



AUSTRALIAN CAPITAL TERRITORY

Gungahlin Development Authority (Consequential Provisions) Act 1996

No. 39 of 1996

An Act to amend certain Acts in consequence of the enactment of the *Gungahlin Development Authority Act 1996*

[Notified in ACT Gazette S160: 10 July 1996]

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

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Gungahlin Development Authority (Consequential Provisions) Act 1996*.

Commencement

2. This Act commences on the day on which section 5 of the *Gungahlin Development Authority Act 1996* commences.

PART II—AMENDMENTS OF THE BUILDINGS (DESIGN AND SITING) ACT 1964

Interpretation

3. In this Part, “Principal Act” means the *Buildings (Design and Siting) Act 1964*.

Public works—implementation plans

4. Section 7 of the Principal Act is amended—

- (a) by omitting subsection (3) and substituting the following subsections:

“(3) Before considering an implementation plan, the Authority shall—

- (a) cause to be published, in the *Gazette* and in a daily newspaper published and circulating in the Territory, a notice—
 - (i) stating that copies of the implementation plan are available for public inspection and can be purchased at specified places; and
 - (ii) inviting interested persons to submit written comments about the implementation plan to the Minister at a specified address and within a period of not less than 21 days; and
- (b) if the plan relates to land in the Gungahlin Central Area, give to the Gungahlin Development Authority—
 - (i) written notice of its intention to consider the implementation of the plan; and
 - (ii) a copy of the plan.

“(3A) Paragraph (3) (b) does not apply in relation to an implementation plan submitted by the Gungahlin Development Authority.”; and

- (b) by adding at the end the following subsection:

“(5) In this section—

‘Gungahlin Central Area’ means the area referred to as the Gungahlin Town Centre and Central Area in the Territory Plan.”.

Insertion

5. After section 7 of the Principal Act the following section is inserted:

Consideration by Gungahlin Development Authority

“7A. On receiving a notice and a copy of a plan under paragraph 7 (3) (b), the Gungahlin Development Authority shall consider whether the implementation of the plan would be consistent with—

- (a) the objectives of the Gungahlin Development Authority set out in its latest statement of intent; and

- (b) any direction in force under section 11 of the *Gungahlin Development Authority Act 1996*;

and advise the Authority in writing accordingly within the period specified in subparagraph 7 (3) (a) (ii).”.

Consideration by Authority

- 6. Section 8 of the Principal Act is amended—
 - (a) by inserting in paragraph (1) (b) “the Gungahlin Development Authority and” after “with”; and
 - (b) by inserting in subsection (2) “by the Gungahlin Development Authority or” after “made”.

PART III—AMENDMENTS OF THE LAND (PLANNING AND ENVIRONMENT) ACT 1991

Interpretation

7. In this Part, “Principal Act” means the *Land (Planning and Environment) Act 1991*.

Interpretation

8. Section 4 of the Principal Act is amended by inserting the following definition:

“ ‘Gungahlin Central Area’ means the area referred to as the Gungahlin Town Centre and Central Area in the Territory Plan;”.

Authorities to consider proposed leases

- 9. Section 165 of the Principal Act is amended—
 - (a) by inserting in subsection (1) the following definitions:
 - “ ‘Authority’ means the Planning Authority or the Gungahlin Development Authority;
 - ‘Planning Authority’ means the Australian Capital Territory Planning Authority;”;
 - (b) by omitting from subsection (2) “Where” and substituting “Subject to subsection (2A), where”;
 - (c) by omitting from subsection (2) “the Authority” and substituting “to the Planning Authority and, if the land is in the Gungahlin Central Area, also to the Gungahlin Development Authority,”;
 - (d) by inserting after subsection (2) the following subsection:
 - “(2A) The Executive is not required to give notice under subsection (2) to the Gungahlin Development Authority where the lease is proposed to be granted to that Authority.”;

- (e) by omitting from subsection (3) “the Authority” and substituting “an Authority”;
- (f) by inserting in subsection (4) “Planning” before “Authority”;
- (g) by inserting after subsection (4) the following subsection:

“(4A) In determining the advice it is to give to the Executive under subsection (3) in relation to a proposed lease, the Gungahlin Development Authority shall consider each of the following matters, and only the following matters:

- (a) whether the lease would be consistent with the objectives of the Gungahlin Development Authority set out in the latest statement of intent a copy of which has been laid before the Legislative Assembly under section 36 of the *Gungahlin Development Authority Act 1996*;
 - (b) whether the lease would be in accordance with any direction in force under section 11 of the *Gungahlin Development Authority Act 1996*;
 - (c) the appropriateness of the timing of the grant of the lease.”;
- (h) by omitting from subsections (5) and (6) “the Authority” and substituting “an Authority”;
 - (i) by omitting subsection (7) and substituting the following subsections:

“(7) Where—

- (a) a notice under subsection (2) has been given only to the Planning Authority and that Authority has advised the Executive pursuant to subsection (3) that the proposed lease referred to in the notice may appropriately be granted as proposed in the notice; or
- (b) a notice under subsection (2) has been given to both Authorities and each Authority has advised the Executive pursuant to subsection (3) that the proposed lease referred to in the notice may appropriately be granted as proposed in the notice;

the Executive may grant the lease as proposed in the notice.

“(7A) Where—

- (a) a notice under subsection (2) has been given only to the Planning Authority; and

- (b) that Authority has advised the Executive pursuant to subsection (3) that the lease referred to in the notice may appropriately be granted subject to conditions specified in the instrument under subsection (3);

the Executive may grant the lease subject to compliance with those conditions.

“(7B) Where—

- (a) a notice under subsection (2) has been given to both Authorities; and
- (b) an Authority has, or both Authorities have, advised the Executive pursuant to subsection (3) that the lease referred to in the notice may appropriately be granted subject to conditions specified in the instrument or instruments (as the case requires) under subsection (3);

the Executive may grant the lease subject to compliance with those conditions.”; and

- (j) by omitting from subsections (8), (9) and (10) “the Authority” and substituting “an Authority”.

Duties of concurring authorities

10. Section 235 of the Principal Act is amended by inserting after subsection (2) the following subsection:

“(2A) The Gungahlin Development Authority shall, before giving notice under subsection (1) in relation to a controlled activity specified in item 2 or 3 of Schedule 4, consider whether or not the controlled activity proposed to be conducted would be inconsistent with—

- (a) the objectives of the Gungahlin Development Authority set out in the latest statement of intent a copy of which has been laid before the Legislative Assembly under section 36 of the *Gungahlin Development Authority Act 1996*; or
- (b) any directions in force under section 11 of the *Gungahlin Development Authority Act 1996* that are applicable to the lease.”.

Persons authorised to exercise the powers of the Executive

11. Section 283 of the Principal Act is amended—

(a) by omitting from subsection (1) all the words after “instrument,” and substituting the following:

“authorise—

(a) in relation to land in the Gungahlin Central Area—the Gungahlin Development Authority to act on its behalf in the exercise of a power in accordance with Part V; or

(b) in relation to any other land—any other person to act on its behalf in the exercise of a power in accordance with Part II or V.”; and

(b) by omitting from subsection (2) “or her” and substituting “, her or its”.

Schedule 4

12. Schedule 4 to the Principal Act is amended as set out in the Schedule.

**PART IV—AMENDMENT OF THE PUBLIC SECTOR
MANAGEMENT ACT 1994**

Application

13. Section 5 of the *Public Sector Management Act 1994* is amended—

(a) by omitting from paragraph (e) “or”;

(b) by adding at the end of paragraph (g) “or”; and

(c) by adding at the end the following paragraph:

“(h) the Gungahlin Development Authority.”.

SCHEDULE

Section 12

AMENDMENTS TO SCHEDULE 4 TO THE LAND (PLANNING AND ENVIRONMENT) ACT 1991

Omit items 1, 2 and 3 and substitute the following items:

| | | | |
|---|---|---|----------|
| 1 | Work affecting the requirements for the conservation of the heritage significance of places included in the Heritage Places Register or an interim Heritage Places Register | The Planning Authority, the Conservator and, in relation to a place that is in the Gungahlin Central Area, the Gungahlin Development Authority | \$20,000 |
| 2 | The execution of a variation of a lease of Territory Land | The Minister, the Planning Authority and, in relation to a lease of land that is in the Gungahlin Central Area, the Gungahlin Development Authority | \$1,000 |
| 3 | The execution of a new lease for the purpose of effecting the subdivision or consolidation of Territory Land | The Minister, the Planning Authority and, in relation to a lease of land that is in the Gungahlin Central Area, the Gungahlin Development Authority | \$1,000 |

[Presentation speech made in Assembly on 18 June 1996]