

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) (No. 2) BILL 1995

EXPLANATORY MEMORANDUM

Circulated by authority of

Gary Humphries
Minister for the Environment,
Land and Planning

Purpose of the Bill

The Land (Planning and Environment) (Amendment) Bill (No 2) 1995 ("the Bill") will amend the Land (Planning and Environment) Act 1991 ("the Act") by inserting an additional item in Schedule 5 of the Act. The Bill will also repeal three Acts that are redundant. Part VI of the Act provides for the control of nominated land use activities through an approvals process or by an order. Schedule 4 of the Act specifies those matters which can only be conducted if Ministerial approval has been obtained. Schedule 5 of the Act specifies those activities for which an order may be made. Once an order has been made it would be an offence to continue to conduct that activity in contravention of the order.

Revenue/Cost Implications

This Bill has no revenue or cost implications.

Formal Clauses

Clauses 1,2 and 3 deal with formal requirements. Clause 1 specifies the short title of the Bill, clause 2 specifies the commencement provisions and clause 3 identifies the Principal Act that is to be amended.

Clause 4

Clause 4 will amend Schedule 5 of the Principal Act by inserting an additional item. The effect of this amendment will mean that a person can apply to the Registrar of the Land and Planning Appeals Board to stop an activity that is likely to cause soil erosion or an activity that involves destroying, damaging, removing or otherwise interfering with vegetation or soil between the banks, or within 20 metres of the banks, of a watercourse, or on land with a slope of more than 18 ° from the horizontal. A decision of the Registrar to make or refuse to make an order would be subject to merit review by the Land and Planning Appeals Board. A proposed penalty of \$10,000 will apply.

While most penalties in Schedule 5 are \$5,000, the penalty proposed for a soil erosion offence will be more in line with the penalty for a mining offence (\$20,000). This reflects the importance of having the ability to prevent soil erosion, as a failure to give effect to an order and therefore continue to cause soil erosion could have serious long term consequences on land use.

Clause 5

Clause 5 will repeal three Acts that are redundant. The Soil Conservation Act 1960 will be redundant in that an activity that would cause soil erosion could be subject to an order under Part VI of the Principal Act. The Mining Act 1930 and the Mining Act 1931 are redundant in that mining is an activity that requires Ministerial approval under Part VI of the Principal Act.