



New South Wales

University of Technology (Kuring-gai Campus) Bill 2010

Explanatory note

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

Overview of Bill

The object of this Bill is to ensure that the Kuring-gai Campus of the University of Technology, Sydney, continues to be used for educational purposes.

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 defines certain words and expressions used in the proposed Act.

Clause 4 declares that the Kuring-gai Campus of the University of Technology, Sydney, can not be lawfully sold, leased, mortgaged, charged or otherwise alienated or encumbered, except as provided by the proposed Act. Subject to specified limitations, the proposed section enables the campus to be transferred, sold or leased, or the subject of a licence for occupation, solely for educational purposes.

Clause 5 revokes the planning approval given on 11 June 2008 in relation to Kuring-gai Campus and provides that planning approval cannot be given or granted for any purpose other than the purpose of educational facilities at the campus.

Clause 6 enables the Minister to compulsorily acquire the Kuring-gai Campus and requires the Minister to take all reasonable steps to ensure that the campus, if so acquired, is used solely for the provision of education. The proposed section provides that the *Land Acquisition (Just Terms Compensation) Act 1991* does not apply to or in respect of any such acquisition.

Clause 7 provides that the proposed Act applies to each part of the Kuring-gai Campus in the same way as it applies to the whole of the campus and that it applies despite the provisions of any other Act including section 18 of the *University of Technology, Sydney, Act 1989*.



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New South Wales

University of Technology (Kuring-gai Campus) Bill 2010

No. , 2010

A Bill for

An Act to ensure that the Kuring-gai Campus of the University of Technology is retained for educational purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>University of Technology (Kuring-gai Campus) Act 2010</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Definitions	7
In this Act:	8
<i>educational purposes</i> includes purposes that are incidental or ancillary to the provision of education, including, without limitation, the provision of residential accommodation for students.	9 10 11
<i>Kuring-gai Campus</i> means that part of Lindfield bounded by, but not including, Eton Road, Winchester Avenue, Lyle Avenue, Lady Game Drive and Lane Cove National Park (which is a campus of the University of Technology, Sydney, established by the <i>University of Technology, Sydney, Act 1989</i>).	12 13 14 15 16
4 Kuring-gai Campus not to be alienated or encumbered	17
(1) After the commencement of this Act, the Kuring-gai Campus can not be lawfully sold, leased, mortgaged, charged or otherwise alienated or encumbered, except as provided by this Act.	18 19 20
(2) However, this Act does not prevent a transfer or sale of the Kuring-gai Campus to a statutory body representing the Crown if:	21 22
(a) the statutory body is subject to the direction and control of the Minister, and	23 24
(b) it is a condition of the transfer or sale that the Kuring-gai Campus is to continue to be used solely for educational purposes.	25 26
(3) This Act also does not prevent the leasing of, or the granting of a licence to occupy, the Kuring-gai Campus to any person if:	27 28
(a) the Minister has given prior written approval to the lease or licence, and	29 30
(b) it is a condition of the lease or licence that under the lease or licence the premises to which it applies are to continue to be used solely for educational purposes.	31 32 33

5	Revocation of planning approval relating to Kuring-gai Campus	1
(1)	The planning approval relating to the Kuring-gai Campus (being the approval granted to CRI Australia Pty Ltd on behalf of UTS on 11 June 2008) is revoked.	2 3 4
(2)	Planning approval cannot be given or granted for any development of Kuring-gai Campus that is not for the purpose of facilities for educational purposes.	5 6 7
(3)	In this section:	8
	<i>planning approval</i> means any of the following:	9
(a)	development consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> ,	10 11
(b)	approval under Part 3A of that Act for a concept plan for a project or approval under that Part to carry out a project,	12 13
(c)	the modification of any such development consent or approval.	14
6	Minister empowered to acquire Kuring-gai Campus	15
(1)	The Minister may, with the approval of the Governor, declare, by notice published in the Gazette, that the Kuring-gai Campus, or any specified part of the Kuring-gai Campus, is acquired by compulsory process.	16 17 18
(2)	A notice under this section may except any specified interest in the land from the operation of the notice.	19 20
(3)	On the date of publication in the Gazette of a notice under this section, the land described in the notice is, by force of this section:	21 22
(a)	vested in the Minister, and	23
(b)	freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land.	24 25 26
(4)	If:	27
(a)	the notice excepts an easement from acquisition, and	28
(b)	immediately before the vesting, the benefit of a restriction as to user is annexed to the easement,	29 30
	then (unless otherwise specified in the notice) the restriction continues to have effect as if the acquisition had not taken place.	31 32
(5)	Despite section 8 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> , that Act does not apply to or in respect of the acquisition of land under this section.	33 34 35

(6) The Minister must not dispose of any interest in the Kuring-gai Campus, or allow it to be used for any purpose, otherwise than as provided by this section. 1
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(7) The Minister is to take all reasonable steps to ensure that, within 12 months after the commencement of this section, and at all times thereafter, the Kuring-gai Campus is used solely for educational purposes. 4
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7 Application of Act 8

This Act applies: 9

(a) to each part of the Kuring-gai Campus in the same way as it applies to the whole of the Kuring-gai Campus, and 10
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(b) despite the provisions of any other Act, including section 18 of the *University of Technology, Sydney, Act 1989*. 12
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