



AUSTRALIAN CAPITAL TERRITORY

**Land (Planning and Environment)
(Consequential Provisions) (Amendment)
Act 1993**

No. 31 of 1993

**An Act to amend the *Land (Planning and Environment)
(Consequential Provisions) Act 1991***

[Notified in ACT Gazette S89: 1 June 1993]

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

Short title

1. This Act may be cited as the *Land (Planning and Environment) (Consequential Provisions) (Amendment) Act 1993*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Land (Planning and Environment) (Consequential Provisions) Act 1991*.¹

Applications

4. Section 26 of the Principal Act is amended by adding at the end the following subsections:

“(2) Subject to subsection (3) and Division 3, where—

- (a) application was made under a repealed Act before the commencement day for the grant or continuation of a lease; and
- (b) a lease has been, or is, granted or continued, or has been, or is, purported to have been granted or continued, under that Act consequent upon that application on or after the commencement day;

that lease or continuation is to be taken to have been granted under the Land Act.

“(3) Subsection (2) does not apply in relation to a lease granted or continued, or purported to have been granted or continued, under—

- (a) the *Australian National University (Leases) Act 1967*;
- (b) the *Canberra College of Advanced Education (Leases) Act 1977*;
or
- (c) the *Church Lands Leases Act 1924*.”.

Insertion

5. After section 27 of the Principal Act the following sections are inserted in Division 1 of Part IV:

Land developed under holding leases

“27A. Where—

- (a) a lease (in this section referred to as a ‘holding lease’ was granted under a repealed Act and was expressed to be granted for the purpose of enabling the lessee to develop the land comprised in the lease for subdivision and resale; and
- (b) the holding lease provides that a lease of land comprised in the holding lease that is granted after development of the land comprised in the holding lease in accordance with the provisions of that lease shall be granted under the repealed Act;

any such subsequent lease shall be granted under the Land Act.

Conversion of Commonwealth leases

“27B. (1) Where—

- (a) a declaration under subsection 27 (1) of the *Australian Capital Territory (Planning and Land Management) Act 1988* of the Commonwealth has been rescinded, revoked, amended or varied and as a consequence land that had been National Land has ceased to be so; and
- (b) a lease had been granted under a prescribed law over all or any of that land and that lease was in force immediately before the rescission, revocation, amendment or variation of the declaration;

that lease shall, from the time of the rescission, revocation, amendment or variation of the declaration be taken to have been granted under the Land Act.

“(2) For the purposes of subsection (1), each of the following laws as in force from time to time is a prescribed law:

- (a) the *City Area Leases Ordinance 1936*;
- (b) the *Leases Ordinance 1918*;
- (c) the *Leases (Special Purposes) Ordinance 1925*.”.

Heritage places

6. Section 29 of the Principal Act is amended by omitting from subsection (1) “12” and substituting “18”.

City Area Leases Act 1936

7. Section 38 of the Principal Act is amended by inserting “or subsection 26 (2)” after “section 25” in the definition of “continuing lease” in subsection (3).

NOTE

1. Act No. 118, 1991.

[Presentation speech made in Assembly on 1 April 1993]