

[Act 1997 No 19]



New South Wales

# Centennial Park and Moore Park Trust Amendment (Eastern Distributor) 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 facilitate the construction and operation of the Eastern Distributor and associated road and construction works by enabling the use of certain land vested in the Centennial Park and Moore Park Trust for purposes connected with the construction and operation of the Eastern Distributor and to authorise the use of specified land for specified purposes.

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

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## 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 a day or days to be appointed by proclamation. A provision will not take effect unless the Minister for Urban Affairs and Planning has given the relevant approval under the *Environmental Planning and Assessment Act 1979*.

**Clause 3** is a formal provision giving effect to the amendments to the *Centennial Park and Moore Park Trust Act 1983* set out in Schedule 1.

## Schedule 1 Amendments

### Removal of land

The proposed Act removes certain land located along the easterly boundary of South Dowling Street, in Drivers Triangle and near the intersection of Dacey Avenue and Anzac Parade, Moore Park, required in connection with the proposed Eastern Distributor from the Centennial Park and Moore Park Trust and instead vests the land in the Roads and Traffic Authority (proposed section 15B inserted by **Schedule 1 [3]**). By virtue of section 19 of the Principal Act, land cannot be removed from the Trust except by an Act of Parliament.

The proposed Act removes certain additional land located adjacent to areas to be permanently vested in the Roads and Traffic Authority from the Centennial Park and Moore Park Trust and instead vests the land in the Roads and Traffic Authority until the vesting date for the Eastern Distributor (see proposed section 15C inserted by **Schedule 1 [3]**). By virtue of section 19 of the Principal Act, land cannot be removed from the Trust except by an Act of Parliament. This land is referred to as the *revested land*.

The plan showing the land to be removed is to be available for inspection at the office of the Roads and Traffic Authority (proposed section 15K inserted by **Schedule 1 [3]**).

**Schedule 1 [1], [2] and [4]** make consequential amendments.

### **Licences over Trust lands**

The proposed Act grants a permanent statutory licence, by operation of the proposed Act, over the revested land to the Roads and Traffic Authority for purposes related to the Eastern Distributor (see proposed section 15D inserted by **Schedule 1 [3]**). These purposes include purposes related to landscaping, road work and traffic control work (proposed section 15E inserted by **Schedule 1 [3]**), a pedestrian egress required for fire safety reasons (proposed section 15F inserted by **Schedule 1 [3]**), and a pump station and associated purposes (proposed section 15G inserted by **Schedule 1 [3]**). The rights under the licence may be assigned by the Authority to other persons or bodies involved in the operation of the Eastern Distributor.

The proposed Act imposes a duty on the Centennial Park and Moore Park Trust to grant temporary licences (for up to 5 years) to the Roads and Traffic Authority over part of the Trust's land for purposes related to the construction of the Eastern Distributor, if directed to do so by the Minister for the Environment and the Minister for Roads (proposed section 15H inserted by **Schedule 1 [3]** and proposed Schedule 3A inserted by **Schedule 1 [6]**).

The proposed Act imposes a duty on the Centennial Park and Moore Park Trust to grant permanent licences to the Roads and Traffic Authority over part of the Trust's land for drainage constructions and to enable the positioning of soil nails and rock anchors for the purposes of the Eastern Distributor, if directed to do so by the Minister for the Environment and the Minister for Roads (proposed section 15I inserted by **Schedule 1 [3]** and proposed Schedule 3A inserted by **Schedule 1 [6]**).

The proposed Act applies the *Roads Act 1993* to the exercise of functions by the Roads and Traffic Authority under the proposed Act (proposed section 15L inserted by **Schedule 1 [3]**).

### **Compensation**

The proposed Act provides that compensation for the acquisition and use of the Trust land is to be provided by the Roads and Traffic Authority and is to be as agreed between the Roads and Traffic Authority and the Centennial Park and Moore Park Trust. (Proposed section 15J as inserted by **Schedule 1 [3]**.)

### **Public transport uses**

The proposed Act grants a permanent statutory licence, by operation of the proposed Act, to the Minister for Transport to use land currently used for a bus roadway for public transport purposes. (Proposed section 20B as inserted by **Schedule 1 [5]**.)