

2010

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning)

Planning and Development (Public Notification) Amendment Bill 2010

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(Minister for Planning)

Planning and Development (Public Notification) Amendment Bill 2010

A Bill for

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

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

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

7 **5 Section 153 (4)**

- 8 *omit*
- 9 subsection (2) or (3)
- 10 *substitute*
- 11 subsection (2), (3) or (3A)

12 **6 Public notice to registered interest-holders**

13 **New section 154 (2A)**

- 14 *insert*
- 15 (2A) The planning and land authority must give a new written notice
- 16 under subsection (2) if, before the public consultation period ends,
- 17 the authority—
- 18 (a) becomes aware that the original notice is defective because its
- 19 contents are incorrect, incomplete or include misleading
- 20 information; and
- 21 (b) is satisfied that the defect is likely to—
- 22 (i) unfavourably affect a person’s awareness of the nature of
- 23 the lease variation; or
- 24 (ii) deny or restrict the opportunity of a person to make
- 25 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

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

9 **8 Section 155 (2) (a)**

10 *after*

11 subsection (1) (a)

12 *insert*

13 or (1A)

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2010.

2 Notification

Notified under the Legislation Act on 2010.

3 Republications of amended laws

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

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