



Australian Capital Territory

# Planning and Development (Public Notification) Amendment Act 2010

A2010-42

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Australian Capital Territory

# Planning and Development (Public Notification) Amendment Act 2010

A2010-42

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

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

## **1 Name of Act**

This Act is the *Planning and Development (Public Notification) Amendment Act 2010*.

## **2 Commencement**

This Act commences on a day fixed by the Minister by written notice.

*Note 1* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

## **3 Legislation amended**

This Act amends the *Planning and Development Act 2007*.

## **4 Public notice to adjoining premises New section 153 (3A)**

*insert*

- (3A) The planning and land authority must give a new written notice under subsection (2) or (3) if, before the public consultation period ends, the authority—
- (a) becomes aware that the original notice is defective because its contents are incorrect, incomplete or include misleading information; and

- (b) is satisfied that the defect is likely to—
  - (i) unfavourably affect a person’s awareness of the timing, location or nature of the development proposal in the application; or
  - (ii) deny or restrict the opportunity of a person to make representations about the application under section 156.

**5 Section 153 (4)**

*omit*

subsection (2) or (3)

*substitute*

subsection (2), (3) or (3A)

**6 Public notice to registered interest-holders  
New section 154 (2A)**

*insert*

- (2A) The planning and land authority must give a new written notice under subsection (2) if, before the public consultation period ends, the authority—
  - (a) becomes aware that the original notice is defective because its contents are incorrect, incomplete or include misleading information; and
  - (b) is satisfied that the defect is likely to—
    - (i) unfavourably affect a person’s awareness of the nature of the lease variation; or
    - (ii) deny or restrict the opportunity of a person to make representations about the application under section 156.

**7 Major public notification  
New section 155 (1A) to (1C)**

*insert*

- (1A) The planning and land authority must display a new sign under subsection (1) (a) if, before the public consultation period ends—
- (a) the authority—
    - (i) becomes aware that the original sign is defective because its contents are incorrect, incomplete or include misleading information; and
    - (ii) is satisfied that the defect is likely to—
      - (A) unfavourably affect a person’s awareness of the timing, location or nature of the development proposal in the application; or
      - (B) deny or restrict the opportunity of a person to make representations about the application under section 156; or
  - (b) the authority becomes aware that a sign was not displayed.
- (1B) Subsection (1A) does not apply if a sign is displayed, but is subsequently moved, altered, damaged, defaced, covered or had access to it prevented.
- (1C) The planning and land authority must publish a new notice under subsection (1) (b) if, before the public consultation period ends—
- (a) the planning and land authority—
    - (i) becomes aware that the original notice is defective because its contents are incorrect, incomplete or include misleading information; and

- (ii) is satisfied that the defect is likely to—
  - (A) unfavourably affect a person's awareness of the timing, location or nature of the development proposal in the application; or
  - (B) deny or restrict the opportunity of a person to make representations about the application under section 156; or
- (b) the authority becomes aware that a notice was not published.

**8 Section 155 (2) (a)**

*after*

subsection (1) (a)

*insert*

or (1A)

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 26 August 2010.

**2 Notification**

Notified under the Legislation Act on 4 November 2010.

**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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I certify that the above is a true copy of the Planning and Development (Public Notification) Amendment Bill 2010, which was passed by the Legislative Assembly on 26 October 2010.

Acting Clerk of the Legislative Assembly

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