2014

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

PLANNING, BUILDING AND ENVIRONMENT LEGISLATION AMENDMENT BILL 2014

EXPLANATORY STATEMENT

Presented by

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EXPLANATORY STATEMENT

This explanatory statement relates to the *Planning, Building and Environment Legislation Amendment Bill 2014 (No 1)* (the bill) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the bill and to help inform debate on it. It does not form part of the bill and has not been endorsed by the Legislative Assembly.

Background

Planning, building and environment legislation has historically been amended by a number of methods, as follows:

- the usual Act amendment process,
- by modification using regulation (commonly referred to as a 'Henry the Eighth' amendment),
- through the Statute Law Amendment Bill process, and as a consequence of other legislation. For example, the *ACT Civil Administrative Tribunal Legislation Amendment Act 2008* made consequential amendments to the *Building Act 2004*.

These ways of amending legislation in the planning portfolio, while effective, can be confusing for community, industry and government users of the legislation. An omnibus planning, building and environment legislation amendment bill enables more minor matters to be dealt with expediently and consolidates amendments into one place, making the amendment process more user-friendly and accessible. It provides greater flexibility in drafting amendments to planning, building and environment legislation and helps to minimise costs associated with keeping the legislation up-to-date.

Under guidelines approved by the government, the essential criteria for the inclusion of amendments in the bill are that the amendments are minor or technical and non controversial, or reflect only a minor policy change. During development of the bill, relevant government Directorates are consulted and when necessary, industry and the community may be consulted.

The bill forms an important part of maintaining and enhancing the standard of ACT building, environmental and planning law. It enables legislative amendments and repeals to be made that would generally not be of sufficient importance to justify separate legislation. The amendments are also inappropriate to be made as editorial amendments under the *Legislation Act 2001*, chapter 11 (which provides for the republication of Acts and statutory instruments).

This is the sixth planning, building and environment legislation amendment bill. The first bill was passed by the Assembly in June 2011 and through that bill 8 individual Acts were amended. The second bill was passed in December 2011 and delivered two key outcomes: pre-DA community consultation and the requirement to have a sign about building work on the building site. The third bill was passed in May 2012 and delivered a number of key outcomes, including clarifying estate development plans and allowing consolidation of rural leases. The fourth bill was passed in May 2013 and delivered two minor policy outcomes, amendment of the environmental impact statement exemption process and the addition of a gas clearance to the certificate of occupancy process. The fifth bill was passed in

October 2013 and delivered two minor policy outcomes, amendment of the Environment Protection Authority (EPA) delegation process to allow for delegation of EPA powers to environment protection officers in other Australian jurisdictions, and amendment of the *Public Place Names Act 1989* to provide for the preparation of guidelines on the naming of public places as notifiable instruments.

This demonstrates the effectiveness of the omnibus bill process as a tool that collates amendments to legislation relative to planning, building and the environment. Without this bill process, these amendments could have been spread over a number of amendment bills and possibly delayed. In this way, this omnibus bill helps to effectively maintain the statute book. Previous bills can be accessed on the ACT Legislation Register at www.legislation.act.gov.au.

This bill and future such bills help to keep laws as up-to-date as possible, and to respond to technological and societal change.

Overview of Bill

The bill amends the:

- *Building Act 2004*
- *Building (General) Regulation 2008*
- *Planning and Development Act 2007*
- *Planning and Development Regulation 2008*
- *Unit Titles Act 2001*
- *Utilities Act 2000*

The bill contains minor policy, technical and editorial amendments.

Minor policy amendments

The bill contains eight minor policy amendments, summarised below.

1. *Building Act 2004*, notification by certifier of contraventions of Act

Part 2 of the bill amends section 50 of the Building Act to provide that in addition to informing the Construction Occupations Registrar of any contravention of a building approval or development approval which comes to the certifier's attention, certifiers must also inform the Construction Occupations Registrar of any contraventions of part 3 (Building work), part 4 (Stop and demolition notices) and sections 76 (Occupation and use of buildings), 77 (Use of buildings restricted) and 78 (Occupation and use of ex government buildings) of the Building Act 2004.

This section previously imposed a broader obligation on certifiers to inform the Construction Occupations Registrar of any contraventions of the Building Act. In 2007, amendments to the Building Act removed this general obligation to report on contraventions of the Act. The intention of the amendments were to narrow the certifier's role to their functions under the Building Act that relate to the certifier and building work. Essentially the amendments make certifiers responsible for

notification of building work that did not comply with a development approval issued under the Planning and Development Act.

In light of experience this adjustment appears to have gone too far in that it had the effect of removing certain arguably important obligations on certifiers relating to the certifier and building work. These obligations were an important aspect of the role of the certifier as a front line regulator of building work. The bill amends section 50 to restore these obligations on certifiers. A certifier will be required to inform the Construction Occupations Registrar of any contravention of the Building Act relating to building work, stop and demolition notices and occupation and use of buildings which comes to the certifier's attention.

2. *Planning and Development Act 2007*, Transfer of land subject to building and development provision

Clause 12 of the bill amends section 298 of the Planning and Development Act to provide that the planning and land authority may grant permission to transfer land that is subject to a building and development provision where the lease is a holding lease.

Section 298 prohibits transfer of a new Crown lease before the developer has complied with building and development requirements in the lease, such as a requirement to complete construction of a building by a particular date. This section contains some exceptions. Section 298(4) provides that the planning and land authority can grant permission to transfer the lease on certain grounds, including situations where the lease is a holding lease and transfer is first sale of newly subdivided land (s298(4)).

A holding lease is a lease issued to allow for urban development and subdivision. A holding lease is a short term development lease which provides for the developer to construct and return public infrastructure to the Territory in return for the grant of Crown leases. The grant of Crown leases acts as security for the Territory to ensure that the public infrastructure is delivered to Territory standards. The bill extends the scope of the planning and land authority's consent under s298(4) so that it applies to development of new land even if the proposed transfer is of the whole of the holding lease. In this situation, there would be no subdivision involved.

3. *Planning and Development Act 2007*, University of Canberra lease

The University of Canberra lease was granted under the *Canberra College of Advanced Education (Leases) Act 1977 (Cwlth)*. This Commonwealth Act was repealed around the time of self government. The operation (but not the lease itself) of the University of Canberra is now governed by the *University of Canberra Act 1989 (ACT)*. It appears that because the lease was a specific purpose Commonwealth lease intended to subsist in perpetuity it was expressly excluded from standard Territory lease administration provisions in the former *Land (Planning and Environment) Act 1991* which exclusion was retained in the Planning and Development Act.

The current exclusion of the University of Canberra lease from lease administration provisions is problematic. The exclusion means that there is no practical means for the Lessee to make a lease variation (as a precursor to proposed development) and

from the Territory's point of view there is no practical means to enforce lease provisions.

Clause 14 provides that a lease granted under the Canberra College of Advanced Education (Leases) Act 1977 is taken to be granted under the Planning and Development Act.

4. *Unit Titles Act 2001*, dual occupancy developments

Clause 28 of the bill amends section 17 of the Unit Titles Act to remove a requirement to superimpose dual occupancy developments.

In September 2009, changes to the Unit Titles Act came into effect which restricted unit titling of some developments. The amendments meant that leases were only permitted to be unit titled into two unit titles where one unit was wholly or partly superimposed on the other unit. The superimposing requirement on the building design had the practical effect of ensuring that the original and succeeding building owners were fully aware of the existence of the unit titling scheme applying to the buildings. Three or more unit developments were not affected.

Experience suggests that this change resulted in a significant decline in dual occupancy development in the ACT with consequences for housing affordability, ageing in place and lost opportunities for smaller builders. Because of these consequences, this bill removes the requirement to superimpose the units. Unit titling will still only be available in areas presently permitted by the Territory Plan.

5. *Planning and Development Regulation 2008*, When development approvals do not require amendment

Clause 18 of the bill omits sections 35(2), (3) and (4) of the Planning and Development Regulation to limit the ability for a development proponent to modify a development which is under construction without the need for an application to amend the approved plans.

Section 198C of the Planning and Development Act provides that if the planning and land authority has given development approval for a development proposal and the development proposal changes so that it is not covered by the development approval and a circumstance prescribed by regulation applies, the changed development proposal is taken to be in accordance with the development approval.

Section 35 of the Planning and Development Regulation prescribes a number of circumstances in which certain minor changes to a development proposal do not require formal amendment of the development approval.

Section 35(2) provided that development in accordance with the changed development proposal is taken to be in accordance with the development approval if the change would not need development approval if the change were made after completion of the development. Section 35(3) provided that development in accordance with the changed development proposal is taken to be in accordance with the development approval if the change consists of adding an exempt development to the development. Section 35(4) provided that a development that

has development approval cannot be modified or varied under new sections 35(2) and (3) if the aggregate development would result in more than one single residence on the block, multiple dwellings or would include more that 2 exempt class 10 buildings within 1.5m of a side or rear boundary of a block. A further development application, seeking an amendment to the existing DA would need to be lodged in this case. The bill removes these sections to limit the ability for these developments to be undertaken without a formal amendment to the development approval.

This amendment is proposed in response to concerns expressed to the Government by members of the community about changes being made to developments which are under construction. The proposed amendment would still allow for changes to the development proposal in circumstances prescribed in s35(1).

6 and 7. *Planning and Development Regulation 2008*, Limited public notification of certain merit track development applications

Clause 27 of the bill adds two items to Schedule 2 of the Planning and Development Regulation 2008, namely, minor additions or alterations to a residential unit where the addition or alteration does not increase the existing gross floor area of the unit by more than 10% or make the existing gross floor area greater 20m², and the putting up, attaching or displaying of a sign.

Schedule 2 lists developments in the merit track which are subject to minor public notification only, i.e. letters to neighbours only are required, and no sign on property or newspaper notification is required. The requirement for major notification, which includes a sign on the property and a newspaper notice, is considered disproportionate to the scale of development for minor additions or alterations and signage.

This amendment means that only letters to neighbours are required for these types of development. These developments are of a similar scale to other developments requiring minor public notification. These changes to the public notification requirements will result in a more efficient use of planning and land authority resources, and will ensure that consultation is targeted to members of the community who would be most affected by the developments.

8. *Planning and Development Regulation 2008,* When survey certificate not required for development applications

Clause 17 of the bill amends s25(3) of the Planning and Development Regulation by replacing the term “commercial or industrial development” with the term “non-residential development”.

A development application must be accompanied by a survey certificate unless otherwise prescribed by regulation (s139)2(i) of the Act. Section 25 of the regulation prescribes that a survey certificate need not be supplied with development applications for residential development of a certain size (less than 75m2) (s25(2)) and commercial or industrial development of a certain size (less than 150m2) (s25(3)). The rationale is that the small scale of the development does not warrant the additional expenses associated with providing a survey certificate. The restriction to “commercial or industrial” development in section 25 (3) has led to unwanted

inequities. For instance, a development application for small scale community facilities which is of the size specified in s25(3) is still required to include a survey certificate because it is not an “industrial or commercial” development. It is therefore, proposed to amend section 25(3) to broaden its application to “non residential” development rather than limiting it to “industrial or commercial”.

Technical and editorial amendments

The bill contains a number of minor technical and editorial amendments to Acts and Regulations. These amendments include updating cross-references to other legislation and clarification of existing legislative requirements.

The bill has been assessed against the *Human Rights Act 2004* and no issues identified.

Outline of Provisions

Part 1 – Preliminary

Clause 1 — Name of Act
This clause names the Act as the *Planning, Building and Environment Legislation Amendment Act 2014.*

Clause 2 — Commencement
This clause provides that the bill commences on the day after its notification.

Clause 3 — Legislation amended
This clause names the legislation that the bill amends. The bill amends:

- *Building Act 2004*
- *Building (General) Regulation 2008*
- *Planning and Development Act 2007*
- *Planning and Development Regulation 2008*
- *Unit Titles Act 2001*
- *Utilities Act 2000*

Part 2 – Building Act 2004

Clause 4 — Notification by certifier of contraventions of Act Section 50(1)
This clause restores the intended operation of section 50. It amends section 50 to expand the notifications of contraventions that a certifier must make to the Construction Occupations Registrar.

Section 50 previously imposed a broader obligation on building certifiers to inform the Construction Occupations Registrar of any contraventions of the Building Act. In 2007, amendments to the Building Act removed this general obligation to report on contraventions of the Act. The amendments narrowed the certifier's role to their functions under the Building Act that relate to the certifier and building work, and expanded their functions to cover notification of building work that did not comply with a development approval issued under the Planning and Development Act.

The 2007 amendments had the unintended effect of removing certain important obligations on certifiers related to the certifier and building work. These obligations were an important aspect of the role of the certifier as a front-line regulator of building work.

Clause 4 amends section 50 to include a requirement that certifiers must notify the Construction Occupations Registrar of any contraventions of part 3 (Building work), part 4 (Stop and demolition notices) and sections 76 (Occupation and use of buildings), 77 (Use of buildings restricted) and 78 (Occupation and use of ex-government buildings) of the *Building Act 2004* to restore these functions.

Clause 5 – Section 50(3)
As well as clarifying, this clause is consequential to the changes made by clause 4 above.

Part 3 – Building (General) Regulation 2008

Clause 6 – Exempt buildings and building work Schedule 1, part 1.1, Section 1.1, definition of *large building*
This clause removes the words "identified in the exempt building code" from the definition of *large building* in schedule 1, part1.1, section 1.1. This is because the exempt building code is yet to be finalised and a reference to it limits the efficacy of the definition.

Clauses 7 -11 – Exempt buildings and building work Schedule 1, part 1.3, Items 3, 5, 7, 15 and 16, column 4
Items 3, 5, 7, 15 and 16 of schedule 1, part 1.3 currently include a provision at column 4 that requires compliance with the exempt building code which has not yet been finalised. The exempt building code is intended to mirror the relevant applicable provisions of the building code and centralise them and so make them more accessible.

Clauses 7-11 amend items 3, 5, 7, 15 and 16 to clarify that the proposals must comply with the essential building code requirements whether they are consolidated into the exempt building code or not.

Clause 7 relates to fences, clause 8 to retaining walls, clause 9 to large buildings, and clauses 10 and 11 to external alterations.

Part 4 – Planning and Development Act 2007

Clause 12 – Transfer of land subject to building and development provision Section 298(4)
This clause amends section 298 of the Planning and Development Act to provide that the planning and land authority may grant permission to transfer land that is subject to a building and development provision where the lease is a holding lease.

Section 298 prohibits transfer of a new Crown lease before the proponent has complied with building and development requirements in the lease, such as a requirement to complete construction of a building by a particular date.

However, section 298 contains some exceptions. For instance, the planning and land authority can grant permission to transfer the lease where the lease is a holding lease and the transfer is the first sale of newly subdivided land (s298(4)).

Holding leases are usually issued to allow for urban development and subdivision. A holding lease is a short term development lease which provides for the developer to construct and return public infrastructure to the Territory in return for the grant of Crown leases. The grant of Crown leases acts as security for the Territory to ensure that the public infrastructure is delivered to Territory standards.

Currently, the exception for holding leases only applies if there is subdivision involved. However, there has recently been cases where holding leases are issued for development purposes when no subdivision is envisaged ie it is proposed that a single lease will be granted from the holding lease, but it is still appropriate for the authority to consent to a transfer.

The amendment extends the scope of the planning and land authority's consent under s298(4) by removing the requirement for subdivision and allows the authority to consent to a transfer of a lease containing a building and development provision if it is the first sale of a lease of undeveloped land by the person who provided the infrastructure on the lease. The amendment removes an unnecessary restriction on the authority to consent to the transfer of a holding lease.

Clause 13 Sections 407 and 408
This clause restructures **Chapter 13 Review of decisions,** sections 407 and 408 by shifting the identification of the relevant decision maker for a reviewable decision from column three of the table in schedule 1 to the text of Chapter 13.
The amendments are technical and clarify by:

- putting the identification of the relevant decision maker all in one place, currently this identification is partly in the text of s407 as well as in schedule 1
- reducing the size of the schedule from five columns to four
- identifying the decision maker in the main text rather than requiring referral to a schedule and so giving it more prominence for review matters and other chapter 13 purposes

The amendments make no policy changes.

Clause 14 – New section 468
This clause clarifies that the Act applies to the University of Canberra lease. The University of Canberra lease was granted under the Canberra *College of Advanced Education (Leases) Act 1977* (Cwlth). This Commonwealth Act was repealed around the time of self government. The operation (but not the lease itself) of the University of Canberra is now governed by the *University of Canberra Act 1989* (ACT). It appears that because the lease was a specific purpose Commonwealth lease intended to subsist in perpetuity it was expressly excluded from standard Territory lease administration provisions in the former *Land (Planning and Environment) Act 1991* and now the Planning and Development Act.

The current exclusion of the University of Canberra lease from lease administration provisions is problematic. The exclusion means that there is no practical means for the lessee to make a lease variation (as a precursor to proposed development) and from the Territory's point of view there is no practical means to enforce lease provisions.

The amendment overcomes these problems.

Clause 15 – Further amendments, mentions of s408 (2)
This clause is a technical amendment as a consequence of changes made by clause 13 above.

Clause 16 – Schedule 1
This clause substitutes a new schedule 1 as a consequence of changes made by clause 13 above.

Part 5 Planning and Development Regulation 2008

Clause 17 – When survey certificate not required for development applications – Act, s139 (2)(i) Section 25 (3)

A development application must be accompanied by a survey certificate unless otherwise prescribed by regulation (s139)2(i) of the Planning and Development Act). Section 25 of the regulation prescribes that a survey certificate need not be supplied with DAs for residential development of a certain size (less than 75m2) (s25(2)) and commercial or industrial development of a certain size (less than 150m2) (s25(3)). The rationale is that the small scale of the development does not warrant the additional expenses associated with providing a survey certificate. The restriction to "commercial or industrial" development in section 25 (3) has led to unwanted inequities. For instance, a DA for small scale community facilities which is of the size specified in s25(3) is still required to include a survey certificate because it is not an "industrial or commercial" development. Clause 17 therefore, amends section 25(3) to broaden its application to "non residential" development rather than limiting it to "industrial or commercial".

Clause 18 – When development approvals do not require amendment – Act, s 198C(3) Section 35 (2), (3) and (4)

This clause omits sections 35(2), (3) and (4) of the regulation to limit the ability of a development proponent to modify a development which is under construction without the need for a formal application to amend the approved plans.

Section 198C of the Planning and Development Act provides that if the planning and land authority has given development approval for a development proposal and the development proposal changes so that it is not covered by the development approval and a circumstance prescribed by regulation applies, the changed development proposal is taken to be in accordance with the development approval.

Section 35 of the regulation prescribes a number of circumstances in which certain minor changes to a development proposal do not require formal amendment of the development approval.

Section 35(2) provides that development in accordance with the changed development proposal is taken to be in accordance with the development approval if the change would not need development approval if the change were made after completion of the development. Section 35(3) provides that development in accordance with the changed development proposal is taken to be in accordance with the development approval if the change consists of adding an exempt development to the development. Section 35(4) provides that a development that has development approval cannot be modified or varied under sections 35(2) and (3) if the aggregate development would result in more than one single residence on the block, multiple occupancy dwellings or would include more that 2 exempt class 10 buildings within 1.5m of a side or rear boundary of a block.

Sections 35 (2) to (4) are being removed as a result of concerns expressed by the community about changes being made to developments which are under construction. Changes to the development proposal in circumstances prescribed in

section 35(1) will remain permissible ie if a development does not comply with the development approval and the non compliance is within the parameters set out in schedule 1A, the development is taken to be in accordance with the development approval and neither a new approval or amendment of an already granted approval is required nor is on-site rectification necessary to achieve 'deemed' compliance with the approval.

The removal of sections 35(2), (3), and (4) from the regulation means a formal application to amend the development will now be required in the circumstances set out in those subsections.

Clause 19 – Exemptions from requirement for development approval Schedule 1, part1.1, section 1.4, example
This clause provides omits the *Nature Conservation Act 1980* from the examples as a consequence of changes made by clause 23.

Clause 20 – Schedule 1, part 1.1, section 1.4 (2)(a)
This clause amends section 1.4 (2)(a) of Schedule 1, part 1.1 as a consequence of changes made by clause 23.

Clause 21 – Schedule 1, part 1.2, section 1.10(c)
This clause amends section 1.10(c) of Schedule 1, part 1.2 as a consequence of changes made by clause 23.

Clause 22 – Schedule 1, part 1.2, section 1.14 heading
This clause amends the Schedule 1, part 1.1, section 1.14 heading as a consequence of changes made by clause 23.

Clause 23 – Schedule 1, part 1.2, section 1.14 (1)(d)
This clause amends section 1.14 (1)(d) of Schedule 1, part 1.2 to insert the *Nature Conservation Act 1980*. This clarifies and emphasises the already existing position that a development cannot be exempt development if it contravenes the Nature Conservation Act.

Clause 24 – Schedule 1, part 1.3, section 1.13(a)
This clause amends section 1.13(a) of Schedule 1, part 1.3 as a consequence of changes made by clause 23.

Clause 25 – Schedule 1, part 1.3, section 1.100B (1)(a)
This clause amends Schedule 1, part 1.3, section 1.100B(1)(a) as a consequence of changes made by clause 23.

Clause 26 – Schedule 1, part 1.3, section 1.101(1)
This clause amends section 1.101(1) of Schedule 1, part 1.3 as a consequence of changes made by clause 23.

Clause 27 – Limited public notification of certain merit track development applications Schedule 2, new items 7 and 8
This clause adds two items to schedule 2 of the Planning and Development Regulation 2008.Those two items are minor alterations/additions to a residential unit

in a multi unit housing development and the erection of signage. The rationale for the inclusion of these items is that the requirement for major notification for these types of development is disproportionate to the scale of the development and minor public notification is more appropriate and all that is necessary in all the circumstances.

Schedule 2 lists developments in the merit track which are subject to minor public notification only ie letters to neighbour only. No sign on property or newspaper notification is necessary.

Under the Planning and Development Act there are essentially three categories for the purposes of public notification of development approvals:

- full notification – including major notification ie sign on property and newspaper notice, and minor notification ie letters to neighbours (ie notification under both sections 153 and 155 of the Act). This is used for major matters ie all impact track matters and more significant merit track matters (refer s152(1)(a)).
- major notification - including sign on property and newspaper notice but no letters to neighbours (ie notification under s155 only). This is used for relatively significant merit track matters where letters to neighbours is not practical.
- minor notification – includes letters to neighbours (ie notification under s153 only). This is used for relatively minor merit track matters.

Clause 27 includes in schedule 2:

1. minor additions or alterations to a residential unit within a multi-unit residential development. This is restricted to an addition or alteration that meets one or both of the following parameters:
    a. does not increase the gross floor area of the unit by more than 10%; or
    b. does not add more than 20m2 to the gross floor area.

For example, if the addition /alteration adds not more than 20m2 it should be permissible even if it amounts to more than an increase of 10% of the gross floor area.

2. Erection of signage

Part 6 – Unit Titles Act 2001

Clause 28 – Unit title applications – general requirements Section 17(3)(a)
This clause amends section 17(3) of the Unit Titles Act (UT Act) to remove the requirement to wholly or partly superimpose one unit over another in dual occupancy developments and the requirement that there be no fewer than 3 units.

Section 17 applies to unit title applications for a parcel of land.

In September 2009, changes to the UT Act came into effect which restricted unit titling of some two-unit developments. The amendments meant that two unit developments were only permitted to be unit titled where one unit was wholly or

partly superimposed on the other unit. Three or more unit developments were not affected.

The super-imposing requirement on the building design had the practical effect of ensuring that the original and succeeding building owners were fully aware of the existence of the unit titling scheme applying to the buildings. This feature is considered to be of little benefit given the requirement for registration of unit title schemes on the land titles register under the UT Act.

The super-imposing requirement also resulted in a significant decline in dual occupancy development in the ACT with consequences for housing affordability, ageing in place and lost opportunities for smaller builders.

Clause 28 therefore removes the requirement to superimpose the units and allows unit titling of two units by removing the requirement that there be no fewer than 3 units. This will allow for dual occupancies where one unit is not superimposed on the other.

The Territory Plan will still apply in the same manner – that is, unit titling will still only be available in areas presently permitted by the Territory Plan. For instance, unit titling is not presently available in RZ1 residential areas and this will remain the same.

Part 7 – Utilities Act 2000

Clause 29 – New section 406A
This clause amends the Utilities Act to effectively remake expired transitional sections 405(1) and 407(2) which expired on 31 December 2013.

The clause preserves the operations of sections 6(c) (the supply of electricity from an electricity network to premises for consumption) and 9(d) (the supply of gas from a gas network to premises for consumption) until March 2015.

The original transitional sections 405 and 407 were made with the policy intention of transferring the operations of sections 6(c) and 9(d) from the Utilities Act to a new Utilities (Technical Regulation) Amendment Bill. This bill is currently still in development and it is therefore necessary to extend the transitional provisions relating to ss 6(c) and 9(d) pending completion of the amendment bill.

Clause 30 – Expiry – pt18 Section 407 (1)
This clause is a consequence of changes made by clause 29.

Clause 39 – Section 407 (2), except note
This clause is a consequence of changes made by clause 29.