



New South Wales

# Sydney Cricket and Sports Ground Amendment Bill 2006

## 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 *Sydney Cricket and Sports Ground Act 1978* (*the principal Act*):

- (a) to enable the lands defined as scheduled lands under the principal Act, which are dedicated for public recreation, to be used for additional purposes in accordance with a State environmental planning policy, and
- (b) to place certain restrictions on the use of that land, and
- (c) to update references in the principal Act to provisions of the *Crown Lands Consolidation Act 1913* as a consequence of the replacement of that Act with the *Crown Lands Act 1989*.

## 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 that gives effect to the amendments to the principal Act set out in Schedule 1.

**Clause 4** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

## Schedule 1 Amendments

### Additional uses on scheduled lands

The principal Act currently provides that lands defined as *scheduled lands* are taken to be Crown land dedicated for public recreation.

**Schedule 1 [6]** inserts proposed sections 16C–16E into the principal Act.

Proposed section 16C enables any part of the scheduled lands to be the subject of a State environmental planning policy under the *Environmental Planning and Assessment Act 1979* and further enables that land to be used for purposes permitted by such a policy (subject to the restrictions in proposed section 16D). However, a State environmental planning policy may not permit the use of the scheduled lands for a purpose unless the use of the land for that purpose has been approved by the Minister for Tourism and Sport and Recreation.

Proposed section 16D prevents the use of any part of the scheduled lands (other than land described in proposed Schedule 2B which is currently the site of a car park) for residential accommodation and any part of the scheduled lands that are not *designated land* (as defined in the principal Act) for tourist and visitor accommodation.

Proposed section 16E:

- (a) makes it clear that the scheduled lands may be used for purposes permitted under a State environmental planning policy (and a lease or licence granted for the use of the land for those purposes) even though the land is dedicated for public recreation, and
- (b) extends the operation of certain existing provisions relating to the carrying out of works on Trust lands to the carrying out of works for purposes permitted by a State environmental planning policy, and
- (c) enables the Sydney Cricket and Sports Ground Trust to exercise its functions in a partnership, joint venture or other association with other persons or bodies for the purposes of enabling the use of any part of the scheduled lands for purposes permitted by a State environmental planning policy.

**Schedule 1 [7]** inserts proposed Schedule 2B into the principal Act which includes a description of the car park site for the purposes of proposed section 16D.

**Schedule 1 [8] and [9]** insert provisions of a savings and transitional nature into Schedule 4 to the principal Act.

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**Conversion of out-of-date references**

**Schedule 1 [1]–[5]** re-enact certain provisions of the principal Act so as to replace references to the *Crown Lands Consolidation Act 1913* (which has been repealed) with references to the *Crown Lands Act 1989*.

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Explanatory note

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First print



New South Wales

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New South Wales

# Sydney Cricket and Sports Ground Amendment Bill 2006

No. , 2006

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## **A Bill for**

An Act to amend the *Sydney Cricket and Sports Ground Act 1978* in relation to the purposes for which the scheduled lands under the Act may be used; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Sydney Cricket and Sports Ground Amendment Act 2006</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6
<b>3 Amendment of Sydney Cricket and Sports Ground Act 1978 No 72</b>	7
The <i>Sydney Cricket and Sports Ground Act 1978</i> is amended as set out in Schedule 1.	8 9
<b>4 Repeal of Act</b>	10
(1) This Act is repealed on the day following the day on which this Act commences.	11 12
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	13 14



<b>Schedule 1</b>	<b>Amendments</b>	1
	(Section 3)	2
<b>[1]</b>	<b>Section 8 Continuation of dedication of land in Part 1 of Schedule 2</b>	3
	Omit “shall be deemed to be Crown land dedicated under the <i>Crown Lands Consolidation Act 1913</i> for public recreation and (without affecting section 10) that Act, with the exception of Divisions 2 and 4 of Part 3B thereof, shall apply to and in respect of that land”.	4 5 6 7
	Insert instead “is taken to be Crown land dedicated under the <i>Crown Lands Act 1989</i> for public recreation”.	8 9
<b>[2]</b>	<b>Section 9 Vesting and dedication of land in Part 2 of Schedule 2</b>	10
	Omit “shall be deemed to be Crown land dedicated under the <i>Crown Lands Consolidation Act 1913</i> for public recreation, and (without affecting section 10) that Act, with the exception of Divisions 2 and 4 of Part 3B thereof, shall apply to and in respect of that land” from section 9 (b).	11 12 13 14
	Insert instead “is taken to be Crown land dedicated under the <i>Crown Lands Act 1989</i> for public recreation”.	15 16
<b>[3]</b>	<b>Section 9A Vesting and dedication of land in Part 3 of Schedule 2</b>	17
	Omit “shall be deemed to be Crown land dedicated under the <i>Crown Lands Consolidation Act 1913</i> for public recreation, and (without affecting section 10) that Act, with the exception of Division 2 and 4 of Part 3B thereof, shall apply to and in respect of that land” from section 9A (b).	18 19 20 21
	Insert instead “is taken to be Crown land dedicated under the <i>Crown Lands Act 1989</i> for public recreation”.	22 23
<b>[4]</b>	<b>Section 9B</b>	24
	Insert after section 9A:	25
	<b>9B Application of Crown Lands Act 1989</b>	26
	The <i>Crown Lands Act 1989</i> applies to and in respect of scheduled lands, except for the following provisions:	27 28
	(a) sections 100, 101, 111, 111A, 121A and 122–128,	29
	(b) Divisions 4, 6 and 7 of Part 5.	30

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<b>[5] Sections 10–12</b>	1
Omit the sections. Insert instead:	2
<b>10 Revocation of dedication</b>	3
(1) Despite the provisions of this or any other Act, a dedication referred to in section 8, 9 or 9A cannot be revoked except by an Act of Parliament.	4 5 6
(2) However, subsection (1) does not affect the operation of section 104 of the <i>Crown Lands Act 1989</i> .	7 8
<b>11 Appointment of Trust as trustee</b>	9
The Trust is taken to be a reserve trust under the <i>Crown Lands Act 1989</i> of the scheduled lands and is the sole trustee of the scheduled lands.	10 11 12
<b>12 Estate of Trust in, and dealings with, scheduled lands</b>	13
(1) For the purposes only of this Act and any by-law under this Act, and the provisions of Division 5 of Part 5 of the <i>Crown Lands Act 1989</i> applying by virtue of section 9B of this Act, the Trust is taken to have an estate in fee simple in the scheduled lands.	14 15 16 17
(2) Subsection (1) operates only to the extent that the Trust would not have an estate in fee simple in the scheduled lands apart from that subsection.	18 19 20
(3) The Trust is not capable of alienating, charging, granting leases of, or licences in respect of, the scheduled lands or any part of the scheduled lands except in accordance with the provisions of Division 5 of Part 5 of the <i>Crown Lands Act 1989</i> applying by virtue of section 9B of this Act.	21 22 23 24 25
(4) A reference in section 108 of the <i>Crown Lands Act 1989</i> to prescribed purposes includes, in relation to the scheduled lands, a reference to the purposes referred to in section 14 of this Act.	26 27 28
(5) A reference in the provisions of Division 5 of Part 5 of the <i>Crown Lands Act 1989</i> applying by virtue of section 9B of this Act to the Minister is, in relation to the scheduled lands, to be read as a reference to the Minister administering this Act.	29 30 31 32
(6) The Trust is, in the exercise or performance of its functions in relation to the grant of licences under section 108 of the <i>Crown Lands Act 1989</i> , subject to the control and direction of the Minister.	33 34 35 36

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<b>[6] Sections 16C–16E</b>	1
Insert after section 16B:	2
<b>16C Additional uses allowed on scheduled lands</b>	3
(1) Subject to section 16D, any part of the scheduled lands may be used for purposes permitted on that part by a State environmental planning policy.	4 5 6
(2) After the commencement of this section, a State environmental planning policy may not permit the use of the scheduled lands for any purpose unless the use of the land for that purpose has been approved by the Minister administering this Act.	7 8 9 10
(3) Section 16B does not prevent provision being included in a State environmental planning policy in relation to any part of the scheduled lands that is designated land. However, if such provision is made, section 16B ceases to apply to that part of the land except in relation to:	11 12 13 14 15
(a) any improvement or use of that part of the land carried out pursuant to an approval under section 16A that was granted before the date on which the State environmental planning policy took effect, or	16 17 18 19
(b) any improvement carried out, or use of that part of the land, pursuant to an approval under section 16A that was granted on or after the date on which the State environmental planning policy took effect in response to an application made by the Trust before that date.	20 21 22 23 24
(4) This section:	25
(a) does not affect any provision of a State environmental planning policy as in force before the commencement of this section, and	26 27 28
(b) affects provisions included in a State environmental planning policy after the commencement of this section only to the extent that those provisions relate to the scheduled lands.	29 30 31 32
(5) In this section, <i>State environmental planning policy</i> has the same meaning as in the <i>Environmental Planning and Assessment Act 1979</i> .	33 34 35

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<b>16D</b>	<b>Certain uses of scheduled lands restricted</b>	1
(1)	Despite any other provision of this Act, any other Act or any instrument made under this or any other Act:	2
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(a)	no part of the scheduled lands (other than land described in Schedule 2B) may be used for residential accommodation, and	4
		5
		6
(b)	no part of the scheduled lands (other than designated land) may be used for tourist and visitor accommodation.	7
		8
(2)	In this section:	9
	<i>residential accommodation</i> means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.	10
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	<i>tourist and visitor accommodation</i> means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel accommodation and serviced apartments.	13
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<b>16E</b>	<b>Ancillary provisions relating to development and use of scheduled lands for additional purposes</b>	17
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(1)	The dedication of the scheduled lands for public recreation does not prevent or otherwise affect the use of any part of the scheduled lands for a permissible purpose and does not prevent or otherwise affect the grant of a lease or licence that permits or otherwise provides for its use for a permissible purpose.	19
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(2)	The provisions of sections 102, 103 and 108 of the <i>Crown Lands Act 1989</i> extend to the leasing and licensing of any part of the scheduled lands for a permissible purpose.	24
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(3)	Without limiting the work that may be carried out by the Trust to enable the use of any part of the scheduled lands for a permissible purpose, the provisions of section 16 apply to any such purpose in the same way as they apply to purposes referred to in sections 14 and 15.	27
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(4)	For the purpose of enabling the use of any part of the scheduled lands for a permissible purpose, the functions of the Trust may be exercised by the Trust in a partnership, joint venture or other association with other persons or bodies.	32
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(5)	In this section, <i>permissible purpose</i> , in relation to a part of the scheduled lands, means a purpose permitted on that part by a State environmental planning policy referred to in section 16C.	36
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[7] **Schedule 2B** 1  
 Insert after Schedule 2A: 2

**Schedule 2B Section 16D—land description** 3

(Section 16D (1) (a)) 4

All that piece or parcel of land situated in the Parish of Alexandria County of 5  
 Cumberland comprising part of Portion 1528 and part of Portion 1530 being 6  
 part of the land in Schedule 2A: commencing on the southeastern side of 7  
 Driver Avenue at its intersection with the southwestern side of Moore Park 8  
 Road bounded thence on the northeast by the southwestern side of Moore Park 9  
 Road bearing successively 102 degrees 6 minutes 50.27 metres, 104 degrees 10  
 51 minutes 30 seconds 95.72 metres, 109 degrees 60.13 metres and 11  
 111 degrees 47 minutes 30 seconds 23.475 metres to the intersection of the 12  
 southwestern side of Moore Park Road with the northeastern face of a concrete 13  
 kerb; on the northeast by the northeastern face of a concrete kerb and the 14  
 prolongation thereof bearing 161 degrees 29 minutes 30 seconds 15  
 34.945 metres to the corner of a concrete pavement; on the southeast by a line 16  
 joining the corner of a concrete pavement to the northeastern corner of a brick 17  
 wall bearing 246 degrees 23 minutes 20 seconds 19.1 metres; along the 18  
 southeastern face of a brick wall bearing successively 243 degrees 40 minutes 19  
 2.275 metres, 238 degrees 34 minutes 9.515 metres and 233 degrees 20  
 19 minutes 5.36 metres to the southeastern corner of a brick wall; by a line 21  
 joining the southeastern corner of a brick wall to the northeastern corner of a 22  
 brick wall bearing 230 degrees 52 minutes 10.745 metres; along the 23  
 southeastern face of a brick wall bearing successively 229 degrees 10 minutes 24  
 4.965 metres and 222 degrees 22 minutes 3.77 metres; by a line joining the 25  
 southeastern corner of a brick wall to the northeastern corner of a brick wall 26  
 bearing 222 degrees 11 minutes 2.305 metres; along the southeastern face of a 27  
 brick wall bearing 222 degrees 24 minutes 14.915 metres; by a line joining the 28  
 southeastern corner of a brick wall to the northeastern corner of a concrete 29  
 kerb bearing 209 degrees 55 minutes 7.16 metres; along the southeastern face 30  
 of a concrete kerb bearing successively 209 degrees 27 minutes 12.315 metres, 31  
 202 degrees 37 minutes 11.73 metres, 200 degrees 19 minutes 9.26 metres and 32  
 192 degrees 25 minutes 8.805 metres; along the southeastern face of a brick 33  
 wall bearing 189 degrees 13 minutes 2.62 metres; on the south by the southern 34  
 face of a brick wall bearing 277 degrees 45 minutes 4.53 metres; on the 35  
 southeast by the southeastern face of a timber retaining wall bearing 36  
 252 degrees 25 minutes 4.03 metres; on the east by the eastern edge of a 37  
 concrete dish drain bearing 186 degrees 36 minutes 14.26 metres; on the south 38  
 by the southern face of a concrete kerb bearing 273 degrees 34 minutes 39  
 10 seconds 58.155 metres to the intersection of the kerb and the eastern side 40  
 of Driver Avenue; on the southwest, west and northwest by the northeastern, 41  
 eastern and southeastern sides of Driver Avenue bearing successively 42

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307 degrees 24 minutes 30 seconds 114.89 metres, 321 degrees 3 minutes 30 seconds 20.115 metres, 345 degrees 3 minutes 30 seconds 20.115 metres, 3 degrees 33 minutes 30 seconds 20.115 metres and 17 degrees 3 minutes 30 seconds 75.74 metres to the point of commencement and containing in all an area of 3.2 hectares or thereabout.	1 2 3 4 5
<b>[8] Schedule 4 Savings and transitional provisions</b>	6
Insert before clause 1:	7
<b>Part 1 Preliminary</b>	8
<b>1A Regulations</b>	9
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	10 11 12
<i>Sydney Cricket and Sports Ground Amendment Act 2006</i>	13
(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	14 15
(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	16 17 18
(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	19 20 21
(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	22 23 24
<b>Part 2 Provisions consequent on enactment of this Act</b>	25 26

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<b>[9] Schedule 4, Part 3</b>	1
Insert after clause 8:	2
<b>Part 3 Provisions consequent on enactment of Sydney Cricket and Sports Ground Amendment Act 2006</b>	3 4 5
<b>9 Dedication of scheduled lands</b>	6
No amendment made by the <i>Sydney Cricket and Sports Ground Amendment Act 2006</i> affects the continued dedication of the scheduled lands for the purposes of public recreation as referred to in section 8, 9 or 9A.	7 8 9 10
<b>10 Existing leases and licences</b>	11
(1) An amendment to this Act made by the <i>Sydney Cricket and Sports Ground Amendment Act 2006</i> does not affect any lease or licence granted by the Trust and in force immediately before the commencement of the amendment.	12 13 14 15
(2) However, subclause (1) does not limit the operation of section 16 (2) and (3) (as applied by section 16E) in relation to a lease or licence referred to in that subclause.	16 17 18