



Australian Capital Territory

# Development Application (Block 20 Section 23 Hume) Assessment Facilitation Act 2008

A2008-52

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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Australian Capital Territory

# **Development Application (Block 20 Section 23 Hume) Assessment Facilitation Act 2008**

**A2008-52**

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An Act to facilitate the assessment of a development application in relation to block 20 section 23 Hume, and for other purposes

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## Preamble

- 1 Following advice from the ACT Government as to the suitability of the site, a development application was made for a proposed development that involves the construction of a data centre and power co-generation facility of block 1676, District of Tuggeranong.
- 2 Significant concerns about the process associated with the site selection and the assessment of the development application have been raised by the community and by members of the Legislative Assembly.
- 3 Concerns about the site selection process were raised in the Auditor-General's Report No 7 of 2008.
- 4 Many members of the community and the majority of members of the Legislative Assembly oppose the proposed development going ahead on the Tuggeranong site.
- 5 Block 20 section 23 Hume may be suitable for the proposed development.
- 6 The Legislative Assembly considers that—
  - the construction of the data centre and gas powered co-generation facility is important for the ACT
  - this facility should not be constructed on block 1676, District of Tuggeranong
  - in light of the role the ACT Government played in the selection of block 1676, District of Tuggeranong, it is appropriate that consideration of an application for development on the Hume site should be expedited.

- 7 For these reasons, the Legislative Assembly wishes to facilitate the processing of a development application in relation to block 20 section 23 Hume.

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

**1 Name of Act**

This Act is the *Development Application (Block 20 Section 23 Hume) Assessment Facilitation Act 2008*.

**2 Commencement**

This Act commences on the day after its notification day.

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

**3 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition '*new development application*—see section 5.' means that the term 'new development application' is defined in that section.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

**4 Notes**

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

## 5 Application of Act

- (1) This Act applies to a development application (a *new development application*) that is—
  - (a) for development approval for—
    - (i) development on block 20 section 23 Hume (the *Hume block development*); or
    - (ii) development related to the Hume block development; and
  - (b) made before 1 February 2009 or any later date prescribed by regulation.

### Example—par (a) (ii)

infrastructure to support or facilitate the Hume block development

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) Without limiting when development is related to the Hume block development, a regulation may prescribe development that is related to the Hume block development.

## 6 Assessment of new development application

- (1) A new development application must be treated for all purposes as if it were an application for a development proposal in the merit track.
- (2) In particular, a new development application must be assessed under the P&D Act as if it were an application for a development proposal in the merit track.

## 7 Public consultation period

The public consultation period under the P&D Act, division 7.3.4 (Public notification of development applications and representations) for a new development application is 15 working days.

**8 Time for decision on new development application**

The prescribed time period under the P&D Act, section 162 (Deciding development applications) for a new development application is 30 working days after the day the application is made.

**9 Inconsistency with P&D Act**

This Act applies despite any inconsistency with the P&D Act.

**10 Regulation-making power**

The Executive may make regulations for this Act.

*Note* A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

**11 Expiry—Act**

This Act expires 1 year after the day it commences.

**12 Administrative Decisions (Judicial Review) Act 1989, schedule 1, new item 13A**

*insert*

13A	<i>Planning and Development Act 2007</i>	<ul style="list-style-type: none"><li>• a decision in relation to a new development application within the meaning of the <i>Development Application (Block 20 Section 23 Hume) Assessment Facilitation Act 2008</i></li><li>• a decision in relation to an approval of a new development application within the meaning of the <i>Development Application (Block 20 Section 23 Hume) Assessment Facilitation Act 2008</i></li></ul>
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## Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following term:

- ACT.

***development application***—see the P&D Act, dictionary.

***development approval*** means a development approval under the P&D Act, chapter 7 (Development approvals).

***development proposal***—see the P&D Act, dictionary.

***merit track***—see the P&D Act, section 112 (2) (b).

***new development application***—see section 5.

***P&D Act*** means the *Planning and Development Act 2007*.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 9 December 2008.

**2 Notification**

Notified under the Legislation Act on 16 December 2008.

**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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I certify that the above is a true copy of the Development Application (Block 20 Section 23 Hume) Assessment Facilitation Bill 2008, which was passed by the Legislative Assembly on 11 December 2008.

Clerk of the Legislative Assembly

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