

2020

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning and Land Management)

Planning and Environment Legislation Amendment Bill 2020

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(Minister for Planning and Land Management)

Planning and Environment Legislation Amendment Bill 2020

A Bill for

An Act to amend legislation about planning and the environment

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 and Environment Legislation Amendment*
4 *Act 2020*.

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 • [Animal Diseases Act 2005](#)
- 12 • [City Renewal Authority and Suburban Land Agency Act 2017](#)
- 13 • [Fertilisers \(Labelling and Sale\) Act 1904](#)
- 14 • [Fisheries Act 2000](#)
- 15 • [Gas Safety Act 2000](#)
- 16 • [Nature Conservation Act 2014](#)
- 17 • [Planning and Development Act 2007](#)
- 18 • [Utilities \(Technical Regulation\) Act 2014](#)
- 19 • [Waste Management and Resource Recovery Act 2016](#).

1 **Part 2** **Animal Diseases Act 2005**

2 **4** **Definitions—pt 5A**
3 **Section 62A, definition of *beekeeper***

4 *substitute*

5 *beekeeper* means a person who owns beehives in which European
6 honey bees (*Apis mellifera*) are kept.

7 **5** **Sections 62B (2) (a) and 62I (e)**

8 *omit*

9 *Apiaries Act 1985* (NSW)

10 *substitute*

11 *Biosecurity Act 2015* (NSW)

1 **Part 3** **City Renewal Authority and**
2 **Suburban Land Agency Act 2017**

3 **6 Appointment of authority CEO**
4 **New section 28 (3A)**

5 *insert*

6 (3A) The chair of the authority board is a public sector employer in relation
7 to the authority CEO for the *Public Sector Management Act 1994*,
8 section 152 (Certain office-holders have management powers).

9 **7 Appointment of agency CEO**
10 **New section 56 (3A)**

11 *insert*

12 (3A) The chair of the agency board is a public sector employer in relation
13 to the agency CEO for the *Public Sector Management Act 1994*,
14 section 152 (Certain office-holders have management powers).

1 **Part 4** **Fertilisers (Labelling and Sale)**
2 **Act 1904**

3 **8 Dictionary**
4 **Section 1A, notes**

5 *substitute*

6 *Note 1* The dictionary at the end of this Act defines certain terms used in
7 this Act.

8 *Note 2* A definition in the dictionary applies to the entire Act unless the
9 definition, or another provision of the Act, provides otherwise or
10 the contrary intention otherwise appears (see [Legislation Act](#), s 155
11 and s 156 (1)).

12 **9 Meaning of *fertiliser***
13 **Section 2**

14 *omit*

15 **10 Vendor to give statement**
16 **New section 3 (4)**

17 *insert*

18 (4) A vendor does not commit an offence under subsection (2) if the
19 statement provided to the purchaser substantially complies with the
20 code of practice approved under section 4A.

21 **11 New section 4A**

22 *insert*

23 **4A Code of practice**

24 (1) The Minister may approve a code of practice relating to fertiliser
25 labelling for this Act.

1 (2) An approval is a disallowable instrument.

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

4 **12 Dictionary, definition of *fertiliser***

5 *omit*

1 **Part 5** **Fisheries Act 2000**

2 **13 Declaration of possession limit**
3 **Section 16A (2)**

4 *substitute*

5 (2) A declaration is a disallowable instrument.

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

1 **Part 6** **Gas Safety Act 2000**

2 **14 Construction occupations registrar may require**
3 **information and documents**
4 **Section 38 (1)**

5 *omit*

6 authority

7 *substitute*

8 registrar

9 **15 Appointment of inspectors**
10 **Section 40 (3) (c)**

11 *substitute*

12 (c) the construction occupations registrar has certified, in writing,
13 that the registrar is satisfied that the person—

14 (i) has satisfactorily completed adequate training; and

15 (ii) is competent to exercise the functions of an inspector
16 proposed to be given to the person.

Part 7 Nature Conservation Act 2014

16 Sections 140 (1) (b) (ii) and 141 (1) (b) (ii)

omit

growing

17 Draft reserve management plan—planning reports and strategic environmental assessments Section 178

omit

18 Offence—weapons and traps in reserve New section 217 (2A)

insert

(2A) Subsection (1) does not apply to a person only because—

- (a) the person possesses or uses a landing net; and
- (b) the possession or use is for landing a fish that is already hooked.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2A) (see [Criminal Code](#), s 58).

19 Section 217 (4), new definition of *landing net*

insert

landing net means a net consisting of a hoop or ring that is attached to netting or other soft material and which is to be used for the purpose of landing a fish that is already hooked.

20 Direction to leave reserve Section 325 (3)

omit

1 **Part 8** **Planning and Development**
2 **Act 2007**

3 **21** **Meaning of *associated document*—pt 3.6**
4 **Section 30 (1) (g)**

5 *substitute*

6 (g) design advice and the response to that design advice, as required
7 under section 139 (2) (s) to accompany the application;

8 **22** **Form of development applications**
9 **Section 139 (2) (s), except notes**

10 *substitute*

11 (s) if the design review panel provided the proponent with design
12 advice about the development proposal under section 138AM—
13 be accompanied by—

14 (i) the design advice; and

15 (ii) the proponent's response, in writing, to the design advice.

16 **23** **Section 188 heading**

17 *substitute*

18 **188** **Development approvals continue unless ended but may**
19 **be extended**

24 Section 188 (2)

1
2 *substitute*

- 3 (2) On application made before the end of the development approval, or
4 on its own initiative, the planning and land authority may extend the
5 period under the approval for—
- 6 (a) for an approval mentioned in section 184—the development or
7 any stage of the development to start in accordance with the
8 approval; or
- 9 (b) for an approval mentioned in section 185—the lease to be varied
10 in accordance with the approval; or
- 11 (c) for an approval mentioned in section 186 or section 187—the
12 use in accordance with the approval to begin or happen.
- 13 (3) The planning and land authority may not extend a period under
14 subsection (2) if the day on which the period ends, as extended, is
15 more than 5 years after the day the development approval takes effect.
- 16 (4) To remove any doubt, a development approval to which this section
17 applies continues unless the approval ends in accordance with a
18 section mentioned in subsection (1) (including any extension granted
19 under subsection (2)).
- 20 (5) The planning and land authority may make guidelines about the
21 application of subsection (2).
- 22 (6) A guideline is a notifiable instrument.

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

1 **Part 9** **Utilities (Technical Regulation)**
2 **Act 2014**

3 **25** **New section 77A**

4 *insert*

5 **77A** **Delegation by technical regulator**

6 The technical regulator may delegate the technical regulator's
7 functions to a public servant.

1 **Part 10** **Waste Management and**
2 **Resource Recovery Act 2016**

3 **26 Section 14**

4 *substitute*

5 **14 Meaning of *waste facility***

6 In this Act:

7 ***waste facility***—

- 8 (a) means a site used by a waste management business for the
9 storage, sorting, treatment, processing, or disposal of waste; but
10 (b) does not include a reverse vending machine.

11 **27 Definitions—pt 10A**
12 **Section 64B, definition of *collection point operator***

13 *substitute*

14 ***collection point operator***, for a collection point, means—

- 15 (a) if a collection point arrangement is in force for the collection
16 point—the person who has entered into the collection point
17 arrangement with a network operator for the collection point; or
18 (b) if a collection point arrangement is not in force for the collection
19 point—the network operator who administers and operates the
20 collection point.

28 Section 64D

2 *substitute*

64D Meaning of *collection point*—pt 10A

4 In this part:

5 *collection point* means—

- 6 (a) a waste facility used for the collection and handling of
7 containers delivered to the facility for payment of a refund
8 amount; or
- 9 (b) sites used for the collection and transport of containers to a waste
10 facility for sorting and processing; or
- 11 (c) a reverse vending machine.

**29 Content of network operator agreements
Section 64N (1)**

14 *omit*

15 establishment

16 *substitute*

17 administration

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 7 May 2020.

2 Notification

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

3 Republications of amended laws

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

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