

2004

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Ms Kerrie Tucker)

## Land (Planning and Environment) Amendment Bill 2004

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# Land (Planning and Environment) Amendment Bill 2004

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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:

- 1     **1       Name of Act**
- 2               This Act is the *Land (Planning and Environment) Amendment Act*
- 3               *2004*.
- 4     **2       Commencement**
- 5               This Act commences on the day after its notification day.
- 6               *Note*     The naming and commencement provisions automatically commence on
- 7               the notification day (see Legislation Act, s 75 (1)).
- 8     **3       Legislation amended**
- 9               This Act amends the *Land (Planning and Environment) Act 1991*.
- 10    **4       Definitions for pt 6**
- 11    **Section 222, definition of *relevant authority***
- 12               *omit*
- 13    **5       Register of applications, approvals, orders and lease and**
- 14    **development conditions**
- 15    **Section 227 (1) (g)**
- 16               *substitute*
- 17               (g) any comments of the planning and land authority or the
- 18               planning and land council given to the Minister for the
- 19               consideration of an application under section 229B (Minister
- 20               may decide some applications) as in force before the
- 21               commencement of the *Land (Planning and Environment)*
- 22               *Amendment Act 2004*; and
- 23    **6       Sections 229A and 229B**
- 24               *omit*

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**7 Approvals**  
**Section 230 (1)**

*omit*

relevant authority

*substitute*

planning and land authority

**8 Section 230 (2) and (3)**

*substitute*

(2) The planning and land authority is taken to have refused to approve an application if it fails to make a decision about the application within the prescribed period.

(3) However, the planning and land authority may approve an application (the ***development application***) at any time before the earliest of the following dates:

(a) the date when the administrative appeals tribunal has finally dealt with an application under section 275 to review a deemed refusal of the development application under subsection (2);

(b) the date 6 months after the date of the development application, unless paragraph (c) applies;

(c) if an assessment or a variation to the plan is needed for the development application—the date 12 months after the date of the application.

1	<b>9</b>	<b>Section 230 (4)</b>
2		<i>omit</i>
3		relevant authority
4		<i>substitute</i>
5		planning and land authority
6	<b>10</b>	<b>Matters to be considered</b>
7		<b>Section 231 (1) (a) (v)</b>
8		<i>omit</i>
9	<b>11</b>	<b>Conditional approvals</b>
10		<b>Section 245 (2) and (3) (i)</b>
11		<i>omit</i>
12		relevant authority
13		<i>substitute</i>
14		planning and land authority
15	<b>12</b>	<b>Revocation of approval</b>
16		<b>Section 253</b>
17		<i>omit</i>
18		A relevant authority may revoke an approval given by the
19		authority—
20		<i>substitute</i>
21		The planning and land authority may revoke an approval—

**13 Approvals subject to entity's satisfaction**  
**Section 275A (1), note**

*omit*

a relevant authority

*substitute*

the planning and land authority

**14 Review of decisions—objectors and third parties to approvals**  
**Section 276 (1)**

*omit*

relevant authority

*substitute*

planning and land authority

**15 Section 278**

*substitute*

**278 Notification of objectors**

- (1) This section applies if application is made to the administrative appeals tribunal for review of a decision mentioned in schedule 4, part 4.1.
- (2) The planning and land authority must, as soon as practicable after the application to the administrative appeals tribunal is made, give written notice of the application to each person who, under section 237, objected to the application for approval to undertake a development for which the decision was made.

- 1           (3) The notice must include a statement to the effect that the person to  
2           whom it is given is entitled, on application to the administrative  
3           appeals tribunal, to be made a party to the proceeding for the  
4           review.

5       **16           Challenge to validity of certain decisions**  
6       **Section 279A**

7           *omit*

8       **17           New sections 294 and 295**

9           *insert*

10      **294           Certain applications taken to be referred to planning and**  
11      **land authority**

- 12           (1) This section applies to an application under section 226 for approval  
13           to undertake a development if—  
14               (a) the planning and land authority referred the application to the  
15               Minister for decision in accordance with a direction under  
16               section 229A (1); and  
17               (b) the application had not been decided by the Minister, or  
18               referred back to the planning and land authority, under  
19               section 229B before the commencement day.  
20           (2) The application is taken to have been referred back to the planning  
21           and land authority for decision under section 229B immediately  
22           before the commencement day.  
23           (3) In this section:  
24               *commencement day* means the day the *Land (Planning and*  
25               *Environment) Amendment Act 2004* commenced.  
26           (4) This section expires 1 year after the day it commences.



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**295      Saving of operation of certain provisions**

- (1) Despite the amendments of this Act made by the *Land (Planning and Environment) Amendment Act 2004* (the **amending Act**), this Act as in force immediately before the commencement of the amending Act continues to apply in relation to—
- (a) a decision of the Minister under section 229B to consider an application to undertake a development if the Minister decided the application before the commencement of the amending Act; and
- (b) a decision made by the Minister under section 229B on an application to undertake a development.
- (2) Subsection (1) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (3) This section expires 1 year after the day it commences.

**18      Schedule 4, part 4.1, items 2, 4 and 10**

*omit*

relevant authority

*substitute*

planning and land authority

**19      Dictionary, definition of *relevant authority***

*omit*

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2004.

**2 Notification**

Notified under the Legislation Act on 2004.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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