

EXPOSURE DRAFT

Ms Caroline Le Couteur

(Prepared by Parliamentary Counsel's Office)

Planning and Development (Greenhouse Gas Reduction Targets) Amendment Bill 2012

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Planning and Development (Greenhouse Gas Reduction Targets) Amendment Bill 2012

A Bill for

*An Act to amend the *Planning and Development Act 2007* and the *Planning and Development Regulation 2008**

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

Part 1 Preliminary

1 Name of Act

This Act is the *Planning and Development (Greenhouse Gas Reduction Targets) Amendment Act 2012*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

This Act amends the *Planning and Development Act 2007* and the *Planning and Development Regulation 2008*.

Part 2 Planning and Development Act 2007

4 Object of Act Section 6 (a)

substitute

- (a) consistent with—
- (i) the social, environmental and economic aspirations of the people of the ACT; and
 - (ii) the ACT greenhouse gas reduction targets; and

5 Meaning of *sustainable development* Section 9, definition of *sustainable development*, new paragraphs (e) and (f)

insert

- (e) meeting the ACT greenhouse gas reduction targets;
- (f) planning for the impacts of climate change in the ACT.

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6 New section 9A

in chapter 2, insert

9A Meaning of *ACT greenhouse gas reduction targets and climate change impact analysis*

In this Act:

ACT greenhouse gas reduction targets means the ACT target and interim targets to reduce greenhouse gas emissions in the ACT under the *Climate Change and Greenhouse Gas Reduction Act 2010*.

climate change impact analysis means an assessment of the possible and expected contribution to greenhouse gas emissions in the ACT of an activity, proposal or other thing.

**7 Giving effect to object of territory plan
Section 49 (1)**

omit

sustainability principles

substitute

principles for sustainable development

**8 Statement of strategic directions
Section 52 (1)**

substitute

- (1) The statement of strategic directions—
 - (a) must contain—
 - (i) principles and plans for meeting the ACT greenhouse gas reduction targets; and
 - (ii) other principles for sustainable development; and
 - (b) may contain planning principles covering areas of national, regional and Territory interest.

**9 What is a *structure plan*?
New section 92 (2)**

after the notes, insert

- (2) A structure plan must give effect to principles for sustainable development.

**10 What is a *concept plan*?
New section 93 (2)**

insert

- (2) A concept plan must give effect to principles for sustainable development.

**11 What is an *estate development plan*?
New section 94 (1) (c)**

insert

- (c) principles for sustainable development.

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12 Consideration of whether review of territory plan necessary
Section 102 (2) (d)

substitute

(d) gives effect to its object in a way that gives effect to the principles of sustainable development; and

13 New section 102 (2A)

insert

(2A) The planning and land authority must also consider whether the statement of strategic directions is consistent with the function of the statement under section 52 (2).

14 Section 103 heading

substitute

103 Review of territory plan—after consideration of whether review necessary

15 New section 103A

in part 5.7, insert

103A Review of territory plan—ACT greenhouse gas reduction targets

- (1) The planning and land authority must, at least once every 5 years—
- (a) review the territory plan to identify any variation needed to make the plan consistent with the ACT greenhouse gas reduction targets; and

- (b) if a variation is needed, either—
 - (i) for a variation under part 5.3—prepare a draft plan variation for the variation; or
 - (ii) for a variation that is a technical amendment—make the amendment under part 5.4.
- (2) After reviewing the territory plan, the planning and land authority must—
 - (a) prepare a notice stating the authority’s findings on the review; and
 - (b) give a copy of the notice to the Minister.
- (3) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.
- (4) The planning and land authority must undertake its first review, and prepare any related draft plan variation or make any technical amendment to the territory plan, under this section by 31 December 2013.
- (5) Subsection (4) and this subsection expire on 30 June 2014.

16 **Meaning of *significant* adverse environmental impact**
New section 124A (1) (c)

insert

- (c) the planning and land authority is not satisfied that an impact of a proposed development is consistent with the ACT greenhouse gas reduction targets.

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**17 Impact track—development applications
Section 127, new note**

insert

Note 1A A development application for a development proposal in the impact track must be accompanied by a climate change impact analysis.

**18 Impact track—when development approval must not be given
New section 128 (1A)**

insert

- (1A) Also, development approval must not be given if the planning and land authority is not satisfied that the proposal is consistent with the ACT greenhouse gas reduction targets.

**19 Impact track—considerations when deciding development approval
New section 129 (ha)**

after the note, insert

- (ha) a climate change impact analysis for the proposed development;

**20 Form of development applications
New section 139 (2) (f) (ia)**

insert

- (ia) a climate change impact analysis for the development;
and

21 New section 419A

insert

419A Annual reporting about climate change

The planning and land authority must include in its annual report under the *Annual Reports (Government Agencies) Act 2004*—

- (a) the average annual greenhouse gas emissions expected from developments approved in the reporting year; and
- (b) details of the authority's compliance with its functions in relation to the ACT greenhouse gas reduction targets under this Act.

22 Dictionary, new definitions

insert

ACT greenhouse gas reduction targets—see section 9A.

climate change impact analysis—see section 9A.

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Part 3 Planning and Development Regulation 2008

23 Exemptions from requirement for development approval Schedule 1, section 1.22 (2) (a) (ii), new example

insert

4 replacing roof tiles with building-integrated photovoltaic roof tiles

24 Schedule 1, section 1.27 (1) (b)

after 1st mention of

service

insert

(other than a photovoltaic panel or support structure for the panel)

25 Dictionary, note 3

insert

- ACT greenhouse gas reduction targets (see s 9A)
- climate change impact analysis (see s 9A)

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Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2012.

2 Notification

Notified under the Legislation Act on 2012.

3 Republications of amended laws

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

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