Australian Capital Territory

Development Application (Block 20 Section 23 Hume) Assessment Facilitation Act 2008 (repealed)

A2008-52

Republication No 2
Effective: 18 December 2009

Republication date: 18 December 2009

Act expired 17 December 2009 (see endnote 3)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Development Application (Block 20 Section 23 Hume) Assessment Facilitation Act 2008* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 18 December 2009. It also includes any amendment, repeal or expiry affecting the republished law to 18 December 2009.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

* authorised republications to which the *Legislation Act 2001* applies
* unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol $\boxed{\text{U}}$ appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol $\boxed{\text{M}}$ appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $110 for an individual and $550 for a corporation (see *Legislation Act 2001*, s 133).

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Australian Capital Territory

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

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

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*.

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.

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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*.

Endnotes

1   About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2   Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
	pt = part
div = division	r = rule/subrule
exp = expires/expired	renum = renumbered
Gaz = gazette	reloc = relocated
hdg = heading	R[X] = Republication No
IA = Interpretation Act 1967	RI = reissue
ins = inserted/added	s = section/subsection
LA = Legislation Act 2001	sch = schedule
LR = legislation register	sdiv = subdivision
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	SL = Subordinate Law
o = order	underlining = whole or part not commenced
om = omitted/repealed	or to be expired

3   Legislation history

Development Application (Block 20 Section 23 Hume) Assessment Facilitation Act 2008 A2008-52
notified LR 16 December 2008
s 1, s 2 commenced 16 December 2008 (LA s 75 (1))
remainder commenced 17 December 2008 (s 2)
Note   Act exp 17 December 2009 (s 11)

4   Amendment history

Commencement
s 2   om LA s 89 (4)

Administrative Decisions (Judicial Review) Act 1989, schedule 1, new item 13A
s 12   om LA s 89 (3)

5   Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 17 Dec 2008	17 Dec 2008– 17 Dec 2009	not amended	new Act

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R2
18/12/09

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