

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**LAND (PLANNING AND ENVIRONMENT)
AMENDMENT BILL 2001 (No 5)**

EXPLANATORY MEMORANDUM

**Circulated by authority of
Kerrie Tucker MLA**

LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL 2001 (no 5)

EXPLANATORY MEMORANDUM

Outline

This Bill amends the provision in the *Land (Planning and Environment) Act 1991* which allows the Minister to "call in" a development application for determination. The Bill makes the notice by which the Minister calls in a development application a disallowable instrument.

Clauses

Clauses 1, 2 and 3

are formal requirements which set out the name of the Act, commencement provisions and the name of the Act amended.

Clause 4

omits subsections 229A (7) and (8) and substitutes new subsections 229A(7) to (14) -

- (7) makes the notice issued under 229A(6) a disallowable instrument;
- (8) provides that a statement be presented to the Assembly with the notice. This is similar to the existing paragraph 229A(7)(b);
- (9) provides that the Commissioner for Land and Planning must not decide the application to which the notice relates unless the notice ceases to have effect;
- (10) provides that the notice takes effect after the 6th sitting day after the notice is presented to the Legislative Assembly, assuming it is not disallowed under chapter 7 of the *Legislation Act 2001*;
- (11) provides that the Minister must tell the applicant in writing about the notice. This is similar to the existing paragraph 229A(7)(a)
- (12) repeats the existing subsection 229A(8) regarding delegation of the Minister's power
- (13) and (14) are transitional provisions to allow the existing Act to apply to notices given before this Bill is passed and comes into effect.