

**CHIPPING NORTON LAKE AUTHORITY
ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 38, 1977.

An Act to provide for the development of a lake on Georges
River near Chipping Norton. [Assented to, 15th April,
1977.]

BE

Chipping Norton Lake Authority.

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 :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Chipping Norton Lake Authority Act, 1977".

Commencement.

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

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

(3) Where the development area is extended under section 23, a reference in this Act (this section excepted) to the commencement of this Act applies in respect of the additional area as if this Act had commenced on the day of publication of the notification extending the development area.

Effect of other Acts.

3. To the extent that this Act is inconsistent with other Acts (the Clean Waters Act, 1970, and the State Pollution Control Commission Act, 1970, excepted) this Act prevails.

Act binds the Crown.

4. This Act binds the Crown, not only in right of New South Wales but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

5.

Chipping Norton Lake Authority.

5. This Act is divided as follows :—

Division
of Act.

PART I.—PRELIMINARY—ss. 1–6.

PART II.—CONSTITUTION AND POWERS OF THE
AUTHORITY—ss. 7–12.

PART III.—VESTING, ACQUISITION AND DISPOSAL OF
LAND—ss. 13–19.

PART IV.—FINANCE—ss. 20–22.

PART V.—GENERAL—ss. 23–28.

SCHEDULES.

6. In this Act, except to the extent that the context or Interpretation.
subject-matter otherwise indicates or requires—

“Authority” means the Chipping Norton Lake Authority
constituted by section 7;

“development area” means the land described in Schedule
1, as extended or restricted under section 23;

“development works” means the works described in
Schedule 2;

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

PART

Chipping Norton Lake Authority.

PART II.

CONSTITUTION AND POWERS OF THE AUTHORITY.

Constitu-
tion of
Authority.

7. (1) The Minister is, for the purposes of this Act, hereby constituted a corporation sole with the corporate name "Chipping Norton Lake Authority".

(2) The corporation—

- (a) has perpetual succession;
- (b) shall have an official seal;
- (c) may take proceedings, and be proceeded against, in its corporate name;
- (d) may, subject to this Act, purchase, exchange, take on lease, hold, dispose of by way of lease or sale, and otherwise deal with, property;
- (e) may do and suffer all other things that corporations may, by law, do and suffer and that are necessary for or incidental to the purposes for which it is constituted; and
- (f) is, for the purposes of any Act, a statutory body representing the Crown.

(3) The seal of the Authority shall not be affixed to any instrument or writing unless the fact and the date of the seal being so affixed are attested by the signature of the Minister.

(4) All courts and persons acting judicially—

- (a) shall take judicial notice of the official seal of the Authority that has been affixed to an instrument or writing; and
- (b) shall, until the contrary is proved, presume that the seal was properly affixed.

Chipping Norton Lake Authority.

8. (1) Except to the extent that the development works involve the lawful extraction of sand or other material pursuant to rights accrued before the commencement of this Act, the Authority shall carry out, or cause to be carried out, the development works. Powers and functions of the Authority.

(2) For the purpose of subsection (1), the Authority may do all things, including entering into contracts, as it may consider necessary.

(3) The provisions of the Public Works Act, 1912, (sections 34, 35, 36 and 37 excepted) apply to and in respect of the development works as if those works were an authorised work within the meaning of that Act.

(4) Without prejudice to the generality of the other provisions of this section, section 38 of the Public Works Act, 1912, applies to and in respect of a contract made under this Act.

(5) The Authority may enter into, and give effect to, agreements for the extraction from land vested in it of sand or other material.

9. (1) To the extent to which, but for this subsection, the consent of any person other than the Authority would, by or under any Act, be required after the commencement of this Act for the extraction of sand or other material from within the development area, the consent required shall be deemed to be the consent of the Authority to the exclusion of the consent of that other person. Authority to have sole control of certain extractive operations.

(2) The Authority may, after investigating an application for its consent under subsection (1)—

- (a) refuse to grant the application;
- (b) grant the application unconditionally; or
- (c) grant the application subject to such limitations and conditions as it thinks fit.

Chipping Norton Lake Authority.

Certain
work, etc.,
requires
consent of
Authority.

10. (1) A work or structure shall not be carried out, constructed, erected or altered within the development area, and a work or structure within the development area shall not be altered, without the written consent of the Authority.

(2) Application for the consent of the Authority under subsection (1) may not be made unless all other consents or approvals required by or under an Act other than this Act for the carrying out, construction, erection or alteration of the work or structure to which the application relates have been obtained.

(3) The Authority may, after investigating an application for its consent under subsection (1)—

- (a) refuse to grant the application;
- (b) grant the application unconditionally; or
- (c) grant the application subject to such limitations and conditions as it thinks fit.

(4) Where any work or structure has been, or is being, carried out, constructed, erected or altered in contravention of subsection (1) or otherwise than in accordance with any limitations or conditions imposed by the Authority when giving its consent under subsection (1), a person authorised by the Authority for the purpose may enter the land on which the work or structure has been, or is being, carried out, constructed, erected or altered and may—

- (a) demolish the work or structure; or
- (b) alter the work or structure in such manner as the Authority directs.

(5) The cost of demolition or alteration under subsection (4) may be recovered from the owner or occupier of the land on which the work or structure was, or was being, erected in any court of competent jurisdiction as a debt due to the Crown.

(6)

Chipping Norton Lake Authority.

(6) An appeal against a decision of the Authority under this section or against any neglect or delay by the Authority in giving a decision under this section lies to the Local Government Appeals Tribunal constituted under the Local Government Act, 1919, in the same way as it lies under Division 4c of Part XI of that Act against any decision, neglect or delay by a council.

11. (1) For the purpose 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 administering the Department concerned and on such terms as may be arranged, make use of the facilities of, or of the services of any officers or employees of, any Government Department.

Use of employees of the Crown or of a public authority.

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

12. (1) In this section "function" includes power, authority and duty.

Delegation.

(2) The Authority may, by instrument in writing, delegate to any person engaged in the administration of this Act the exercise or performance of such of the functions of the Authority as are specified in the instrument.

(3) A function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(4) A delegation under this section may be made subject to such conditions or limitations as to the exercise or performance of any function delegated or as to time or circumstances as may be specified in the instrument of delegation.

(5)

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(5) Notwithstanding any delegation under this section, the Authority may continue to exercise or perform any function delegated.

(6) An act or thing done or suffered by a delegate acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the Authority and shall be deemed to have been done or suffered by the Authority.

(7) An instrument purporting to have been signed by a delegate of the Authority in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument duly executed by the Authority under seal and shall, until the contrary is proved, be deemed to be an instrument signed by a delegate of the Authority.

PART III.

VESTING, ACQUISITION AND DISPOSAL OF LAND.

Vesting of
certain
land in the
Authority.

13. (1) In this section "land" does not include—

- (a) a public road;
- (b) land set apart, dedicated or reserved under any Act for any public purpose; or
- (c) Crown land within the meaning of the Crown Lands Consolidation Act, 1913.

(2) Where any estate or interest in land within the development area was, immediately before the commencement of this Act, vested in a Minister of the Crown on behalf of Her Majesty, or in any person as Constructing Authority, or in the New South Wales Planning and Environment Commission or in a council within the meaning of the Local Government Act, 1919, that estate or interest is hereby vested in the Authority for the purposes of this Act freed and discharged from any trusts affecting it before that commencement but without prejudice to any other estate or interest in the land.

(3)

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(3) 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 vesting under subsection (2) of any estate or interest in land.

14. (1) In this section "land" does not include—

- (a) a road;
- (b) land reserved under any Act.

Certain
Crown
land
vested
in the
Authority.

(2) Any land within the development area that, immediately before the commencement of this Act, was Crown land within the meaning of the Crown Lands Consolidation Act, 1913, is hereby vested in the Authority for the purposes of this Act subject to any lease or licence affecting it immediately before that commencement.

(3) The Authority shall not be required to pay, by way of compensation or otherwise, any amount to the Crown in respect of vesting under subsection (2).

15. (1) The Authority may, by notification published in the Gazette—

- (a) close any public road described or referred to in the notification that is within the development area; or
- (b) revoke the setting apart, dedication (otherwise than as a public road) or reservation under any Act of any land described or referred to in the notification that is within the development area.

Certain
land may be
vested in,
or granted
to, the
Authority.

(2) Upon the publication of a notification under subsection (1)—

- (a) any road closed by the notification vests in the Authority for the purposes of this Act freed and discharged from any rights of the public or any person thereto as a highway; and

(b)

Chipping Norton Lake Authority.

(b) any land in respect of which a revocation under subsection (1) (b) is effected is hereby vested in the Authority for the purposes of this Act freed and discharged from any trusts, but subject to any lease or licence, affecting it immediately before publication of the notification.

(3) The Authority shall not be required to pay, by way of compensation or otherwise, to the Crown, or to any person or public authority, any amount in respect of the closure of any road under subsection (1) (a) or the vesting of any land under subsection (1) (b).

(4) A reference in any agreement with a public authority in force immediately before the commencement of this Act to closure of a road does not include a reference to closure of a road under subsection (1) (a).

Acquisition
by appro-
priation or
resumption.

16. Any land, and any estate or interest in land, required for the purposes of this Act may be acquired by resumption or appropriation under the Public Works Act, 1912, as if—

- (a) the development works were an authorised work within the meaning of that Act;
- (b) the Authority were the Constructing Authority within the meaning of that Act; and
- (c) sections 34, 35, 36 and 37 of that Act had been repealed.

Power of
Authority
to sell
or lease
land.

17. (1) The Authority may not, without the consent of the Minister administering the Crown Lands Consolidation Act, 1913, Part VI excepted, sell or lease any land vested in it.

(2) The Authority may not sell land vested in it unless the land has been granted.

(3)

Chipping Norton Lake Authority.

(3) To enable the Authority to sell land that has not been granted and has been vested in it by this Act, the Governor may, subject to the prior publication of a notification under section 18 (1), grant the land to the Authority subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Governor thinks fit.

18. (1) The Authority may, by notification published in the Gazette, declare that land vested in the Authority and described in the notification is Crown land within the meaning of the Crown Lands Consolidation Act, 1913.

Certain land of Authority may become Crown land.

(2) Upon the publication of a notification under subsection (1), the land described in the notification is divested from the Authority and becomes Crown land within the meaning of the Crown Lands Consolidation Act, 1913.

19. Where land is vested in the Authority under section 13, 14 or 15, the Authority is entitled to the rents and profits in respect of the land and no attornment by a lessee from the immediate predecessor in title of the lessee is necessary.

Authority to take rents and profits of vested land.

PART IV.

FINANCE.

20. (1) The Authority shall cause to be established in the Special Deposits Account in the Treasury an account entitled the Chipping Norton Lake Authority Working Account to the credit of which shall be paid—

Account to be established.

- (a) money appropriated by Parliament for the purposes of this Act;
- (b) money granted by the Parliament of the Commonwealth for the purposes of this Act;
- (c) donations made to the Authority for the purposes of this Act;

(d)

Chipping Norton Lake Authority.

- (d) royalties and other money paid to the Authority under any agreement for the extraction of sand or other material within the development area;
- (e) rent received by the Authority under any lease of land within the development area;
- (f) the proceeds of the sale of any land by the Authority; and
- (g) any other money received by the Authority.

(2) From the account established under subsection (1) shall be paid all money required for the execution of this Act and of any agreement entered into under this Act or in respect of which a notice has been served under section 24.

Authority to keep accounts.

21. The Authority shall cause to be kept proper books of account in relation to all its operations and, as soon as practicable after the 30th day of June in each year, the Minister shall present 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.

Audit of accounts.

22. (1) The accounts of the Authority shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on him from time to time by law with respect to the audit of public accounts.

(2) The Audit Act, 1902, applies to the Authority and any other person executing this Act in the same way as it applies to accounting officers of public departments.

PART

Chipping Norton Lake Authority.

PART V.

GENERAL.

23. The Governor may, by notification published in the Gazette, amend Schedule 1 to extend or restrict the development area whether or not all the land in the development area is, after the extension or restriction, contiguous land. Extension or restriction of development area.

24. (1) Where there is in force an agreement between a public authority and any other person with respect to the extraction of sand or other material from within the development area, the Authority may serve notice in writing on that public authority and that other person to the effect that, on and from a day specified in the notice, the Authority is entitled to the benefits, will exercise the rights and will discharge the obligations, of the public authority under the agreement. Authority may take over certain agreements.

(2) On and from the day specified in a notice under subsection (1) the agreement to which the notice relates has effect as if it had been entered into with the Authority instead of with the public authority upon which the notice was served.

(3) Subsection (2) does not operate to prejudice or affect any consent or approval given by a public authority under or in consideration of an agreement to which a notice under subsection (1) relates.

(4) Where, under an agreement to which a notice under subsection (1) relates, money is held by a public authority to secure due performance of the agreement, the public authority shall pay the money to the Authority and the Authority shall hold the money on the same terms and conditions as those upon which it was held by the public authority.

(5) The Authority may enter into an agreement in substitution for, or varying the terms and conditions of, an agreement to which a notice under subsection (1) relates.

(6)

Chipping Norton Lake Authority.

(6) Where the Authority, by notice in writing served upon a public authority, requires the public authority so to do, the public authority shall, within the time specified in the notice for the purpose—

- (a) provide the Authority with a copy of any agreement referred to in subsection (1) and a copy of any document that relates to the agreement and is in the possession or custody of the public authority; and
- (b) provide the Authority with such information relating to the operation of the agreement and those related documents as is specified in the notice and is in the possession of the public authority,

whether or not the Authority has served a notice under subsection (1) in respect of the agreement.

Application
of Rivers
and
Foreshores
Improvement
Act,
1948.

25. In the application of the Rivers and Foreshores Improvement Act, 1948, to and in respect of the development area, that Act shall be deemed to be amended—

- (a) by omitting from section 2 the definition of “Constructing Authority” and by inserting instead the following definition :—

“Constructing Authority” means the corporation constituted by section 7 of the Chipping Norton Lake Authority Act, 1977.

- (b) by inserting in section 23A (2) (b) after the word “force” the words “and conditions with respect to the making of such payments as are required by the Constructing Authority”; and
- (c) by omitting section 23A (10) and (11) and by inserting instead the following subsections :—

Chipping Norton Lake Authority.

(10) Nothing in this or any other Act operates to prevent the Constructing Authority from removing any river bank vested in it within the development area defined in the Chipping Norton Lake Authority Act, 1977, or from authorising the removal of any other river bank within that area and, where any such bank is removed, any reference to the bank of the river is a reference to the new bank so formed.

(11) Nothing in this or any other Act prevents the Constructing Authority from changing, or authorising a change in, the course of the river within the development area defined in the Chipping Norton Lake Authority Act, 1977.

26. The Governor may make regulations 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.}

Chipping Norton Lake Authority.

Sec. 6.

SCHEDULE 1.

Commencing on the generally southeastern side of the Hume Highway at the westernmost northwestern corner of lot 1, Deposited Plan 558702; and bounded thence by the generally northwestern and part of the easternmost northeastern boundaries of that lot generally northeasterly and southeasterly to the westernmost corner of lot 156, Deposited Plan 219193; by the generally northwestern boundary of that lot generally northeasterly to the southern boundary of lot Z, Deposited Plan 403574; by part of that boundary and the northwestern and part of the northeastern boundaries of that lot westerly, northeasterly and southeasterly to its intersection with a prolongation southwesterly of the northwestern boundary of lot 2, Deposited Plan 540459; by that prolongation and the southeastern side of Bundarra Street northeasterly to the northernmost corner of lot 11, Deposited Plan 226008; by part of the southwestern boundary of lot 32, Deposited Plan 517846 northwesterly to the southeastern side of Kurrara Street; by that side of that street northeasterly to the westernmost corner of lot 31; by the southwestern and southeastern boundaries of that lot southeasterly and northeasterly; by part of the easternmost northeastern boundary of the said lot 32 southeasterly to the northwestern corner of lot 14, Deposited Plan 224146; by the northwestern boundary of that lot northeasterly; by a line easterly across Georges River Road to the northwestern corner of lot 1, Deposited Plan 573748; by the northern boundary of that lot easterly to the southwestern boundary of lot 8, Deposited Plan 30402; by part of that boundary and the northern boundary of that lot northwesterly and easterly; by the generally southwestern and generally southeastern sides of Cummings Crescent generally southeasterly and generally northeasterly to the northwestern corner of lot 12; by the northernmost northeastern and part of the southernmost northeastern boundaries of that lot southeasterly to the northwestern corner of lot 31, Deposited Plan 236665; by the northwestern boundary of that lot northeasterly; by the generally southern side of Mars Place and the generally western and southeastern sides of Jupiter Street generally easterly, generally southerly and northeasterly to the northeastern corner of lot 40; by part of the southwestern boundary and the northeastern boundary of lot 41 northwesterly and southeasterly; by part of the southwestern boundary and the generally northeastern boundary of lot 1, Deposited Plan 216866 northwesterly and generally southeasterly to the northwestern boundary of lot 6, Section E, Deposited Plan 2151; by part of that boundary northeasterly to the generally southwestern side of Hollywood Drive; by that side of that drive southeasterly to the easternmost corner of the said lot 6; by part of the southeastern boundary of that lot southwesterly to the northwestern corner of lot 2, Deposited Plan 420978; by the southwestern side of Riverside Road southeasterly to the northwestern side of Ferry Road; by that side of that road southwesterly to its inter-

SCHEDULE

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SCHEDULE 1—*continued.*

section with a line along the northeastern boundary of lot 3, Deposited Plan 216603; by that line and part of the southeastern boundary of that lot southeasterly and southwesterly to the northernmost corner of lot 6, Deposited Plan 244796; by the northeastern boundary of that lot southeasterly; by the generally southwestern and the southeastern sides of Willow Close generally southeasterly and northeasterly to the generally southwestern side of Hollywood Drive; by that side of that drive generally southeasterly, southwesterly and southeasterly to its intersection with a line along the southeastern side of Johnstone Parade; by that line northeasterly to the northernmost corner of lot 10, Section O, Deposited Plan 2151; by the northeastern boundary of that lot southeasterly; by a line southeasterly to the northernmost corner of lot 47, Deposited Plan 12034; by the northeastern boundary of that lot southeasterly; by a line southeasterly to the northeastern corner of lot 45; by the generally southwestern side of Beatty Parade and the western side of Henry Lawson Drive generally southeasterly and southerly to its intersection with a line along the southeastern boundary of lot D2, Deposited Plan 344115; by that line southwesterly to its intersection with a line along the northeastern boundary of lot C2; by that line northwesterly to the southeastern boundary of lot 41, Deposited Plan 582076; by part of that boundary, the southwestern boundary of that lot and the northwestern boundary of lot A, Deposited Plan 329664 southwesterly, northwesterly and again southwesterly to the northeastern side of Riverside Road; by that side of that road northwesterly to its intersection with a line along the northern boundary of portion 359 as shown in Deposited Plan 414229; by that line westerly to the eastern side of Ernest Avenue; by a line along that side of that avenue northerly to the northern side of Charlton Avenue; by that side of that avenue westerly to its intersection with a line along the northernmost eastern and southernmost eastern boundaries of lot 1, Deposited Plan 580698; by that line and the southernmost southern and part of the western boundaries of that lot southerly, westerly and northerly to the northeastern corner of lot 1, Deposited Plan 564967; by a line along the northernmost northern boundary of that lot westerly to the western side of Epsom Road; by that side of that road southerly to the southern side of Norton Avenue; by that side of that avenue westerly to the northeastern corner of lot 178, Deposited Plan 249288; by the northwestern, western and a line along the southwestern sides of Charlton Avenue southwesterly, southerly and southeasterly to the northwestern corner of lot 28, Deposited Plan 251237; by the southwestern boundary of that lot and lots 27 and 26 southeasterly; by a line southeasterly to the easternmost northeastern corner of lot 39; by the easternmost northeastern boundary of that lot southeasterly; by a line southeasterly to the northeastern corner of lot 13, Deposited Plan 247822; by the easternmost northeastern and southern boundaries of that lot south-

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SCHEDULE 1—*continued.*

easterly and westerly; by a line along the southern boundary of lot 38, said Deposited Plan 251237 westerly to its intersection with a line parallel to and 50 metres rectangularly distant westerly from the high water mark along the left bank of the Georges River; by that line generally northerly to its intersection with a line parallel to and 50 metres rectangularly distant westerly and southerly from the high water mark along the right bank of Cabramatta Creek; by that line generally northerly and generally westerly to the said generally south-eastern side of the Hume Highway; and by that side of that highway northeasterly to the point of commencement, and having an area of 277 hectares or thereabouts.

Sec. 6.

SCHEDULE 2.

Establishment of a lake and recreation grounds and works incidental thereto including:—

- (a) extraction and removal of sand and other material;
 - (b) removal, construction, reconstruction or relocation of lands, islands, roads, services, buildings, structures, wharves, jetties, beaches, protective works and other works or materials; and
 - (c) works for the protection of the environment.
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