



Australian Capital Territory

# Land (Planning and Environment) Legislation Amendment Act 2007

A2007-1

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Australian Capital Territory

# Land (Planning and Environment) Legislation Amendment Act 2007

A2007-1

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An Act to amend the *Land (Planning and Environment) Act 1991*, and for other purposes

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

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J2006-884

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Land (Planning and Environment) Legislation Amendment Act 2007*.

### 2 Commencement

This Act is taken to have commenced on 1 March 2007.

## Part 2

# Land (Planning and Environment) Act 1991

### 3 Legislation amended—pt 2

This part amends the *Land (Planning and Environment) Act 1991*.

### 4 AAT review—general Section 275 (2) and (3)

*substitute*

- (1A) However, only the applicant for an approval may apply to the AAT for review of a decision giving the approval subject to a condition under either of the following sections:
- (a) section 245 (Conditional approvals);
  - (b) section 246A (Reconsideration of decisions).
- (2) The heritage council may also apply to the AAT for review of a decision mentioned in subsection (1) or (1A).
- (3) A person who makes a decision mentioned in subsection (1) must give written notice of the decision to—
- (a) for a decision mentioned in subsection (1A)—the applicant for the approval; and
  - (b) for any other decision—the people whose interests the person believes are affected by the decision; and
  - (c) for a decision on an application relating to a place registered, or nominated for provisional registration, under the *Heritage Act 2004*—the heritage council.

**5 New section 275 (5) to (7)**

*insert*

- (5) This section—
- (a) applies in relation to a decision mentioned in subsection (1A) made on or after the day this subsection commences; and
  - (b) as in force on the day this subsection commences, is taken to apply, and always to have applied, in relation to a decision mentioned in subsection (1A) made before the day this subsection commences.
- (6) Subsection (5) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (7) Subsections (5) and (6) and this subsection expire 1 year after the day this subsection commences.

**6 Regulations for pt 6  
Section 282 (1) (e) and (f)**

*substitute*

- (e) exempting development from the application of this part or a provision of this part; and

**Examples—par (e) and Legislation Act, s 48**

- 1 exempting a development or class of development, including by reference to stated circumstances or conditions
- 2 exempting development by reference to any matter, including, for example, location, land use, or policy for land use under the territory plan

*Note 1* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

*Note 2* Power given under an Act to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters, or to make an instrument that applies differently by reference to stated exceptions or factors (see Legislation Act, s 48).

- (f) exempting controlled activity from the application of this part or a provision of this part; and

## **7 New section 282 (5) to (7)**

*insert*

- (5) This section—
- (a) applies in relation to a regulation made under subsection (1) (e) or (f) on or after the day this subsection commences; and
  - (b) as in force on the day this subsection commences, is taken to apply, and always to have applied, in relation to a regulation made, or purportedly made, under subsection (1) (e) or (f) before the day this subsection commences.
- (6) Subsection (5) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (7) Subsections (5) and (6) and this subsection expire 1 year after the day this subsection commences.

## **8 New sections 288A and 288B**

*in part 8, insert*

### **288A Regulations amending Land (Planning and Environment) Regulation**

- (1) This section applies in relation to the following regulations:
- (a) the *Land (Planning and Environment) Amendment Regulation 2006 (No 2)* SL2006-13;

- (b) any other regulation made, or purportedly made, under section 282 (1) (e) or (f) before the day section 282 (5) commences.
- (2) The regulation is taken, for all purposes, always to have been validly made under this Act.
- (3) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (4) This section expires 1 year after the day it commences.

**288B Amendments of Land (Planning and Environment) Regulation by Land (Planning and Environment) Legislation Amendment Act**

- (1) This section applies in relation to the amendments of the *Land (Planning and Environment) Regulation 1992* by the *Land (Planning and Environment) Legislation Amendment Act 2007*.
- (2) The amendments—
  - (a) have effect on and after the day this section commences; and
  - (b) are taken, for all purposes, to have effect, and always to have had effect, before the day this section commences.
- (3) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (4) This section expires 1 year after the day it commences.



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## Part 3 Land (Planning and Environment) Regulation 1992

### 9 Legislation amended—pt 3

This part amends the *Land (Planning and Environment) Regulation 1992*.

### 10 Exclusion of appeals—general Section 42 (1)

*substitute*

- (1) The Act, section 275 does not apply if the decision relates to development listed in schedule 6.

### 11 Exclusion of appeals by objectors and third parties— Act, section 276 Section 43 (1)

*substitute*

- (1) The Act, section 276 does not apply if the decision relates to development listed in schedule 7.

### 12 Schedule 6—Exclusion of appeals, general—Act, s 275 Items 1 and 4

*omit*

A development

*substitute*

Development

**13 Schedule 7—Exclusion of appeals by objectors and third parties—Act, s 276  
Item 1**

*omit*

A development

*substitute*

Development

**14 Schedule 7, item 4**

*omit*

A minor

*substitute*

Minor

**15 Schedule 7, item 15**

*omit*

a development

*substitute*

development

**16 Schedule 7, item 16**

*omit*

A development

*substitute*

Development

**17 Schedule 7, item 18**

*omit*

a development

*substitute*

development

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**Endnotes****1 Presentation speech**

Presentation speech made in the Legislative Assembly on 20 February 2007.

**2 Notification**

Notified under the Legislation Act on 1 March 2007.

**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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I certify that the above is a true copy of the Land (Planning and Environment) Legislation Amendment Bill 2007, which was passed by the Legislative Assembly on 28 February 2007.

Clerk of the Legislative Assembly

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