

1996

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (NO 4) 1996

GOVERNMENT AMENDMENT

EXPLANATORY MEMORANDUM

Circulated by Authority of Gary Humphries MLA

Minister for the Environment, Land and Planning

Outline

The Land (Planning and Environment) (Amendment) Bill (No.4) 1996 (the Bill) amends certain provisions of the Land (Planning and Environment) Act 1991 (the Principal Act).

The Government amendments to the Bill make a number of formal corrections and insert new provisions to ensure the intentions of the Bill are fully met. The definition of "development" has been expanded to include landscaping activity and allow for the approval of home businesses and other activities prescribed under section 175 of the Act. Accordingly, section 230 of the Act will take into account the power to approve those activities.

It also makes further consequential amendments to the Electoral Act 1992 and the Remuneration Tribunal Act 1995, both of which make reference to the Chief Planner - that position will no longer exist.

Financial Implications

The amendments have no financial implications in addition to the Bill.

CLAUSE NOTES

PART II - LAND (PLANNING AND ENVIRONMENT) ACT 1991

Clause 29 - Interpretation - the reference in paragraph 29(b) of the Bill to the deletion of “public street” is corrected to read “public road”.

Clause 43 - Substitution - is amended by the omission of the words “or leases” from the proposed section 184. As the provision, which was contained in the repealed subsection 159(3), no longer refers to the subdivision of land, those words are no longer appropriate.

Clause 51 - Interpretation - the definition of “development” in section 222, as provided in paragraph 51(d) of the Bill is amended to include new paragraphs (ba), (bb) and (bc). Those provide that “development” includes landscaping, a home business or an activity prescribed for the purposes of paragraph 175(3)(b) of the Act.

Clause 58 - Substitution - Determination of applications - is amended by the inclusion of a new subsection 230(5) at the end of the proposed new section 230. That subsection now provides for the approval of a home business or an activity prescribed for the purposes of paragraphs 175(3)(a) or (b).

Clause 81A - Notification of applicants - has been inserted, to take account of the amendments made to section 276 of the Act by the *Land (Planning and Environment) (Amendment) Bill (No.3) 1996*.

PART III - AMENDMENTS TO OTHER LEGISLATION

Division 3 - Building Act 1972

Clause 89 - Interpretation - amends section 5 of the Principal Act by removing the reference to the *Land(Planning and Environment) Act 1991* from the definition of “storey”. The Government amendment corrects the Bill by inserting a definition of “Land Act”.

Clause 91 - Grant of building permits - amends section 31 of the Principal Act to take account of the repeal of the *Buildings (Design and Siting) Act 1964* and refer to approvals under Division 2 of Part VI of the *Land (Planning and Environment) Act 1991*, as amended by this Bill. The Government amendment amends the Bill by substituting a new subclause 91(1) to insert a new paragraph 31(2)(a) into the Act.

Division 3A - Electoral Act 1992

Clause 95A - Redistribution Committees - amends section 39 of the Principal Act by omitting paragraph (3)(b) and inserting a new paragraph (3)(b). The reference in that paragraph to the Chief Planner is now a reference to the Australian Capital Territory Planning Authority.

Division 6A - Remuneration Tribunal Act 1995

Clause 101A - Inquiries in relation to holders of certain offices - amends section 10 of the Principal Act by omitting paragraph (1)(q), which provided for the Tribunal to determine the remuneration of the Chief Planner. The office of the Chief Planner will no longer exist.

PART V - TRANSITIONAL

Clause 121 - Applications for approval to conduct controlled activities - the Bill is amended by adding a new paragraph (ba) to subclause 121(2). That paragraph provides that the Act as amended applies to a "transitional application" as if there was no requirement to obtain the concurrence of a concurring authority in respect of the application.