

[Act 1997 No 131]



New South Wales

Royal Botanic Gardens and Domain Trust Amendment Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Royal Botanic Gardens and Domain Trust Act 1980* to facilitate the redevelopment of the Conservatorium of Music and the improvement of the environs of the Royal Botanic Gardens in its immediate vicinity by removing certain restrictions on use of Trust lands adjoining the present Conservatorium site.

The proposed Act also amends an environmental planning instrument to make it clear that development may be carried out for the purpose of relocating the Conservatorium High School on the Conservatorium site.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision giving effect to the amendments to the *Royal Botanic Gardens and Domain Trust Act 1980* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendment to *Central Sydney Local Environmental Plan 1996* set out in Schedule 2.

Clause 5 validates anything done or omitted to be done on or after 11 November 1997 and before the date of assent to the proposed Act (such as the lodging and determination of a development application relating to the proposed redevelopment) that could not have been lawfully done unless the amendment made to *Central Sydney Local Environmental Plan 1996* had been in force when it was done or omitted.

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

The functions of the Royal Botanic Gardens and Domain Trust are limited by sections 7 and 8 of the Act (which state the principal objects and the powers of the Trust) and other provisions of that Act prohibit the trust from selling or creating long-term interests in any of the Trust lands and otherwise impose restrictions on its dealings with the Trust lands.

Schedule 1 [1], [2] and [5] insert a new Part 5 into Schedule 2 to the Act which Part contains a description of the strip of land vested in the Trust and surrounding the Conservatorium site that will be involved in the proposed redevelopment (the affected land) and make consequential amendments to section 4 of the Act so as to allow that land to be dealt with separately from other Trust lands.

Schedule 1 [3] and [4] suspend any prohibitions or restrictions that would otherwise be imposed by the Act on use of the affected land so as to allow the proposed redevelopment and other improvements to be carried out. However, these amendments also allow such of the affected land as is developed to improve the environs of the Royal Botanic Gardens to be removed from Part 5 of Schedule 2 by a proclamation under section 19 of the Act and again made subject to those prohibitions and restrictions.

Any of the affected land that is needed only for the redevelopment of the Conservatorium will be able to be consolidated with the present Conservatorium site.

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

Schedule 2 amends the relevant local environmental plan to provide that additional land uses may be carried out, with development consent under the *Environmental Planning and Assessment Act 1979*, on the current Conservatorium site and on the affected land, so as to ensure that the Conservatorium High School can be relocated within the development site and to remove any doubt that certain other uses of minor significance to the project may be carried out.