

# CONSULTATION DRAFT

(Prepared by Parliamentary Counsel's Office)

## **City Renewal Authority and Suburban Land Agency Amendment Bill 2019**

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### **A Bill for**

An Act to amend the *City Renewal Authority and Suburban Land Agency Act 2017*

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

**1 Name of Act**

This Act is the *City Renewal Authority and Suburban Land Agency Amendment Act 2019*.

**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 *City Renewal Authority and Suburban Land Agency Act 2017*.

**4 New division 2.9**

*insert*

**Division 2.9 Revitalisation of Melbourne and Sydney Buildings**

**36A Definitions—div 2.9**

In this division:

*authorised person*—see section 36F (1).

*draft revitalisation plan*, for the Melbourne Building or Sydney Building—see section 36B (1).

*leased public area*, of the Melbourne Building or Sydney Building—

- (a) means the facade and other external parts of the building that are accessible by or visible to the public; and
- (b) includes—
  - (i) a structure or thing attached to the building; and

- (ii) a structure or thing on the land surrounding the building.

**Examples—par (a)**

colonnade, shopfront, veranda

**Examples—par (b) (i)**

sign, solar panel, antenna, light

**Examples—par (b) (ii)**

footpath, garden, landscaping

**Melbourne Building** means the building on the following land:

- (a) division of City, section 1, blocks 4 to 20;
- (b) the parcel of land subdivided by units plan 3188.

**owner**, of the Melbourne Building or Sydney Building, means—

- (a) a Crown lessee under a Crown lease in relation to that part of the Melbourne Building or Sydney Building located on the Crown lease; or
- (b) for that part of the Melbourne Building that is subdivided under the *Unit Titles Act 2001*—
  - (i) for a unit in the building—the registered proprietor of the lease of the unit; and
  - (ii) for common property—the owners corporation for the building.

**revitalisation work**, for the Melbourne Building or Sydney Building—see section 36D (3) (d).

**Sydney Building** means the building on the following land:

- (a) division of City, section 48, blocks 1 to 6;
- (b) division of City, section 48, blocks 9 to 26;
- (c) division of City, section 48, blocks 28 to 32.

**36B Draft revitalisation plans**

- (1) The Minister may ask the authority, in writing, to prepare a plan (a *draft revitalisation plan*) to revitalise a leased public area of the Melbourne Building or Sydney Building.
- (2) A draft revitalisation plan for the Melbourne Building or Sydney Building must—
  - (a) set out the work required to revitalise the leased public area of the building; and
  - (b) include any matter prescribed by regulation.
- (3) The authority must, in preparing a draft revitalisation plan for the Melbourne Building or Sydney Building—
  - (a) consult with each of the following entities (a *relevant entity*), in relation to the proposed draft revitalisation plan:
    - (i) each owner of the building;
    - (ii) if the proposed plan involves works that may affect a protected tree under the *Tree Protection Act 2005*—the conservator of flora and fauna;
    - (iii) the heritage council;
    - (iv) any other entity prescribed by regulation; and
  - (b) give written notice to each relevant entity that it may make written submissions about the proposed draft revitalisation plan within 30 days of the notice or any longer period stated in the notice; and
  - (c) consider any submission received from a relevant entity in that period; and
  - (d) consider any other matter prescribed by regulation.

- (4) For subsection (3) (a) (i), if the proposed draft revitalisation plan involves work to the leased public area of that part of the Melbourne Building that is subdivided under the *Unit Titles Act 2001* and—
  - (a) the work only involves common property in the leased public area—the authority is only required to consult with the owners corporation; or
  - (b) the work does not involve common property in the leased public area—the authority is only required to consult with the owner of a unit in the leased public area.
- (5) The authority must give the draft revitalisation plan to the Minister for approval.

**36C Approval of draft revitalisation plan**

- (1) The Minister may approve a draft revitalisation plan.
- (2) The Minister must not approve a draft revitalisation plan that is inconsistent with a submission from an entity mentioned in section 36B (3) (a) (ii) or (iii).
- (3) An approval is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

**36D Direction to carry out revitalisation work**

- (1) This section applies if—
  - (a) a revitalisation plan approved under section 36C in relation to the Melbourne Building or Sydney Building requires stated work to be carried out to the building by an owner of the building within a stated period; and
  - (b) the work has not been carried out by the end of the period.

- (2) The authority may give the owner of the Melbourne Building or Sydney Building a written direction requiring the work to be done within a stated reasonable period.
- (3) The direction must state—
  - (a) that it is a direction under this Act made by the authority; and
  - (b) the person who is required to comply with the direction; and
  - (c) the building and leased public area in relation to which the direction applies; and
  - (d) the work required (the *revitalisation work*); and
  - (e) the grounds on which the direction is given; and
  - (f) that the revitalisation work must be completed not later than 6 months after the day the notice is given to the person or any longer period stated in the notice.
- (4) The notice must also contain a statement to the effect that, if the revitalisation work is not completed by the end of the period required by the notice—
  - (a) the authority may authorise someone else to carry out the work; and
  - (b) the reasonable cost of carrying out the work is a debt to the Territory by the person who is required to comply with the direction.

*Note* An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see Legislation Act, s 177).

**36E ACAT review of direction**

The following people may apply to the ACAT for review of a decision to make a direction under section 36D (2):

- (a) the person to whom the direction is given;
- (b) any other person whose interest is affected by the direction.

*Note* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

**36F Authorisation to carry out revitalisation work**

- (1) The authority may authorise a person (an *authorised person*) to enter the premises in a building to which a direction under section 36D (2) applies to carry out the revitalisation work if the work is not completed by the end of the period stated in the direction.
- (2) However, the authority must not give the authorisation—
  - (a) until the end of the period for making an application to the ACAT for the review of the decision to make the direction to which the work relates; or
  - (b) if an application is made to the ACAT for review of the decision to make the order to which the work relates—unless the decision is upheld or the application is withdrawn.

**36G Revitalisation work by authorised people**

- (1) An authorised person must carry out the revitalisation work in accordance with the directions of the authority.
- (2) An authorised person may enter premises in a building where revitalisation work is to be carried out—
  - (a) during business hours; and
  - (b) at any other time with the consent of the occupier of the premises.

- (3) An authorised person who enters premises may remain at and re-enter the premises to carry out the revitalisation work during business hours, or at any time agreed by the occupier of the premises.
- (4) The authorised person may do anything reasonably required to carry out the revitalisation work
- (5) In this section:  
*business hours*, in relation to premises—
  - (a) means 9 am to 5 pm on a working day; and
  - (b) if the premises are not residential premises—includes any period the premises are open for business outside the period mentioned in paragraph (a).

### **36H Liability for cost of revitalisation work**

The person who is required to comply with a direction under section 36D (2) must pay to the Territory the reasonable cost of any revitalisation work carried out by an authorised person.

*Note* An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see Legislation Act, s 177).

### **36I Protection of authorised people from liability**

- (1) An authorised person does not incur civil liability for revitalisation work carried out in accordance with the directions of the authority.
- (2) Any civil liability that would, apart from this section, attach to the authorised person attaches instead to the Territory.

## **5 Dictionary, note 2**

*insert*

- working day

## 6 Dictionary, new definitions

*insert*

***authorised person***, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36F (1).

***draft revitalisation plan***, for the Melbourne Building or Sydney Building, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36B (1).

***leased public area***, of the Melbourne Building or Sydney Building, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36A.

***Melbourne Building***, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36A.

***owner***, of the Melbourne Building or Sydney Building, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36A.

***revitalisation work***, for the Melbourne Building or Sydney Building, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36D (3) (d).

***Sydney Building***, for division 2.9 (Revitalisation of Melbourne and Sydney Buildings)—see section 36A.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2019.

**2 Notification**

Notified under the Legislation Act on 2019.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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