a building site.

(3) The regulations may provide for a penalty, not exceeding one hundred dollars, for any breach thereof and a daily penalty, not exceeding ten dollars per day, for a continuing breach thereof.

(4) The regulations shall—

- (a) be published in the Gazette;
  - 15 (b) take effect from the date of publication or from a later date to be specified therein;
  - (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session and, if not, then within fourteen sitting days after the commencement of the next session.
- 20

(5) If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after the regulations have been laid before the House disallowing the regulation or part thereof, such regulation or part shall thereupon cease to have effect.

*Sydney Cove Redevelopment Authority.*

47. All courts and persons having by law or consent of parties authority to hear, receive and examine evidence— Judicial notice of seal of Authority.

(a) shall take judicial notice of the seal of the Authority affixed to any document; and

5 (b) shall unless the contrary is proved presume that such seal was properly affixed thereto.

48. Any notice, summons, writ or other proceeding required to be served on the Authority may be served by being left at the office of the Authority, or, in the case of a notice, Service of notice of proceedings on the Authority.  
10 by post.

49. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the Director. Documents—how authenticated.

15 50. (1) Any penalty imposed by this Act or the regulations (not being a monetary penalty for breach of a covenant, condition or stipulation in a lease) may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions. Recovery of penalty.

20 (2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

25 51. (1) Any charge, fee, remuneration or money due to the Authority under the provisions of this Act or the regulations may be recovered as a debt in a court of competent jurisdiction. Recovery of charges, etc.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Proceedings for the recovery of any charge, fee, remuneration or money so due to the Authority shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

- 5 (a) section twenty-four of the Common Law Procedure Act, 1899;
- (b) section sixty-four of the District Courts Act, 1912; and
- 10 (c) section twenty-five of the Small Debts Recovery Act, 1912.

**52.** In any legal proceedings by or against the Authority no proof shall be required (unless evidence is given to the contrary) of— **Proof of certain matters not required.**

- (a) the constitution of the Authority;
- 15 (b) any resolution of the Authority;
- (c) the appointment of any member or any servant of the Authority; or
- (d) the presence of a quorum at any meeting at which any determination is made or any act is done by
- 20 the Authority.

**53.** (1) A writ or other process in respect of any damage or injury to person or property shall not be sued out or served upon the Authority or any member of the Authority or any servant of the Authority or any person acting in its or his aid for anything done or intended to be done or omitted to be done under this Act, until the expiration of one month after notice in writing has been served on the Authority or member or servant, as provided in this section. **Notice of action.**

(2) The notice shall state—

- 30 (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained; and

(c)

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*Sydney Cove Redevelopment Authority.*

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(c) the name and place of abode or business of the intended plaintiff and of his attorney, if any, in the case.

(3) In the case of damage to property, any person  
5 who produces on demand his authority from the Authority shall be permitted to inspect the property damaged, and all facilities and information necessary to ascertain fully the value of the property damaged, the nature and extent of the damage, and the amount of money, if any, expended in  
10 repairing the damage shall be given to him.

(4) Subject to subsection five of this section, at the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice and, unless the notice has been served and  
15 subsection three of this section complied with, the plaintiff shall not be entitled to maintain the action.

(5) At any stage of the proceedings the court or any judge of the court in which the action is pending may, if the court or judge deems it to be just or reasonable in the  
20 circumstances so to do—

- (a) amend any defect in the notice on such terms and conditions, if any, as the court or judge may fix ;
- (b) direct that any non-compliance or insufficient compliance with this section shall not be a bar to the  
25 maintenance of the action.

(6) Subject to subsection seven of this section, every such action shall be commenced within the period (in subsection seven of this section referred to as the “prescribed period”) of twelve months next after the occurring of the  
30 cause of action.

(7) Where application is made to a judge of the Supreme Court in accordance with rules of court for an extension of the prescribed period the judge may, if he is satisfied that sufficient cause has been shown, or that, having  
35 regard to all the circumstances of the case, it would be reasonable

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*Sydney Cove Redevelopment Authority.*

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reasonable so to do, make an order for extension of the prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order.

5 An application under this subsection may be made either within the prescribed period or at any time within twelve months thereafter.

Any person who is dissatisfied with the decision of the judge on any such application may appeal to the Court of  
10 Appeal and that court may on the appeal make any order which ought to have been made in the first instance.

Every such appeal shall be made in accordance with rules of court.

(8) The Authority, or any member of the Authority,  
15 servant or person to whom any such notice of action is given as aforesaid, may tender amends to the plaintiff, his attorney or agent at any time within one month after service of notice of action, and in case the tender is not accepted may plead it in bar.

20 (9) The defendant in every such action may plead the general issue and at the trial thereof give this Act and the special matter in evidence.

54. (1) As soon as practicable after the thirtieth day of  
June in each year, the Authority shall prepare and furnish  
25 to the Minister a report upon the operations and activities of the Authority during the year ending on that date.

(2) The Minister shall lay the report of the Authority, or cause it to be laid, before both Houses of  
Parliament as soon as practicable after the receipt by him  
30 thereof.

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SCHEDULES.

*Sydney Cove Redevelopment Authority.*

## SCHEDULES.

## FIRST SCHEDULE.

Sec. 3.

All that piece or parcel of land situate in the City of Sydney, parish  
 of St. Philip and county of Cumberland: Commencing on the high  
 5 water mark of Port Jackson at Dawes Point at its intersection with  
 the northerly prolongation of the eastern side of Hickson Road, the  
 said eastern side forming the western boundary of land enclosed  
 with and used as part of Dawes Point Park adjoining the northern-  
 most western boundary of that park as dedicated by notification in  
 10 Government Gazette dated 14th October, 1932; and bounded thence  
 by that prolongation and that side of Hickson Road southerly to the  
 northern side of Lower Fort Street; by that side and the generally  
 south-eastern side of that street easterly and generally south-westerly  
 to the generally north-eastern side of George Street; by that side of  
 15 that street generally south-easterly to the westernmost corner of the  
 18½ perches of land vested in the Minister for Public Works for  
 addition to and extension of the Mining Museum by notification in  
 Government Gazette dated 24th February, 1939; by a line south-  
 westerly to the generally north-western side of York Street North at  
 20 the northernmost corner of the 29 square feet of land resumed for  
 the construction of a bridge across Sydney Harbour from Dawes Point  
 to Milsons Point by notification in Government Gazette dated 11th  
 March, 1932; by that side of York Street North generally south-  
 westerly to the northernmost corner of the 3¾ perches of land vested  
 25 in the Municipal Council of Sydney for purposes of public roads  
 and highways by notification in Government Gazette dated 29th  
 March, 1935; by the north-western boundary of that land and the  
 north-western boundary of the 1 rood 11¾ perches of land vested in  
 the Municipal Council of Sydney for purposes of public parks and  
 30 public recreation by notification in Government Gazette dated 29th  
 March, 1935, south-westerly; by a line south-westerly to the north-  
 western corner of the 4¼ perches of land vested in the Municipal  
 Council of Sydney for purposes of public parks and public recreation  
 by notification in Government Gazette dated 29th March, 1935; by  
 35 the north-western and southern boundaries of that land south-  
 westerly and easterly; by the western boundary of the 1½ perches of  
 land vested in the Municipal Council of Sydney for purposes of  
 public roads and highways by notification in Government Gazette  
 dated 29th March, 1935, southerly; by the northern and part of the  
 40 north-western boundary of the 2 acres 3 roods 15¾ perches of land  
 vested in the Municipal Council of Sydney for purposes of public  
 parks and recreation by notification in Government Gazette dated  
 29th March, 1935, westerly and south-westerly to the northernmost  
 corner of lot 1, Deposited Plan 225361; by the generally north-  
 45 eastern boundary of that lot generally south-easterly to the generally  
 north-western side of York Street North; by that side of that street  
 generally south-westerly to the southernmost corner of the said lot 1;  
 by a line south-easterly to the intersection of the south-eastern side  
 of

*Sydney Cove Redevelopment Authority.*

of York Street North with the northern side of Grosvenor Street ;  
 by that side of Grosvenor Street easterly to the generally western side  
 of George Street ; by that side of George Street generally northerly  
 to its intersection with a line along the southern boundary of Reserve  
 5 83662 for Public Recreation notified in Government Gazette dated  
 5th January, 1962 ; by that line easterly to its intersection with the  
 southerly prolongation of the westernmost western face of Circular  
 Quay Railway Station building ; by that prolongation and that face of  
 that building northerly, the northern extremity of that face being the  
 10 point marked "M" on plan registered St. P. 334 R. at the office of  
 the Maritime Services Board of N.S.W. ; by a line northerly to  
 the southernmost corner of the parcel of land lettered "A" on the said  
 plan and plan registered St. P. 333 XL. at the office of the Maritime  
 Services Board of N.S.W. ; by the prolongation of the lastmentioned  
 15 line, forming an eastern boundary of the said parcel of land,  
 northerly ; by the generally eastern boundary of the said parcel of  
 land generally northerly ; and by the high water mark of Port Jackson  
 generally north-westerly to the point of commencement ; but excluding  
 20 thereout the main arch and approach structure of the Sydney Harbour  
 Bridge, with supporting pylon and piers, the Cahill Expressway and  
 the Wynyard to Circular Quay railway, with supporting piers.

## SECOND SCHEDULE.

Sec. 10.

The land described in the First Schedule, but excluding thereout the  
 lands described in the Third, Fourth and Fifth Schedules.

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## THIRD SCHEDULE.

Sec. 10.

The parcels of land lettered "A", "B", "C" and "D" on plans  
 registered St. P. 333 XL. and St. P. 334 R. at the office of the  
 Maritime Services Board of N.S.W.

## FOURTH SCHEDULE.

Sec. 11.

30 The land comprised in Certificates of Titles volume 1986 folio 126,  
 volume 2451 folio 116, volume 2751 folio 144, volume 2819 folio 155,  
 volume 3434 folio 203, volume 3497 folio 39, volume 3575 folio 17,  
 volume 3600 folio 102, volume 3645 folio 237, volume 3668 folio 1,  
 volume 3804 folio 29, volume 4889 folio 47, volume 5170 folios 110,  
 35 111 and 151, volume 6911 folio 15, and volume 8399 folio 49.

## FIFTH SCHEDULE.

Sec. 10 (5).

The church lands comprised in Certificate of Title volume 6276  
 folio 221 and deeds registered Book 131 No. 228 and Book 1168  
 No. 74 and the property of the Commonwealth shown on Department  
 40 of the Interior Negative No. 13294 N.S.W., being the land comprised  
 in deed registered Book 2890 No. 176.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

[40c]



No. , 1968.

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## A BILL

To provide for the constitution of the Sydney Cove Redevelopment Authority and to define its powers, authorities, duties and functions; to vest certain property in the Authority and to provide for the acquisition by it of certain other property; to amend the Crown Employees Appeal Board Act, 1944; and for purposes connected therewith.

[MR MORTON—6 *November*, 1968.]

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BE

*Sydney Cove Redevelopment Authority.*

**B**E it enacted by the Queen's Most Excellent Majesty, by  
and with the advice and consent of the Legislative  
Council and Legislative Assembly of New South Wales in  
Parliament assembled, and by the authority of the same, as  
5 follows :—

**PART I.**

**PRELIMINARY.**

1. (1) This Act may be cited as the "Sydney Cove Short title  
and com-  
mencement.  
Redevelopment Authority Act, 1968".

10 (2) This Act shall commence upon a day to be  
appointed by the Governor and notified by proclamation  
published in the Gazette.

2. This Act is divided as follows :—

Division  
into Parts.

PART I.—PRELIMINARY—*ss.* 1–3.

15 PART II.—CONSTITUTION OF THE AUTHORITY—*ss.*  
4–9.

PART III.—ACQUISITION OF THE DEVELOPMENT AREA  
—*ss.* 10–12.

20 PART IV.—POWERS, AUTHORITIES, DUTIES AND  
FUNCTIONS OF THE AUTHORITY—*ss.* 13–25.

PART V.—ADVISORY COMMITTEES—*ss.* 26–27.

PART VI.—FINANCE—*ss.* 28–42.

PART VII.—GENERAL—*ss.* 43–54.

SCHEDULES.

25 3. (1) In this Act, except in so far as the context or Interpre-  
tation.  
subject matter otherwise indicates or requires—

"Authority" means the Sydney Cove Redevelopment  
Authority constituted by this Act;

"development

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*Sydney Cove Redevelopment Authority.*

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“development area” means the land described in the First Schedule to this Act and any other land acquired by the Authority pursuant to this Act;

“Director” means Director of the Authority;

5 “public authority” means any public or local authority constituted by an Act other than this Act;

“prescribed” means prescribed by this Act or by the regulations;

10 “public road” has the meaning ascribed to that expression in the Local Government Act, 1919;

“regulations” means regulations made under this Act;

“road” has the meaning ascribed to that expression in the Local Government Act, 1919.

(2) In this Act, a reference to an Act includes all  
15 amendments of that Act, whether by subsequent Acts or otherwise, and an Act passed in substitution for the Act referred to, or incorporating any of its provisions.

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PART II.

CONSTITUTION OF THE AUTHORITY.

20 4. (1) There shall be a Sydney Cove Redevelopment Constitution  
Authority which shall have and may exercise and discharge of  
the powers, authorities, duties and functions conferred or Authority.  
imposed upon it by or under this or any other Act.

In the exercise and discharge of its powers, authorities,  
25 duties and functions the Authority shall, except where the  
Authority makes a recommendation to the Minister, be  
subject in all respects to the control and direction of the  
Minister.

(2) For the purposes of any Act the Authority shall  
30 be deemed to be a statutory body representing the Crown.

(3)

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*Sydney Cove Redevelopment Authority.*

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(3) The Authority shall consist of six members appointed by the Governor. Of the members so appointed—

- 5 (a) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment or by a subsequent instrument, be appointed as the Chairman of the Authority;
- 10 (b) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment or by a subsequent instrument, be appointed as the Director;
- (c) two shall be persons nominated by the Minister as persons who, in his opinion, have special knowledge of, and experience in, either town planning or building development;
- 15 (d) one shall be an officer of the Department of Public Works nominated by the Minister for the time being administering that Department;
- (e) one shall be an officer of the Council of the City of Sydney nominated by that Council.

20 (4) A member of the Authority shall, subject to this Act, hold office as such a member for such term not exceeding seven years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment from time to time.

25 Any such reappointment shall be for such term not exceeding seven years as may be specified in the instrument of his reappointment.

30 (5) On the occurrence of a vacancy in the office of a member of the Authority otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated as provided by subsection three of this section for his predecessor in office.

(6)

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*Sydney Cove Redevelopment Authority.*

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(6) A person who is of or above the age of sixty-five years shall not be appointed as a member of the Authority.

(7) The Director—

5 (a) shall be the chief executive and administrative officer of the Authority, shall devote the whole of his time to the duties of his office, and shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on him by this Act and such of the powers, authorities, duties and functions of the Authority as are delegated to him by the Authority; and

10 (b) shall be the Deputy Chairman of the Authority and shall, during the absence or illness of the Chairman, act in the place of the Chairman with, in addition to the powers, authorities, duties and functions conferred or imposed on him as Director, the powers, authorities, duties and functions conferred or imposed on the Chairman.

15 (8) No person shall be concerned to inquire whether any occasion has arisen requiring or authorising the Director to act as Deputy Chairman in the place of the Chairman, and all acts or things done or omitted by the Director while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Chairman.

20 (9) During the absence or illness of the Director the Minister may, on such terms and conditions (including terms and conditions as to payment of salary or remuneration, and allowances) as the Minister may determine, appoint any person as Acting Director of the Authority, and the person so appointed, while he holds office as Acting Director of the Authority—

25 (a) shall have and may exercise or perform the powers, authorities, duties and functions of the Director and Deputy Chairman of the Authority; and

(b) if he is not otherwise a member of the Authority, shall be deemed to be such a member.

(10)

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*Sydney Cove Redevelopment Authority.*

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(10) No person shall be concerned to inquire whether any occasion has arisen requiring or authorising the Acting Director to act in the place of the Director, and all acts or things done or omitted by the Acting Director of the Authority while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Director.

(11) The Chairman and members of the Authority, other than the Director, shall receive such remuneration and allowances and the Director shall receive such annual salary and allowances, as the Governor in each case may from time to time determine.

(12) Where any member of the Authority, other than the Director, is an officer of the Public Service or of a public authority he shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration and allowances under this section in addition to any remuneration and allowances to which he is otherwise entitled.

(13) Where by or under any other Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of a member of the Authority other than the Director.

(14) The office of a member of the Authority, other than the Director, shall not for the purposes of any Act be deemed to be an office or place of profit under the Crown.

(15) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment by the Governor of any member of the Authority and any such member so appointed shall not, in his capacity as such a member, be subject to the provisions of that Act during his term of office.

(16)

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*Sydney Cove Redevelopment Authority.*

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(16) A member of the Authority shall be deemed to have vacated his office—

- (a) if he dies;
- 5 (b) if, being the Director, he engages during his term of office in any paid employment outside the duties of his office;
- 10 (c) if, being the Director, he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) unless such absence is occasioned by illness or other unavoidable cause;
- 15 (d) if, being a member other than the Director, he is absent from four consecutive ordinary meetings of the Authority of which reasonable notice has been given him either personally or in the ordinary course of post unless on leave granted by the Authority or unless he is, before the expiration of four weeks after the last of such meetings, excused by the Authority for his absence from such meetings;
- 20 (e) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;
- 25 (f) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- 30 (g) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- 35 (h) if he resigns his office by writing under his hand addressed to the Governor, and the Governor accepts the resignation;

(i)

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*Sydney Cove Redevelopment Authority.*

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- (i) if he is removed from office by the Governor;
- (j) if he is a member appointed under paragraph (d) or (e) of subsection three of section four of this Act and he ceases to hold the qualification by virtue of which he was appointed; or
- (k) on the day on which he attains the age of sixty-five years.

(17) The Governor may, for any cause which appears to him sufficient, remove any member of the Authority from office.

(18) Where the Director is, at the date of his appointment as Director, an officer of the Public Service and he ceases to be the Director from any cause whatsoever, otherwise than in pursuance of subsection sixteen (paragraph (h) excepted) or seventeen of this section, he shall, if he is under the age of sixty years, be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as the Director.

(19) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or the Superannuation Act, 1916, or the Local Government (Superannuation) Act, 1927, to any person appointed as Director who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927.

(20) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916, or any permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, who is appointed as Director shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he



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*Sydney Cove Redevelopment Authority.*

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he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, or a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, as the case may be, and for that purpose his service as Director shall be deemed to be service for the purpose of the Act under which he continued to contribute or by which that entitlement is conferred.

In respect of a Director who contributes to a fund or account as aforesaid, the Authority shall pay to the State Superannuation Board or the Local Government Superannuation Board, as the case may be, such amounts as would have been payable by the employer by whom he was employed immediately before his appointment as the Director, if the Director had remained an employee or permanent servant as aforesaid and had continued to be employed at the same salary or wage as the salary or wage at which he is employed by the Authority.

5. (1) The Authority shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name, and shall, subject to this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing or suffering all such acts and things as bodies corporate may by law do and suffer.

Authority  
to be body  
corporate—  
proceedings  
of Authority.

(2) The corporate name of the Authority shall be "Sydney Cove Redevelopment Authority".

(3) The common seal shall be kept in the custody of the Director and shall not be affixed to any instrument except in pursuance of a resolution of the Authority.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of the Chairman or the Director, and one other member.

(4)

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*Sydney Cove Redevelopment Authority.*

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(4) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Authority.

5 (5) Four members of the Authority, including the Chairman of the Authority or the Director, or both of them, shall form a quorum and any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority.

10 (6) In the event of an equality of votes at any meeting of the Authority, the Chairman shall have, in addition to a deliberative vote, a second or casting vote.

A decision of a majority of the members present at a meeting of the Authority at which a quorum is present shall  
15 be the decision of the Authority.

(7) The Authority shall cause full and accurate minutes to be kept of the proceedings at its meetings, and submit to the Minister a copy of the minutes of each such meeting within one week after the day on which it is held.

20 (8) No act or proceeding of the Authority shall be invalidated or prejudiced by reason only of the fact that at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the office of a member of the Authority.

25 (9) No matter or thing done, and no contract entered into, by the Authority and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Authority shall, if the matter or thing was done, or the contract was entered into, bona fide for the  
30 purpose of executing this Act, subject a member of the Authority or a person so acting personally to any action, liability, claim or demand whatsoever.

Nothing

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*Sydney Cove Redevelopment Authority.*

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Nothing in this subsection shall exempt any member of the Authority from liability to be surcharged with the amount of any payment which he authorised, or joined in authorising, where the payment is disallowed by the Auditor-General in 5 the accounts of the Authority.

6. (1) The Authority shall appoint and employ such **Servants.** servants as may be necessary for carrying out the provisions of this Act.

(2) Subject to this Act, every servant of the Authority 10 shall continue in the service of the Authority at the will of the Authority only.

(3) All servants of the Authority shall be subject to the sole control and governance of the Authority which may fix wages and conditions of employment where they are not 15 fixed in accordance with the provisions of any other Act.

7. The regulations may make provision for and with **Regulations** respect to— **re servants.**

(a) the control and governance of servants by the Authority; and

20 (b) any other matter or thing necessary or convenient to ensure the maintenance of discipline and efficiency in the service of the Authority.

8. (1) Where a servant of the Authority has acquired a **Payments in** right to leave with pay in respect of long service leave and **respect of** 25 dies before entering upon it or, after entering upon it, dies **long service** before its termination, the widow or widower of the servant **leave on** or, if there is no such widow or widower, the children of the **death of** servant or, if there is no such widow or widower or there **servant.** are no such children, a person who in the opinion of the 30 Authority was, at the time of the death of the servant, a dependent relative of the servant, shall be entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary or wages the servant received at the time of his or her death, less any amount paid to the 35 servant in respect of the leave not taken or not completed.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Where there is a guardian of any children entitled under subsection one of this section, the payment to which those children are entitled may be made to that guardian for their maintenance, education and advancement.

5 (3) Where there is no person entitled under subsection one of this section to receive the money value of any leave, payment in respect thereof shall be made to the personal representative of the servant.

(4) Where payment of the money value of leave has  
10 been made under this section no action may be brought against the Authority for payment of any amount in respect of that leave.

9. The Crown Employees Appeal Board Act, 1944, is Amendment  
amended by inserting at the end of the Second Schedule the of Act No. 15, 1944.  
15 words "Sydney Cove Redevelopment Authority".

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**PART III.**

**ACQUISITION OF THE DEVELOPMENT AREA.**

10. (1) In this subsection "land" does not include land <sup>vesting or</sup> that immediately before the commencement of this Act, was <sup>purchase of</sup> a dedicated public road or was set apart, dedicated or <sup>certain</sup> reserved under any Act for any public purpose. <sup>land.</sup>

Notwithstanding anything contained in any Act—

25 (a) any estate or interest that, immediately before the commencement of this Act, was vested in any person on behalf of Her Majesty, or as Constructing Authority, or in a public authority, being an estate or interest in land within the land described in the Second Schedule to this Act, is hereby vested in the Authority for the purposes of this Act, freed and  
30 discharged from any trusts affecting it immediately before that commencement but otherwise without prejudice to any other estate or interest in that land; and

(b)

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*Sydney Cove Redevelopment Authority.*

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5 (b) any land within the land described in the Second Schedule to this Act that, immediately before the commencement of this Act was Crown land within the meaning of the Crown Lands Consolidation Act, 1913, may be granted to the Authority for the purposes of this Act, subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Governor may deem expedient.

10 (2) In this subsection "land" means any part of the land described in the Second Schedule to this Act that is excluded from the operation of subsection one of this section, and any part of the land described in the Third Schedule to this Act.

15 After the giving by the Authority, in the manner prescribed, of such notice as may be prescribed the Governor may, by proclamation published in the Gazette, declare that land described or referred to in the proclamation is vested in the Authority and, notwithstanding anything contained in any Act, upon publication of such a proclamation—

20 (a) where, immediately before publication of the proclamation the land described or referred to therein was land set apart, dedicated (otherwise than as a public road) or reserved under any Act for any public purpose, or was a dedicated public road, the setting apart, dedication or reservation thereof shall be deemed to have been duly revoked;

25 (b) where, immediately before publication of the proclamation, the land described or referred to therein—

30 (i) was land so set apart, dedicated or reserved and had been granted; or

(ii) was not land so set apart, dedicated or reserved, or was a dedicated public road,

35 the estate or interest of the grantees, or their successors in title, in land referred to in subparagraph (i) of this paragraph, and any estate or interest in land referred to in subparagraph (ii) of

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*Sydney Cove Redevelopment Authority.*

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of this paragraph that, immediately before that publication, was vested in any person on behalf of Her Majesty, or as Constructing Authority, or in a public authority, shall vest in the Authority for the purposes of this Act, freed and discharged from any trusts affecting it immediately before that publication but otherwise without prejudice to any other estate or interest therein; and

- 5
- (c) where, immediately before publication of the proclamation, the land described or referred to therein was not land that had been granted to or vested in any person, the land so described or referred to may be granted to the Authority for the purposes of this Act, subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Governor may deem expedient.
- 10
- 15

(3) Notwithstanding anything contained in any Act, land that is a public road and is vested pursuant to this section or section eleven of this Act shall remain vested in the Authority until divested in accordance with this Act.

20

(4) The Authority shall not be required to pay, by way of compensation or otherwise, any amount to the Crown, or to any person or public authority, in respect of the granting or vesting, pursuant to subsection one or two of this section, of an estate or interest in land, but nothing in this subsection shall be construed as affecting the provisions of this or any other Act relating to the adjustment of the capital debt of the Authority or any public authority.

25

(5) The Authority may acquire, by purchase, the land described in the Fourth or Fifth Schedule to this Act, or any part thereof.

30

**11. (1) Where the Authority—**

- (a) has made application to the Governor through the Minister for the appropriation or resumption of any land within the land described in the Second, Third or Fourth Schedule to this Act, or any part thereof, or any land adjoining or in the vicinity of the development area;
- 35

Appropriation or resumption of certain land.

(b)

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*Sydney Cove Redevelopment Authority.*

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(b) has made provision to the satisfaction of the Minister for payment of compensation for the proposed appropriation or resumption, together with interest and all necessary charges and expenses incidental thereto; and

5

(c) has given such notice of its application as may be prescribed,

the Governor may appropriate or resume the land under Division 1 of Part V of the Public Works Act, 1912, as if

10 the appropriation or resumption were for the purposes of carrying out an authorised work within the meaning of that Act and as if the Governor had directed that any land required for that work be taken pursuant to that Division.

(2) Notwithstanding anything contained in the

15 Public Works Act, 1912, upon the publication in the Gazette pursuant to subsection one of this section of a notification under Division 1 of Part V of that Act, the land described or referred to in the notification shall vest in the Authority for the purposes of this Act for an estate in fee simple in

20 possession, freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements whatsoever.

(3) The provisions of subsection two of section 536A and sections 536AA to 536DH, both inclusive, of the Local

25 Government Act, 1919, shall, mutatis mutandis and subject to subsection four of this section, apply to and in respect of the appropriation or resumption of land pursuant to this section and matters incidental thereto.

(4) For the purposes only of subsection three of this

30 section, the provisions of the Local Government Act, 1919, referred to therein shall, without prejudice to the generality of that subsection, be read and construed as if—

(a) references therein to the resumption or appropriation of land by a council were references to the appropriation or resumption of land pursuant to this section, and other references to a council were

35 references to the Authority; and

(b)

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*Sydney Cove Redevelopment Authority.*

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- (b) (i) paragraphs (a), (c) and (d) of subsection two of section 536c had been omitted therefrom;
- 5 (ii) by omitting from paragraph (e) of the same subsection the words "construction of any works upon the land taken" and by inserting in lieu thereof the words "carrying out of the approved scheme under the Sydney Cove Redevelopment Authority Act, 1968, or any Act amending that Act, or the carrying out of any part of that scheme";
- 10 (iii) by omitting from the same paragraph the words "Provided that the court in ascertaining such compensation shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of any works on the land taken, but in no case shall this proviso operate so as to require any payment to be made by such owner to the council in consideration of such enhancement of value as aforesaid:";
- 15 (iv) by omitting from the same paragraph the word "also" where secondly occurring.
- 20
- 25

(5) Except to the extent provided by this section and by the Local Government Act, 1919, as applied by this section, the provisions of the Public Works Act, 1912, shall  
30 not apply to or in respect of an appropriation or resumption pursuant to this section.

(6) Notwithstanding anything contained in this section (subsection one excepted) or in any other Act, the Authority shall not be required to pay, by way of compensation or otherwise, any amount to the Crown, or to any  
35 person on behalf of Her Majesty, or to a public authority, in respect of an appropriation or resumption of land pursuant to this section.



*Sydney Cove Redevelopment Authority.*

12. (1) On and from—

- (a) the commencement of this Act, in the case of land or any estate or interest therein that is vested in, or may be granted to, the Authority by or pursuant to subsection one of section ten of this Act; and
- (b) the publication of the proclamation, in the case of land or any estate or interest therein that is vested in, or may be granted to, the Authority by virtue of a proclamation published pursuant to subsection two of that section,

Rents, profits, outgoings and powers in relation to land acquired by Authority.

the Authority shall be entitled to the rents and profits, and shall pay all proper outgoings, in respect of that land, and no attornment by a lessee from the immediate predecessor in title of the Authority shall be necessary.

(2) Except as provided by this Act, or by way of surrender to Her Majesty, the Authority shall not sell, lease, exchange or otherwise deal with or dispose of land vested in, granted to, or otherwise acquired by, the Authority.

PART IV.

POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY.

(1) Subject to this Act the Authority shall be charged with the responsibility of planning and promoting the redevelopment of the development area in accordance with the provisions of this Act and shall, within twelve months from the commencement of this Act, or within such further period as the Minister may in writing allow, submit to the Minister a detailed scheme for the redevelopment of the development area.

Redevelopment of development area and preparation of scheme therefor.

(2) Without limiting the generality of subsection one of this section the scheme shall include—

- (a) a plan of the development area showing—
  - (i) the parcels of land, in this Act referred to as "building sites", on which the Authority proposes that buildings shall be erected;

90—B

(ii)

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*Sydney Cove Redevelopment Authority.*

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- 5 (ii) the parcels of land which the Authority proposes shall be retained or established or dedicated as public places, open spaces, recreation areas and the like;
- 5 (iii) the parcels of land which the Authority proposes shall be retained with, and in association with, buildings of an historical nature erected thereon or on part thereof;
- 10 (iv) the roads which the Authority proposes should be closed or retained and the roads which the Authority proposes should be opened or dedicated as public roads;
- 15 (v) the location or proposed relocation of public utility services in or adjoining the development area;
- (b) proposals for the progressive redevelopment of the development area, including—
- 20 (i) perspective plans of the proposed redevelopment of the development area;
- 20 (ii) recommendations for the redevelopment of the development area in stages and in a progressive and orderly manner;
- 25 (iii) recommendations as to the purpose for which buildings proposed to be erected on each building site should be used, the height and general external design and appearance of each building, the area of each building site to be covered by each building and the situation of each building in relation to the
- 30 boundaries of its building site.
- (3) The scheme shall include, or be accompanied by—
- (a) a statement of the result of a consideration by the Authority of the economic aspects involved;
- 35 (b) such other information as the Authority considers would be necessary or desirable to enable the Minister to consider the scheme, or as the Minister may require.

*Sydney Cove Redevelopment Authority.*

14. (1) The Minister shall consider the plan referred to in paragraph (a), and the proposals referred to in paragraph (b), of subsection two of section thirteen of this Act, and may then direct the Authority—

Minister to consider scheme.

- 5 (a) to proceed with the scheme constituted by the plan and proposals;
- (b) to proceed with that scheme with such alterations as the Minister deems expedient and notifies in writing to the Authority; or
- 10 (c) not to proceed with that scheme, but to submit another scheme for the Minister's consideration.

(2) If, pursuant to paragraph (c) of subsection one of this section, the Minister directs the Authority to submit another scheme, the Authority shall comply with the direction within such period as the Minister may allow, and subsection one of this section shall apply to and in respect of that other scheme as if it were the original scheme.

15. Subject to this Act, where the Minister gives a direction under paragraph (a) or (b) of subsection one of section fourteen of this Act, the scheme in respect of which the direction is given shall constitute the approved scheme for the purposes of this Act and the redevelopment of the development area, and all redevelopment of that area shall, subject to this Act, be carried out in accordance with the approved scheme.

Approved scheme.

16. (1) The approved scheme shall be filed in the office of the Authority and may be inspected during the office hours of the Authority by any person on payment of such fees as may be determined by the Authority.

Evidence.

30 (2) A copy of, or an extract from, any document, map or plan embodied in the approved scheme shall be admissible in evidence if it—

- (a) purports to be a copy of, or an extract from, the original document, map or plan and purports to be printed by the Government Printer or by the authority of the Authority; and

(b)

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*Sydney Cove Redevelopment Authority.*

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(b) purports to be certified under the hand of the Director.

For the purposes of this subsection a copy of, or an extract from, a document, map or plan may be on the same scale as the original or may be an enlarged or reduced copy.

(3) The Director shall furnish a certified copy or extract referred to in subsection two of this section on the application of any person and upon payment of such fee as may be determined by the Authority, either generally or in a particular case.

17. (1) Subject to this section, the Minister may, on the recommendation of the Authority, vary the approved scheme. Approved scheme may be varied.

(2) Before recommending to the Minister a variation of the approved scheme that involves a variation of the perspective plan, an alteration in the proposed use of a building, an alteration of the height or general external design and appearance of a building, the area of a building site to be covered by a building or the situation of a building in relation to the boundaries of a building site, the Authority shall give notice as prescribed of its intention to make the recommendation and shall, in that notice, specify—

- (a) full particulars of the proposed variation; and
- (b) the time, being not less than thirty days after the giving of the notice, within which any person who, pursuant to this Act, has acquired an estate or interest in a building site (not being a tenancy at will or a license) may lodge with the Authority an objection to the proposed variation.

(3) An objection lodged pursuant to subsection two of this section shall be deemed not to have been duly made unless—

- (a) it is in writing, setting forth the grounds of the objection; and
- (b) it is lodged within the time specified in the notice of the recommendation to which it relates.

(4)

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*Sydney Cove Redevelopment Authority.*

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(4) When making its recommendation to the Minister the Authority shall forward to the Minister a copy of any objections duly made to the proposed variation, and a report of the Authority's consideration thereof.

5 (5) After considering the recommendations and any objections, the Minister may direct the Authority—

(a) to vary the approved scheme as recommended by the Authority;

10 (b) to vary the approved scheme with such alterations as the Minister, arising out of his consideration of the Authority's recommendation, and of any objections, deems expedient and notifies in writing to the Authority; or

(c) not to vary the approved scheme.

15 (6) Where the Minister gives a direction under paragraph (a) or (b) of subsection five of this section, the approved scheme, as varied in accordance with the direction, shall be the approved scheme for the purposes of this Act and the provisions of this section and section sixteen of this Act  
20 shall apply to and in respect of the approved scheme as so varied as if it were the original approved scheme.

18. (1) The Authority shall, as soon as practicable, cause the development area to be redeveloped in accordance with the approved scheme.

Authority to cause re-development of development area.

25 (2) The provisions of Part XIIA of the Local Government Act, 1919, and of any ordinance prescribing a scheme under, or giving effect to, that Part shall not, except to the extent that may be prescribed, apply to or in respect of the development area.

30 19. (1) For the purposes of this Act, and without limiting the generality of section eighteen of this Act, the Authority may—

General powers of Authority.

35 (a) pending redevelopment thereof, generally manage property vested in it and grant tenancies at will and licenses, in respect thereof;

(b)

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*Sydney Cove Redevelopment Authority.*

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- 5 (b) cause surveys to be made, and plans of survey to be prepared, showing the subdivision of the development area or any part thereof into the parcels referred to in subparagraphs (i), (ii) and (iii), and the roads and locations referred to in subparagraphs (iv) and (v), of paragraph (a) of subsection two of section thirteen of this Act;
- 10 (c) by notification published in the Gazette, close or realign any public road, or part thereof, within or adjacent to the development area;
- (d) demolish, or cause to be demolished, any building or structure in the development area of which it has exclusive possession;
- 15 (e) arrange, on such terms and conditions as may be agreed upon, for the location or relocation of public utility services in or adjoining the development area or, if no agreement can be reached, on such terms and conditions as may be determined by the Minister;
- 20 (f) by notification published in the Gazette, exempt any public road within or adjoining the development area, or any part thereof, from the operation of Division 13A of Part IX of the Local Government Act, 1919, and, by a like notification vary or revoke any such notification; and
- 25 (g) do all things necessary or desirable to cause the development area to be redeveloped in accordance with the approved scheme.

30 (2) Notwithstanding anything contained in any Act, upon the publication, pursuant to paragraph (c) of subsection one of this section, of a notification closing a public road or part thereof, the estate or interest therein of any person or public authority shall vest in the Authority, freed and discharged from any trusts affecting it immediately before that

35 publication and freed and discharged from any rights of the public or any person thereto as a highway.

(3) No compensation shall be payable to the Crown or to any person or public authority in respect of the closing by the Authority of any road. **20.**

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*Sydney Cove Redevelopment Authority.*

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20. (1) The Authority may, by notification published in the Gazette, declare that it proposes to surrender to Her Majesty land described or referred to in the notification to be dedicated for any public purpose specified in the notification or, if so specified in the notification, as a public road.

Dedication  
of land for  
public  
purposes  
or as a  
road.

(2) Upon the surrender of land described or referred to in a notification published pursuant to subsection one of this section, the land so described or referred to shall be Crown land reserved from sale or lease generally and, upon revocation of the reservation, may be dedicated under the Crown Lands Consolidation Act, 1913, for the public purpose specified in the notification or, as the case may require, under the Public Roads Act 1902, as a public road.

(3) The Authority may, in a notification published pursuant to subsection one of this section, limit the description of, or reference to, land to a specified depth below the surface thereof and, where such a description or reference is so limited, subsection two of this section shall not apply to or in respect of land below the depth so specified.

(4) The Authority may, by notification published in the Gazette, declare to be a public road any elevated or subterranean structure owned by the Authority that continues the line of a public road and, upon publication in the Gazette of such a notification, the structure shall, except in relation to any vesting thereof, be deemed to be a public road.

(5) Notwithstanding anything contained in any Act, a road within the development area shall not be provided, opened, dedicated, closed or realigned by the Crown or any person or public authority except pursuant to the provisions of this Act or with the consent of the Authority.

21. (1) For the purposes of this Act, the Authority may make and enter into contracts with any person for the carrying out of any work or the performance of services or the supply

Authority  
may enter  
into  
contracts.

*Sydney Cove Redevelopment Authority.*

supply of goods, machinery or material in connection with the exercise or discharge by the Authority of the powers, authorities, duties and functions conferred or imposed upon it by this or any other Act.

5 (2) Any such contract or agreement shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales.

10 **22.** (1) At any time after the Minister has directed the Authority to proceed with the approved scheme the Authority may— Authority may erect buildings or grant leases.

(a) erect or cause to be erected a building on a building site; or

15 (b) grant, with the approval of the Minister, a lease of a building site to the Crown, to any public authority or to any person for such term, on such conditions and subject to such covenants, not inconsistent with any prescribed term, condition or covenant, as the Authority may determine and, except in the case of a prescribed term, condition or covenant, the Minister may approve.

(2) The covenants referred to in subsection one of this section shall include covenants on the part of the lessee—

25 (a) not to commence the erection of a building on the land leased or any work preparatory or incidental thereto, without the written consent of the Authority;

(b) not to erect on the land leased a building that is not in conformity with plans and specifications thereof approved by the Authority; and

30 (c) not to contravene any condition imposed by the Authority when giving the consent referred to in paragraph (a) of this subsection.

35 Nothing in this subsection shall be construed as limiting the form of any covenant referred to therein or the form or extent of any other covenant in a lease of a building site.

(3)



*Sydney Cove Redevelopment Authority.*

(3) Where a covenant, condition or stipulation in a lease granted by the Authority excludes, or is inconsistent with, the operation of a provision of an Act passed before or after the commencement of this Act, being a provision  
5 whereby, but for this subsection—

(a) a right would be conferred, or an obligation imposed, on a lessor or lessee; or

(b) a covenant, condition or stipulation would be implied, or be deemed to be included, in the lease,

10 the provision shall not, to the extent of the exclusion or inconsistency, operate in respect of the lease.

(4) A lease granted by the Authority may provide for payment of a penalty for a breach of a covenant, condition or stipulation in the lease and may assign different  
15 penalties for different breaches and, upon such a breach, the penalty specified in relation thereto shall, whether or not the breach gives rise to a right of re-entry or forfeiture, be recoverable as liquidated damages.

23. (1) Subject to this section—

20 (a) the Authority may give a consent referred to in paragraph (a) of subsection two of section twenty-two of this Act upon the application of a person entitled to apply to the Council of the City of Sydney for its approval to the erection of a  
25 building; and

(b) the Authority may impose conditions in giving such a consent.

Approval  
of Authority  
to erection  
of building.

(2) Subject to section twenty-four of this Act, the Authority shall not give a consent pursuant to subsection one  
30 of this section unless—

(a) the application therefor is accompanied by such plans and specifications of the building in respect of which the consent is sought, and such other information in respect of that building, as may be  
35 prescribed or as the Authority may require; and

(b)

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*Sydney Cove Redevelopment Authority.*

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- (b) the application therefor and the accompanying plans, specifications and other information disclose that the building in all respects will be in conformity with the approved scheme as to—
- 5 (i) the use to which the building will be put ;
- (ii) the height and general external design and appearance of the building ;
- (iii) the area of the building site to be covered by the building ; and
- 10 (iv) the situation of the building in relation to the boundaries of the building site.

24. (1) Where application is made to the Authority for its consent to the erection on a building site of a building that is not in all respects in conformity with the approved scheme and, in the opinion of the Authority, any variation from the approved scheme is a minor variation in respect of the matters referred to in subparagraphs (i) to (iv), both inclusive, of paragraph (b) of subsection two of section twenty-three of this Act, the Authority shall make a recommendation to the Minister in connection with the application.

15  
20

(2) The Minister shall consider a recommendation made pursuant to subsection one of this section and the circumstances of the case and, if he is of the opinion that the variation which, if the proposed building were erected, would be made in the approved scheme—

25

- (a) is not one which should be dealt with pursuant to section seventeen of this Act ;
- (b) will not prejudice the approved scheme ;
- 30 (c) will not adversely affect the amenity of the development area ; and
- (d) will not adversely affect the rights of any person who, pursuant to this Act, has acquired an estate or interest (not being a tenancy at will or a license) in land in the development area,

35 the Minister may approve of the application in writing.

An

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*Sydney Cove Redevelopment Authority.*

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An approval given by the Minister pursuant to this section may be given subject to such conditions as he thinks fit and shall be deemed to be a consent given by the Authority pursuant to subsection one of section twenty-three of this Act subject to those conditions.

25. (1) The consent of the Authority to the erection of a building in the development area shall be a consent for the purposes of this Act only and, subject to this section and subsection two of section eighteen of this Act, shall not be construed as authorising the erection of the building without any other approval which, by or under any other Act, or any rule, regulation, by-law or ordinance, is required for or in connection with the erection of the building.

Effect of consent by Authority.

(2) Notwithstanding anything contained in any other Act, or any rule, regulation, by-law or ordinance, where the Authority has consented to the erection of a building in the development area, the Council of the City of Sydney shall be deemed to have approved, pursuant to any such Act, rule, regulation, ordinance or by-law—

- (a) the building line and height of the building;
- (b) the proportion of the site to be covered by the building, and any open space and light areas to be provided;
- (c) the position of the building in relation to other buildings and the boundaries of the building site;
- (d) the means of access to the building;
- (e) the space or accommodation to be provided for vehicles likely to be used by the occupants of, or visitors to, the building; and
- (f) the accommodation to be provided for the loading or unloading of vehicles.

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**PART V.****ADVISORY COMMITTEES.**

26. (1) The Minister may, on the recommendation of the Authority, by notification published in the Gazette, appoint advisory committees to carry out such investigations and

Advisory committees.

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*Sydney Cove Redevelopment Authority.*

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and furnish such reports and recommendations as the Authority may require in connection with any matter or thing relating to the redevelopment of the development area or the carrying out or exercise by the Authority of any  
5 power, authority, duty or function conferred or imposed upon the Authority by this or any other Act.

(2) Without limiting the generality of subsection one of this section advisory committees may be appointed to investigate, and report and make recommendations on, any  
10 matter relating to—

- (a) the co-ordination of redevelopment in the development area;
- (b) the use and preservation of historical sites and buildings; and
- 15 (c) the design and location of buildings, services, public roads and public places within the development area, and services and public roads adjacent to the development area.

27. (1) Each advisory committee shall consist of a  
20 chairman and such other persons as the Minister thinks fit.

Constitu-  
tion of  
advisory  
committees.

(2) A member or servant of the Authority may be appointed to an advisory committee.

(3) Officers or employees of any Government Department or of any public authority or any officer or  
25 servant of the Council of the City of Sydney may, with the approval of the Minister of the Department concerned, or of the public authority or the Council, as the case may require, be appointed to an advisory committee on such terms and conditions as may be arranged.

30 (4) Each member of an advisory committee shall be appointed for such term, not exceeding three years, as may be specified in the instrument of his appointment and, if otherwise qualified, shall be eligible for reappointment from time to time.

35 Any such reappointment shall be for such term, not exceeding three years, as may be specified in the instrument of reappointment.

(5)

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*Sydney Cove Redevelopment Authority.*

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(5) On the occurrence of a vacancy in the office of a member of an advisory committee otherwise than by the expiration of the term for which he was appointed the Minister may, by notification published in the Gazette, appoint any person to fill the vacant office and any person so appointed shall hold office for the remainder of his predecessor's term of office.

(6) A member of an advisory committee shall be deemed to have vacated his office if he—

- 10 (a) dies;
- (b) resigns his office by writing under his hand addressed to the Authority and his resignation is accepted by the Authority;
- 15 (c) is, on the recommendation of the Authority, removed from office by the Minister;
- (d) being a member or servant of the Authority ceases to hold office as such a member or ceases to be such a servant; or
- 20 (e) having been appointed by virtue of his being an officer or employee or servant of a Government Department, public authority or the Council of the City of Sydney, ceases to be employed by that Government Department, public authority or Council, as the case may be.

25 (7) The Minister may, on the recommendation of the Authority, remove from office for any cause which appears to him sufficient, any member of an advisory committee.

(8) The procedure for the calling of meetings of an advisory committee, and for the conduct of business at such meetings shall, subject to any direction by the Authority, be as determined by the advisory committee.

(9)

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*Sydney Cove Redevelopment Authority.*

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(9) A member of an advisory committee, not being a member or servant of the Authority, shall be entitled to receive such remuneration (whether by way of fee or allowance or otherwise) and such travelling expenses as may  
5 from time to time on the recommendation of the Authority be fixed by the Minister.

(10) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting  
10 him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of an advisory committee or from accepting and retaining any remuneration and expenses payable to him as such a member.

15 (11) The office of member of an advisory committee shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

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PART VI.

FINANCE.

20 **28.** (1) The Authority shall cause to be kept proper books of account in relation to all of its operations, and shall, as soon as practicable after the thirtieth day of June in each  
year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by  
25 the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority.

Accounts  
to be kept  
by the  
Authority.

(2) The Minister shall cause the statement of accounts to be laid before Parliament within fourteen sitting days after its receipt by him if Parliament is in session, and  
30 if not, then within fourteen sitting days after the commencement of the next session.

**29.**

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*Sydney Cove Redevelopment Authority.*

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29. (1) The accounts of the Authority shall be audited <sup>Audit of</sup> by the Auditor-General who shall have, in respect thereof, all <sup>accounts.</sup> the powers conferred on him by any law now or hereafter in force relating to the audit of public accounts; and the Audit 5 Act, 1902, shall apply to the members of the Authority and its officers in the same manner as it applies to accounting officers of Public Departments.

(2) The Auditor-General shall report to the Authority and the Minister—

10 (a) whether or not in his opinion—

(i) due diligence and care have been shown in the collection and banking of moneys payable to the Authority;

15 (ii) the expenditure incurred has been duly authorised, vouched and supervised;

(iii) any of the moneys or other property of the Authority have been misappropriated or improperly or irregularly dealt with; and

20 (b) as to any other matters which in his judgment call for special notice or which are prescribed.

(3) Towards defraying the costs and expenses of such audit the Authority shall pay to the Consolidated Revenue Fund such sums, at such times, as the Treasurer may decide.

25 30. (1) As soon as practicable after the commencement of this Act the Valuer General shall determine the improved <sup>Capital</sup> capital value of all the land vested pursuant to paragraph (a) <sup>debt of the</sup> of subsection one of section ten of this Act, and the total <sup>Authority.</sup> amount of the value so determined and certified by the 30 Treasurer to the Authority shall be deemed to be the capital debt assumed by the Authority.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Where, pursuant to subsection one or two of section ten of this Act, any land is granted to the Authority and where, pursuant to paragraph (b) of subsection two of that section, any land is vested in the Authority, the Valuer General shall determine the improved capital value of the land so granted or vested, and the capital debt of the Authority shall be increased by the amount of the value so determined and certified by the Treasurer to the Authority.

(3) Where, pursuant to section twenty of this Act, any land vested in the Authority is surrendered to Her Majesty, the Valuer General shall determine the improved capital value of the land so surrendered, and the capital debt of the Authority shall be reduced by the amount of the value so determined and certified by the Treasurer to the Authority.

15 **31.** In respect of its capital debt the Authority shall pay to the Treasurer for credit to the Consolidated Revenue Fund interest at such rates and on such terms and conditions as the Treasurer may from time to time determine and notify to the Authority.

Interest  
on capital  
debt.

20 **32.** The Treasurer may at any time require the Authority to pay from accumulated funds to the credit of the Consolidated Revenue Fund such amounts as he may determine and notify to the Authority as being surplus to the requirements of the Authority from time to time.

Payment of  
surplus  
funds to  
Consolidated  
Revenue  
Fund.

25 **33.** The Authority may invest moneys held by it in Government securities of the Commonwealth of Australia or of the State of New South Wales, or in any securities guaranteed by the Government of the said State, or on call or on fixed deposit, or partly on call and partly on fixed  
30 deposit, with the Treasurer or with any bank, or in such other securities as the Governor may approve or as may be prescribed.

Investment  
of funds.



*Sydney Cove Redevelopment Authority.*

**34.** (1) For the temporary accommodation of the Authority it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Authority's funds to such extent as may from time to time  
5 be approved by the Governor.

(2) The Treasurer may advance such moneys to the Authority, upon such terms and conditions as to repayment and interest, as may be agreed upon.

**35.** The Authority may from time to time with the con-  
10 currence of the Treasurer and the approval of the Governor borrow money for—

- (a) the purpose of carrying out and performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans;
- 15 (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank; or
- (d) any other purpose of this Act.

**36.** (1) The Authority shall establish a reserve for loan  
20 repayment fund in respect of each loan or renewal loan raised by the Authority.

(2) The Authority shall during each year transfer to each such fund from the revenue of the Authority a sum not less than the sum that the Authority in its application for  
25 approval of the loan specified that it proposed to transfer as aforesaid.

(3) Moneys held as reserve for loan repayment may be invested in government securities of the Commonwealth of Australia or of the State of New South Wales, or in  
30 debentures, bonds, inscribed stock or other prescribed securities in any loan of the Authority, or in any securities guaranteed by the Government of the said State, or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

*Sydney Cove Redevelopment Authority.*

(4) Any interest or profits realised on such investments shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All moneys paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

10 (6) Where the Authority decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, the Authority shall, in addition to the sum otherwise payable to the reserve for repayment of that  
15 loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and one-half per centum per annum on the face value of the cancelled securities from the date of their cancellation until  
20 the maturity of the loan.

(7) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the Authority.

25 (8) A reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

37. (1) For securing repayment of the principal and  
30 interest on any moneys borrowed, the Authority may as <sup>Debentures.</sup> <sub>etc.</sub> provided by the regulations issue debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond and whether  
35 separated therefrom or not shall be transferable by simple delivery.

(3)

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*Sydney Cove Redevelopment Authority.*

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(3) Inscribed stock shall be transferable in the books of the Authority in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall as regards both the issue and transfer thereof for full consideration or money or money's worth be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

10 (5) The holder of a coupon originally annexed to a debenture or bond and whether separated therefrom or not shall be entitled to receive payment from the Authority of the interest specified in the coupon upon its presentation on or after the date when, and at the place where, the interest is  
15 payable.

(6) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the Authority, and the interest thereon, shall be a charge upon the income and revenue of the  
20 Authority from whatever source arising and is hereby guaranteed by the Government.

(7) Any liability arising under the guarantee given by subsection six of this section shall be discharged out of moneys provided by Parliament.

25 (8) The charge created by subsection six of this section shall not prejudice or affect any power of the Authority to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

**38.** (1) Notwithstanding anything contained in this Part <sup>Raising</sup> any money which the Authority is authorised to borrow may <sup>loans in</sup> be borrowed by a loan raised wholly or in part in such place <sup>any</sup> outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be <sup>country.</sup> negotiated and raised in any currency.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and containing any term, condition or provision permitted under the law of the place where the loan is raised, 5 and the Authority may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The Authority may in respect of any such loan agree that a sinking fund shall be established and controlled 10 at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of section thirty-six of this Act shall apply with regard to that loan only in respect of the amount, if any, the repayment of 15 which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this section, the Authority may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, 20 stock or other securities referred to in subsection two of this section, or for the sale of such debentures, bonds, stock or other securities, or the granting of an option to purchase such debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or 25 in any other part of the world in connection with such loan or with the issue, management and redemption of or otherwise with respect to such debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the 30 giving or receipt of consideration as the Authority thinks fit. Copies of any such agreement shall be forwarded to the Minister who shall cause the same to be laid before both Houses of Parliament as soon as possible after the loan is raised.

35 (5) The Governor may, upon the recommendation of the Authority, by notification published in the Gazette, appoint two or more persons to enter into for and on behalf of the Authority all such agreements as the Authority is by this section authorised to enter into and to sign, execute, or 40 otherwise perfect all such agreements, debentures, bonds, stock

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*Sydney Cove Redevelopment Authority.*

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stock or other securities as are by this section provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like  
5 notification, revoke or vary any such appointment and make any fresh appointment.

The production of a copy of the Gazette containing a notification of any such appointment or revocation as aforesaid shall in favour of a lender or of any holder of a security  
10 be conclusive evidence of the appointment or revocation.

(6) All debentures, bonds, stock or other securities bearing the signatures of such persons so appointed in that behalf shall be deemed to be securities lawfully issued under seal by the Authority and the principal moneys and interest  
15 secured thereby shall be a charge upon the income and revenue of the Authority from whatsoever source arising, and the due repayment of such principal moneys and interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under  
20 the authority of this section and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Authority and, if they purport to have been sealed by those persons, to have been lawfully executed by the Authority under seal.

25 A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of such security was in fact duly authorised.

(7) Subject to this section and the law in force in the place where any loan is raised under this section and  
30 applicable to that loan and the securities issued in connection therewith, the provisions of this Part of this Act (other than subsection one of section thirty-seven and subsections three and four of section forty) shall apply, mutatis mutandis, to and in respect of such loan and such securities.

35 **39.** (1) Any trustee, unless expressly forbidden by any <sup>Trustees.</sup> instrument creating the trust, may invest any trust moneys in his hands in stock inscribed by the Authority, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925.

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*Sydney Cove Redevelopment Authority.*

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(2) Any debenture issued or stock inscribed by the Authority shall be a lawful investment for any moneys which any company, council or body corporate incorporated by any Act is authorised or directed to invest in addition to any  
5 other investment expressly provided for the investment of such moneys.

(3) No notice of any express, implied or constructive trust shall be received by the Authority or by any officer of the Authority in relation to any debenture or  
10 coupon issued or stock inscribed by the Authority.

40. (1) If any debenture or bond issued by the Authority is lost, destroyed or defaced before it has been redeemed, the Authority may, subject to the provisions of this section, issue a new debenture or bond in lieu thereof. <sup>Lost debentures.</sup>

15 (2) A new debenture or bond issued under subsection one of this section with interest coupon annexed shall bear the same date, number, principal sum, and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed  
20 a new debenture or bond shall not be issued unless—

(a) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture or bond, or of some other person approved by the judge, that it has been  
25 lost or destroyed before redemption;

(b) such advertisements as the judge may direct have been published;

(c) six months have elapsed since the publication of the last of those advertisements; and

30 (d) sufficient security has been given to the Authority to indemnify it against any double payment if the missing debenture or bond is presented for redemption.

(4)

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*Sydney Cove Redevelopment Authority.*

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(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Authority for cancellation.

5 (5) The provisions of this section shall, *mutatis mutandis*, extend to the case of a lost, destroyed, or defaced coupon.

(6) Notwithstanding any other provision of this section, in case of the loss, theft, destruction, mutilation or  
10 defacement of any debenture or bond issued under section thirty-eight of this Act, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the Authority of such loss, theft, or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case  
15 may be, and upon the Authority receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

**41.** (1) A person advancing money to the Authority shall  
20 not be bound to inquire into the application of the money advanced, or be in any way responsible for its non-application or misapplication. Protection of investments.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the  
25 Authority shall, in favour of a lender and of any holder of security given by the Authority, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to the borrowing by the Authority in a place outside New South Wales and in a  
30 particular currency, shall also be conclusive evidence in favour of such persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

**42.** All debentures, bonds, stock or other securities which  
35 are secured upon the income and revenue of the Authority shall rank *pari passu* without any preference one above another by reason of priority of date or otherwise. Debentures, bonds, etc., to rank *pari passu*.

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PART

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*Sydney Cove Redevelopment Authority.*

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PART VII.

GENERAL.

43. (1) For the purpose of enabling the Authority to exercise and discharge the powers, authorities, duties and functions conferred or imposed on the Authority by or under this or any other Act, any person authorised in writing by the Authority for the purpose may, in respect of land within or adjacent to the development area, at any reasonable time—

Power of entry.

- 10 (a) enter into and upon that land and survey and take levels, and for these purposes dig trenches, break up the soil and set up any posts, stakes or marks;
- (b) in or upon that land, make inspections and for this purpose open any ground and take such measures as may be necessary to ascertain the character and condition of the land and any pipe, sewer, wire or drain thereunder; and
- 15
- (c) in or upon that land, open any ground, dig trenches and sink test holes or bores for the purpose of ascertaining the nature and quality of the material comprising the subsoil and dig, gather, take and carry away samples of any such material for analysis and testing.
- 20

(2) In the exercise of the power conferred on him by subsection one of this section, an authorised person shall do as little damage as possible and any person (other than the Crown or a public authority) who suffers damage in consequence of the exercise of that power shall be compensated therefor by the Authority.

25

(3) Any person who obstructs a person authorised by the Authority pursuant to subsection one of this section in the exercise of the powers conferred on him by that subsection shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars.

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*Sydney Cove Redevelopment Authority.*

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44. (1) For the purposes of exercising and discharging the powers, authorities, duties and functions conferred or imposed on the Authority by or under this or any other Act the Authority may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of any Government Department.

Authority may make use of facilities, and employees of the Crown or a public authority.

(2) The Authority may, for the like purposes, with the approval of the public authority concerned and the Minister, and on such terms as may be arranged, make use of the facilities, or of the services of any of the officers, servants or employees, of a public authority.

45. (1) The Authority may, in writing, delegate to the Director or any other member of the Authority any power, authority, duty or function (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act.

Delegation by Authority.

(2) A decision of the Director or any other member of the Authority when he is acting in pursuance of any delegation under subsection one of this section shall be deemed to be the decision of the Authority.

(3) A delegation under this section may be revoked by the Authority at any time and shall be without prejudice to the exercise or performance by the Authority of the power, authority, duty or function so delegated.

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*Sydney Cove Redevelopment Authority.*

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46. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying this Act into effect. Regulations.

(2) Without limiting the generality of subsection one of this section, the regulations may prescribe a form of lease of a building site.

(3) The regulations may provide for a penalty, not exceeding one hundred dollars, for any breach thereof and a daily penalty, not exceeding ten dollars per day, for a continuing breach thereof.

(4) The regulations shall—

- (a) be published in the Gazette;
  - 15 (b) take effect from the date of publication or from a later date to be specified therein;
  - (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session and, if not, then within fourteen sitting days after the commencement of the next session.
- 20

(5) If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after the regulations have been laid before the House disallowing the regulation or part thereof, such regulation or part shall thereupon cease to have effect.

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*Sydney Cove Redevelopment Authority.*

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47. All courts and persons having by law or consent of parties authority to hear, receive and examine evidence—

Judicial  
notice of  
seal of  
Authority.

(a) shall take judicial notice of the seal of the Authority affixed to any document; and

5 (b) shall unless the contrary is proved presume that such seal was properly affixed thereto.

48. Any notice, summons, writ or other proceeding required to be served on the Authority may be served by being left at the office of the Authority, or, in the case of a notice, 10 by post.

Service of  
notice of  
proceedings  
on the  
Authority.

49. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the Director.

Documents—  
how authen-  
ticated.

15 50. (1) Any penalty imposed by this Act or the regulations (not being a monetary penalty for breach of a covenant, condition or stipulation in a lease) may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

Recovery of  
penalty.

20 (2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

25 51. (1) Any charge, fee, remuneration or money due to the Authority under the provisions of this Act or the regulations may be recovered as a debt in a court of competent jurisdiction.

Recovery  
of charges,  
etc.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Proceedings for the recovery of any charge, fee, remuneration or money so due to the Authority shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

- 5 (a) section twenty-four of the Common Law Procedure Act, 1899;
- (b) section sixty-four of the District Courts Act, 1912; and
- 10 (c) section twenty-five of the Small Debts Recovery Act, 1912.

**52.** In any legal proceedings by or against the Authority no proof shall be required (unless evidence is given to the contrary) of— Proof of certain matters not required.

- (a) the constitution of the Authority;
- 15 (b) any resolution of the Authority;
- (c) the appointment of any member or any servant of the Authority; or
- (d) the presence of a quorum at any meeting at which any determination is made or any act is done by
- 20 the Authority.

**53.** (1) A writ or other process in respect of any damage or injury to person or property shall not be sued out or served upon the Authority or any member of the Authority or any servant of the Authority or any person acting in its or his aid for anything done or intended to be done or omitted to be done under this Act, until the expiration of one month after notice in writing has been served on the Authority or member or servant, as provided in this section. Notice of action.

(2) The notice shall state—

- 30 (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained; and

(c)

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*Sydney Cove Redevelopment Authority.*

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(c) the name and place of abode or business of the intended plaintiff and of his attorney, if any, in the case.

(3) In the case of damage to property, any person  
5 who produces on demand his authority from the Authority shall be permitted to inspect the property damaged, and all facilities and information necessary to ascertain fully the value of the property damaged, the nature and extent of the damage, and the amount of money, if any, expended in  
10 repairing the damage shall be given to him.

(4) Subject to subsection five of this section, at the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice and, unless the notice has been served and  
15 subsection three of this section complied with, the plaintiff shall not be entitled to maintain the action.

(5) At any stage of the proceedings the court or any judge of the court in which the action is pending may, if the court or judge deems it to be just or reasonable in the  
20 circumstances so to do—

(a) amend any defect in the notice on such terms and conditions, if any, as the court or judge may fix ;

(b) direct that any non-compliance or insufficient compliance with this section shall not be a bar to the  
25 maintenance of the action.

(6) Subject to subsection seven of this section, every such action shall be commenced within the period (in subsection seven of this section referred to as the “prescribed period”) of twelve months next after the occurring of the  
30 cause of action.

(7) Where application is made to a judge of the Supreme Court in accordance with rules of court for an extension of the prescribed period the judge may, if he is satisfied that sufficient cause has been shown, or that, having  
35 regard to all the circumstances of the case, it would be reasonable

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*Sydney Cove Redevelopment Authority.*

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reasonable so to do, make an order for extension of the prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order.

- 5 An application under this subsection may be made either within the prescribed period or at any time within twelve months thereafter.

Any person who is dissatisfied with the decision of the judge on any such application may appeal to the Court of  
10 Appeal and that court may on the appeal make any order which ought to have been made in the first instance.

Every such appeal shall be made in accordance with rules of court.

(8) The Authority, or any member of the Authority,  
15 servant or person to whom any such notice of action is given as aforesaid, may tender amends to the plaintiff, his attorney or agent at any time within one month after service of notice of action, and in case the tender is not accepted may plead it in bar.

20 (9) The defendant in every such action may plead the general issue and at the trial thereof give this Act and the special matter in evidence.

54. (1) As soon as practicable after the thirtieth day of  
June in each year, the Authority shall prepare and furnish  
25 to the Minister a report upon the operations and activities of the Authority during the year ending on that date.

(2) The Minister shall lay the report of the Authority, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him  
30 thereof.

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SCHEDULES.

*Sydney Cove Redevelopment Authority.*

## SCHEDULES.

## FIRST SCHEDULE.

Sec. 3.

5 All that piece or parcel of land situate in the City of Sydney, parish  
 of St. Philip and county of Cumberland: Commencing on the high  
 water mark of Port Jackson at Dawes Point at its intersection with  
 the northerly prolongation of the eastern side of Hickson Road, the  
 said eastern side forming the western boundary of land enclosed  
 with and used as part of Dawes Point Park adjoining the northern-  
 most western boundary of that park as dedicated by notification in  
 10 Government Gazette dated 14th October, 1932; and bounded thence  
 by that prolongation and that side of Hickson Road southerly to the  
 northern side of Lower Fort Street; by that side and the generally  
 south-eastern side of that street easterly and generally south-westerly  
 to the generally north-eastern side of George Street; by that side of  
 15 that street generally south-easterly to the westernmost corner of the  
 18½ perches of land vested in the Minister for Public Works for  
 addition to and extension of the Mining Museum by notification in  
 Government Gazette dated 24th February, 1939; by a line south-  
 westerly to the generally north-western side of York Street North at  
 20 the northernmost corner of the 29 square feet of land resumed for  
 the construction of a bridge across Sydney Harbour from Dawes Point  
 to Milsons Point by notification in Government Gazette dated 11th  
 March, 1932; by that side of York Street North generally south-  
 westerly to the northernmost corner of the 3¼ perches of land vested  
 25 in the Municipal Council of Sydney for purposes of public roads  
 and highways by notification in Government Gazette dated 29th  
 March, 1935; by the north-western boundary of that land and the  
 north-western boundary of the 1 rood 11¼ perches of land vested in  
 the Municipal Council of Sydney for purposes of public parks and  
 30 public recreation by notification in Government Gazette dated 29th  
 March, 1935, south-westerly; by a line south-westerly to the north-  
 western corner of the 4¼ perches of land vested in the Municipal  
 Council of Sydney for purposes of public parks and public recreation  
 by notification in Government Gazette dated 29th March, 1935; by  
 35 the north-western and southern boundaries of that land south-  
 westerly and easterly; by the western boundary of the 1¼ perches of  
 land vested in the Municipal Council of Sydney for purposes of  
 public roads and highways by notification in Government Gazette  
 dated 29th March, 1935, southerly; by the northern and part of the  
 40 north-western boundary of the 2 acres 3 roods 15¼ perches of land  
 vested in the Municipal Council of Sydney for purposes of public  
 parks and recreation by notification in Government Gazette dated  
 29th March, 1935, westerly and south-westerly to the northernmost  
 corner of lot 1, Deposited Plan 225361; by the generally north-  
 45 eastern boundary of that lot generally south-easterly to the generally  
 north-western side of York Street North; by that side of that street  
 generally south-westerly to the southernmost corner of the said lot 1;  
 by a line south-easterly to the intersection of the south-eastern side

of

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*Sydney Cove Redevelopment Authority.*

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- of York Street North with the northern side of Grosvenor Street ;  
 by that side of Grosvenor Street easterly to the generally western side  
 of George Street ; by that side of George Street generally northerly  
 to its intersection with a line along the southern boundary of Reserve  
 5 83662 for Public Recreation notified in Government Gazette dated  
 5th January, 1962 ; by that line easterly to its intersection with the  
 southerly prolongation of the westernmost western face of Circular  
 Quay Railway Station building ; by that prolongation and that face of  
 10 point marked "M" on plan registered St. P. 334 R. at the office of  
 the Maritime Services Board of N.S.W. ; by a line northerly to  
 the southernmost corner of the parcel of land lettered "A" on the said  
 plan and plan registered St. P. 333 XL. at the office of the Maritime  
 Services Board of N.S.W. ; by the prolongation of the lastmentioned  
 15 line, forming an eastern boundary of the said parcel of land,  
 northerly ; by the generally eastern boundary of the said parcel of  
 land generally northerly ; and by the high water mark of Port Jackson  
 generally north-westerly to the point of commencement ; but excluding  
 thereout the main arch and approach structure of the Sydney Harbour  
 20 Bridge, with supporting pylon and piers, the Cahill Expressway and  
 the Wynyard to Circular Quay railway, with supporting piers.

SECOND SCHEDULE.

Sec. 10.

The land described in the First Schedule, but excluding thereout the  
 lands described in the Third, Fourth and Fifth Schedules.

25

THIRD SCHEDULE.

Sec. 10.

The parcels of land lettered "A", "B", "C" and "D" on plans  
 registered St. P. 333 XL. and St. P. 334 R. at the office of the  
 Maritime Services Board of N.S.W.

FOURTH SCHEDULE.

Sec. 11.

- 30 The land comprised in Certificates of Titles volume 1986 folio 126,  
 volume 2451 folio 116, volume 2751 folio 144, volume 2819 folio 155,  
 volume 3434 folio 203, volume 3497 folio 39, volume 3575 folio 17,  
 volume 3600 folio 102, volume 3645 folio 237, volume 3668 folio 1,  
 volume 3804 folio 29, volume 4889 folio 47, volume 5170 folios 110,  
 35 111 and 151, volume 6911 folio 15, and volume 8399 folio 49.

FIFTH SCHEDULE.

Sec. 10 (5).

- The church lands comprised in Certificate of Title volume 6276  
 folio 221 and deeds registered Book 131 No. 228 and Book 1168  
 No. 74 and the property of the Commonwealth shown on Department  
 40 of the Interior Negative No. 13294 N.S.W., being the land comprised  
 in deed registered Book 2890 No. 176.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968  
 [40c]



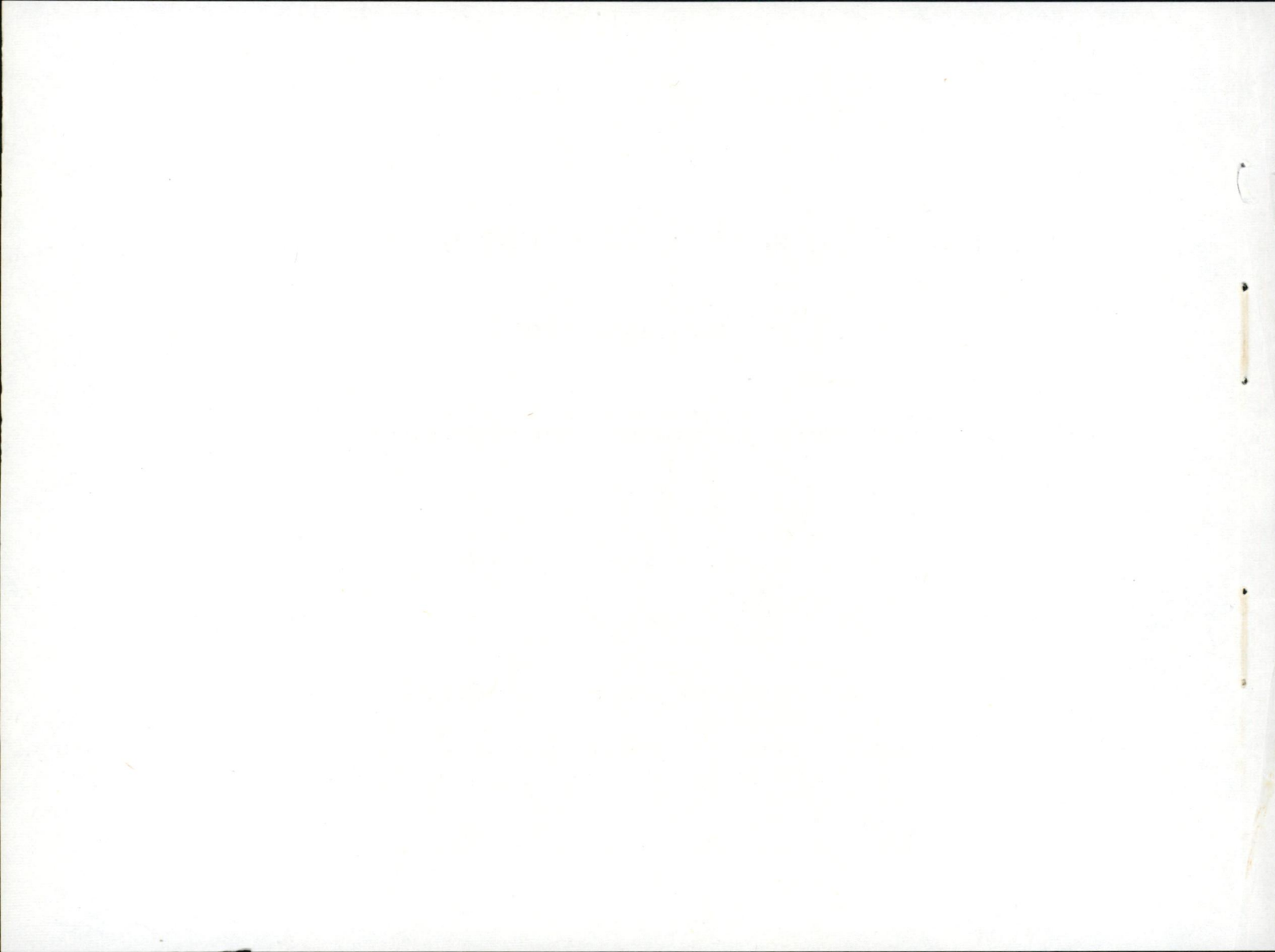
# SYDNEY COVE REDEVELOPMENT AUTHORITY BILL, 1968

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## EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide for the constitution of the Sydney Cove Redevelopment Authority and to define its powers, authorities, duties and functions;
- (b) to provide for the vesting in or acquisition by the Authority of certain land in that part of the City of Sydney bounded by Circular Quay West, Bradfield Highway, Grosvenor Street and George Street;
- (c) to require the Authority to prepare for consideration and approval by the Minister a scheme for the redevelopment of the land vested in or acquired by it;
- (d) to empower the Authority to lease, for the erection of buildings in accordance with the scheme approved by the Minister, land vested in or acquired by it;
- (e) to provide for the establishment of advisory committees to advise and assist the Authority;
- (f) to make certain provisions relating to finance;
- (g) to make other provisions consequential upon or ancillary to the foregoing.



*PROOF*

No. , 1968.

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# A BILL

To provide for the constitution of the Sydney Cove Redevelopment Authority and to define its powers, authorities, duties and functions; to vest certain property in the Authority and to provide for the acquisition by it of certain other property; to amend the Crown Employees Appeal Board Act, 1944; and for purposes connected therewith.

[MR MORTON—6 *November*, 1968.]

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BE

*Sydney Cove Redevelopment Authority.*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**PART I.**

**PRELIMINARY.**

1. (1) This Act may be cited as the "Sydney Cove Redevelopment Authority Act, 1968". Short title and commencement.

10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is divided as follows :—

Division into Parts.

PART I.—PRELIMINARY—*ss.* 1–3.

15 PART II.—CONSTITUTION OF THE AUTHORITY—*ss.* 4–9.

PART III.—ACQUISITION OF THE DEVELOPMENT AREA—*ss.* 10–12.

20 PART IV.—POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY—*ss.* 13–25.

PART V.—ADVISORY COMMITTEES—*ss.* 26–27.

PART VI.—FINANCE—*ss.* 28–42.

PART VII.—GENERAL—*ss.* 43–54.

SCHEDULES.

25 3. (1) In this Act, except in so far as the context or subject matter otherwise indicates or requires— Interpretation.

“Authority” means the Sydney Cove Redevelopment Authority constituted by this Act;

“development

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*Sydney Cove Redevelopment Authority.*

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“development area” means the land described in the First Schedule to this Act and any other land acquired by the Authority pursuant to this Act;

“Director” means Director of the Authority;

5 “public authority” means any public or local authority constituted by an Act other than this Act;

“prescribed” means prescribed by this Act or by the regulations;

10 “public road” has the meaning ascribed to that expression in the Local Government Act, 1919;

“regulations” means regulations made under this Act;

“road” has the meaning ascribed to that expression in the Local Government Act, 1919.

15 (2) In this Act, a reference to an Act includes all amendments of that Act, whether by subsequent Acts or otherwise, and an Act passed in substitution for the Act referred to, or incorporating any of its provisions.

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PART II.

CONSTITUTION OF THE AUTHORITY.

20 4. (1) There shall be a Sydney Cove Redevelopment Authority which shall have and may exercise and discharge the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act.

25 In the exercise and discharge of its powers, authorities, duties and functions the Authority shall, except where the Authority makes a recommendation to the Minister, be subject in all respects to the control and direction of the Minister.

30 (2) For the purposes of any Act the Authority shall be deemed to be a statutory body representing the Crown.

(3)

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*Sydney Cove Redevelopment Authority.*

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(3) The Authority shall consist of six members appointed by the Governor. Of the members so appointed—

- 5 (a) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment or by a subsequent instrument, be appointed as the Chairman of the Authority;
- 10 (b) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment or by a subsequent instrument, be appointed as the Director;
- 15 (c) two shall be persons nominated by the Minister as persons who, in his opinion, have special knowledge of, and experience in, either town planning or building development;
- (d) one shall be an officer of the Department of Public Works nominated by the Minister for the time being administering that Department;
- (e) one shall be an officer of the Council of the City of Sydney nominated by that Council.

20 (4) A member of the Authority shall, subject to this Act, hold office as such a member for such term not exceeding seven years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment from time to time.

25 Any such reappointment shall be for such term not exceeding seven years as may be specified in the instrument of his reappointment.

30 (5) On the occurrence of a vacancy in the office of a member of the Authority otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated as provided by subsection three of this section for his predecessor in office.

(6)

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*Sydney Cove Redevelopment Authority.*

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(6) A person who is of or above the age of sixty-five years shall not be appointed as a member of the Authority.

(7) The Director—

5 (a) shall be the chief executive and administrative officer of the Authority, shall devote the whole of his time to the duties of his office, and shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on him by this Act and such of the powers, authorities, duties and functions of the Authority as are delegated to him by the Authority; and

10 (b) shall be the Deputy Chairman of the Authority and shall, during the absence or illness of the Chairman, act in the place of the Chairman with, in addition to the powers, authorities, duties and functions conferred or imposed on him as Director, the powers, authorities, duties and functions conferred or imposed on the Chairman.

15 (8) No person shall be concerned to inquire whether any occasion has arisen requiring or authorising the Director to act as Deputy Chairman in the place of the Chairman, and all acts or things done or omitted by the Director while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the

20 Chairman.

(9) During the absence or illness of the Director the Minister may, on such terms and conditions (including terms and conditions as to payment of salary or remuneration, and allowances) as the Minister may determine, appoint any

30 person as Acting Director of the Authority, and the person so appointed, while he holds office as Acting Director of the Authority—

(a) shall have and may exercise or perform the powers, authorities, duties and functions of the Director and Deputy Chairman of the Authority; and

35

(b) if he is not otherwise a member of the Authority, shall be deemed to be such a member.

(10)

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*Sydney Cove Redevelopment Authority.*

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(10) No person shall be concerned to inquire whether any occasion has arisen requiring or authorising the Acting Director to act in the place of the Director, and all acts or things done or omitted by the Acting Director of the Authority while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Director.

(11) The Chairman and members of the Authority, other than the Director, shall receive such remuneration and allowances and the Director shall receive such annual salary and allowances, as the Governor in each case may from time to time determine.

(12) Where any member of the Authority, other than the Director, is an officer of the Public Service or of a public authority he shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration and allowances under this section in addition to any remuneration and allowances to which he is otherwise entitled.

(13) Where by or under any other Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of a member of the Authority other than the Director.

(14) The office of a member of the Authority, other than the Director, shall not for the purposes of any Act be deemed to be an office or place of profit under the Crown.

(15) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment by the Governor of any member of the Authority and any such member so appointed shall not, in his capacity as such a member, be subject to the provisions of that Act during his term of office.

(16)



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*Sydney Cove Redevelopment Authority.*

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(16) A member of the Authority shall be deemed to have vacated his office—

- (a) if he dies;
- 5 (b) if, being the Director, he engages during his term of office in any paid employment outside the duties of his office;
- 10 (c) if, being the Director, he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) unless such absence is occasioned by illness or other unavoidable cause;
- 15 (d) if, being a member other than the Director, he is absent from four consecutive ordinary meetings of the Authority of which reasonable notice has been given him either personally or in the ordinary course of post unless on leave granted by the Authority or unless he is, before the expiration of four weeks after the last of such meetings, excused  
20 by the Authority for his absence from such meetings;
- (e) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;
- 25 (f) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- 30 (g) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- 35 (h) if he resigns his office by writing under his hand addressed to the Governor, and the Governor accepts the resignation;

(i)

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*Sydney Cove Redevelopment Authority.*

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- (i) if he is removed from office by the Governor;
- (j) if he is a member appointed under paragraph (d) or (e) of subsection three of section four of this Act and he ceases to hold the qualification by virtue of which he was appointed; or
- 5 (k) on the day on which he attains the age of sixty-five years.

(17) The Governor may, for any cause which appears to him sufficient, remove any member of the Authority from  
10 office.

(18) Where the Director is, at the date of his appointment as Director, an officer of the Public Service and he ceases to be the Director from any cause whatsoever, otherwise than in pursuance of subsection sixteen (paragraph (h)  
15 excepted) or seventeen of this section, he shall, if he is under the age of sixty years, be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as the Director.

20 (19) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or the Superannuation Act, 1916, or the Local Government (Superannuation) Act, 1927, to any person appointed as  
25 Director who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927.

(20) Any officer of the Public Service or any person  
30 who is an employee within the meaning of the Superannuation Act, 1916, or any permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, who is appointed as Director shall continue to contribute to any fund or account and shall be entitled to receive any deferred  
35 or extended leave and any payment, pension or gratuity as if he

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*Sydney Cove Redevelopment Authority.*

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he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, or a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, as the case may  
5 be, and for that purpose his service as Director shall be deemed to be service for the purpose of the Act under which he continued to contribute or by which that entitlement is conferred.

In respect of a Director who contributes to a fund or  
10 account as aforesaid, the Authority shall pay to the State Superannuation Board or the Local Government Superannuation Board, as the case may be, such amounts as would have been payable by the employer by whom he was employed immediately before his appointment as the Director, if the  
15 Director had remained an employee or permanent servant as aforesaid and had continued to be employed at the same salary or wage as the salary or wage at which he is employed by the Authority.

5. (1) The Authority shall be a body corporate with  
20 perpetual succession and a common seal, and may sue or be sued in its corporate name, and shall, subject to this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing or suffering all such acts and things  
25 as bodies corporate may by law do and suffer.

Authority  
to be body  
corporate—  
proceedings  
of Authority.

(2) The corporate name of the Authority shall be "Sydney Cove Redevelopment Authority".

(3) The common seal shall be kept in the custody of the Director and shall not be affixed to any instrument except  
30 in pursuance of a resolution of the Authority.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of the Chairman or the Director, and one other member.

(4)

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*Sydney Cove Redevelopment Authority.*

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(4) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Authority.

5 (5) Four members of the Authority, including the Chairman of the Authority or the Director, or both of them, shall form a quorum and any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority.

10 (6) In the event of an equality of votes at any meeting of the Authority, the Chairman shall have, in addition to a deliberative vote, a second or casting vote.

A decision of a majority of the members present at a meeting of the Authority at which a quorum is present shall  
15 be the decision of the Authority.

(7) The Authority shall cause full and accurate minutes to be kept of the proceedings at its meetings, and submit to the Minister a copy of the minutes of each such meeting within one week after the day on which it is held.

20 (8) No act or proceeding of the Authority shall be invalidated or prejudiced by reason only of the fact that at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the office of a member of the Authority.

25 (9) No matter or thing done, and no contract entered into, by the Authority and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Authority shall, if the matter or thing was done, or the contract was entered into, bona fide for the  
30 purpose of executing this Act, subject a member of the Authority or a person so acting personally to any action, liability, claim or demand whatsoever.

Nothing

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*Sydney Cove Redevelopment Authority.*

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Nothing in this subsection shall exempt any member of the Authority from liability to be surcharged with the amount of any payment which he authorised, or joined in authorising, where the payment is disallowed by the Auditor-General in  
5 the accounts of the Authority.

6. (1) The Authority shall appoint and employ such **Servants.** servants as may be necessary for carrying out the provisions of this Act.

(2) Subject to this Act, every servant of the Authority  
10 shall continue in the service of the Authority at the will of the Authority only.

(3) All servants of the Authority shall be subject to the sole control and governance of the Authority which may fix wages and conditions of employment where they are not  
15 fixed in accordance with the provisions of any other Act.

7. The regulations may make provision for and with **Regulations** respect to— **re servants.**

- (a) the control and governance of servants by the Authority; and
- 20 (b) any other matter or thing necessary or convenient to ensure the maintenance of discipline and efficiency in the service of the Authority.

8. (1) Where a servant of the Authority has acquired a **Payments in** right to leave with pay in respect of long service leave and **respect of**  
25 dies before entering upon it or, after entering upon it, dies **long service** before its termination, the widow or widower of the servant **leave on** or, if there is no such widow or widower, the children of the **death of** servant or, if there is no such widow or widower or there **servant.** are no such children, a person who in the opinion of the  
30 Authority was, at the time of the death of the servant, a dependent relative of the servant, shall be entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary or wages the servant received at the time of his or her death, less any amount paid to the  
35 servant in respect of the leave not taken or not completed.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Where there is a guardian of any children entitled under subsection one of this section, the payment to which those children are entitled may be made to that guardian for their maintenance, education and advancement.

5 (3) Where there is no person entitled under subsection one of this section to receive the money value of any leave, payment in respect thereof shall be made to the personal representative of the servant.

(4) Where payment of the money value of leave has  
10 been made under this section no action may be brought against the Authority for payment of any amount in respect of that leave.

9. The Crown Employees Appeal Board Act, 1944, is  
15 amended by inserting at the end of the Second Schedule the words "Sydney Cove Redevelopment Authority".  
Amendment of Act No. 15, 1944.

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**PART III.**

**ACQUISITION OF THE DEVELOPMENT AREA.**

10. (1) In this subsection "land" does not include land that immediately before the commencement of this Act, was a dedicated public road or was set apart, dedicated or reserved under any Act for any public purpose.  
20 Vesting or purchase of certain land.

Notwithstanding anything contained in any Act—

25 (a) any estate or interest that, immediately before the commencement of this Act, was vested in any person on behalf of Her Majesty, or as Constructing Authority, or in a public authority, being an estate or interest in land within the land described in the Second Schedule to this Act, is hereby vested in the Authority for the purposes of this Act, freed and discharged from any trusts affecting it immediately before that commencement but otherwise without prejudice to any other estate or interest in that land;  
30 and

(b)

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*Sydney Cove Redevelopment Authority.*

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5 (b) any land within the land described in the Second Schedule to this Act that, immediately before the commencement of this Act was Crown land within the meaning of the Crown Lands Consolidation Act, 1913, may be granted to the Authority for the purposes of this Act, subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Governor may deem expedient.

10 (2) In this subsection "land" means any part of the land described in the Second Schedule to this Act that is excluded from the operation of subsection one of this section, and any part of the land described in the Third Schedule to this Act.

15 After the giving by the Authority, in the manner prescribed, of such notice as may be prescribed the Governor may, by proclamation published in the Gazette, declare that land described or referred to in the proclamation is vested in the Authority and, notwithstanding anything contained in any Act, upon publication of such a proclamation—

20 (a) where, immediately before publication of the proclamation the land described or referred to therein was land set apart, dedicated (otherwise than as a public road) or reserved under any Act for any public purpose, or was a dedicated public road, 25 the setting apart, dedication or reservation thereof shall be deemed to have been duly revoked;

(b) where, immediately before publication of the proclamation, the land described or referred to therein—

30 (i) was land so set apart, dedicated or reserved and had been granted; or

(ii) was not land so set apart, dedicated or reserved, or was a dedicated public road,

35 the estate or interest of the grantees, or their successors in title, in land referred to in subparagraph (i) of this paragraph, and any estate or interest in land referred to in subparagraph (ii) of

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*Sydney Cove Redevelopment Authority.*

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5 of this paragraph that, immediately before that publication, was vested in any person on behalf of Her Majesty, or as Constructing Authority, or in a public authority, shall vest in the Authority for the purposes of this Act, freed and discharged from any trusts affecting it immediately before that publi-

10 (c) where, immediately before publication of the pro-  
clamation, the land described or referred to therein was not land that had been granted to or vested in any person, the land so described or referred to may be granted to the Authority for the purposes of this Act, subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the  
15 Governor may deem expedient.

(3) Notwithstanding anything contained in any Act, land that is a public road and is vested pursuant to this section or section eleven of this Act shall remain vested in the  
20 Authority until divested in accordance with this Act.

(4) The Authority shall not be required to pay, by way of compensation or otherwise, any amount to the Crown, or to any person or public authority, in respect of the granting or vesting, pursuant to subsection one or two of this section,  
25 of an estate or interest in land, but nothing in this subsection shall be construed as affecting the provisions of this or any other Act relating to the adjustment of the capital debt of the Authority or any public authority.

(5) The Authority may acquire, by purchase, the land  
30 described in the Fourth or Fifth Schedule to this Act, or any part thereof.

**11. (1) Where the Authority—**

35 (a) has made application to the Governor through the Minister for the appropriation or resumption of any land within the land described in the Second, Third or Fourth Schedule to this Act, or any part thereof, or any land adjoining or in the vicinity of the development area;

Appropriation or resumption of certain land.

(b)



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*Sydney Cove Redevelopment Authority.*

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5 (b) has made provision to the satisfaction of the Minister for payment of compensation for the proposed appropriation or resumption, together with interest and all necessary charges and expenses incidental thereto; and

(c) has given such notice of its application as may be prescribed,

10 the Governor may appropriate or resume the land under Division 1 of Part V of the Public Works Act, 1912, as if the appropriation or resumption were for the purposes of carrying out an authorised work within the meaning of that Act and as if the Governor had directed that any land required for that work be taken pursuant to that Division.

15 (2) Notwithstanding anything contained in the Public Works Act, 1912, upon the publication in the Gazette pursuant to subsection one of this section of a notification under Division 1 of Part V of that Act, the land described or referred to in the notification shall vest in the Authority for the purposes of this Act for an estate in fee simple in 20 possession, freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements whatsoever.

(3) The provisions of subsection two of section 536A and sections 536AA to 536DH, both inclusive, of the Local 25 Government Act, 1919, shall, mutatis mutandis and subject to subsection four of this section, apply to and in respect of the appropriation or resumption of land pursuant to this section and matters incidental thereto.

30 (4) For the purposes only of subsection three of this section, the provisions of the Local Government Act, 1919, referred to therein shall, without prejudice to the generality of that subsection, be read and construed as if—

35 (a) references therein to the resumption or appropriation of land by a council were references to the appropriation or resumption of land pursuant to this section, and other references to a council were references to the Authority; and

(b)

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*Sydney Cove Redevelopment Authority.*

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- (b) (i) paragraphs (a), (c) and (d) of subsection two of section 536c had been omitted therefrom.
- 5 (ii) by omitting from paragraph (e) of the same subsection the words "construction of any works upon the land taken" and by inserting in lieu thereof the words "carrying out of the approved scheme under the Sydney Cove Redevelopment Authority Act, 1968, or any Act amending that Act, or the carrying out of any part of that scheme";
- 10 (iii) by omitting from the same paragraph the words "Provided that the court in ascertaining such compensation shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of any works on the land taken, but in no case shall this proviso operate so as to require any payment to be made by such owner to the council in consideration of such enhancement of value as aforesaid:";
- 15 (iv) by omitting from the same paragraph the word "also" where secondly occurring.
- 20
- 25

(5) Except to the extent provided by this section and by the Local Government Act, 1919, as applied by this section, the provisions of the Public Works Act, 1912, shall  
30 not apply to or in respect of an appropriation or resumption pursuant to this section.

(6) Notwithstanding anything contained in this section (subsection one excepted) or in any other Act, the Authority shall not be required to pay, by way of compensation or otherwise, any amount to the Crown, or to any  
35 person on behalf of Her Majesty, or to a public authority, in respect of an appropriation or resumption of land pursuant to this section.

*Sydney Cove Redevelopment Authority.***12.** (1) On and from—

- (a) the commencement of this Act, in the case of land or any estate or interest therein that is vested in, or may be granted to, the Authority by or pursuant to subsection one of section ten of this Act; and
- (b) the publication of the proclamation, in the case of land or any estate or interest therein that is vested in, or may be granted to, the Authority by virtue of a proclamation published pursuant to subsection two of that section,

Rents, profits, outgoings and powers in relation to land acquired by Authority.

the Authority shall be entitled to the rents and profits, and shall pay all proper outgoings, in respect of that land, and no attornment by a lessee from the immediate predecessor in title of the Authority shall be necessary.

- (2) Except as provided by this Act, or by way of surrender to Her Majesty, the Authority shall not sell, lease, exchange or otherwise deal with or dispose of land vested in, granted to, or otherwise acquired by, the Authority.

**PART IV.****20 POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY.**

- 13.** (1) Subject to this Act the Authority shall be charged with the responsibility of planning and promoting the redevelopment of the development area in accordance with the provisions of this Act and shall, within twelve months from the commencement of this Act, or within such further period as the Minister may in writing allow, submit to the Minister a detailed scheme for the redevelopment of the development area.

Redevelopment of development area and preparation of scheme therefor.

- (2) Without limiting the generality of subsection one of this section the scheme shall include—

## (a) a plan of the development area showing—

- (i) the parcels of land, in this Act referred to as “building sites”, on which the Authority proposes that buildings shall be erected;

90—B

(ii)

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*Sydney Cove Redevelopment Authority.*

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- (ii) the parcels of land which the Authority proposes shall be retained or established or dedicated as public places, open spaces, recreation areas and the like;
- 5 (iii) the parcels of land which the Authority proposes shall be retained with, and in association with, buildings of an historical nature erected thereon or on part thereof;
- 10 (iv) the roads which the Authority proposes should be closed or retained and the roads which the Authority proposes should be opened or dedicated as public roads;
- 15 (v) the location or proposed relocation of public utility services in or adjoining the development area;
- (b) proposals for the progressive redevelopment of the development area, including—
  - 20 (i) perspective plans of the proposed redevelopment of the development area;
  - (ii) recommendations for the redevelopment of the development area in stages and in a progressive and orderly manner;
  - 25 (iii) recommendations as to the purpose for which buildings proposed to be erected on each building site should be used, the height and general external design and appearance of each building, the area of each building site to be covered by each building and the situation of each building in relation to the boundaries of its building site.
  - 30
- (3) The scheme shall include, or be accompanied by—
  - 35 (a) a statement of the result of a consideration by the Authority of the economic aspects involved;
  - (b) such other information as the Authority considers would be necessary or desirable to enable the Minister to consider the scheme, or as the Minister may require.

*Sydney Cove Redevelopment Authority.*

14. (1) The Minister shall consider the plan referred to in paragraph (a), and the proposals referred to in paragraph (b), of subsection two of section thirteen of this Act, and may then direct the Authority—

Minister to consider scheme.

- 5 (a) to proceed with the scheme constituted by the plan and proposals;
- (b) to proceed with that scheme with such alterations as the Minister deems expedient and notifies in writing to the Authority; or
- 10 (c) not to proceed with that scheme, but to submit another scheme for the Minister's consideration.

(2) If, pursuant to paragraph (c) of subsection one of this section, the Minister directs the Authority to submit another scheme, the Authority shall comply with the direction within such period as the Minister may allow, and subsection one of this section shall apply to and in respect of that other scheme as if it were the original scheme.

15 15. Subject to this Act, where the Minister gives a direction under paragraph (a) or (b) of subsection one of section fourteen of this Act, the scheme in respect of which the direction is given shall constitute the approved scheme for the purposes of this Act and the redevelopment of the development area, and all redevelopment of that area shall, subject to this Act, be carried out in accordance with the approved scheme.

Approved scheme.

20 16. (1) The approved scheme shall be filed in the office of the Authority and may be inspected during the office hours of the Authority by any person on payment of such fees as may be determined by the Authority.

Evidence.

30 (2) A copy of, or an extract from, any document, map or plan embodied in the approved scheme shall be admissible in evidence if it—

- 35 (a) purports to be a copy of, or an extract from, the original document, map or plan and purports to be printed by the Government Printer or by the authority of the Authority; and

(b)

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*Sydney Cove Redevelopment Authority.*

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(b) purports to be certified under the hand of the Director.

For the purposes of this subsection a copy of, or an extract from, a document, map or plan may be on the same 5 scale as the original or may be an enlarged or reduced copy.

(3) The Director shall furnish a certified copy or extract referred to in subsection two of this section on the application of any person and upon payment of such fee as may be determined by the Authority, either generally or in 10 a particular case.

17. (1) Subject to this section, the Minister may, on the recommendation of the Authority, vary the approved scheme. Approved scheme may be varied.

(2) Before recommending to the Minister a variation of the approved scheme that involves a variation of the 15 perspective plan, an alteration in the proposed use of a building, an alteration of the height or general external design and appearance of a building, the area of a building site to be covered by a building or the situation of a building in relation to the boundaries of a building site, the Authority 20 shall give notice as prescribed of its intention to make the recommendation and shall, in that notice, specify—

- (a) full particulars of the proposed variation; and
- (b) the time, being not less than thirty days after the giving of the notice, within which any person who, 25 pursuant to this Act, has acquired an estate or interest in a building site (not being a tenancy at will or a license) may lodge with the Authority an objection to the proposed variation.

(3) An objection lodged pursuant to subsection two 30 of this section shall be deemed not to have been duly made unless—

- (a) it is in writing, setting forth the grounds of the objection; and
- (b) it is lodged within the time specified in the notice 35 of the recommendation to which it relates.

(4)

*Sydney Cove Redevelopment Authority.*

(4) When making its recommendation to the Minister the Authority shall forward to the Minister a copy of any objections duly made to the proposed variation, and a report of the Authority's consideration thereof.

5 (5) After considering the recommendations and any objections, the Minister may direct the Authority—

(a) to vary the approved scheme as recommended by the Authority;

10 (b) to vary the approved scheme with such alterations as the Minister, arising out of his consideration of the Authority's recommendation, and of any objections, deems expedient and notifies in writing to the Authority; or

(c) not to vary the approved scheme.

15 (6) Where the Minister gives a direction under paragraph (a) or (b) of subsection five of this section, the approved scheme, as varied in accordance with the direction, shall be the approved scheme for the purposes of this Act and the provisions of this section and section sixteen of this Act  
20 shall apply to and in respect of the approved scheme as so varied as if it were the original approved scheme.

18. (1) The Authority shall, as soon as practicable, cause the development area to be redeveloped in accordance with the approved scheme.

Authority to cause re-development of development area.

25 (2) The provisions of Part XIIA of the Local Government Act, 1919, and of any ordinance prescribing a scheme under, or giving effect to, that Part shall not, except to the extent that may be prescribed, apply to or in respect of the development area.

30 19. (1) For the purposes of this Act, and without limiting the generality of section eighteen of this Act, the Authority may—

General powers of Authority.

35 (a) pending redevelopment thereof, generally manage property vested in it and grant tenancies at will and licenses, in respect thereof;

(b)

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*Sydney Cove Redevelopment Authority.*

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- 5 (b) cause surveys to be made, and plans of survey to be prepared, showing the subdivision of the development area or any part thereof into the parcels referred to in subparagraphs (i), (ii) and (iii), and the roads and locations referred to in subparagraphs (iv) and (v), of paragraph (a) of subsection two of section thirteen of this Act;
- 10 (c) by notification published in the Gazette, close or realign any public road, or part thereof, within or adjacent to the development area;
- (d) demolish, or cause to be demolished, any building or structure in the development area of which it has exclusive possession;
- 15 (e) arrange, on such terms and conditions as may be agreed upon, for the location or relocation of public utility services in or adjoining the development area or, if no agreement can be reached, on such terms and conditions as may be determined by the Minister;
- 20 (f) by notification published in the Gazette, exempt any public road within or adjoining the development area, or any part thereof, from the operation of Division 13A of Part IX of the Local Government Act, 1919, and, by a like notification vary or revoke any such notification; and
- 25 (g) do all things necessary or desirable to cause the development area to be redeveloped in accordance with the approved scheme.

(2) Notwithstanding anything contained in any Act, 30 upon the publication, pursuant to paragraph (c) of subsection one of this section, of a notification closing a public road or part thereof, the estate or interest therein of any person or public authority shall vest in the Authority, freed and discharged from any trusts affecting it immediately before that 35 publication and freed and discharged from any rights of the public or any person thereto as a highway.

(3) No compensation shall be payable to the Crown or to any person or public authority in respect of the closing by the Authority of any road. 20.



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*Sydney Cove Redevelopment Authority.*

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20. (1) The Authority may, by notification published in the Gazette, declare that it proposes to surrender to Her Majesty land described or referred to in the notification to be dedicated for any public purpose specified in the notification or, if so specified in the notification, as a public road.

Dedication  
of land for  
public  
purposes  
or as a  
road.

(2) Upon the surrender of land described or referred to in a notification published pursuant to subsection one of this section, the land so described or referred to shall be Crown land reserved from sale or lease generally and, upon revocation of the reservation, may be dedicated under the Crown Lands Consolidation Act, 1913, for the public purpose specified in the notification or, as the case may require, under the Public Roads Act 1902, as a public road.

(3) The Authority may, in a notification published pursuant to subsection one of this section, limit the description of, or reference to, land to a specified depth below the surface thereof and, where such a description or reference is so limited, subsection two of this section shall not apply to or in respect of land below the depth so specified.

(4) The Authority may, by notification published in the Gazette, declare to be a public road any elevated or subterranean structure owned by the Authority that continues the line of a public road and, upon publication in the Gazette of such a notification, the structure shall, except in relation to any vesting thereof, be deemed to be a public road.

(5) Notwithstanding anything contained in any Act, a road within the development area shall not be provided, opened, dedicated, closed or realigned by the Crown or any person or public authority except pursuant to the provisions of this Act or with the consent of the Authority.

21. (1) For the purposes of this Act, the Authority may make and enter into contracts with any person for the carrying out of any work or the performance of services or the supply

Authority  
may enter  
into  
contracts.

*Sydney Cove Redevelopment Authority.*

supply of goods, machinery or material in connection with the exercise or discharge by the Authority of the powers, authorities, duties and functions conferred or imposed upon it by this or any other Act.

5 (2) Any such contract or agreement shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales.

10 **22.** (1) At any time after the Minister has directed the Authority to proceed with the approved scheme the Authority may—

Authority may erect buildings or grant leases.

- 15 (a) erect or cause to be erected a building on a building site; or
- (b) grant, with the approval of the Minister, a lease of a building site to the Crown, to any public authority or to any person for such term, on such conditions and subject to such covenants, not inconsistent with any prescribed term, condition or covenant, as the Authority may determine and, except in the case of a prescribed term, condition or covenant, the Minister may approve.
- 20

(2) The covenants referred to in subsection one of this section shall include covenants on the part of the lessee—

- 25 (a) not to commence the erection of a building on the land leased or any work preparatory or incidental thereto, without the written consent of the Authority;
- (b) not to erect on the land leased a building that is not in conformity with plans and specifications thereof approved by the Authority; and
- 30 (c) not to contravene any condition imposed by the Authority when giving the consent referred to in paragraph (a) of this subsection.

35 Nothing in this subsection shall be construed as limiting the form of any covenant referred to therein or the form or extent of any other covenant in a lease of a building site.

(3)

*Sydney Cove Redevelopment Authority.*

(3) Where a covenant, condition or stipulation in a lease granted by the Authority excludes, or is inconsistent with, the operation of a provision of an Act passed before or after the commencement of this Act, being a provision  
5 whereby, but for this subsection—

(a) a right would be conferred, or an obligation imposed, on a lessor or lessee; or

(b) a covenant, condition or stipulation would be implied, or be deemed to be included, in the lease,

10 the provision shall not, to the extent of the exclusion or inconsistency, operate in respect of the lease.

(4) A lease granted by the Authority may provide for payment of a penalty for a breach of a covenant, condition or stipulation in the lease and may assign different  
15 penalties for different breaches and, upon such a breach, the penalty specified in relation thereto shall, whether or not the breach gives rise to a right of re-entry or forfeiture, be recoverable as liquidated damages.

23. (1) Subject to this section—

20 (a) the Authority may give a consent referred to in paragraph (a) of subsection two of section twenty-two of this Act upon the application of a person entitled to apply to the Council of the City of Sydney for its approval to the erection of a  
25 building; and

(b) the Authority may impose conditions in giving such a consent.

(2) Subject to section twenty-four of this Act, the Authority shall not give a consent pursuant to subsection one  
30 of this section unless—

(a) the application therefor is accompanied by such plans and specifications of the building in respect of which the consent is sought, and such other information in respect of that building, as may be  
35 prescribed or as the Authority may require; and

(b)

Approval  
of Authority  
to erection  
of building.

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*Sydney Cove Redevelopment Authority.*

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- (b) the application therefor and the accompanying plans, specifications and other information disclose that the building in all respects will be in conformity with the approved scheme as to—
- 5 (i) the use to which the building will be put;
  - (ii) the height and general external design and appearance of the building;
  - (iii) the area of the building site to be covered by the building; and
  - 10 (iv) the situation of the building in relation to the boundaries of the building site.

24. (1) Where application is made to the Authority for its consent to the erection on a building site of a building that is not in all respects in conformity with the approved scheme and, in the opinion of the Authority, any variation from the approved scheme is a minor variation in respect of the matters referred to in subparagraphs (i) to (iv), both inclusive, of paragraph (b) of subsection two of section twenty-three of this Act, the Authority shall make a recommendation to the Minister in connection with the application.

(2) The Minister shall consider a recommendation made pursuant to subsection one of this section and the circumstances of the case and, if he is of the opinion that the variation which, if the proposed building were erected, would be made in the approved scheme—

- (a) is not one which should be dealt with pursuant to section seventeen of this Act;
- (b) will not prejudice the approved scheme;
- 30 (c) will not adversely affect the amenity of the development area; and
- (d) will not adversely affect the rights of any person who, pursuant to this Act, has acquired an estate or interest (not being a tenancy at will or a license) in land in the development area,

35 the Minister may approve of the application in writing.

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*Sydney Cove Redevelopment Authority.*

An approval given by the Minister pursuant to this section may be given subject to such conditions as he thinks fit and shall be deemed to be a consent given by the Authority pursuant to subsection one of section twenty-three of this Act subject to those conditions.

25. (1) The consent of the Authority to the erection of a building in the development area shall be a consent for the purposes of this Act only and, subject to this section and subsection two of section eighteen of this Act, shall not be construed as authorising the erection of the building without any other approval which, by or under any other Act, or any rule, regulation, by-law or ordinance, is required for or in connection with the erection of the building.

Effect of consent by Authority.

(2) Notwithstanding anything contained in any other Act, or any rule, regulation, by-law or ordinance, where the Authority has consented to the erection of a building in the development area, the Council of the City of Sydney shall be deemed to have approved, pursuant to any such Act, rule, regulation, ordinance or by-law—

- (a) the building line and height of the building;
- (b) the proportion of the site to be covered by the building, and any open space and light areas to be provided;
- (c) the position of the building in relation to other buildings and the boundaries of the building site;
- (d) the means of access to the building;
- (e) the space or accommodation to be provided for vehicles likely to be used by the occupants of, or visitors to, the building; and
- (f) the accommodation to be provided for the loading or unloading of vehicles.

## PART V.

## ADVISORY COMMITTEES.

26. (1) The Minister may, on the recommendation of the Authority, by notification published in the Gazette, appoint advisory committees to carry out such investigations and

Advisory committees.

*Sydney Cove Redevelopment Authority.*

and furnish such reports and recommendations as the Authority may require in connection with any matter or thing relating to the redevelopment of the development area or the carrying out or exercise by the Authority of any power, authority, duty or function conferred or imposed upon the Authority by this or any other Act.

(2) Without limiting the generality of subsection one of this section advisory committees may be appointed to investigate, and report and make recommendations on, any matter relating to—

- (a) the co-ordination of redevelopment in the development area;
- (b) the use and preservation of historical sites and buildings; and
- (c) the design and location of buildings, services, public roads and public places within the development area, and services and public roads adjacent to the development area.

27. (1) Each advisory committee shall consist of a chairman and such other persons as the Minister thinks fit.

Constitution of advisory committees.

(2) A member or servant of the Authority may be appointed to an advisory committee.

(3) Officers or employees of any Government Department or of any public authority or any officer or servant of the Council of the City of Sydney may, with the approval of the Minister of the Department concerned, or of the public authority or the Council, as the case may require, be appointed to an advisory committee on such terms and conditions as may be arranged.

(4) Each member of an advisory committee shall be appointed for such term, not exceeding three years, as may be specified in the instrument of his appointment and, if otherwise qualified, shall be eligible for reappointment from time to time.

Any such reappointment shall be for such term, not exceeding three years, as may be specified in the instrument of reappointment.

(5)

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*Sydney Cove Redevelopment Authority.*

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(5) On the occurrence of a vacancy in the office of a member of an advisory committee otherwise than by the expiration of the term for which he was appointed the Minister may, by notification published in the Gazette, appoint any  
5 person to fill the vacant office and any person so appointed shall hold office for the remainder of his predecessor's term of office.

(6) A member of an advisory committee shall be deemed to have vacated his office if he—

- 10 (a) dies;
- (b) resigns his office by writing under his hand addressed to the Authority and his resignation is accepted by the Authority;
- 15 (c) is, on the recommendation of the Authority, removed from office by the Minister;
- (d) being a member or servant of the Authority ceases to hold office as such a member or ceases to be such a servant; or
- 20 (e) having been appointed by virtue of his being an officer or employee or servant of a Government Department, public authority or the Council of the City of Sydney, ceases to be employed by that Government Department, public authority or Council, as the case may be.

25 (7) The Minister may, on the recommendation of the Authority, remove from office for any cause which appears to him sufficient, any member of an advisory committee.

(8) The procedure for the calling of meetings of an advisory committee, and for the conduct of business at such  
30 meetings shall, subject to any direction by the Authority, be as determined by the advisory committee.

(9)

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*Sydney Cove Redevelopment Authority.*

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(9) A member of an advisory committee, not being a member or servant of the Authority, shall be entitled to receive such remuneration (whether by way of fee or allowance or otherwise) and such travelling expenses as may  
5 from time to time on the recommendation of the Authority be fixed by the Minister

(10) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting  
10 him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of an advisory committee or from accepting and retaining any remuneration and expenses payable to him as such a member.

15 (11) The office of member of an advisory committee shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

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PART VI.

FINANCE.

20 **28.** (1) The Authority shall cause to be kept proper books of account in relation to all of its operations, and shall, as soon as practicable after the thirtieth day of June in each  
year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by  
25 the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority.

(2) The Minister shall cause the statement of accounts to be laid before Parliament within fourteen sitting days after its receipt by him if Parliament is in session, and  
30 if not, then within fourteen sitting days after the commencement of the next session.

**29.**



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*Sydney Cove Redevelopment Authority.*

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**29.** (1) The accounts of the Authority shall be audited <sup>Audit of</sup> by the Auditor-General who shall have, in respect thereof, all <sup>accounts.</sup> the powers conferred on him by any law now or hereafter in force relating to the audit of public accounts; and the Audit <sup>5</sup> Act, 1902, shall apply to the members of the Authority and its officers in the same manner as it applies to accounting officers of Public Departments.

(2) The Auditor-General shall report to the Authority and the Minister—

- 10** (a) whether or not in his opinion—
- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Authority;
  - 15** (ii) the expenditure incurred has been duly authorised, vouched and supervised;
  - (iii) any of the moneys or other property of the Authority have been misappropriated or improperly or irregularly dealt with; and
- 20** (b) as to any other matters which in his judgment call for special notice or which are prescribed.

(3) Towards defraying the costs and expenses of such audit the Authority shall pay to the Consolidated Revenue Fund such sums, at such times, as the Treasurer may decide.

**25** **30.** (1) As soon as practicable after the commencement of this Act the Valuer General shall determine the improved <sup>Capital</sup> capital value of all the land vested pursuant to paragraph (a) <sup>debt of the</sup> of subsection one of section ten of this Act, and the total <sup>Authority.</sup> amount of the value so determined and certified by the **30** Treasurer to the Authority shall be deemed to be the capital debt assumed by the Authority.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Where, pursuant to subsection one or two of section ten of this Act, any land is granted to the Authority and where, pursuant to paragraph (b) of subsection two of that section, any land is vested in the Authority, the  
5 Valuer General shall determine the improved capital value of the land so granted or vested, and the capital debt of the Authority shall be increased by the amount of the value so determined and certified by the Treasurer to the Authority.

(3) Where, pursuant to section twenty of this Act,  
10 any land vested in the Authority is surrendered to Her Majesty, the Valuer General shall determine the improved capital value of the land so surrendered, and the capital debt of the Authority shall be reduced by the amount of the value so determined and certified by the Treasurer to the Authority.

15 **31.** In respect of its capital debt the Authority shall pay Interest on capital debt.  
to the Treasurer for credit to the Consolidated Revenue Fund interest at such rates and on such terms and conditions as the Treasurer may from time to time determine and notify to the Authority.

20 **32.** The Treasurer may at any time require the Authority Payment of surplus funds to Consolidated Revenue Fund.  
to pay from accumulated funds to the credit of the Consolidated Revenue Fund such amounts as he may determine and notify to the Authority as being surplus to the requirements of the Authority from time to time.

25 **33.** The Authority may invest moneys held by it in Investment of funds.  
Government securities of the Commonwealth of Australia or of the State of New South Wales, or in any securities guaranteed by the Government of the said State, or on call or on fixed deposit, or partly on call and partly on fixed  
30 deposit, with the Treasurer or with any bank, or in such other securities as the Governor may approve or as may be prescribed.

**34.**

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*Sydney Cove Redevelopment Authority.*

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**34.** (1) For the temporary accommodation of the Authority it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Authority's funds to such extent as may from time to time  
5 be approved by the Governor. Temporary accommodation.

(2) The Treasurer may advance such moneys to the Authority, upon such terms and conditions as to repayment and interest, as may be agreed upon.

**35.** The Authority may from time to time with the concurrence of the Treasurer and the approval of the Governor  
10 borrow money for— Purposes for which money may be borrowed.

- (a) the purpose of carrying out and performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans;
- 15 (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank;  
or
- (d) any other purpose of this Act.

**36.** (1) The Authority shall establish a reserve for loan  
20 repayment fund in respect of each loan or renewal loan raised by the Authority Reserves for repayments.

(2) The Authority shall during each year transfer to each such fund from the revenue of the Authority a sum not less than the sum that the Authority in its application for  
25 approval of the loan specified that it proposed to transfer as aforesaid.

(3) Moneys held as reserve for loan repayment may be invested in government securities of the Commonwealth of Australia or of the State of New South Wales, or in  
30 debentures, bonds, inscribed stock or other prescribed securities in any loan of the Authority, or in any securities guaranteed by the Government of the said State, or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

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*Sydney Cove Redevelopment Authority.*

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(4) Any interest or profits realised on such investments shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All moneys paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

10 (6) Where the Authority decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, the Authority shall, in addition to the sum otherwise payable to the reserve for repayment of that  
15 loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and one-half per centum per annum on the face value of the cancelled securities from the date of their cancellation until  
20 the maturity of the loan.

(7) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the Authority.

(8) A reserve for loan repayment fund shall not be  
25 subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

37. (1) For securing repayment of the principal and  
30 interest on any moneys borrowed, the Authority may as <sup>Debentures.</sup> etc. provided by the regulations issue debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond and whether  
35 separated therefrom or not shall be transferable by simple delivery.

(3)

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*Sydney Cove Redevelopment Authority.*

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(3) Inscribed stock shall be transferable in the books of the Authority in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall as regards both the issue and transfer thereof for full consideration or money or money's worth be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

10 (5) The holder of a coupon originally annexed to a debenture or bond and whether separated therefrom or not shall be entitled to receive payment from the Authority of the interest specified in the coupon upon its presentation on or after the date when, and at the place where, the interest is  
15 payable.

(6) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the Authority, and the interest thereon, shall be a charge upon the income and revenue of the  
20 Authority from whatever source arising and is hereby guaranteed by the Government.

(7) Any liability arising under the guarantee given by subsection six of this section shall be discharged out of moneys provided by Parliament.

25 (8) The charge created by subsection six of this section shall not prejudice or affect any power of the Authority to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

30 **38.** (1) Notwithstanding anything contained in this Part any money which the Authority is authorised to borrow may be borrowed by a loan raised wholly or in part in such place outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be negotiated and raised in any currency.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and containing any term, condition or provision permitted under the law of the place where the loan is raised, 5 and the Authority may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The Authority may in respect of any such loan agree that a sinking fund shall be established and controlled 10 at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of section thirty-six of this Act shall apply with regard to that loan only in respect of the amount, if any, the repayment of 15 which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this section, the Authority may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, 20 stock or other securities referred to in subsection two of this section, or for the sale of such debentures, bonds, stock or other securities, or the granting of an option to purchase such debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or 25 in any other part of the world in connection with such loan or with the issue, management and redemption of or otherwise with respect to such debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the 30 giving or receipt of consideration as the Authority thinks fit. Copies of any such agreement shall be forwarded to the Minister who shall cause the same to be laid before both Houses of Parliament as soon as possible after the loan is raised.

(5) The Governor may, upon the recommendation of the Authority, by notification published in the Gazette, appoint two or more persons to enter into for and on behalf of the Authority all such agreements as the Authority is by this section authorised to enter into and to sign, execute, or 40 otherwise perfect all such agreements, debentures, bonds, stock

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*Sydney Cove Redevelopment Authority.*

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stock or other securities as are by this section provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like  
5 notification, revoke or vary any such appointment and make any fresh appointment.

The production of a copy of the Gazette containing a notification of any such appointment or revocation as aforesaid shall in favour of a lender or of any holder of a security  
10 be conclusive evidence of the appointment or revocation.

(6) All debentures, bonds, stock or other securities bearing the signatures of such persons so appointed in that behalf shall be deemed to be securities lawfully issued under seal by the Authority and the principal moneys and interest  
15 secured thereby shall be a charge upon the income and revenue of the Authority from whatsoever source arising, and the due repayment of such principal moneys and interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under  
20 the authority of this section and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Authority and, if they purport to have been sealed by those persons, to have been lawfully executed by the Authority under seal.

25 A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of such security was in fact duly authorised.

(7) Subject to this section and the law in force in the place where any loan is raised under this section and  
30 applicable to that loan and the securities issued in connection therewith, the provisions of this Part of this Act (other than subsection one of section thirty-seven and subsections three and four of section forty) shall apply, mutatis mutandis, to and in respect of such loan and such securities.

35 **39.** (1) Any trustee, unless expressly forbidden by any instrument creating the trust, may invest any trust moneys  
in his hands in stock inscribed by the Authority, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925. Trustees.

(2)

*Sydney Cove Redevelopment Authority.*

(2) Any debenture issued or stock inscribed by the Authority shall be a lawful investment for any moneys which any company, council or body corporate incorporated by any Act is authorised or directed to invest in addition to any  
5 other investment expressly provided for the investment of such moneys.

(3) No notice of any express, implied or constructive trust shall be received by the Authority or by any officer of the Authority in relation to any debenture or  
10 coupon issued or stock inscribed by the Authority.

40. (1) If any debenture or bond issued by the Authority is lost, destroyed or defaced before it has been redeemed, the  
Authority may, subject to the provisions of this section, issue a new debenture or bond in lieu thereof. <sup>Lost debentures.</sup>

15 (2) A new debenture or bond issued under subsection one of this section with interest coupon annexed shall bear the same date, number, principal sum, and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed  
20 a new debenture or bond shall not be issued unless—

(a) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture or bond, or of some other person approved by the judge, that it has been  
25 lost or destroyed before redemption;

(b) such advertisements as the judge may direct have been published;

(c) six months have elapsed since the publication of the last of those advertisements; and

30 (d) sufficient security has been given to the Authority to indemnify it against any double payment if the missing debenture or bond is presented for redemption.

(4)



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*Sydney Cove Redevelopment Authority.*

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(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Authority for cancellation.

5 (5) The provisions of this section shall, mutatis mutandis, extend to the case of a lost, destroyed, or defaced coupon.

(6) Notwithstanding any other provision of this section, in case of the loss, theft, destruction, mutilation or  
10 defacement of any debenture or bond issued under section thirty-eight of this Act, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the Authority of such loss, theft, or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case  
15 may be, and upon the Authority receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

**41.** (1) A person advancing money to the Authority shall  
20 not be bound to inquire into the application of the money advanced, or be in any way responsible for its non-application or misapplication. Protection of investments.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the  
25 Authority shall, in favour of a lender and of any holder of security given by the Authority, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to the borrowing by the Authority in a place outside New South Wales and in a  
30 particular currency, shall also be conclusive evidence in favour of such persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

**42.** All debentures, bonds, stock or other securities which  
35 are secured upon the income and revenue of the Authority shall rank Debentures, bonds, etc., to rank pari passu without any preference one above another by reason of priority of date or otherwise. pari passu.

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PART

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*Sydney Cove Redevelopment Authority.*

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PART VII.

GENERAL.

43. (1) For the purpose of enabling the Authority to exercise and discharge the powers, authorities, duties and functions conferred or imposed on the Authority by or under this or any other Act, any person authorised in writing by the Authority for the purpose may, in respect of land within or adjacent to the development area, at any reasonable time—
- 10 (a) enter into and upon that land and survey and take levels, and for these purposes dig trenches, break up the soil and set up any posts, stakes or marks;
- (b) in or upon that land, make inspections and for this purpose open any ground and take such measures as may be necessary to ascertain the character and condition of the land and any pipe, sewer, wire or drain thereunder; and
- 15
- (c) in or upon that land, open any ground, dig trenches and sink test holes or bores for the purpose of ascertaining the nature and quality of the material comprising the subsoil and dig, gather, take and carry away samples of any such material for analysis and testing.
- 20
- (2) In the exercise of the power conferred on him by subsection one of this section, an authorised person shall do as little damage as possible and any person (other than the Crown or a public authority) who suffers damage in consequence of the exercise of that power shall be compensated therefor by the Authority.
- 25
- (3) Any person who obstructs a person authorised by the Authority pursuant to subsection one of this section in the exercise of the powers conferred on him by that subsection shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars.
- 30

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*Sydney Cove Redevelopment Authority.*

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**44.** (1) For the purposes of exercising and discharging the powers, authorities, duties and functions conferred or imposed on the Authority by or under this or any other Act the Authority may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of any Government Department. Authority may make use of facilities, and employees of the Crown or a public authority.

(2) The Authority may, for the like purposes, with the approval of the public authority concerned and the Minister, and on such terms as may be arranged, make use of the facilities, or of the services of any of the officers, servants or employees, of a public authority.

**45.** (1) The Authority may, in writing, delegate to the Director or any other member of the Authority any power, authority, duty or function (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act. Delegation by Authority.

(2) A decision of the Director or any other member of the Authority when he is acting in pursuance of any delegation under subsection one of this section shall be deemed to be the decision of the Authority.

(3) A delegation under this section may be revoked by the Authority at any time and shall be without prejudice to the exercise or performance by the Authority of the power, authority, duty or function so delegated.

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*Sydney Cove Redevelopment Authority.*

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5 **46.** (1) The Governor may make regulations not incon- Regulations.  
sistent with this Act prescribing all matters which by this Act  
are required or permitted to be prescribed or which are  
necessary or convenient to be prescribed for carrying this Act  
into effect.

(2) Without limiting the generality of subsection  
one of this section, the regulations may prescribe a form of  
lease of a building site.

10 (3) The regulations may provide for a penalty, not  
exceeding one hundred dollars, for any breach thereof and a  
daily penalty, not exceeding ten dollars per day, for a con-  
tinuing breach thereof.

(4) The regulations shall—

- (a) be published in the Gazette;
- 15 (b) take effect from the date of publication or from a  
later date to be specified therein;
- (c) be laid before both Houses of Parliament within  
fourteen sitting days after publication if Parliament  
is in session and, if not, then within fourteen sitting  
20 days after the commencement of the next session.

(5) If either House of Parliament passes a resolution  
of which notice has been given within fifteen sitting days after  
the regulations have been laid before the House disallowing  
the regulation or part thereof, such regulation or part shall  
25 thereupon cease to have effect.

*Sydney Cove Redevelopment Authority.*

47. All courts and persons having by law or consent of parties authority to hear, receive and examine evidence— Judicial notice of seal of Authority.

(a) shall take judicial notice of the seal of the Authority affixed to any document; and

5 (b) shall unless the contrary is proved presume that such seal was properly affixed thereto.

48. Any notice, summons, writ or other proceeding required to be served on the Authority may be served by being left at the office of the Authority, or, in the case of a notice, Service of notice of proceedings on the Authority.  
10 by post.

49. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the Director. Documents—how authenticated.

15 50. (1) Any penalty imposed by this Act or the regulations (not being a monetary penalty for breach of a covenant, condition or stipulation in a lease) may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions. Recovery of penalty.

20 (2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

25 51. (1) Any charge, fee, remuneration or money due the Authority under the provisions of this Act or the regulations may be recovered as a debt in a court of competent jurisdiction. Recovery of charges, etc.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Proceedings for the recovery of any charge, fee, remuneration or money so due to the Authority shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

- 5 (a) section twenty-four of the Common Law Procedure Act, 1899;
- (b) section sixty-four of the District Courts Act, 1912; and
- 10 (c) section twenty-five of the Small Debts Recovery Act, 1912.

**52.** In any legal proceedings by or against the Authority no proof shall be required (unless evidence is given to the contrary) of— Proof of certain matters not required.

- (a) the constitution of the Authority;
- 15 (b) any resolution of the Authority;
- (c) the appointment of any member or any servant of the Authority; or
- (d) the presence of a quorum at any meeting at which any determination is made or any act is done by
- 20 the Authority.

**53.** (1) A writ or other process in respect of any damage or injury to person or property shall not be sued out or served upon the Authority or any member of the Authority or any servant of the Authority or any person acting in its or his aid for anything done or intended to be done or omitted to be done under this Act, until the expiration of one month after notice in writing has been served on the Authority or member or servant, as provided in this section.

(2) The notice shall state—

- 30 (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained; and

(c)

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*Sydney Cove Redevelopment Authority.*

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(c) the name and place of abode or business of the intended plaintiff and of his attorney, if any, in the case.

(3) In the case of damage to property, any person  
5 who produces on demand his authority from the Authority shall be permitted to inspect the property damaged, and all facilities and information necessary to ascertain fully the value of the property damaged, the nature and extent of the damage, and the amount of money, if any, expended in  
10 repairing the damage shall be given to him.

(4) Subject to subsection five of this section, at the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice and, unless the notice has been served and  
15 subsection three of this section complied with, the plaintiff shall not be entitled to maintain the action.

(5) At any stage of the proceedings the court or any judge of the court in which the action is pending may, if the court or judge deems it to be just or reasonable in the  
20 circumstances so to do—

(a) amend any defect in the notice on such terms and conditions, if any, as the court or judge may fix;

(b) direct that any non-compliance or insufficient compliance with this section shall not be a bar to the  
25 maintenance of the action.

(6) Subject to subsection seven of this section, every such action shall be commenced within the period (in subsection seven of this section referred to as the “prescribed period”) of twelve months next after the occurring of the  
30 cause of action.

(7) Where application is made to a judge of the Supreme Court in accordance with rules of court for an extension of the prescribed period the judge may, if he is satisfied that sufficient cause has been shown, or that, having  
35 regard to all the circumstances of the case, it would be reasonable

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*Sydney Cove Redevelopment Authority.*

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reasonable so to do, make an order for extension of the prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order.

5 An application under this subsection may be made either within the prescribed period or at any time within twelve months thereafter.

Any person who is dissatisfied with the decision of the judge on any such application may appeal to the Court of  
10 Appeal and that court may on the appeal make any order which ought to have been made in the first instance.

Every such appeal shall be made in accordance with rules of court.

(8) The Authority, or any member of the Authority,  
15 servant or person to whom any such notice of action is given as aforesaid, may tender amends to the plaintiff, his attorney or agent at any time within one month after service of notice of action, and in case the tender is not accepted may plead it in bar.

20 (9) The defendant in every such action may plead the general issue and at the trial thereof give this Act and the special matter in evidence.

**54.** (1) As soon as practicable after the thirtieth day of Annual  
June in each year, the Authority shall prepare and furnish report.  
25 to the Minister a report upon the operations and activities of the Authority during the year ending on that date.

(2) The Minister shall lay the report of the Authority, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him  
30 thereof.

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SCHEDULES.



*Sydney Cove Redevelopment Authority.*

## SCHEDULES.

## FIRST SCHEDULE.

Sec. 3.

- All that piece or parcel of land situate in the City of Sydney, parish of St. Philip and county of Cumberland: Commencing on the high water mark of Port Jackson at Dawes Point at its intersection with the northerly prolongation of the eastern side of Hickson Road, the said eastern side forming the western boundary of land enclosed with and used as part of Dawes Point Park adjoining the northernmost western boundary of that park as dedicated by notification in Government Gazette dated 14th October, 1932; and bounded thence by that prolongation and that side of Hickson Road southerly to the northern side of Lower Fort Street; by that side and the generally south-eastern side of that street easterly and generally south-westerly to the generally north-eastern side of George Street; by that side of that street generally south-easterly to the westernmost corner of the 18½ perches of land vested in the Minister for Public Works for addition to and extension of the Mining Museum by notification in Government Gazette dated 24th February, 1939; by a line south-westerly to the generally north-western side of York Street North at the northernmost corner of the 29 square feet of land resumed for the construction of a bridge across Sydney Harbour from Dawes Point to Milsons Point by notification in Government Gazette dated 11th March, 1932; by that side of York Street North generally south-westerly to the northernmost corner of the 3½ perches of land vested in the Municipal Council of Sydney for purposes of public roads and highways by notification in Government Gazette dated 29th March, 1935; by the north-western boundary of that land and the north-western boundary of the 1 rood 11½ perches of land vested in the Municipal Council of Sydney for purposes of public parks and public recreation by notification in Government Gazette dated 29th March, 1935, south-westerly; by a line south-westerly to the north-western corner of the 4½ perches of land vested in the Municipal Council of Sydney for purposes of public parks and public recreation by notification in Government Gazette dated 29th March, 1935; by the north-western and southern boundaries of that land south-westerly and easterly; by the western boundary of the 1½ perches of land vested in the Municipal Council of Sydney for purposes of public roads and highways by notification in Government Gazette dated 29th March, 1935, southerly; by the northern and part of the north-western boundary of the 2 acres 3 roods 15½ perches of land vested in the Municipal Council of Sydney for purposes of public parks and recreation by notification in Government Gazette dated 29th March, 1935, westerly and south-westerly to the northernmost corner of lot 1, Deposited Plan 225361; by the generally north-eastern boundary of that lot generally south-easterly to the generally north-western side of York Street North; by that side of that street generally south-westerly to the southernmost corner of the said lot 1; by a line south-easterly to the intersection of the south-eastern side of

*Sydney Cove Redevelopment Authority.*

- of York Street North with the northern side of Grosvenor Street ;  
 by that side of Grosvenor Street easterly to the generally western side  
 of George Street ; by that side of George Street generally northerly  
 to its intersection with a line along the southern boundary of Reserve  
 5 83662 for Public Recreation notified in Government Gazette dated  
 5th January, 1962 ; by that line easterly to its intersection with the  
 southerly prolongation of the westernmost western face of Circular  
 Quay Railway Station building ; by that prolongation and that face of  
 10 point marked "M" on plan registered St. P. 334 R. at the office of  
 the Maritime Services Board of N.S.W. ; by a line northerly to  
 the southernmost corner of the parcel of land lettered "A" on the said  
 plan and plan registered St. P. 333 XL. at the office of the Maritime  
 Services Board of N.S.W. ; by the prolongation of the lastmentioned  
 15 line, forming an eastern boundary of the said parcel of land,  
 northerly ; by the generally eastern boundary of the said parcel of  
 land generally northerly ; and by the high water mark of Port Jackson  
 generally north-westerly to the point of commencement ; but excluding  
 20 thereout the main arch and approach structure of the Sydney Harbour  
 Bridge, with supporting pylon and piers, the Cahill Expressway and  
 the Wynyard to Circular Quay railway, with supporting piers.

**SECOND SCHEDULE.****Sec. 10.**

The land described in the First Schedule, but excluding thereout the  
 lands described in the Third, Fourth and Fifth Schedules.

**25 THIRD SCHEDULE.****Sec. 10.**

The parcels of land lettered "A", "B", "C" and "D" on plans  
 registered St. P. 333 XL. and St. P. 334 R. at the office of the  
 Maritime Services Board of N.S.W.

**FOURTH SCHEDULE.****Sec. 11.**

- 30 The land comprised in Certificates of Titles volume 1986 folio 126,  
 volume 2451 folio 116, volume 2751 folio 144, volume 2819 folio 155,  
 volume 3434 folio 203, volume 3497 folio 39, volume 3575 folio 17,  
 volume 3600 folio 102, volume 3645 folio 237, volume 3668 folio 1,  
 volume 3804 folio 29, volume 4889 folio 47, volume 5170 folios 110,  
 35 111 and 151, volume 6911 folio 15, and volume 8399 folio 49.

**FIFTH SCHEDULE.****Sec. 10 (5).**

- The church lands comprised in Certificate of Title volume 6276  
 folio 221 and deeds registered Book 131 No. 228 and Book 1168  
 No. 74 and the property of the Commonwealth shown on Department  
 40 of the Interior Negative No. 13294 N.S.W., being the land comprised  
 in deed registered Book 2890 No. 176.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

# New South Wales



ANNO SEPTIMO DECIMO

# ELIZABETHÆ II REGINÆ

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## Act No. 56, 1968.

An Act to provide for the constitution of the Sydney Cove Redevelopment Authority and to define its powers, authorities, duties and functions; to vest certain property in the Authority and to provide for the acquisition by it of certain other property; to amend the Crown Employees Appeal Board Act, 1944; and for purposes connected therewith. [Assented to, 10th December, 1968.]

BE

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*Sydney Cove Redevelopment Authority.*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

Short title  
and com-  
mencement.

1. (1) This Act may be cited as the "Sydney Cove Redevelopment Authority Act, 1968".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Division  
into Parts.

2. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–3.

PART II.—CONSTITUTION OF THE AUTHORITY—*ss.* 4–9.

PART III.—ACQUISITION OF THE DEVELOPMENT AREA—*ss.* 10–12.

PART IV.—POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY—*ss.* 13–25.

PART V.—ADVISORY COMMITTEES—*ss.* 26–27.

PART VI.—FINANCE—*ss.* 28–42.

PART VII.—GENERAL—*ss.* 43–54.

SCHEDULES.

Interpre-  
tation.

3. (1) In this Act, except in so far as the context or subject matter otherwise indicates or requires—

“Authority” means the Sydney Cove Redevelopment Authority constituted by this Act;

“development

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*Sydney Cove Redevelopment Authority.*

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“development area” means the land described in the First Schedule to this Act and any other land acquired by the Authority pursuant to this Act;

“Director” means Director of the Authority;

“public authority” means any public or local authority constituted by an Act other than this Act;

“prescribed” means prescribed by this Act or by the regulations;

“public road” has the meaning ascribed to that expression in the Local Government Act, 1919;

“regulations” means regulations made under this Act;

“road” has the meaning ascribed to that expression in the Local Government Act, 1919.

(2) In this Act, a reference to an Act includes all amendments of that Act, whether by subsequent Acts or otherwise, and an Act passed in substitution for the Act referred to, or incorporating any of its provisions.

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PART II.

CONSTITUTION OF THE AUTHORITY.

4. (1) There shall be a Sydney Cove Redevelopment Authority which shall have and may exercise and discharge the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act. <sup>Constitution of Authority.</sup>

In the exercise and discharge of its powers, authorities, duties and functions the Authority shall, except where the Authority makes a recommendation to the Minister, be subject in all respects to the control and direction of the Minister.

(2) For the purposes of any Act the Authority shall be deemed to be a statutory body representing the Crown.

(3)

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*Sydney Cove Redevelopment Authority.*

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(3) The Authority shall consist of six members appointed by the Governor. Of the members so appointed—

- (a) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment or by a subsequent instrument, be appointed as the Chairman of the Authority;
- (b) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment or by a subsequent instrument, be appointed as the Director;
- (c) two shall be persons nominated by the Minister as persons who, in his opinion, have special knowledge of, and experience in, either town planning or building development;
- (d) one shall be an officer of the Department of Public Works nominated by the Minister for the time being administering that Department;
- (e) one shall be an officer of the Council of the City of Sydney nominated by that Council.

(4) A member of the Authority shall, subject to this Act, hold office as such a member for such term not exceeding seven years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment from time to time.

Any such reappointment shall be for such term not exceeding seven years as may be specified in the instrument of his reappointment.

(5) On the occurrence of a vacancy in the office of a member of the Authority otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated as provided by subsection three of this section for his predecessor in office.

(6)

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*Sydney Cove Redevelopment Authority.*

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(6) A person who is of or above the age of sixty-five years shall not be appointed as a member of the Authority.

(7) The Director—

- (a) shall be the chief executive and administrative officer of the Authority, shall devote the whole of his time to the duties of his office, and shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on him by this Act and such of the powers, authorities, duties and functions of the Authority as are delegated to him by the Authority; and
- (b) shall be the Deputy Chairman of the Authority and shall, during the absence or illness of the Chairman, act in the place of the Chairman with, in addition to the powers, authorities, duties and functions conferred or imposed on him as Director, the powers, authorities, duties and functions conferred or imposed on the Chairman.

(8) No person shall be concerned to inquire whether any occasion has arisen requiring or authorising the Director to act as Deputy Chairman in the place of the Chairman, and all acts or things done or omitted by the Director while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Chairman.

(9) During the absence or illness of the Director the Minister may, on such terms and conditions (including terms and conditions as to payment of salary or remuneration, and allowances) as the Minister may determine, appoint any person as Acting Director of the Authority, and the person so appointed, while he holds office as Acting Director of the Authority—

- (a) shall have and may exercise or perform the powers, authorities, duties and functions of the Director and Deputy Chairman of the Authority; and
- (b) if he is not otherwise a member of the Authority, shall be deemed to be such a member.

(10)

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*Sydney Cove Redevelopment Authority.*

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(10) No person shall be concerned to inquire whether any occasion has arisen requiring or authorising the Acting Director to act in the place of the Director, and all acts or things done or omitted by the Acting Director of the Authority while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Director.

(11) The Chairman and members of the Authority, other than the Director, shall receive such remuneration and allowances and the Director shall receive such annual salary and allowances, as the Governor in each case may from time to time determine.

(12) Where any member of the Authority, other than the Director, is an officer of the Public Service or of a public authority he shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration and allowances under this section in addition to any remuneration and allowances to which he is otherwise entitled.

(13) Where by or under any other Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of a member of the Authority other than the Director.

(14) The office of a member of the Authority, other than the Director, shall not for the purposes of any Act be deemed to be an office or place of profit under the Crown.

(15) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment by the Governor of any member of the Authority and any such member so appointed shall not, in his capacity as such a member, be subject to the provisions of that Act during his term of office.

(16)



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*Sydney Cove Redevelopment Authority.*

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(16) A member of the Authority shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if, being the Director, he engages during his term of office in any paid employment outside the duties of his office;
- (c) if, being the Director, he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) unless such absence is occasioned by illness or other unavoidable cause;
- (d) if, being a member other than the Director, he is absent from four consecutive ordinary meetings of the Authority of which reasonable notice has been given him either personally or in the ordinary course of post unless on leave granted by the Authority or unless he is, before the expiration of four weeks after the last of such meetings, excused by the Authority for his absence from such meetings;
- (e) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;
- (f) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (g) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (h) if he resigns his office by writing under his hand addressed to the Governor, and the Governor accepts the resignation;

(i)

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*Sydney Cove Redevelopment Authority.*

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- (i) if he is removed from office by the Governor ;
- (j) if he is a member appointed under paragraph (d) or (e) of subsection three of section four of this Act and he ceases to hold the qualification by virtue of which he was appointed; or
- (k) on the day on which he attains the age of sixty-five years.

(17) The Governor may, for any cause which appears to him sufficient, remove any member of the Authority from office.

(18) Where the Director is, at the date of his appointment as Director, an officer of the Public Service and he ceases to be the Director from any cause whatsoever, otherwise than in pursuance of subsection sixteen (paragraph (h) excepted) or seventeen of this section, he shall, if he is under the age of sixty years, be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as the Director.

(19) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or the Superannuation Act, 1916, or the Local Government (Superannuation) Act, 1927, to any person appointed as Director who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927.

(20) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916, or any permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, who is appointed as Director shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he

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*Sydney Cove Redevelopment Authority.*

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he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, or a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, as the case may be, and for that purpose his service as Director shall be deemed to be service for the purpose of the Act under which he continued to contribute or by which that entitlement is conferred.

In respect of a Director who contributes to a fund or account as aforesaid, the Authority shall pay to the State Superannuation Board or the Local Government Superannuation Board, as the case may be, such amounts as would have been payable by the employer by whom he was employed immediately before his appointment as the Director, if the Director had remained an employee or permanent servant as aforesaid and had continued to be employed at the same salary or wage as the salary or wage at which he is employed by the Authority.

5. (1) The Authority shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name, and shall, subject to this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing or suffering all such acts and things as bodies corporate may by law do and suffer.

Authority  
to be body  
corporate—  
proceedings  
of Authority.

(2) The corporate name of the Authority shall be "Sydney Cove Redevelopment Authority".

(3) The common seal shall be kept in the custody of the Director and shall not be affixed to any instrument except in pursuance of a resolution of the Authority.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of the Chairman or the Director, and one other member.

(4)

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*Sydney Cove Redevelopment Authority.*

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(4) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Authority.

(5) Four members of the Authority, including the Chairman of the Authority or the Director, or both of them, shall form a quorum and any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority.

(6) In the event of an equality of votes at any meeting of the Authority, the Chairman shall have, in addition to a deliberative vote, a second or casting vote.

A decision of a majority of the members present at a meeting of the Authority at which a quorum is present shall be the decision of the Authority.

(7) The Authority shall cause full and accurate minutes to be kept of the proceedings at its meetings, and submit to the Minister a copy of the minutes of each such meeting within one week after the day on which it is held.

(8) No act or proceeding of the Authority shall be invalidated or prejudiced by reason only of the fact that at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the office of a member of the Authority.

(9) No matter or thing done, and no contract entered into, by the Authority and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Authority shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act, subject a member of the Authority or a person so acting personally to any action, liability, claim or demand whatsoever.

Nothing

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*Sydney Cove Redevelopment Authority.*

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Nothing in this subsection shall exempt any member of the Authority from liability to be surcharged with the amount of any payment which he authorised, or joined in authorising, where the payment is disallowed by the Auditor-General in the accounts of the Authority.

6. (1) The Authority shall appoint and employ such **Servants.** servants as may be necessary for carrying out the provisions of this Act.

(2) Subject to this Act, every servant of the Authority shall continue in the service of the Authority at the will of the Authority only.

(3) All servants of the Authority shall be subject to the sole control and governance of the Authority which may fix wages and conditions of employment where they are not fixed in accordance with the provisions of any other Act.

7. The regulations may make provision for and with **Regulations** respect to— **re servants.**

(a) the control and governance of servants by the Authority; and

(b) any other matter or thing necessary or convenient to ensure the maintenance of discipline and efficiency in the service of the Authority.

8. (1) Where a servant of the Authority has acquired a **Payments in** right to leave with pay in respect of long service leave and **respect of** dies before entering upon it or, after entering upon it, dies **long service** before its termination, the widow or widower of the servant **leave on** or, if there is no such widow or widower, the children of the **death of** servant or, if there is no such widow or widower or there are no such children, a person who in the opinion of the Authority was, at the time of the death of the servant, a dependent relative of the servant, shall be entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary or wages the servant received at the time of his or her death, less any amount paid to the servant in respect of the leave not taken or not completed.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Where there is a guardian of any children entitled under subsection one of this section, the payment to which those children are entitled may be made to that guardian for their maintenance, education and advancement.

(3) Where there is no person entitled under subsection one of this section to receive the money value of any leave, payment in respect thereof shall be made to the personal representative of the servant.

(4) Where payment of the money value of leave has been made under this section no action may be brought against the Authority for payment of any amount in respect of that leave.

Amendment  
of Act No.  
15, 1944.

9. The Crown Employees Appeal Board Act, 1944, is amended by inserting at the end of the Second Schedule the words "Sydney Cove Redevelopment Authority".

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**PART III.**

ACQUISITION OF THE DEVELOPMENT AREA.

Vesting or  
purchase of  
certain  
land.

10. (1) In this subsection "land" does not include land that immediately before the commencement of this Act, was a dedicated public road or was set apart, dedicated or reserved under any Act for any public purpose.

Notwithstanding anything contained in any Act—

(a) any estate or interest that, immediately before the commencement of this Act, was vested in any person on behalf of Her Majesty, or as Constructing Authority, or in a public authority, being an estate or interest in land within the land described in the Second Schedule to this Act, is hereby vested in the Authority for the purposes of this Act, freed and discharged from any trusts affecting it immediately before that commencement but otherwise without prejudice to any other estate or interest in that land;  
**and**

(b)

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*Sydney Cove Redevelopment Authority.*

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- (b) any land within the land described in the Second Schedule to this Act that, immediately before the commencement of this Act was Crown land within the meaning of the Crown Lands Consolidation Act, 1913, may be granted to the Authority for the purposes of this Act, subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Governor may deem expedient.

(2) In this subsection "land" means any part of the land described in the Second Schedule to this Act that is excluded from the operation of subsection one of this section, and any part of the land described in the Third Schedule to this Act.

After the giving by the Authority, in the manner prescribed, of such notice as may be prescribed the Governor may, by proclamation published in the Gazette, declare that land described or referred to in the proclamation is vested in the Authority and, notwithstanding anything contained in any Act, upon publication of such a proclamation—

- (a) where, immediately before publication of the proclamation the land described or referred to therein was land set apart, dedicated (otherwise than as a public road) or reserved under any Act for any public purpose, or was a dedicated public road, the setting apart, dedication or reservation thereof shall be deemed to have been duly revoked;
- (b) where, immediately before publication of the proclamation, the land described or referred to therein—
- (i) was land so set apart, dedicated or reserved and had been granted; or
- (ii) was not land so set apart, dedicated or reserved, or was a dedicated public road,

the estate or interest of the grantees, or their successors in title, in land referred to in subparagraph (i) of this paragraph, and any estate or interest in land referred to in subparagraph (ii) of

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*Sydney Cove Redevelopment Authority.*

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of this paragraph that, immediately before that publication, was vested in any person on behalf of Her Majesty, or as Constructing Authority, or in a public authority, shall vest in the Authority for the purposes of this Act, freed and discharged from any trusts affecting it immediately before that publication but otherwise without prejudice to any other estate or interest therein; and

- (c) where, immediately before publication of the proclamation, the land described or referred to therein was not land that had been granted to or vested in any person, the land so described or referred to may be granted to the Authority for the purposes of this Act, subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Governor may deem expedient.

(3) Notwithstanding anything contained in any Act, land that is a public road and is vested pursuant to this section or section eleven of this Act shall remain vested in the Authority until divested in accordance with this Act.

(4) The Authority shall not be required to pay, by way of compensation or otherwise, any amount to the Crown, or to any person or public authority, in respect of the granting or vesting, pursuant to subsection one or two of this section, of an estate or interest in land, but nothing in this subsection shall be construed as affecting the provisions of this or any other Act relating to the adjustment of the capital debt of the Authority or any public authority.

(5) The Authority may acquire, by purchase, the land described in the Fourth or Fifth Schedule to this Act, or any part thereof.

Appropriation or resumption of certain land.

**11.** (1) Where the Authority—

- (a) has made application to the Governor through the Minister for the appropriation or resumption of any land within the land described in the Second, Third or Fourth Schedule to this Act, or any part thereof, or any land adjoining or in the vicinity of the development area;

(b)



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*Sydney Cove Redevelopment Authority.*

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- (b) has made provision to the satisfaction of the Minister for payment of compensation for the proposed appropriation or resumption, together with interest and all necessary charges and expenses incidental thereto; and
- (c) has given such notice of its application as may be prescribed,

the Governor may appropriate or resume the land under Division 1 of Part V of the Public Works Act, 1912, as if the appropriation or resumption were for the purposes of carrying out an authorised work within the meaning of that Act and as if the Governor had directed that any land required for that work be taken pursuant to that Division.

(2) Notwithstanding anything contained in the Public Works Act, 1912, upon the publication in the Gazette pursuant to subsection one of this section of a notification under Division 1 of Part V of that Act, the land described or referred to in the notification shall vest in the Authority for the purposes of this Act for an estate in fee simple in possession, freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements whatsoever.

(3) The provisions of subsection two of section 536A and sections 536AA to 536DH, both inclusive, of the Local Government Act, 1919, shall, mutatis mutandis and subject to subsection four of this section, apply to and in respect of the appropriation or resumption of land pursuant to this section and matters incidental thereto.

(4) For the purposes only of subsection three of this section, the provisions of the Local Government Act, 1919, referred to therein shall, without prejudice to the generality of that subsection, be read and construed as if—

- (a) references therein to the resumption or appropriation of land by a council were references to the appropriation or resumption of land pursuant to this section, and other references to a council were references to the Authority; and

(b)

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*Sydney Cove Redevelopment Authority.*

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- (b) (i) paragraphs (a), (c) and (d) of subsection two of section 536c had been omitted therefrom;
- (ii) by omitting from paragraph (e) of the same subsection the words "construction of any works upon the land taken" and by inserting in lieu thereof the words "carrying out of the approved scheme under the Sydney Cove Redevelopment Authority Act, 1968, or any Act amending that Act, or the carrying out of any part of that scheme";
- (iii) by omitting from the same paragraph the words "Provided that the court in ascertaining such compensation shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of any works on the land taken, but in no case shall this proviso operate so as to require any payment to be made by such owner to the council in consideration of such enhancement of value as aforesaid:";
- (iv) by omitting from the same paragraph the word "also" where secondly occurring.

(5) Except to the extent provided by this section and by the Local Government Act, 1919, as applied by this section, the provisions of the Public Works Act, 1912, shall not apply to or in respect of an appropriation or resumption pursuant to this section.

(6) Notwithstanding anything contained in this section (subsection one excepted) or in any other Act, the Authority shall not be required to pay, by way of compensation or otherwise, any amount to the Crown, or to any person on behalf of Her Majesty, or to a public authority, in respect of an appropriation or resumption of land pursuant to this section.

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*Sydney Cove Redevelopment Authority.*


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**12.** (1) On and from—

- (a) the commencement of this Act, in the case of land or any estate or interest therein that is vested in, or may be granted to, the Authority by or pursuant to subsection one of section ten of this Act; and
- (b) the publication of the proclamation, in the case of land or any estate or interest therein that is vested in, or may be granted to, the Authority by virtue of a proclamation published pursuant to subsection two of that section,

**Rents,**  
profits,  
outgoings  
and powers  
in relation  
to land  
acquired by  
Authority.

the Authority shall be entitled to the rents and profits, and shall pay all proper outgoings, in respect of that land, and no attornment by a lessee from the immediate predecessor in title of the Authority shall be necessary.

(2) Except as provided by this Act, or by way of surrender to Her Majesty, the Authority shall not sell, lease, exchange or otherwise deal with or dispose of land vested in, granted to, or otherwise acquired by, the Authority.

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**PART IV.**
**POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE  
AUTHORITY.**

**13.** (1) Subject to this Act the Authority shall be charged with the responsibility of planning and promoting the redevelopment of the development area in accordance with the provisions of this Act and shall, within twelve months from the commencement of this Act, or within such further period as the Minister may in writing allow, submit to the Minister a detailed scheme for the redevelopment of the development area.

Redevelop-  
ment of  
development  
area and  
preparation  
of scheme  
therefor.

(2) Without limiting the generality of subsection one of this section the scheme shall include—

(a) a plan of the development area showing—

- (i) the parcels of land, in this Act referred to as “building sites”, on which the Authority proposes that buildings shall be erected;

(ii)

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*Sydney Cove Redevelopment Authority.*

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- (ii) the parcels of land which the Authority proposes shall be retained or established or dedicated as public places, open spaces, recreation areas and the like;
  - (iii) the parcels of land which the Authority proposes shall be retained with, and in association with, buildings of an historical nature erected thereon or on part thereof;
  - (iv) the roads which the Authority proposes should be closed or retained and the roads which the Authority proposes should be opened or dedicated as public roads;
  - (v) the location or proposed relocation of public utility services in or adjoining the development area;
- (b) proposals for the progressive redevelopment of the development area, including—
- (i) perspective plans of the proposed redevelopment of the development area;
  - (ii) recommendations for the redevelopment of the development area in stages and in a progressive and orderly manner;
  - (iii) recommendations as to the purpose for which buildings proposed to be erected on each building site should be used, the height and general external design and appearance of each building, the area of each building site to be covered by each building and the situation of each building in relation to the boundaries of its building site.
- (3) The scheme shall include, or be accompanied by—
- (a) a statement of the result of a consideration by the Authority of the economic aspects involved;
  - (b) such other information as the Authority considers would be necessary or desirable to enable the Minister to consider the scheme, or as the Minister may require.

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*Sydney Cove Redevelopment Authority.*

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**14.** (1) The Minister shall consider the plan referred to in paragraph (a), and the proposals referred to in paragraph (b), of subsection two of section thirteen of this Act, and may then direct the Authority—

Minister to consider scheme.

- (a) to proceed with the scheme constituted by the plan and proposals;
- (b) to proceed with that scheme with such alterations as the Minister deems expedient and notifies in writing to the Authority; or
- (c) not to proceed with that scheme, but to submit another scheme for the Minister's consideration.

(2) If, pursuant to paragraph (c) of subsection one of this section, the Minister directs the Authority to submit another scheme, the Authority shall comply with the direction within such period as the Minister may allow, and subsection one of this section shall apply to and in respect of that other scheme as if it were the original scheme.

**15.** Subject to this Act, where the Minister gives a direction under paragraph (a) or (b) of subsection one of section fourteen of this Act, the scheme in respect of which the direction is given shall constitute the approved scheme for the purposes of this Act and the redevelopment of the development area, and all redevelopment of that area shall, subject to this Act, be carried out in accordance with the approved scheme.

Approved scheme.

**16.** (1) The approved scheme shall be filed in the office of the Authority and may be inspected during the office hours of the Authority by any person on payment of such fees as may be determined by the Authority.

Evidence.

(2) A copy of, or an extract from, any document, map or plan embodied in the approved scheme shall be admissible in evidence if it—

- (a) purports to be a copy of, or an extract from, the original document, map or plan and purports to be printed by the Government Printer or by the authority of the Authority; and

(b)

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*Sydney Cove Redevelopment Authority.*

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- (b) purports to be certified under the hand of the Director.

For the purposes of this subsection a copy of, or an extract from, a document, map or plan may be on the same scale as the original or may be an enlarged or reduced copy.

(3) The Director shall furnish a certified copy or extract referred to in subsection two of this section on the application of any person and upon payment of such fee as may be determined by the Authority, either generally or in a particular case.

Approved  
scheme  
may be  
varied.

**17.** (1) Subject to this section, the Minister may, on the recommendation of the Authority, vary the approved scheme.

(2) Before recommending to the Minister a variation of the approved scheme that involves a variation of the perspective plan, an alteration in the proposed use of a building, an alteration of the height or general external design and appearance of a building, the area of a building site to be covered by a building or the situation of a building in relation to the boundaries of a building site, the Authority shall give notice as prescribed of its intention to make the recommendation and shall, in that notice, specify—

- (a) full particulars of the proposed variation; and
- (b) the time, being not less than thirty days after the giving of the notice, within which any person who, pursuant to this Act, has acquired an estate or interest in a building site (not being a tenancy at will or a license) may lodge with the Authority an objection to the proposed variation.

(3) An objection lodged pursuant to subsection two of this section shall be deemed not to have been duly made unless—

- (a) it is in writing, setting forth the grounds of the objection; and
- (b) it is lodged within the time specified in the notice of the recommendation to which it relates.

(4)

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*Sydney Cove Redevelopment Authority.*

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(4) When making its recommendation to the Minister the Authority shall forward to the Minister a copy of any objections duly made to the proposed variation, and a report of the Authority's consideration thereof.

(5) After considering the recommendations and any objections, the Minister may direct the Authority—

- (a) to vary the approved scheme as recommended by the Authority;
- (b) to vary the approved scheme with such alterations as the Minister, arising out of his consideration of the Authority's recommendation, and of any objections, deems expedient and notifies in writing to the Authority; or
- (c) not to vary the approved scheme.

(6) Where the Minister gives a direction under paragraph (a) or (b) of subsection five of this section, the approved scheme, as varied in accordance with the direction, shall be the approved scheme for the purposes of this Act and the provisions of this section and section sixteen of this Act shall apply to and in respect of the approved scheme as so varied as if it were the original approved scheme.

**18.** (1) The Authority shall, as soon as practicable, cause the development area to be redeveloped in accordance with the approved scheme.

Authority to cause re-development of development area.

(2) In the application of Part XIII A of the Local Government Act, 1919, or any scheme prescribed under that Part, to and in respect of the development area—

- (a) a reference in Division 7 of that Part to a council, and a reference in any such scheme to the responsible authority, shall be deemed to be a reference to the Authority constituted under this Act;
- (b) in so far as that Part provides for an appeal against a decision on an interim development application, or on an application for consent to carry out development under any such scheme, it shall be deemed to provide only for an appeal to the Minister; and

(c)

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*Sydney Cove Redevelopment Authority.*

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- (c) any such scheme shall, to the extent that it is inconsistent with the approved scheme, be deemed to be suspended.

General powers of Authority.

**19.** (1) For the purposes of this Act, and without limiting the generality of section eighteen of this Act, the Authority may—

- (a) pending redevelopment thereof, generally manage property vested in it and grant tenancies at will and licenses, in respect thereof;
- (b) cause surveys to be made, and plans of survey to be prepared, showing the subdivision of the development area or any part thereof into the parcels referred to in subparagraphs (i), (ii) and (iii), and the roads and locations referred to in subparagraphs (iv) and (v), of paragraph (a) of subsection two of section thirteen of this Act;
- (c) by notification published in the Gazette, close or realign any public road, or part thereof, within or adjacent to the development area;
- (d) demolish, or cause to be demolished, any building or structure in the development area of which it has exclusive possession;
- (e) arrange, on such terms and conditions as may be agreed upon, for the location or relocation of public utility services in or adjoining the development area or, if no agreement can be reached, on such terms and conditions as may be determined by the Minister;
- (f) by notification published in the Gazette, exempt any public road within or adjoining the development area, or any part thereof, from the operation of Division 13A of Part IX of the Local Government Act, 1919, and, by a like notification vary or revoke any such notification; and
- (g) do all things necessary or desirable to cause the development area to be redeveloped in accordance with the approved scheme.



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*Sydney Cove Redevelopment Authority.*

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(2) Notwithstanding anything contained in any Act, upon the publication, pursuant to paragraph (c) of subsection one of this section, of a notification closing a public road or part thereof, the estate or interest therein of any person or public authority shall vest in the Authority, freed and discharged from any trusts affecting it immediately before that publication and freed and discharged from any rights of the public or any person thereto as a highway.

(3) No compensation shall be payable to the Crown or to any person or public authority in respect of the closing by the Authority of any road.

**20.** (1) The Authority may, by notification published in the Gazette, declare that it proposes to surrender to Her Majesty land described or referred to in the notification to be dedicated for any public purpose specified in the notification or, if so specified in the notification, as a public road. Dedication  
of land for  
public  
purposes  
or as a  
road.

(2) Upon the surrender of land described or referred to in a notification published pursuant to subsection one of this section, the land so described or referred to shall be Crown land reserved from sale or lease generally and, upon revocation of the reservation, may be dedicated under the Crown Lands Consolidation Act, 1913, for the public purpose specified in the notification or, as the case may require, under the Public Roads Act 1902, as a public road.

(3) The Authority may, in a notification published pursuant to subsection one of this section, limit the description of, or reference to, land to a specified depth below the surface thereof and, where such a description or reference is so limited, subsection two of this section shall not apply to or in respect of land below the depth so specified.

(4) The Authority may, by notification published in the Gazette, declare to be a public road any elevated or subterranean structure owned by the Authority that continues the line of a public road and, upon publication in the Gazette of such a notification, the structure shall, except in relation to any vesting thereof, be deemed to be a public road.

(5)

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*Sydney Cove Redevelopment Authority.*

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(5) Notwithstanding anything contained in any Act, a road within the development area shall not be provided, opened, dedicated, closed or realigned by the Crown or any person or public authority except pursuant to the provisions of this Act or with the consent of the Authority.

Authority  
may enter  
into  
contracts.

**21.** (1) For the purposes of this Act, the Authority may make and enter into contracts with any person for the carrying out of any work or the performance of services or the supply of goods, machinery or material in connection with the exercise or discharge by the Authority of the powers, authorities, duties and functions conferred or imposed upon it by this or any other Act.

(2) Any such contract or agreement shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales.

Authority  
may erect  
buildings  
or grant  
leases.

**22.** (1) At any time after the Minister has directed the Authority to proceed with the approved scheme the Authority may—

- (a) erect or cause to be erected a building on a building site; or
- (b) grant, with the approval of the Minister, a lease of a building site to the Crown, to any public authority or to any person for such term, on such conditions and subject to such covenants, not inconsistent with any prescribed term, condition or covenant, as the Authority may determine and, except in the case of a prescribed term, condition or covenant, the Minister may approve.

(2) The covenants referred to in subsection one of this section shall include covenants on the part of the lessee—

- (a) not to commence the erection of a building on the land leased or any work preparatory or incidental thereto, without the written consent of the Authority;

(b)

*Sydney Cove Redevelopment Authority.*

- (b) not to erect on the land leased a building that is not in conformity with plans and specifications thereof approved by the Authority; and
- (c) not to contravene any condition imposed by the Authority when giving the consent referred to in paragraph (a) of this subsection.

Nothing in this subsection shall be construed as limiting the form of any covenant referred to therein or the form or extent of any other covenant in a lease of a building site.

(3) Where a covenant, condition or stipulation in a lease granted by the Authority excludes, or is inconsistent with, the operation of a provision of an Act passed before or after the commencement of this Act, being a provision whereby, but for this subsection—

- (a) a right would be conferred, or an obligation imposed, on a lessor or lessee; or
- (b) a covenant, condition or stipulation would be implied, or be deemed to be included, in the lease,

the provision shall not, to the extent of the exclusion or inconsistency, operate in respect of the lease.

(4) A lease granted by the Authority may provide for payment of a penalty for a breach of a covenant, condition or stipulation in the lease and may assign different penalties for different breaches and, upon such a breach, the penalty specified in relation thereto shall, whether or not the breach gives rise to a right of re-entry or forfeiture, be recoverable as liquidated damages.

**23.** (1) Subject to this section—

- (a) the Authority may give a consent referred to in paragraph (a) of subsection two of section twenty-two of this Act upon the application of a person entitled to apply to the Council of the City of Sydney for its approval to the erection of a building; and
- (b) the Authority may impose conditions in giving such a consent.

Approval  
of Authority  
to erection  
of building.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Subject to section twenty-four of this Act, the Authority shall not give a consent pursuant to subsection one of this section unless—

- (a) the application therefor is accompanied by such plans and specifications of the building in respect of which the consent is sought, and such other information in respect of that building, as may be prescribed or as the Authority may require; and
- (b) the application therefor and the accompanying plans, specifications and other information disclose that the building in all respects will be in conformity with the approved scheme as to—
  - (i) the use to which the building will be put;
  - (ii) the height and general external design and appearance of the building;
  - (iii) the area of the building site to be covered by the building; and
  - (iv) the situation of the building in relation to the boundaries of the building site.

Minor  
variation  
in approved  
scheme.

**24.** (1) Where application is made to the Authority for its consent to the erection on a building site of a building that is not in all respects in conformity with the approved scheme and, in the opinion of the Authority, any variation from the approved scheme is a minor variation in respect of the matters referred to in subparagraphs (i) to (iv), both inclusive, of paragraph (b) of subsection two of section twenty-three of this Act, the Authority shall make a recommendation to the Minister in connection with the application.

(2) The Minister shall consider a recommendation made pursuant to subsection one of this section and the circumstances of the case and, if he is of the opinion that the variation which, if the proposed building were erected, would be made in the approved scheme—

- (a) is not one which should be dealt with pursuant to section seventeen of this Act;
- (b) will not prejudice the approved scheme;
- (c) will not adversely affect the amenity of the development area; and
- (d)

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*Sydney Cove Redevelopment Authority.*

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- (d) will not adversely affect the rights of any person who, pursuant to this Act, has acquired an estate or interest (not being a tenancy at will or a license) in land in the development area,

the Minister may approve of the application in writing.

An approval given by the Minister pursuant to this section may be given subject to such conditions as he thinks fit and shall be deemed to be a consent given by the Authority pursuant to subsection one of section twenty-three of this Act subject to those conditions.

**25.** (1) The consent of the Authority to the erection of a building in the development area shall be a consent for the purposes of this Act only and, subject to this section and subsection two of section eighteen of this Act, shall not be construed as authorising the erection of the building without any other approval which, by or under any other Act, or any rule, regulation, by-law or ordinance, is required for or in connection with the erection of the building.

Effect of  
consent by  
Authority.

(2) Notwithstanding anything contained in any other Act, or any rule, regulation, by-law or ordinance, where the Authority has consented to the erection of a building in the development area, the Council of the City of Sydney shall be deemed to have approved, pursuant to any such Act, rule, regulation, ordinance or by-law—

- (a) the building line and height of the building;
- (b) the proportion of the site to be covered by the building, and any open space and light areas to be provided;
- (c) the position of the building in relation to other buildings and the boundaries of the building site;
- (d) the means of access to the building;
- (e) the space or accommodation to be provided for vehicles likely to be used by the occupants of, or visitors to, the building; and
- (f) the accommodation to be provided for the loading or unloading of vehicles.

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*Sydney Cove Redevelopment Authority.*


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## PART V.

## ADVISORY COMMITTEES.

Advisory  
committees.

**26.** (1) The Minister may, on the recommendation of the Authority, by notification published in the Gazette, appoint advisory committees to carry out such investigations and furnish such reports and recommendations as the Authority may require in connection with any matter or thing relating to the redevelopment of the development area or the carrying out or exercise by the Authority of any power, authority, duty or function conferred or imposed upon the Authority by this or any other Act.

(2) Without limiting the generality of subsection one of this section advisory committees may be appointed to investigate, and report and make recommendations on, any matter relating to—

- (a) the co-ordination of redevelopment in the development area;
- (b) the use and preservation of historical sites and buildings; and
- (c) the design and location of buildings, services, public roads and public places within the development area, and services and public roads adjacent to the development area.

Constitu-  
tion of  
advisory  
committees.

**27.** (1) Each advisory committee shall consist of a chairman and such other persons as the Minister thinks fit.

(2) A member or servant of the Authority may be appointed to an advisory committee.

(3) Officers or employees of any Government Department or of any public authority or any officer or servant of the Council of the City of Sydney may, with the approval of the Minister of the Department concerned, or of the public authority or the Council, as the case may require, be appointed to an advisory committee on such terms and conditions as may be arranged.

(4) Each member of an advisory committee shall be appointed for such term, not exceeding three years, as may be

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*Sydney Cove Redevelopment Authority.*

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be specified in the instrument of his appointment and, if otherwise qualified, shall be eligible for reappointment from time to time.

Any such reappointment shall be for such term, not exceeding three years, as may be specified in the instrument of reappointment.

(5) On the occurrence of a vacancy in the office of a member of an advisory committee otherwise than by the expiration of the term for which he was appointed the Minister may, by notification published in the Gazette, appoint any person to fill the vacant office and any person so appointed shall hold office for the remainder of his predecessor's term of office.

(6) A member of an advisory committee shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Authority and his resignation is accepted by the Authority;
- (c) is, on the recommendation of the Authority, removed from office by the Minister;
- (d) being a member or servant of the Authority ceases to hold office as such a member or ceases to be such a servant; or
- (e) having been appointed by virtue of his being an officer or employee or servant of a Government Department, public authority or the Council of the City of Sydney, ceases to be employed by that Government Department, public authority or Council, as the case may be.

(7) The Minister may, on the recommendation of the Authority, remove from office for any cause which appears to him sufficient, any member of an advisory committee.

(8) The procedure for the calling of meetings of an advisory committee, and for the conduct of business at such meetings shall, subject to any direction by the Authority, be as determined by the advisory committee.

(9)

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*Sydney Cove Redevelopment Authority.*

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(9) A member of an advisory committee, not being a member or servant of the Authority, shall be entitled to receive such remuneration (whether by way of fee or allowance or otherwise) and such travelling expenses as may from time to time on the recommendation of the Authority be fixed by the Minister.

(10) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of an advisory committee or from accepting and retaining any remuneration and expenses payable to him as such a member.

(11) The office of member of an advisory committee shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

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PART VI.

FINANCE.

Accounts  
to be kept  
by the  
Authority.

**28.** (1) The Authority shall cause to be kept proper books of account in relation to all of its operations, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority.

(2) The Minister shall cause the statement of accounts to be laid before Parliament within fourteen sitting days after its receipt by him if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.



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*Sydney Cove Redevelopment Authority.*

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**29.** (1) The accounts of the Authority shall be audited <sup>Audit of accounts.</sup> by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, shall apply to the members of the Authority and its officers in the same manner as it applies to accounting officers of Public Departments.

(2) The Auditor-General shall report to the Authority and the Minister—

(a) whether or not in his opinion—

- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Authority;
- (ii) the expenditure incurred has been duly authorised, vouched and supervised;
- (iii) any of the moneys or other property of the Authority have been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(3) Towards defraying the costs and expenses of such audit the Authority shall pay to the Consolidated Revenue Fund such sums, at such times, as the Treasurer may decide.

**30.** (1) As soon as practicable after the commencement <sup>Capital debt of the Authority.</sup> of this Act the Valuer General shall determine the improved capital value of all the land vested pursuant to paragraph (a) of subsection one of section ten of this Act, and the total amount of the value so determined and certified by the Treasurer to the Authority shall be deemed to be the capital debt assumed by the Authority.

(2)

*Sydney Cove Redevelopment Authority.*

(2) Where, pursuant to subsection one or two of section ten of this Act, any land is granted to the Authority and where, pursuant to paragraph (b) of subsection two of that section, any land is vested in the Authority, the Valuer General shall determine the improved capital value of the land so granted or vested, and the capital debt of the Authority shall be increased by the amount of the value so determined and certified by the Treasurer to the Authority.

(3) Where, pursuant to section twenty of this Act, any land vested in the Authority is surrendered to Her Majesty, the Valuer General shall determine the improved capital value of the land so surrendered, and the capital debt of the Authority shall be reduced by the amount of the value so determined and certified by the Treasurer to the Authority.

Interest on capital debt.

**31.** In respect of its capital debt the Authority shall pay to the Treasurer for credit to the Consolidated Revenue Fund interest at such rates and on such terms and conditions as the Treasurer may from time to time determine and notify to the Authority.

Payment of surplus funds to Consolidated Revenue Fund.

**32.** The Treasurer may at any time require the Authority to pay from accumulated funds to the credit of the Consolidated Revenue Fund such amounts as he may determine and notify to the Authority as being surplus to the requirements of the Authority from time to time.

Investment of funds.

**33.** The Authority may invest moneys held by it in Government securities of the Commonwealth of Australia or of the State of New South Wales, or in any securities guaranteed by the Government of the said State, or on call or on fixed deposit, or partly on call and partly on fixed deposit, with the Treasurer or with any bank, or in such other securities as the Governor may approve or as may be prescribed.

**34.**

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*Sydney Cove Redevelopment Authority.*

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**34.** (1) For the temporary accommodation of the Authority it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Authority's funds to such extent as may from time to time be approved by the Governor. Temporary accommodation.

(2) The Treasurer may advance such moneys to the Authority, upon such terms and conditions as to repayment and interest, as may be agreed upon.

**35.** The Authority may from time to time with the concurrence of the Treasurer and the approval of the Governor borrow money for— Purposes for which money may be borrowed.

- (a) the purpose of carrying out and performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans;
- (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank; or
- (d) any other purpose of this Act.

**36.** (1) The Authority shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the Authority. Reserves for repayments.

(2) The Authority shall during each year transfer to each such fund from the revenue of the Authority a sum not less than the sum that the Authority in its application for approval of the loan specified that it proposed to transfer as aforesaid.

(3) Moneys held as reserve for loan repayment may be invested in government securities of the Commonwealth of Australia or of the State of New South Wales, or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the Authority, or in any securities guaranteed by the Government of the said State, or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

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*Sydney Cove Redevelopment Authority.*

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(4) Any interest or profits realised on such investments shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All moneys paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(6) Where the Authority decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, the Authority shall, in addition to the sum otherwise payable to the reserve for repayment of that loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and one-half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(7) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the Authority.

(8) A reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

Debentures,  
etc.

**37.** (1) For securing repayment of the principal and interest on any moneys borrowed, the Authority may as provided by the regulations issue debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond and whether separated therefrom or not shall be transferable by simple delivery.

(3)

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*Sydney Cove Redevelopment Authority.*

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(3) Inscribed stock shall be transferable in the books of the Authority in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall as regards both the issue and transfer thereof for full consideration or money or money's worth be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

(5) The holder of a coupon originally annexed to a debenture or bond and whether separated therefrom or not shall be entitled to receive payment from the Authority of the interest specified in the coupon upon its presentation on or after the date when, and at the place where, the interest is payable.

(6) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the Authority, and the interest thereon, shall be a charge upon the income and revenue of the Authority from whatever source arising and is hereby guaranteed by the Government.

(7) Any liability arising under the guarantee given by subsection six of this section shall be discharged out of moneys provided by Parliament.

(8) The charge created by subsection six of this section shall not prejudice or affect any power of the Authority to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

**38.** (1) Notwithstanding anything contained in this Part any money which the Authority is authorised to borrow may be borrowed by a loan raised wholly or in part in such place outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be negotiated and raised in any currency. <sup>Raising loans in any country.</sup>

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and containing any term, condition or provision permitted under the law of the place where the loan is raised, and the Authority may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The Authority may in respect of any such loan agree that a sinking fund shall be established and controlled at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of section thirty-six of this Act shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this section, the Authority may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, stock or other securities referred to in subsection two of this section, or for the sale of such debentures, bonds, stock or other securities, or the granting of an option to purchase such debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or in any other part of the world in connection with such loan or with the issue, management and redemption of or otherwise with respect to such debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the Authority thinks fit. Copies of any such agreement shall be forwarded to the Minister who shall cause the same to be laid before both Houses of Parliament as soon as possible after the loan is raised.

(5) The Governor may, upon the recommendation of the Authority, by notification published in the Gazette, appoint two or more persons to enter into for and on behalf of the Authority all such agreements as the Authority is by this section authorised to enter into and to sign, execute, or otherwise perfect all such agreements, debentures, bonds, stock

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*Sydney Cove Redevelopment Authority.*

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stock or other securities as are by this section provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like notification, revoke or vary any such appointment and make any fresh appointment.

The production of a copy of the Gazette containing a notification of any such appointment or revocation as aforesaid shall in favour of a lender or of any holder of a security be conclusive evidence of the appointment or revocation.

(6) All debentures, bonds, stock or other securities bearing the signatures of such persons so appointed in that behalf shall be deemed to be securities lawfully issued under seal by the Authority and the principal moneys and interest secured thereby shall be a charge upon the income and revenue of the Authority from whatsoever source arising, and the due repayment of such principal moneys and interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under the authority of this section and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Authority and, if they purport to have been sealed by those persons, to have been lawfully executed by the Authority under seal.

A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of such security was in fact duly authorised.

(7) Subject to this section and the law in force in the place where any loan is raised under this section and applicable to that loan and the securities issued in connection therewith, the provisions of this Part of this Act (other than subsection one of section thirty-seven and subsections three and four of section forty) shall apply, mutatis mutandis, to and in respect of such loan and such securities.

**39.** (1) Any trustee, unless expressly forbidden by any instrument creating the trust, may invest any trust moneys <sup>Trustees.</sup> in his hands in stock inscribed by the Authority, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925.

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*Sydney Cove Redevelopment Authority.*

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(2) Any debenture issued or stock inscribed by the Authority shall be a lawful investment for any moneys which any company, council or body corporate incorporated by any Act is authorised or directed to invest in addition to any other investment expressly provided for the investment of such moneys.

(3) No notice of any express, implied or constructive trust shall be received by the Authority or by any officer of the Authority in relation to any debenture or coupon issued or stock inscribed by the Authority.

**Lost  
debentures.**

**40.** (1) If any debenture or bond issued by the Authority is lost, destroyed or defaced before it has been redeemed, the Authority may, subject to the provisions of this section, issue a new debenture or bond in lieu thereof.

(2) A new debenture or bond issued under subsection one of this section with interest coupon annexed shall bear the same date, number, principal sum, and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed a new debenture or bond shall not be issued unless—

- (a) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture or bond, or of some other person approved by the judge, that it has been lost or destroyed before redemption;
- (b) such advertisements as the judge may direct have been published;
- (c) six months have elapsed since the publication of the last of those advertisements; and
- (d) sufficient security has been given to the Authority to indemnify it against any double payment if the missing debenture or bond is presented for redemption.

(4)



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*Sydney Cove Redevelopment Authority.*

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(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Authority for cancellation.

(5) The provisions of this section shall, *mutatis mutandis*, extend to the case of a lost, destroyed, or defaced coupon.

(6) Notwithstanding any other provision of this section, in case of the loss, theft, destruction, mutilation or defacement of any debenture or bond issued under section thirty-eight of this Act, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the Authority of such loss, theft, or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the Authority receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

**41.** (1) A person advancing money to the Authority shall not be bound to inquire into the application of the money advanced, or be in any way responsible for its non-application or misapplication. Protection  
of  
investments.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the Authority shall, in favour of a lender and of any holder of security given by the Authority, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to the borrowing by the Authority in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of such persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

**42.** All debentures, bonds, stock or other securities which are secured upon the income and revenue of the Authority shall rank *pari passu* without any preference one above another by reason of priority of date or otherwise. Debentures,  
bonds, etc.,  
to rank  
*pari passu*.

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*Sydney Cove Redevelopment Authority.*


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## PART VII.

## GENERAL.

Power of  
entry.

**43.** (1) For the purpose of enabling the Authority to exercise and discharge the powers, authorities, duties and functions conferred or imposed on the Authority by or under this or any other Act, any person authorised in writing by the Authority for the purpose may, in respect of land within or adjacent to the development area, at any reasonable time—

- (a) enter into and upon that land and survey and take levels, and for these purposes dig trenches, break up the soil and set up any posts, stakes or marks;
- (b) in or upon that land, make inspections and for this purpose open any ground and take such measures as may be necessary to ascertain the character and condition of the land and any pipe, sewer, wire or drain thereunder; and
- (c) in or upon that land, open any ground, dig trenches and sink test holes or bores for the purpose of ascertaining the nature and quality of the material comprising the subsoil and dig, gather, take and carry away samples of any such material for analysis and testing.

(2) In the exercise of the power conferred on him by subsection one of this section, an authorised person shall do as little damage as possible and any person (other than the Crown or a public authority) who suffers damage in consequence of the exercise of that power shall be compensated therefor by the Authority.

(3) Any person who obstructs a person authorised by the Authority pursuant to subsection one of this section in the exercise of the powers conferred on him by that subsection shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars.

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*Sydney Cove Redevelopment Authority.*

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44. (1) For the purposes of exercising and discharging the powers, authorities, duties and functions conferred or imposed on the Authority by or under this or any other Act the Authority may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of any Government Department.

Authority may make use of facilities, and employees of the Crown or a public authority.

(2) The Authority may, for the like purposes, with the approval of the public authority concerned and the Minister, and on such terms as may be arranged, make use of the facilities, or of the services of any of the officers, servants or employees, of a public authority.

45. (1) The Authority may, in writing, delegate to the Director or any other member of the Authority any power, authority, duty or function (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act.

Delegation by Authority.

(2) A decision of the Director or any other member of the Authority when he is acting in pursuance of any delegation under subsection one of this section shall be deemed to be the decision of the Authority.

(3) A delegation under this section may be revoked by the Authority at any time and shall be without prejudice to the exercise or performance by the Authority of the power, authority, duty or function so delegated.

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*Sydney Cove Redevelopment Authority.*

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**Regulations.** 46. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying this Act into effect.

(2) Without limiting the generality of subsection one of this section, the regulations may prescribe a form of lease of a building site.

(3) The regulations may provide for a penalty, not exceeding one hundred dollars, for any breach thereof and a daily penalty, not exceeding ten dollars per day, for a continuing breach thereof.

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified therein;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session and, if not, then within fourteen sitting days after the commencement of the next session.

(5) If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after the regulations have been laid before the House disallowing the regulation or part thereof, such regulation or part shall thereupon cease to have effect.

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*Sydney Cove Redevelopment Authority.*

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- 47.** All courts and persons having by law or consent of parties authority to hear, receive and examine evidence— Judicial notice of seal of Authority.
- (a) shall take judicial notice of the seal of the Authority affixed to any document; and
- (b) shall unless the contrary is proved presume that such seal was properly affixed thereto.
- 48.** Any notice, summons, writ or other proceeding required to be served on the Authority may be served by being left at the office of the Authority, or, in the case of a notice, by post. Service of notice of proceedings on the Authority.
- 49.** Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the Director. Documents—how authenticated.
- 50.** (1) Any penalty imposed by this Act or the regulations (not being a monetary penalty for breach of a covenant, condition or stipulation in a lease) may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions. Recovery of penalty.
- (2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.
- 51.** (1) Any charge, fee, remuneration or money due to the Authority under the provisions of this Act or the regulations may be recovered as a debt in a court of competent jurisdiction. Recovery of charges, etc.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Proceedings for the recovery of any charge, fee, remuneration or money so due to the Authority shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

- (a) section twenty-four of the Common Law Procedure Act, 1899;
- (b) section sixty-four of the District Courts Act, 1912; and
- (c) section twenty-five of the Small Debts Recovery Act, 1912.

Proof of certain matters not required.

**52.** In any legal proceedings by or against the Authority no proof shall be required (unless evidence is given to the contrary) of—

- (a) the constitution of the Authority;
- (b) any resolution of the Authority;
- (c) the appointment of any member or any servant of the Authority; or
- (d) the presence of a quorum at any meeting at which any determination is made or any act is done by the Authority.

Notice of action.

**53.** (1) A writ or other process in respect of any damage or injury to person or property shall not be sued out or served upon the Authority or any member of the Authority or any servant of the Authority or any person acting in its or his aid for anything done or intended to be done or omitted to be done under this Act, until the expiration of one month after notice in writing has been served on the Authority or member or servant, as provided in this section.

(2) The notice shall state—

- (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained; and

(c)

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*Sydney Cove Redevelopment Authority.*

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- (c) the name and place of abode or business of the intended plaintiff and of his attorney, if any, in the case.

(3) In the case of damage to property, any person who produces on demand his authority from the Authority shall be permitted to inspect the property damaged, and all facilities and information necessary to ascertain fully the value of the property damaged, the nature and extent of the damage, and the amount of money, if any, expended in repairing the damage shall be given to him.

(4) Subject to subsection five of this section, at the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice and, unless the notice has been served and subsection three of this section complied with, the plaintiff shall not be entitled to maintain the action.

(5) At any stage of the proceedings the court or any judge of the court in which the action is pending may, if the court or judge deems it to be just or reasonable in the circumstances so to do—

- (a) amend any defect in the notice on such terms and conditions, if any, as the court or judge may fix;
- (b) direct that any non-compliance or insufficient compliance with this section shall not be a bar to the maintenance of the action.

(6) Subject to subsection seven of this section, every such action shall be commenced within the period (in subsection seven of this section referred to as the “prescribed period”) of twelve months next after the occurring of the cause of action.

(7) Where application is made to a judge of the Supreme Court in accordance with rules of court for an extension of the prescribed period the judge may, if he is satisfied that sufficient cause has been shown, or that, having regard to all the circumstances of the case, it would be reasonable

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*Sydney Cove Redevelopment Authority.*

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reasonable so to do, make an order for extension of the prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order.

An application under this subsection may be made either within the prescribed period or at any time within twelve months thereafter.

Any person who is dissatisfied with the decision of the judge on any such application may appeal to the Court of Appeal and that court may on the appeal make any order which ought to have been made in the first instance.

Every such appeal shall be made in accordance with rules of court.

(8) The Authority, or any member of the Authority, servant or person to whom any such notice of action is given as aforesaid, may tender amends to the plaintiff, his attorney or agent at any time within one month after service of notice of action, and in case the tender is not accepted may plead it in bar.

(9) The defendant in every such action may plead the general issue and at the trial thereof give this Act and the special matter in evidence.

Annual  
report.

**54.** (1) As soon as practicable after the thirtieth day of June in each year, the Authority shall prepare and furnish to the Minister a report upon the operations and activities of the Authority during the year ending on that date.

(2) The Minister shall lay the report of the Authority, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him thereof.

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SCHEDULES.



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## SCHEDULES.

## FIRST SCHEDULE.

Sec. 3.

All that piece or parcel of land situate in the City of Sydney, parish of St. Philip and county of Cumberland: Commencing on the high water mark of Port Jackson at Dawes Point at its intersection with the northerly prolongation of the eastern side of Hickson Road, the said eastern side forming the western boundary of land enclosed with and used as part of Dawes Point Park adjoining the northernmost western boundary of that park as dedicated by notification in Government Gazette dated 14th October, 1932; and bounded thence by that prolongation and that side of Hickson Road southerly to the northern side of Lower Fort Street; by that side and the generally south-eastern side of that street easterly and generally south-westerly to the generally north-eastern side of George Street; by that side of that street generally south-easterly to the westernmost corner of the 18½ perches of land vested in the Minister for Public Works for addition to and extension of the Mining Museum by notification in Government Gazette dated 24th February, 1939; by a line south-westerly to the generally north-western side of York Street North at the northernmost corner of the 29 square feet of land resumed for the construction of a bridge across Sydney Harbour from Dawes Point to Milsons Point by notification in Government Gazette dated 11th March, 1932; by that side of York Street North generally south-westerly to the northernmost corner of the 3¾ perches of land vested in the Municipal Council of Sydney for purposes of public roads and highways by notification in Government Gazette dated 29th March, 1935; by the north-western boundary of that land and the north-western boundary of the 1 rood 11¾ perches of land vested in the Municipal Council of Sydney for purposes of public parks and public recreation by notification in Government Gazette dated 29th March, 1935, south-westerly; by a line south-westerly to the north-western corner of the 4¼ perches of land vested in the Municipal Council of Sydney for purposes of public parks and public recreation by notification in Government Gazette dated 29th March, 1935; by the north-western and southern boundaries of that land south-westerly and easterly; by the western boundary of the 1¼ perches of land vested in the Municipal Council of Sydney for purposes of public roads and highways by notification in Government Gazette dated 29th March, 1935, southerly; by the northern and part of the north-western boundary of the 2 acres 3 roods 15¾ perches of land vested in the Municipal Council of Sydney for purposes of public parks and recreation by notification in Government Gazette dated 29th March, 1935, westerly and south-westerly to the northernmost corner of lot 1, Deposited Plan 225361; by the generally north-eastern boundary of that lot generally south-easterly to the generally north-western side of York Street North; by that side of that street generally south-westerly to the southernmost corner of the said lot 1; by a line south-easterly to the intersection of the south-eastern side

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*Sydney Cove Redevelopment Authority.*

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of York Street North with the northern side of Grosvenor Street ; by that side of Grosvenor Street easterly to the generally western side of George Street ; by that side of George Street generally northerly to its intersection with a line along the southern boundary of Reserve 83662 for Public Recreation notified in Government Gazette dated 5th January, 1962 ; by that line easterly to its intersection with the southerly prolongation of the westernmost western face of Circular Quay Railway Station building ; by that prolongation and that face of that building northerly, the northern extremity of that face being the point marked "M" on plan registered St. P. 334 R. at the office of the Maritime Services Board of N.S.W. ; by a line northerly to the southernmost corner of the parcel of land lettered "A" on the said plan and plan registered St. P. 333 XL. at the office of the Maritime Services Board of N.S.W. ; by the prolongation of the lastmentioned line, forming an eastern boundary of the said parcel of land, northerly ; by the generally eastern boundary of the said parcel of land generally northerly ; and by the high water mark of Port Jackson generally north-westerly to the point of commencement ; but excluding thereout the main arch and approach structure of the Sydney Harbour Bridge, with supporting pylon and piers, the Cahill Expressway and the Wynyard to Circular Quay railway, with supporting piers.

Sec. 10.

## SECOND SCHEDULE.

The land described in the First Schedule, but excluding thereout the lands described in the Third, Fourth and Fifth Schedules.

Sec. 10.

## THIRD SCHEDULE.

The parcels of land lettered "A", "B", "C" and "D" on plans registered St. P. 333 XL. and St. P. 334 R. at the office of the Maritime Services Board of N.S.W.

Sec. 11.

## FOURTH SCHEDULE.

The land comprised in Certificates of Titles volume 1986 folio 126, volume 2451 folio 116, volume 2751 folio 144, volume 2819 folio 155, volume 3434 folio 203, volume 3497 folio 39, volume 3575 folio 17, volume 3600 folio 102, volume 3645 folio 237, volume 3668 folio 1, volume 3804 folio 29, volume 4889 folio 47, volume 5170 folios 110, 111 and 151, volume 6911 folio 15, and volume 8399 folio 49.

Sec. 10 (5).

## FIFTH SCHEDULE.

The church lands comprised in Certificate of Title volume 6276 folio 221 and deeds registered Book 131 No. 228 and Book 1168 No. 74 and the property of the Commonwealth shown on Department of the Interior Negative No. 13294 N.S.W., being the land comprised in deed registered Book 2890 No. 176.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 3 December, 1968.*

## New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

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**Act No. 56, 1968.**

An Act to provide for the constitution of the Sydney Cove Redevelopment Authority and to define its powers, authorities, duties and functions; to vest certain property in the Authority and to provide for the acquisition by it of certain other property; to amend the Crown Employees Appeal Board Act, 1944; and for purposes connected therewith. [Assented to, 10th December, 1968.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

L. A. PUNCH,  
*Chairman of Committees of the Legislative Assembly.*

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*Sydney Cove Redevelopment Authority.*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

Short title  
and com-  
mencement.

1. (1) This Act may be cited as the "Sydney Cove Redevelopment Authority Act, 1968".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Division  
into Parts.

2. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1-3.

PART II.—CONSTITUTION OF THE AUTHORITY—*ss.* 4-9.

PART III.—ACQUISITION OF THE DEVELOPMENT AREA—*ss.* 10-12.

PART IV.—POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY—*ss.* 13-25.

PART V.—ADVISORY COMMITTEES—*ss.* 26-27.

PART VI.—FINANCE—*ss.* 28-42.

PART VII.—GENERAL—*ss.* 43-54.

SCHEDULES.

Interpre-  
tation.

3. (1) In this Act, except in so far as the context or subject matter otherwise indicates or requires—

“Authority” means the Sydney Cove Redevelopment Authority constituted by this Act;

“development

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*Sydney Cove Redevelopment Authority.*

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“development area” means the land described in the First Schedule to this Act and any other land acquired by the Authority pursuant to this Act;

“Director” means Director of the Authority;

“public authority” means any public or local authority constituted by an Act other than this Act;

“prescribed” means prescribed by this Act or by the regulations;

“public road” has the meaning ascribed to that expression in the Local Government Act, 1919;

“regulations” means regulations made under this Act;

“road” has the meaning ascribed to that expression in the Local Government Act, 1919.

(2) In this Act, a reference to an Act includes all amendments of that Act, whether by subsequent Acts or otherwise, and an Act passed in substitution for the Act referred to, or incorporating any of its provisions.

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PART II.

CONSTITUTION OF THE AUTHORITY.

4. (1) There shall be a Sydney Cove Redevelopment <sup>Constitution</sup> Authority which shall have and may exercise and discharge <sup>of</sup> the powers, authorities, duties and functions conferred or <sup>Authority.</sup> imposed upon it by or under this or any other Act.

In the exercise and discharge of its powers, authorities, duties and functions the Authority shall, except where the Authority makes a recommendation to the Minister, be subject in all respects to the control and direction of the Minister.

(2) For the purposes of any Act the Authority shall be deemed to be a statutory body representing the Crown.

(3)

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*Sydney Cove Redevelopment Authority.*

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(3) The Authority shall consist of six members appointed by the Governor. Of the members so appointed—

- (a) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment or by a subsequent instrument, be appointed as the Chairman of the Authority;
- (b) one, being a person nominated by the Minister for the purpose, shall, in and by the instrument of his appointment or by a subsequent instrument, be appointed as the Director;
- (c) two shall be persons nominated by the Minister as persons who, in his opinion, have special knowledge of, and experience in, either town planning or building development;
- (d) one shall be an officer of the Department of Public Works nominated by the Minister for the time being administering that Department;
- (e) one shall be an officer of the Council of the City of Sydney nominated by that Council.

(4) A member of the Authority shall, subject to this Act, hold office as such a member for such term not exceeding seven years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment from time to time.

Any such reappointment shall be for such term not exceeding seven years as may be specified in the instrument of his reappointment.

(5) On the occurrence of a vacancy in the office of a member of the Authority otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated as provided by subsection three of this section for his predecessor in office.

(6)

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*Sydney Cove Redevelopment Authority.*

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(6) A person who is of or above the age of sixty-five years shall not be appointed as a member of the Authority.

(7) The Director—

- (a) shall be the chief executive and administrative officer of the Authority, shall devote the whole of his time to the duties of his office, and shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on him by this Act and such of the powers, authorities, duties and functions of the Authority as are delegated to him by the Authority; and
- (b) shall be the Deputy Chairman of the Authority and shall, during the absence or illness of the Chairman, act in the place of the Chairman with, in addition to the powers, authorities, duties and functions conferred or imposed on him as Director, the powers, authorities, duties and functions conferred or imposed on the Chairman.

(8) No person shall be concerned to inquire whether any occasion has arisen requiring or authorising the Director to act as Deputy Chairman in the place of the Chairman, and all acts or things done or omitted by the Director while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Chairman.

(9) During the absence or illness of the Director the Minister may, on such terms and conditions (including terms and conditions as to payment of salary or remuneration, and allowances) as the Minister may determine, appoint any person as Acting Director of the Authority, and the person so appointed, while he holds office as Acting Director of the Authority—

- (a) shall have and may exercise or perform the powers, authorities, duties and functions of the Director and Deputy Chairman of the Authority; and
- (b) if he is not otherwise a member of the Authority, shall be deemed to be such a member.

(10)

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*Sydney Cove Redevelopment Authority.*

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(10) No person shall be concerned to inquire whether any occasion has arisen requiring or authorising the Acting Director to act in the place of the Director, and all acts or things done or omitted by the Acting Director of the Authority while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Director.

(11) The Chairman and members of the Authority, other than the Director, shall receive such remuneration and allowances and the Director shall receive such annual salary and allowances, as the Governor in each case may from time to time determine.

(12) Where any member of the Authority, other than the Director, is an officer of the Public Service or of a public authority he shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration and allowances under this section in addition to any remuneration and allowances to which he is otherwise entitled.

(13) Where by or under any other Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of a member of the Authority other than the Director.

(14) The office of a member of the Authority, other than the Director, shall not for the purposes of any Act be deemed to be an office or place of profit under the Crown.

(15) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment by the Governor of any member of the Authority and any such member so appointed shall not, in his capacity as such a member, be subject to the provisions of that Act during his term of office.

(16)



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*Sydney Cove Redevelopment Authority.*

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(16) A member of the Authority shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if, being the Director, he engages during his term of office in any paid employment outside the duties of his office;
- (c) if, being the Director, he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) unless such absence is occasioned by illness or other unavoidable cause;
- (d) if, being a member other than the Director, he is absent from four consecutive ordinary meetings of the Authority of which reasonable notice has been given him either personally or in the ordinary course of post unless on leave granted by the Authority or unless he is, before the expiration of four weeks after the last of such meetings, excused by the Authority for his absence from such meetings;
- (e) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;
- (f) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (g) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (h) if he resigns his office by writing under his hand addressed to the Governor, and the Governor accepts the resignation;

(i)

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*Sydney Cove Redevelopment Authority.*

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- (i) if he is removed from office by the Governor;
- (j) if he is a member appointed under paragraph (d) or (e) of subsection three of section four of this Act and he ceases to hold the qualification by virtue of which he was appointed; or
- (k) on the day on which he attains the age of sixty-five years.

(17) The Governor may, for any cause which appears to him sufficient, remove any member of the Authority from office.

(18) Where the Director is, at the date of his appointment as Director, an officer of the Public Service and he ceases to be the Director from any cause whatsoever, otherwise than in pursuance of subsection sixteen (paragraph (h) excepted) or seventeen of this section, he shall, if he is under the age of sixty years, be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as the Director.

(19) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or the Superannuation Act, 1916, or the Local Government (Superannuation) Act, 1927, to any person appointed as Director who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927.

(20) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916, or any permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, who is appointed as Director shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if  
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*Sydney Cove Redevelopment Authority.*

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he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, or a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, as the case may be, and for that purpose his service as Director shall be deemed to be service for the purpose of the Act under which he continued to contribute or by which that entitlement is conferred.

In respect of a Director who contributes to a fund or account as aforesaid, the Authority shall pay to the State Superannuation Board or the Local Government Superannuation Board, as the case may be, such amounts as would have been payable by the employer by whom he was employed immediately before his appointment as the Director, if the Director had remained an employee or permanent servant as aforesaid and had continued to be employed at the same salary or wage as the salary or wage at which he is employed by the Authority.

5. (1) The Authority shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name, and shall, subject to this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing or suffering all such acts and things as bodies corporate may by law do and suffer. Authority to be body corporate—proceedings of Authority.

(2) The corporate name of the Authority shall be "Sydney Cove Redevelopment Authority".

(3) The common seal shall be kept in the custody of the Director and shall not be affixed to any instrument except in pursuance of a resolution of the Authority.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of the Chairman or the Director, and one other member.

(4)

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*Sydney Cove Redevelopment Authority.*

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(4) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Authority.

(5) Four members of the Authority, including the Chairman of the Authority or the Director, or both of them, shall form a quorum and any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority.

(6) In the event of an equality of votes at any meeting of the Authority, the Chairman shall have, in addition to a deliberative vote, a second or casting vote.

A decision of a majority of the members present at a meeting of the Authority at which a quorum is present shall be the decision of the Authority.

(7) The Authority shall cause full and accurate minutes to be kept of the proceedings at its meetings, and submit to the Minister a copy of the minutes of each such meeting within one week after the day on which it is held.

(8) No act or proceeding of the Authority shall be invalidated or prejudiced by reason only of the fact that at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the office of a member of the Authority.

(9) No matter or thing done, and no contract entered into, by the Authority and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Authority shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act, subject a member of the Authority or a person so acting personally to any action, liability, claim or demand whatsoever.

Nothing

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*Sydney Cove Redevelopment Authority.*

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Nothing in this subsection shall exempt any member of the Authority from liability to be surcharged with the amount of any payment which he authorised, or joined in authorising, where the payment is disallowed by the Auditor-General in the accounts of the Authority.

6. (1) The Authority shall appoint and employ such **Servants.** servants as may be necessary for carrying out the provisions of this Act.

(2) Subject to this Act, every servant of the Authority shall continue in the service of the Authority at the will of the Authority only.

(3) All servants of the Authority shall be subject to the sole control and governance of the Authority which may fix wages and conditions of employment where they are not fixed in accordance with the provisions of any other Act.

7. The regulations may make provision for and with **Regulations** respect to— **re servants.**

- (a) the control and governance of servants by the Authority; and
- (b) any other matter or thing necessary or convenient to ensure the maintenance of discipline and efficiency in the service of the Authority.

8. (1) Where a servant of the Authority has acquired a **Payments in** right to leave with pay in respect of long service leave and **respect of** dies before entering upon it or, after entering upon it, dies **long service** before its termination, the widow or widower of the servant **leave on** or, if there is no such widow or widower, the children of the **death of** servant or, if there is no such widow or widower or there **servant.** are no such children, a person who in the opinion of the Authority was, at the time of the death of the servant, a dependent relative of the servant, shall be entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary or wages the servant received at the time of his or her death, less any amount paid to the servant in respect of the leave not taken or not completed.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Where there is a guardian of any children entitled under subsection one of this section, the payment to which those children are entitled may be made to that guardian for their maintenance, education and advancement.

(3) Where there is no person entitled under subsection one of this section to receive the money value of any leave, payment in respect thereof shall be made to the personal representative of the servant.

(4) Where payment of the money value of leave has been made under this section no action may be brought against the Authority for payment of any amount in respect of that leave.

Amendment  
of Act No.  
15, 1944.

9. The Crown Employees Appeal Board Act, 1944, is amended by inserting at the end of the Second Schedule the words "Sydney Cove Redevelopment Authority".

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**PART III.**

ACQUISITION OF THE DEVELOPMENT AREA.

Vesting or  
purchase of  
certain  
land.

10. (1) In this subsection "land" does not include land that immediately before the commencement of this Act, was a dedicated public road or was set apart, dedicated or reserved under any Act for any public purpose.

Notwithstanding anything contained in any Act—

(a) any estate or interest that, immediately before the commencement of this Act, was vested in any person on behalf of Her Majesty, or as Constructing Authority, or in a public authority, being an estate or interest in land within the land described in the Second Schedule to this Act, is hereby vested in the Authority for the purposes of this Act, freed and discharged from any trusts affecting it immediately before that commencement but otherwise without prejudice to any other estate or interest in that land;  
and

(b)

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*Sydney Cove Redevelopment Authority.*

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- (b) any land within the land described in the Second Schedule to this Act that, immediately before the commencement of this Act was Crown land within the meaning of the Crown Lands Consolidation Act, 1913, may be granted to the Authority for the purposes of this Act, subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Governor may deem expedient.

(2) In this subsection "land" means any part of the land described in the Second Schedule to this Act that is excluded from the operation of subsection one of this section, and any part of the land described in the Third Schedule to this Act.

After the giving by the Authority, in the manner prescribed, of such notice as may be prescribed the Governor may, by proclamation published in the Gazette, declare that land described or referred to in the proclamation is vested in the Authority and, notwithstanding anything contained in any Act, upon publication of such a proclamation—

- (a) where, immediately before publication of the proclamation the land described or referred to therein was land set apart, dedicated (otherwise than as a public road) or reserved under any Act for any public purpose, or was a dedicated public road, the setting apart, dedication or reservation thereof shall be deemed to have been duly revoked;
- (b) where, immediately before publication of the proclamation, the land described or referred to therein—
- (i) was land so set apart, dedicated or reserved and had been granted; or
- (ii) was not land so set apart, dedicated or reserved, or was a dedicated public road,

the estate or interest of the grantees, or their successors in title, in land referred to in subparagraph (i) of this paragraph, and any estate or interest in land referred to in subparagraph (ii) of

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*Sydney Cove Redevelopment Authority.*

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of this paragraph that, immediately before that publication, was vested in any person on behalf of Her Majesty, or as Constructing Authority, or in a public authority, shall vest in the Authority for the purposes of this Act, freed and discharged from any trusts affecting it immediately before that publication but otherwise without prejudice to any other estate or interest therein; and

- (c) where, immediately before publication of the proclamation, the land described or referred to therein was not land that had been granted to or vested in any person, the land so described or referred to may be granted to the Authority for the purposes of this Act, subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Governor may deem expedient.

(3) Notwithstanding anything contained in any Act, land that is a public road and is vested pursuant to this section or section eleven of this Act shall remain vested in the Authority until divested in accordance with this Act.

(4) The Authority shall not be required to pay, by way of compensation or otherwise, any amount to the Crown, or to any person or public authority, in respect of the granting or vesting, pursuant to subsection one or two of this section, of an estate or interest in land, but nothing in this subsection shall be construed as affecting the provisions of this or any other Act relating to the adjustment of the capital debt of the Authority or any public authority.

(5) The Authority may acquire, by purchase, the land described in the Fourth or Fifth Schedule to this Act, or any part thereof.

Appropriation or resumption of certain land.

**11.** (1) Where the Authority—

- (a) has made application to the Governor through the Minister for the appropriation or resumption of any land within the land described in the Second, Third or Fourth Schedule to this Act, or any part thereof, or any land adjoining or in the vicinity of the development area;

(b)



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*Sydney Cove Redevelopment Authority.*

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- (b) has made provision to the satisfaction of the Minister for payment of compensation for the proposed appropriation or resumption, together with interest and all necessary charges and expenses incidental thereto; and
- (c) has given such notice of its application as may be prescribed,

the Governor may appropriate or resume the land under Division 1 of Part V of the Public Works Act, 1912, as if the appropriation or resumption were for the purposes of carrying out an authorised work within the meaning of that Act and as if the Governor had directed that any land required for that work be taken pursuant to that Division.

(2) Notwithstanding anything contained in the Public Works Act, 1912, upon the publication in the Gazette pursuant to subsection one of this section of a notification under Division 1 of Part V of that Act, the land described or referred to in the notification shall vest in the Authority for the purposes of this Act for an estate in fee simple in possession, freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements whatsoever.

(3) The provisions of subsection two of section 536A and sections 536AA to 536DH, both inclusive, of the Local Government Act, 1919, shall, mutatis mutandis and subject to subsection four of this section, apply to and in respect of the appropriation or resumption of land pursuant to this section and matters incidental thereto.

(4) For the purposes only of subsection three of this section, the provisions of the Local Government Act, 1919, referred to therein shall, without prejudice to the generality of that subsection, be read and construed as if—

- (a) references therein to the resumption or appropriation of land by a council were references to the appropriation or resumption of land pursuant to this section, and other references to a council were references to the Authority; and

(b)

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*Sydney Cove Redevelopment Authority.*

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- (b) (i) paragraphs (a), (c) and (d) of subsection two of section 536c had been omitted therefrom;
- (ii) by omitting from paragraph (e) of the same subsection the words "construction of any works upon the land taken" and by inserting in lieu thereof the words "carrying out of the approved scheme under the Sydney Cove Redevelopment Authority Act, 1968, or any Act amending that Act, or the carrying out of any part of that scheme";
- (iii) by omitting from the same paragraph the words "Provided that the court in ascertaining such compensation shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of any works on the land taken, but in no case shall this proviso operate so as to require any payment to be made by such owner to the council in consideration of such enhancement of value as aforesaid:";
- (iv) by omitting from the same paragraph the word "also" where secondly occurring.

(5) Except to the extent provided by this section and by the Local Government Act, 1919, as applied by this section, the provisions of the Public Works Act, 1912, shall not apply to or in respect of an appropriation or resumption pursuant to this section.

(6) Notwithstanding anything contained in this section (subsection one excepted) or in any other Act, the Authority shall not be required to pay, by way of compensation or otherwise, any amount to the Crown, or to any person on behalf of Her Majesty, or to a public authority, in respect of an appropriation or resumption of land pursuant to this section.

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*Sydney Cove Redevelopment Authority.*

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**12.** (1) On and from—

- (a) the commencement of this Act, in the case of land or any estate or interest therein that is vested in, or may be granted to, the Authority by or pursuant to subsection one of section ten of this Act; and
- (b) the publication of the proclamation, in the case of land or any estate or interest therein that is vested in, or may be granted to, the Authority by virtue of a proclamation published pursuant to subsection two of that section,

Rents, profits, outgoings and powers in relation to land acquired by Authority.

the Authority shall be entitled to the rents and profits, and shall pay all proper outgoings, in respect of that land, and no attornment by a lessee from the immediate predecessor in title of the Authority shall be necessary.

(2) Except as provided by this Act, or by way of surrender to Her Majesty, the Authority shall not sell, lease, exchange or otherwise deal with or dispose of land vested in, granted to, or otherwise acquired by, the Authority.

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**PART IV.**

**POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE  
AUTHORITY.**

**13.** (1) Subject to this Act the Authority shall be charged with the responsibility of planning and promoting the redevelopment of the development area in accordance with the provisions of this Act and shall, within twelve months from the commencement of this Act, or within such further period as the Minister may in writing allow, submit to the Minister a detailed scheme for the redevelopment of the development area.

Redevelopment of development area and preparation of scheme therefor.

(2) Without limiting the generality of subsection one of this section the scheme shall include—

- (a) a plan of the development area showing—
- (i) the parcels of land, in this Act referred to as “building sites”, on which the Authority proposes that buildings shall be erected;
- (ii)

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*Sydney Cove Redevelopment Authority.*

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- (ii) the parcels of land which the Authority proposes shall be retained or established or dedicated as public places, open spaces, recreation areas and the like;
  - (iii) the parcels of land which the Authority proposes shall be retained with, and in association with, buildings of an historical nature erected thereon or on part thereof;
  - (iv) the roads which the Authority proposes should be closed or retained and the roads which the Authority proposes should be opened or dedicated as public roads;
  - (v) the location or proposed relocation of public utility services in or adjoining the development area;
- (b) proposals for the progressive redevelopment of the development area, including—
- (i) perspective plans of the proposed redevelopment of the development area;
  - (ii) recommendations for the redevelopment of the development area in stages and in a progressive and orderly manner;
  - (iii) recommendations as to the purpose for which buildings proposed to be erected on each building site should be used, the height and general external design and appearance of each building, the area of each building site to be covered by each building and the situation of each building in relation to the boundaries of its building site.
- (3) The scheme shall include, or be accompanied by—
- (a) a statement of the result of a consideration by the Authority of the economic aspects involved;
  - (b) such other information as the Authority considers would be necessary or desirable to enable the Minister to consider the scheme, or as the Minister may require.

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*Sydney Cove Redevelopment Authority.*

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**14.** (1) The Minister shall consider the plan referred to in paragraph (a), and the proposals referred to in paragraph (b), of subsection two of section thirteen of this Act, and may then direct the Authority—

Minister to consider scheme.

- (a) to proceed with the scheme constituted by the plan and proposals;
- (b) to proceed with that scheme with such alterations as the Minister deems expedient and notifies in writing to the Authority; or
- (c) not to proceed with that scheme, but to submit another scheme for the Minister's consideration.

(2) If, pursuant to paragraph (c) of subsection one of this section, the Minister directs the Authority to submit another scheme, the Authority shall comply with the direction within such period as the Minister may allow, and subsection one of this section shall apply to and in respect of that other scheme as if it were the original scheme.

**15.** Subject to this Act, where the Minister gives a direction under paragraph (a) or (b) of subsection one of section fourteen of this Act, the scheme in respect of which the direction is given shall constitute the approved scheme for the purposes of this Act and the redevelopment of the development area, and all redevelopment of that area shall, subject to this Act, be carried out in accordance with the approved scheme.

Approved scheme.

**16.** (1) The approved scheme shall be filed in the office of the Authority and may be inspected during the office hours of the Authority by any person on payment of such fees as may be determined by the Authority.

Evidence.

(2) A copy of, or an extract from, any document, map or plan embodied in the approved scheme shall be admissible in evidence if it—

- (a) purports to be a copy of, or an extract from, the original document, map or plan and purports to be printed by the Government Printer or by the authority of the Authority; and

(b)

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*Sydney Cove Redevelopment Authority.*

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- (b) purports to be certified under the hand of the Director.

For the purposes of this subsection a copy of, or an extract from, a document, map or plan may be on the same scale as the original or may be an enlarged or reduced copy.

(3) The Director shall furnish a certified copy or extract referred to in subsection two of this section on the application of any person and upon payment of such fee as may be determined by the Authority, either generally or in a particular case.

Approved  
scheme  
may be  
varied.

**17.** (1) Subject to this section, the Minister may, on the recommendation of the Authority, vary the approved scheme.

(2) Before recommending to the Minister a variation of the approved scheme that involves a variation of the perspective plan, an alteration in the proposed use of a building, an alteration of the height or general external design and appearance of a building, the area of a building site to be covered by a building or the situation of a building in relation to the boundaries of a building site, the Authority shall give notice as prescribed of its intention to make the recommendation and shall, in that notice, specify—

- (a) full particulars of the proposed variation; and
- (b) the time, being not less than thirty days after the giving of the notice, within which any person who, pursuant to this Act, has acquired an estate or interest in a building site (not being a tenancy at will or a license) may lodge with the Authority an objection to the proposed variation.

(3) An objection lodged pursuant to subsection two of this section shall be deemed not to have been duly made unless—

- (a) it is in writing, setting forth the grounds of the objection; and
- (b) it is lodged within the time specified in the notice of the recommendation to which it relates.

(4)

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*Sydney Cove Redevelopment Authority.*

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(4) When making its recommendation to the Minister the Authority shall forward to the Minister a copy of any objections duly made to the proposed variation, and a report of the Authority's consideration thereof.

(5) After considering the recommendations and any objections, the Minister may direct the Authority—

- (a) to vary the approved scheme as recommended by the Authority;
- (b) to vary the approved scheme with such alterations as the Minister, arising out of his consideration of the Authority's recommendation, and of any objections, deems expedient and notifies in writing to the Authority; or
- (c) not to vary the approved scheme.

(6) Where the Minister gives a direction under paragraph (a) or (b) of subsection five of this section, the approved scheme, as varied in accordance with the direction, shall be the approved scheme for the purposes of this Act and the provisions of this section and section sixteen of this Act shall apply to and in respect of the approved scheme as so varied as if it were the original approved scheme.

**18.** (1) The Authority shall, as soon as practicable, cause the development area to be redeveloped in accordance with the approved scheme. Authority to cause re-development of development area.

(2) In the application of Part XIIA of the Local Government Act, 1919, or any scheme prescribed under that Part, to and in respect of the development area—

- (a) a reference in Division 7 of that Part to a council, and a reference in any such scheme to the responsible authority, shall be deemed to be a reference to the Authority constituted under this Act;
- (b) in so far as that Part provides for an appeal against a decision on an interim development application, or on an application for consent to carry out development under any such scheme, it shall be deemed to provide only for an appeal to the Minister; and

(c)

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*Sydney Cove Redevelopment Authority.*

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- (c) any such scheme shall, to the extent that it is inconsistent with the approved scheme, be deemed to be suspended.

General  
powers of  
Authority.

**19.** (1) For the purposes of this Act, and without limiting the generality of section eighteen of this Act, the Authority may—

- (a) pending redevelopment thereof, generally manage property vested in it and grant tenancies at will and licenses, in respect thereof;
- (b) cause surveys to be made, and plans of survey to be prepared, showing the subdivision of the development area or any part thereof into the parcels referred to in subparagraphs (i), (ii) and (iii), and the roads and locations referred to in subparagraphs (iv) and (v), of paragraph (a) of subsection two of section thirteen of this Act;
- (c) by notification published in the Gazette, close or realign any public road, or part thereof, within or adjacent to the development area;
- (d) demolish, or cause to be demolished, any building or structure in the development area of which it has exclusive possession;
- (e) arrange, on such terms and conditions as may be agreed upon, for the location or relocation of public utility services in or adjoining the development area or, if no agreement can be reached, on such terms and conditions as may be determined by the Minister;
- (f) by notification published in the Gazette, exempt any public road within or adjoining the development area, or any part thereof, from the operation of Division 13A of Part IX of the Local Government Act, 1919, and, by a like notification vary or revoke any such notification; and
- (g) do all things necessary or desirable to cause the development area to be redeveloped in accordance with the approved scheme.

(2)



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*Sydney Cove Redevelopment Authority.*

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(2) Notwithstanding anything contained in any Act, upon the publication, pursuant to paragraph (c) of subsection one of this section, of a notification closing a public road or part thereof, the estate or interest therein of any person or public authority shall vest in the Authority, freed and discharged from any trusts affecting it immediately before that publication and freed and discharged from any rights of the public or any person thereto as a highway.

(3) No compensation shall be payable to the Crown or to any person or public authority in respect of the closing by the Authority of any road.

**20.** (1) The Authority may, by notification published in the Gazette, declare that it proposes to surrender to Her Majesty land described or referred to in the notification to be dedicated for any public purpose specified in the notification or, if so specified in the notification, as a public road. Dedication of land for public purposes or as a road.

(2) Upon the surrender of land described or referred to in a notification published pursuant to subsection one of this section, the land so described or referred to shall be Crown land reserved from sale or lease generally and, upon revocation of the reservation, may be dedicated under the Crown Lands Consolidation Act, 1913, for the public purpose specified in the notification or, as the case may require, under the Public Roads Act 1902, as a public road.

(3) The Authority may, in a notification published pursuant to subsection one of this section, limit the description of, or reference to, land to a specified depth below the surface thereof and, where such a description or reference is so limited, subsection two of this section shall not apply to or in respect of land below the depth so specified.

(4) The Authority may, by notification published in the Gazette, declare to be a public road any elevated or subterranean structure owned by the Authority that continues the line of a public road and, upon publication in the Gazette of such a notification, the structure shall, except in relation to any vesting thereof, be deemed to be a public road.

(5)

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*Sydney Cove Redevelopment Authority.*

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(5) Notwithstanding anything contained in any Act, a road within the development area shall not be provided, opened, dedicated, closed or realigned by the Crown or any person or public authority except pursuant to the provisions of this Act or with the consent of the Authority.

Authority  
may enter  
into  
contracts.

**21.** (1) For the purposes of this Act, the Authority may make and enter into contracts with any person for the carrying out of any work or the performance of services or the supply of goods, machinery or material in connection with the exercise or discharge by the Authority of the powers, authorities, duties and functions conferred or imposed upon it by this or any other Act.

(2) Any such contract or agreement shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales.

Authority  
may erect  
buildings  
or grant  
leases.

**22.** (1) At any time after the Minister has directed the Authority to proceed with the approved scheme the Authority may—

- (a) erect or cause to be erected a building on a building site; or
- (b) grant, with the approval of the Minister, a lease of a building site to the Crown, to any public authority or to any person for such term, on such conditions and subject to such covenants, not inconsistent with any prescribed term, condition or covenant, as the Authority may determine and, except in the case of a prescribed term, condition or covenant, the Minister may approve.

(2) The covenants referred to in subsection one of this section shall include covenants on the part of the lessee—

- (a) not to commence the erection of a building on the land leased or any work preparatory or incidental thereto, without the written consent of the Authority;

(b)

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*Sydney Cove Redevelopment Authority.*

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- (b) not to erect on the land leased a building that is not in conformity with plans and specifications thereof approved by the Authority; and
- (c) not to contravene any condition imposed by the Authority when giving the consent referred to in paragraph (a) of this subsection.

Nothing in this subsection shall be construed as limiting the form of any covenant referred to therein or the form or extent of any other covenant in a lease of a building site.

(3) Where a covenant, condition or stipulation in a lease granted by the Authority excludes, or is inconsistent with, the operation of a provision of an Act passed before or after the commencement of this Act, being a provision whereby, but for this subsection—

- (a) a right would be conferred, or an obligation imposed, on a lessor or lessee; or
- (b) a covenant, condition or stipulation would be implied, or be deemed to be included, in the lease,

the provision shall not, to the extent of the exclusion or inconsistency, operate in respect of the lease.

(4) A lease granted by the Authority may provide for payment of a penalty for a breach of a covenant, condition or stipulation in the lease and may assign different penalties for different breaches and, upon such a breach, the penalty specified in relation thereto shall, whether or not the breach gives rise to a right of re-entry or forfeiture, be recoverable as liquidated damages.

**23.** (1) Subject to this section—

- (a) the Authority may give a consent referred to in paragraph (a) of subsection two of section twenty-two of this Act upon the application of a person entitled to apply to the Council of the City of Sydney for its approval to the erection of a building; and
- (b) the Authority may impose conditions in giving such a consent.

Approval  
of Authority  
to erection  
of building.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Subject to section twenty-four of this Act, the Authority shall not give a consent pursuant to subsection one of this section unless—

- (a) the application therefor is accompanied by such plans and specifications of the building in respect of which the consent is sought, and such other information in respect of that building, as may be prescribed or as the Authority may require; and
- (b) the application therefor and the accompanying plans, specifications and other information disclose that the building in all respects will be in conformity with the approved scheme as to—
  - (i) the use to which the building will be put;
  - (ii) the height and general external design and appearance of the building;
  - (iii) the area of the building site to be covered by the building; and
  - (iv) the situation of the building in relation to the boundaries of the building site.

Minor  
variation  
in approved  
scheme.

**24.** (1) Where application is made to the Authority for its consent to the erection on a building site of a building that is not in all respects in conformity with the approved scheme and, in the opinion of the Authority, any variation from the approved scheme is a minor variation in respect of the matters referred to in subparagraphs (i) to (iv), both inclusive, of paragraph (b) of subsection two of section twenty-three of this Act, the Authority shall make a recommendation to the Minister in connection with the application.

(2) The Minister shall consider a recommendation made pursuant to subsection one of this section and the circumstances of the case and, if he is of the opinion that the variation which, if the proposed building were erected, would be made in the approved scheme—

- (a) is not one which should be dealt with pursuant to section seventeen of this Act;
- (b) will not prejudice the approved scheme;
- (c) will not adversely affect the amenity of the development area; and
- (d)

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*Sydney Cove Redevelopment Authority.*

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- (d) will not adversely affect the rights of any person who, pursuant to this Act, has acquired an estate or interest (not being a tenancy at will or a license) in land in the development area,

the Minister may approve of the application in writing.

An approval given by the Minister pursuant to this section may be given subject to such conditions as he thinks fit and shall be deemed to be a consent given by the Authority pursuant to subsection one of section twenty-three of this Act subject to those conditions.

**25.** (1) The consent of the Authority to the erection of a building in the development area shall be a consent for the purposes of this Act only and, subject to this section and subsection two of section eighteen of this Act, shall not be construed as authorising the erection of the building without any other approval which, by or under any other Act, or any rule, regulation, by-law or ordinance, is required for or in connection with the erection of the building.

Effect of consent by Authority.

(2) Notwithstanding anything contained in any other Act, or any rule, regulation, by-law or ordinance, where the Authority has consented to the erection of a building in the development area, the Council of the City of Sydney shall be deemed to have approved, pursuant to any such Act, rule, regulation, ordinance or by-law—

- (a) the building line and height of the building;
- (b) the proportion of the site to be covered by the building, and any open space and light areas to be provided;
- (c) the position of the building in relation to other buildings and the boundaries of the building site;
- (d) the means of access to the building;
- (e) the space or accommodation to be provided for vehicles likely to be used by the occupants of, or visitors to, the building; and
- (f) the accommodation to be provided for the loading or unloading of vehicles.

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PART

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*Sydney Cove Redevelopment Authority.*


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## PART V.

## ADVISORY COMMITTEES.

Advisory  
committees.

26. (1) The Minister may, on the recommendation of the Authority, by notification published in the Gazette, appoint advisory committees to carry out such investigations and furnish such reports and recommendations as the Authority may require in connection with any matter or thing relating to the redevelopment of the development area or the carrying out or exercise by the Authority of any power, authority, duty or function conferred or imposed upon the Authority by this or any other Act.

(2) Without limiting the generality of subsection one of this section advisory committees may be appointed to investigate, and report and make recommendations on, any matter relating to—

- (a) the co-ordination of redevelopment in the development area;
- (b) the use and preservation of historical sites and buildings; and
- (c) the design and location of buildings, services, public roads and public places within the development area, and services and public roads adjacent to the development area.

Constitu-  
tion of  
advisory  
committees.

27. (1) Each advisory committee shall consist of a chairman and such other persons as the Minister thinks fit.

(2) A member or servant of the Authority may be appointed to an advisory committee.

(3) Officers or employees of any Government Department or of any public authority or any officer or servant of the Council of the City of Sydney may, with the approval of the Minister of the Department concerned, or of the public authority or the Council, as the case may require, be appointed to an advisory committee on such terms and conditions as may be arranged.

(4) Each member of an advisory committee shall be appointed for such term, not exceeding three years, as may be

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*Sydney Cove Redevelopment Authority.*

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be specified in the instrument of his appointment and, if otherwise qualified, shall be eligible for reappointment from time to time.

Any such reappointment shall be for such term, not exceeding three years, as may be specified in the instrument of reappointment.

(5) On the occurrence of a vacancy in the office of a member of an advisory committee otherwise than by the expiration of the term for which he was appointed the Minister may, by notification published in the Gazette, appoint any person to fill the vacant office and any person so appointed shall hold office for the remainder of his predecessor's term of office.

(6) A member of an advisory committee shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Authority and his resignation is accepted by the Authority;
- (c) is, on the recommendation of the Authority, removed from office by the Minister;
- (d) being a member or servant of the Authority ceases to hold office as such a member or ceases to be such a servant; or
- (e) having been appointed by virtue of his being an officer or employee or servant of a Government Department, public authority or the Council of the City of Sydney, ceases to be employed by that Government Department, public authority or Council, as the case may be.

(7) The Minister may, on the recommendation of the Authority, remove from office for any cause which appears to him sufficient, any member of an advisory committee.

(8) The procedure for the calling of meetings of an advisory committee, and for the conduct of business at such meetings shall, subject to any direction by the Authority, be as determined by the advisory committee.

(9)

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*Sydney Cove Redevelopment Authority.*

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(9) A member of an advisory committee, not being a member or servant of the Authority, shall be entitled to receive such remuneration (whether by way of fee or allowance or otherwise) and such travelling expenses as may from time to time on the recommendation of the Authority be fixed by the Minister.

(10) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of an advisory committee or from accepting and retaining any remuneration and expenses payable to him as such a member.

(11) The office of member of an advisory committee shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

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**PART VI.**

**FINANCE.**

**Accounts  
to be kept  
by the  
Authority.**

**28.** (1) The Authority shall cause to be kept proper books of account in relation to all of its operations, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority.

(2) The Minister shall cause the statement of accounts to be laid before Parliament within fourteen sitting days after its receipt by him if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

**29.**



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*Sydney Cove Redevelopment Authority.*

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**29.** (1) The accounts of the Authority shall be audited <sup>Audit of</sup> by the Auditor-General who shall have, in respect thereof, all <sup>accounts.</sup> the powers conferred on him by any law now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, shall apply to the members of the Authority and its officers in the same manner as it applies to accounting officers of Public Departments.

(2) The Auditor-General shall report to the Authority and the Minister—

(a) whether or not in his opinion—

- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Authority;
- (ii) the expenditure incurred has been duly authorised, vouched and supervised;
- (iii) any of the moneys or other property of the Authority have been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(3) Towards defraying the costs and expenses of such audit the Authority shall pay to the Consolidated Revenue Fund such sums, at such times, as the Treasurer may decide.

**30.** (1) As soon as practicable after the commencement of this Act the Valuer General shall determine the improved <sup>Capital</sup> capital value of all the land vested pursuant to paragraph (a) <sup>debt of the</sup> of subsection one of section ten of this Act, and the total amount of the value so determined and certified by the Treasurer to the Authority shall be deemed to be the capital <sup>Authority.</sup> debt assumed by the Authority.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Where, pursuant to subsection one or two of section ten of this Act, any land is granted to the Authority and where, pursuant to paragraph (b) of subsection two of that section, any land is vested in the Authority, the Valuer General shall determine the improved capital value of the land so granted or vested, and the capital debt of the Authority shall be increased by the amount of the value so determined and certified by the Treasurer to the Authority.

(3) Where, pursuant to section twenty of this Act, any land vested in the Authority is surrendered to Her Majesty, the Valuer General shall determine the improved capital value of the land so surrendered, and the capital debt of the Authority shall be reduced by the amount of the value so determined and certified by the Treasurer to the Authority.

Interest  
on capital  
debt.

**31.** In respect of its capital debt the Authority shall pay to the Treasurer for credit to the Consolidated Revenue Fund interest at such rates and on such terms and conditions as the Treasurer may from time to time determine and notify to the Authority.

Payment of  
surplus  
funds to  
Consolidated  
Revenue  
Fund.

**32.** The Treasurer may at any time require the Authority to pay from accumulated funds to the credit of the Consolidated Revenue Fund such amounts as he may determine and notify to the Authority as being surplus to the requirements of the Authority from time to time.

Investment  
of funds.

**33.** The Authority may invest moneys held by it in Government securities of the Commonwealth of Australia or of the State of New South Wales, or in any securities guaranteed by the Government of the said State, or on call or on fixed deposit, or partly on call and partly on fixed deposit, with the Treasurer or with any bank, or in such other securities as the Governor may approve or as may be prescribed.

**34.**

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*Sydney Cove Redevelopment Authority.*

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**34.** (1) For the temporary accommodation of the Authority it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Authority's funds to such extent as may from time to time be approved by the Governor. Temporary accommodation.

(2) The Treasurer may advance such moneys to the Authority, upon such terms and conditions as to repayment and interest, as may be agreed upon.

**35.** The Authority may from time to time with the concurrence of the Treasurer and the approval of the Governor borrow money for— Purposes for which money may be borrowed.

- (a) the purpose of carrying out and performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans;
- (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank;  
or
- (d) any other purpose of this Act.

**36.** (1) The Authority shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the Authority. Reserves for repayments.

(2) The Authority shall during each year transfer to each such fund from the revenue of the Authority a sum not less than the sum that the Authority in its application for approval of the loan specified that it proposed to transfer as aforesaid.

(3) Moneys held as reserve for loan repayment may be invested in government securities of the Commonwealth of Australia or of the State of New South Wales, or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the Authority, or in any securities guaranteed by the Government of the said State, or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

(4)

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*Sydney Cove Redevelopment Authority.*

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(4) Any interest or profits realised on such investments shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All moneys paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(6) Where the Authority decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, the Authority shall, in addition to the sum otherwise payable to the reserve for repayment of that loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and one-half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(7) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the Authority.

(8) A reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

Debentures,  
etc. **37.** (1) For securing repayment of the principal and interest on any moneys borrowed, the Authority may as provided by the regulations issue debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond and whether separated therefrom or not shall be transferable by simple delivery.

(3)

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*Sydney Cove Redevelopment Authority.*

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(3) Inscribed stock shall be transferable in the books of the Authority in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall as regards both the issue and transfer thereof for full consideration or money or money's worth be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

(5) The holder of a coupon originally annexed to a debenture or bond and whether separated therefrom or not shall be entitled to receive payment from the Authority of the interest specified in the coupon upon its presentation on or after the date when, and at the place where, the interest is payable.

(6) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the Authority, and the interest thereon, shall be a charge upon the income and revenue of the Authority from whatever source arising and is hereby guaranteed by the Government.

(7) Any liability arising under the guarantee given by subsection six of this section shall be discharged out of moneys provided by Parliament.

(8) The charge created by subsection six of this section shall not prejudice or affect any power of the Authority to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

**38.** (1) Notwithstanding anything contained in this Part any money which the Authority is authorised to borrow may be borrowed by a loan raised wholly or in part in such place outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be negotiated and raised in any currency. <sup>Raising loans in any country.</sup>

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and containing any term, condition or provision permitted under the law of the place where the loan is raised, and the Authority may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The Authority may in respect of any such loan agree that a sinking fund shall be established and controlled at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of section thirty-six of this Act shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this section, the Authority may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, stock or other securities referred to in subsection two of this section, or for the sale of such debentures, bonds, stock or other securities, or the granting of an option to purchase such debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or in any other part of the world in connection with such loan or with the issue, management and redemption of or otherwise with respect to such debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the Authority thinks fit. Copies of any such agreement shall be forwarded to the Minister who shall cause the same to be laid before both Houses of Parliament as soon as possible after the loan is raised.

(5) The Governor may, upon the recommendation of the Authority, by notification published in the Gazette, appoint two or more persons to enter into for and on behalf of the Authority all such agreements as the Authority is by this section authorised to enter into and to sign, execute, or otherwise perfect all such agreements, debentures, bonds, stock

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*Sydney Cove Redevelopment Authority.*

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stock or other securities as are by this section provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like notification, revoke or vary any such appointment and make any fresh appointment.

The production of a copy of the Gazette containing a notification of any such appointment or revocation as aforesaid shall in favour of a lender or of any holder of a security be conclusive evidence of the appointment or revocation.

(6) All debentures, bonds, stock or other securities bearing the signatures of such persons so appointed in that behalf shall be deemed to be securities lawfully issued under seal by the Authority and the principal moneys and interest secured thereby shall be a charge upon the income and revenue of the Authority from whatsoever source arising, and the due repayment of such principal moneys and interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under the authority of this section and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Authority and, if they purport to have been sealed by those persons, to have been lawfully executed by the Authority under seal.

A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of such security was in fact duly authorised.

(7) Subject to this section and the law in force in the place where any loan is raised under this section and applicable to that loan and the securities issued in connection therewith, the provisions of this Part of this Act (other than subsection one of section thirty-seven and subsections three and four of section forty) shall apply, mutatis mutandis, to and in respect of such loan and such securities.

**39.** (1) Any trustee, unless expressly forbidden by any **Trustees.** instrument creating the trust, may invest any trust moneys in his hands in stock inscribed by the Authority, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Any debenture issued or stock inscribed by the Authority shall be a lawful investment for any moneys which any company, council or body corporate incorporated by any Act is authorised or directed to invest in addition to any other investment expressly provided for the investment of such moneys.

(3) No notice of any express, implied or constructive trust shall be received by the Authority or by any officer of the Authority in relation to any debenture or coupon issued or stock inscribed by the Authority.

**Lost  
debentures.**

**40.** (1) If any debenture or bond issued by the Authority is lost, destroyed or defaced before it has been redeemed, the Authority may, subject to the provisions of this section, issue a new debenture or bond in lieu thereof.

(2) A new debenture or bond issued under subsection one of this section with interest coupon annexed shall bear the same date, number, principal sum, and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed a new debenture or bond shall not be issued unless—

- (a) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture or bond, or of some other person approved by the judge, that it has been lost or destroyed before redemption;
- (b) such advertisements as the judge may direct have been published;
- (c) six months have elapsed since the publication of the last of those advertisements; and
- (d) sufficient security has been given to the Authority to indemnify it against any double payment if the missing debenture or bond is presented for redemption.

(4)



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*Sydney Cove Redevelopment Authority.*

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(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Authority for cancellation.

(5) The provisions of this section shall, *mutatis mutandis*, extend to the case of a lost, destroyed, or defaced coupon.

(6) Notwithstanding any other provision of this section, in case of the loss, theft, destruction, mutilation or defacement of any debenture or bond issued under section thirty-eight of this Act, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the Authority of such loss, theft, or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the Authority receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

**41.** (1) A person advancing money to the Authority shall not be bound to inquire into the application of the money advanced, or be in any way responsible for its non-application or misapplication. Protection of investments.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the Authority shall, in favour of a lender and of any holder of security given by the Authority, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to the borrowing by the Authority in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of such persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

**42.** All debentures, bonds, stock or other securities which are secured upon the income and revenue of the Authority shall rank *pari passu* without any preference one above another by reason of priority of date or otherwise. Debentures, bonds, etc., to rank *pari passu*.

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PART

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*Sydney Cove Redevelopment Authority.*

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## PART VII.

## GENERAL.

Power of  
entry.

**43.** (1) For the purpose of enabling the Authority to exercise and discharge the powers, authorities, duties and functions conferred or imposed on the Authority by or under this or any other Act, any person authorised in writing by the Authority for the purpose may, in respect of land within or adjacent to the development area, at any reasonable time—

- (a) enter into and upon that land and survey and take levels, and for these purposes dig trenches, break up the soil and set up any posts, stakes or marks;
- (b) in or upon that land, make inspections and for this purpose open any ground and take such measures as may be necessary to ascertain the character and condition of the land and any pipe, sewer, wire or drain thereunder; and
- (c) in or upon that land, open any ground, dig trenches and sink test holes or bores for the purpose of ascertaining the nature and quality of the material comprising the subsoil and dig, gather, take and carry away samples of any such material for analysis and testing.

(2) In the exercise of the power conferred on him by subsection one of this section, an authorised person shall do as little damage as possible and any person (other than the Crown or a public authority) who suffers damage in consequence of the exercise of that power shall be compensated therefor by the Authority.

(3) Any person who obstructs a person authorised by the Authority pursuant to subsection one of this section in the exercise of the powers conferred on him by that subsection shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars.

44.

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*Sydney Cove Redevelopment Authority.*

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**44.** (1) For the purposes of exercising and discharging the powers, authorities, duties and functions conferred or imposed on the Authority by or under this or any other Act the Authority may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of any Government Department. Authority may make use of facilities, and employees of the Crown or a public authority.

(2) The Authority may, for the like purposes, with the approval of the public authority concerned and the Minister, and on such terms as may be arranged, make use of the facilities, or of the services of any of the officers, servants or employees, of a public authority.

**45.** (1) The Authority may, in writing, delegate to the Director or any other member of the Authority any power, authority, duty or function (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act. Delegation by Authority.

(2) A decision of the Director or any other member of the Authority when he is acting in pursuance of any delegation under subsection one of this section shall be deemed to be the decision of the Authority.

(3) A delegation under this section may be revoked by the Authority at any time and shall be without prejudice to the exercise or performance by the Authority of the power, authority, duty or function so delegated.

**46.**

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*Sydney Cove Redevelopment Authority.*

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**Regulations.** **46.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying this Act into effect.

(2) Without limiting the generality of subsection one of this section, the regulations may prescribe a form of lease of a building site.

(3) The regulations may provide for a penalty, not exceeding one hundred dollars, for any breach thereof and a daily penalty, not exceeding ten dollars per day, for a continuing breach thereof.

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified therein;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session and, if not, then within fourteen sitting days after the commencement of the next session.

(5) If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after the regulations have been laid before the House disallowing the regulation or part thereof, such regulation or part shall thereupon cease to have effect.

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*Sydney Cove Redevelopment Authority.*

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**47.** All courts and persons having by law or consent of parties authority to hear, receive and examine evidence—  
Judicial notice of seal of Authority.

(a) shall take judicial notice of the seal of the Authority affixed to any document; and

(b) shall unless the contrary is proved presume that such seal was properly affixed thereto.

**48.** Any notice, summons, writ or other proceeding required to be served on the Authority may be served by being left at the office of the Authority, or, in the case of a notice, by post.  
Service of notice of proceedings on the Authority.

**49.** Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the Director.  
Documents—how authenticated.

**50.** (1) Any penalty imposed by this Act or the regulations (not being a monetary penalty for breach of a covenant, condition or stipulation in a lease) may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions.  
Recovery of penalty.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

**51.** (1) Any charge, fee, remuneration or money due to the Authority under the provisions of this Act or the regulations may be recovered as a debt in a court of competent jurisdiction.  
Recovery of charges, etc.

(2)

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*Sydney Cove Redevelopment Authority.*

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(2) Proceedings for the recovery of any charge, fee, remuneration or money so due to the Authority shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

- (a) section twenty-four of the Common Law Procedure Act, 1899;
- (b) section sixty-four of the District Courts Act, 1912; and
- (c) section twenty-five of the Small Debts Recovery Act, 1912.

Proof of certain matters not required.

**52.** In any legal proceedings by or against the Authority no proof shall be required (unless evidence is given to the contrary) of—

- (a) the constitution of the Authority;
- (b) any resolution of the Authority;
- (c) the appointment of any member or any servant of the Authority; or
- (d) the presence of a quorum at any meeting at which any determination is made or any act is done by the Authority.

Notice of action.

**53.** (1) A writ or other process in respect of any damage or injury to person or property shall not be sued out or served upon the Authority or any member of the Authority or any servant of the Authority or any person acting in its or his aid for anything done or intended to be done or omitted to be done under this Act, until the expiration of one month after notice in writing has been served on the Authority or member or servant, as provided in this section.

(2) The notice shall state—

- (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained; and
- (c)

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*Sydney Cove Redevelopment Authority.*

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- (c) the name and place of abode or business of the intended plaintiff and of his attorney, if any, in the case.

(3) In the case of damage to property, any person who produces on demand his authority from the Authority shall be permitted to inspect the property damaged, and all facilities and information necessary to ascertain fully the value of the property damaged, the nature and extent of the damage, and the amount of money, if any, expended in repairing the damage shall be given to him.

(4) Subject to subsection five of this section, at the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice and, unless the notice has been served and subsection three of this section complied with, the plaintiff shall not be entitled to maintain the action.

(5) At any stage of the proceedings the court or any judge of the court in which the action is pending may, if the court or judge deems it to be just or reasonable in the circumstances so to do—

- (a) amend any defect in the notice on such terms and conditions, if any, as the court or judge may fix;
- (b) direct that any non-compliance or insufficient compliance with this section shall not be a bar to the maintenance of the action.

(6) Subject to subsection seven of this section, every such action shall be commenced within the period (in subsection seven of this section referred to as the "prescribed period") of twelve months next after the occurring of the cause of action.

(7) Where application is made to a judge of the Supreme Court in accordance with rules of court for an extension of the prescribed period the judge may, if he is satisfied that sufficient cause has been shown, or that, having regard to all the circumstances of the case, it would be reasonable

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*Sydney Cove Redevelopment Authority.*

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reasonable so to do, make an order for extension of the prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order.

An application under this subsection may be made either within the prescribed period or at any time within twelve months thereafter.

Any person who is dissatisfied with the decision of the judge on any such application may appeal to the Court of Appeal and that court may on the appeal make any order which ought to have been made in the first instance.

Every such appeal shall be made in accordance with rules of court.

(8) The Authority, or any member of the Authority, servant or person to whom any such notice of action is given as aforesaid, may tender amends to the plaintiff, his attorney or agent at any time within one month after service of notice of action, and in case the tender is not accepted may plead it in bar.

(9) The defendant in every such action may plead the general issue and at the trial thereof give this Act and the special matter in evidence.

Annual  
report.

**54.** (1) As soon as practicable after the thirtieth day of June in each year, the Authority shall prepare and furnish to the Minister a report upon the operations and activities of the Authority during the year ending on that date.

(2) The Minister shall lay the report of the Authority, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him thereof.

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SCHEDULES.



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*Sydney Cove Redevelopment Authority.*

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## SCHEDULES.

## FIRST SCHEDULE.

## Sec. 3.

All that piece or parcel of land situate in the City of Sydney, parish of St. Philip and county of Cumberland: Commencing on the high water mark of Port Jackson at Dawes Point at its intersection with the northerly prolongation of the eastern side of Hickson Road, the said eastern side forming the western boundary of land enclosed with and used as part of Dawes Point Park adjoining the northernmost western boundary of that park as dedicated by notification in Government Gazette dated 14th October, 1932; and bounded thence by that prolongation and that side of Hickson Road southerly to the northern side of Lower Fort Street; by that side and the generally south-eastern side of that street easterly and generally south-westerly to the generally north-eastern side of George Street; by that side of that street generally south-easterly to the westernmost corner of the  $18\frac{1}{2}$  perches of land vested in the Minister for Public Works for addition to and extension of the Mining Museum by notification in Government Gazette dated 24th February, 1939; by a line south-westerly to the generally north-western side of York Street North at the northernmost corner of the 29 square feet of land resumed for the construction of a bridge across Sydney Harbour from Dawes Point to Milsons Point by notification in Government Gazette dated 11th March, 1932; by that side of York Street North generally south-westerly to the northernmost corner of the  $3\frac{3}{4}$  perches of land vested in the Municipal Council of Sydney for purposes of public roads and highways by notification in Government Gazette dated 29th March, 1935; by the north-western boundary of that land and the north-western boundary of the 1 rood  $11\frac{1}{4}$  perches of land vested in the Municipal Council of Sydney for purposes of public parks and public recreation by notification in Government Gazette dated 29th March, 1935, south-westerly; by a line south-westerly to the north-western corner of the  $4\frac{1}{4}$  perches of land vested in the Municipal Council of Sydney for purposes of public parks and public recreation by notification in Government Gazette dated 29th March, 1935; by the north-western and southern boundaries of that land south-westerly and easterly; by the western boundary of the  $1\frac{1}{4}$  perches of land vested in the Municipal Council of Sydney for purposes of public roads and highways by notification in Government Gazette dated 29th March, 1935, southerly; by the northern and part of the north-western boundary of the 2 acres 3 roods  $15\frac{1}{4}$  perches of land vested in the Municipal Council of Sydney for purposes of public parks and recreation by notification in Government Gazette dated 29th March, 1935, westerly and south-westerly to the northernmost corner of lot 1, Deposited Plan 225361; by the generally north-eastern boundary of that lot generally south-easterly to the generally north-western side of York Street North; by that side of that street generally south-westerly to the southernmost corner of the said lot 1; by a line south-easterly to the intersection of the south-eastern side  
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*Sydney Cove Redevelopment Authority.*

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of York Street North with the northern side of Grosvenor Street ; by that side of Grosvenor Street easterly to the generally western side of George Street ; by that side of George Street generally northerly to its intersection with a line along the southern boundary of Reserve 83662 for Public Recreation notified in Government Gazette dated 5th January, 1962 ; by that line easterly to its intersection with the southerly prolongation of the westernmost western face of Circular Quay Railway Station building ; by that prolongation and that face of that building northerly, the northern extremity of that face being the point marked "M" on plan registered St. P. 334 R. at the office of the Maritime Services Board of N.S.W. ; by a line northerly to the southernmost corner of the parcel of land lettered "A" on the said plan and plan registered St. P. 333 XL. at the office of the Maritime Services Board of N.S.W. ; by the prolongation of the lastmentioned line, forming an eastern boundary of the said parcel of land, northerly ; by the generally eastern boundary of the said parcel of land generally northerly ; and by the high water mark of Port Jackson generally north-westerly to the point of commencement ; but excluding thereout the main arch and approach structure of the Sydney Harbour Bridge, with supporting pylon and piers, the Cahill Expressway and the Wynyard to Circular Quay railway, with supporting piers.

Sec. 10.

**SECOND SCHEDULE.**

The land described in the First Schedule, but excluding thereout the lands described in the Third, Fourth and Fifth Schedules.

Sec. 10.

**THIRD SCHEDULE.**

The parcels of land lettered "A", "B", "C" and "D" on plans registered St. P. 333 XL. and St. P. 334 R. at the office of the Maritime Services Board of N.S.W.

Sec. 11.

**FOURTH SCHEDULE.**

The land comprised in Certificates of Titles volume 1986 folio 126, volume 2451 folio 116, volume 2751 folio 144, volume 2819 folio 155, volume 3434 folio 203, volume 3497 folio 39, volume 3575 folio 17, volume 3600 folio 102, volume 3645 folio 237, volume 3668 folio 1, volume 3804 folio 29, volume 4889 folio 47, volume 5170 folios 110, 111 and 151, volume 6911 folio 15, and volume 8399 folio 49.

Sec. 10 (5).

**FIFTH SCHEDULE.**

The church lands comprised in Certificate of Title volume 6276 folio 221 and deeds registered Book 131 No. 228 and Book 1168 No. 74 and the property of the Commonwealth shown on Department of the Interior Negative No. 13294 N.S.W., being the land comprised in deed registered Book 2890 No. 176.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
Governor.

*Government House,  
Sydney, 10th December, 1968.*