

2014

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for the Environment and Sustainable Development)

# Planning and Development (Project Facilitation) Amendment Bill 2014

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(As presented)

(Minister for the Environment and Sustainable Development)

# Planning and Development (Project Facilitation) Amendment Bill 2014

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## A Bill for

An Act to amend the *Planning and Development Act 2007*, and for other  
purposes

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

- 1     **1       Name of Act**
- 2               This Act is the *Planning and Development (Project Facilitation)*
- 3               *Amendment Act 2014.*
- 4     **2       Commencement**
- 5               This Act commences on the day after its notification day.
- 6               *Note*     The naming and commencement provisions automatically commence on
- 7               the notification day (see [Legislation Act](#), s 75 (1)).
- 8     **3       Legislation amended**
- 9               This Act amends the *Planning and Development Act 2007*.
- 10              *Note*     This Act also amends other legislation (see sch 1).
- 11    **4       Contents of territory plan**
- 12    **New section 51 (2) (aa)**
- 13               *insert*
- 14               (aa) identify special precinct areas and include structure plans that
- 15               apply to those areas; and
- 16    **5       Section 51 (2), new note**
- 17               *insert*
- 18               *Note*     For more about special precinct areas, see pt 5.3A.



1	<b>6</b>	<b>Part 5.3 heading</b>
2		<i>substitute</i>
3	<b>Part 5.3</b>	<b>Variations of territory plan other</b>
4		<b>than special precinct area</b>
5		<b>variations and technical or</b>
6		<b>special amendments</b>
7	<b>7</b>	<b>How territory plan is varied under pt 5.3</b>
8		<b>Section 57 (1)</b>
9		<i>omit</i>
10		technical
11		<i>substitute</i>
12		special precinct area variation or a technical or special
13	<b>8</b>	<b>Section 57 (1), note</b>
14		<i>substitute</i>
15	<i>Note 1</i>	For <a href="#">territory plan</a> variations that are special precinct area variations, see
16		pt 5.3A.
17	<i>Note 2</i>	For <a href="#">territory plan</a> variations that are technical or special amendments,
18		see pt 5.4 and pt 5.5.

**9 Section 57 (8)**

*substitute*

- (8) Different provisions apply to plan variations that are special precinct area variations and technical or special amendments, including future urban areas.

*Note 1* For [territory plan](#) variations that are special precinct variations, see pt 5.3A.

*Note 2* For [territory plan](#) variations that are technical or special amendments, see pt 5.4, pt 5.5, and s 95.

**10 Definitions—pt 5.3  
Section 58, new definitions**

*insert*

*special amendment*—see section 88.

*technical amendment*—see section 87.

**11 Section 58, definition of *technical amendments***

*omit*

**12 Section 59**

*substitute*

**59 Application of pt 5.3**

This part does not apply to variations of the [territory plan](#) that are—

- (a) variations for special precinct areas under part 5.3A; and
- (b) technical or special amendments under part 5.4 and part 5.5.

**13 Draft plan variations to be given to Minister etc  
Section 69 (2), note**

*substitute*

- (3) The Minister must give a copy of any documents given to the Minister under subsection (2) to the Executive.

*Note* The Minister may also refer a copy of the documents given to the Minister under this section to a committee of the Legislative Assembly (see s 73).

**14 New part 5.3A**

*insert*

**Part 5.3A Plan variations—special precinct areas**

**Division 5.3A.1 Special precinct areas—consultation requirements**

**85A Preparation of draft special precinct variation**

- (1) The Minister may direct the planning and land authority to prepare a draft variation of the [territory plan](#) for a special precinct area (a *draft special precinct variation*).
- (2) The draft special precinct variation must—
- (a) identify the area that is the proposed special precinct area; and
  - (b) include a structure plan for the special precinct area; and
  - (c) include any [territory plan](#) variations that are required to implement the special precinct variation; and
  - (d) state the period the special precinct variation is in force; and

- 1 (e) state how the special precinct variation meets the criteria in  
2 section 85H (When Executive may make special precinct  
3 variation); and
- 4 (f) include any information that the Minister considers  
5 appropriate; and
- 6 (g) if the proposed special precinct area includes a proposed  
7 significant project—attach the draft significant project  
8 declaration; and
- 9 *Note* A significant project declaration may also be made separately  
10 from a special precinct variation (see div 7.2.8 (Projects of major  
11 significance)).
- 12 (h) if the proposed special precinct area includes a proposed  
13 restriction declaration—
- 14 (i) include any [territory plan](#) variations that are required to  
15 implement the restriction declaration; and
- 16 (ii) attach the proposed restriction declaration.
- 17 *Note* A restriction declaration cannot be made other than through the  
18 special precinct variation process (see s 85N (2)) . For the effect  
19 of a restriction declaration, see s 85Q.
- 20 (3) For this division, a draft significant project declaration and a  
21 proposed restriction declaration that are attached to a draft special  
22 precinct variation form part of the draft special precinct variation.

23 **85B Consultation on draft variation**

- 24 (1) The planning and land authority must give written notice inviting  
25 comment on a draft special precinct variation under section 85A to  
26 each of the following:
- 27 (a) the national capital authority;

- 1 (b) if the draft special precinct variation includes an attached  
2 proposed restriction declaration—
- 3 (i) if the proposed restriction declaration relates to the *Tree*  
4 *Protection Act 2005*—the conservator of flora and fauna;  
5 and
- 6 (ii) if the proposed restriction declaration relates to the  
7 *Heritage Act 2004*—the heritage council;
- 8 (c) an entity prescribed by regulation.
- 9 (2) The planning and land authority must also consult with the public in  
10 accordance with section 85C.

11 **85C Public consultation—notification**

- 12 (1) Before giving a draft special precinct variation to the Minister under  
13 section 85F, the planning and land authority must prepare a notice (a  
14 *consultation notice*)—
- 15 (a) stating that copies of the draft special precinct variation are  
16 available for public inspection and purchase during a stated  
17 period of not less than 30 working days (the *consultation*  
18 *period*) at stated places; and
- 19 (b) inviting people to give written comments (*consultation*  
20 *comments*) about the draft special precinct variation to the  
21 authority at a stated address during the consultation period; and
- 22 (c) stating that copies of consultation comments, or comments  
23 received from the national capital authority, will be made  
24 available for public inspection for a period of at least  
25 15 working days starting 10 working days after the day the  
26 consultation period ends, at stated places.

- 1           (2) The planning and land authority may (by an *extension notice*)  
2           extend or further extend the consultation period.

3           *Note*     The planning and land authority may extend the consultation period  
4                   after the end of the period being extended (see [Legislation Act](#),  
5                   s 151C (3)).

- 6           (3) The following are notifiable instruments:

7                   (a) the consultation notice;

8                   (b) any extension notice.

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

- 10          (4) If a notifiable instrument under subsection (3) does not state when  
11          the instrument expires, the instrument expires 6 months after the day  
12          it is notified.

- 13          (5) The planning and land authority must also publish the consultation  
14          notice and any extension notice in a daily newspaper and on the  
15          authority website.

16          *Note*     *Authority website*—see the dictionary.

17      **85D           Public consultation—availability of draft variation etc**

18          The planning and land authority must make copies of the draft  
19          special precinct variation mentioned in a consultation notice  
20          available for public inspection and purchase during office hours  
21          during the consultation period and at the places stated in the  
22          consultation notice.

1     **85E           Public inspection of comments on draft variation**

2           The planning and land authority must make copies of any  
3           consultation comments made on a draft special precinct variation  
4           available for public inspection during office hours during the period,  
5           and at the places, mentioned in the consultation notice for the draft  
6           special precinct variation.

7           *Note*       This section is subject to s 411 and s 412.

8     **85F           Draft variation to be given to Minister**

9           (1) This section applies to a draft special precinct variation if the  
10          consultation process for the draft special precinct variation has  
11          ended.

12          (2) The planning and land authority must give the draft special precinct  
13          variation to the Minister, together with a written report setting out—

14               (a) comments received from the national capital authority; and

15               (b) comments received from any prescribed entities; and

16               (c) if the draft special precinct variation includes an attached  
17               proposed restriction declaration—

18                       (i) comments received from the conservator of flora and  
19                       fauna; and

20                       (ii) comments received from the heritage council; and

21               (d) details of the public consultation; and

22               (e) the issues raised in any consultation about the draft special  
23               precinct variation.

24          (3) The Minister must—

25               (a) give the draft special precinct variation and report to the  
26               Executive along with any comments by the Minister; or

- 1 (b) return the draft special precinct variation to the planning and  
2 land authority and direct the authority to do 1 or more of the  
3 following:
- 4 (i) conduct further stated consultation;
- 5 (ii) consider any relevant planning report or strategic  
6 environmental assessment;
- 7 (iii) consider any revision suggested by the Minister;
- 8 (iv) revise the draft special precinct variation in a stated way;
- 9 (v) withdraw the draft special precinct variation.
- 10 (4) If the Minister directs the withdrawal of a draft special precinct  
11 variation by the planning and land authority under  
12 subsection (3) (b) (v), the authority must prepare a notice stating  
13 that the draft special precinct variation is withdrawn.
- 14 (5) The following are notifiable instruments:
- 15 (a) a direction under subsection (3) (b);
- 16 (b) a notice under subsection (4).
- 17 *Note* A notifiable instrument must be notified under the [Legislation Act](#).
- 18 (6) If a notifiable instrument under subsection (5) does not state when  
19 the instrument expires, the instrument expires 6 months after the day  
20 it is notified.
- 21 (7) The planning and land authority must also publish the notice under  
22 subsection (4) in a daily newspaper.



## Division 5.3A.2 Special precinct variations

### 85G Executive may make special precinct variation

- (1) The Executive may vary the [territory plan](#) for a special precinct area (a *special precinct variation*).

*Note* A special precinct variation is a disallowable instrument (see s 85I).

- (2) The special precinct variation must—

- (a) identify the area that is the special precinct area; and
- (b) include a structure plan for the special precinct area; and
- (c) include any [territory plan](#) variations that are required to implement the special precinct variation; and
- (d) state the period the special precinct variation or any part of the variation is in force; and
- (e) state how, in the Executive's opinion, the area meets the special precinct variation criteria in section 85H; and
- (f) include the consultation report on the draft special precinct variation prepared by the planning and land authority under section 85F; and
- (g) if the special precinct area includes a significant project—attach the significant project declaration; and

*Note* A significant project declaration is made under s 137H.

- (h) if the special precinct area includes a restriction declaration—
  - (i) include any [territory plan](#) variations that are required to implement the restriction declaration; and
  - (ii) attach the restriction declaration.

*Note* A restriction declaration is made under s 85N. For the effect of a restriction declaration, see s 85Q.

**85H When Executive may make special precinct variation**

- (1) The Executive may only make a special precinct variation under section 85G if—
- (a) the planning and land authority has consulted relevant entities and the public about the draft special precinct variation in accordance with the requirements in section 85B; and
  - (b) the Executive has considered the planning and land authority's consultation report provided to the Minister by the authority under section 85F and any comments provided by the Minister along with that report; and
  - (c) the Executive considers the proposed special precinct area and the supporting structure plan are consistent with the planning strategy; and
  - (d) the Executive considers the variation of the [territory plan](#) to identify the special precinct area would achieve—
    - (i) a substantial public benefit; and
    - (ii) 1 or more of the following objectives:
      - (A) implementation or progress towards implementation of the planning strategy or elements of the planning strategy;
      - (B) progress towards sustainable development of the Territory;
      - (C) economic, social, cultural or environmental progress for the Territory; and
  - (e) the Executive considers that the [territory plan](#) as varied by the special precinct variation will give effect to the objects of the [territory plan](#).

- (2) However, the Executive may make a special precinct variation in a revised form to the draft special precinct variation if, having regard to the report of the planning and land authority and comments of the Minister under section 85F, the Executive considers it appropriate to do so.

### **85I Special precinct area—disallowance and date of effect**

- (1) A special precinct variation is a disallowable instrument.

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

- (2) Subject to any disallowance under the [Legislation Act](#), chapter 7, the special precinct variation commences—

- (a) if there is a motion to disallow the variation and the motion is negated by the Legislative Assembly—the day after the day the disallowance motion is negated; or
- (b) on the day after the 6th sitting day after the day the variation is presented to the Legislative Assembly under that chapter; or
- (c) if the variation provides for a later date or time of commencement—on the later date or time.

### **85J Special precinct variation—Symonston mental health facility**

- (1) Despite section 85I, a special precinct variation in relation to a mental health facility at the Symonston site is a notifiable instrument and commences on the day stated in the variation.

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

- (2) In this section:

*mental health facility*—see the [Mental Health \(Treatment and Care\) Act 1994](#), dictionary.

1            *Symonston site* means the area outlined in bold on the plan in  
2            schedule 6.

3            (3) This section and schedule 6 expire 1 year after the day this section  
4            commences.

5            **85K            Period of effect of variation**

6            A special precinct variation remains in force for the period stated in  
7            the variation.

8            **85L            Effect of variation—variations to territory plan**

9            (1) A variation to the [territory plan](#) that is included in a special precinct  
10           variation takes effect on the day the special precinct variation  
11           commences.

12           (2) The planning and land authority must publish in a daily newspaper  
13           details of—

14           (a) each variation to the [territory plan](#) made by a special precinct  
15           variation; and

16           (b) where copies of the plan variation may be inspected or  
17           purchased.

18           (3) The planning and land authority must make copies of the plan  
19           variation available for inspection or purchase during office hours at  
20           the places, and during the period, published in the newspaper under  
21           subsection (2) (b).

22           **85M            Special precinct variation—time limit on bringing court**  
23           **proceedings**

24           A person may not start a proceeding in a court in relation to a  
25           special precinct variation more than 60 days after the variation is  
26           made.

27           *Note*        Section 104 limits challenges to the validity of [territory plan](#) provisions  
28           more generally.

### Division 5.3A.3      Restriction declarations

#### 85N      Executive may restrict operation of certain Acts

(1) The Executive may make a declaration (a *restriction declaration*) that 1 or more of the following Acts have a restricted operation in relation to development in a special precinct area:

(a) the *Heritage Act 2004*;

(b) the *Tree Protection Act 2005*.

(2) The restriction declaration must be made at the same time the special precinct variation is made.

(3) The restriction declaration must—

(a) identify the area within the special precinct area that the declaration applies to; and

(b) identify development within the special precinct area that the declaration applies to; and

(c) state the period that the declaration is in force.

*Note*      Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

#### 85O      Restriction declaration—disallowance and date of effect

(1) A restriction declaration is a disallowable instrument.

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

(2) Subject to any disallowance under the [Legislation Act](#), chapter 7, the declaration commences—

(a) on the same day as the special precinct variation to which the declaration relates commences; or

- (b) if the declaration provides for a later date or time of commencement—on the later date or time.

**85P Period of effect of declaration**

- (1) A restriction declaration remains in force for the period stated in the declaration, or, if the period stated is extended by the Executive under this section, the extended period.

- (2) The Executive may extend the period.

- (3) An extension under subsection (2) is a disallowable instrument.

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

- (4) Subject to any disallowance under the [Legislation Act](#), chapter 7, the extension commences—

- (a) if there is a motion to disallow the extension and the motion is negated by the Legislative Assembly—the day after the day the disallowance motion is negated; or

- (b) on the day after the 6th sitting day after the day the extension is presented to the Legislative Assembly under that chapter.

- (5) The planning and land authority must notify an extension of the period by publishing a notice of the extension in a daily newspaper and on the authority website.

*Note* **Authority website**—see the dictionary.

**85Q Effect of restriction declaration**

- (1) This section applies if—

- (a) the Minister or the planning and land authority is considering a development application under chapter 7, chapter 8 or chapter 9; and

- (b) a restriction declaration applies to the development application.

(2) The following Acts are not a relevant consideration for a decision in relation to the development application:

- (a) the *Heritage Act 2004*;
- (b) the *Tree Protection Act 2005* other than provisions relating to registered trees and declared sites.

(3) The following provisions of this Act do not apply to relevant advice given in relation to a development application to which a restriction declaration applies:

- (a) section 119 (2);
- (b) section 120 (d);
- (c) section 128 (2);
- (d) section 129 (e);
- (e) section 148 (1).

(4) In this section:

**registered tree**—see the *Tree Protection Act 2005*, section 9.

**relevant advice** means 1 or more of the following:

- (a) advice given by the heritage council in performing its functions under the *Heritage Act 2004*;
- (b) advice given by the conservator of flora and fauna in performing his or her functions under the *Tree Protection Act 2005*.

*Note* A restriction application also has effect under the *Heritage Act 2004* and the *Tree Protection Act 2005* to stop certain registration decisions by the heritage council or conservator of flora and fauna while the declaration is in force (see *Heritage Act 2004*, s 42A and *Tree Protection Act 2005*, s 52A).

1     **85R       Revocation of restriction declaration**

- 2           (1) The Executive may revoke a restriction declaration.
- 3           (2) The revocation must not take effect less than 30 working days after
- 4               the day the revocation is made by the Executive.
- 5           (3) A revocation is a notifiable instrument.
- 6               *Note*     A notifiable instrument must be notified under the [Legislation Act](#).
- 7           (4) The planning and land authority must notify the revocation by
- 8               publishing a notice of the revocation in a daily newspaper and on
- 9               the authority website.
- 10               *Note*     *Authority website*—see the dictionary.
- 11           (5) To remove any doubt, the revocation of a restriction declaration
- 12               does not affect any variation to the [territory plan](#) made under
- 13               section 85G (2) (h) (i).

14     **15       Part 5.4**

15               *substitute*

16     **Part 5.4                   Plan variations—technical and**

17                                   **special amendments**

18     **86       Definitions—pt 5.4**

19               In this part:

20               *code variation*—see section 88 (a).

21               *error variation*—see section 87 (a).

22               *special amendment*—see section 88.

23               *technical amendment*—see section 87.



## 87 What are *technical amendments* of territory plan?

Each of the following [territory plan](#) variations is a *technical amendment*:

- (a) a variation (an *error variation*) that—
  - (i) would not adversely affect anyone's rights if approved; and
  - (ii) has as its only object the correction of a formal error in the plan;
- (b) a variation required to bring the [territory plan](#) into line with the national capital plan;
- (c) a variation to omit something that is obsolete or redundant in the [territory plan](#);

### Examples—obsolete or redundant things

- 1 a structure plan that is no longer relevant because all the land that the structure plan applies to ceases to be in a future urban area
- 2 a provision of the [territory plan](#) that has become redundant because of the enactment of a law that applies in the Territory

*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).

- (d) a variation to change the boundary of a zone or overlay under section 96A (Rezoning—boundary changes);
- (e) a variation in relation to an estate development plan under section 96 (Effect of approval of estate development plan) other than a variation that incorporates an ongoing provision that was not included in the plan under section 94 (3) (g).

**88 What are special amendments of territory plan?**

Each of the following [territory plan](#) variations is a *special amendment*:

- (a) a variation (a *code variation*) that—
    - (i) would only change a code; and
    - (ii) is consistent with the policy purpose and policy framework of the code; and
    - (iii) is not an error variation;
  - (b) a variation in relation to a future urban area or special precinct area under section 95 (Special amendments—future urban areas and special precinct areas);
- Note* A variation to rezone land that is not in a future urban area or special precinct area is not a special amendment.
- (c) a variation in relation to an estate development plan under section 96 (Effect of approval of estate development plan) if it incorporates an ongoing provision that was not included in the plan under section 94 (3) (g);
  - (d) a variation to clarify the language in the [territory plan](#) if it does not change the substance of the plan;
  - (e) a variation to relocate a provision within the [territory plan](#) if the substance of the provision is not changed.

**Example—par (e)**

relocating an area-specific policy from a development code to a precinct code

*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).

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## 89 Making technical and special amendments

(1) This section applies if—

- (a) the planning and land authority is satisfied that a plan variation would, if made, be a technical or special amendment; and
- (b) if the plan variation is a special amendment—any consultation that is needed for the variation under section 90 has been completed.

(2) The planning and land authority may put the plan variation (incorporating any amendments made to the variation following any consultation under section 90) in writing.

(3) The plan variation is a notifiable instrument.

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

(4) The planning and land authority must fix a day when the plan variation is to commence.

*Note 1* An instrument under this subsection is a **commencement notice** (see [Legislation Act](#), s 11). A commencement notice must be notified under the [Legislation Act](#). The plan variation commences in accordance with the commencement notice.

*Note 2* On commencement, a plan variation varies the [territory plan](#) according to its terms.

(5) Not later than 5 working days after the day the plan variation is notified under the [Legislation Act](#), the planning and land authority must publish a notice in a daily newspaper that—

- (a) describes the variation; and
- (b) states the date of effect of the variation; and
- (c) if the authority considers it necessary or helpful—states where the plan variation and information about the plan variation is available for inspection.

1     **90           Special amendments—limited consultation**

2           (1) This section applies if the planning and land authority is satisfied  
3           that a plan variation would, if made, be a special amendment.

4           (2) The planning and land authority must publish a notice in a daily  
5           newspaper that—

6               (a) describes the proposed special amendment; and

7               (b) states where a copy of the proposed plan variation and  
8               information about the amendment is available for inspection;  
9               and

10           (c) states how and when written comments (*consultation*  
11           *comments*) may be made on the amendment; and

12           (d) states that a copy of any consultation comments made under  
13           paragraph (c) will be made available for inspection for at least  
14           15 working days starting 10 working days after the period  
15           under paragraph (c) ends, at stated places.

16               *Note*     Section 411 and s 412 apply to a person who makes consultation  
17               comments under this section.

18           (3) The planning and land authority must make the documents  
19           mentioned in subsection (2) (b) and (d) available for inspection as  
20           mentioned in the notice.

21           (4) The period stated under subsection (2) (c) for making consultation  
22           comments must be at least 20 working days.

23           (5) The planning and land authority must tell the national capital  
24           authority about the proposed special amendment.

25           (6) The planning and land authority must consider—

26               (a) any consultation comments made in response to the notice  
27               under subsection (2); and

- (b) any views expressed by the national capital authority during that consultation.

**16 Part 5.5 heading**

*substitute*

**Part 5.5 Plan variations—structure and concept plans, special precinct areas, rezoning and estate development plans**

**17 Sections 92 and 93**

*substitute*

**92 What is a *structure plan*?**

- (1) A *structure plan* sets out principles and policies for development of future urban areas and special precinct areas.
- (2) A structure plan must—
- (a) be consistent with the statement of strategic directions; and
- (b) for a special precinct area—
- (i) set out any variations to the [territory plan](#) that take effect immediately on the declaration of the special precinct area; and

- (ii) state the maximum extent to which the outer boundary of the special precinct area may be adjusted by technical amendments under section 95 (Special amendments—future urban areas and special precinct areas).

*Note 1* Future urban areas and special precinct areas may be identified in the [territory plan](#) (see s 51 (2) (a) and (aa)).

*Note 2* Certain development may be prohibited in future urban areas (see s 136).

## **93 What is a *concept plan*?**

*A concept plan—*

- (a) applies the principles and policies in a structure plan to a future urban area or a special precinct area; and
- (b) is a precinct code in the [territory plan](#) that guides the preparation and assessment of development in areas to which the concept plan relates.

*Note* For more about precinct codes, see s 55 (3).

## **18 Section 95**

*substitute*

## **95 Special amendments—future urban areas and special precinct areas**

- (1) This section applies to land in future urban areas and special precinct areas.
- (2) The planning and land authority may vary the [territory plan](#) under section 89 (Making technical and special amendments) to—
- (a) rezone the land; and
- (b) establish or vary a precinct code in relation to the land; and
- (c) make or vary development tables in relation to the land; and

- 1 (d) change the boundary of the land.
- 2 (3) However, the planning and land authority may only vary the
- 3 [territory plan](#) as mentioned in subsection (2) if—
- 4 (a) the variation is consistent with the structure plan for the area;
- 5 and
- 6 (b) for a variation mentioned in subsection (2) (d)—no part of the
- 7 boundary proposed to be changed is aligned with the boundary
- 8 of an existing leasehold.

9 **19 Sections 96 (2) and 96A (1)**

10 *omit*

11 section 89 (Making technical amendments)

12 *substitute*

13 section 89 (Making technical and special amendments)

14 **20 Consideration of planning strategy**

15 **Section 109 (1) (c)**

16 *after*

17 the Executive under

18 *insert*

19 section 85H or

**21 Section 127 and notes**

*substitute*

**127 Impact track—development applications**

(1) This section applies to a development application for a development proposal in the impact track unless the application is exempted by the Minister under section 211.

(2) The development application must include—

(a) a completed EIS; or

(b) a draft EIS.

*Note* While the proponent has the option of providing either a completed EIS or a draft EIS with the development application (see s 139 (2) (f)), the development approval may only be given on the basis of a completed EIS (see s 128 (1) (a) (i) and s 129).

(3) The development application must include a completed EIS if—

(a) the proponent of the development proposal has previously lodged a development application in relation to the development proposal (the *previous application*); and

(b) the previous application was made less than 2 years before the development application; and

(c) the planning and land authority rejected the EIS in relation to the previous application.

*Note 1* Requirements for development applications are dealt with in div 7.3.2.

*Note 2* Requirements for an EIS are dealt with in pt 8.2.

*Note 3* For when an EIS is completed, see s 209.

*Note 4* The authority may reject an unsatisfactory EIS under s 224A.



**22 Impact track—time for decision on application**  
**New section 131 (2)**

*insert*

- (2) However, if the development application is accompanied by a draft EIS, the time for deciding the application is extended by the same number of days as the proponent has taken to give a revised EIS to the planning and land authority under section 221 (Revising draft EIS).

*Note 1* The proponent has the option of providing either a completed EIS or a draft EIS with the development application (see s 139 (2) (f)).

*Note 2* The time within which the proponent must give a revised EIS to the planning and land authority is 30 days but may be extended (see s 221A).

**23 New division 7.2.8**

*insert*

**Division 7.2.8 Projects of major significance**

**137A Draft declaration of project of major significance**

- (1) The Minister may direct the planning and land authority to prepare a draft declaration of a project of major significance (a ***draft significant project declaration***).
- (2) The draft significant project declaration must—
- (a) state the development proposal that is the subject of the declaration; and
  - (b) identify the land on which the development proposal is located; and
  - (c) include any information that the Minister considers appropriate; and

- 1 (d) state the period the declaration is in force; and  
2 (e) state how the project meets the criteria in section 137I; and  
3 (f) state the likely assessment track and timeframes for  
4 assessment.
- 5 (3) The validity of a declaration is not affected if—  
6 (a) a development application is made under the declaration; and  
7 (b) the development application is determined as being in a  
8 different assessment track to the assessment track mentioned in  
9 subsection (2) (f).
- 10 *Note* A determination of which assessment track applies to a development  
11 proposal is made by reference to the circumstances when the application  
12 is made (see s 114 (2)).

13 **137B Draft declaration included in draft special precinct**  
14 **variation**

15 Sections 137C to 137G do not apply to a draft significant project  
16 declaration if the draft declaration forms part of the draft special  
17 precinct variation for division 5.3A.1 (Special precinct areas—  
18 consultation requirements).

19 **137C Consultation on draft declaration**

- 20 (1) The planning and land authority must give written notice inviting  
21 comment on a draft significant project declaration under  
22 section 137A to each of the following:  
23 (a) the national capital authority;  
24 (b) an entity prescribed by regulation.
- 25 (2) The planning and land authority must also consult with the public in  
26 accordance with section 137D.

1     **137D     Public consultation—notification**

2           (1) Before giving a draft significant project declaration to the Minister  
3           under section 137G, the planning and land authority must prepare a  
4           notice (a *consultation notice*)—

5           (a) stating that copies of the draft declaration are available for  
6           public inspection and purchase during a stated period of not  
7           less than 30 working days (the *consultation period*) at stated  
8           places; and

9           (b) inviting people to give written comments (*consultation*  
10          *comments*) about the draft declaration to the authority at a  
11          stated address during the consultation period; and

12          (c) stating that copies of consultation comments, or comments  
13          received from the national capital authority, will be made  
14          available for public inspection for a period of at least  
15          15 working days starting 10 working days after the day the  
16          consultation period ends, at stated places.

17          (2) The planning and land authority may (by an *extension notice*)  
18          extend or further extend the consultation period.

19           *Note*     The planning and land authority may extend the consultation period  
20                   after the end of the period being extended (see [Legislation Act](#),  
21                   s 151C (3)).

22          (3) The following are notifiable instruments:

23           (a) the consultation notice;

24           (b) any extension notice.

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

26          (4) If a notifiable instrument under subsection (3) does not state when  
27          the instrument expires, the instrument expires 6 months after the day  
28          it is notified.

- 1           (5) The planning and land authority must also publish the consultation  
2           notice and any extension notice in a daily newspaper and on the  
3           authority website.

4           *Note*     **Authority website**—see the dictionary.

5       **137E     Public consultation—availability of draft declaration**

6           The planning and land authority must make copies of the draft  
7           significant project declaration mentioned in a consultation notice  
8           available for public inspection and purchase during office hours  
9           during the consultation period and at the places stated in the  
10          consultation notice.

11      **137F     Public inspection of comments on draft declaration**

12          The planning and land authority must make copies of any  
13          consultation comments made on a draft significant project  
14          declaration available for public inspection during office hours  
15          during the period, and at the places, mentioned in the consultation  
16          notice for the draft declaration.

17          *Note*     This section is subject to s 411 and s 412.

18      **137G     Draft declaration to be given to Minister**

19          (1) This section applies to a draft significant project declaration if the  
20          consultation process for the draft declaration has ended.

21          (2) The planning and land authority must give the draft significant  
22          project declaration to the Minister, together with a written report  
23          setting out—

24              (a) details of the public consultation; and

25              (b) the issues raised in any consultation about the draft declaration.

- 1 (3) The Minister must—
- 2 (a) give the draft significant project declaration and report to the
- 3 Executive along with any comments by the Minister; or
- 4 (b) return the draft significant project declaration to the planning
- 5 and land authority and direct the authority to withdraw the
- 6 draft significant project declaration.
- 7 (4) If the Minister directs the withdrawal of a draft significant project
- 8 declaration by the planning and land authority under
- 9 subsection (3) (b), the authority must prepare a notice stating that
- 10 the draft significant project declaration is withdrawn.
- 11 (5) The following are notifiable instruments:
- 12 (a) a direction under subsection (3) (b);
- 13 (b) a notice under subsection (4).
- 14 *Note* A notifiable instrument must be notified under the [Legislation Act](#).
- 15 (6) If a notifiable instrument under subsection (5) does not state when
- 16 the instrument expires, the instrument expires 6 months after the day
- 17 it is notified.
- 18 (7) The planning and land authority must also publish the notice under
- 19 subsection (4) in a daily newspaper.

20 **137H Declaration of projects of major significance**

- 21 (1) The Executive may declare that a development proposal is a project
- 22 of major significance (a *significant project declaration*).
- 23 *Note* A significant project declaration is a disallowable instrument (see
- 24 s 137J).
- 25 (2) A significant project declaration must—
- 26 (a) state the development proposal that is the subject of the
- 27 declaration; and

- 1 (b) identify the land on which the development proposal is located;  
2 and  
3 (c) state the period the declaration is in force; and  
4 (d) state how, in the Executive's opinion, the project meets the  
5 criteria in section 137I; and  
6 (e) indicate the likely assessment track and timeframes for  
7 assessment.
- 8 (3) The validity of a declaration is not affected if—  
9 (a) a development application is made under the declaration; and  
10 (b) the development application is determined as being in a  
11 different assessment track to the assessment track mentioned in  
12 subsection (2) (e).
- 13 *Note* A determination of which assessment track applies to a development  
14 proposal is made by reference to the circumstances when the application  
15 is made (see s 114 (2)).

- 16 **137I Criteria for declaration of project of major significance**  
17 The Executive may only declare a development proposal a project  
18 of major significance under section 137H if the Executive considers  
19 the development proposal—  
20 (a) would achieve a substantial public benefit; and  
21 (b) is of major economic, social, cultural or environmental  
22 significance to the Territory.

- 23 **137J Significant project declaration—disallowance and date of**  
24 **effect**  
25 (1) A significant project declaration is a disallowable instrument.  
26 *Note* A disallowable instrument must be notified, and presented to the  
27 Legislative Assembly, under the [Legislation Act](#).

- 1           (2) Subject to any disallowance under the [Legislation Act](#), chapter 7,  
2           the declaration commences—
- 3           (a) if the declaration is required to be attached to a special precinct  
4           variation under section 85G (2) (g)—on the same day as the  
5           special precinct variation to which the declaration relates  
6           commences; or
- 7           (b) in any other case—
- 8               (i) if there is a motion to disallow the declaration and the  
9               motion is negated by the Legislative Assembly—the  
10              day after the day the disallowance motion is negated; or
- 11              (ii) on the day after the 6th sitting day after the day the  
12              declaration is presented to the Legislative Assembly  
13              under that chapter; or
- 14              (iii) if the declaration provides for a later date or time of  
15              commencement—on the later date or time.

16   **137K      Period of effect of declaration**

- 17           (1) A significant project declaration under section 137H expires on the  
18           earlier of—
- 19               (a) the day that the declaration is expressed to cease to be in force;  
20               or
- 21               (b) the day that the development approval in relation to the  
22               development proposal takes effect.
- 23           (2) The Executive may amend the declaration to extend the period the  
24           declaration is in force.
- 25           (3) An extension of the period is a disallowable instrument.
- 26           *Note*     A disallowable instrument must be notified, and presented to the  
27                      Legislative Assembly, under the [Legislation Act](#).

- 1           (4) Subject to any disallowance under the [Legislation Act](#), chapter 7,  
2           the extension commences—
- 3           (a) if there is a motion to disallow the extension and the motion is  
4           negated by the Legislative Assembly—the day after the day  
5           the disallowance motion is negated; or
- 6           (b) on the day after the 6th sitting day after the day the extension is  
7           presented to the Legislative Assembly under that chapter.
- 8           (5) The planning and land authority must notify an extension of the  
9           period by publishing a notice of the extension in a daily newspaper  
10          and on the authority website.
- 11          *Note*     *Authority website*—see the dictionary.

12   **137L     Revocation of declaration**

- 13          (1) The Executive may revoke a significant project declaration.
- 14          (2) The revocation must not take effect less than 30 working days after  
15          the day the revocation is made by the Executive.
- 16          (3) A revocation is a notifiable instrument.
- 17          *Note*     A notifiable instrument must be notified under the [Legislation Act](#).
- 18          (4) The planning and land authority must notify the revocation by  
19          publishing a notice of the revocation in a daily newspaper and on  
20          the authority website.
- 21          *Note*     *Authority website*—see the dictionary.

22   **137M     Projects of major significance—time limit on bringing**  
23   **court proceedings**

- 24          A person may not start a proceeding in a court—
- 25          (a) in relation to a significant project declaration—more than  
26          60 days after the declaration is made; and



(b) in relation to a development application made in relation to a project of major significance while the significant project declaration for the project is in force—more than 60 days after the day the development application is approved.

## **24 Form of development applications**

### **Section 139 (2) (f) (ii)**

*after*

completed EIS

*insert*

or draft EIS

## **25 New division 7.3.2A**

*insert*

## **Division 7.3.2A Applications in anticipation of plan variations**

### **147A Application may be made in anticipation of draft plan variations**

(1) This section applies if the planning and land authority has prepared and published a consultation notice about a draft plan variation under section 63.

(2) An applicant may lodge an application for development approval as if the draft plan variation in subsection (1) were in force.

(3) An application for development approval lodged under subsection (2) must—

(a) identify the draft plan variation; and

(b) state that it is lodged on the assumption that the draft plan variation was in force.

- 1     **147B     Applications under s 147A—procedure**
- 2             (1) This section applies to an application for development approval to
- 3                 which section 147A applies.
- 4             (2) Despite section 50 (Effect of [territory plan](#))—
- 5                 (a) chapter 7, chapter 8 and chapter 9 apply to the application as if
- 6                     the draft plan variation mentioned in section 147A (1) (the
- 7                     ***draft plan variation***) were in force; and
- 8                 (b) the planning and land authority must process and assess the
- 9                     application as if the draft plan variation were in force; and
- 10                (c) the planning and land authority must, in publicly notifying the
- 11                    development application under division 7.3.4 (Public
- 12                    notification of development applications and
- 13                    representations)—
- 14                        (i) identify the draft plan variation; and
- 15                        (ii) state that the application is lodged in accordance with the
- 16                         draft plan variation.
- 17             (3) However, a decision-maker under section 162 may only make a
- 18                 decision about a development approval if the draft plan variation
- 19                 referred to in section 147A (3) (a) has commenced under section 83
- 20                 or section 84.

**26 New section 161A**

*in division 7.3.6, insert*

**161A Meaning of decision-maker—div 7.3.6**

In this division:

***decision-maker*** means—

- (a) for a development application for a development proposal that has been declared by the Executive to be a project of major significance under section 137H (Declaration of projects of major significance)—the Minister; or
- (b) for a development application that the Minister decides to consider under division 7.3.5 (Ministerial call-in power for development applications)—the Minister; or
- (c) for any other development application—the planning and land authority.

**27 Deciding development applications  
Section 162 (1)**

*omit everything before*

*must—*

*substitute*

- (1) The decision-maker

**28 Section 162 (2) and (3)**

*omit*

planning and land authority or Minister

*substitute*

decision-maker

- 1 **29** **Power to approve etc development applications deemed**  
2 **refused**  
3 **Section 163 (1) (c)**
- 4 *substitute*
- 5 (c) the decision-maker has not decided the application under  
6 section 162.
- 7 **30** **Section 163 (2)**
- 8 *omit*
- 9 planning and land authority or, if the Minister has decided to  
10 consider the application under division 7.3.5, the Minister,  
11 *substitute*  
12 decision-maker
- 13 **31** **Section 163 (3)**
- 14 *omit*
- 15 neither the planning and land authority nor the Minister has decided  
16 an application under section 162, the authority  
17 *substitute*  
18 the decision-maker has not decided an application under  
19 section 162, the decision-maker
- 20 **32** **Conditional approvals**  
21 **Section 165 (1)**
- 22 *omit*
- 23 planning and land authority, or the Minister,  
24 *substitute*  
25 decision-maker

1	<b>33</b>	<b>Lease to be varied to give effect to development approval</b>
2		<b>Section 165A (1) (a)</b>
3		<i>omit</i>
4		planning and land authority or the Minister
5		<i>substitute</i>
6		decision-maker
7	<b>34</b>	<b>Notice of decision on referred development application</b>
8		<b>Section 172 (1) (c)</b>
9		<i>omit</i>
10		authority
11		<i>substitute</i>
12		decision-maker
13	<b>35</b>	<b>Section 172 (2) (a)</b>
14		<i>omit</i>
15		planning and land authority
16		<i>substitute</i>
17		decision-maker
18	<b>36</b>	<b>Section 172 (2) (b)</b>
19		<i>omit</i>
20		authority
21		<i>substitute</i>
22		decision-maker

1	<b>37</b>	<b>Section 172 (3)</b>
2		<i>omit</i>
3		planning and land authority
4		<i>substitute</i>
5		decision-maker
6	<b>38</b>	<b>Sections 175 to 182</b>
7		<i>omit</i>
8		planning and land authority or Minister
9		<i>substitute</i>
10		decision-maker
11	<b>39</b>	<b>When development approval takes effect—</b>
12		<b>reconsideration and review right</b>
13		<b>Section 183 (1) (a)</b>
14		<i>omit</i>
15		or Minister
16	<b>40</b>	<b>When is a completed EIS required?</b>
17		<b>Section 210, notes 1 and 2</b>
18		<i>substitute</i>
19	<i>Note 1</i>	A development application in the impact track must include either a
20		completed EIS or a draft EIS (see s 127). However, development
21		approval must not be given unless there is a completed EIS (see s 128).
22		See div 7.2.4 for requirements for applications in the impact track.
23	<i>Note 2</i>	The Minister may exempt a development application from the
24		requirement to include an EIS (see s 211).

**41 EIS not required if development application exempted  
Section 211**

*after*

EIS

*insert*

or draft EIS

**42 Preparing draft EIS  
Section 216, new note**

*insert*

*Note* The proponent may also give the draft EIS to the planning and land authority as part of the development application process (see s 127 and s 139).

**43 New section 217A**

*insert*

**217A Notification requirements—draft EIS joint with  
development application**

- (1) This section applies if a draft EIS accompanies an application for a development approval under section 127.
- (2) The planning and land authority publicly notifies a draft EIS for section 217 if—
  - (a) the planning and land authority notifies the draft EIS and the development application together in compliance with division 7.3.4; and
  - (b) the notice states that anyone may make representations on—
    - (i) the development application; or
    - (ii) the draft EIS.

**44        Meaning of *public consultation period* for draft EIS**  
**Section 218, definition of *public consultation period*,**  
**paragraphs (a) and (b)**

*substitute*

(a) if section 217A applies to the draft EIS—the public notification period under section 157; or

(b) in any other case—

(i) the period, not less than 20 working days, when representations may be made on the draft EIS under section 217 (a) (ii); or

(ii) if the period is extended under section 219 (3)—the period as extended.

**45        Representations about draft EIS**  
**Section 219 (1)**

*omit*

publicly notified under section 217

*substitute*

that is publicly notified

**46        Revising draft EIS**  
**Section 221 (1) (a)**

*omit*

under section 217



**47 New section 221A***insert***221A Time for revising draft EIS accompanying development application**

- (1) This section applies if the proponent of a development proposal has given the planning and land authority a draft EIS as an accompanying document to an application for a development approval.
- (2) The proponent must give the planning and land authority an EIS under section 221 not later than 30 working days after the day the public consultation period for the draft EIS has ended.
- (3) The planning and land authority may, on application before the end of the period stated under subsection (2), extend the period within which the proponent must give the authority an EIS under section 221 once only, for a period of up to 60 days.

**48 Authority consideration of EIS  
Section 222 (1)***substitute*

- (1) This section applies—
  - (a) if section 221A applies—if the proponent of a development application gives the planning and land authority an EIS under section 221 within the time required by section 221A; or
  - (b) if section 221A does not apply—
    - (i) if the proponent of a development proposal gives the planning and land authority an EIS under section 221 not later than 18 months after the scoping document for the proposal is given to the proponent under section 214; or

- 1 (ii) if—
- 2 (A) the proponent of a development proposal gives the
- 3 authority an EIS under section 221 more than
- 4 18 months after the scoping document for the
- 5 proposal is given to the proponent under
- 6 section 214; and
- 7 (B) the authority is satisfied that there has been no
- 8 significant change to the circumstances surrounding
- 9 the development proposal that is not sufficiently
- 10 addressed in the EIS; or
- 11 (c) if the proponent of a development proposal gives the authority
- 12 an EIS in accordance with a notice under section 224 (2).

13 **49 Chance to address unaddressed matters**

14 **Section 224 (1)**

15 *substitute*

- 16 (1) This section applies in relation to the EIS for a development
- 17 proposal given to the planning and land authority under section 221
- 18 if the authority is not satisfied in relation to a matter mentioned in
- 19 section 222 (2) (a).

20 **50 Section 224 (4)**

21 *substitute*

- 22 (4) In this section:
- 23 **EIS** includes an EIS revised under this section only if—
- 24 (a) the authority has not, under this section, given the proponent of
- 25 the development proposal more than one notice about the EIS;
- 26 and
- 27 (b) the draft EIS was not given to the authority under
- 28 section 127 (2) (b).

**51        Rejection of unsatisfactory EIS**  
**Section 224A (1)**

*substitute*

- (1) This section applies if the planning and land authority gives the proponent of a development proposal a notice under section 224 (2).

**52        Section 224A (2)**

*omit*

second

**53        Definitions—ch 13**  
**Section 407, definition of *reviewable decision*, new**  
**paragraph (b) (iii) and (iv)**

*insert*

- (iii) a decision under chapter 7, chapter 8 or chapter 9 in relation to a development proposal that has been declared by the Executive to be a project of major significance under section 137H (Declaration of projects of major significance); or

- (iv) a decision under chapter 7, chapter 8 or chapter 9 in relation to a development that is located in a special precinct area.

**54        Restrictions on public availability—comments,**  
**applications, representations and proposals**  
**New section 411 (1) (aa)**

*insert*

- (aa) a person who makes consultation comments on a draft special precinct variation; or

1	<b>55</b>	<b>Section 411 (1) (b)</b>
2		<i>omit</i>
3		technical
4		<i>substitute</i>
5		special
6	<b>56</b>	<b>New section 411 (1) (ba)</b>
7		<i>insert</i>
8		(ba) a person who makes consultation comments on a draft
9		significant project declaration; or
10	<b>57</b>	<b>Section 411 (2), definition of <i>relevant document</i>, new</b>
11		<b>paragraph (aa)</b>
12		<i>insert</i>
13		(aa) in relation to a person who makes consultation comments on a
14		draft special precinct variation—the consultation comments; or
15	<b>58</b>	<b>Section 411 (2), definition of <i>relevant document</i>,</b>
16		<b>paragraph (b)</b>
17		<i>omit</i>
18		technical
19		<i>substitute</i>
20		special

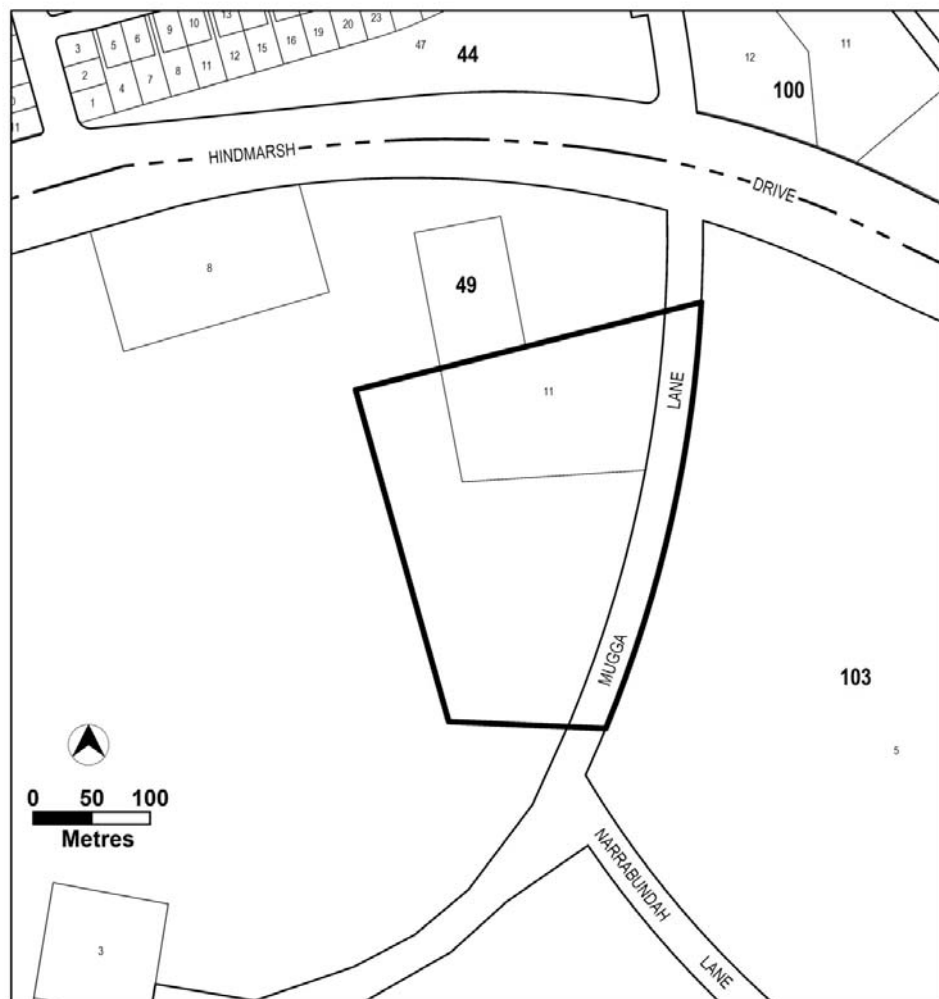
1	<b>59</b>	<b>Section 411 (2), definition of <i>relevant document</i>, new paragraph (ba)</b>
2		
3		<i>insert</i>
4		(ba) in relation to a person who makes consultation comments on a
5		draft significant project declaration—the consultation
6		comments; or
7	<b>60</b>	<b>Restrictions on public availability—security</b>
8		<b>Section 412 (5), definition of <i>relevant document</i>, new</b>
9		<b>paragraphs (ba) and (bb)</b>
10		<i>insert</i>
11		(ba) a draft special precinct variation;
12		(bb) consultation comments on a draft special precinct variation;
13	<b>61</b>	<b>Section 412 (5), definition of <i>relevant document</i>,</b>
14		<b>paragraph (c)</b>
15		<i>omit</i>
16		technical
17		<i>substitute</i>
18		special
19	<b>62</b>	<b>Section 412 (5), definition of <i>relevant document</i>, new</b>
20		<b>paragraphs (da) and (db)</b>
21		<i>insert</i>
22		(da) a draft significant project declaration;
23		(db) consultation comments on a draft significant project
24		declaration;

**63 New schedule 6**

*insert*

**Schedule 6 Symonston site**

(see s 85J)



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**64 Dictionary, definition of *background papers***

*omit*

part 5.3 (Variations of territory plan other than technical amendments)

*substitute*

part 5.3 (Variations of territory plan other than special precinct area variations and technical or special amendments)

**65 Dictionary, definition of *code variation***

*substitute*

***code variation***, for part 5.4 (Plan variations—technical and special amendments)—see section 88 (a).

**66 Dictionary, definitions of *consultation comments*, *consultation notice* and *consultation period***

*substitute*

***consultation comments***—

(a) for part 5.3 (Variations of territory plan other than special precinct area variations and technical or special amendments)—see section 63 (1) (b); and

(b) for part 5.3A (Plan variations—special precinct areas)—see section 85C (1) (b); and

(c) for division 7.2.8 (Projects of major significance)—see section 137D (1) (b).

***consultation notice***—

(a) for part 5.3 (Variations of territory plan other than special precinct area variations and technical or special amendments)—see section 63 (1); and

- 1 (b) for part 5.3A (Plan variations—special precinct areas)—see  
2 section 85C (1); and
- 3 (c) for division 7.2.8 (Projects of major significance)—see  
4 section 137D (1).
- 5 ***consultation period***—
- 6 (a) for part 5.3 (Variations of territory plan other than special  
7 precinct area variations and technical or special  
8 amendments)—see section 63 (1) (a); and
- 9 (b) for part 5.3A (Plan variations—special precinct areas)—see  
10 section 85C (1) (a); and
- 11 (c) for division 7.2.8 (Projects of major significance)—see  
12 section 137D (1) (a).

13 **67 Dictionary, definition of *corresponding plan variation***

- 14 *omit*
- 15 part 5.3 (Variations of territory plan other than technical  
16 amendments)
- 17 *substitute*
- 18 part 5.3 (Variations of territory plan other than special precinct area  
19 variations and technical or special amendments)

20 **68 Dictionary, definition of *decision-maker***

- 21 *substitute*
- 22 ***decision-maker***—
- 23 (a) for division 7.3.6 (Deciding development applications)—see  
24 section 161A; and
- 25 (b) for chapter 13 (Review of decisions)—see section 407.



1	<b>69</b>	<b>Dictionary, definition of <i>draft EIS</i></b>
2		<i>substitute</i>
3		<i>draft EIS</i> —see section 216 (2) (a).
4	<b>70</b>	<b>Dictionary, new definitions</b>
5		<i>insert</i>
6		<i>draft significant project declaration</i> —see section 137A.
7		<i>draft special precinct variation</i> —see section 85A.
8	<b>71</b>	<b>Dictionary, definition of <i>error variation</i></b>
9		<i>omit</i>
10		part 5.4 (Plan variations—technical amendments)
11		<i>substitute</i>
12		part 5.4 (Plan variations—technical and special amendments)
13	<b>72</b>	<b>Dictionary, definition of <i>limited consultation</i></b>
14		<i>omit</i>
15	<b>73</b>	<b>Dictionary, definition of <i>plan variation</i></b>
16		<i>omit</i>
17		part 5.3 (Variations of territory plan other than technical
18		amendments)
19		<i>substitute</i>
20		part 5.3 (Variations of territory plan other than special precinct area
21		variations and technical or special amendments)

1     **74     Dictionary, new definition of *project of major significance***

2             *insert*

3             *project of major significance* means a development proposal  
4             declared to be a project of major significance by the Executive  
5             under section 137H.

6     **75     Dictionary, definition of *public availability notice***

7             *omit*

8             part 5.3 (Variations of territory plan other than technical  
9             amendments)

10            *substitute*

11            part 5.3 (Variations of territory plan other than special precinct area  
12            variations and technical or special amendments)

13    **76     Dictionary, new definitions**

14            *insert*

15            *restriction declaration*—see section 85N.

16            *significant project declaration*—see section 137H.

17            *special amendment*—see section 88.

18            *special precinct area* means an area declared to be a special precinct  
19            area by the Executive under section 85G.

20            *special precinct variation*—see section 85G.

1 **77 Dictionary, new definition of *technical amendment***

2 *insert*

3 *technical amendment*—see section 87.

4 **78 Dictionary, definition of *technical amendments***

5 *omit*

## Schedule 1                      Consequential amendments

(see s 3)

### Part 1.1                      Administrative Decisions (Judicial Review) Act 1989

#### [1.1]                      Schedule 1, item 15, column 3

*after 2nd dot point, insert*

- a decision making, or forming part of the process of making, or leading up to the making of, a special precinct variation
- a decision making, or forming part of the process of making, or leading up to the making of, a significant project declaration
- a decision under chapter 7, chapter 8 or chapter 9 in relation to a project that has been declared by the Executive to be a project of major significance

### Part 1.2                      Heritage Act 2004

#### [1.2]                      New section 42A

*in part 6, insert*

#### 42A                      Effect of restriction declaration for special precinct area

(1) This section applies if—

(a) a place or object—

- (i) has been nominated for provisional registration; or
- (ii) has not been nominated for provisional registration but the council is considering whether to provisionally register the place or object under section 32 (2); or
- (iii) has been provisionally registered by the council under section 33; and

- 1 (b) the council has not made a decision in relation to the place or  
2 object—
- 3 (i) for a place or object in paragraph (a) (i) or (ii)—under  
4 section 32; or
- 5 (ii) for a place or object in paragraph (a) (iii)—under  
6 section 40; and
- 7 (c) either—
- 8 (i) a proposed restriction declaration applies to the place or  
9 object; or
- 10 (ii) a restriction declaration is in force in relation to the place  
11 or object.
- 12 (2) The council must not—
- 13 (a) make a decision under this part; or
- 14 (b) take steps under this part—
- 15 (i) forming part of the process of making a decision under  
16 this part; or
- 17 (ii) leading up to the process of making a decision under this  
18 part.
- 19 (3) For this section—
- 20 (a) a proposed restriction declaration applies to a place or object  
21 if—
- 22 (i) the planning and land authority has notified a draft  
23 special precinct variation under the *Planning and*  
24 *Development Act 2007*, section 85C; and
- 25 (ii) the draft special precinct variation includes a proposed  
26 restriction declaration in relation to development in the  
27 special precinct area; and

- 1 (iii) the draft special precinct variation has not been  
2 withdrawn; and
- 3 (iv) a restriction declaration has not been made in relation to  
4 development in the special precinct area; and
- 5 (b) a restriction declaration is in force if the Executive has made a  
6 restriction declaration under the *Planning and Development*  
7 *Act 2007*, section 85N and the declaration is in force.
- 8 (4) In this section:
- 9 *restriction declaration*—see the *Planning and Development*  
10 *Act 2007*, section 85N.

11 **Part 1.3 Planning and Development**  
12 **Regulation 2008**

13 **[1.3] New section 28 (b) (ia)**

14 *insert*

- 15 (ia) if the development application is in the impact track and  
16 is accompanied by a draft EIS—30 working days; and

17 **[1.4] Section 28, new note**

18 *insert*

19 *Note* Under the *Act*, s 139, the proponent may apply for development  
20 approval of a project in the impact track on the basis of either a  
21 completed EIS or a draft EIS.

**Part 1.4                      Tree Protection Act 2005**

**[1.5]            New section 52A**

*insert*

**52A            Effect of restriction declaration for special precinct area**

(1) This section applies if—

- (a) a tree has been nominated for provisional registration; and
- (b) the conservator has not made a decision in relation to the tree;  
and
- (c) either—
  - (i) a proposed restriction declaration applies to the tree; or
  - (ii) a restriction declaration is in force in relation to the tree.

(2) The conservator must not—

- (a) make a decision under this division; or
- (b) take steps under this division—
  - (i) forming part of the process of making a decision under this division; or
  - (ii) leading up to the process of making a decision under this division.

(3) For this section—

- (a) a proposed restriction declaration applies to a tree if—
  - (i) the planning and land authority has notified a draft special precinct variation under the *Planning and Development Act 2007*, section 85C; and

- 1 (ii) the draft special precinct variation includes a proposed  
2 restriction declaration in relation to development in the  
3 special precinct area; and
- 4 (iii) the draft special precinct variation has not been  
5 withdrawn; and
- 6 (iv) a restriction declaration has not been made in relation to  
7 development in the special precinct area; and
- 8 (b) a restriction declaration is in force if the Executive has made a  
9 restriction declaration under the *Planning and Development*  
10 *Act 2007*, section 85N and the declaration is in force.
- 11 (4) In this section:
- 12 *restriction declaration*—see the *Planning and Development*  
13 *Act 2007*, section 85N.
- 

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 20 March 2014.

**2 Notification**

Notified under the [Legislation Act](#) on 2014.

**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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