



New South Wales

Royal Rehabilitation Centre Sydney Site Protection Bill 2007

Explanatory note

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

Overview of Bill

The object of this Bill is to protect the site of the Royal Rehabilitation Centre—Sydney at Putney (*the site*):

- (a) by ensuring that Ryde City Council (*the Council*) remains the consent authority for any application to carry out development on the site, and
- (b) by prohibiting the carrying out of excessive development on the site, and
- (c) by ensuring that satisfactory alternative arrangements are made for users of the site displaced by any development (including the Riding for the Disabled Association (New South Wales)), and
- (d) by protecting certain buildings on the site from demolition or alteration and requiring them to be maintained, and
- (e) by reserving part of the site as public open space, and
- (f) by requiring community consultation in relation to the carrying out of development on the site and the management of that public open space.

Outline of provisions

Part 1 Preliminary

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.

Part 2 Ryde City Council is consent authority

Clause 4 provides that the Council is the consent authority in relation to the carrying out of any development on the site.

Clause 5 prevents the making of any declaration under the *Environmental Planning and Assessment Act 1979* that the carrying out of development on the site is a project to which Part 3A of that Act applies or that has the effect of making development on the site a project or part of a project to which Part 3A of that Act applies. Any such declaration has no effect to the extent to which it applies to the site.

Part 3 Development of site requires consent

Clause 6 provides that development on the site cannot be carried out except with development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Clause 7 provides that the only development that may be carried out on the site is development for the purposes of a detached dwelling-house, development for the purposes of a new purpose-built specialised rehabilitation facility or demolition or alteration of a building.

Clause 8 provides that proposed sections 6 and 7 do not affect the continuation of any existing use of the site for the purposes of a rehabilitation facility.

Clause 9 imposes a limit on residential development on the site. The Council must not consent to the carrying out of development on the site for the purposes of a detached dwelling-house if, as a result of the development, the total floor space area of dwelling-houses on the site will exceed 51 per cent of the area of the site.

Clause 10 provides that the Council must not consent to the carrying out of development on the site unless it has taken into consideration the concept plan prepared under proposed Part 6.

Clause 11 provides that the Council must not consent to the carrying out of development on the site unless it is satisfied that satisfactory alternative arrangements are made for users of the site displaced by the development, including the Riding for the Disabled Association (New South Wales).

Part 4 Protection of existing buildings

Clause 12 requires the Council to assess each of the buildings on the site immediately before the commencement of the proposed Act and to determine which buildings are worthy of protection from demolition or alteration and which are not.

Clause 13 provides that the Council must not consent to the carrying out of development that involves the demolition or substantial alteration of a building that the Council has determined is worthy of protection from demolition or alteration under the proposed Part.

Clause 14 requires the Council to maintain all buildings that it has determined are worthy of protection from demolition or alteration and that are on land reserved as public open space under proposed Part 5.

Part 5 Reservation of certain land as public open space

Clause 15 provides for the reservation as public open space of that part of the site that is not being used as a rehabilitation facility or the subject of development consent after 2 years.

Clause 16 empowers the owner of land reserved as public open space to require the Council to acquire the land.

Clause 17 requires the Council to landscape any land so acquired.

Clause 18 requires the Council to consult the Community Consultative Forum established under proposed Part 7 on the management of the land so acquired.

Part 6 Concept plan for site

Clause 19 requires the Council to prepare and implement a concept plan for the site.

Clause 20 requires the Council to consult with the Community Consultative Forum in preparing a concept plan.

Part 7 Community consultation

Clause 21 provides that the Council must not consent to the carrying out of development on the site unless it is satisfied that the local community has been properly informed of the proposed development. In particular, the Council must not consent to an application for development consent unless the development application has been publicly notified in accordance with the *Environmental Planning and Assessment Act 1979* as if it were advertised development and the Council has taken into account any objections received as part of that notification procedure.

Clause 22 makes it the duty of the Council to establish an effective procedure for community consultation concerning the management of land at the site reserved as public open space and the development of the concept plan for the site.

Clause 23 provides for the establishment of a Community Consultative Forum.

Part 8 Miscellaneous

Clause 24 provides that the proposed Act applies despite any provision of any other Act, or of any regulation or environmental planning instrument, and that nothing in the proposed Act prevents the making of an environmental planning instrument that imposes additional restrictions on development on the site or on the Council's ability to consent to such development.

Clause 25 provides for the making of regulations under the proposed Act.



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New South Wales

Royal Rehabilitation Centre Sydney Site Protection Bill 2007

No. , 2007

A Bill for

An Act to make Ryde City Council the consent authority for any development on the site at Putney known as the Royal Rehabilitation Centre—Sydney, to prohibit excessive development on the site, to ensure that satisfactory, alternative arrangements are made for users, including the Riding for the Disabled, and for other purposes.

Clause 1 Royal Rehabilitation Centre Sydney Site Protection Bill 2007

Part 1 Preliminary

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Royal Rehabilitation Centre Sydney Site Protection Act 2007*. 4
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2 Commencement 6

This Act commences on the date of assent. 7

3 Interpretation 8

(1) In this Act: 9

Community Consultative Forum means the Community Consultative Forum established under section 23. 10
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the Council means Ryde City Council and includes any successor of Ryde City Council. 12
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the site means the site of the Royal Rehabilitation Centre—Sydney, being Lot 1010, DP 836975, known as 600–640 Victoria Road, Ryde. 14
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(2) Words and expressions that are used in this Act and that are defined in the *Environmental Planning and Assessment Act 1979* or the regulations under that Act have the same meaning as in that latter Act or those regulations. 16
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Part 2	Ryde City Council is consent authority	1
4	Ryde City Council is consent authority in relation to site	2
	The Council is the consent authority in relation to the carrying out of any development on the site.	3 4
5	Part 3A of EP&A Act does not apply to change consent authority	5
(1)	After this Act commences, a declaration must not be made under section 75B of the <i>Environmental Planning and Assessment Act 1979</i> :	6 7
(a)	that the carrying out of development on the site is a project to which Part 3A of that Act applies, or	8 9
(b)	that has the effect of making the carrying out of development on the site a project or part of a project to which Part 3A of that Act applies.	10 11 12
(2)	Any such declaration has no effect to the extent to which it applies to the site.	13 14
(3)	Any declaration under section 75B of the <i>Environmental Planning and Assessment Act 1979</i> that the carrying out of development on the site is a project to which Part 3A of that Act applies, or that has the effect of making the carrying out of development on the site a project or part of a project to which Part 3A of that Act applies, that was made before the commencement of this Act is revoked to the extent to which it applies to the site.	15 16 17 18 19 20 21

Part 3	Development of site requires consent	1
6	All development of site requires consent	2
	Development cannot be carried out on the site except with development consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> .	3 4 5
7	Permissible development	6
(1)	The following development only may be carried out on the site and only with the consent of the Council:	7 8
(a)	development for the purposes of a detached dwelling-house,	9
(b)	development for the purposes of a new purpose-built specialised rehabilitation facility,	10 11
(c)	demolition or alteration of a building.	12
(2)	After the second anniversary of the commencement of this Act, development consent cannot be granted for the carrying out of development on the site for the purposes of a detached dwelling-house or a new purpose-built specialised rehabilitation facility.	13 14 15 16
8	Existing use rights not affected	17
	Sections 6 and 7 do not affect the continuation of any existing use of the site for the purposes of a rehabilitation facility that was current immediately before the commencement of this Act.	18 19 20
9	Limit on residential development	21
	The Council must not consent to the carrying out of development on the site for the purposes of a detached dwelling-house if, as a result of the development, the total floor space area of dwelling-houses on the site will exceed 51 per cent of the area of the site.	22 23 24 25
10	Concept plan must be considered	26
	The Council must not consent to the carrying out of development on the site unless it has taken into consideration the concept plan prepared under Part 6.	27 28 29
11	Alternative arrangements for users	30
(1)	The Council must not consent to the carrying out of development on the site unless it is satisfied that satisfactory alternative arrangements are made for those who were users of the site immediately before the development but who will not be able to use the site after the development.	31 32 33 34 35

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- (2) The users to which this section relates may include, but are not limited to, the Riding for the Disabled Association (New South Wales).

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Part 4	Protection of existing buildings	1
12	Assessment of existing buildings	2
(1)	The Council must assess each of the buildings existing on the site immediately before the commencement of this Act.	3 4
(2)	That assessment must determine which buildings are worthy of protection from demolition or alteration and which are not.	5 6
(3)	That assessment must be completed within 6 months after the commencement of this Act.	7 8
13	Protection of certain existing buildings	9
	The Council must not consent to the carrying out of development on the site that involves the demolition or substantial alteration of a building that the Council has determined under this Part is worthy of protection from demolition or alteration.	10 11 12 13
14	Maintenance of certain existing buildings	14
	The Council must maintain in a reasonable condition all buildings on the site that it has determined under this Part are worthy of protection from demolition or alteration and that are on land reserved as public open space under Part 5.	15 16 17 18

Part 5	Reservation of certain land as public open space	1
		2
15	Reservation of certain land as public open space	3
(1)	This section applies to that part of the site that is not:	4
(a)	being used as a rehabilitation facility, or	5
(b)	the subject of development consent for the purposes of a detached dwelling-house or a new purpose-built specialised rehabilitation facility.	6
		7
		8
(2)	On the second anniversary of the commencement of this Act, the land to which this section applies is reserved as public open space.	9
		10
16	Owner-initiated acquisition of land reserved as public open space	11
(1)	The owner of land reserved as public open space by section 15 may request the Council to acquire that land by way of a written notice.	12
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(2)	On receipt of a notice in accordance with subsection (1), the Council must acquire the land to which the notice relates by agreement or compulsory process in accordance with Division 3 of Part 2 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .	14
		15
		16
		17
17	Landscaping on land reserved as public open space	18
	As soon as practicable after the Council acquires land under section 16, the Council must landscape the land in a manner appropriate for its use as public open space.	19
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		21
18	Community consultation	22
	The Council must consult with the Community Consultative Forum on the management of the land acquired under section 16.	23
		24

Clause 19 Royal Rehabilitation Centre Sydney Site Protection Bill 2007

Part 6 Concept plan for site

Part 6	Concept plan for site	1
19	Council must prepare and implement a concept plan for site	2
	The Council must prepare and implement a concept plan for the site.	3
20	Consultation on concept plan	4
	In preparing a concept plan under this Part, the Council must consult with the Community Consultative Forum.	5
		6

Part 7	Community consultation	1
21	Informing the community of development applications	2
(1)	The Council must not consent to the carrying out of development on the site unless it is satisfied that the local community has been properly informed on the proposed development.	3 4 5
(2)	In particular, the Council must not consent to an application for development consent unless:	6 7
(a)	the development application has been publicly notified in the manner required for advertised development under the <i>Environmental Planning and Assessment Act 1979</i> , and	8 9 10
(b)	it has taken into account any objections received as part of that notification procedure.	11 12
22	Community consultation	13
	It is the duty of the Council to establish an effective procedure for community consultation concerning:	14 15
(a)	the management of the public space reserved under Part 5, and	16
(b)	the development of a concept plan for the site under Part 6.	17
23	Community Consultative Forum	18
(1)	The procedure for community consultation is to include the establishment of a Community Consultative Forum.	19 20
(2)	The Community Consultative Forum is to consist of 6 residents of the City of Ryde appointed by the mayor of the Council.	21 22
(3)	The membership and procedure of the Community Consultative Forum is (subject to this section) to be as provided by the regulations.	23 24
(4)	The regulations may make provision for or with respect to the appointment of members, their term of office and removal and the filling of vacancies.	25 26 27
(5)	The Community Consultative Forum is to meet at least once in each quarter starting on 1 January, 1 April, 1 July and 1 October.	28 29

Clause 24 Royal Rehabilitation Centre Sydney Site Protection Bill 2007

Part 8 Miscellaneous

Part 8	Miscellaneous	1
24	Application of Act	2
(1)	This Act applies despite any provision of any other Act, or of any regulation or environmental planning instrument.	3 4
(2)	Nothing in this Act prevents the making of an environmental planning instrument that imposes additional restrictions on the carrying out of development on the site or on the Council's ability to consent to such development.	5 6 7 8
25	Regulations	9
	The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	10 11 12 13