



Australian Capital Territory

# Planning and Environment Legislation Amendment Act 2020

A2020-22

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J2019-1490

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Australian Capital Territory

# Planning and Environment Legislation Amendment Act 2020

**A2020-22**

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An Act to amend legislation about planning and the environment

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

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Planning and Environment Legislation Amendment Act 2020*.

### 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:

- [Animal Diseases Act 2005](#)
- [City Renewal Authority and Suburban Land Agency Act 2017](#)
- [Fertilisers \(Labelling and Sale\) Act 1904](#)
- [Fisheries Act 2000](#)
- [Gas Safety Act 2000](#)
- [Nature Conservation Act 2014](#)
- [Planning and Development Act 2007](#)
- [Utilities \(Technical Regulation\) Act 2014](#)
- [Waste Management and Resource Recovery Act 2016](#).

## Part 2                      Animal Diseases Act 2005

### 4                      Definitions—pt 5A Section 62A, definition of *beekeeper*

*substitute*

*beekeeper* means a person who owns beehives in which European honey bees (*Apis mellifera*) are kept.

### 5                      Sections 62B (2) (a) and 62I (e)

*omit*

*Apiaries Act 1985* (NSW)

*substitute*

*Biosecurity Act 2015* (NSW)

## Part 3 City Renewal Authority and Suburban Land Agency Act 2017

### 6 Appointment of authority CEO New section 28 (3A)

*insert*

- (3A) The chair of the authority board is a public sector employer in relation to the authority CEO for the *Public Sector Management Act 1994*, section 152 (Certain office-holders have management powers).

### 7 Appointment of agency CEO New section 56 (3A)

*insert*

- (3A) The chair of the agency board is a public sector employer in relation to the agency CEO for the *Public Sector Management Act 1994*, section 152 (Certain office-holders have management powers).



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## Part 4 Fertilisers (Labelling and Sale) Act 1904

### 8 Dictionary Section 1A, notes

*substitute*

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

*Note 2* A definition in the dictionary 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)).

### 9 Meaning of *fertiliser* Section 2

*omit*

### 10 Vendor to give statement New section 3 (4)

*insert*

- (4) A vendor does not commit an offence under subsection (2) if the statement provided to the purchaser substantially complies with the code of practice approved under section 4A.

### 11 New section 4A

*insert*

#### 4A Code of practice

- (1) The Minister may approve a code of practice relating to fertiliser labelling for this Act.

(2) An approval is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## **12 Dictionary, definition of *fertiliser***

*omit*

## Part 5 Fisheries Act 2000

### 13 Declaration of possession limit Section 16A (2)

*substitute*

- (2) A declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Part 6 Gas Safety Act 2000

### 14 Construction occupations registrar may require information and documents Section 38 (1)

*omit*

authority

*substitute*

registrar

### 15 Appointment of inspectors Section 40 (3) (c)

*substitute*

- (c) the construction occupations registrar has certified, in writing, that the registrar is satisfied that the person—
- (i) has satisfactorily completed adequate training; and
  - (ii) is competent to exercise the functions of an inspector proposed to be given to the person.

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## Part 7 Nature Conservation Act 2014

### 16 Sections 140 (1) (b) (ii) and 141 (1) (b) (ii)

*omit*

growing

### 17 Draft reserve management plan—planning reports and strategic environmental assessments Section 178

*omit*

### 18 Offence—weapons and traps in reserve New section 217 (2A)

*insert*

(2A) Subsection (1) does not apply to a person only because—

- (a) the person possesses or uses a landing net; and
- (b) the possession or use is for landing a fish that is already hooked.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2A) (see [Criminal Code](#), s 58).

### 19 Section 217 (4), new definition of *landing net*

*insert*

***landing net*** means a net consisting of a hoop or ring that is attached to netting or other soft material and which is to be used for the purpose of landing a fish that is already hooked.

### 20 Direction to leave reserve Section 325 (3)

*omit*

## Part 8 Planning and Development Act 2007

### **21** **Meaning of *associated document*—pt 3.6** **Section 30 (1) (g)**

*substitute*

- (g) design advice and the response to that design advice, as required under section 139 (2) (s) to accompany the application;

### **22** **Form of development applications** **Section 139 (2) (s), except notes**

*substitute*

- (s) if the design review panel provided the proponent with design advice about the development proposal under section 138AM—be accompanied by—
  - (i) the design advice; and
  - (ii) the proponent's response, in writing, to the design advice.

### **23** **Section 188 heading**

*substitute*

### **188** **Development approvals continue unless ended but may be extended**

**24 Section 188 (2)**

*substitute*

- (2) On application made before the end of the development approval, or on its own initiative, the planning and land authority may extend the period under the approval for—
  - (a) for an approval mentioned in section 184—the development or any stage of the development to start in accordance with the approval; or
  - (b) for an approval mentioned in section 185—the lease to be varied in accordance with the approval; or
  - (c) for an approval mentioned in section 186 or section 187—the use in accordance with the approval to begin or happen.
- (3) The planning and land authority may not extend a period under subsection (2) if the day on which the period ends, as extended, is more than 5 years after the day the development approval takes effect.
- (4) To remove any doubt, a development approval to which this section applies continues unless the approval ends in accordance with a section mentioned in subsection (1) (including any extension granted under subsection (2)).
- (5) The planning and land authority may make guidelines about the application of subsection (2).
- (6) A guideline is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

## **Part 9**                      **Utilities (Technical Regulation) Act 2014**

### **25**            **New section 77A**

*insert*

#### **77A**            **Delegation by technical regulator**

The technical regulator may delegate the technical regulator's functions to a public servant.



## Part 10 Waste Management and Resource Recovery Act 2016

### 26 Section 14

*substitute*

#### 14 Meaning of *waste facility*

In this Act:

*waste facility*—

- (a) means a site used by a waste management business for the storage, sorting, treatment, processing, or disposal of waste; but
- (b) does not include a reverse vending machine.

### 27 Definitions—pt 10A Section 64B, definition of *collection point operator*

*substitute*

*collection point operator*, for a collection point, means—

- (a) if a collection point arrangement is in force for the collection point—the person who has entered into the collection point arrangement with a network operator for the collection point; or
- (b) if a collection point arrangement is not in force for the collection point—the network operator who administers and operates the collection point.

**28 Section 64D**

*substitute*

**64D Meaning of *collection point*—pt 10A**

In this part:

*collection point* means—

- (a) a waste facility used for the collection and handling of containers delivered to the facility for payment of a refund amount; or
- (b) sites used for the collection and transport of containers to a waste facility for sorting and processing; or
- (c) a reverse vending machine.

**29 Content of network operator agreements  
Section 64N (1)**

*omit*

establishment

*substitute*

administration

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 7 May 2020.

**2 Notification**

Notified under the [Legislation Act](#) on 10 June 2020.

**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 Planning and Environment Legislation Amendment Bill 2020, which was passed by the Legislative Assembly on 4 June 2020.

Clerk of the Legislative Assembly

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