



Australian Capital Territory

City Renewal Authority and Suburban Land Agency Amendment Act 2020

A2020-45

An Act to amend the *City Renewal Authority and Suburban Land Agency Act 2017*

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

1 Name of Act

This Act is the *City Renewal Authority and Suburban Land Agency Amendment Act 2020*.

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 *City Renewal Authority and Suburban Land Agency Act 2017*.

4 New division 2.9

insert

Division 2.9 Revitalisation of Melbourne and Sydney Buildings

36A Definitions—div 2.9

In this division:

authorised person—see section 36G (1).

draft revitalisation plan, for the Melbourne Building or Sydney Building—see section 36B (1).

leased public area, of the Melbourne Building or Sydney Building—

- (a) means the facade and other external parts of the building that are accessible by or visible to the public; and
- (b) includes—
 - (i) a structure or thing attached to the building; and
 - (ii) a structure or thing on the land surrounding the building.

Examples—par (a)

colonnade, shopfront, veranda

Examples—par (b) (i)

sign, solar panel, antenna, light

Examples—par (b) (ii)

footpath, garden, landscaping

Melbourne Building means the building on the following land:

- (a) division of City, section 1, blocks 4 to 20;
- (b) the parcel of land subdivided by units plan 3188.

owner, of the Melbourne Building or Sydney Building, means—

- (a) a Crown lessee under a Crown lease in relation to that part of the Melbourne Building or Sydney Building located on the Crown lease; or
- (b) for that part of the Melbourne Building that is subdivided under the *Unit Titles Act 2001*—
 - (i) for a unit in the building—the registered proprietor of the lease of the unit; and
 - (ii) for common property—the owners corporation for the building.

revitalisation work, for the Melbourne Building or Sydney Building—see section 36E (3) (d).

Sydney Building means the building on the following land:

- (a) division of City, section 48, blocks 1 to 6;
- (b) division of City, section 48, blocks 9 to 26;
- (c) division of City, section 48, blocks 28 to 32.

36B Draft revitalisation plan—preparation

- (1) The Minister may ask the authority, in writing, to prepare a plan (a ***draft revitalisation plan***) to revitalise a leased public area of the Melbourne Building or Sydney Building.
- (2) A draft revitalisation plan for the Melbourne Building or Sydney Building must—
 - (a) set out the work required to revitalise the leased public area of the building; and
 - (b) include any matter prescribed by regulation.
- (3) The authority must, in preparing a draft revitalisation plan for the Melbourne Building or Sydney Building—
 - (a) consult with each of the following entities (a ***relevant entity***), in relation to the proposed draft revitalisation plan:
 - (i) each owner of the building;
 - (ii) if the proposed plan involves works that may affect a protected tree under the *Tree Protection Act 2005*—the conservator of flora and fauna;
 - (iii) the heritage council;
 - (iv) any other entity prescribed by regulation; and
 - (b) give written notice to each relevant entity that it may make written submissions about the proposed draft revitalisation plan within 30 days of the notice or any longer period stated in the notice; and

- (c) consider any submission received from a relevant entity in that period; and
 - (d) consider any other matter prescribed by regulation.
- (4) For subsection (3) (a) (i), if the proposed draft revitalisation plan involves work to the leased public area of that part of the Melbourne Building that is subdivided under the *Unit Titles Act 2001*, the following applies:
- (a) if the work only involves common property in the leased public area, the authority is only required to consult with the owners corporation;
 - (b) if the work does not involve common property in the leased public area, the authority is only required to consult with the owner of a unit in the leased public area.

36C Draft revitalisation plan—public consultation

- (1) If the authority prepares a draft revitalisation plan under section 36B, the authority must also prepare a notice about the draft plan (a *consultation notice*).
- (2) A consultation notice must—
 - (a) state that—
 - (i) anyone may give a written submission to the authority about the draft revitalisation plan; and
 - (ii) submissions may be given to the authority only during the period starting on the day the consultation notice is notified under the *Legislation Act* and ending 30 days later or on any later day stated in the notice (the *consultation period*); and
 - (b) include the draft plan.

- (3) A consultation notice is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (4) If the authority notifies a consultation notice for a draft revitalisation plan—
- (a) anyone may give a written submission to the authority about the draft plan; and
 - (b) the submission may be given to the authority only during the consultation period for the draft plan.
- (5) If the consultation period for a draft revitalisation plan has ended, the authority must—
- (a) consider any written submissions received during the consultation period; and
 - (b) make any revisions to the draft plan that the authority considers appropriate; and
 - (c) prepare a final version of the draft plan; and
 - (d) give the final version of the draft plan to the Minister.

36D Draft revitalisation plan—approval

- (1) The Minister may approve a draft revitalisation plan given to the Minister under section 36C (5) (d).
- (2) The Minister must not approve a draft revitalisation plan that is inconsistent with a submission received from the conservator of flora and fauna or the heritage council under section 36B (3) (c).
- (3) The Minister must state in the approval a reasonable period in which the work must be completed.
- (4) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

36E Direction to carry out revitalisation work

- (1) This section applies if—
 - (a) a revitalisation plan approved under section 36D in relation to the Melbourne Building or Sydney Building requires stated work to be carried out to the building by an owner of the building within a stated period; and
 - (b) the work has not been carried out by the end of the period.
- (2) The authority may give the owner a written direction requiring the work to be completed not later than 6 months after the day the direction is given to the person or within any longer period stated in the direction (the *completion date*).
- (3) The direction must state—
 - (a) that it is a direction under this Act given by the authority; and
 - (b) the owner of the building; and
 - (c) the building and leased public area in relation to which the direction applies; and
 - (d) the work required (the *revitalisation work*); and
 - (e) the grounds on which the direction is given; and
 - (f) that the revitalisation work must be completed by the completion date.
- (4) The direction must also contain a statement to the effect that, if the revitalisation work is not completed by the completion date—
 - (a) the authority may authorise someone else to carry out the work; and

- (b) the reasonable cost of carrying out the work is a debt to the Territory by the person who is required to comply with the direction.

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

36F ACAT review of direction

The following people may apply to the ACAT for review of a decision to give a direction under section 36E (2):

- (a) the person to whom the direction is given;
- (b) any other person whose interest is affected by the direction.

Note The requirements for reviewable decision notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](#).

36G Authorisation to carry out revitalisation work

- (1) The authority may authorise a person (an *authorised person*) to carry out revitalisation work under a direction under section 36E (2) if the work is not completed by the end of the period stated in the direction.
- (2) However, the authority must not give the authorisation—
 - (a) until the end of the period for making an application to the ACAT for review of the decision to give the direction to which the work relates; or
 - (b) if an application is made to the ACAT for review of the decision to give the direction to which the work relates—unless the decision is upheld or the application is withdrawn.
- (3) If an approval or permit is required for the revitalisation work to be carried out in accordance with the direction, the Territory may apply for the approval or permit on behalf of the owner who is required to comply with the direction.

36H Revitalisation work by authorised people

- (1) An authorised person must carry out the revitalisation work in accordance with the directions of the authority.
- (2) If entry to premises in a building is necessary to carry out the revitalisation work, the authorised person may enter the premises to carry out the work—
 - (a) during business hours; and
 - (b) at any other time with the consent of the occupier of the premises.
- (3) An authorised person who enters premises under this section may remain at and re-enter the premises to carry out the revitalisation work during business hours, or at any time agreed by the occupier of the premises.
- (4) An authorised person may do anything reasonably required, including apply for approvals and permits, to carry out the revitalisation work.
- (5) In this section:
business hours, in relation to premises—
 - (a) means 9 am to 5 pm on a working day; and
 - (b) if the premises are not residential premises—includes any other period when the premises are open for business.

36I Liability for cost of revitalisation work

An owner of a building who is required to comply with a direction under section 36E (2) must pay to the Territory the reasonable cost of any revitalisation work carried out by an authorised person under section 36H.

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

36J Protection of authorised people from liability

- (1) An authorised person does not incur civil liability for revitalisation work carried out in accordance with the directions of the authority.
- (2) Any civil liability that would, apart from this section, attach to the authorised person attaches instead to the Territory.

5 Dictionary, note 2

insert

- working day

6 Dictionary, new definitions

insert

authorised person, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36G (1).

draft revitalisation plan, for the Melbourne Building or Sydney Building, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36B (1).

leased public area, of the Melbourne Building or Sydney Building, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36A.

Melbourne Building, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36A.

owner, of the Melbourne Building or Sydney Building, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36A.

revitalisation work, for the Melbourne Building or Sydney Building, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36E (3) (d).

Sydney Building, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36A.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 13 August 2020.

2 Notification

Notified under the [Legislation Act](#) on 3 September 2020.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the City Renewal Authority and Suburban Land Agency Amendment Bill 2020, which was passed by the Legislative Assembly on 27 August 2020.

Clerk of the Legislative Assembly

© Australian Capital Territory 2020