

2004

LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN
CAPITAL TERRITORY

Projects of Territorial Significance Bill 2004

EXPLANATORY STATEMENT

CIRCULATED BY THE AUTHORITY OF
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Projects of Territorial Significance Bill 2004

Explanatory Memorandum

OUTLINE

The purpose of this Bill is to create the concept of the project of territorial significance. There are many projects that are important to the whole of the Territory and need to go ahead for the good of the whole community that are held up because of vexatious appeals. **This Bill would allow a Chief Minister to declare a project to be a “Project of Territorial Significance” and thus streamline the approval procedures.**

The Bill would:

- Allow the Chief Minister to declare, by regulation, a project to be of Territorial Significance
- Ensure that such a project, while subject to the normal approval process, would not be subject to third party appeal for **any aspect** of the work.

The declaration, being a regulation, would be subject to disallowance and would thus ensure accountability through Legislative Assembly control over the process.

The Bill as introduced also contains in a schedule a regulation declaring the Gungahlin Drive Extension project to be a Project of Territorial Significance.

SECTION NOTES

Part 1

Sections 1, 2, 3, 4 and 5 are formal requirements. They refer to the short title, dictionary and notes and specify when the Act will commence.

Section 5 says that the Chief Minister is responsible for the administration of this Act.

Part 2

This Part deals with what is a project of territorial significance and how the appeal system changes as a result of the declaration of a project of territorial significance.

Section 6 defines ‘project of territorial significance’.

Section 7 outlines the conditions in which the Act applies. If, in the opinion of the Chief Minister, a project is in accordance with a major policy of the government of the Territory, would have a substantial effect on the development of the Territory or would provide substantial benefit to the Territory then he may make, with the Executive, a regulation declaring it to be a project of territorial significance.

The regulation is made in accordance with the Legislation Act and is a disallowable instrument.

Section 8 outlines the circumstances under which projects declared under Section 7 are exempt from third party appeal.

Section 276 of the Land Act (review of Decisions, objectors and third party appeals) does not apply to projects declared to be of territorial significance. **Only the applicant** can appeal against a conditional approval (section 245 of the Land Act) or seek a reconsideration of decisions (section 246A of the Land Act).

Third parties cannot appeal against approvals that are associated with the approval under the Land Act for projects declared to be of territorial significance. This means that any approval, licence authorisation, consent or permit granted to allow the project to precede is not subject to third party appeal.

Section 9 Excludes the application of the Land Act, part 6 to developments on designated land.

Part 3 Regulations

Section 10 provides the power to make regulations in accordance with the Legislation Act.

Part 4 New Regulations

Section 11 provides for the regulation in Schedule 1 attached to the Bill to become a regulation on the commencement of the Act

Part 5 Transitional

Section 12 relates to the regulation in Schedule 1 and establishes that Regulation 3 applies to approvals made both before and after commencement.

Section 12(4) establishes that this clause does not apply to the extent that it would amount to the acquisition of property on unjust terms.

Schedule 1 New Regulation

This Schedule creates the Projects of Territorial Significance Regulations 2004.

Part 1 Preliminary

Regulations 1 and 2 are formal requirements. They refer to the title and notes.

Part 2 Gungahlin Drive extension

Regulation 3(1) creates Gungahlin Drive extension as a project of territorial significance.

Regulation 3(2) describes Gungahlin Drive extension which is a project to build a road between the Barton Highway and the Glenloch Interchange.

Dictionary

The dictionary at the end of the Bill defines key words and phrases that are used in the Bill and are part of the Bill. These definitions determine the meaning that is to be attributed to certain words or phrases whenever they are used in the Bill or regulations.