

2013

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for the Environment and Sustainable Development)

# Planning, Building and Environment Legislation Amendment Bill 2013

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# Planning, Building and Environment Legislation Amendment Bill 2013

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## A Bill for

An Act to amend legislation about planning, building and the environment, and  
for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as  
follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Planning, Building and Environment Legislation*  
4 *Amendment Act 2013*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

7 *Note* The naming and commencement provisions automatically commence on  
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [Building Act 2004](#)
- 12 • [Building \(General\) Regulation 2008](#)
- 13 • [Construction Occupations \(Licensing\) Regulation 2004](#)
- 14 • [Districts Act 2002](#)
- 15 • [Electricity Safety Regulation 2004](#)
- 16 • [Planning and Development Act 2007](#)
- 17 • [Planning and Development Regulation 2008](#)
- 18 • [Public Place Names Act 1989](#)
- 19 • [Unit Titles Act 2001](#)
- 20 • [Water Resources Act 2007](#).

**4 Legislation repealed**

(1) The following legislation is repealed:

- *Electricity (Greenhouse Gas Emissions) Act 2004* (A2004-71)
- *Electricity (Greenhouse Gas Emissions) Regulation 2004* (SL2004-60).

(2) All other legislative instruments under the *Electricity (Greenhouse Gas Emissions) Act 2004* are repealed.

1	<b>Part 2</b>	<b>Building Act 2004</b>
2	<b>5</b>	<b>Certificates of occupancy</b>
3		<b>Section 69 (4) (b)</b>
4		<i>omit</i>
5		signed by an inspector
6	<b>6</b>	<b>New section 69 (4) (c)</b>
7		<i>before the note, insert</i>
8		(c) a certificate under the <i>Gas Safety Act 2000</i> that the gas fitting
9		work carried out in building work complies with the prescribed
10		requirements for the building work relating to gas fitting work
11		is evidence of the fact.



1	Part 3	Building (General) Regulation
2		2008
3	7	Exemption from part of Act
4		Schedule 1, part 1.3, item 25, column 4
5		<i>omit</i>
6		s 47
7		<i>substitute</i>
8		s 48

1 **Part 4 Construction Occupations**  
2 **(Licensing) Regulation 2004**

3 **8 Services that may be provided without licence**  
4 **Section 35 (3), definition of *relevant asbestos***  
5 ***qualification***

6 *substitute*

7 *relevant asbestos qualification* means a qualification declared under  
8 the [Building \(General\) Regulation 2008](#), section 48 (2).

1     **Part 5**                             **Districts Act 2002**

2     **9**             **Divisions, sections and blocks**  
3                     **Section 6 (3) and note**

4                     *substitute*

5             *Note*     The Minister must determine a distinguishing name for each division—  
6                     see the *Public Place Names Act 1989*, s 3 (1) (a).

1 **Part 6** **Electricity Safety Regulation**  
2 **2004**

3 **10** **Section 2**

4 *substitute*

5 **2** **Exemption from inspection etc—Act, s 4 (2)**

6 The wiring or a component of an electrical installation for a lift or  
7 escalator being installed on the load side of a circuit-breaker in the  
8 motor room for the lift or escalator is a prescribed circumstance.

1 **Part 7** **Planning and Development**  
2 **Act 2007**

3 **11 Draft plan variations to be given to Minister etc**  
4 **Section 69 (2) (b)**

5 *substitute*

- 6 (b) a written report setting out the issues raised in any consultation  
7 comments about the variation; and

8 **12 Form of development applications**  
9 **Section 139 (2) (b) (ii)**

10 *substitute*

- 11 (ii) if the land to which the application relates is public land  
12 or unleased land—  
13 (A) if the development is a driveway verge crossing for  
14 a single or dual occupancy development—the  
15 custodian for the land or the planning and land  
16 authority; or  
17 (B) in any other case—the custodian for the land; or

13 EIS not required if development application exempted  
Section 211 (5)

*substitute*

(5) An exemption expires—

- (a) if the other study is an environmental impact statement prepared under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), part 8 (Assessing impacts of controlled actions) and approval of action in relation to the development has been given under that Act, part 9 (Approval of actions)—when the approval expires, or 18 months after the day the exemption is notified, whichever happens later; or
- (b) if the other study is an endorsed policy, plan or program under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), part 10 (Strategic assessments) and approval of action in relation to the development has been given under that Act, part 10—when the approval expires, or 18 months after the day the exemption is notified, whichever happens later; or
- (c) in any other case—18 months after the day it is notified.

14 Extension of time to commence or complete works—  
required fee  
Section 298C (3), definition of *period of extension*

*substitute*

*period of extension* means—

- (a) the period of extension approved under section 298B (Extension of time to commence or complete works); or
- (b) if an application seeks extensions for 2 or more building and development provisions in a lease—the longest of the extensions sought and approved.

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## Part 9 Public Place Names Act 1989

### 17 Meaning of *public place* Section 2, definition of *public place*

*substitute*

*public place* includes an avenue, road, street, geographical feature or place that the public is entitled to use, and any unleased land.

### 18 Minister to determine names Section 3 (1)

*substitute*

(1) The Minister—

- (a) must determine the name of a division of Territory land; and
- (b) may determine the name of a public place that is Territory land.

### 19 Dictionary, new definition of *division*

*insert*

*division*, in relation to land means a division under the *Districts Act 2002*, section 6.



1     **Part 10**                             **Unit Titles Act 2001**

2     **20**             **Reviewable decisions**  
3                     **Schedule 1, item 1**

4                     *substitute*

1	20 (6)	refusal to approve a unit title application on the grounds of inconsistency with the heritage register	lessee of the parcel
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1 **Part 11 Water Resources Act 2007**

2 **21 Water access entitlement—special provision for certain**  
3 **entitlements based on surviving allocations etc**  
4 **Section 25 (1), new note**

5 *insert*

6 *Note 2* Section 202 was in pt 20 (Transitional) which expired in 2008.  
7 A transitional provision is repealed on its expiry but continues to have  
8 effect after its repeal (see [Legislation Act](#), s 88).

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**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 11 April 2013.

**2 Notification**

Notified under the [Legislation Act](#) on 2013.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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