

CONCURRENCE COPY

CUMBERLAND OVAL (AMENDMENT) BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Cumberland Oval Act, 1981 ("the Principal Act"), so as—

- (a) to increase the uses to which certain land adjacent to the site of the proposed stadium to be erected on the land known as Cumberland Oval ("the site") may be put (Schedule 1 (1) (a), (2));
- (b) to empower the construction of a parking area on land adjacent to the site and the use of that area for the parking of buses and vehicles of such other class or description as may be prescribed (Schedule 1 (2) (n));
- (c) to ensure that any stadium erected on the site pursuant to a lease granted under the Principal Act is so designed as to accommodate not more than 30,000 persons (Schedule 1 (2) (o));
- (d) to require the Minister administering the Principal Act to consult with the Ministers for the time being administering the Public Works Act, 1912, and the Environmental Planning and Assessment Act, 1979, before he approves plans and specifications for the stadium referred to in paragraph (a), the parking area referred to in paragraph (b) or the carrying out of certain other improvements (Schedule 1 (3) (a));
- (e) to declare that certain provisions of the Local Government Act, 1919, the Environmental Planning and Assessment Act, 1979, and certain instruments made under either of those Acts do not prohibit a use of land for a purpose which is authorised or required by or under a lease, easement or licence granted under the Principal Act (Schedule 1 (4) (d));
- (f) to provide that Parts IV and V of the Environmental Planning and Assessment Act, 1979, and the provisions of any local environmental plan, within the meaning of that Act, do not apply with respect to the use, pursuant to a lease, easement or licence granted under the Principal Act, of the site and certain adjacent and other land or with respect to an approval or consent granted by the Minister pursuant to the Principal Act or any such lease, easement or licence (Schedule 1 (4) (e)); and

- (g) to require that any fee or other amount paid to the Minister for or pursuant to a licence granted under the Principal Act, as amended by the proposed Act, shall be applied in the same way as is presently provided for the application of the rent paid pursuant to a lease granted under the Principal Act (Schedule 1 (6)).

The Bill also contains other provisions of a minor, ancillary and consequential nature.



CUMBERLAND OVAL (AMENDMENT) BILL, 1983

No. , 1983.

A BILL FOR

An Act to amend the Cumberland Oval Act, 1981, so as to facilitate the erection of a stadium on the area of land known as Cumberland Oval; and for other purposes.

[MR CLEARY—22 March, 1983.]

Cumberland Oval (Amendment).

BE 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:—

5 Short title.

1. This Act may be cited as the "Cumberland Oval (Amendment) Act, 1983".

Amendment of Act No. 85, 1981.

2. The Cumberland Oval Act, 1981, is amended in the manner set forth 10 in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE CUMBERLAND OVAL ACT, 1981.

(1) (a) Section 2, definitions of "adjacent land", "associated land"—

15 Before the definition of "by-law", insert:—

"adjacent land" means the land described as lots 952–959
and lots 961–964 (in each case, inclusive of the specified
lots) in the Plan;

20 "associated land" means the land described as lots 960 and
965 in the Plan;

(b) Section 2, definition of "designated land"—

After "means", insert "the land described as".

(c) Section 2, definition of "the Plan"—

Omit "42643;"; insert instead "42643."

Cumberland Oval (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE CUMBERLAND OVAL ACT, 1981—*continued.*

(d) Section 2, definition of “work”—

Omit the definition.

5 (e) Section 2 (2)—

At the end of section 2, insert:—

(2) In this Act—

(a) a reference to the carrying out of any improvements includes—

10 (i) a reference to the erection of a building; and
(ii) a reference to the carrying out of a work,
within the meaning of the Environmental Planning
and Assessment Act, 1979; and

15 (b) a reference to the construction or erection of a stadium
includes a reference to the rebuilding of, the making
of structural alterations to, or the enlargement or
extension of the stadium.

(2) (a) Section 4 (2) (b) (i)—

Omit the subparagraph, insert instead:—

20 (i) enabling the construction, erection or laying of pipelines
or cables and the carrying out of associated improve-
ments under, upon or above the adjacent land or any
part of that land and enabling the use, maintenance and
25 replacement of any pipelines, cables or associated
improvements situated, on or after the commencement
of this Act, under, upon or above that land or any part
of that land; and

(b) Section 4 (2) (b) (ii)—

30 Omit “within the areas of land described as lots 954, 955, 956,
959, 961, 962, 963 and 964 in the Plan”, insert instead “over
the adjacent land”.

Cumberland Oval (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE CUMBERLAND OVAL ACT, 1981—*continued.*

- 5 (c) Section 4 (2) (b) (ii), (c) (i)—
Omit “improvement and” wherever occurring, insert instead
“carrying out of improvements upon and the”.
- (d) Section 4 (2) (b) (ii)—
Omit “land so described”, insert instead “adjacent land”.
- 10 (e) Section 4 (2) (c) (i)—
Omit “land described as lots 953, 954, 955, 959, 960, 962, 963
and 965 in the Plan”, insert instead “adjacent land and associated
land”.
- (f) Section 4 (2) (c) (i)—
Omit “or any part of that land”, insert instead “, or any part
thereof”.
- 15 (g) Section 4 (2) (c) (i)—
Omit “land so described”, insert instead “adjacent land and
associated land”.
- 20 (h) Section 4 (2) (c) (ii)—
Omit “land described as lots 952, 953, 954, 955, 956, 958,
959, 961, 962, 963 and 964 in the Plan”, insert instead “adjacent
land”.
- (i) Section 4 (2) (c) (ii)—
Before “improvements” where secondly occurring, insert “other”.
- 25 (j) Section 4 (2) (c) (ii)—
Omit “land; and”, insert instead “land;”.
- (k) Section 4 (2) (c) (iii)—
Omit “land described as lots 952, 953, 954, 955, 956, 958,
959, 961, 962, 963 and 964 in the Plan”, insert instead “adjacent
land”.

*Cumberland Oval (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE CUMBERLAND OVAL ACT, 1981—*continued.*

(l) Section 4 (2) (c) (iii), (3) (a)—

5 Omit “works” wherever occurring, insert instead
“improvements”.

(m) Section 4 (2) (c) (iii)—

Omit “subsection.”, insert instead “subsection;”.

(n) Section 4 (2) (c) (iv), (v)—

After section 4 (2) (c) (iii), insert:—

10 (iv) enabling the construction of a parking area upon part
of the land described as lot 963 in the Plan and the
carrying out of associated improvements upon part of
that land, but only in accordance with plans and
specifications approved by the Minister; and

15 (v) authorising the use, for the parking only of motor omni-
buses (within the meaning of the Transport Act, 1930)
and other vehicles of a prescribed class or description,
of the parking area referred to in subparagraph (iv)
and the maintenance of that area and any associated
20 improvements.

(o) Section 4 (3) (a)—

Omit “and other improvements”, insert instead “(so designed
as to accommodate not more than 30,000 persons)”.

(3) (a) Section 5 (1), (2)—

25 Omit the subsections, insert instead:—

(1) Subject to subsection (2), the Minister may approve
plans and specifications for the purpose of enabling—

(a) the lessee under a lease granted under section 4 (2)
to carry out improvements on the designated land;
and
30

Cumberland Oval (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE CUMBERLAND OVAL ACT, 1981—*continued.*

5 (b) the licensee under a licence granted under section 4 (2) to carry out improvements (being associated improvements or other improvements), as referred to in section 4 (2) (c) (iv), on part of the land described as lot 963 in the Plan.

(2) The Minister may not, under subsection (1), approve plans and specifications relating—

10 (a) to any improvements intended to be carried out, unless he certifies in his approval that he has consulted with—

(i) the Minister for the time being administering the Public Works Act, 1912; and

15 (ii) the Minister for the time being administering the Environmental Planning and Assessment Act, 1979; or

20 (b) to any such improvements, the carrying out of which will require the erection of a building, within the meaning of Part XI of the Local Government Act, 1919, unless an approval has been given under that Part of that Act,

with respect to the carrying out of those improvements or the erection of the building, as the case may be, in accordance with those plans and specifications.

25 (b) Section 5 (3)—

Omit “works”, insert instead “improvements in so far as those improvements will require the erection of a building, within the meaning of that Part of that Act,”.

(c) Section 5 (3)—

30 After “section 4 (2)” where secondly occurring, insert “, but section 313 (2) (b) of that Act shall be deemed to be omitted from those provisions for the purposes of that application”.

Cumberland Oval (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE CUMBERLAND OVAL ACT, 1981—*continued.*

(4) (a) Section 6 (1)—

Omit “an easement”, insert instead “any lease, easement”.

5 (b) Section 6 (1)—

After “that purpose”, insert “and the use of the land by that person for that purpose is not unlawful”.

(c) Section 6 (1) (b)—

Omit “Act; or”, insert instead “Act;”.

10 (d) Section 6 (1) (b1), (b2)—

After section 6 (1) (b), insert:—

15 (b1) the Local Government Act, 1919 (Part XI of that Act, other than Division 3 of that Part, excepted), or any instrument made under that Act (an instrument made for the purposes of Part XI of that Act, other than Division 3 of that Part, excepted);

(b2) the Environmental Planning and Assessment Act, 1979, or any environmental planning instrument, within the meaning of that Act; or

20 (e) Section 6 (2)–(7)—

Omit section 6 (2), insert instead:—

25 (2) In subsection (1) (b) and (b1), “instrument” includes, without affecting the generality of that expression, any notification, proclamation, order, regulation, by-law, ordinance, lease, license or permit.

(3) Part IV of the Environmental Planning and Assessment Act, 1979, does not apply to or in respect of development, within the meaning of that Part of that Act, carried out or intended to be carried out pursuant to—

30 (a) this Act or the by-laws;

Cumberland Oval (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE CUMBERLAND OVAL ACT, 1981—*continued.*

(b) a lease, easement or licence granted under section 4 (2); or

5 (c) an approval, consent or other authority required by or under this Act or any such lease, easement or licence.

(4) Part V of the Environmental Planning and Assessment Act, 1979, does not apply to or in respect of any act, matter or thing done or intended to be done pursuant to—

10 (a) this Act or the by-laws; or

(b) any lease, easement or licence granted under section 4 (2),

15 being an act, matter or thing which would, but for this subsection, be an activity within the meaning of that Part of that Act, and the Minister shall be deemed not to be a determining authority within the meaning and for the purposes of that Part of that Act in relation to any such act, matter or thing.

20 (5) While a lease granted under section 4 (2) is in force, no local environmental plan shall apply to or in respect of the designated land or any part of that land.

25 (6) Nothing in a local environmental plan applies to or in respect of any act, matter or thing authorised or required to be done, on the adjacent land or associated land or any part of that land, by or under any easement or licence granted under section 4 (2).

30 (7) In subsections (5) and (6), a reference to a local environmental plan is a reference to a local environmental plan within the meaning of the Environmental Planning and Assessment Act, 1979, whether made before or after the commencement of this subsection, and includes a reference to a deemed environmental planning instrument within the meaning of that Act.

Cumberland Oval (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CUMBERLAND OVAL ACT, 1981—*continued.*

(5) Section 7—

Omit the section, insert instead:—

5 **Consent to use of certain land.**

7. The Minister may, for the purposes of a lease granted under section 4 (2), consent to the use of the designated land or any part thereof for purposes other than those referred to in section 4 (2) (a).

(6) Section 8 (1)—

10 After “section 4 (2)”, insert “and any fee or other amount paid to the Minister for or pursuant to a licence granted under that subsection”.

(7) Section 10—

Omit “officer”, insert instead “person”.

15 (8) Section 12 (1)—

After “any matter”, insert “that by this Act is required or permitted to be prescribed or”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

