

FIRST PRINT

**SYDNEY COVE REDEVELOPMENT AUTHORITY
(AMENDMENT AND VALIDATION) BILL 1985**

EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to amend the Sydney Cove Redevelopment Authority Act 1968 to clarify the powers of the Sydney Cove Redevelopment Authority to grant consents, approvals and authorisations for the purposes of that Act; and
 - (b) to validate the carrying out of development on land under the administration of the Authority and certain other matters.
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Clause 1 specifies the short title of the proposed Act.

Clause 2 is an interpretation provision for the purposes of the proposed Act.

Clause 3 provides that the Sydney Cove Redevelopment Authority Act 1968 is referred to in the proposed Act as the Principal Act.

Clause 4 is a formal provision that gives effect to the Schedule of amendments.

Clauses 5, 6 and 7 validate certain acts, matters and things done, before the date of assent to the proposed Act, with respect to the development area (that is, the land subject to the administration of the Authority), being—

- (a) acts under Parts III and IV of the Principal Act (including the resumption of land, the granting of leases and the erection of buildings);
- (b) building approvals under the Local Government Act 1919 of the Sydney City Council; and
- (c) the carrying out of development.

Clause 7 (2) enables the completion, after the date of assent to the proposed Act, in accordance with a consent, approval or authorisation validated by the proposed Act, of development the carrying out of which was commenced under such a consent, approval or authorisation before that date.

Clause 8 provides that Part V of the Environmental Planning and Assessment Act 1979 does not apply to the execution of certain leases or the granting of certain building approvals which are required in order to carry into effect matters which were commenced before the date of assent to the proposed Act and which are validated by the proposed Act.

Clause 9 provides that nothing in the proposed Act, apart from clause 8, limits the application to the Authority, on and from the date of assent to the proposed Act, of Part V of the Environmental Planning and Assessment Act 1979.

Clause 10 provides that the proposed Act has effect notwithstanding the provisions of any other Act or law.

Schedule 1 (1) makes a minor amendment to the definition of "development" in section 25 (1) of the Principal Act.

Schedule 1 (2) amends section 25 of the Principal Act—

- (a) to define the expression "carry out development" (proposed subsection (1A));
- (b) to re-enact as subsection (1B) the existing provisions of subsection (1A) (proposed subsection (1B));
- (c) to provide that a person shall not carry out development on land within the development area without the consent of the Authority (proposed subsection (1C));
- (d) to make it clear that no other consent than that of the Authority under the Principal Act is required for the carrying out of development on land within the development area (proposed subsection (1D)); and
- (e) to make it clear that Parts III and IV of the Environmental Planning and Assessment Act 1979 do not apply to the Authority or the development area (proposed subsection (1E)).

Schedule 1 (3) amends the provisions of section 25 (2) of the Principal Act with respect to the matters which may be dealt with in a building approval under Part XI of the Local Government Act 1919.

Schedule 1 (4) makes a minor consequential amendment.

Schedule 1 (5) amends section 25 of the Principal Act—

- (a) to empower the Authority to vary or modify a consent, approval or authorisation of the Authority (proposed subsection (5)); and

- (b) to enable the regulations to provide for the making and determination of applications for consents, approvals or authorisations or the variation or modification of those consents, approvals or authorisations (proposed subsection (6)).
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**SYDNEY COVE REDEVELOPMENT AUTHORITY
(AMENDMENT AND VALIDATION) BILL 1985**

No. , 1985

A BILL FOR

An Act to amend the Sydney Cove Redevelopment Authority Act 1968 to make further provision with respect to the functions of the Sydney Cove Redevelopment Authority and to validate certain matters.

Sydney Cove Redevelopment Authority (Amendment and Validation) 1985

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 "Sydney Cove Redevelopment Authority (Amendment and Validation) Act 1985".

Interpretation

2. Words and expressions used in this Act have the same meanings as
10 in the Principal Act.

Principal Act

3. The Sydney Cove Redevelopment Authority Act 1968 is referred to in this Act as the Principal Act.

Amendment of Act No. 56, 1968

15 4. The Principal Act is amended in the manner set forth in Schedule 1.

Validation of certain consents, etc.

5. Any act, matter or thing done or purporting to be done by the Governor, the Minister or the Authority under Part III or IV of the Principal Act at any time before the date of assent to this Act is hereby
20 validated and shall be deemed always to have been validly done.

Validation of certain building approvals, etc.

6. Any consent or approval granted or purporting to be granted under Part XI of the Local Government Act 1919 by the Council of the City of Sydney at any time before the date of assent to this Act in respect of the
25 erection of a building on land within the development area is hereby validated and shall be deemed always to have been validly granted.

Sydney Cove Redevelopment Authority (Amendment and Validation) 1985

Validation of certain development, etc.

7. (1) The carrying out of any development at any time before the date of assent to this Act, being development within the meaning of the Environmental Planning and Assessment Act 1979, (whether or not the provisions of that Act apply to or in respect of the carrying out of that development and whether or not the development was carried out or purported to be carried out pursuant to a consent, approval or authorisation of the Authority or any other consent, approval or authorisation) on land within the development area at any time before the date of assent to this Act is hereby validated and the development shall be deemed always to have been validly carried out.

(2) Without limiting the generality of sections 5 and 6, development to which subsection (1) applies may, subject to the Principal Act, as amended by this Act, be completed in accordance with any consent, approval or authorisation given or purporting to be given before the date of assent to this Act with respect to the development, being a consent, approval or authorisation which is validated by this Act.

Execution of certain leases and granting of certain building approvals

8. Part V of the Environmental Planning and Assessment Act 1979 does not apply to or in respect of—

- (a) the execution, or carrying into effect, on or after the date of assent to this Act, of a lease executed pursuant to an agreement for lease entered into, or purporting to be entered into, by the Authority at any time before that date; or
- (b) a consent or approval under Part XI of the Local Government Act 1919 granted by the Council of the City of Sydney on or after the date of assent to this Act in relation to a building the subject of—
 - (i) a consent, approval or authorisation given or purporting to be given by the Authority at any time before that date; and
 - (ii) a lease, or an agreement for lease, executed or entered into, or purporting to be executed or entered into, by the Authority at any time before that date.

*Sydney Cove Redevelopment Authority (Amendment and Validation) 1985***Compliance with Part V of the Environmental Planning and Assessment Act 1979**

9. Nothing in this Act (section 8 excepted) limits or derogates from the application to or in respect of the Authority, on and from the date of assent to this Act, of Part V of the Environmental Planning and Assessment Act 1979.

Effect of other Acts, etc.

10. This Act has effect notwithstanding the provisions of any other Act or law.

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SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 25 (1) (b)—

Omit “or over”, insert instead “, over or under”.

15 (2) Section 25 (1A)–(1E)—

Omit section 25 (1A) and (1B), insert instead:

(1A) A reference in this section to—

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(a) the erection of a building includes a reference to the rebuilding of, the making of structural alterations to, or the enlargement or extension of a building or the placing or relocating of a building on land;

(b) the carrying out of a work includes a reference to the rebuilding of, the making of alterations to, or the enlargement or extension of a work;

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(c) a work includes a reference to any physical activity in relation to land that is specified by a regulation to be a work for the purposes of this section but does not include a reference to any activity that is specified by a regulation not to be work for the purposes of this section;

Sydney Cove Redevelopment Authority (Amendment and Validation) 1985SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(d) the subdivision of land is a reference to—

- (i) (without limiting the following provisions of this paragraph) the subdivision of land within the meaning of the Local Government Act 1919;
- 5 (ii) any other division of land into 2 or more parts which, after the division, would be obviously adapted for separate occupation, use or disposition; or
- 10 (iii) the redivision of land, by such a subdivision or by any other division, into different parts which, after the redivision, would be obviously adapted for separate occupation, use or disposition,

and includes a reference to a subdivision effected under Division 1 of Part II of the Strata Titles Act 1973; and

- 15 (e) the carrying out of development includes a reference to the erection of a building, the carrying out of a work, the use of land or of a building or work, or the subdivision of land, as the case may require.

(1B) This section has effect notwithstanding anything in any other Act.

- 20 (1C) Except as may otherwise be provided by the regulations, a person shall not carry out development on land within the development area without the consent of the Authority.

- 25 (1D) Subject to subsection (2), no consent, approval or authorisation other than the consent, approval or authorisation of the Authority, under and in accordance with the provisions of this Act, is required for any development or the carrying out of any development within the development area.

- 30 (1E) Without limiting the generality of subsection (1D), Parts III and IV of the Environmental Planning and Assessment Act 1979 do not apply to or in respect of the Authority or the development area.

Sydney Cove Redevelopment Authority (Amendment and Validation) 1985SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(3) Section 25 (2)—

5 Omit “shall be deemed to have been given under that Part of that Act to”, insert instead “is not required to be given under that Part of that Act in respect of, and an approval given under that Part of that Act shall not make or include any provision relating to”.

(4) Section 25 (2A)—

After “development of”, insert “, or the carrying out of development on,”.

10 (5) Section 25 (5), (6)—

After section 25 (4), insert:

(5) The Authority may vary or modify a consent, approval or authorisation under this Act of the Authority—

15 (a) where the consent, approval or authorisation as varied or modified will be in all respects in conformity with the approved scheme; or

20 (b) where the consent, approval or authorisation as varied or modified will be substantially in conformity with the approved scheme and the Minister has approved of the variation or modification.

(6) The regulations may make provision for or with respect to—

25 (a) the making of applications for any consent, approval or authorisation under this Act or for the variation or modification of any such consent, approval or authorisation, including the form and contents of those applications;

(b) the fees to be paid in respect of those applications;

(c) the determination of those applications; and

Sydney Cove Redevelopment Authority (Amendment and Validation) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

- (d) the notification of any such determination to the applicant or any other person.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

**SYDNEY COVE REDEVELOPMENT AUTHORITY (AMENDMENT
AND VALIDATION) ACT 1985 No. 194**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

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Act No. 194, 1985

An Act to amend the Sydney Cove Redevelopment Authority Act 1968 to make further provision with respect to the functions of the Sydney Cove Redevelopment Authority and to validate certain matters.
[Assented to, 10th December, 1985.]

Sydney Cove Redevelopment Authority (Amendment and Validation) 1985

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 "Sydney Cove Redevelopment Authority (Amendment and Validation) Act 1985".

Interpretation

2. Words and expressions used in this Act have the same meanings as in the Principal Act.

Principal Act

3. The Sydney Cove Redevelopment Authority Act 1968 is referred to in this Act as the Principal Act.

Amendment of Act No. 56, 1968

4. The Principal Act is amended in the manner set forth in Schedule 1.

Validation of certain consents, etc.

5. Any act, matter or thing done or purporting to be done by the Governor, the Minister or the Authority under Part III or IV of the Principal Act at any time before the date of assent to this Act is hereby validated and shall be deemed always to have been validly done.

Validation of certain building approvals, etc.

6. Any consent or approval granted or purporting to be granted under Part XI of the Local Government Act 1919 by the Council of the City of Sydney at any time before the date of assent to this Act in respect of the erection of a building on land within the development area is hereby validated and shall be deemed always to have been validly granted.

Sydney Cove Redevelopment Authority (Amendment and Validation) 1985

Validation of certain development, etc.

7. (1) The carrying out of any development at any time before the date of assent to this Act, being development within the meaning of the Environmental Planning and Assessment Act 1979, (whether or not the provisions of that Act apply to or in respect of the carrying out of that development and whether or not the development was carried out or purported to be carried out pursuant to a consent, approval or authorisation of the Authority or any other consent, approval or authorisation) on land within the development area at any time before the date of assent to this Act is hereby validated and the development shall be deemed always to have been validly carried out.

(2) Without limiting the generality of sections 5 and 6, development to which subsection (1) applies may, subject to the Principal Act, as amended by this Act, be completed in accordance with any consent, approval or authorisation given or purporting to be given before the date of assent to this Act with respect to the development, being a consent, approval or authorisation which is validated by this Act.

Execution of certain leases and granting of certain building approvals

8. Part V of the Environmental Planning and Assessment Act 1979 does not apply to or in respect of—

- (a) the execution, or carrying into effect, on or after the date of assent to this Act, of a lease executed pursuant to an agreement for lease entered into, or purporting to be entered into, by the Authority at any time before that date; or
- (b) a consent or approval under Part XI of the Local Government Act 1919 granted by the Council of the City of Sydney on or after the date of assent to this Act in relation to a building the subject of—
 - (i) a consent, approval or authorisation given or purporting to be given by the Authority at any time before that date; and
 - (ii) a lease, or an agreement for lease, executed or entered into, or purporting to be executed or entered into, by the Authority at any time before that date.

Sydney Cove Redevelopment Authority (Amendment and Validation) 1985

Compliance with Part V of the Environmental Planning and Assessment Act 1979

9. Nothing in this Act (section 8 excepted) limits or derogates from the application to or in respect of the Authority, on and from the date of assent to this Act, of Part V of the Environmental Planning and Assessment Act 1979.

Effect of other Acts, etc.

10. This Act has effect notwithstanding the provisions of any other Act or law.

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 25 (1) (b)—

Omit “or over”, insert instead “, over or under”.

(2) Section 25 (1A)-(1E)—

Omit section 25 (1A) and (1B), insert instead:

(1A) A reference in this section to—

- (a) the erection of a building includes a reference to the rebuilding of, the making of structural alterations to, or the enlargement or extension of a building or the placing or relocating of a building on land;
- (b) the carrying out of a work includes a reference to the rebuilding of, the making of alterations to, or the enlargement or extension of a work;
- (c) a work includes a reference to any physical activity in relation to land that is specified by a regulation to be a work for the purposes of this section but does not include a reference to any activity that is specified by a regulation not to be work for the purposes of this section;

Sydney Cove Redevelopment Authority (Amendment and Validation) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(d) the subdivision of land is a reference to—

- (i) (without limiting the following provisions of this paragraph) the subdivision of land within the meaning of the Local Government Act 1919;
- (ii) any other division of land into 2 or more parts which, after the division, would be obviously adapted for separate occupation, use or disposition; or
- (iii) the redivision of land, by such a subdivision or by any other division, into different parts which, after the redivision, would be obviously adapted for separate occupation, use or disposition,

and includes a reference to a subdivision effected under Division 1 of Part II of the Strata Titles Act 1973; and

(e) the carrying out of development includes a reference to the erection of a building, the carrying out of a work, the use of land or of a building or work, or the subdivision of land, as the case may require.

(1B) This section has effect notwithstanding anything in any other Act.

(1C) Except as may otherwise be provided by the regulations, a person shall not carry out development on land within the development area without the consent of the Authority.

(1D) Subject to subsection (2), no consent, approval or authorisation other than the consent, approval or authorisation of the Authority, under and in accordance with the provisions of this Act, is required for any development or the carrying out of any development within the development area.

(1E) Without limiting the generality of subsection (1D), Parts III and IV of the Environmental Planning and Assessment Act 1979 do not apply to or in respect of the Authority or the development area.

Sydney Cove Redevelopment Authority (Amendment and Validation) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(3) Section 25 (2)—

Omit “shall be deemed to have been given under that Part of that Act to”, insert instead “is not required to be given under that Part of that Act in respect of, and an approval given under that Part of that Act shall not make or include any provision relating to”.

(4) Section 25 (2A)—

After “development of”, insert “, or the carrying out of development on,”.

(5) Section 25 (5), (6)—

After section 25 (4), insert:

(5) The Authority may vary or modify a consent, approval or authorisation under this Act of the Authority—

(a) where the consent, approval or authorisation as varied or modified will be in all respects in conformity with the approved scheme; or

(b) where the consent, approval or authorisation as varied or modified will be substantially in conformity with the approved scheme and the Minister has approved of the variation or modification.

(6) The regulations may make provision for or with respect to—

(a) the making of applications for any consent, approval or authorisation under this Act or for the variation or modification of any such consent, approval or authorisation, including the form and contents of those applications;

(b) the fees to be paid in respect of those applications;

(c) the determination of those applications; and

Sydney Cove Redevelopment Authority (Amendment and Validation) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

- (d) the notification of any such determination to the applicant or any other person.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

