

Legislative Council

REDFERN–WATERLOO AUTHORITY BILL 2004

Schedule of the amendments agreed to in Committee of the Whole
on Thursday 9 December 2004.

Govt

No. 1 Page 2. Insert after line 6:

3 Objects of Act

The objects of this Act are:

- (a) to encourage the development of Redfern-Waterloo into an active, vibrant and sustainable community, and
- (b) to promote, support and respect the Aboriginal community in Redfern-Waterloo having regard to the importance of the area to the Aboriginal people, and
- (c) to promote the orderly development of Redfern-Waterloo taking into consideration principles of social, economic, ecological and other sustainable development, and
- (d) to enable the establishment of public areas in Redfern-Waterloo, and
- (e) to promote greater social cohesion and community safety in Redfern-Waterloo.

CDP

No. 2 Page 4, clause 11. Insert after line 14:

- (4) The Minister is to ensure that there are at least 2 representatives of the Aboriginal community of the Redfern–Waterloo area appointed as members of each advisory committee that has functions involving social, human services or employment issues that affect that community.

Govt

No. 3 Pages 13 and 14, clause 28, line 32 on page 13 to line 4 on page 14. Omit all words on those lines. Insert instead:

28 Heritage matters

- (1) The provisions of the *Heritage Act 1977* do not apply to the carrying out of development in the operational area that is State significant development.
- (2) However, an item or part of an item listed on the State Heritage Register is not to be altered or demolished unless:
 - (a) the Minister has consulted the Heritage Council of New South Wales about the matter and has taken into consideration any advice duly provided by the Council, and
 - (b) the Minister is satisfied that it is necessary for the sustainable improvement of the operational area.
- (3) The regulations may make provision for or with respect to the procedures for consulting the Heritage Council of New South Wales and for the provision of advice by that Council.

Govt

No. 4 Page 14, clause 29. Insert after line 31:

- (4) If a Minister is not the consent authority for the carrying out of any development to which this section applies, the Minister may, by written notice to the consent authority, act in the place of the consent authority for the purposes of imposing a condition of consent referred to in subsection (2). Any consent that is granted for the development is, by force of this subsection, subject to that condition.

Govt

No. 5 Page 14, clause 29. Insert after line 35:

- (5) Nothing in this section affects any other contributions that may be required to be made under section 30 or under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*.

Govt No. 6

Pages 14 and 15, clause 30, line 36 on page 14 to line 15 on page 15. Omit all words on those lines. Insert instead:

30 Development contributions (other than for affordable housing)

- (1) This section applies to development that is State significant development and that is carried out on land within the operational area.
- (2) The consent authority may impose, as a condition of development consent in relation to development to which this section applies, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan referred to in section 31 (1), of the proposed cost of carrying out the development.
- (3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services in or in the vicinity of the operational area (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan referred to in section 31 (1).
- (4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.
- (5) A condition under this section that is of a kind allowed by, and determined in accordance with, a contributions plan referred to in section 31 (1) may not be disallowed or amended by the Land and Environment Court on appeal.
- (6) The regulations may make provision for or with respect to levies under this section, including:
- (a) the means by which the proposed cost of carrying out development is to be estimated or determined, and
- (b) the maximum percentage of a levy.
- (7) For the purposes of this section, a reference to public amenities or public services includes a reference to open space and the Redfern Railway Station, but does not include a reference to water supply or sewerage services.
- (8) This section does not affect the operation of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*. However:
- (a) the consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 94 or any other provision of that Division, and
- (b) a contributions plan referred to in section 31 (1) may replace a contributions plan under that Division for the purposes of any condition imposed under section 94 or any other provision of that Division, and
- (c) section 31 extends to any money resulting from a condition imposed under section 94 or any other provision of that Division.

Govt

No. 7 Page 15, clause 31 (1), line 19. Insert “in relation to development within the operational area” after “sections 29 and 30”.

Govt

No. 8 Page 15, clause 31. Insert after line 19:

- (2) The Minister administering the *Environmental Planning and Assessment Act 1979* may prepare and approve a contributions plan, in accordance with Division 6 of Part 4 of that Act, for the purposes of section 29 in relation to State significant development carried out on land referred to in section 29 (1) (b) (being land that was the former Carlton United Brewery site).
- (3) The Minister is to consult the Minister administering the *Environmental Planning and Assessment Act 1979* before approving a contributions plan for the purposes of section 30.

Govt

No. 9 Page 15, clause 31. Insert after line 21:

- (3) The payment into the Fund of money resulting from a contribution referred to in section 29 or 30 does not affect the obligation of the Authority under this Act and the *Environmental Planning and Assessment Act 1979* to apply the money within a reasonable time towards the purpose for which the contribution was required.

CDP

No. 10 Page 15. Insert after line 21:

32 Matters affecting the Aboriginal Housing Company and “the Block”

- (1) The Minister or a nominee of the Minister is to consult with the Aboriginal Housing Company and other relevant representatives of the Aboriginal community on issues and strategies affecting, or the long-term strategic vision for, the Block (and its immediate area).
- (2) In this section:
Aboriginal Housing Company means the Aboriginal Housing Company (ACN 001 154 481) incorporated under the *Corporations Act 2001* of the Commonwealth.
the Block means the area of land bounded by Eveleigh, Caroline, Louis and Vine Streets, Redfern.

Govt

No. 11 Page 17. Insert after line 1:

36 Annual report to include certain matters

The annual report of the Authority required to be prepared under the *Annual Reports (Statutory Bodies) Act 1984* is to include a report as to the outcomes achieved by the Authority during the reporting period.

Oppn

No. 12 Page 21, clause 45 (3), lines 25-28. Omit all words on those lines. Insert instead:

- (3) A regulation is not to be made under this section if it would result in an overall increase to the operational area of more than 5 per cent of the area specified in Schedule 1 on the date of assent to this Act.

Govt

No. 13 Page 29, Schedule 3. Insert after line 11:

3.3 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Insert in alphabetical order:

Redfern-Waterloo Authority