

CONCURRENCE COPY

CUMBERLAND OVAL (AMENDMENT) BILL, 1984

EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to vest certain land in Her Majesty, in addition to the land vested in Her Majesty by section 3 of the Cumberland Oval Act, 1981 (“the Act”), freed from all limitations and restrictions (Schedule 1 (2));
 - (b) to enable leases to be granted over the additional land vested as referred to in paragraph (a) for certain purposes (Schedule 1 (3));
 - (c) to enable a lease, easement or licence referred to in section 4 of the Act to be granted to the Sydney Cricket and Sports Ground Trust (Schedule 1 (4));
 - (d) to provide that the Minister for the time being administering the Act shall not approve plans and specifications for the carrying out of improvements on the land to which the Act applies unless the Minister has consulted with certain other Ministers (Schedule 1 (5));
 - (e) to provide that the Local Government Act, 1919, and instruments made under that Act shall not apply to the land to which the Act applies (Schedule 1 (6)); and
 - (f) to make other provisions of a minor, ancillary or consequential nature.
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CUMBERLAND OVAL (AMENDMENT) BILL, 1984

No. , 1984.

A BILL FOR

An Act to amend the Cumberland Oval Act, 1981, with respect to the use and development of the land referred to in that Act.

[MR CLEARY—8 *May*, 1984.]

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, 1984".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 85, 1981.

3. The Cumberland Oval Act, 1981, is amended in the manner set forth 15 in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE CUMBERLAND OVAL ACT, 1981.

(1) Section 2 (2) (a)—

20 Omit the paragraph, insert instead:—

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

25 (i) a reference to the carrying out of development within the meaning of the Environmental Planning and Assessment Act, 1979;

Cumberland Oval (Amendment).

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

- 5 (ii) a reference to the erection of a building within the meaning of Part XI of the Local Government Act, 1919; and
- (iii) a reference to the subdivision of land or the opening of a road, or both, within the meaning of the Local Government Act, 1919; and
- (2) Section 3 (2)—
- 10 At the end of section 3, insert:—
- (2) The adjacent land and the associated land are hereby vested in Her Majesty freed and discharged from any trusts, estates, interests, dedications, conditions, restrictions, covenants and provisions affecting that land immediately before the day appointed and notified under section 2 (2) of the Cumberland Oval (Amendment) Act, 1984.
- 15
- (3) (a) Section 4 (2)—
- Omit “he”, insert instead “the Minister”.
- (b) Section 4 (2) (a1)—
- 20 After section 4 (2) (a), insert:—
- (a1) a lease of the whole or any part of the adjacent land or the associated land, or both, authorising the land to which the lease applies to be used—
- 25 (i) for purposes ancillary to or connected with any purpose for which the designated land may be used;
- (ii) without limiting the generality of subparagraph (i), in relation to the adjacent land, for any purpose for which an easement or licence may be granted in relation to that land under paragraph (b) or (c); and
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Cumberland Oval (Amendment).

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

5 (iii) without limiting the generality of subparagraph (i), in relation to the associated land, for any purpose for which an easement or licence may be granted in relation to that land under paragraph (b) or (c);

(c) Section 4 (3)—

10 Omit “granted under subsection (2)”, insert instead “referred to in subsection (2) (a)”.

(d) Section 4 (3A)—

After section 4 (3), insert:—

15 (3A) Nothing in this Act prevents a lease referred to in subsection (2) (a) and a lease referred to in subsection (2) (a1) from being granted by means of the same instrument where the Minister intends to grant each lease to the same lessee.

(4) Section 4A—

After section 4, insert:—

20 **Sydney Cricket and Sports Ground Trust.**

4A. (1) In this section, “Trust” means the Sydney Cricket and Sports Ground Trust constituted by the Sydney Cricket and Sports Ground Act, 1978.

25 (2) A lease, easement or licence referred to in section 4 may be granted to and entered into or accepted by the Trust.

Cumberland Oval (Amendment).

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

5 (3) Where a lease, easement or licence referred to in section 4 is granted to and entered into or accepted by the Trust, the Trust and its officers and employees shall have, and may exercise or perform, any power, authority, duty or function necessary or convenient to the doing of anything which is authorised or required to be done pursuant to, or for any purpose of or incidental to, the lease, easement or licence.

10 (4) The provisions of this section are in addition to and not in derogation from the provisions of the Sydney Cricket and Sports Ground Act, 1978.

(5) (a) Section 5 (1) (a)—

15 Omit “designated land”, insert instead “land to which the lease applies”.

(b) Section 5 (1) (b)—

Before “the licensee”, insert “the lessee under a lease or”.

(c) Section 5 (2)—

Omit section 5 (2) and (3), insert instead:—

20 (2) The Minister may not, under subsection (1), approve plans and specifications relating to any improvements intended to be carried out, unless the Minister certifies in the approval that the Minister has consulted with—

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

(b) the Minister for the time being administering the Environmental Planning and Assessment Act, 1979,

with respect to the carrying out of those improvements.

Cumberland Oval (Amendment).

SCHEDULE 1—*continued.*

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

(6) (a) Section 6 (1) (b1)—

Omit the paragraph, insert instead:—

5 (b1) the Local Government Act, 1919, or any instrument made under that Act;

(b) Section 6 (2)—

Omit “subsection (1) (b) and (b1)”, insert instead “this section”.

10 (c) Section 6 (2A)—

After section 6 (2), insert:—

15 (2A) The Local Government Act, 1919, or any instrument made under that Act does not apply to or in respect of the carrying out of any improvements carried out or intended to be carried out pursuant to—

(a) this Act or the by-laws;

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

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

(d) Section 6 (5)—

Omit the subsection, insert instead:—

25 (5) While a lease granted under section 4 (2) is in force, no environmental planning instrument shall apply to or in respect of the whole or any part of the land which is subject to the lease.

(e) Section 6 (6), (7)—

Omit “a local environmental plan” wherever occurring, insert instead “an environmental planning instrument”.

Cumberland Oval (Amendment).

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

- (f) Section 6 (7)—
5 Omit “, and includes a reference to a deemed environmental planning instrument within the meaning of that Act”.
- (7) Section 7—
Omit “granted under section 4 (2)”, insert instead “referred to in section 4 (2) (a)”.
- (8) Section 8 (2)—
10 Omit “he”, insert instead “the Minister”.
- (9) Section 9—
After “designated land” wherever occurring, insert “, adjacent land or associated land”.
- (10) (a) Section 10—
15 Omit “the designated land” where firstly occurring, insert instead “land under a lease referred to in section 4 (2) (a) or (a1)”.
- (b) Section 10—
Omit “designated” where secondly, thirdly, fourthly and fifthly occurring.
- 20 (11) (a) Section 11—
Omit “him” wherever occurring, insert instead “the Minister”.
- (b) Section 11 (1)—
Omit “or any part thereof”, insert instead “, adjacent land or associated land, or any part thereof,”.
- 25 (c) Section 11 (2)—
Omit “his”, insert instead “the Minister’s”.

Cumberland Oval (Amendment).

SCHEDULE 1—*continued.*

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

(12) (a) Section 12 (1)—

5 After “designated land” wherever occurring, insert “, adjacent
land or associated land”.

(b) Section 12 (1)—

 Omit “the lessee” wherever occurring, insert instead “any
lessee”.

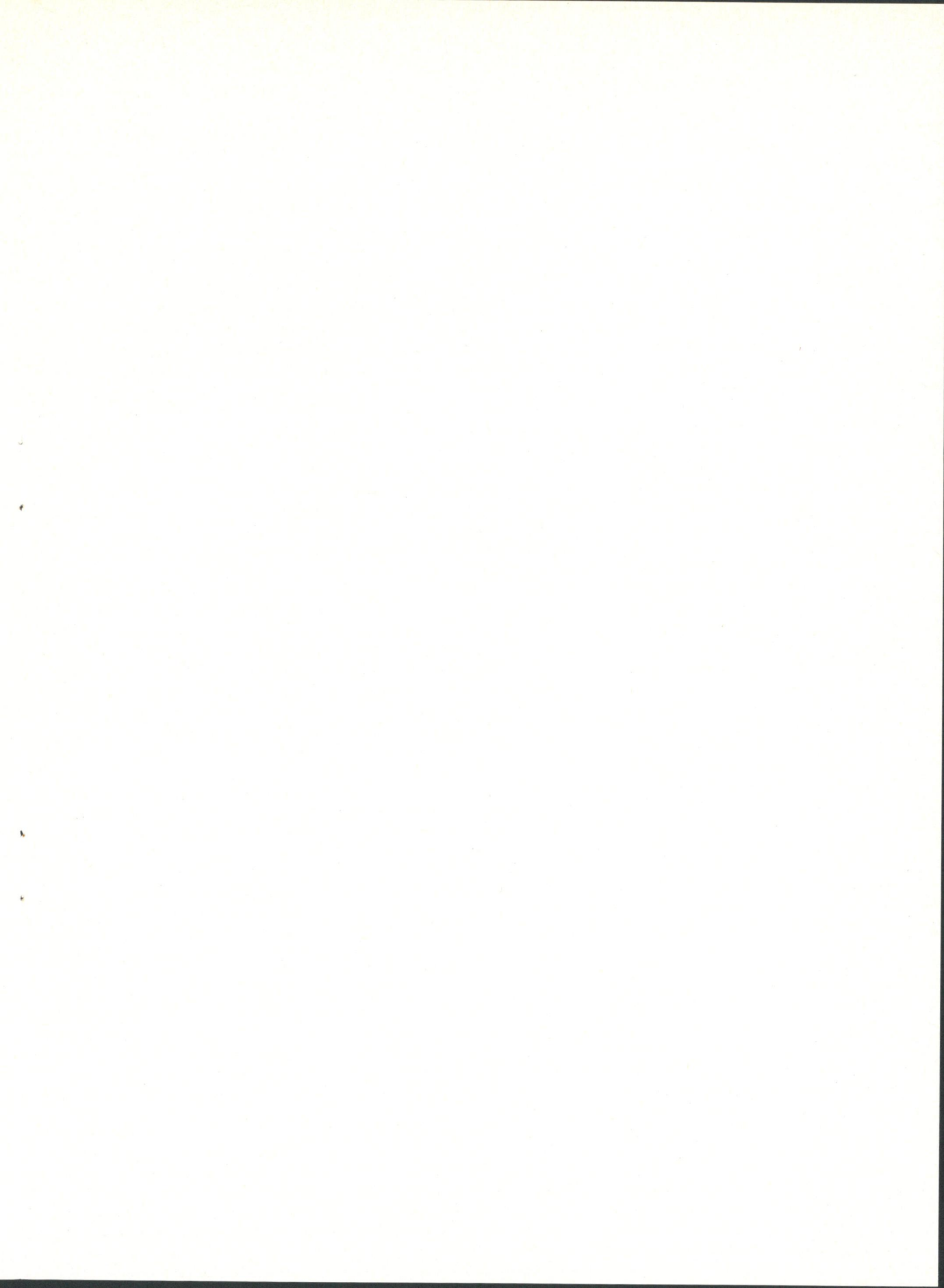
(13) Section 14 (2)—

10 At the end of section 14, insert:—

 (2) Nothing in this Act affects any debts owing or liabilities
15 incurred or actions which were or might have been commenced,
before the day appointed and notified under section 2 (2) of the
Cumberland Oval (Amendment) Act, 1984, in respect of the adjacent
land or the associated land or of anything done or omitted to be done
in connection therewith.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984



CUMBERLAND OVAL (AMENDMENT) ACT, 1984, No. 34

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 34, 1984.

An Act to amend the Cumberland Oval Act, 1981, with respect to the use and development of the land referred to in that Act. [Assented to, 13th June, 1984.]

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:—

Short title.

1. This Act may be cited as the "Cumberland Oval (Amendment) Act, 1984".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 85, 1981.

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

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE CUMBERLAND OVAL ACT, 1981.

(1) Section 2 (2) (a)—

Omit the paragraph, insert instead:—

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

(i) a reference to the carrying out of development within the meaning of the Environmental Planning and Assessment Act, 1979;

Cumberland Oval (Amendment).

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

- (ii) a reference to the erection of a building within the meaning of Part XI of the Local Government Act, 1919; and
- (iii) a reference to the subdivision of land or the opening of a road, or both, within the meaning of the Local Government Act, 1919; and

(2) Section 3 (2)—

At the end of section 3, insert:—

(2) The adjacent land and the associated land are hereby vested in Her Majesty freed and discharged from any trusts, estates, interests, dedications, conditions, restrictions, covenants and provisions affecting that land immediately before the day appointed and notified under section 2 (2) of the Cumberland Oval (Amendment) Act, 1984.

(3) (a) Section 4 (2)—

Omit “he”, insert instead “the Minister”.

(b) Section 4 (2) (a1)—

After section 4 (2) (a), insert:—

- (a1) a lease of the whole or any part of the adjacent land or the associated land, or both, authorising the land to which the lease applies to be used—
 - (i) for purposes ancillary to or connected with any purpose for which the designated land may be used;
 - (ii) without limiting the generality of subparagraph (i), in relation to the adjacent land, for any purpose for which an easement or licence may be granted in relation to that land under paragraph (b) or (c); and

Cumberland Oval (Amendment).

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

- (iii) without limiting the generality of subparagraph (i), in relation to the associated land, for any purpose for which an easement or licence may be granted in relation to that land under paragraph (b) or (c);

(c) Section 4 (3)—

Omit “granted under subsection (2)”, insert instead “referred to in subsection (2) (a)”.

(d) Section 4 (3A)—

After section 4 (3), insert:—

(3A) Nothing in this Act prevents a lease referred to in subsection (2) (a) and a lease referred to in subsection (2) (a1) from being granted by means of the same instrument where the Minister intends to grant each lease to the same lessee.

(4) Section 4A—

After section 4, insert:—

Sydney Cricket and Sports Ground Trust.

4A. (1) In this section, “Trust” means the Sydney Cricket and Sports Ground Trust constituted by the Sydney Cricket and Sports Ground Act, 1978.

(2) A lease, easement or licence referred to in section 4 may be granted to and entered into or accepted by the Trust.

Cumberland Oval (Amendment).

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

(3) Where a lease, easement or licence referred to in section 4 is granted to and entered into or accepted by the Trust, the Trust and its officers and employees shall have, and may exercise or perform, any power, authority, duty or function necessary or convenient to the doing of anything which is authorised or required to be done pursuant to, or for any purpose of or incidental to, the lease, easement or licence.

(4) The provisions of this section are in addition to and not in derogation from the provisions of the Sydney Cricket and Sports Ground Act, 1978.

(5) (a) Section 5 (1) (a)—

Omit “designated land”, insert instead “land to which the lease applies”.

(b) Section 5 (1) (b)—

Before “the licensee”, insert “the lessee under a lease or”.

(c) Section 5 (2)—

Omit section 5 (2) and (3), insert instead:—

(2) The Minister may not, under subsection (1), approve plans and specifications relating to any improvements intended to be carried out, unless the Minister certifies in the approval that the Minister has consulted with—

- (a) the Minister for the time being administering the Public Works Act, 1912; and
- (b) the Minister for the time being administering the Environmental Planning and Assessment Act, 1979,

with respect to the carrying out of those improvements.

Cumberland Oval (Amendment).

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

(6) (a) Section 6 (1) (b1)—

Omit the paragraph, insert instead:—

(b1) the Local Government Act, 1919, or any instrument made under that Act;

(b) Section 6 (2)—

Omit “subsection (1) (b) and (b1)”, insert instead “this section”.

(c) Section 6 (2A)—

After section 6 (2), insert:—

(2A) The Local Government Act, 1919, or any instrument made under that Act does not apply to or in respect of the carrying out of any improvements carried out or intended to be carried out pursuant to—

(a) this Act or the by-laws;

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

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

(d) Section 6 (5)—

Omit the subsection, insert instead:—

(5) While a lease granted under section 4 (2) is in force, no environmental planning instrument shall apply to or in respect of the whole or any part of the land which is subject to the lease.

(e) Section 6 (6), (7)—

Omit “a local environmental plan” wherever occurring, insert instead “an environmental planning instrument”.

Cumberland Oval (Amendment).

SCHEDULE 1—*continued.*

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

(f) Section 6 (7)—

Omit “, and includes a reference to a deemed environmental planning instrument within the meaning of that Act”.

(7) Section 7—

Omit “granted under section 4 (2)”, insert instead “referred to in section 4 (2) (a)”.

(8) Section 8 (2)—

Omit “he”, insert instead “the Minister”.

(9) Section 9—

After “designated land” wherever occurring, insert “, adjacent land or associated land”.

(10) (a) Section 10—

Omit “the designated land” where firstly occurring, insert instead “land under a lease referred to in section 4 (2) (a) or (a1)”.

(b) Section 10—

Omit “designated” where secondly, thirdly, fourthly and fifthly occurring.

(11) (a) Section 11—

Omit “him” wherever occurring, insert instead “the Minister”.

(b) Section 11 (1)—

Omit “or any part thereof”, insert instead “, adjacent land or associated land, or any part thereof,”.

(c) Section 11 (2)—

Omit “his”, insert instead “the Minister’s”.

Cumberland Oval (Amendment).

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

(12) (a) Section 12 (1)—

After “designated land” wherever occurring, insert “, adjacent land or associated land”.

(b) Section 12 (1)—

Omit “the lessee” wherever occurring, insert instead “any lessee”.

(13) Section 14 (2)—

At the end of section 14, insert:—

(2) Nothing in this Act affects any debts owing or liabilities incurred or actions which were or might have been commenced, before the day appointed and notified under section 2 (2) of the Cumberland Oval (Amendment) Act, 1984, in respect of the adjacent land or the associated land or of anything done or omitted to be done in connection therewith.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 13th June, 1984.*