

2007

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SUPPLEMENTARY EXPLANATORY STATEMENT

**GOVERNMENT AMENDMENTS TO THE
PLANNING AND DEVELOPMENT (CONSEQUENTIAL AMENDMENTS) BILL 2007**

**Presented by
Mr Andrew Barr MLA
Minister for Planning**

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Overview

This supplementary explanatory statement relates to the amendments to be moved by the Minister for Planning to the Planning and Development (Consequential Amendments) Bill 2007 (the Bill) as introduced in the ACT Legislative Assembly. The Bill makes various amendments to multiple Acts as a consequence of the Planning and Development Bill 2006. The Government amendments make technical changes to the Bill primarily for the purposes of clarification.

Amendment 1

This amendment omits clause 2 of the Bill (the commencement clause) and substitutes a new clause. The new clause provides that the Bill commences when clause 419 of the Planning and Development Bill commences. This new clause 2 of the Bill is inserted to address the possibility that different sections of the Planning and Development Bill commence at different times. In this event, it will still be clear when this Bill commences.

Amendment 2

This omits amendment [1.116] from the Bill and substitutes a new amendment. The new amendment omits clause 177(1)(a) of the Planning and Development Bill and substitutes new 177(1)(a) and 177(1)(b). The revised amendment is to make it clear that 177 does apply when a reconsideration has been sought of a decision to grant an approval subject to conditions.

Amendment 3

This omits amendment [1.124] from the Bill and substitutes a new amendment. The new amendment corrects (updates) the reference to the Housing Commissioner in clause 227(1)(c)(iii) of the Planning and Development Bill.

Amendment 4

This revises amendment [1.125] of the Bill by omitting proposed new clause 233(1)(d) of the Planning and Development Bill and substituting new 233(1)(d) and 233(1)(e). The revised amendment makes it clear that the Planning and Land Authority is able to effect the grant of a lease under clause 231(1)(d) of the Planning and Development Bill in circumstances where this is necessary to give effect to:

- a lease variation;
- grant of a further lease under section 246; and
- (the grant of a lease under section 234).

Amendment 5

Amendment [1.144] of the Bill had sought to amend a typographical error in clause 417(2)(c) of the Planning and Development Bill. This amendment is no longer necessary given proposed amendments to the Planning and Development Bill to be moved by the Minister for Planning in the Legislative Assembly.

Amendment 6

Amendment [1.147] of the Bill sought to correct a typographical error in clause 435(4) of the Planning and Development Bill. This amendment is no longer necessary given proposed amendments to the Planning and Development Bill to be moved by the Minister for Planning in the Legislative Assembly.

Amendment 7

This inserts an entirely new amendment into the Bill, amendment [1.209] in new Part 1.35 *Utilities (Telecommunications Installations) Act 2001*. The new amendment omits section 6 of the *Utilities (Telecommunications Installations) Act 2001* and substitutes a new section 6. The new section 6 defines the term ‘*authorised network plan*’ as a plan authorised by a development approval. The revised definition is necessary because the existing section 6 is expressed as applying to the installation of a telecommunications facility that is covered by a network plan approved under guidelines set under the *Land (Planning and Environment) Regulations 1992*, regulation 40 (2). This regulation and the guidelines are repealed by the Planning and Development Bill. In future, network plans will be assessed as development applications under the Planning and Development Bill. The new amendment also includes a transitional provision to preserve the application of the *Utilities (Telecommunications Installations) Act 2001* to installations covered by the one network plan that has already been approved under the old guidelines.

Amendment 8

This inserts entirely new amendments into the Bill, amendment [1.210] and amendment [1.211] in new Part 1.36 *Water Resources Act 2007*.

The new amendment [1.210] omits section 28(6)(b) of the of the *Water Resources Act 2007* and substitutes new section 28 (6)(b). Section 28 of the *Water Resources Act* makes it an offence to take water without the required licence. There are a number of exceptions to this. Section 28(6) indicates, among other things, that no offence is committed if the water is taken from a rainwater tank that is installed in accordance with an approval under the Planning and Development Bill, if any such approval is required. The new section 28 (6)(b) inserted by this amendment 8, is to make this section more clear. The new section indicates that no offence is committed if the water is taken from a rainwater tank that is authorised by a development approval under the Planning and Development Bill or if the tank is an exempt development under that Act.

New amendment [1.211] is a transitional amendment. The Planning and Development Bill takes the place of the *Land (Planning and Environment) Act 1991* and repeals the 1991 Act. This new amendment to section 204 of the *Water Resources Act 2007* makes it clear that a reference to Planning and Development Bill in the *Water Resources Act* includes a reference to the repealed *Land (Planning and Environment) Act* as in force at any time before its repeal.