

[Act 1998 No 170]



New South Wales

# **Sydney Harbour Foreshore Authority Bill 1998**

## **Explanatory note**

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

### **Overview of Bill**

The object of this Bill is to constitute the Sydney Harbour Foreshore Authority and to specify its functions. The new Authority will exercise the functions currently exercised by the Sydney Cove Redevelopment Authority, the City West Development Corporation and the Darling Harbour Authority in a defined foreshore area that extends generally from Camerons Cove at Balmain to Elizabeth Bay at Potts Point. The existing authorities are to be dissolved.

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\* Amended in committee—see table at end of volume.

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## 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 a day or days to be appointed by proclamation. The dissolution of the Darling Harbour Authority, and the repeal and amendment of legislation relating to the Darling Harbour Authority, cannot take place before 1 January 2001.

**Clause 3** defines certain words and expressions used in the proposed Act.

**Clause 4** provides that notes in the proposed Act do not form part of it.

### **Part 2 Classification of land for the purposes of this Act**

**Clause 5** defines the *foreshore area*.

**Clause 6** defines the *core land* of the Authority. The core land of the Authority is land that it cannot dispose of, except in extremely limited circumstances.

**Clause 7** defines the *non-core land* of the Authority. The non-core land of the Authority is land it can dispose of with the consent of the Minister.

**Clause 8** defines the *managed land* of the Authority. The managed land of the Authority is that part of the foreshore area, not being core or non-core land, that is managed by the Authority under an agreement with the owner or occupier of the land.

**Clause 9** defines *the public domain*. The public domain consists of the public places (within the meaning of the *Local Government Act 1993*) that are situated within the foreshore area and that are vested in or managed by the Authority.

### **Part 3 Constitution of Authority**

**Clause 10** constitutes the Authority. It is a memberless corporation having a Board (see clause 29) and a Chief Executive Officer (see clause 30) who is to be responsible for the day-to-day management of the affairs of the Authority in accordance with the specific policies and general directions of the Board.

**Clause 11** provides that the Authority is a statutory body representing the Crown.

## **Part 4 Functions of Authority**

### **Division 1 Principal functions**

**Clause 12** sets out the functions of the Authority. They include the following:

- (a) to protect the natural and cultural heritage of the foreshore area,
- (b) to promote, co-ordinate, manage, undertake and secure the orderly and economic development and use of the foreshore area, including the provision of infrastructure,
- (c) to promote, co-ordinate, organise, manage, undertake, secure, provide and conduct cultural, educational, commercial, tourist, recreational, entertainment and transport activities and facilities.

**Clause 13** requires the Authority to keep a register of its land holdings.

**Clause 14** enables the Authority to carry out other functions that are conferred or imposed on it by or under the proposed Act or other Acts, as well as incidental functions.

**Clause 15** requires the Authority, in carrying out any development, to take into consideration the principles of ecologically sustainable development.

**Clause 16** provides that the Authority is not limited in the exercise of its functions to the foreshore area.

### **Division 2 Ancillary functions**

**Clause 17** enables the Authority to acquire land. by agreement or by compulsory process.

**Clause 18** provides a means by which the Authority may acquire. or take the management of. land within the foreshore area that is owned by a public authority but that is not being used by the public authority for its core activities. *Public authority* does not include a council.

**Clause 19** prevents the Authority from disposing of core land, except in extremely limited circumstances.

**Clause 20** enables the Authority to dispose of non-core land with the consent of the Minister.

**Clause 21** enables the Authority to dedicate land for a public purpose or as a public road.

**Clause 22** prevents a road on core land, non-core land or managed land from being provided or from being changed except with the consent of the Authority. The clause also makes the Authority a roads authority for the purposes of the *Roads Act 1993* in respect of the roads vested in it.

**Clause 23** confers functions on the Authority in relation to the parking of vehicles.

**Clause 24** enables the Authority to acquire property by gift, devise or bequest.

**Clause 25** controls the dealings the Authority may have with property acquired by gift, devise or bequest.

**Clause 26** enables the Authority, in the exercise of its functions, to arrange for the use of the services of any other person, including a government agency or a council.

**Clause 27** enables the Authority to delegate its functions.

## **Part 5 Management of Authority**

**Clause 28** places the Authority under the control and direction of the Minister in the exercise of its functions.

**Clause 29** provides for the Board of the Authority. The Board is to consist of the Chief Executive Officer, the Director-General of the Department of Urban Affairs and Planning and up to 5 persons appointed by the Minister.

**Clause 30** specifies the responsibilities of the Chief Executive Officer. Any thing done by the Chief Executive Officer in the name of the Authority is taken to have been done by the Authority.

**Clause 31** provides for the appointment of the Authority's staff and enables the Authority to engage consultants or other persons for the purpose of obtaining services, information and advice.

**Clause 32** enables the Authority to appoint rangers. The functions of rangers are to be prescribed by regulations to be made under the proposed Act.

## **Part 6 Finance**

**Clause 33** establishes the Sydney Harbour Foreshore Fund within the Special Deposits Account and provides for the payment of money into and out of the Fund.

**Clause 34** enables the investment of money in the Sydney Harbour Foreshore Fund.

**Clause 35** enables the Authority to administer a fund established for the provision of services within the foreshore area into which money is paid by persons who carry on business within the foreshore area. The fund is to be audited by the Auditor-General.

## **Part 7    Miscellaneous**

**Clause 36** enables the Minister to appoint advisory committees, to specify their functions, to appoint their members and to determine their terms of office and remuneration.

**Clause 37** makes it an offence for a person to disclose information obtained in connection with the administration of the proposed Act, except in specified circumstances.

**Clause 38** makes it an offence for a person to misuse confidential information obtained through association with the Authority relating to dealings in land.

**Clause 39** absolves a member of the Board, the Chief Executive Officer or a person acting under the direction of the Authority, the Board or the Chief Executive Officer from personal liability for any thing done or omitted in good faith for the purpose of executing an Act (including the proposed Act).

**Clause 40** specifies the financial year of the Authority.

**Clause 41** provides for the keeping and application to documents of the seal of the Authority.

**Clause 42** enables the Authority to recover money due to it as a debt.

**Clause 43** provides that the proposed Act binds the Crown.

**Clause 44** provides for the summary prosecution of offences against the proposed Act and the regulations.

**Clause 45** enables the amendment of Schedule 1 (which defines the foreshore area) by regulation.

**Clause 46** enables the Governor-in-Council to make regulations for the purposes of the proposed Act.

**Clause 47** amends the *Growth Centres (Development Corporations) Act 1974* to omit matter relating to the constitution of the City West Development Corporation.

**Clause 48** repeals the *Sydney Cove Redevelopment Authority Act 1968*.

**Clause 49** repeals the *Darling Harbour Authority Act 1984* and certain other Acts and statutory instruments relating to Darling Harbour.

**Clause 50** amends various Acts and statutory instruments specified in Schedule 3 as a consequence of the dissolution of the Sydney Cove Redevelopment Authority and the City West Development Corporation.

**Clause 51** amends various Acts and statutory instruments specified in Schedule 4 as a consequence of the dissolution of the Darling Harbour Authority.

**Clause 52** gives effect to Schedule 5 which contains provisions of a savings and transitional nature required as a consequence of the enactment of the proposed Act.

**Clause 53** requires the Minister to review the proposed Act within 5 years after the date of assent and to report the outcome of the review to each House of Parliament.

## Schedules

**Schedule 1** contains a description of the foreshore area.

**Schedule 2** contains provisions concerning the constitution and procedure of the Board of the Authority.

**Schedule 3** contains amendments to various Acts and statutory instruments as a consequence of the dissolution of the Sydney Cove Redevelopment Authority and the City West Development Corporation.

**Schedule 4** contains amendments to various Acts and statutory instruments as a consequence of the dissolution of the Darling Harbour Authority.

**Schedule 5** contains savings, transitional and other provisions consequent on the enactment of the proposed Act. The Schedule includes provisions for:

- the making of regulations of a savings or transitional nature
- the dissolution of the Sydney Cove Redevelopment Authority
- the transfer of staff of the Sydney Cove Redevelopment Authority
- the dissolution of the City West Development Corporation
- the transfer of certain staff attached to the City West Development Corporation

Explanatory note

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- the dissolution of the Darling Harbour Authority
- the appointment of the Chief Executive Officer of the Authority
- the status of holders of certain executive positions with the former Authorities
- the vesting of assets and liabilities in the Authority.