



AUSTRALIAN CAPITAL TERRITORY

Land (Planning and Environment) Amendment Act (No 3) 1999

No. 87 of 1999

An Act to amend the *Land (Planning and Environment) Act 1991*

[Notified in ACT Gazette S65: 23 December 1999]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Land (Planning and Environment) Amendment Act (No 3) 1999*.

2 Commencement

This Act commences on the day it is notified in the *Gazette*.

3 Determination of applications

Section 229A of the *Land (Planning and Environment) Act 1991* is amended by omitting subsections (6) and (7) and substituting the following subsections:

“(6) If the Minister considers that an application that has been referred to the Commissioner for determination under subsection (3) or (4)—

- (a) raises a major issue of policy; or
- (b) seeks approval for a development that may have a substantial effect on the achievement or development of objectives of the Territory Plan; or
- (c) allows a decision that would give rise to a substantial public benefit;

the Minister may, at any time before the application is determined by the Commissioner, by written notice given to the Commissioner, revoke the reference.

“(7) If the Minister revokes a reference of an application to the Commissioner, the Minister must—

- (a) give to the applicants written notice of the revocation and the grounds on which the reference has been revoked; and
- (b) cause to be laid before the Legislative Assembly, within 3 sitting days after the reference is revoked, a statement containing—
 - (i) a description of the development to which the application relates; and
 - (ii) particulars of the land on which the development would take place; and
 - (iii) the names of the applicants; and
 - (iv) particulars of the ground on which the reference was revoked; and
- (c) cause a copy of the notice of revocation given to the Commissioner to be published in the *Gazette* within 21 days after the notice is given; and
- (d) determine the application.”.

4 Insertion

After section 279 of the *Land (Planning and Environment) Act 1991* the following section is inserted in Subdivision A of Division 5 of Part 6:

“279A Challenge to the validity of certain decisions

“(1) The validity of a decision made by the Minister on an application to which subsection 229A (7) applies may not be questioned in any legal proceedings except those commenced within 28 days after the date of the decision.

“(2) In this section—

legal proceedings does not include an application to the administrative appeals tribunal.”.

Endnote

Act amended

1 Republished as in force on 28 February 1999. See also Acts 1999 Nos 40 and 73.

[Presentation speech made in Assembly on 13 October 1999]