

1994—No. 427

LOCAL GOVERNMENT ACT 1993—REGULATION

(Relating to the Luna Park Reserve Trust)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1993, has been pleased to make the Regulation set forth hereunder.

TED PICKERING

Minister for Local Government and Co-operatives.

The Local Government (Approvals) Regulation 1993 is amended by inserting after clause 6 the following clause:

Prescribed persons under sections 69 and 70 of the Act

6A. (1) The object of this clause is to exempt the Luna Park Reserve Trust from having to obtain an approval under section 68 of the Act:

- (a) for the erection of a building on the Luna Park site; or
- (b) for the demolition of a building on the Luna Park site; or
- (c) for the doing of anything that is incidental to the erection or demolition of a building on the Luna Park site,

so long as the activity concerned is permitted to be carried out on that site by a development consent in force in respect of that site.

(2) The Luna Park Reserve Trust is a prescribed person for the purposes of sections 69 and 70 of the Act in relation only to activities:

- (a) that are to be carried out on the Luna Park site; and
- (b) that are permitted to be carried out by a development consent in force in respect of that site; and
- (c) that are commenced before 1 March 1995.

(3) In this clause:

“development consent” has the same meaning as it has in the Environmental Planning and Assessment Act 1979;

“Luna Park site” has the same meaning as it has in the Luna Park Site Act 1990, and includes any adjacent Crown lands (within the meaning of the Crown Lands Act 1989) that are for the time being reserved or dedicated for the purposes of public recreation, public amusement or public entertainment;

“Luna Park Reserve Trust” means the Luna Park Reserve Trust referred to in section 7 of the Luna Park Site Act 1990.

EXPLANATORY NOTE

The object of this Regulation is to exempt the Luna Park Reserve Trust from having to obtain an approval under section 68 of the Local Government Act 1993:

- (a) for the erection of a building on the Luna Park site; or
- (b) for the demolition of a building on the Luna Park site; or
- (c) for the doing of anything that is incidental to the erection or demolition of a building on the Luna Park site,

so long as the activity concerned is permitted to be carried out on that site by a development consent in force in respect of that site. This will place the Luna Park Reserve Trust on the same footing as the Crown in respect of the erection and demolition of buildings. Note that the Local Government Act 1993 defines a building to include a structure.

This Regulation is made under the Local Government Act 1993, including section 748 (the general regulation making power) and sections 69 and 70.
