

Act No. 29

**ALBURY-WODONGA DEVELOPMENT (AMENDMENT)
BILL 1991**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Albury-Wodonga Development Act 1974 for the following purposes:

- * to provide for the execution and approval of the Albury-Wodonga Area Development Agreement Amendment Agreement (No. 2); and
- * to change the composition of the Albury-Wodonga (New South Wales) Corporation; and
- * to prescribe different functions for the Albury-Wodonga Development Corporation; and
- * to prescribe fresh constitutional provisions for the Albury-Wodonga Development Corporation; and
- * to provide for certain planning functions of the Albury-Wodonga Development Corporation to be transferred to the Albury City Council and the Hume Shire council.

The Bill also deals with other matters of a minor, ancillary or consequential nature.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that, with certain exceptions, the proposed Act is to commence on a day or days to be appointed by proclamation. Clauses 1 and 2 and the provisions of proposed Schedule 1 (4) and (23) (which relate to the execution and approval of the proposed Albury-Wodonga Area Development Agreement Amendment Agreement (No. 2)) are to commence on the date of assent.

Clause 3 gives effect to the Schedule of amendments.

Schedule 1 (1) makes a minor amendment to the long title of the Principal Act. The amendment is consequential on the amendment made by Schedule 1 (3) (k).

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Schedule 1 (2) will repeal section 3 of the principal Act (Division of Act). Because all new Acts and reprints of old Acts now contain tables of provisions, the section has become redundant.

Schedule 1 (3) amends section 4 of the Principal Act (Definitions). The definitions of "Authority" and "executive member" are no longer required and are to be repealed. The definition of "appointed member" is to be replaced with a new definition which will make it clear that the expression does not include a reference to the chief executive officer. Definitions of "chairperson" and "deputy chairperson" are to replace the definitions of "Chairman" and "Deputy Chairman" and definitions of "chief executive officer" and "Department" are introduced. Proposed section 4 (2) defines "functions" for the purposes of the Principal Act.

Schedule 1 (4) inserts in the Principal Act proposed section 5B, which provides for the Parliament to authorise the Premier to execute an agreement that is substantially in the form set out in proposed Schedule 1B (which sets out the terms of the proposed Albury-Wodonga Area Development Agreement Amendment Agreement (No. 2)) or, if already executed by the Commonwealth and the States of New South Wales and Victoria, to rate the execution of the agreement by the Premier. The proposed section also provides for the agreement to be approved by the Parliament.

Schedule 1 (5), (6), (8)–(10), (13), (14) (a), (17) and (19) make minor amendments to sections 6, 7–9, 16, 18, 19, 20, 21, 34 and 39 of the Principal Act and replace the heading to Part 4 of that Act. The amendments are consequential on the amendment to be made by Schedule 1 (3) (k).

Schedule 1 (7) repeals and replaces section 7 of the principal Act with proposed sections 7 and 7A. Proposed section 7 provides for the reconstitution of the membership of the Albury-Wodonga (New South Wales) Corporation. The Corporation will consist of 7 appointed members and the chief executive officer of the Corporation (who is to be the chief executive officer of the Albury-Wodonga Development Corporation). Proposed section 7A provides for the chief executive officer of the Albury-Wodonga (New South Wales) Corporation to be responsible for the day-to-day management of the affairs of the Corporation subject to and in accordance with any directions of the Corporation.

Schedule 1 (11) makes a minor amendment to section 13 of the Principal Act (Dedication of land) and is consequential on the replacement of the Crown Lands Consolidation Act 1913 by the Crown Lands Act 1989.

Schedule 1 (12) repeals section 17 (2) of the Principal Act which provides for the now defunct State Planning Authority to undertake legal and other work of the corporation.

Schedule 1 (15) repeals and replaces section 22 of the Principal Act. Proposed section 22 will authorise the Albury-Wodonga Development Corporation:

- * to carry out investigations and studies; and
- * to consult with authorities and bodies on any environmental planning matter; and
- * to advise those authorities and bodies with respect to regional planning issues.

Schedule 1 (16) repeals section 23 of the Principal Act (Environmental planning instruments). As a result of the repeal, the planning powers of the Albury-Wodonga Development Corporation will revert to the Albury City Council and the Hume Shire Council.

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Schedule 1 (18) amends section 36 of the Act (Misuse of information). The amendment updates references in that section to the Department of Decentralisation and Development (now Business and Consumer Affairs) and removes from that section provisions relating to the now defunct State Planning Authority and Regional Planning Committees.

Schedule 1 (20) amends section 40 of the Principal Act (Annual report). The amendment will enable an annual report of the Albury-Wodonga (New South Wales) Corporation to form part of an annual report jointly prepared by the Albury-Wodonga Development Corporation, the Albury-Wodonga (New South Wales) Corporation and the Albury-Wodonga (Victoria) Corporation.

Schedule 1 (21) amends section 43 of the Principal Act (Proceedings for offences) by substituting "Local Court" for the outdated references to "stipendiary magistrate" and "justices of the peace in petty sessions".

Schedule 1 (22) inserts in the principal Act proposed section 46, which will give effect to the savings and transitional provisions contained in proposed Schedule 3A. (See Schedule 1 (25).)

Schedule 1 (23) inserts in the Principal Act proposed Schedule 1B, which sets out the terms of the proposed Albury-Wodonga Area Development Agreement Amendment Agreement (No. 2).

Schedule 1 (24) repeals and replaces Schedule 2 to the Principal Act. Proposed Schedule 2 contains fresh provisions relating to the constitution and procedure of the Albury-Wodonga (New South Wales) Corporation.

Schedule 1 (25) inserts in the Principal Act proposed Schedule 3A. The proposed Schedule contains savings and transitional provisions which, in the main, relate to the transfer of planning powers from the Albury-Wodonga Development Corporation to the Albury City Council and the Hume Shire Council.

Schedule 1 (26) repeals Schedule 4 to the Principal Act (Modification of the Environmental Planning and Assessment Act 1979). The Schedule will become redundant on the repeal of section 23 of the Principal Act. (See Schedule 1 (16).)
