

2017

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment and Heritage)

Planning, Building and Environment Legislation Amendment Bill 2017

Contents

	Page
Part 1	
Preliminary	
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Legislation repealed	2
Part 2	
Climate Change and Greenhouse Gas Reduction Act 2010	
5 Annual report by council Section 19 (4)	3

J2016-754

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

	Page
Part 10	Public Place Names Act 1989
18	Regard given to certain names Section 4 (3) 15
Part 11	Water Resources Act 2007
19	Coordination group—functions Section 67B (2) (a) 16
20	Section 67B (4) 16
21	Annual report by coordination group New section 67D (4) 16
22	Section 67D (5), new definition of <i>pre-election period</i> 17
23	Coordination group—membership Section 67E (1) (a) 17
Part 12	Water Resources Regulation 2007
24	New section 10A 18
25	Membership of coordination group—Act, s 67E (1) (g) Section 11 (1) 18
26	Section 11 (2), new definitions 19

2017

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment and Heritage)

Planning, Building and Environment Legislation Amendment Bill 2017

A Bill for

An Act to amend legislation about planning, building and the environment, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Planning, Building and Environment Legislation*
4 *Amendment Act 2017*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [Climate Change and Greenhouse Gas Reduction Act 2010](#)
- 12 • [Electricity Feed-in \(Large-scale Renewable Energy Generation\)](#)
13 [Act 2011](#)
- 14 • [Electricity Feed-in \(Renewable Energy Premium\) Act 2008](#)
- 15 • [Energy Efficiency \(Cost of Living\) Improvement Act 2012](#)
- 16 • [Environment Protection Act 1997](#)
- 17 • [Heritage Act 2004](#)
- 18 • [Nature Conservation Act 2014](#)
- 19 • [Planning and Development Act 2007](#)
- 20 • [Public Place Names Act 1989](#)
- 21 • [Water Resources Act 2007](#)
- 22 • [Water Resources Regulation 2007](#).

23 **4 Legislation repealed**

24 The [Public Place Names Regulation 2001](#) (SL2001-36) is repealed.

1 **Part 2** **Climate Change and Greenhouse**
2 **Gas Reduction Act 2010**

3 **5 Annual report by council**
4 **Section 19 (4)**

5 *substitute*

6 (4) However, if—

7 (a) there are no sitting days during the 21-day period—

8 (i) the Minister must give the report and the statement, and a
9 copy of each for each member of the Legislative
10 Assembly, to the Speaker; and

11 (ii) the report and the statement are taken for all purposes to
12 have been presented to the Legislative Assembly on the
13 day the Minister gives it to the Speaker (the *report day*);
14 and

15 (iii) the Speaker must arrange for a copy of the report and a
16 copy of the statement to be given to each member of the
17 Legislative Assembly on the report day; and

18 (iv) despite subparagraph (ii), the Speaker must present the
19 report and the statement to the Legislative Assembly on
20 the next sitting day; or

21 (b) the 21-day period coincides with all or part of the pre-election
22 period for a general election of members of the Assembly—the
23 Minister must table the report and the statement in the
24 Legislative Assembly on the second sitting day after the
25 election is held.

- 1 **6 Section 19 (5), new definition of *pre-election period***
- 2 *insert*
- 3 *pre-election period*—see the [Electoral Act 1992](#), dictionary.

1 **Part 3** **Electricity Feed-in (Large-scale**
2 **Renewable Energy Generation)**
3 **Act 2011**

4 **7** **New section 26**

5 *insert*

6 **26** **Electricity Feed-in (Large-scale Renewable Energy**
7 **Generation) Regulation 2017—sch 1**

- 8 (1) The provisions set out in schedule 1 are taken, on the
9 commencement of this section, to be a regulation made under
10 section 25.
- 11 (2) To remove any doubt and without limiting subsection (1), the
12 regulation may be amended or repealed as if it had been made by the
13 Executive under section 25.
- 14 (3) Also to remove any doubt, the regulation is taken—
- 15 (a) to have been notified under the Legislation Act on the day the
16 *Planning, Building and Environment Legislation Amendment*
17 *Act 2017* is notified; and
- 18 (b) to have commenced on the commencement of the *Planning,*
19 *Building and Environment Legislation Amendment Act 2017*;
20 and
- 21 (c) not to be required to be presented to the Legislative Assembly
22 under the [Legislation Act](#), section 64 (1).
- 23 (4) Subsections (1) to (3) are laws to which the [Legislation Act](#),
24 section 88 (Repeal does not end effect of transitional laws etc)
25 applies.
- 26 (5) This section and schedule 1 expire on the day they commence.

1 **8 New schedule 1**

2 *insert*

3 **Schedule 1 Electricity Feed-in (Large-scale**
4 **Renewable Energy Generation)**
5 **Regulation 2017**

6 (see s 26)



Australian Capital Territory

7 **Electricity Feed-in (Large scale**
8 **Renewable Energy Generation)**
9 **Regulation 2017**

10 **Subordinate Law SL2017-**

11 made under the

12 **[Electricity Feed-in \(Large-scale Renewable Energy Generation\) Act 2011](#)**

1 **1** **Name of regulation**

2 This regulation is the *Electricity Feed-in (Large-scale Renewable*
3 *Energy Generation) Regulation 2017*.

4 **2** **Prescribed areas—Act, dict, def *Australian capital region*,**
5 **par (b)**

6 (1) Areas for which the following councils have been constituted are
7 prescribed:

- 8 (a) Bega Valley Shire Council;
9 (b) Eurobodalla Shire Council;
10 (d) Cootamundra-Gundagai Regional Council;
11 (c) Goulburn Mulwaree Council;
12 (e) Hilltops Council;
13 (f) Queanbeyan-Palerang Regional Council;
14 (g) Snowy Monaro Regional Council;
15 (h) Snowy Valleys Council;
16 (i) Upper Lachlan Council;
17 (j) Yass Valley Council.

18 (2) In this section:

19 *area*—see the *Local Government Act 1993* (NSW), dictionary.

20 *council*—see the *Local Government Act 1993* (NSW), dictionary.

- 1 **9 Dictionary, definition of *Australian capital region***
- 2 *substitute*
- 3 *Australian capital region* means the region made up of—
- 4 (a) the ACT; and
- 5 (b) if a regulation prescribes an area that makes up the region—the
- 6 prescribed area.

1 **Part 4** **Electricity Feed-in (Renewable**
2 **Energy Premium) Act 2008**

3 **10** **Meaning of *compliant***
4 **Section 5E (5), definition of *service and installation rules***

5 *omit*

6 *Utilities Act 2000*

7 *substitute*

8 *Utilities (Technical Regulation) Act 2014*

9 **11** **Section 5E (5), note**

10 *substitute*

11 *Note* Technical codes made under the *Utilities (Technical Regulation)*
12 *Act 2014* are accessible at www.legislation.act.gov.au. The service and
13 installation rules are accessible at www.actewagl.com.au.

1 **Part 5** **Energy Efficiency (Cost of**
2 **Living) Improvement Act 2012**

3 **12** **Sharing information—non-territory agencies**
4 **Section 28C (1) (b)**

5 *substitute*

6 (b) the information relates to compliance with a law of another
7 jurisdiction that makes provision for energy efficiency or
8 greenhouse gas abatement.

1 **Part 6** **Environment Protection Act 1997**

2 **13 Authority may require environmental audit**
3 **Section 76 (4) and (5)**

4 *omit*

5 subsection (1)

6 *substitute*

7 subsection (1) or (2)

1 **Part 7 Heritage Act 2004**

2 **14 Notice of decision about provisional registration**
3 **Section 34 (5) (b) (iv) and (v)**

4 *substitute*

5 (iv) the council's reasons for its decision;

6 (v) if an assessment of the place or object has been made
7 against the heritage significance criteria—the assessment;

8 (vi) the date the decision takes effect.

1 **Part 8** **Nature Conservation Act 2014**

2 **15 Ramsar wetland management plan—monitoring and**
3 **review**
4 **Section 203 (2)**

5 *omit*

6 5 years

7 *substitute*

8 7 years

9 **16 Offence—take plant or plant reproductive material into**
10 **reserve**
11 **New section 219 (4)**

12 *insert*

- 13 (4) A person has the benefit of the chapter 9 exceptions for an offence
14 against this section.

15 *Note* The chapter 9 exceptions are set out in s 252.

1 **Part 9 Planning and Development**
2 **Act 2007**

3 **17 Draft land management plan—custodian to prepare**
4 **New section 321 (2) (c)**

5 *insert*

6 (c) the environment protection authority.

1 **Part 10** **Public Place Names Act 1989**

2 **18** **Regard given to certain names**

3 **Section 4 (3)**

4 *substitute*

5 (3) Before having regard to Aboriginal or Torres Strait Islander
6 vocabulary under subsection (2) (e), the Minister must take
7 reasonable steps to consult an appropriate cultural group.

1 **Part 11 Water Resources Act 2007**

2 **19 Coordination group—functions**
3 **Section 67B (2) (a)**

4 *after*
5 capital
6 *insert*
7 water

8 **20 Section 67B (4)**

9 *substitute*
10 (4) In this section:
11 *Australian capital water catchment region* means the catchment
12 area of the Murrumbidgee River upstream of Burrinjuck Dam.

13 **21 Annual report by coordination group**
14 **New section 67D (4)**

15 *substitute*
16 (4) However, if—
17 (a) there are no sitting days during the 21-day period—
18 (i) the Minister must give the report and the statement, and a
19 copy of each for each member of the Legislative
20 Assembly, to the Speaker; and
21 (ii) the report and the statement are taken for all purposes to
22 have been presented to the Legislative Assembly on the
23 day the Minister gives it to the Speaker (the *report day*);
24 and

- 1 (iii) the Speaker must arrange for a copy of the report and a
2 copy of the statement to be given to each member of the
3 Legislative Assembly on the report day; and
- 4 (iv) despite subparagraph (ii), the Speaker must present the
5 report and the statement to the Legislative Assembly on
6 the next sitting day; or
- 7 (b) the 21-day period coincides with all or part of the pre-election
8 period for a general election of members of the Assembly—the
9 Minister must table the report and the statement in the
10 Legislative Assembly on the second sitting day after the
11 election is held.

12 **22 Section 67D (5), new definition of *pre-election period***

13 *insert*

14 *pre-election period*—see the *Electoral Act 1992*, dictionary.

15 **23 Coordination group—membership**
16 **Section 67E (1) (a)**

17 *substitute*

- 18 (a) the head of service;
- 19 (aa) the director-general of the administrative unit responsible for
20 the legislation prescribed by regulation;

1 **Part 12** **Water Resources**
2 **Regulation 2007**

3 **24** **New section 10A**

4 *insert*

5 **10A** **Coordination group applicable legislation—Act,**
6 **s 67E (1) (aa)**

7 The following legislation is prescribed:

- 8 (a) *Public Health Act 1997*;
9 (b) *Utilities Act 2000*, part 14;
10 (c) *Water Resources Act 2007*.

11 **25** **Membership of coordination group—Act, s 67E (1) (g)**
12 **Section 11 (1)**

13 *substitute*

14 (1) The following people are prescribed:

- 15 (a) if a council is constituted for an area which is wholly or partly
16 in the Australian capital water catchment region—a
17 representative nominated by the council;
- 18 (b) a representative of ICON Water Limited, who is nominated by
19 ICON Water Limited;
- 20 (c) a representative of the South East Local Board of the Local
21 Land Services, who is nominated by the board.

1 **26 Section 11 (2), new definitions**

2 *insert*

3 *area*—see the *Local Government Act 1993* (NSW), dictionary.

4 *Australian capital water catchment region* means the catchment
5 area of the Murrumbidgee River upstream of Burrinjuck Dam.

6 *council*—see the *Local Government Act 1993* (NSW), dictionary.

Endnotes

1 **Presentation speech**

Presentation speech made in the Legislative Assembly on 23 March 2017.

2 **Notification**

Notified under the *Legislation Act* on 2017.

3 **Republications of amended laws**

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