

2001

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Ms Tucker)

## **Land (Planning and Environment) Amendment Bill 2001 (No 5)**

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### **A Bill for**

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

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

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2001 076B

**1 Name of Act**

This Act is the *Land (Planning and Environment) Amendment Act 2001 (No 5)*.

**2 Commencement**

- (1) Sections 1 to 3 commence on the day this Act is notified in the Gazette.
- (2) Section 4 commences on the day this Act is notified in the Gazette or immediately after the commencement of the *Legislation (Consequential Amendments) Act 2001*, whichever is later.

**3 Act amended**

This Act amends the *Land (Planning and Environment) Act 1991*.

**4 Determination of applications  
Section 229A (7) to (8)**

*substitute*

- (7) A notice is a disallowable instrument.

*Note* A disallowable instrument must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (8) When presenting to the Legislative Assembly a notice under subsection (6) the Minister must also present a statement containing—
- (a) a description of the development to which the relevant application relates; and
  - (b) particulars of the land on which the development would take place; and
  - (c) the names of the applicants; and
  - (d) particulars of the grounds on which the reference to the commissioner was revoked.

- 1 (9) If the Minister gives the commissioner a notice under subsection (6),  
2 the commissioner must not decide the application to which the  
3 notice relates unless the notice ceases to have effect under the  
4 *Legislation Act 2001*, chapter 7.
- 5 (10) Subject to the *Legislation Act 2001*, chapter 7, a notice under  
6 subsection (6) takes effect on the day after the 6th sitting day after  
7 the day the notice is presented to the Legislative Assembly under  
8 that chapter.
- 9 (11) As soon as practicable after giving to the commissioner a notice  
10 under subsection (6), the Minister must tell the applicant in  
11 writing—
  - 12 (a) that the notice has been given; and
  - 13 (b) the grounds for giving the notice; and
  - 14 (c) the effect of subsection (10).
- 15 (12) Subsection (5) does not affect the Minister's power to delegate the  
16 power to decide an application.
- 17 (13) This section as in effect before the commencement of the *Land*  
18 *(Planning and Environment) Amendment Act 2001 (No 4)* continues  
19 to apply to a notice given under subsection (6) before the  
20 commencement of that Act.
- 21 (14) Subsection (13) and this subsection expire immediately after they  
22 commence.

## Endnote

### Act amended

- 1 Republished as in force on 30 May 2000 (Republication No 5). See also Acts  
2000 Nos 37, 49 and 80; 2001 Nos 1, 17 and 20.

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