



Australian Capital Territory

Planning, Building and Environment Legislation Amendment Act 2017 (No 2)

A2017-20

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Australian Capital Territory

Planning, Building and Environment Legislation Amendment Act 2017 (No 2)

A2017-20

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

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

Part 1 Preliminary

1 Name of Act

This Act is the *Planning, Building and Environment Legislation Amendment Act 2017 (No 2)*.

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 following legislation:

- [Climate Change and Greenhouse Gas Reduction Act 2010](#)
- [Electricity Feed-in \(Large-scale Renewable Energy Generation\) Act 2011](#)
- [Electricity Feed-in \(Renewable Energy Premium\) Act 2008](#)
- [Energy Efficiency \(Cost of Living\) Improvement Act 2012](#)
- [Environment Protection Act 1997](#)
- [Heritage Act 2004](#)
- [Nature Conservation Act 2014](#)
- [Planning and Development Act 2007](#)
- [Public Place Names Act 1989](#)
- [Water Resources Act 2007](#)
- [Water Resources Regulation 2007](#).

4 Legislation repealed

The [Public Place Names Regulation 2001](#) (SL2001-36) is repealed.

6 Section 19 (5), new definition of *pre-election period*

insert

pre-election period—see the [Electoral Act 1992](#), dictionary.

Part 3 Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011

7 New section 26

insert

26 Electricity Feed-in (Large-scale Renewable Energy Generation) Regulation 2017—sch 1

- (1) The provisions set out in schedule 1 are taken, on the commencement of this section, to be a regulation made under section 25.
- (2) To remove any doubt and without limiting subsection (1), the regulation may be amended or repealed as if it had been made by the Executive under section 25.
- (3) Also to remove any doubt, the regulation is taken—
 - (a) to have been notified under the Legislation Act on the day the *Planning, Building and Environment Legislation Amendment Act 2017 (No 2)* is notified; and
 - (b) to have commenced on the commencement of the *Planning, Building and Environment Legislation Amendment Act 2017 (No 2)*; and
 - (c) not to be required to be presented to the Legislative Assembly under the [Legislation Act](#), section 64 (1).
- (4) Subsections (1) to (3) are laws to which the [Legislation Act](#), section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) This section and schedule 1 expire on the day they commence.

8 New schedule 1

insert

Schedule 1 Electricity Feed-in (Large-scale Renewable Energy Generation) Regulation 2017

(see s 26)



Australian Capital Territory

Electricity Feed-in (Large scale Renewable Energy Generation) Regulation 2017

Subordinate Law SL2017-

made under the

[Electricity Feed-in \(Large-scale Renewable Energy Generation\) Act 2011](#)

1 Name of regulation

This regulation is the *Electricity Feed-in (Large-scale Renewable Energy Generation) Regulation 2017*.

2 Prescribed areas—Act, dict, def *Australian capital region*, par (b)

(1) Areas for which the following councils have been constituted are prescribed:

- (a) Bega Valley Shire Council;
- (b) Eurobodalla Shire Council;
- (d) Cootamundra-Gundagai Regional Council;
- (c) Goulburn Mulwaree Council;
- (e) Hilltops Council;
- (f) Queanbeyan-Palerang Regional Council;
- (g) Snowy Monaro Regional Council;
- (h) Snowy Valleys Council;
- (i) Upper Lachlan Council;
- (j) Yass Valley Council.

(2) In this section:

area—see the *Local Government Act 1993* (NSW), dictionary.

council—see the *Local Government Act 1993* (NSW), dictionary.

9 Dictionary, definition of *Australian capital region*

substitute

Australian capital region means the region made up of—

- (a) the ACT; and
- (b) if a regulation prescribes an area that makes up the region—the prescribed area.

Part 5 Energy Efficiency (Cost of Living) Improvement Act 2012

12 Sharing information—non-territory agencies Section 28C (1) (b)

substitute

- (b) the information relates to compliance with a law of another jurisdiction that makes provision for energy efficiency or greenhouse gas abatement.

Part 6 Environment Protection Act 1997

13 Authority may require environmental audit Section 76 (4) and (5)

omit

subsection (1)

substitute

subsection (1) or (2)

Part 7 Heritage Act 2004

14 Notice of decision about provisional registration Section 34 (5) (b) (iv) and (v)

substitute

- (iv) the council's reasons for its decision;
- (v) if an assessment of the place or object has been made against the heritage significance criteria—the assessment;
- (vi) the date the decision takes effect.

Part 8 Nature Conservation Act 2014

15 Ramsar wetland management plan—monitoring and review Section 203 (2)

omit

5 years

substitute

7 years

16 Offence—take plant or plant reproductive material into reserve New section 219 (4)

insert

- (4) A person has the benefit of the chapter 9 exceptions for an offence against this section.

Note The chapter 9 exceptions are set out in s 252.

Part 9 Planning and Development Act 2007

17 Draft land management plan—custodian to prepare New section 321 (2) (c)

insert

(c) the environment protection authority.

Part 10 Public Place Names Act 1989

18 Regard given to certain names Section 4 (3)

substitute

- (3) Before having regard to Aboriginal or Torres Strait Islander vocabulary under subsection (2) (e), the Minister must take reasonable steps to consult an appropriate cultural group.

Part 11 Water Resources Act 2007

19 Coordination group—functions Section 67B (2) (a)

after

capital

insert

water

20 Section 67B (4)

substitute

(4) In this section:

Australian capital water catchment region means the catchment area of the Murrumbidgee River upstream of Burrinjuck Dam.

21 Annual report by coordination group New section 67D (4)

substitute

(4) However, if—

(a) there are no sitting days during the 21-day period—

(i) the Minister must give the report and the statement, and a copy of each for each member of the Legislative Assembly, to the Speaker; and

(ii) the report and the statement are taken for all purposes to have been presented to the Legislative Assembly on the day the Minister gives it to the Speaker (the *report day*); and

- (iii) the Speaker must arrange for a copy of the report and a copy of the statement to be given to each member of the Legislative Assembly on the report day; and
 - (iv) despite subparagraph (ii), the Speaker must present the report and the statement to the Legislative Assembly on the next sitting day; or
- (b) the 21-day period coincides with all or part of the pre-election period for a general election of members of the Assembly—the Minister must table the report and the statement in the Legislative Assembly on the second sitting day after the election is held.

22 Section 67D (5), new definition of *pre-election period*

insert

pre-election period—see the [Electoral Act 1992](#), dictionary.

**23 Coordination group—membership
Section 67E (1) (a)**

substitute

- (a) the head of service;
- (aa) the director-general of the administrative unit responsible for the legislation prescribed by regulation;

Part 12 Water Resources Regulation 2007

24 New section 10A

insert

10A Coordination group applicable legislation—Act, s 67E (1) (aa)

The following legislation is prescribed:

- (a) *Public Health Act 1997*;
- (b) *Utilities Act 2000*, part 14;
- (c) *Water Resources Act 2007*.

25 Membership of coordination group—Act, s 67E (1) (g) Section 11 (1)

substitute

- (1) The following people are prescribed:
 - (a) if a council is constituted for an area which is wholly or partly in the Australian capital water catchment region—a representative nominated by the council;
 - (b) a representative of ICON Water Limited, who is nominated by ICON Water Limited;
 - (c) a representative of the South East Local Board of the Local Land Services, who is nominated by the board.

26 Section 11 (2), new definitions

insert

area—see the *Local Government Act 1993* (NSW), dictionary.

Australian capital water catchment region means the catchment area of the Murrumbidgee River upstream of Burrinjuck Dam.

council—see the *Local Government Act 1993* (NSW), dictionary.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 23 March 2017.

2 Notification

Notified under the [Legislation Act](#) on 15 June 2017.

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, Building and Environment Legislation Amendment Bill 2017 (No 2), which originated in the Legislative Assembly as the Planning, Building and Environment Legislation Amendment Bill 2017 and was passed by the Assembly on 8 June 2017.

Clerk of the Legislative Assembly

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