

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

**GUNGAHLIN DEVELOPMENT AUTHORITY (CONSEQUENTIAL
PROVISIONS) BILL 1996**

EXPLANATORY MEMORANDUM

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Tony De Domenico MLA
Minister for Urban Services

Outline

This Bill accompanies the Gungahlin Development Authority Bill 1996 and amends *the Buildings (Design and Siting) Act 1964*, the *Land (Planning and Environment) Act 1991* and the *Public Service Management Act 1994*.

The intention of the amendments to *the Buildings (Design and Siting) Act 1964* and the *Land (Planning and Environment) Act 1994* (Land Act) is to ensure that the Gungahlin Development Authority is consulted on leasing, building or other development proposals within the Gungahlin Central Area regardless of whether the proposal is in the “Gungahlin Development Area (that is the area that is gazetted by the Minister under the provisions of the Gungahlin Development Authority Act as being the “Gungahlin Development Area”).

An additional amendment to the Land Act provides for the Executive to authorise the Gungahlin Development Authority to exercise its powers in accordance with Part V of the Act.

The amendment to the *Public Service Management Act 1994* (PSMA) is to exclude the Gungahlin Development Authority from the provisions of PSMA. The Gungahlin Development Authority Bill provides that the Chief Executive Officer and the staff of the Authority are to be employed under contract

Formal Clauses

Clauses 1 and 2 are formal requirements. They refer to the short title of the bill and commencement of the Act. The Bill commences on the date of commencement of the Gungahlin Development Authority Act 1996.

Amendments to the *Buildings (Design and Siting) Act 1964*

Clause 3 defines the Principal Act.

Clause 4 amends Section 7 of the *Buildings (Design and Siting) Act 1964*. The amendment requires the ACT Planning Authority (ACTPA) to provide to the Gungahlin Development Authority notice of its intention to consider a public works implementation plan together with a copy of the plan. ACTPA is not required to provide this material if the implementation plan is submitted by the Gungahlin Development Authority.

Clauses 5 and 6 sets out the obligations of the Gungahlin Development Authority when it receives a notice and a copy of the plan and ACTPA when it receives the Authority's comments. The Authority must consider whether the proposal is consistent with its objectives as set out in its latest statement of intent and any Ministerial Directions given to the Authority. ACTPA may revise the plan after taking the Authority's comments into account but it must advise the Minister of any such comments

Amendments of the *Land (Planning and Environment) Act 1991*

Clause 7 defines the Principal Act.

Clause 8 amends Section 4 of *the Land (Planning and Environment) Act 1991* by including a definition of the Gungahlin Development Authority.

Clauses 9 amends Section 165 of *the Land (Planning and Environment) Act 1991* to require the Executive to notify the Gungahlin Development Authority of its intention to grant a lease. The amendment is intended to give the Authority the opportunity to comment on whether a proposal to grant a lease in the Gungahlin Central Area is consistent with its objectives as set out in its latest statement of intent, whether the lease would be in accordance with any Ministerial Direction given to the Authority and on the appropriateness of the timing of the grant of the lease. The amendment also provides that the Authority may ask the Executive to impose conditions specifying the land, the term, the purpose or specific provisions to be included in the lease. The Executive must consider the Authority's advice.

Clause 10 amends Section 235 of the *Land (Planning and Environment) Act* to include the obligations of the Gungahlin Development Authority when it acts as a concurring authority in relation to certain controlled activities [as set out in the Schedule 4 of the *Land (Planning and Environment) Act 1991* (as amended by this Bill)]. The Authority must confine its consideration of a

proposal referred by the Minister to its consistency with the objectives of the Authority and any Ministerial Directions.

Clause 11 amends Section 283 of *the Land (Planning and Environment) Act 1991* and is intended to provide the Executive with the authority to authorise the Gungahlin Development Authority to act on its behalf in relation to Part V - Land Administration of the *Land (Planning and Environment) Act 1991*. The Government intends that the Authority be able to grant leases in the “Gungahlin Development Area” on behalf of the Executive.

Clause 12 amends Schedule 4 of *the Land (Planning and Environment) Act 1991* to include the Gungahlin Development Authority as a concurring authority for work affecting the requirements for the conservation of the heritage significance of places included in the Heritage Places Register or an interim Heritage Places Register; the execution of a variation of a lease of Territory Land; and the execution of a new lease for the purpose of effecting the subdivision or consolidation of Territory Land.

Amendment of *the Public Sector Management Act 1994*

Clause 13 amends the *Public Sector Management Act 1994* to exclude the Authority from the operations of that Act. The Chief Executive Officer and the staff of the Authority are to be employed under contractual arrangements.