

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**LAND (PLANNING AND ENVIRONMENT) LEGISLATION
AMENDMENT BILL 1999**

EXPLANATORY MEMORANDUM

Circulated by authority of Kerrie Tucker MLA

OUTLINE

This Bill primarily contains two amendments. The first amendment deletes references in the *Land (Planning and Environment) Act 1991* to the Minister's "call in" powers to revoke a referral of a development application to the Commissioner for Land and Planning for determination. The second amendment amends the Land (Planning and Environment) Regulations to allow third party appeal rights against decisions to approve development applications for single dwellings that do not comply with the performance measures in the Design and Siting Code for Single Dwellings (Appendix III.1 of the Territory Plan).

CLAUSE NOTES

Clauses 1, 2 and 3

Are formal requirements referring to the name of the Act, specifying that the Act will commence on the day it is notified in the Gazette, and identifying the name of the Act being amended.

Clause 4

Amends the definition of "relevant authority" in section 222 of the Act to delete the mention of revocation of a reference of an application

Clause 5

Deletes subsections (6) and (7) of section 229A of the Act which allow the Minister to revoke a referral of a development application to the Commissioner for Land and Planning before the application is determined.

Clause 6

Identifies the name of the Regulations being amended.

Clause 7

Amends Item 1 of Schedule 5 of the Regulations so that only development applications for single dwellings that comply with all the performance measures of the Design and Siting Code for Single Dwellings (Appendix III.1 of the Territory Plan) are exempt from public notification.

Clause 8

Is a consequential amendment to delete Item 2 of Schedule 6 relating to development applications determined by the Minister under Subsection 229A(7) of the Act.

Clause 9

Subclause (a) - deletes Item 2 of Schedule 7, relating to development applications determined by the Minister under Subsection 229A(7) of the Act.

Subclause (b) – amends Item 5 of Schedule 7 so that only development applications for single dwellings that comply with all the performance measures of the Design and Siting Code for Single Dwellings (Appendix III.1 of the Territory Plan) are exempt from appeals by objectors.