



Australian Capital Territory

Planning and Development (Call-in Power) Amendment Act 2015

A2015-17

An Act to amend the *Planning and Development Act 2007*

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

1 Name of Act

This Act is the *Planning and Development (Call-in Power) Amendment Act 2015*.

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 Legislation amended

This Act amends the *Planning and Development Act 2007*.

**4 Representations about development applications
Section 156 (3), new note**

insert

Note 2 The Minister may direct the planning and land authority to extend the public notification period (see s 158B (2) (b)).

**5 Direction that development applications be referred to
Minister
New section 158 (1A)**

insert

(1A) However, the Minister must not give a direction under subsection (1) in relation to an application for a development proposal in the code track.

6 New sections 158A and 158B*insert***158A Minister to consider level of consultation before considering development applications**

- (1) The Minister must not consider an application referred to the Minister under section 158 (1) unless the Minister is satisfied that the level of community consultation carried out by the proponent of the development proposal to which the application relates is sufficient to allow the Minister to form an opinion under section 159 (2).
- (2) In making a decision under subsection (1), the Minister—
 - (a) must consider the following:
 - (i) the nature of the development proposal;
 - (ii) whether the proponent has undertaken community consultation in accordance with section 138AE (Community consultation for certain development proposals);
 - (iii) whether the authority has publicly notified the development application under division 7.3.4 (Public notification of development applications and representations) and, if so, the kind of the notification;
 - (iv) if the authority has publicly notified the application under division 7.3.4, any representations the authority has received in response to the notification;
 - (v) the level of community awareness, discussion and debate in relation to the development proposal;

- (vi) the information and documents given to the Minister by the planning and land authority under section 158 (4) and section 158B (2) (b) (if any); and

Examples—par (vi)

- 1 information about whether the proponent carried out community consultation other than in accordance with s 138AE
- 2 the written notice required under s 138AE (4)
- 3 information about the outcome of community consultation carried out by the proponent
- 4 any advice received from an entity under s 149

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).

- (b) may consider any other relevant information.

158B Action if insufficient community consultation

- (1) This section applies if—
 - (a) an application is referred to the Minister under section 158 (1) (Direction that development applications be referred to Minister); and
 - (b) the Minister is not satisfied that the proponent of the development proposal to which the application relates has undertaken sufficient community consultation in relation to the proposal.
- (2) The Minister must—
 - (a) refer the application back to the planning and land authority for further action and decision; or

-
- (b) direct the authority to do either or both of the following:
- (i) extend the public notification period under section 156 (3) (Representations about development applications) for a stated period and, if the Minister considers it necessary, tell stated people about the extended notification period;
 - (ii) ask the proponent, under section 141 (Authority may require further information—development applications), to give the authority stated further information in relation to the development application.

Example

information about community attitudes towards the development proposal

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).

- (3) The authority must give the Minister any additional information and documents it receives under subsection (2) (b).

7 Minister may decide to consider development applications
Section 159 (1)

substitute

- (1) This section applies in relation to an application—
- (a) referred to the Minister under section 158 (Direction that development applications be referred to Minister); and
 - (b) in relation to which the Minister is satisfied that the level of community consultation carried out by the proponent of the development proposal to which the application relates is sufficient to allow the Minister to form an opinion under subsection (2).

**8 After Minister decides referred development applications
New section 161 (2) (f)**

insert

- (f) a summary of community consultation under section 138AE and section 158B (2) (b) (if any).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 18 September 2014.

2 Notification

Notified under the [Legislation Act](#) on 27 May 2015.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Planning and Development (Call-in Power) Amendment Bill 2015, which originated in the Legislative Assembly as the Planning and Development (Call-in Power) Amendment Bill 2014 and was passed by the Assembly on 14 May 2015.

Clerk of the Legislative Assembly

© Australian Capital Territory 2015