

SYDNEY OPERA HOUSE (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 43, 1972.

An Act to make further provision with respect to the construction of a parking station on or near the site of the Sydney Opera House; to empower the Minister for Public Works to grant a lease of the parking station to the Australian Mutual Provident Society; to make further provision with respect to the vesting of the Sydney Opera House in the Trust constituted by the Sydney Opera House Trust Act, 1961; for these purposes to amend the Sydney Opera House Act, 1960, and the Sydney Opera House Trust Act, 1961; and for purposes connected therewith. [Assented to, 11th April, 1972.]

BE

Sydney Opera House (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No 43, 1972 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:—

1. This Act may be cited as the "Sydney Opera House Short title. (Amendment) Act, 1972".

2. The Sydney Opera House Act, 1960, is amended— Amendment of Act No. 29, 1960.

(a) by inserting in subsection four of section one next Sec. 1. before the definition of "Sydney Opera House (Short title and commencement.) Executive Committee" the following new definition:—

"Society" means the Australian Mutual Provident Society incorporated by the Australian Mutual Provident Society's Act, 1910.

(b) by inserting next after section two the following new New secs. 2A-2E. sections:—

2A. (1) Without prejudice to the generality of Power of constructing authority to enter and occupy certain lands. the provisions of Division 6 of Part VI of the Public Works Act, 1912, the constructing authority and all persons acting under him may, for the purpose of carrying out such part of the work described in the Schedule to this Act as is therein described as comprising the construction of a parking station on or near the site of the Sydney Opera House and for

purposes

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purposes incidental thereto, enter upon and occupy the lands shown by distinctive colouring or edging on the location plan of two sheets titled: "Sydney Cove Car Park" provided by Ove Arup and Partners and signed by the Minister for Public Works and countersigned by the Director of Public Works and filed in the office of that Minister.

(2) Notwithstanding the provisions of Division 6 of Part VI of the Public Works Act, 1912, relating to the payment of compensation, the constructing authority and any person acting under him shall not be liable for the payment of any compensation by reason of the exercise of the powers conferred by subsection one of this section or that Division except to the extent that the surface of adjacent and superjacent land entered upon and occupied by them pursuant to those powers is not required to be restored pursuant to the terms of the agreement referred to in section 2B of this Act.

Agreement
for con-
struction
of parking
station.

2B. (1) The Minister for Public Works may, in consideration of the Society offering to undertake at its own cost the construction of the parking station, and the restoration of the adjacent and superjacent lands, in accordance with the numbered plans marked "A" and "B" respectively and the bills of quantities titled: "Specified Bills of Quantities" and marked "C" and "D" respectively and filed in the office of that Minister under the miscellaneous number "292" or in accordance with those plans and bills of quantities as varied, modified or added to from time to time by agreement between that Minister and the Society, agree that upon the completion of the parking station he will, at the request of the Society, grant to the Society a lease of the lands occupied by the parking station together with such easements and rights over

adjacent

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adjacent and superjacent lands (including a right No. 43, 1972 to enter upon and dig up the surface of such lands to gain access to the parking station for any purpose the Minister may approve) as may be expedient.

(2) The lease referred to in subsection one of this section shall be identified as a schedule to the agreement between the Society and the Minister.

(3) The agreement shall in so far as it relates to the construction of the parking station, and the restoration of the adjacent and superjacent lands, be deemed for the purposes of this Act and the Public Works Act, 1912, to be an agreement by the constructing authority for the construction of the parking station and the restoration of the adjacent and superjacent lands.

2c. (1) Upon the completion of the parking station (not including the restoration works referred to in the agreement entered into in pursuance of section 2B of this Act) the constructing authority shall cause a survey to be made of the land occupied by the parking station and, by notification to be published in the Gazette, declare that the land so surveyed, together with such easements and rights as may be expedient, and described in the notification, is appropriated (if Crown land) or resumed (if private property) for the purpose of a parking station. Acquisition of land.

(2) Subject to this section, the notification shall, upon its publication in the Gazette, have the same effect and operation as a notification referred to in section forty-two of the Public Works Act, 1912, except that a reference in sections forty-three, forty-four and forty-five of that Act to the "Constructing Authority" shall be read and construed as a reference to the Minister for Public Works.

(3)

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(3) Any compensation payable as a result of the resumption of any land pursuant to this section shall be assessed on the basis that the land resumed was in the same state as it was immediately before the commencement of the construction of the parking station.

Power to
lease
certain
land.

2D. Upon acquiring the land and any easement or right pursuant to section 2C of this Act, the Minister for Public Works may, on behalf of Her Majesty, grant to the Society at its request a lease of the acquired land, together with such easements and rights as may be expedient, with such rights of renewal as may be specified in the lease.

Variation
of lease.

2E. Any such lease may be varied or altered by agreement between the Minister for Public Works and the Society and no provision of any such lease shall be varied or altered nor the powers and rights of the Society under the lease be derogated from except in such manner.

Amendment
of Act No.
9, 1961.

3. The Sydney Opera House Trust Act, 1961, is amended—

Sec. 5.
(Vesting
of Sydney
Opera
House in
the Trust.)

- (a) by omitting from paragraph (b) of subsection two of section five the word "as" and by inserting in lieu thereof the words "or such specified part or parts of the work and the site thereof as may be";
- (b) by inserting in subsection three of the same section after the word "thereof" the words "or such specified part or parts of the work and the site thereof as may be";

(c)

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- (c) by inserting at the end of the same section the No. 43, 1972 following new subsection :—

(4) Where a lease of that part of the work and the site thereof as is comprised in the construction of a parking station is granted pursuant to the provisions of section 2D of the Sydney Opera House Act, 1960, the Governor may, upon the expiration of the term of the lease or its sooner determination, vest the administration, care, control, management and maintenance of such work and the site thereof in the Trust in the manner provided in subsection two of this section.