

2014

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Shane Rattenbury)

Planning and Development (Call-in Power) Amendment Bill 2014

A Bill for

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

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

1 **1 Name of Act**

2 This Act is the *Planning and Development (Call-in Power)*
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 **4 Section 138AE**

11 *substitute*

12 **138AE Community consultation for development proposals**

13 (1) Before lodging a development application for a development
14 proposal prescribed by regulation (a *prescribed development*
15 *proposal*), the proponent of the proposal must consult the
16 community (*community consultation*)—

17 (a) about the proposal; and

18 (b) if a guideline is made under section 138AF—in accordance
19 with the guideline.

20 (2) If a proponent proposes to lodge a development application for a
21 prescribed development proposal that is not substantially the same
22 as the proposal consulted on under subsection (1) (a *revised*
23 *proposal*), the proponent must carry out community consultation in
24 relation to the revised proposal.

- 1 (3) The development application for a prescribed development proposal
2 must be accompanied by written notice of the community
3 consultation carried out for the proposal.
- 4 *Note 1* If a form is approved under s 425 for this provision, the form must be
5 used.
- 6 *Note 2* If particular information is to be included in the form for the written
7 notice of the community consultation, or a particular document must be
8 attached to or given with the form, the form is properly completed only
9 if the requirement is complied with (see [Legislation Act](#), s 255 (5)).
- 10 (4) Also, the proponent of a development proposal that is not a
11 prescribed development proposal may comply with the requirements
12 for community consultation in accordance with
13 subsections (1) to (3).
- 14 (5) The validity of a decision on a development application for a
15 development proposal is not affected—
- 16 (a) for a prescribed development proposal—by a defect or
17 irregularity in relation to community consultation for the
18 proposal; or
- 19 (b) for any other development proposal—by a failure to comply
20 with any requirement in relation to community consultation for
21 the proposal.

22 **5 Direction that development applications be referred to**
23 **Minister**
24 **New section 158 (1A)**

25 *insert*

- 26 (1A) However, the Minister must not give a direction under
27 subsection (1) unless the proponent of the development proposal to
28 which the development application relates has complied with the
29 requirements for community consultation in accordance with
30 section 138AE (1) to (3) (Community consultation for development
31 proposals).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 18 September 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.

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