



New South Wales

# Royal Botanic Gardens and Domain Trust Amendment Act 1997 No 131

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New South Wales

# Royal Botanic Gardens and Domain Trust Amendment Act 1997 No 131

Act No 131, 1997

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An Act to amend the *Royal Botanic Gardens and Domain Trust Act 1980* to facilitate the redevelopment of the Conservatorium of Music and improvements to the environs of the Royal Botanic Gardens; and for related purposes. [Assented to 16 December 1997]

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**The Legislature of New South Wales enacts:****1 Name of Act**

This Act is the *Royal Botanic Gardens and Domain Trust Amendment Act 1997*.

**2 Commencement**

This Act commences on the date of assent.

**3 Amendment of Royal Botanic Gardens and Domain Trust Act 1980 No 19**

The *Royal Botanic Gardens and Domain Trust Act 1980* is amended as set out in Schedule 1.

**4 Amendment of Central Sydney Local Environmental Plan 1996**

- (1) *Central Sydney Local Environmental Plan 1996* is amended as set out in Schedule 2.
- (2) The amendment made by this section may be repealed or amended by any environmental planning instrument made in accordance with the *Environmental Planning and Assessment Act 1979*.

**5 Validation**

- (1) Anything done or omitted to be done on or after 11 November 1997 and before the date of assent to this Act in relation to the development of land described in Part 5 of Schedule 2 to the *Royal Botanic Gardens and Domain Trust Act 1980* is as valid as it would have been had section 4 and Schedule 2 been in force when the thing was done or omitted.
- (2) This section extends to the lodging and determining of a development application relating to that land and to the carrying out of development in accordance with any development consent granted in response to such an application.

## **Schedule 1 Amendment of Royal Botanic Gardens and Domain Trust Act 1980**

(Section 3)

### **[1] Section 4 Definitions**

Insert “, any land for the time being included in Part 5 of that Schedule” after “Schedule 2” in the definition of *Trust lands* in section 4 (1).

### **[2] Section 4 (2) (a)**

Insert “or any land for the time being included in Part 5 of that Schedule” after “that Schedule”.

### **[3] Section 19 Vesting of certain land in Trust**

Insert after section 19 (1B):

- (1C) A proclamation that adds any of the land described in Part 5 of Schedule 2 to Part 1 or 2 of that Schedule also has the effect of excluding the land from Part 5 of that Schedule.

### **[4] Section 21**

Insert after section 20:

#### **21 Facilitation of redevelopment of Conservatorium of Music**

- (1) Nothing in this Act prohibits or restricts:
- (a) the carrying out, on any land for the time being included in Part 5 of Schedule 2, of development (within the meaning of the *Environmental Planning and Assessment Act 1979*) that may be carried out on that land in accordance with that Act with or without development consent, or

- (b) the granting by the Trust of a lease, easement or licence of any of that land for any term, or any other approval, to allow any such development to be carried out, or
  - (c) the sale or other disposal by the Trust, or the acquisition from the Trust, of any part of that land that is not included in Part 1 or 2 of that Schedule by a proclamation under section 19.
- (2) While land is included in Part 5 of Schedule 2, it vests in the Trust for an estate in fee simple freed and discharged from any trusts, obligations, estates, interests, charges and rates that existed in respect of the land before 1 July 1980 (the date of commencement of this Act).
- (3) Subsection (2) does not affect any estate or interest in land created by section 12B of the *Government Railways Act 1912*.

**[5]      Schedule 2, Part 5**

Insert after Part 4 of Schedule 2:

**Part 5      Land affected by redevelopment of the Conservatorium of Music**

Part of Lots 25 and 33, and Lot 27, in Deposited Plan 39586 situated in the Parish of St James and County of Cumberland and within the City of Sydney, as shown hatched and within heavy black edging on the map titled "Land Affected by Conservatorium Redevelopment", identified by Catalogue No 53305 and lodged in the Head Office of the Department of Public Works and Services at Sydney.

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## **Schedule 2    Amendment of Central Sydney Local Environmental Plan 1996**

(Section 4)

### **Clause 27 Development within the Parks and Community Places zone**

Insert after clause 27 (4):

(4A) On land within the Parks and Community Places zone adjacent to Macquarie Street and including the site of the Conservatorium of Music, being the land shown edged heavy black on the map titled “Land Affected by Conservatorium Redevelopment”, identified by Catalogue No 53305 and lodged in the Head Office of the Department of Public Works and Services at Sydney, development for the purpose of the following may be carried out, but only with development consent:

educational establishments,

libraries and bookshops,

machines used for selling food and drinks or for automatic banking.

[Minister's second reading speech made in—  
Legislative Assembly on 19 November 1997  
Legislative Council on 2 December 1997]