



# LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022–2023

## MINUTES OF PROCEEDINGS

No 86

**TUESDAY, 6 JUNE 2023**

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- 1 The Assembly met at 10 am, pursuant to adjournment. The Speaker (Ms Burch) took the Chair and made the following acknowledgement of country in the Ngunnawal language:

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.

Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

*This is Ngunnawal Country.*

*Today we are gathering on Ngunnawal country.*

*We always pay respect to Elders, female and male, and Ngunnawal country.*

The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### 2 SUB JUDICE CONVENTION—APPLICATION—STATEMENT BY SPEAKER

The Speaker provided Members with a statement concerning the application of the sub judice convention in the Assembly. Having noted the prospect of legal action in relation to the *Health Infrastructure Enabling Act 2023* and the Health Infrastructure Enabling Regulation 2023, and a motion by a Member which mentioned the transition plan for the transfer of Calvary Public Hospital to Canberra Health Services, the Speaker advised that she will refer to this statement as a guidance should points of order be raised on any proceedings in the Assembly.

### 3 PETITIONS AND MINISTERIAL RESPONSES—PETITIONS AND RESPONSES NOTED

#### Petitions

The Clerk announced that the following Member had lodged petitions for presentation:

Ms Clay, from 403 residents and 178 residents respectively, requesting that the Assembly call on the ACT Government to incorporate the Ainslie Volcanics site into the Mount Ainslie Nature Reserve (e-Pet 012-23 and Pet 016-23).

**Ministerial responses**

The Clerk announced that the following responses to petitions had been lodged:

Ms Berry (Minister for Housing and Suburban Development), dated 1 June 2023—Response to petition No 009-23, lodged by Dr Paterson on 22 March 2023, concerning a Swinger Hill Housing ACT property.

Mr Steel (Minister for Transport and City Services), dated 5 June 2023—Response to petition No 040-22, lodged by Mr Pettersson on 28 March 2023, concerning road and pedestrian safety around the Harrison education precinct.

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The Speaker proposed—That the petitions and responses so lodged be noted.

Debate ensued.

Question—put and passed.

**4 LEGAL AID CYBER SECURITY ATTACK—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Rattenbury (Attorney-General) made a ministerial statement to provide the Assembly with an update on the Legal Aid ACT cyber incident in late 2022, and presented the following paper:

Legal Aid cyber security attack—Ministerial statement, 6 June 2023.

Mr Rattenbury moved—That the Assembly take note of the paper.

Question—put and passed.

**5 ZERO EMISSION TRANSITION PLAN FOR TRANSPORT CANBERRA—UPDATE—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Steel (Minister for Transport and City Services) made a ministerial statement concerning the progress of the implementation of the ACT Government's Zero Emission Transition Plan for Transport Canberra and presented the following paper:

Zero Emission Transition Plan for Transport Canberra—Update—Ministerial statement, 6 June 2023.

Mr Steel moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

**6 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (LEGISLATIVE SCRUTINY ROLE)—SCRUTINY REPORT 30—STATEMENT BY CHAIR**

Mr Cain (Chair) presented the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 30, dated 5 June 2023, together with a copy of the extracts of the relevant minutes of proceedings—

and, by leave, made a statement in relation to the report.

## 7 WORLD DAY FOR SAFETY AND HEALTH AT WORK AND INTERNATIONAL WORKERS' MEMORIAL DAY

Mr Gentleman (Minister for Industrial Relations and Workplace Safety), by leave, moved—That this Assembly:

- (1) notes the importance of World Day for Safety and Health at Work and International Workers' Memorial Day commemorated internationally on 28 April of each year and that:
  - (a) it is a day of reflection to remember and honour those who have lost their lives at work or from work-related injuries or illness;
  - (b) an opportunity to focus on the importance of health and safety at work and the joint responsibility shared by all in keeping our workplaces safe and fostering a positive work safety culture;
  - (c) all workers have the right to return home safely from work;
  - (d) in 2023, the theme for World Day for Safety and Health at Work was '*A safe and healthy working environment is a fundamental principle and right at work*', focusing on good work; work that is not only safe, but that is also good for us by contributing to our physical and psychological health and wellbeing; and
  - (e) in 2023, the theme for Workers' Memorial Day was '*remember the dead, fight for the living*'; and
- (2) express solidarity in reflecting on the importance of World Day for Safety and Health at Work and International Workers' Memorial Day which occurred on 28 April 2023 by:
  - (a) formally recording a continuing and shared commitment to being a world-leading jurisdiction in work health and safety; and
  - (b) continuing to provide Territory workers with contemporary laws that recognise the complexity of modern workplaces and emerging hazards and keep pace with community expectations.

Debate ensued.

Debate adjourned (Ms Cheyne—Minister for Human Rights) and the resumption of the debate made an order of the day for the next sitting.

## 8 PLANNING BILL 2022

The Assembly, according to order, resumed consideration at the detail stage—

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### *Detail Stage*

Clause 1 agreed to.

Clause 2—

On the motion of Mr Gentleman (Minister for Planning and Land Management), his amendment No 1 (see [Schedule 1](#)) was made, after debate.

Clause 2, as amended, agreed to.

Mr Gentleman (Minister for Planning and Land Management) was granted leave to move his amendments (see [Schedule 1](#)) together, where four out of the 109 amendments had not been considered or reported on by the Scrutiny Committee.

Clause 3—

On the motion of Mr Gentleman, his amendment No 2 (see [Schedule 1](#)) was made.

Clause 3, as amended, agreed to.

Clauses 4 to 6, by leave, taken together and agreed to.

Clause 7—

On the motion of Ms Clay, her amendment No 1 (see [Schedule 2](#)) was made, after debate.

On the motion of Mr Gentleman, by leave, his amendments Nos 3 to 5 (see [Schedule 1](#)) were made together.

On the motion of Ms Clay, by leave, her amendments Nos 2 and 3 (see [Schedule 2](#)) were made together, after debate.

On the motion of Mr Gentleman, his amendment No 6 (see [Schedule 1](#)) was made, after debate.

On the motion of Ms Clay, her amendment No 4 (see [Schedule 2](#)) was made.

On the motion of Mr Gentleman, his amendment No 7 (see [Schedule 1](#)) was made, after debate.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9—

On the motion of Mr Gentleman, by leave, his amendments Nos 8 to 11 (see [Schedule 1](#)) were made together, after debate.

Clause 9, as amended, agreed to.

Clause 10—

On the motion of Ms Clay, her amendment No 5 (see [Schedule 2](#)) was made, after debate.

On the motion of Mr Gentleman, his amendment No 12 (see [Schedule 1](#)) was made.

On the motion of Mr Gentleman, his amendment No 14 (see [Schedule 1](#)) was made.

On the motion of Ms Clay, her amendment No 6 (see [Schedule 2](#)) was made, after debate.

On the motion of Mr Gentleman, his amendment No 16 (see [Schedule 1](#)) was made, after debate.

On the motion of Ms Clay, her amendment No 7 (see [Schedule 2](#)) was made.

On the motion of Mr Gentleman, his amendment No 17 (see [Schedule 1](#)) was made, after debate.

Clause 10, as amended, agreed to.

Clause 11—

On the motion of Ms Clay, by leave, her amendments Nos 8 to 11 (see [Schedule 2](#)) were made together.

Clause 11, as amended, agreed to.

Clauses 12 to 17, by leave, taken together and agreed to.

*Paper:* Mr Gentleman presented a supplementary explanatory statement to the Government amendments.

Clause 18—

On the motion of Mr Gentleman, his amendment No 18 (see [Schedule 1](#)) was made.

Clause 18, as amended, agreed to.

Clauses 19 to 35, by leave, taken together and agreed to.

Clause 36—

On the motion of Mr Gentleman, by leave, his amendments Nos 19 and 20 (see [Schedule 1](#)) were made together.

Clause 36, as amended, agreed to.

Clause 37—

On the motion of Mr Gentleman, his amendment No 21 (see [Schedule 1](#)) was made.

Clause 37, as amended, agreed to.

Clause 38 agreed to.

Clause 39—

On the motion of Mr Gentleman, by leave, his amendments Nos 22 to 24 (see [Schedule 1](#)) were made together.

Clause 39, as amended, agreed to.

Clause 40—

On the motion of Mr Gentleman, by leave, his amendments Nos 25 and 26 (see [Schedule 1](#)) were made together.

Clause 40, as amended, agreed to.

Clauses 41 and 42, by leave, taken together and agreed to.

Clause 43—

On the motion of Mr Gentleman, by leave, his amendments Nos 27 to 29 (see [Schedule 1](#)) were made together.

Clause 43, as amended, agreed to.

Clauses 44 to 46, by leave, taken together and agreed to.

Clause 47—

On the motion of Mr Gentleman, by leave, his amendments Nos 30 and 31 (see [Schedule 1](#)) were made together.

On the motion of Ms Clay, her amendment No 12 (see [Schedule 2](#)) was made.

Clause 47, as amended, agreed to.

Clauses 48 and 49, by leave, taken together and agreed to.

*New Clauses—*

On the motion of Mr Gentleman, new clauses 49A and 49B (his amendment No 32, see [Schedule 1](#)) were inserted in the Bill, after debate.

Clauses 50 to 52, by leave, taken together and agreed to.

Clause 53—

On the motion of Mr Gentleman, his amendment No 33 (see [Schedule 1](#)) was made.

Clause 53, as amended, agreed to.

Clauses 54 to 68, by leave, taken together and agreed to.

Clause 69—

On the motion of Mr Gentleman, by leave, his amendments Nos 34 and 35 (see [Schedule 1](#)) were made together, after debate.

Clause 69, as amended, agreed to.

Clauses 70 to 81, by leave, taken together and agreed to.

Clause 82—

On the motion of Mr Gentleman, by leave, his amendments Nos 36 to 39 (see [Schedule 1](#)) were made together.

Clause 82, as amended, agreed to.

Clauses 83 to 86, by leave, taken together and agreed to.

Clause 87—

On the motion of Mr Gentleman, his amendment No 40 (see [Schedule 1](#)) was made.

Clause 87, as amended, agreed to.

Clause 88—

On the motion of Mr Gentleman, by leave, his amendments Nos 41 and 42 (see [Schedule 1](#)) were made together.

Clause 88, as amended, agreed to.

Clauses 89 to 91, by leave, taken together and agreed to.

Clause 92—

On the motion of Mr Gentleman, by leave, his amendments Nos 43 to 44 (see [Schedule 1](#)) were made together.

Clause 92, as amended, agreed to.

Clauses 93 to 98, by leave, taken together and agreed to.

Clause 99—

On the motion of Mr Gentleman, his amendment No 45 (see [Schedule 1](#)) was made.

Clause 99, as amended, agreed to.

Clause 100—

On the motion of Mr Gentleman, his amendment No 46 (*see* [Schedule 1](#)) was made.

Clause 100, as amended, agreed to.

Clauses 101 to 105, by leave, taken together and agreed to.

Clause 106—

On the motion of Mr Gentleman, his amendment No 47 (*see* [Schedule 1](#)) was made.

Clause 106, as amended, agreed to.

Clause 107—

On the motion of Mr Gentleman, his amendment No 48 (*see* [Schedule 1](#)) was made.

Clause 107, as amended, agreed to.

Clauses 108 and 109, by leave, taken together and agreed to.

Clause 110—

On the motion of Mr Gentleman, his amendment No 49 (*see* [Schedule 1](#)) was made.

Clause 110, as amended, agreed to.

Clause 111—

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

## **9 QUESTIONS**

Questions without notice were asked.

## **10 PRESENTATION OF PAPERS**

The Speaker, pursuant to standing order 191, presented the following papers:

Standing order 191—Amendments to Health Infrastructure Enabling Bill 2023, dated 2 June 2023.

## **11 PRESENTATION OF PAPERS**

Mr Gentleman (Manager of Government Business) presented the following papers:

Crimes Act, pursuant to section 442B—Statutory Review—Sections 26A, 26B, 29A and 29B, dated March 2023.

Education and Care Services National Law as applied by the law of the States and Territories—Education and Care Services National Amendment Regulations 2023 (2023 No 165), dated 13 April 2023, together with an explanatory statement.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Freedom of Information request—Decision not made in time—Environment, Planning and Sustainable Development Directorate (FOI 22/121837), dated 30 May 2023.

Justice and Community Safety—Standing Committee—Report 14—*Inquiry into the Corrections and Sentencing Legislation Amendment Bill 2022*—Government response, dated June 2023.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Cemeteries and Crematoria Act—

Cemeteries and Crematoria (Governing Board) Appointment 2023 (No 1)—  
Disallowable Instrument DI2023-89 (LR, 25 May 2023).

Cemeteries and Crematoria (Governing Board) Appointment 2023 (No 2)—  
Disallowable Instrument DI2023-90 (LR, 25 May 2023).

Gambling and Racing Control Act—Gambling and Racing Control (Code of Practice)  
Amendment Regulation 2023 (No 1), including a regulatory impact statement—  
Subordinate Law SL2023-8 (LR, 30 May 2023).

Official Visitor Act—Official Visitor (Disability Services) Appointment 2023 (No 1)—  
Disallowable Instrument DI2023-91 (LR, 30 May 2023).

Victims of Crime Act—Victims of Crime Amendment Regulation 2023 (No 1)—  
Subordinate Law SL2023-9 (LR, 30 May 2023).

Waste Management and Resource Recovery Act—Waste Management and Resource  
Recovery (Processing Refund Protocol) Determination 2023—Disallowable Instrument  
DI2023-95 (LR, 30 May 2023).

**12 LEAVE OF ABSENCE TO MEMBER**

Ms Lawder moved—That leave of absence be granted to Mr Milligan for this sitting due to personal reasons.

Question—put and passed.

**13 LEAVE OF ABSENCE TO MEMBER**

Ms Lawder moved—That leave of absence be granted to Mr Cocks for this sitting week due to personal reasons.

Question—put and passed.

**14 LEAVE OF ABSENCE TO MEMBER**

Ms Orr moved—That leave of absence be granted to Mr Pettersson for this sitting week due to other commitments.

Question—put and passed.

**15 GUNGAHLIN—ECONOMIC DEVELOPMENT**

Mr Braddock, pursuant to notice, moved—That this Assembly:

(1) notes:

- (a) the motions moved by Ms Orr MLA on 10 February 2021 and by Mr Braddock MLA on 11 May 2021 calling for investment in the Gungahlin Town Centre;



- (b) the Government response tabled by Minister Gentleman on 10 November 2021;
  - (c) the prospectus that was prepared and provided to relevant Commonwealth Ministers by the Chief Minister in August 2022;
  - (d) that, according to the 2021 census of population and housing, the proportion of people who work in the Gungahlin district is approximately 21 percent of those workers who live in the district, the lowest of Canberra's five major residential districts when compared to Belconnen at 30 percent, Tuggeranong at 27 percent, Central Canberra at 73 percent, and the Woden/Weston/Molonglo area at 29 percent; and
  - (e) that census data shows that more Canberrans now work in the Canberra East district than in the whole of the Gungahlin district;
- (2) considers that:
- (a) Gungahlin would benefit from additional employment opportunities to avoid the risk it will be perceived as a "dormitory" district;
  - (b) local employment opportunities are an important contributor to community health and wellbeing through enabling active travel lifestyles, reduced stress, and less time spent commuting;
  - (c) Gungahlin is an attractive district for businesses to invest; it is well-served by supporting infrastructure, like light rail and has good National Broadband Network connectivity; and
  - (d) numerous inquiries and discussions concerning planning for the Gungahlin Town Centre have repeatedly concluded that planning regulations are only a small part of what is needed to genuinely realise the potential of the Gungahlin district, which is consistently not becoming a reality; and
- (3) calls on the Minister for Economic Development to:
- (a) as a part of CBR Switched On, investigate strategies to enhance economic development in districts that lack an anchor employer;
  - (b) advocate for Commonwealth investment in the Gungahlin district with the Federal Labor Government;
  - (c) investigate setting ambitious targets for employment growth in Gungahlin and other districts for the census years of 2026 and 2031, including as a proportion of the workforce resident in the district; and
  - (d) report back to the Assembly on progress by November 2023.

Debate ensued.

Question—put and passed.

## 16 CALVARY PUBLIC HOSPITAL—STAFFING LEVELS AND CLINICAL SERVICES

Ms Castley, pursuant to notice, moved—That this Assembly:

- (1) notes that:
  - (a) on Wednesday, 31 May the Minister for Health confirmed in question time that the Calvary transition plan was still in draft stage;

- (b) the Minister for Health confirmed on 1 June that around 120 out of 1,800 Calvary staff have completed the transition forms;
  - (c) the Minister for Health confirmed in question on notice No 1154 that the Government has no estimate of how many Calvary staff will transition to Canberra Health Services (CHS);
  - (d) the Government has failed to outline any contingency plans should its takeover be held up by legal action or a significant number of Calvary staff not transitioning to CHS; and
  - (e) project management experts have cast doubts that the Government will be able to take over Calvary by 3 July; and
- (2) calls on the ACT Government to guarantee:
- (a) current staffing levels will be maintained at Calvary Public Hospital Bruce; and
  - (b) that the current standard of clinical services will be maintained at Calvary Public Hospital Bruce.

Ms Stephen-Smith (Minister for Health) moved the following amendment: Omit all text after paragraph (1)(c), substitute:

- “(d) the Northside Hospital Transition Team has executives with clinical, health service administration and public service expertise supported by independent clinical, commercial and legal advisors that have supported the mapping of a range of operational risks and contingencies for the northside hospital transition; and
- (2) calls on the ACT Government to:
- (a) engage with the Calvary Public Hospital Bruce health work force when possible on the draft transition plan and ensure they are part of the transition process as experts in the operation of their public hospital service; and
  - (b) maintain the current standard of clinical services at the northside public hospital.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 13		NOES, 6
Mr Braddock	Ms Orr	Mr Cain
Ms Burch	Dr Paterson	Ms Castley
Ms Cheyne	Mr Rattenbury	Mr Hanson
Ms Clay	Mr Steel	Mrs Kikkert
Ms Davidson	Ms Stephen-Smith	Ms Lawder
Mr Davis	Ms Vassarotti	Mr Parton
Mr Gentleman		

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
  - (a) on Wednesday, 31 May the Minister for Health confirmed in question time that the Calvary transition plan was still in draft stage;
  - (b) the Minister for Health confirmed on 1 June that around 120 out of 1,800 Calvary staff have completed the transition forms;
  - (c) the Minister for Health confirmed in question on notice No 1154 that the Government has no estimate of how many Calvary staff will transition to Canberra Health Services (CHS); and
  - (d) the Northside Hospital Transition Team has executives with clinical, health service administration and public service expertise supported by independent clinical, commercial and legal advisors that have supported the mapping of a range of operational risks and contingencies for the northside hospital transition; and
- (2) calls on the ACT Government to:
  - (a) engage with the Calvary Public Hospital Bruce health work force when possible on the draft transition plan and ensure they are part of the transition process as experts in the operation of their public hospital service; and
  - (b) maintain the current standard of clinical services at the northside public hospital.”—

be agreed to—put and passed.

## 17 **PLANNING BILL 2022**

The Assembly, according to order, resumed consideration at the detail stage (see [entry 8](#))—

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### *Detail Stage*

Clause 111 agreed to.

Clause 112—

On the motion of Ms Clay, her amendment No 13 (see [Schedule 2](#)) was made.

Clause 112, as amended, agreed to.

Clauses 113 to 115, by leave, taken together and agreed to.

Clause 116—

On the motion of Mr Gentleman, his amendment No 50 (see [Schedule 1](#)) was made.

Clause 116, as amended, agreed to.

Clause 117—

On the motion of Ms Clay, her amendment No 14 (see [Schedule 2](#)) was made.

Clause 117, as amended, agreed to.

Clauses 118 to 142, by leave, taken together and agreed to.

Clause 143—

On the motion of Mr Gentleman, by leave, his amendments Nos 51 to 53 (see [Schedule 1](#)) were made together.

Clause 143, as amended, agreed to.

Clauses 144 to 162, by leave, taken together and agreed to.

Clause 163—

On the motion of Mr Gentleman, his amendment No 54 (see [Schedule 1](#)) was made.

Clause 163, as amended, agreed to.

Clauses 164 to 168, by leave, taken together and agreed to.

Clause 169—

On the motion of Mr Gentleman, by leave, his amendments Nos 55 and 56 (see [Schedule 1](#)) were made together.

Clause 169, as amended, agreed to.

Clauses 170 to 172, by leave, taken together and agreed to.

Clause 173—

On the motion of Mr Gentleman, his amendment No 57 (see [Schedule 1](#)) was made.

Clause 173, as amended, agreed to.

Clauses 174 and 175, by leave, taken together and agreed to.

Clause 176—

On the motion of Mr Gentleman, his amendment No 58 (see [Schedule 1](#)), was made.

Clause 176, as amended, agreed to.

*New clause—*

On the motion of Mr Gentleman, new clause 176A (his amendment No 59, see [Schedule 1](#)) was inserted in the Bill, after debate.

Clauses 177 to 181, by leave, taken together and agreed to.

Clause 182—

On the motion of Mr Gentleman, his amendment No 60 (see [Schedule 1](#)) was made.

Clause 182, as amended, agreed to.

Clause 183—

On the motion of Mr Gentleman, his amendment No 61 (see [Schedule 1](#)) was made, after debate.

Clause 183, as amended, agreed to.

Clauses 184 and 185, by leave, taken together and agreed to.

Clause 186—

On the motion of Mr Gentleman, his amendment No 62 (see [Schedule 1](#)) was made.

Clause 186, as amended, agreed to.

Clause 187—

On the motion of Ms Clay, her amendment No 15 (see [Schedule 2](#)) was made.

Clause 187, as amended, agreed to.

Clause 188 agreed to.

Clause 189—

On the motion of Mr Gentleman, by leave, his amendments Nos 63 to 65 (see [Schedule 1](#)) were made together.

Clause 189, as amended, agreed to.

Clauses 190 to 203, by leave, taken together and agreed to.

Clause 204—

On the motion of Mr Gentleman, by leave, his amendments Nos 66 and 67 (see [Schedule 1](#)) were made together.

Clause 204, as amended, agreed to.

Clauses 205 to 214, by leave, taken together and agreed to.

Clause 215—

On the motion of Mr Gentleman, his amendment No 68 (see [Schedule 1](#)) was made, after debate.

On the motion of Mr Gentleman, his amendment No 69 (see [Schedule 1](#)) was made.

Clause 215, as amended, agreed to.

*New clause—*

On the motion of Mr Gentleman, new clause 215A (his amendment No 70, see [Schedule 1](#)) was inserted in the Bill, after debate.

Clause 216 agreed to.

Clause 217—

On the motion of Ms Clay, her amendment No 18 (see [Schedule 2](#)) was made.

On the motion of Mr Gentleman, his amendment No 71 (see [Schedule 1](#)) was made.

Clause 217, as amended, agreed to.

Clauses 218 to 258, by leave, taken together and agreed to.

Clause 259—

On the motion of Mr Gentleman, his amendment No 72 (see [Schedule 1](#)) was made.

Clause 259, as amended, agreed to.

Clauses 260 to 266, by leave, taken together and agreed to.

Clause 267—

On the motion of Mr Gentleman, his amendment No 73 (see [Schedule 1](#)) was made.

Clause 267, as amended, agreed to.

Clauses 268 to 274, by leave, taken together and agreed to.

Clause 275—

On the motion of Mr Gentleman, his amendment No 74 (see [Schedule 1](#)) was made.

Clause 275, as amended, agreed to.

Clauses 276 to 290, by leave, taken together and agreed to.

Clause 291—

On the motion of Mr Gentleman, his amendment No 75 (see [Schedule 1](#)) was made.

Clause 291, as amended, agreed to.

Clauses 292 to 304, by leave, taken together and agreed to.

Clause 305—

On the motion of Mr Gentleman, his amendment No 76 (see [Schedule 1](#)) was made.

Clause 305, as amended, agreed to.

Clauses 306 to 361, by leave, taken together and agreed to.

Clause 362—

On the motion of Mr Gentleman, by leave, his amendments Nos 77 and 78 (see [Schedule 1](#)) were made together.

Clause 362, as amended, agreed to.

Clauses 363 to 415, by leave, taken together and agreed to.

Clause 416—

On the motion of Mr Gentleman, his amendment No 79 (see [Schedule 1](#)) was made.

Clause 416, as amended, agreed to.

Clauses 417 and 418, by leave, taken together and agreed to.

Clause 419—

On the motion of Mr Gentleman, his amendment No 80 (see [Schedule 1](#)) was made.

Clause 419, as amended, agreed to.

Clauses 420 and 421, by leave, taken together—

On the motion of Mr Gentleman, his amendment No 81 (see [Schedule 1](#)) was made, after debate.

Clauses 420 and 421, as amended, agreed to.

Clause 422—

On the motion of Mr Gentleman, his amendment No 82 (see [Schedule 1](#)) was made.

Clause 422, as amended, agreed to.

Clause 423—

On the motion of Mr Gentleman, his amendment No 83 (see [Schedule 1](#)) was made.

Clause 423, as amended, agreed to.

Clauses 424 and 425, by leave, taken together and agreed to.

Clause 426—

On the motion of Mr Gentleman, his amendment No 84 (see [Schedule 1](#)) was made.

Clause 426, as amended, agreed to.

Clause 427—

On the motion of Mr Gentleman, by leave, his amendments Nos 85 and 86 (see [Schedule 1](#)) were made together.

Clause 427, as amended, agreed to.

Clauses 428 to 511, by leave, taken together and agreed to.

Clause 512—

On the motion of Mr Gentleman, by leave, his amendments Nos 87 and 88 (see [Schedule 1](#)) were made together.

Clause 512, as amended, agreed to.

Clauses 513 to 518, by leave, taken together and agreed to.

Clause 519—

On the motion of Mr Gentleman, his amendment No 89 (see [Schedule 1](#)) was made.

Clause 519, as amended, agreed to.

*New clause—*

On the motion of Mr Gentleman, new clause 520 (his amendment No 90, see [Schedule 1](#)) was inserted in the Bill, after debate.

Clauses 600 and 601, by leave, taken together and agreed to.

Clause 602—

On the motion of Mr Gentleman, his amendment No 91 (see [Schedule 1](#)) was made.

Clause 602, as amended, agreed to.

Clause 603 agreed to.

Clause 604—

On the motion of Mr Gentleman, his amendment No 92 (see [Schedule 1](#)) was made.

Clause 604, as amended, agreed to.

Clauses 605 to 610, by leave, taken together and agreed to.

Clause 611—

On the motion of Mr Gentleman, his amendment No 93 (see [Schedule 1](#)) was made.

Clause 611, as amended, agreed to.

Clauses 612 to 648, by leave, taken together and agreed to.

Schedule 1—

On the motion of Mr Gentleman, his amendment No 94 (see [Schedule 1](#)) was made.

Schedule 1 omitted from the Bill.

Schedule 2—

On the motion of Mr Gentleman, his amendment No 95 (see [Schedule 1](#)) was made.

Schedule 2, as amended, agreed to.

Schedules 3 to 5, by leave, taken together and agreed to.

Schedule 6—

On the motion of Mr Gentleman, his amendment No 96 (see [Schedule 1](#)) was made.

Schedule 6, as amended, agreed to.

Schedule 7—

On the motion of Ms Clay, her amendment No 19 (see [Schedule 2](#)) was made, after debate.

Schedule 7, as amended, agreed to.

*New schedule—*

On the motion of Mr Gentleman, new schedule 8 (his amendment No 97, see [Schedule 1](#)) was inserted in the Bill.

Dictionary—

On the motion of Mr Gentleman, by leave, his amendments Nos 98 to 109 (see [Schedule 1](#)) were made together.

Dictionary, as amended, agreed to.

Title—debated—

Mr Rattenbury (Attorney-General), by leave, was granted an extension of time.

Debate continued.

Title agreed to.

Question—That the Bill, as amended, be agreed to—put.

The Assembly voted—

AYES, 13		NOES, 6
Mr Braddock	Ms Orr	Mr Cain
Ms Burch	Dr Paterson	Ms Castley
Ms Cheyne	Mr Rattenbury	Mr Hanson
Ms Clay	Mr Steel	Mrs Kikkert
Ms Davidson	Ms Stephen-Smith	Ms Lawder
Mr Davis	Ms Vassarotti	Mr Parton
Mr Gentleman		

And so it was resolved in the affirmative.



**18 ADJOURNMENT**

Mr Gentleman (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.03 pm, adjourned until tomorrow at 10 am.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting, except Mr Cocks\*, Ms Lee\*, Mr Milligan\* and Mr Pettersson\*.

\*on leave.

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**Tom Duncan**  
Clerk of the Legislative Assembly

## SCHEDULES OF AMENDMENTS

### Schedule 1

#### PLANNING BILL 2022

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Amendments circulated by the Minister for Planning and Land Management

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**1**

#### **Clause 2 (1)**

#### **Page 2, line 5—**

*omit clause 2 (1), substitute*

- (1) The following provisions commence on the day after this Act's notification day:

- section 36 (Planning strategy)
- section 38 (District strategy)
- section 49A (Design guides)
- section 49B (Technical specifications)
- part 20.2 (Transitional—strategic and spatial planning)
- part 20.3 (Transitional—territory plan).

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

---

**2**

#### **Clause 3, note 1**

#### **Page 3, line 7—**

*omit*

dictionary'

*substitute*

dictionary.'

---

**3**

#### **Clause 7 (1) (b)**

#### **Page 5, line 11—**

*omit*

that is consistent with planning strategies and policies

---

**4**

#### **Clause 7 (1) (c)**

#### **Page 5, line 13—**

*omit*

community

*substitute*

public

---

**5**

**Clause 7 (2) (f)**

**Page 6, line 4—**

*omit*

community

*substitute*

public

---

**6**

**Clause 7 (3) (c)**

**Page 6, line 14—**

*omit clause 7 (3) (c), substitute*

(c) the knowledge, culture and tradition of, and cultural and spiritual connections held by, the traditional custodians of the land;

---

**7**

**Clause 7 (3), proposed new notes**

**Page 6, line 22—**

*insert*

*Note 1* The territory planning authority must exercise its functions, if relevant, in accordance with the object of this Act (see s 18 (3) (a)).

*Note 2* The object of this Act must be considered in developing planning strategies, plans and policies (see s 10 (1)) and the planning strategy must be consistent with the object of this Act (see s 36 (1)).

The territory plan must give effect to the planning strategy (see s 47 (b)) and the Territory, the Executive, a Minister or a territory authority must not do any act, or approve the doing of an act, that is inconsistent with the territory plan (see s 50).

---

**8**

**Clause 9 (1), definition of *ecologically sustainable development*, paragraph (a)**

**Page 8, line 5—**

*after*

protection

*insert*

and enhancement

---

9

Clause 9 (1), definition of *ecologically sustainable development*, paragraph (b)

Page 8, line 7—

*omit*

growth and

---

10

Clause 9 (2), definition of *achievement of economic growth and prosperity*

Page 8, line 13—

*omit*

*growth and*

---

11

Clause 9 (2), definition of *protection of ecological processes and natural systems*

Page 9, line 4—

*after*

*protection*

*insert*

*and enhancement*

---

12

Clause 10 (1)

Page 10, line 4—

*omit*

of good planning

*substitute*

(the *principles of good planning*)

---

13

Proposed new clause 10 (1) (ca)

Page 10, line 8—

*insert*

(ca) housing affordability principles;

---

14

Clause 10 (2), definition of *high-quality design principles*, proposed new paragraph (a) (iv)

Page 11, line 18—

*insert*

(iv) provide appropriate solar access;

---

15

**Clause 10 (2), proposed new definition of *housing affordability principles***  
**Page 11, line 29—**

*insert*

*housing affordability principles* means the following:

- (a) planning strategies, plans and policies should support the delivery of reforms that improve housing access, affordability and choice;
- (b) planning strategies, plans and policies should support more housing options for people who have a low income.

---

16

**Clause 10 (2), definition of *natural environment conservation principles*, paragraph (a)**  
**Page 13, line 2—**

*omit paragraph (a), substitute*

- (a) planning and design should promote healthy and resilient ecosystems by—
  - (i) avoiding or minimising loss of habitat and other key threatening processes for biodiversity; and
  - (ii) considering cumulative and incremental environmental impacts;

---

17

**Proposed new clause 10 (3)**  
**Page 13, line 28—**

*insert*

- (3) In this section:

*key threatening process*—see the *Nature Conservation Act 2014*, section 74.

---

18

**Clause 18 (3) (b)**  
**Page 21, line 17—**

*omit*

in section 10

---

19

**Clause 36 (1)**  
**Page 30, line 6—**

*before*

stating

*insert*

, consistent with the object of this Act,

---

**20**

**Clause 36 (1) (a)**

**Page 30, line 7—**

*omit*

, consistent with the object of this Act

---

**21**

**Clause 37 (1) (c)**

**Page 31, line 11—**

*omit*

section 36

*substitute*

section 41

---

**22**

**Clause 39 (1)**

**Page 32, line 16—**

*omit*

, as well as related amendments to the territory plan,

---

**23**

**Clause 39 (1), note**

**Page 32, line 19—**

*omit the note, substitute*

*Note* If related amendments to the territory plan are needed, the authority may be required to prepare a supporting report under s 59 (1).

---

**24**

**Clause 39 (4)**

**Page 32, line 25—**

*omit*

---

**25**

**Clause 40 (a)**

**Page 33, line 13—**

*omit*

community

*substitute*

public

---

26

**Clause 40 (b)****Page 33, line 15—***omit*

principles and policies for development of the district set out in the district

*substitute*

planning

---

27

**Clause 43 (1) (a)****Page 35, line 5—***omit clause 43 (1) (a), substitute*

- (a) must include a detailed plan for the proposal that is consistent with the provisions of the territory plan that apply to the proposal; and
- 

28

**Clause 43 (2)****Page 36, line 1—***omit clause 43 (2), substitute*

- (2) A regulation may prescribe matters that may be included in a subdivision design application.
- 

29

**Clause 43 (3), definition of *mandatory provision*****Page 36, line 27—***omit*


---

30

**Clause 47 (a)****Page 39, line 17—***after*

promote

*insert*

the

---

31

**Clause 47 (b), proposed new note****Page 39, line 19—***insert*

*Note* The object of this Act must be considered in developing planning strategies, plans and policies (see s 10 (1)) and the planning strategy must be consistent with the object of this Act (see s 36 (1)).

---

**32**
**Proposed new clauses 49A and 49B****Page 40, line 24—***insert***49A Design guides**

- (1) The Minster may prepare design guidance for development proposals (a *design guide*) to support the territory plan.
- (2) A design guide is a notifiable instrument.
- (3) A design guide must be published on the authority website.

**49B Technical specifications**

- (1) The chief planner may make technical specifications to support design guides and the territory plan.
  - (2) Technical specifications are a notifiable instrument.
  - (3) Technical specifications must be published on the authority website.
- 

**33****Clause 53, definition of *supporting report*, paragraph (c)****Page 45, line 16—***omit the paragraph, substitute*

- (c) a statement about how the proposed amendment would give effect to the planning strategy and—
    - (i) any relevant district strategy; or
    - (ii) for a supporting report prepared for a planning and response report—the proposed district strategy;
- 

**34****Clause 69 (1)****Page 57, line 20—***omit*

10 working days

*substitute*

15 working days

---

**35**
**Clause 69 (2)****Page 57, line 23—***omit*

10-day



*substitute*

15-day

---

**36**

**Proposed new clause 82 (1) (da)**

**Page 68, line 23—**

*insert*

(da) an amendment to add or change a reference to a design guide;

---

**37**

**Clause 82 (2)**

**Page 69, line 6—**

*omit*

minor plan amendment

*substitute*

*minor plan amendment*

---

**38**

**Clause 82 (2) (c)**

**Page 69, line 17—**

*omit*

---

**39**

**Clause 82 (2) (e)**

**Page 69, line 21—**

*omit clause 82 (2) (e), substitute*

(e) an amendment to change a provision in the territory plan that—

(i) does not change the substance of the plan; and

(ii) is consistent with the policy intent of the provision; and

(iii) is not an amendment mentioned in subsection (1) (a);

---

**40**

**Clause 87 (1)**

**Page 73, line 4—**

*omit*

code

*insert*

policy

---

**41****Clause 88 (2) (a) (iv)****Page 74, line 20—***omit*

in section 10

---

**42****Clause 88 (2) (b)****Page 74, line 22—***omit*

community

*substitute*

public

---

**43****Clause 92 (b)****Page 78, line 7—***omit*

section 98

*substitute*

section 98 (1) or (2)

---

**44****Clause 92 (c)****Page 78, line 8—***after*

environmental impact statement

*insert**(EIS)*

---

**45****Clause 99 (2), note****Page 82, line 11—***omit*

for a prescribed development

---

**46****Clause 100 (2)****Page 83, line 9—***omit*(an *EIS*)

---

47

Clause 106 (2), definition of relevant Minister, paragraph (a)

Page 88, line 3—

*omit*

a statement or inquiry—the statement

*substitute*

an EIS or inquiry—the EIS

---

48

Clause 107 (3)

Page 88, line 20—

*omit clause 107 (3), substitute*

- (3) A regulation may prescribe consultation requirements for the preparation of a scoping document.

---

49

Clause 110 (3)

Page 90, line 18—

*omit*

---

50

Clause 116 (1) (b)

Page 94, line 8—

*omit*

revised EIS

*substitute****revised EIS***

---

51

Clause 143 (1)

Page 111, line 4—

*omit clause 143 (1), substitute*

- (1) In this Act:

***exempt development*** means—

- (a) development that is exempt from requiring development approval under—
- (i) section 145 (Exempt development—authorised use); or
  - (ii) a regulation; and
- (b) a land management practice undertaken in accordance with Aboriginal tradition and prescribed by regulation.

*Note* The territory planning authority may tell a proponent of a development proposal whether the development is likely to be exempt if asked by the proponent (see s 162 and s 163). A person may apply for an exemption assessment to work out whether a development is an exempt development (see s 149).

---

**52**

**Clause 143 (2)**

**Page 111, line 14—**

*omit*

paragraph (b),

---

**53**

**Proposed new clause 143 (3)**

**Page 111, line 20—**

*insert*

(3) In this section:

*Aboriginal tradition* means the customs, rituals, institutions, beliefs or general way of life of the traditional custodians of the land.

---

**54**

**Clause 163 (1) (c)**

**Page 129, line 2—**

*omit*

the conservator of flora and fauna or a referral entity

*insert*

an entity

---

**55**

**Clause 169 (1) (a) (ii)**

**Page 135, line 10—**

*substitute*

(ii) the development proposal in the application was given to the design review panel for consultation under section 98 (When design review panel consultation is required); and

---

**56**

**Clause 169 (2) (b)**

**Page 135, line 24—**

*omit*

referred to the design review panel for advice under section 99

*substitute*

given to the design review panel for consultation under section 98

---

**57****Clause 173 (3)****Page 140, line 1—***omit clause 173 (3), substitute*

- (3) A regulation may prescribe a development application that is exempt from the requirements under—
  - (a) subsection (1) (b) and section 174; or
  - (b) subsection (1) (a) and (d).
- (4) The validity of a development approval is not affected by a failure by the territory planning authority to comply with this section.

*Note* Additional notification requirements apply to development applications for significant development (see s 176A).

---

**58****Proposed new clause 176 (1) (c)****Page 141, line 19—***insert*

- (c) the development application is not for a significant development.

---

**59****Proposed new clause 176A****Page 142, line 14***insert***176A Further public notification—significant development**

- (1) This section applies to a development application for a significant development that has been publicly notified for the first time.
- (2) After the public notification period for the development application ends, the applicant must give a statement to the territory planning authority that includes details of the following:
  - (a) entity advice given, and representations made, in relation to the application;
  - (b) how the applicant has addressed the entity advice and representations;
  - (c) any changes to the application.
- (3) If the territory planning authority is not satisfied that the applicant has met the requirements of subsection (2), the authority may, by written notice, ask the applicant for more information.

*Note* A request under this subsection may affect the time to decide an application (see s 189).

- (4) The development application is taken to have been withdrawn by the applicant if the applicant does not give the territory planning authority the information within 18 months after the day it asked for the information.
- (5) As soon as practicable after receiving the statement, the territory planning authority must—
  - (a) publish the statement and the development application on the authority website; and
  - (b) publicly notify the development application (whether or not the development application has changed).
- (6) The territory planning authority may make a guideline about the information that must be included in a statement under subsection (2).
- (7) A guideline is a notifiable instrument.

---

**60****Clause 182 (6), definition of *tree management plan*****Page 148, line 14—***omit the definition, substitute**regulated tree*—see the *Tree Protection Act 2005*, section 10 (1).

---

**61****Proposed new clause 183 (aa)****Page 148, line 19—***insert*

(aa) any applicable design guidance in a design guide;

---

**62****Clause 186 (7), proposed new definition of *registered tree*****Page 155, line 4—***insert**registered tree*—see the *Tree Protection Act 2005*, section 9.

---

**63****Proposed new clause 189 (1A)****Page 157, line 13—***insert*

- (1A) However, if the decision-maker has referred the proposed decision to the Commonwealth Minister under section 188, the time for deciding the development application is increased by 10 working days.

**64**  
**Clause 189 (2)**  
**Page 157, line 15—**

*after*  
section 165  
*insert*  
or section 176A

**65**  
**Table 189, item 3**  
**Page 158—**

*omit item 3, substitute*

3	development application for significant development	60	the latest of the following days: (a) the day the application is submitted (b) if the application is amended under s 166—the day the application is amended by the authority
---	---	----	--

**66**  
**Clause 204 (1) (a)**  
**Page 170, line 11—**

*substitute*  
(a) a development application was referred to an entity under section 168 (When authority must refer development application) or section 188 (Referral of matter protected by the Commonwealth); and

**67**  
**Clause 204 (2)**  
**Page 170, line 18—**

*after*  
section 168  
*insert*  
or section 188

68

**Clause 215 (1) and (2)****Page 184, line 7—***omit clause 215 (1) and (2), substitute*

- (1) The Chief Minister and Minister may jointly declare that a development proposal is a territory priority project (a ***territory priority project declaration***) if the Chief Minister and Minister are satisfied that the proposal—
  - (a) would achieve a major government policy outcome that is of significant benefit to the people of the ACT; and
  - (b) would substantially facilitate the achievement of the desired future planning outcomes set out in the planning strategy, a relevant district strategy, the territory plan or any relevant zone; and
  - (c) is for significant infrastructure, or significant facilities, that are of significant benefit to the people of the ACT; and

*Note* Significant infrastructure or facilities includes community, social and public housing projects of any scale.

- (d) has been the subject of sufficient consultation under subsection (4).

69

**Clause 215 (5) and (6)****Page 185, line 16—***omit*

70

**Proposed new clause 215A****Page 185, line 26—***insert***215A Presentation of declaration to Legislative Assembly**

- (1) As soon as practicable after making a territory priority project declaration, the Minister must present to the Legislative Assembly—
  - (a) the declaration; and
  - (b) a statement of the reasons for making the declaration.
- (2) The Legislative Assembly may, by resolution, approve or refuse to approve the declaration.
- (3) If the Legislative Assembly does not pass a resolution mentioned in subsection (2) within 2 sitting days after the declaration and statement is presented, the Assembly is taken to have approved the declaration.



- (4) A territory priority project declaration commences only after the declaration is—
- (a) approved by the Legislative Assembly under subsection (2); and
  - (b) notified.

---

**71**

**Clause 217 (2), proposed new note**  
**Page 187, line 9—**

*insert*

*Note* The Minister may consider relevant matters under the *Nature Conservation Act 2014* or any other ACT law when making a declaration.

---

**72**

**Clause 259 (2)**  
**Page 211, line 8—**

*omit*

(2)

*substitute*

(3)

---

**73**

**Clause 267**  
**Page 215, line 21—**

*omit clause 267, substitute*

**267 Report before granting leases**

- (1) The territory planning authority may prepare a report in relation to a proposal to grant a lease.
- (2) A regulation may prescribe what must be included in the report.
- (3) The territory planning authority must prepare a report in relation to a proposal to grant a lease if directed in writing to do so by the Minister.

---

**74**

**Clause 275 (1) (c) (ii)**  
**Page 221, line 3—**

*omit clause 275 (1) (c) (ii), substitute*

- (ii) a single dwelling house lease, unless the lease provides that the lessee cannot deal with the land, or part of the land, described in the lease without the prior written approval of the territory planning authority; or

---

**75****Clause 291 (3)****Page 237, line 5—***omit clause 291 (3), substitute*

(3) In this section:

*section*, in relation to land—see the *Districts Act 2002*, dictionary.

---

**76****Clause 305 (3) (c)****Page 248, line 2—***omit*

community

*substitute*

public

---

**77****Clause 362 (2) (a)****Page 287, line 18—***omit*

ACT community

*substitute*

public

---

**78****Clause 362 (2) (b)****Page 287, line 20—***omit*

ACT community

*substitute*

public,

---

**79****Clause 416 (2)****Page 323, line 9—***omit*

---

**80****Clause 419, definition of *show cause notice*****Page 325, line 6—***omit*

---

81  
Clauses 420 and 421  
Page 325, line 7—

*omit clauses 420 and 421, substitute*

**420 Controlled activity orders**

- (1) The territory planning authority may, on its own initiative or on application by a person, make an order directed to 1 or more of the following (a ***controlled activity order***):
  - (a) the lessee or occupier of premises where a controlled activity was, is being, or will be, undertaken;
  - (b) anyone by whom or on whose behalf a controlled activity was, is being, or will be, undertaken.
- (2) An application for a controlled activity order must be in writing and state the following:
  - (a) the applicant's name and contact address;
  - (b) a description of the matter about which the order is sought;
  - (c) whether the applicant has complained to the territory planning authority under part 12.2 about the matter;
  - (d) the kind of order sought by the applicant;
  - (e) each person to whom the order sought is to be directed;
  - (f) the premises in relation to which the order is sought;
  - (g) the grounds on which the order is sought.

**421 Show cause notices**

- (1) This section applies if the territory planning authority intends to make a controlled activity order on its own initiative, or receives an application to make an order, under section 420 (1).
- (2) The territory planning authority must give written notice of its intention or the application (a ***show cause notice***) to—
  - (a) each person to whom the authority intends to direct the order, or to whom the order is sought to be directed; and
  - (b) if not included in paragraph (a)—the lessee or occupier of the premises in relation to which the order is to apply.
- (3) A show cause notice must—
  - (a) state that a recipient of the notice may, not later than 10 working days after the day the territory planning authority gives the notice, give the authority written reasons explaining why the order should not be made; and

- (b) for an order the authority intends to make by its own initiative—
  - (i) describe the controlled activity to which the notice relates; and
  - (ii) name each person to whom the authority intends to direct the order; and
  - (iii) if the controlled activity is the subject of a complaint made under part 12.2—attach a copy of the complaint; and
- (c) for an order sought on application—be accompanied by a copy of the application.
- (4) A show cause notice may include any other information that the territory planning authority considers appropriate.
- (5) The territory planning authority may, on application by a recipient of a show cause notice, extend the time mentioned in subsection (3) (a) if satisfied that it would be appropriate taking into account the reasons given in the application.

---

**82**

**Proposed new clause 422 (4)**

**Page 326, line 22—**

*insert*

- (4) For a controlled activity order sought on application, the territory planning authority is taken to have decided not to make the order if the authority fails to decide the application before the end of the period prescribed by regulation.

---

**83**

**Clause 423**

**Page 326, line 23—**

*omit clause 423, substitute*

## **423 Decision on proposed controlled activity order**

- (1) In deciding whether to make a controlled activity order, the territory planning authority must consider any reasons given in response to the show cause notice for the order.
- (2) The territory planning authority may direct a controlled activity order to 1 or more of the following:
  - (a) the person to whom the authority intends to direct the order, or to whom the order is sought to be directed, according to the show cause notice;
  - (b) if not included in paragraph (a) and the authority considers it would be more appropriate—the lessee or occupier of the premises in relation to which the order applies.

- (3) If the controlled activity order is directed to the lessee or occupier under subsection (3) (b), the territory planning authority—
  - (a) must give a new show cause notice to that person; and
  - (b) may consider any reasons given in response to the earlier show cause notice when deciding whether to make an order directed to that person.
- (4) For a controlled activity order sought on application, the territory planning authority may decide—
  - (a) to make the order; or
  - (b) to make a different order that is not more burdensome than the order sought; or
  - (c) not to make an order.

**Example—par (b)**

Steve applies for an order for the demolition of an unapproved structure. Instead, the authority makes an order that the structure is to be demolished if a development approval for the structure is not obtained within a stated period.

---

**84****Proposed new clause 426 (1) (ba)****Page 330, line 7—***insert*

- (ba) if the order is made on application under section 420 —the applicant;

---

**85****Clause 427 (2)****Page 331, line 3—***before*

to which

*insert*

in relation

---

**86****Clause 427 (3)****Page 331, line 8—***before*

to which

*insert*

in relation

---

**87**

**Clause 512 (1)****Page 397, line 3—***omit*

of land

---

**88**

**Clause 512 (3), definition of *development requirement*****Page 397, line 21—***omit the definition, substitute****development requirement***, in relation to a block, means—

- (a) a condition in a lease for the block; or
- (b) a requirement of a development approval or a corresponding approval under a repealed territory law.

---

**89**

**Proposed new clause 519 (1A)****Page 402, line 2—***insert*

(1A) A regulation may make provision in relation to the following:

- (a) contents of a supporting report;
- (b) environmental impact statements prepared under part 6.3;
- (c) if this Act does not prescribe when a development approval takes effect—when the development approval takes effect;
- (d) inquiry panels;
- (e) procedures for carrying out the territory planning authority's functions under chapter 12 (Development offences and controlled activities) and chapter 13 (Enforcement).

**Examples—what may be prescribed for par (d)**

- 1 selection process for experts to be inquiry panel members
- 2 establishment of a list of experts for inquiry panels
- 3 appointment of chair for an inquiry panel
- 4 procedures for dealing with absences or departures from inquiry panels
- 5 procedures for running inquiry panels, including the quorum, holding of hearings, conflict of interest and decision-making

---

**90**  
**Proposed new clause 520**  
**Page 402, line 13—**

*insert*

**520      Review of Act**

- (1) The Minister must, as soon as practicable 3 years after the day this section commences—
  - (a) review the operation and effectiveness of this Act; and
  - (b) present a report of the review to the Legislative Assembly.
- (2) This section expires 6 years after the day it commences.

---

**91**  
**Clause 602**  
**Page 404, line 6—**

*omit clause 602, substitute*

**602      Expiry—ch 20**

This chapter (other than the following provisions and unless otherwise stated for a particular provision) expires 3 years after the commencement day:

- (a) chapter 20 heading, except note;
- (b) section 600 (Definitions—ch 20);
- (c) section 618 (1), (3) and (4) (Existing rights to use land etc not affected);
- (d) section 619 (Status of leases or licences in force before commencement day);
- (e) section 620 (Continued application of certain repealed Acts and provisions).

*Note*      A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

---

**92**  
**Clause 604**  
**Page 405, line 11—**

*omit*

commencement day

*substitute*

day section 38 commences

---

93

Clause 611

Page 410, line 7—

*omit clause 611, substitute***611 Preparation of draft territory plan before commencement**

- (1) This section applies to—
- (a) a draft territory plan prepared before the commencement of this part; and
  - (b) consultation undertaken before the commencement of this part in relation to the draft.
- (2) If the draft was prepared in accordance with the requirements mentioned in section 605 (2) and (3)—
- (a) the draft is taken to be a draft territory plan prepared under section 605; and
  - (b) the consultation is taken to be consultation undertaken under section 605.

*Note* This provision enables the preparation of a draft territory plan before the commencement of this part.

---

94

Schedule 1

Page 442, line 1—

*omit*

---

95

Schedule 2, part 2.2, item 1

Page 446—

*omit the item, substitute*

1	application for a development proposal in relation to which design advice is given	the design advice and the proponent's response to the design advice
1A	application for a development proposal in relation to which a design guide applies	the proponent's response to the design guide



96

Schedule 6, part 6.2, items 36 to 40

Page 469—

*omit items 36 to 40, substitute*

36	decision under s 420 (1) to make a controlled activity order	person to whom order directed lessee of premises to which order relates occupier of premises to which order relates	
37	decision under s 421 (5) to refuse to extend the time allowed to respond to show cause notice	applicant for extension	
37A	decision under s 423 (4) to make a controlled activity order other than the order applied for	applicant for controlled activity order	
37B	decision under s 423 (4) not to make an order	applicant for controlled activity order	
38	decision under s 430 (4) to refuse to revoke a controlled activity order	applicant for revocation lessee of premises to which order relates occupier of premises to which order relates	
39	decision under s 448 (3) to give a prohibition notice	person to whom notice directed lessee of premises to which notice relates occupier of premises to which notice relates	
40	decision under s 451 (3) to refuse to revoke a prohibition notice	applicant for revocation lessee of premises to which notice relates occupier of premises to which notice relates	

97

Proposed new schedule 8

Page 481—

*after the division 7.3.7 map, insert*

## Schedule 8      Preserved leases

(see dict, def *preserved lease*)

### 8.1      Meaning of *preserved lease*

(1) In this Act:

*preserved lease* means a lease—

- (a) granted or continued, or purported to have been granted or continued, under the *City Area Leases Act 1936* (repealed); and
- (b) to which the *Planning and Development Act 2007* (repealed), section 456 (Transitional—status of leases and licences), as in force on 25 February 2010, applied; and
- (c) in which provision is made for a preserved lease use of the land, or of a building or other structure on the land.

(2) In this section:

*preserved lease use*, in relation to land described in a preserved lease—

- (a) means the use of the land for the purpose of any of the following:
  - (i) ‘an industry’ or ‘industries’;
  - (ii) ‘light industrial and commercial businesses’;
  - (iii) conducting ‘industries’ in buildings on the land; and
- (b) includes the use of the land, or of a building or other structure on the land, for the retail sale of any of the following:
  - (i) goods (other than food-stuffs, non-alcoholic beverages or new clothing) that have been manufactured or processed on the land or in the building or other structure;
  - (ii) building materials, building equipment, building supplies or general hardware;
  - (iii) other goods ordinarily sold by sellers of goods mentioned in subparagraph (ii);
  - (iv) agricultural, garden or farm equipment or supplies;
  - (v) petrol, oil or other petroleum products;
  - (vi) motor vehicles, trailers, caravans, boats or machinery;

- (vii) parts or accessories for goods mentioned in subparagraph (vi);
- (viii) if the floor area of the building, or the part of the building where the goods are sold or displayed for sale, does not exceed 46.5m<sup>2</sup>—
  - (A) food-stuffs or non-alcoholic beverages of a kind commonly known as confectionery or refreshments; and
  - (B) any other kind of food-stuffs or non-alcoholic beverages that have been manufactured or processed on the land or in the building; and
  - (C) goods (other than food-stuffs, non-alcoholic beverages, new clothing or goods mentioned in paragraph (b) (i) to (vii)) that have been stored in bulk in the building pending their sale and distribution to people engaged in retail trade elsewhere than on that land; but
- (c) unless otherwise authorised by the lease (whether expressly or by implication), does not include the use of the land, or of a building or other structure on the land—
  - (i) for the retail sale of any other goods; or
  - (ii) as a boarding-house, guest-house, hostel, hotel or motel; or
  - (iii) as residential accommodation.

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 98

**Dictionary, proposed new definition of *block***
**Page 484, line 13—**
*insert*
*block*—see the *Districts Act 2002*, dictionary.

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 99

**Dictionary, definition of *controlled activity order***
**Page 487, line 2—**
*omit*

section 420

*substitute*

section 420 (1)

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**100****Dictionary, proposed new definition of *design guide*****Page 488, line 3—***insert**design guide*—see section 49A (1).

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**101****Dictionary, definition of *EIS*****Page 489, line 5—***omit*

section 100 (2)

*substitute*

section 92 (c)

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**102****Dictionary, proposed new definition of *housing affordability principles*****Page 491, line 7—***insert**housing affordability principles*—see section 10 (2).

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**103****Dictionary, definition of *preserved lease*****Page 494, line 18—***omit the definition, substitute**preserved lease*—see schedule 8, section 8.1 (1).

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**104****Dictionary, definition of *preserved lease use*****Page 494, line 20—***omit*

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**105****Dictionary, proposed new definition of *principles of good planning*****Page 494, line 23—***insert**principles of good planning*—see section 10 (1).

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**106****Dictionary, definition of *registered tree*****Page 496, line 15—***omit*

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**107****Dictionary, proposed new definition of *revised EIS*****Page 497, line 7—***insert**revised EIS*—see section 116 (1) (b).

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**108****Dictionary, definition of *show cause notice*****Page 497, line 12***omit the definition, substitute**show cause notice*—see section 421 (2).

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**109****Dictionary, proposed new definition of *tree management plan*****Page 498, line 17—***insert**tree management plan*—see the *Tree Protection Act 2005*, dictionary.  

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**Schedule 2****PLANNING BILL 2022**

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Amendments circulated by Ms Clay

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**1**

**Clause 7 (1)**

**Page 5, line 6—**

*after*

prosperity,

*insert*

protect its natural environment,

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**2**

**Clause 7 (3)**

**Page 6, line 7—**

*omit*

must be considered in

*substitute*

are integral to

---

**3**

**Clause 7 (3) (a)**

**Page 6, line 9—**

*omit clause 7 (3) (a), substitute*

(a) the ACT's biodiversity values and its landscape setting, including—

(i) the protection and conservation of biodiversity, habitat, ecological processes and natural systems; and

(ii) the integration of natural, built, cultural and heritage elements;

---

**4**

**Clause 7 (3) (e)**

**Page 6, line 19—**

*omit clause 7 (3) (e), substitute*

(e) a sustainable and climate-resilient environment that is planned, designed and developed to adapt to climate change, reduce greenhouse gas emissions and achieve a net-zero greenhouse gas future using integrated mitigation and adaptation best practices and considers food and water security.

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5**Proposed new clause 10 (1) (ca)****Page 10, line 8—***insert*

(ca) housing affordability principles;

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6**Clause 10 (2), proposed new definition of *housing affordability principles*****Page 11, line 29—***insert**housing affordability principles* means the following:

- (a) planning strategies, plans and policies should support the delivery of reforms that improve housing access, affordability and choice;
- (b) planning strategies, plans and policies should support more housing options for people who have a low income;
- (c) planning strategies, plans and policies should ensure affordable housing is close to essential services, amenities and affordable transport options, including public and active transport.

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7**Clause 10 (2), definition of *natural environment conservation principles*, proposed new paragraph (aa)****Page 13, line 4—***insert*

(aa) planning outcomes should support the operation of environmental laws applying in the ACT;

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8**Clause 11 (2) (c)****Page 14, line 17—***omit clause 11 (2) (c), substitute*

- (c) consultation is *inclusive* if it is undertaken in a way that—
  - (i) engages all stakeholders directly affected by the subject of the consultation; and
  - (ii) aims to engage all other stakeholders affected by the subject of the consultation; and

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**9****Clause 11 (2) (d) (i)****Page 14, line 21—***after*

adequate

*insert*

and well-informed

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**10****Clause 11 (2) (g) (i)****Page 15, line 4—***omit*

at an appropriate time

*substitute*

early and at other appropriate times

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**11****Proposed new clause 11 (2) (g) (iv)****Page 15, line 13—***insert*

(iv) for a development application for a significant development—it is undertaken as early as possible; and

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**12****Clause 47 (c)****Page 39, line 20—***before*

may

*insert*

must take into account and

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**13****Clause 112 (a) (iii)****Page 92, line 9—***omit*

20 working days

*substitute*

30 working days



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**14****Clause 117 (2), note****Page 95, line 6—***omit*

20 working days

*substitute*

30 working days

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**15****Proposed new clause 187 (2A)****Page 156, line 13—***insert*

- (2A) A decision-maker must state in their decision the reasons why they were satisfied of the matters mentioned in subsection (1) (d) or (2) (c).

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**16****Clause 215 (1)****Page 184, line 7—***omit clause 215 (1), substitute*

- (1) The Chief Minister and Minister may jointly declare that a development proposal is a territory priority project (a ***territory priority project declaration***) if the Chief Minister and Minister are satisfied that—
- (a) the proposal would achieve a major government policy outcome that is of significant benefit to the people of the ACT; and
  - (b) the proposal would substantially facilitate the achievement of the desired future planning outcomes set out in the planning strategy, a relevant district strategy, the territory plan or any relevant zone; and
  - (c) the proposal is for significant infrastructure or facilities, that are of significant benefit to the people of the ACT; and
  - (d) there has been sufficient consultation about the proposal.

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**17****Clause 215 (2)****Page 184, line 19—***omit*

notifiable

*substitute*

disallowable

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**18****Clause 217 (1), definition of *protected matter*, proposed new paragraph (aa)****Page 187, line 6—***insert*

(aa) a native species or ecological community protected under the  
*Nature Conservation Act 2014*; or

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**19****Schedule 7, part 7.2, item 8****Page 474—***omit*  

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