

Redfern–Waterloo Authority Bill 2004

New South Wales

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 Redfern–Waterloo Authority (***the Authority***) and to specify its functions in relation to the management and improvement of certain areas in Redfern and Waterloo.

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.

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

Clause 4 provides that the ***operational area*** of the Authority is the area described in Schedule 1 to the proposed Act. The clause also provides that ***managed land*** means land within the operational area that is not owned by the Authority but is managed by it under agreement with the owner or occupier of the land.

Part 2 Constitution and management of Authority

Clause 5 constitutes the Authority. It is a memberless corporation having a Board (see clause 8) and a Chief Executive Officer (see clause 9) 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 6 provides that the Authority is a statutory body representing the Crown.

Clause 7 provides that the Authority is subject to the control and direction of the Minister.

Clause 8 provides for the Board of the Authority. The Board is to consist of the Chief Executive Officer and no more than 9 persons appointed by the Minister, of whom at least one is to be an Aboriginal person within the meaning of the *Aboriginal Land Rights Act 1983*.

Clause 9 specifies the responsibilities of the Chief Executive Officer. Anything done by the Chief Executive Officer in the name of the Authority is taken to have been done by the Authority.

Clause 10 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 11 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 12 enables the Authority to delegate its functions to a member of its staff, a council or general manager of a council or a person or committee approved by the Minister or prescribed by the regulations.

Clause 13 enables the Authority to exercise its functions through private subsidiary corporations (dealt with in clause 24), including in a partnership, joint venture or other association with public or local authorities or other persons or bodies.

Part 3 Functions of Authority

Division 1 Principal functions

Clause 14 sets out the functions of the Authority. They include the following:

(a) to promote, co-ordinate, manage, undertake and secure the orderly and economic development and use of the operational area, including the development and management of land, the provision of infrastructure and the establishment of public areas,

(b) to provide and promote housing choices in the operational area (including for Aboriginal residents),

(c) to provide and promote employment opportunities for local residents, commercial opportunities for local businesses and cultural development (including to address the needs of the Aboriginal community) in the operational area,

(d) to enhance and manage public places in the operational area and to improve, maintain and regulate the use of the public places,

(e) to promote, co-ordinate, organise, manage, undertake, secure, provide and conduct cultural, educational, commercial, recreational, entertainment and transport activities and facilities in the operational area,

(f) to do any other thing for the improvement of the operational area.

Clause 15 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. The clause also requires the Authority, in carrying out any function, to take into consideration principles of social, economic, ecological and other sustainable development.

Clause 16 provides that the Authority is not limited in the exercise of its functions to the operational 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 operational area that is owned by a public authority but that is not being used or required for the core activities of the public authority. The term **public authority** is defined so as not to include a council.

Clause 19 enables the Authority, with the consent of the Minister, to deal with its land. Leases or licences over Authority land that are for a period of less than 5 years do not require the Minister's consent. The clause also requires the Authority to maintain a public register of land that is vested in it or managed by it.

Clause 20 enables the Authority to dedicate land for a public purpose or as a public road.

Clause 21 prevents a road that is vested in the Authority or is land managed by it from being provided or from being changed except with the consent of the Authority.

Clause 22 enables the Authority to acquire property by gift, devise or bequest.

Clause 23 controls the dealings the Authority may have with property acquired by gift, devise or bequest.

Clause 24 enables the Authority to form and acquire interests in private corporations or to dispose of such interests. However, the Authority requires the approval of the Minister to the formation or acquisition of an interest in a private corporation if it will result in the corporation becoming a subsidiary of the Authority or to the disposal of any such interest if it will result in a corporation ceasing to be such a subsidiary.

Part 4 Planning within the operational area

Clause 25 defines certain expressions for the purposes of the proposed Part. The clause also applies definitions of terms used in the *Environmental Planning and Assessment Act 1979*.

Clause 26 requires the Minister to prepare and maintain a plan for the operational area (**the Redfern–Waterloo Plan**). The Plan will deal with matters such as the strategic vision for the improvement of the operational area, urban design within the operational area and land use zoning and the carrying out of development in the operational area. The Minister may request the Minister administering the *Environmental Planning and Assessment Act 1979* to give effect to the environmental planning aspects of the Redfern–Waterloo Plan by making any necessary environmental planning instruments. The clause enables the Minister

administering the *Environmental Planning and Assessment Act 1979* to make the instruments in accordance with that Act or by order published in the Gazette under the proposed Act.

Clause 27 enables the Minister administering the *Environmental Planning and Assessment Act 1979* to delegate any functions of the Minister as consent authority for any development within the operational area that is State significant development to the Minister administering the proposed Act. The Minister administering the proposed Act may then subdelegate any such functions to the Authority or the Council of the City of Sydney.

Clause 28 disapplies the provisions of the *Heritage Act 1977* to the extent that they would prohibit or restrict development in the operational area that is State significant development and has been identified in the Redfern–Waterloo Plan as development that may be carried out despite any such prohibition or restriction. The Minister may not include any such provision in that Plan unless satisfied that the development concerned is essential for achieving the strategic vision for the improvement of the operational area.

Clause 29 enables conditions relating to development contributions towards the provision of affordable housing in the operational area to be imposed under Division 6A of Part 4 of the *Environmental Planning and Assessment Act 1979* in relation to development that is State significant development and is to be carried out on land within the operational area or on another site specified in the clause that is outside the operational area.

Clause 30 enables conditions relating to development contributions towards the provision of public amenities and public services in the operational area to be imposed under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979* in relation to development that is State significant development and is to be carried out on land within the operational area.

Clause 31 enables the Minister to prepare contributions plans for the purposes of clauses 29 and 30. Those clauses provide that such contributions plans are to be used for determining the relevant development contributions referred to in those clauses instead of the instruments normally required to be prepared under the *Environmental Planning and Assessment Act 1979*. The clause also provides that those contributions are to be paid into the Redfern–Waterloo Fund established under clause 32.

Part 5 Finance

Clause 32 establishes the Redfern–Waterloo Fund within the Special Deposits Account and provides for the payment of money into and out of the Fund.

Clause 33 provides for the financial year of the Authority.

Clause 34 enables the investment of money in the Redfern–Waterloo Fund.

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

Part 6 Miscellaneous

Clause 36 enables the Authority to appoint authorised officers. The functions of authorised officers are to be prescribed by regulations to be made under the proposed Act.

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, a member of an advisory committee appointed under the proposed Act 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 any Act (including the proposed Act).

Clause 40 provides for the keeping and application to documents of the seal of the Authority.

Clause 41 enables the Authority to recover money due to it as a debt.

Clause 42 provides that the proposed Act binds the Crown.

Clause 43 provides for the summary prosecution of offences against the proposed Act and the regulations.

Clause 44 enables penalty notices to be issued in relation to offences against the proposed Act or the regulations that are prescribed by the regulations as penalty notice offences.

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

Clause 46 enables regulations to be made for the purposes of the proposed Act.

Clause 47 gives effect to Schedule 3 which contains consequential amendments to other Acts.

Clause 48 gives effect to Schedule 4 which contains provisions of a savings and transitional nature required as a consequence of the enactment of the proposed Act.

Clause 49 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.

Schedule 1 Operational area of Authority

Schedule 1 contains a description of the operational area of the Authority.

Schedule 2 Members and procedure of Board

Schedule 2 sets out provisions relating to the membership and procedure of the Board of the Authority.

Schedule 3 Amendment of other Acts

Schedule 3 makes consequential amendments to the *Fines Act 1996*, *Growth Centres (Development Corporations) Act 1974*, the *Public Sector Employment and Management Act 2002* and the *Sydney Harbour Foreshore Authority Act 1998*.

Schedule 4 Savings, transitional and other provisions

Schedule 4 contains savings, transitional and other provisions consequent on the enactment of the proposed Act. The Schedule includes provisions for:

- (a) the making of regulations of a savings or transitional nature, and
- (b) the transfer of the Australian Technology Park to the Authority.