

2004

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

Land (Planning and Environment) Amendment Bill 2004

Explanatory Statement

**Circulated by authority of
Kerrie Tucker MLA**

Land (Planning and Environment) Amendment Bill 2004

This is a Bill for an Act to amend the *Land (Planning and Environment) Act 1991*. It will remove the power of the minister to call in, and make decisions on, applications for the approval of development under Part 6 the Act, requiring all such decisions to be made by the ACT Planning and Land Authority.

Clauses 1 to 3

The first section states the name of the Act, the second section provides that it commences the day after it is notified, and the third section identifies the Act amended.

Clause 4

This clause omits the definition of relevant authority in part 6 of the Land Planning and Environment Act, as the amending Act will remove the power of the Minister to approve applications for the approval of developments and thereby give the planning and land authority the power to decide to all applications.

Clause 5

This clause will ensure that the register of applications, approval, orders and lease development conditions will continue to include all comments made by the planning and land authority or the planning and land council to the Minister for the consideration of any applications under section 229B up until the commencement of this Act.

Clause 6

Sections 229A and 229B of the *Land (Planning and Environment) Act* are omitted. These are the powers of the Minister to direct the Planning and Land Authority to refer to the Minister an application that has not been decided by to the authority; and for the Minister to decide those applications.

Clause 7

Replaces the term relevant authority with planning and land authority.

Clause 8

Replaces the term relevant authority with planning and land authority, with some consequent simplification of language.

Clause 9

Replaces the term relevant authority with planning and land authority.

Clause 10

Omits the requirement for the minister to consider comments of the planning and land authority and the planning and land council in approving or refusing to approve

an application, as the minister will no longer have the power to make that decision.

Clause 11

Replaces the term relevant authority with planning and land authority.

Clause 12

Replaces the term relevant authority with planning and land authority, with some consequent simplification of language

Clause 13

Replaces the term relevant authority with planning and land authority

Clause 14

Replaces the term relevant authority with planning and land authority

Clause 15

This clause simplifies the language used to describe processes that the planning and land authority must follow, once an application to review a decision is made to the administrative appeals tribunal, in advising people who have objected to the application of the appeal and their right to be a party to the proceeding

Clause 16

This clause omits S279A of the *Land (Planning and Environment) Act* as it relates to decisions made by the Minister under the call in power that is to be removed

Clause 17

New sections 294 and 295

Section 294 ensures that any applications that have been referred to the Minister for under section 229A, but which had not been decided, revert to the authority of the planning and land authority

Section 295 ensures that any decisions that have been made by the minister under the provisions of section 229B remain subject to other requirements of the Act as in force prior to the commencement of this amending Act

Clause 18

Replaces the term relevant authority with planning and land authority

S19

Deletes the definition of relevant authority in the dictionary