



Australian Capital Territory

# Planning and Land Regulations 2003

## Subordinate Law SL2003-16

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The Australian Capital Territory Executive makes the following regulations under the *Planning and Land Act 2002*.

Dated 18 June 2003.

SIMON CORBELL  
Minister

BILL WOOD  
Minister

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*Planning and Land Act 2002*

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## **1 Name of regulations**

These regulations are the *Planning and Land Regulations 2003*.

## **2 Commencement**

These regulations commence on the day the Act, section 77 (Regulation-making power) commences.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

## **3 Notes**

A note included in these regulations is explanatory and is not part of these regulations.

*Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

## **4 When council's advice must be asked—Act, s 11 (1) (b)**

- (1) The prescribed circumstance is that the function is to be exercised in relation to a matter that the authority considers involves significant policy, planning or community issues.
- (2) The following functions are taken to always involve significant policy, planning or community issues:
  - (a) preparing draft plan variations, other than draft plan variations that relate only to defined land, that do not adversely affect anybody's rights or have as their only object the correction of a formal error in the plan;
  - (b) preparing or reviewing a section master plan;
  - (c) preparing or reviewing a program of land release for the ACT;
  - (d) advising on the broad spatial planning framework for the ACT;
  - (e) dealing with an application, or the grant of a lease, if the Minister has directed that an assessment be made, or a panel be established to conduct an inquiry, under the *Land (Planning*

*and Environment) Act 1991*, part 2 (Planning), part 5 (Land administration) or part 6 (Approvals and orders) or another Act in relation to the application or grant;

- (f) deciding an application that relates to—
    - (i) a residential building intended to be higher than 3 storeys and consisting of more than 50 units; or
    - (ii) a building the total floor space of which is intended to be more than 7000m<sup>2</sup>; or
    - (iii) a building or structure intended to be higher than 25m;
  - (g) deciding applications to change concessional leases into leases that are not concessional leases.
- (3) However, the authority need not ask for advice from the council about a function to be exercised in relation to a matter (the ***significant matter***) mentioned in subregulation (1) or (2) if—
- (a) the council has already given the authority advice in relation to the significant matter and the matter has not changed substantially; or
  - (b) the council has already given the authority advice in relation to another matter that is substantially the same as the significant matter; or
  - (c) the authority is satisfied that the exercise of the function in relation to the matter is in accordance with a policy about which the council has already advised the authority.

- (4) In this regulation:

***application***—see the *Land (Planning and Environment) Act 1991*, section 222.

***concessional leases***—see the *Land (Planning and Environment) Regulations 1992*, regulation 22 (4).

***defined land***—see the *Land (Planning and Environment) Act 1991*, section 31.

*draft plan variation*—see the *Land (Planning and Environment) Act 1991*, section 5.

*section master plan*—see the Territory plan, part D (Definition of terms).

**5 Contents of land agency business plans—Act, s 45 (2)  
(d) (ii)**

- (1) The following information is prescribed in relation to the financial year:
  - (a) a statement of expected financial performance for the current year and each of the 3 following financial years;
  - (b) a statement of the expected financial position for the current year and each of the 3 following financial years;
  - (c) an explanation of any significant variation disclosed by the business plan for the year from information previously given by the land agency in a business plan;
  - (d) a statement of the main challenges and opportunities that the land agency expects to face in the current year and each of the following 3 financial years.

**6 Land agency draft business plan to Minister**

- (1) The land agency must give the Minister a draft business plan for a financial year—
  - (a) within 1 month after the beginning of the financial year; or
  - (b) within another period fixed by the Minister and notified to the land agency.
- (2) The Minister may fix a period for subregulation (1) (b).
- (3) The Minister must tell the land agency in writing about any period fixed under subregulation (2), including reasons why the period was fixed.

## **7 Minister's response to draft business plan**

- (1) The Minister must, as soon as practicable after receiving the draft business plan—
  - (a) give the land agency written comments on the draft; or
  - (b) if the Minister is satisfied with the draft business plan—accept the business plan by telling the land agency in writing that the Minister accepts it.
- (2) If the Minister gives the land agency written comments, the land agency must—
  - (a) consider the comments; and
  - (b) consult with the Minister on any comment the land agency does not agree with to try to reach agreement with the Minister; and
  - (c) revise the draft business plan so that, as far as practicable, it gives effect to the Minister's comments and anything agreed between the Minister and the land agency, and give the Minister the revised draft business plan.
- (3) In this regulation:  
*draft business plan* includes a draft business plan revised under subregulation (2) (c).

## **8 Variation of business plan**

- (1) The land agency may apply in writing to the Minister to vary the agency's business plan for a financial year.
- (2) The Minister must, as soon as practicable after receiving the application—
  - (a) give the land agency written comments on the application; or
  - (b) if the Minister is satisfied with the business plan as varied in accordance with the application—accept the business plan as

varied in accordance with the application by telling the land agency in writing that the Minister accepts.

- (3) If the Minister gives the land agency written comments, the land agency must—
- (a) consider the comments; and
  - (b) consult with the Minister on any comment the land agency does not agree with to try to reach agreement with the Minister if possible; and
  - (c) revise the application to vary the business plan so that, as far as practicable, it gives effect to the Minister's comments and anything agreed between the Minister and the land agency and give the Minister the revised application.
- (4) In this regulation:
- application* includes an application revised under subregulation (3) (c).

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## Endnote

### Notification

Notified under the Legislation Act on 24 June 2003.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))

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