

2002

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Planning)

# Planning and Land (Consequential Amendments) Bill 2002

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Notes	2
4 Acts and regulations amended—schs 1-3	2
<b>Schedule 1 Land (Planning and Environment) Act 1991</b>	<b>3</b>
<b>Part 1.1 Act, part 2 (Planning)</b>	<b>3</b>
<b>Part 1.2 Act, part 3 (Heritage)</b>	<b>11</b>

---

Contents

---

		Page
<b>Part 1.3</b>	<b>Act, part 4 (Environmental assessments and inquiries)</b>	13
<b>Part 1.4</b>	<b>Act, part 5 (Land administration)</b>	13
<b>Part 1.5</b>	<b>Act, part 6 (Approvals and orders)</b>	31
<b>Part 1.6</b>	<b>Act, part 7 (Administrative appeals)</b>	53
<b>Part 1.7</b>	<b>Act, part 8 (Miscellaneous)</b>	54
<b>Part 1.8</b>	<b>Act, part 9 (Transitional)</b>	55
<b>Part 1.9</b>	<b>Insertion of schedule</b>	56
<b>Part 1.10</b>	<b>Act, dictionary</b>	61
<b>Schedule 2</b>	<b>Land (Planning and Environment) Regulations 1992</b>	63
<b>Schedule 3</b>	<b>Other Acts and regulations</b>	67
<b>Part 3.1</b>	<b>Building Act 1972</b>	67
<b>Part 3.2</b>	<b>Common Boundaries Act 1981</b>	72
<b>Part 3.3</b>	<b>Community Title Act 2001</b>	73
<b>Part 3.4</b>	<b>Electoral Act 1992</b>	76
<b>Part 3.5</b>	<b>Energy Efficiency Ratings (Sale of Premises) Act 1997</b>	76
<b>Part 3.6</b>	<b>Environment Protection Act 1997</b>	76
<b>Part 3.7</b>	<b>Gungahlin Development Authority Act 1996</b>	77
<b>Part 3.8</b>	<b>Heritage Objects Act 1991</b>	77
<b>Part 3.9</b>	<b>Housing Assistance Act 1987</b>	77
<b>Part 3.10</b>	<b>Lands Acquisition Act 1994</b>	78
<b>Part 3.11</b>	<b>Land Titles Act 1925</b>	78
<b>Part 3.12</b>	<b>Land Titles (Unit Titles) Act 1970</b>	79

Contents

---

		Page
<b>Part 3.13</b>	<b>Legislation Act 2001</b>	80
<b>Part 3.14</b>	<b>Remuneration Tribunal Act 1995</b>	81
<b>Part 3.15</b>	<b>Sale of Motor Vehicles Act 1977</b>	81
<b>Part 3.16</b>	<b>Unit Titles Act 2001</b>	83
<b>Part 3.17</b>	<b>Unit Titles Regulations 2001</b>	91
<b>Part 3.18</b>	<b>Utilities (Telecommunications Installations) Act 2001</b>	92



2002

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Urban Services)

## **Planning and Land (Consequential Amendments) Bill 2002**

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### **A Bill for**

An Act to amend various Acts and regulations because of the enactment of the *Planning and Land Act 2002*, and for other purposes

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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 *Planning and Land (Consequential Amendments) Act*  
3           *2002*.

4   **2   Commencement**

5           This Act commences on the commencement of the *Planning and*  
6           *Land Act 2002*, section 5 (Object of Act).

7           *Note*     The naming and commencement provisions automatically commence on  
8                   the notification day (see *Legislation Act 2001*, s 75).

9   **3   Notes**

10          A note included in this Act is explanatory and is not part of this Act.

11          *Note*     See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of  
12                   notes.

13   **4   Acts and regulations amended—schs 1-3**

14          Schedules 1 to 3 amend the Acts and regulations mentioned in them.

1 **Schedule 1**                      **Land (Planning and**  
2    **Environment) Act 1991**

3 (see s 4)

4 **Part 1.1**                              **Act, part 2 (Planning)**

5 **[1.1] Section 5, definition of *background papers*, paragraph (b)**  
6 **(i) and (ii)**

7 *substitute*

- 8 (i) any relevant direction of the Minister; and

9 *Note*        The Minister may give directions under this Act, s 26 and  
10 s 94 (1) (b) and the *Planning and Land Act 2002*, s 11 (1) (b).

11 **[1.2] Section 5, definition of *background papers*, paragraph**  
12 **(b) (iii) to (vii)**

13 *renumber as paragraph (b) (ii) to (vi)*

14 **[1.3] Section 5, definition of *background papers*, paragraph (c)**

15 *substitute*

- 16 (c) a statement, by the planning and land authority, of the reasons  
17 for any inconsistency between the draft plan and—

18 (i) a relevant direction of the Minister; or

19 (ii) a submission of the conservator mentioned in  
20 paragraph (b) (ii); or

21 (iii) an interim heritage places register submitted to the  
22 authority; or

23 *Note*        Sections 17 and 63 provide for the submission by the heritage  
24 council of an interim heritage places register.

- 1 (iv) a recommendation in a report mentioned in paragraph (b)  
2 (iv), (v) or (vi); and

3 **[1.4] Section 5, definition of *draft plan variation***

4 *substitute*

5 *draft plan variation*—

- 6 (a) means a draft plan variation prepared by the planning and land  
7 authority under section 15 (Preparation of plan variations)  
8 and—  
9 (i) if section 19C (Draft plan variations that do not affect  
10 rights) does not apply—notified under section 19 (Public  
11 consultation—notification); or  
12 (ii) if section 19C applies—notified in the legislation register  
13 under section 19C (2); and  
14 (b) for a draft plan variation that has been revised under section 22  
15 (1) (a) or 27—includes the draft plan variation as revised.

16 **[1.5] Section 9 (4), definition of *defined period*, paragraph (d)**

17 *omit*

18 29 (9) (b)

19 *substitute*

20 30A (3) (b)

21 **[1.6] Section 9 (4), new definition of *draft plan variation***

22 *insert*

23 *draft plan variation* includes a provision of a draft plan variation.

1 **[1.7] Section 15**

2 *substitute*

3 **15 Preparation of plan variations**

4 (1) The planning and land authority may prepare variations to the plan.

5 (2) A plan variation may be prepared in separate stages or parts.

6 **[1.8] Section 19 (6)**

7 *omit*

8 (Executive powers)

9 *substitute*

10 (Minister's powers)

11 **[1.9] Section 19B (2)**

12 *omit*

13 **[1.10] Section 19B (3)**

14 *omit*

15 authority's opinion

16 *substitute*

17 planning and land authority's opinion

18 **[1.11] Section 19B**

19 *renumber subsections when Act next republished under Legislation*  
20 *Act 2001*

1 **[1.12] Sections 19C and 20**

2 *substitute*

3 **19C Draft plan variations that do not affect rights**

4 (1) This section applies if the planning and land authority is satisfied  
5 that a draft plan variation—

- 6 (a) would, if approved, not affect adversely anybody's rights; or  
7 (b) has as its only object the correction of a formal error in the  
8 plan.

9 (2) The draft plan variation is a notifiable instrument.

10 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

11 (3) Sections 19 and 19B do not apply to the draft plan variation, but the  
12 planning and land authority must take reasonable steps to inform  
13 itself about public attitudes to the draft plan variation.

14 **20 Consultation with national capital authority**

15 Before giving a draft plan variation to the Minister, the planning and  
16 land authority must consult with the national capital authority.

17 **[1.13] Section 21**

18 *substitute*

19 **21 Public inspection of comments**

20 (1) The planning and land authority must make copies of any comments  
21 mentioned in section 19 (1) (c) available for public inspection  
22 during office hours during the period, and at the places, mentioned  
23 in the consultation notice under section 19 that refers to the relevant  
24 draft plan variation.

25 (2) The planning and land authority may omit from the copy of a  
26 comment made available under subsection (1) information that  
27 would identify the person who had made the comment if—

- 1 (a) the person has asked that the information be omitted; and  
2 (b) the authority is reasonably satisfied that it would not be in the  
3 public interest for the information to be published.

4 **[1.14] Section 26 heading**

5 *substitute*

6 **26 Minister's powers**

7 **[1.15] Section 26 (1)**

8 *omit*

9 the Executive shall—

10 *substitute*

11 the Minister must—

12 **[1.16] Section 26 (2)**

13 *substitute*

- 14 (2) Before taking action under subsection (1), the Minister must  
15 consider any recommendation made by a committee of the  
16 Legislative Assembly in relation to the draft variation, or related  
17 documents, referred to the committee under section 25.

18 **[1.17] Section 26 (4) (a)**

19 *omit*

20 an Executive direction

21 *substitute*

22 a direction

1 **[1.18] Section 27 (2)**

2 *omit*

3 Executive

4 **[1.19] Section 27 (3)**

5 *omit*

6 Executive's

7 *substitute*

8 Minister's

9 **[1.20] Sections 28 (1) and 29 (2)**

10 *omit*

11 (Executive powers)

12 *substitute*

13 (Minister's powers)

14 **[1.21] Sections 29 (8) and (9), 30 (3) and 30B**

15 *omit*

16 Minister

17 *substitute*

18 planning and land authority

19 **[1.22] Division 2.4**

20 *omit*

1 **[1.23] Part 2, further amendments, mentions of *Executive***

2 *omit*

3 Executive

4 *substitute*

5 Minister

6 *in the following provisions:*

- 7 • section 10
- 8 • section 19 (1)
- 9 • section 22
- 10 • section 24
- 11 • section 25
- 12 • section 26 (1) (b) and (6)
- 13 • section 27 (1)
- 14 • Section 27 (3) (1st mention)
- 15 • section 28 (1) (b)
- 16 • section 29 (1)

17 **[1.24] Part 2, further amendments, mentions of *authority***

18 *omit*

19 authority

20 *substitute*

21 planning and land authority

22 *in the following provisions:*

- 23 • section 5, definition of *background papers*, paragraph (d)
- 24 • section 10 (1) and (2)

**Schedule 1** Land (Planning and Environment) Act 1991  
**Part 1.2** Act, part 3 (Heritage)

Amendment [1.25]

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- 1 • section 10 (3) (1st mention)
- 2 • section 16
- 3 • section 17 (1) (1st mention)
- 4 • section 17 (3) (1st mention)
- 5 • section 17 (4)
- 6 • section 18 (1) and (3)
- 7 • section 19 (1) (1st mention)
- 8 • section 19 (2), (5) and (6)
- 9 • section 19B (1)
- 10 • section 22 (1) and (4)
- 11 • section 22 (5) (1st mention)
- 12 • section 22 (6)
- 13 • section 22 (7) (1st mention)
- 14 • section 22 (9)
- 15 • section 24 (1) (1st mention)
- 16 • section 24 (2), (4) and (5)
- 17 • section 26 (1) (b) and (6)
- 18 • section 28 (1) (1st mention)
- 19 • section 28 (3)
- 20 • section 30 (5)
- 21 • section 32 (1) and (6)

1 **Part 1.2** **Act, part 3 (Heritage)**

2 **[1.25] Section 63 heading, (1), (2) and (3) (a)**

3 *omit*

4 authority

5 *substitute*

6 planning and land authority

7 **[1.26] Section 63 (4)**

8 *omit*

9 section 282A (5) (a)

10 *substitute*

11 section 282A (AAT Review of decisions)

12 **[1.27] Section 63 (4) (b)**

13 *omit*

14 authority

15 *substitute*

16 planning and land authority

17 **[1.28] Section 63 (5)**

18 *omit*

19 section 282A (5) (a)

20 *substitute*

21 section 282A (AAT Review of decisions)

1 **[1.29] Section 63 (5) (b)**

2 *omit*

3 authority

4 *substitute*

5 planning and land authority

6 **[1.30] Section 64 (1)**

7 *substitute*

8 (1) The Minister may, on behalf of the Territory, acquire a place listed  
9 on the heritage places register if the Minister is satisfied that—

10 (a) the place has substantial heritage significance; and

11 (b) acquisition is the most prudent and feasible means to ensure  
12 the conservation of the heritage significance; and

13 (c) it is in the public interest for the Territory to acquire the place.

14 **[1.31] Sections 64 (2), (3) and (4) and 71 (2)**

15 *omit*

16 Executive

17 *substitute*

18 Minister

19 **[1.32] Section 92**

20 *omit*

21 authority

22 *substitute*

23 planning and land authority

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1 **Part 1.3** **Act, part 4 (Environmental**  
2 **assessments and inquiries)**

3 **[1.33] Division 4.1, new note**

4 *insert before section 111*

5 *Note* The Environment Minister may delegate a function of the Environment  
6 Minister under this part to the planning and land authority (see  
7 *Legislation Act 2001, s 254A*).

8 **[1.34] Section 117 (5)**

9 *omit*

10 authority

11 *substitute*

12 planning and land authority

13 **[1.35] Section 125 (7)**

14 *omit*

15 section 282A (4) (Review of decisions)

16 *substitute*

17 section 282A (3) (AAT Review of decisions)

18 **Part 1.4** **Act, part 5 (Land**  
19 **administration)**

20 **[1.36] Section 160 (1)**

21 *substitute*

22 (1) This part applies to the grant of an interest in Territory land by the  
23 planning and land authority on behalf of the Executive.

1 **[1.37] New section 160B**

2 *insert*

3 **160B Planning and land authority may grant leases**

4 (1) The planning and land authority is authorised to grant, on behalf of  
5 the Executive, leases that the Executive may grant on behalf of the  
6 Commonwealth.

7 (2) In this section:

8 *lease* means a lease of Territory land.

9 **[1.38] Section 161 (1)**

10 *substitute*

11 (1) The planning and land authority may grant a lease by—

12 (a) auction; or

13 (b) tender; or

14 (c) ballot; or

15 (d) direct grant.

16 *Note* A fee may be determined under s 287 (Determination of fees) for this  
17 section.

18 **[1.39] Section 163 (2)**

19 *omit*

20 The Executive may, on behalf of the Commonwealth,

21 *substitute*

22 The planning and land authority may

1 **[1.40] Section 164 (1)**

2 *omit everything before paragraph (a), substitute*

- 3 (1) The planning and land authority may grant a lease of Territory land  
4 for a charge that is less than the market value of the lease if the  
5 authority is satisfied it is desirable and in the public interest to do so  
6 to facilitate—

7 **[1.41] Section 166 (1)**

8 *omit everything before paragraph (a), substitute*

9 If it is proposed that a lease of Territory land be granted, the  
10 Minister may—

11 **[1.42] Section 166 (2)**

12 *substitute*

13 **166A Grants of leases after inquiries or assessments**

- 14 (1) This section applies if the Minister, under section 166, establishes a  
15 panel to conduct an inquiry, or directs that an assessment be made,  
16 in relation to the proposed grant of a lease.

- 17 (2) The Minister must—

- 18 (a) consider the report of the panel or the assessment; and  
19 (b) review the provisions of the proposed lease taking the report or  
20 assessment into account; and  
21 (c) direct the planning and land authority—  
22 (i) to grant the proposed lease; or  
23 (ii) to grant the proposed lease as varied in accordance with  
24 the direction; or  
25 (iii) to refuse to grant the proposed lease.

- 1 (3) The planning and land authority may grant the proposed lease only  
2 in accordance with a direction of the Minister under  
3 subsection (2) (c).

4 **[1.43] Section 168**

5 *substitute*

6 **168 Authority need not grant lease**

- 7 (1) The planning and land authority need not grant a lease of Territory  
8 land to an applicant, even if applications for the lease have been  
9 invited.
- 10 (2) If applications for a lease have been invited subject to conditions,  
11 the planning and land authority may, without granting a lease, invite  
12 fresh applications for the lease subject to the same or other  
13 conditions.

14 **[1.44] Section 171**

15 *substitute*

16 **171 Grant of further residential leases**

- 17 (1) This section applies if—
- 18 (a) the holder of a residential lease of land applies to the planning  
19 and land authority for the grant of a further residential lease of  
20 the land; and
- 21 (b) neither the Territory nor the Commonwealth needs the land for  
22 a public purpose; and
- 23 (c) the lessee pays the fee worked out under the determination  
24 under subsection (3); and
- 25 (d) the lessee surrenders the existing lease.

- 1 (2) The planning and land authority must grant the lessee a further  
2 residential lease of the land for a term not longer than 99 years to  
3 begin on the day after the day the existing lease is surrendered.
- 4 (3) The Minister may make a determination, in writing, for  
5 subsection (1) (c).
- 6 (4) If the term of a further lease granted under subsection (2) is not  
7 longer than the term of the existing lease, the fee payable under  
8 subsection (1) (c) must not be more than the cost of granting the  
9 lease.
- 10 (5) A determination under subsection (3) is a disallowable instrument.
- 11 *Note* A disallowable instrument must be notified, and presented to the  
12 Legislative Assembly, under the *Legislation Act 2001*.

13 **[1.45] Section 171A (1)**

- 14 *omit*
- 15 the Executive shall, on behalf of the Commonwealth,
- 16 *substitute*
- 17 the authority must

18 **[1.46] Section 171A (5)**

- 19 *substitute*
- 20 (5) If the national capital authority has set a maximum term for a rural  
21 lease of land in a designated area, a determination under  
22 subsection (2) relating to the land must not set a term for a further  
23 rural lease of the land that is longer than the maximum term.
- 24 (5A) In subsection (5):
- 25 *designated area*—see the *Australian Capital Territory (Planning*  
26 *and Land Management) Act 1988* (Cwlth), section 4 (Definitions for  
27 whole Act).

1 **[1.47] Section 172**

2 *substitute*

3 **172 Grant of further leases for purposes other than**  
4 **residential or rural**

5 (1) This section applies if—

6 (a) the holder of a lease of Territory land other than a residential  
7 lease or a rural lease applies to the planning and land authority  
8 for the grant of a further lease of the land for the same  
9 purposes; and

10 (b) neither the Territory nor the Commonwealth needs the land for  
11 a public purpose; and

12 (c) all rent due under the existing lease is paid; and

13 (d) the lessee pays the fee worked out under the determination  
14 under subsection (3); and

15 (e) the lessee surrenders the existing lease.

16 (2) The planning and land authority must grant the lessee a further lease  
17 of the land for the same purposes for a term not longer than 99 years  
18 to begin on the day after the day the existing lease is surrendered.

19 (3) The Minister may make a determination, in writing, for  
20 subsection (1) (d).

21 (4) If the term of a further lease granted under subsection (2) is not  
22 longer than the term of the existing lease, the fee payable under  
23 subsection (1) (d) must not be more than the cost of granting the  
24 lease.

25 (5) A determination under subsection (3) is a disallowable instrument.

26 *Note* A disallowable instrument must be notified, and presented to the  
27 Legislative Assembly, under the *Legislation Act 2001*.

1 **[1.48] Section 172A (2)**

2 *substitute*

3 (2) The planning and land authority may grant a further lease of a unit,  
4 or the common property, under a units plan only if—

5 (a) the authority grants further leases for all the units and the  
6 common property; and

7 (b) the further leases are all granted for the same term.

8 **[1.49] Section 172B (2)**

9 *substitute*

10 (2) The planning and land authority may grant a further lease of a lot in  
11 a community title scheme only if—

12 (a) the authority grants further leases for all the lots in the scheme;  
13 and

14 (b) the further leases are all granted for the same term.

15 **[1.50] Section 173 (1), definition of *lessee***

16 *substitute*

17 *lessee*, for a lease that has been surrendered or ended, or the term of  
18 which has ended, means the person who was the lessee under the  
19 lease at the time of the surrender or ending.

20 **[1.51] Section 173 (4)**

21 *substitute*

22 (4) Before the end of the term of a lease of Territory land, the planning  
23 and land authority may declare that the land comprised in the lease,  
24 or part of the land, is available for a further lease.

25 (4A) If the lessee does not elect to take a further lease of the land, or part  
26 of the land, declared to be available within 6 months after the end of  
27 the term of the lease, the amount of any expenditure reasonably

1 incurred by the Territory, the planning and land authority or both, in  
2 relation to the grant of a lease of the land, or part of the land, to  
3 anyone else must be deducted from the amount payable to the lessee  
4 under this section.

5 **[1.52] Section 173 (5)**

6 *omit*  
7 terminated or surrendered  
8 *substitute*  
9 surrendered or ended

10 **[1.53] Section 173 (5)**

11 *omit*  
12 termination or surrender  
13 *substitute*  
14 surrender or ending

15 **[1.54] Section 173 (7)**

16 *substitute*  
17 (7) If a lease is surrendered or ended, the planning and land authority  
18 may work out the amount of the expenditure reasonably incurred by  
19 the Territory, the planning and land authority or both, in relation  
20 to—  
21 (a) the surrender or ending of the lease; and  
22 (b) any grant of a further lease of the land or part of the land.  
23 (7A) The amount worked out under subsection (7) must be deducted from  
24 any amount payable under subsection (5) to the lessee of the  
25 surrendered or ended lease.

1 **[1.55] Section 173**

2 *renumber subsections when Act next republished under Legislation*  
3 *Act 2001*

4 **[1.56] Section 177 (3)**

5 *substitute*

6 (3) If a request is made under subsection (1) in relation to a variation,  
7 the planning and land authority must review the variation and may  
8 confirm the variation or set it aside and substitute any other  
9 variation the authority considers appropriate.

10 **[1.57] Section 179 (4)**

11 *omit everything before paragraph (a), substitute*

12 (4) The planning and land authority must not issue a certificate of  
13 compliance in relation to a building and development provision to  
14 which a lease under the *Unit Titles Act 2001* is subject unless the  
15 other requirements of this section are satisfied and the authority is  
16 satisfied—

17 **[1.58] Section 180 (1) (d)**

18 *substitute*

19 (d) the lessee has obtained—

20 (i) a certificate of compliance under section 179; or

21 (ii) the consent of the planning and land authority under  
22 subsection (2).

23 *Note* A consent under the *City Area Leases Ordinance 1936* may be taken to  
24 be a consent under s (2) (see s 292).

1 **[1.59] Section 180 (2)**

2 *substitute*

3 (2) The planning and land authority may, in writing, consent to a legal  
4 or equitable assignment or transfer of a lease, or an interest in a  
5 lease, mentioned in subsection (1) if—

6 (a) the lessee or a proposed assignee or transferee applies for the  
7 assignment or transfer; and

8 (b) the authority is satisfied the proposed assignee or transferee  
9 intends to comply with the building and development  
10 provision; and

11 (c) the authority has been given any security required by the  
12 authority for compliance with the provision by the proposed  
13 assignee or transferee.

14 *Note* A fee may be determined under s 287 (Determination of fees) for this  
15 subsection.

16 **[1.60] Section 184A (1)**

17 *substitute*

18 (1) The planning and land authority must not execute a variation of a  
19 nominal rent lease unless the lessee has paid the Territory any  
20 change of use charge determined by the authority under  
21 subsection (2), subject to any remission or increase under  
22 section 184C.

23 **[1.61] Section 184D (2)**

24 *substitute*

25 (2) If the planning and land authority executes a variation of a rental  
26 lease, the authority must reappraise the rent payable under the lease,  
27 following (to the extent possible) the method provided by the rental  
28 provisions of the lease.

1 **[1.62] Section 185 (b) (iii)**

2 *omit*

3 Executive

4 *substitute*

5 authority

6 **[1.63] Section 186C (2) (b) (i)**

7 *substitute*

8 (i) the planning and land authority; and

9 **[1.64] Section 186C (4)**

10 *omit*

11 **[1.65] Section 186D (6)**

12 *substitute*

13 (6) The validity of a dealing made or entered into with the consent of  
14 the planning and land authority under subsection (5) is not  
15 affected—

16 (a) by a defect or irregularity in relation to the giving of the  
17 consent; or

18 (b) because a ground, or all grounds, for the consent had not  
19 arisen.

20 **[1.66] Section 187A (1)**

21 *substitute*

22 (1) The planning and land authority must not execute a consolidation or  
23 a subdivision unless the lessee has paid the Territory any change of  
24 use charge determined by the authority under subsection (2), subject  
25 to any remission or increase under section 187C.

1 **[1.67] Section 188 (5) (a) (iii) and (b)**

2 *omit*

3 Executive

4 *substitute*

5 authority

6 **[1.68] Sections 189 and 190**

7 *substitute*

8 **189 How land may be recovered**

9 (1) This section applies if—

10 (a) a person who has been a lessee of Territory land remains in  
11 possession of the land after—

12 (i) the term of the lease has ended; or

13 (ii) the lease has been surrendered or ended; or

14 (b) a person who has been a licensee of Territory land remains in  
15 possession of the land after—

16 (i) the term of the licence has ended; or

17 (ii) the licence has been surrendered or ended.

18 (2) The Executive may, by written notice to the person (the *unlawful*  
19 *occupier*), demand that the unlawful occupier give possession of the  
20 land to the Executive within the reasonable period stated in the  
21 demand.

22 (3) If a demand is not complied with—

23 (a) the Executive may apply to the Magistrates Court for an order  
24 that possession of the land be given to the Executive; and

- 1 (b) the court may issue a warrant authorising a police officer,  
2 within 30 days after the day the warrant is issued, to enter the  
3 land with the assistance and by the force that is reasonable, and  
4 give possession of the land to the Executive.
- 5 (4) The planning and land authority is authorised to do any of the  
6 following on behalf of the Executive:
- 7 (a) make a demand under subsection (2);
- 8 (b) make an application to the Magistrates Court under  
9 subsection (3) (a);
- 10 (c) take possession of land under this section.
- 11 (5) In this section:
- 12 *licence* means a licence granted by the Territory, the  
13 Commonwealth or the planning and land authority.

14 **190 Evidence of ending of lease**

- 15 (1) The planning and land authority may certify in writing that a lease  
16 of Territory land mentioned in the certificate has ended.
- 17 (2) A certificate under subsection (1) is evidence of the matter it states.
- 18 (3) A document that purports to be a certificate under subsection (1) is  
19 taken to be such a certificate, unless the contrary is proved.

20 **[1.69] Section 192 heading**

21 *omit*

22 **authority**

23 *substitute*

24 **planning and land authority**

1 **[1.70] Section 192**

2 *omit*

3 authority

4 *substitute*

5 planning and land authority

6 **[1.71] Section 209**

7 *omit*

8 Executive may, on behalf of the Commonwealth,

9 *substitute*

10 planning and land authority may

11 **[1.72] Section 214 (2)**

12 *substitute*

13 (2) The planning and land authority may agree to accept the surrender  
14 of a lease, or part of the land comprised in a lease, under  
15 subsection (1) either unconditionally or subject to any condition the  
16 authority considers appropriate.

17 **[1.73] Section 216 (1)**

18 *omit everything before paragraph (a), substitute*

19 (1) The planning and land authority may grant a lease of Territory land  
20 only if satisfied that the lessee will, during the term of the lease,  
21 have—

22 **[1.74] New section 216 (2A)**

23 *insert*

24 (2A) The validity of a lease granted under this part is not affected by a  
25 failure to comply with this section.

1 **[1.75] Section 216**

2 *renumber subsections when Act next republished under Legislation*  
3 *Act 2001*

4 **[1.76] Section 216A**

5 *substitute*

6 **216A Notification of certain leases**

7 (1) This section applies if, during a quarter, the planning and land  
8 authority grants a lease—

9 (a) by direct grant; or

10 (b) under section 163 (Leases to community organisations),  
11 section 164 (Special leases) or section 209 (Grant of leases).

12 (2) The planning and land authority must, within 5 working days after  
13 the end of the quarter, give the Minister a statement that sets out, in  
14 relation to any lease mentioned in subsection (1) granted during the  
15 quarter—

16 (a) the name of the lessee; and

17 (b) a description of the land comprised in the lease in accordance  
18 with the *Districts Act 2002*, section 9 (Description of parcel of  
19 land for dealings); and

20 (c) the amount (if any) paid for the grant of the lease; and

21 (d) the provision of this Act under which the lease was granted.

22 (3) The Minister must present to the Legislative Assembly a copy of a  
23 statement received under subsection (2) within 5 sitting days after  
24 the day the Minister receives it.

25 (4) The validity of a lease is not affected by a failure to comply with  
26 subsection (2) or (3).

1 (5) In this section—

2 *quarter* means a period of 3 months beginning on 1 January,  
3 1 April, 1 July or 1 October in a year.

4 **[1.77] Section 221**

5 *substitute*

6 **221 False or misleading statements in relation to leases**

7 A person must not, in or in relation to an application for the grant, or  
8 a variation, of a lease of Territory land—

9 (a) make a statement or representation the person knows is false or  
10 misleading in a material particular; or

11 (b) omit from a statement or representation anything without  
12 which the statement or representation is, to the person's  
13 knowledge, misleading in a material particular.

14 Maximum penalty: 50 penalty units.

15 **[1.78] Part 5, further amendments, mentions of *Executive***

16 *omit*

17 Executive

18 *substitute*

19 planning and land authority

20 *in the following provisions:*

- 21 • section 161 (3) to (6)
- 22 • section 163 (3)
- 23 • section 163 (9)
- 24 • section 164 (2), (7) and (8)
- 25 • section 167 (3), (5) and (6)

- 1       • section 169
- 2       • section 170
- 3       • section 171A (1) (a)
- 4       • section 172A (1)
- 5       • section 172B (1)
- 6       • section 173 (2), (3) and (5A)
- 7       • section 184D (1) and (3)
- 8       • section 185 (1st mention)
- 9       • section 186A
- 10      • section 186C (1)
- 11      • section 186D (3) and (5)
- 12      • section 186H
- 13      • section 188 (1) and (3)
- 14      • section 188 (5) (1st mention)
- 15      • section 208 (1)
- 16      • section 210 (1)
- 17      • section 214 (1)
- 18      • section 215
- 19      • section 216 (2)
- 20      • section 217
- 21      • section 219 (1)

1 **[1.79] Part 5, further amendments, mentions of *Minister***

2 *omit*

3 Minister

4 *substitute*

5 planning and land authority

6 *in the following provisions:*

- 7 • section 173 (3)
- 8 • section 174
- 9 • section 176 (1)
- 10 • section 177 (1)
- 11 • section 178
- 12 • section 179 (1) and (2)
- 13 • section 180 (3) (1st mention)
- 14 • section 184A (2)
- 15 • section 184C
- 16 • section 186 (1) (d)
- 17 • section 187A (2)
- 18 • section 187C
- 19 • section 188 (2A)

1 **Part 1.5** **Act, part 6 (Approvals and**  
2 **orders)**

3 **[1.80] Section 222, definition of *approval***

4 *substitute*

5 *approval* means—

- 6 (a) an approval under section 230 (Approvals); or  
7 (b) if, on reconsideration of an original decision, an application for  
8 development is approved—an approval on reconsideration.

9 *Note* Subdivision 6.2.4 deals with reconsideration of original decisions.

10 **[1.81] Section 222, new definition of *original decision***

11 *insert*

12 *original decision*—see section 246 (1).

13 **[1.82] Section 222, definition of *relevant authority***

14 *substitute*

15 *relevant authority*, in relation to an application, means—

- 16 (a) if the Minister has, under section 229B (Minister may decide  
17 some applications), decided to consider an application—the  
18 Minister; or  
19 (b) the planning and land authority.

20 **[1.83] Section 226 (5)**

21 *omit*

22 or the Minister

1 **[1.84] Section 226 (7)**

2 *substitute*

3 (7) The planning and land authority may—

4 (a) correct a formal error in an application; or

5 (b) at the request of the applicant, make an alteration to an  
6 application.

7 **[1.85] Section 226 (8)**

8 *omit everything before paragraph (a), substitute*

9 (8) If the planning and land authority makes an alteration or correction  
10 under subsection (7), the authority must—

11 **[1.86] Section 227 (1) (f)**

12 *omit*

13 paragraph.

14 *substitute*

15 paragraph; and

16 **[1.87] New section 227 (1) (g) to (i)**

17 *insert*

18 (g) any comments of the planning and land authority or the  
19 planning and land council given to the Minister for the  
20 Minister's consideration of an application under section 229B  
21 (Minister may decide some applications); and

22 (h) if an application has been reconsidered under  
23 subdivision 6.2.4—the date and details of the decision on  
24 reconsideration; and

25 (i) details of any minor amendment made under section 247.

1 **[1.88] Section 228 (3)**

2 *substitute*

3 (3) The planning and land authority must approve an application if  
4 satisfied that—

5 (a) the part of the application for approval to undertake a  
6 development to which the application under subsection (1)  
7 relates contains information—

8 (i) about the personal or business affairs of a person; or

9 (ii) that has been given to the authority in confidence; or

10 (iii) the publication of which would disclose a trade secret; or

11 (iv) the disclosure of which is likely to affect the conduct of a  
12 person's lawful business affairs; and

13 (b) it would not be in the public interest for the part to be  
14 published.

15 **[1.89] Section 229 (1) (a) (ii)**

16 *omit*

17 Minister

18 *substitute*

19 authority

1 **[1.90] Section 229A**

2 *substitute*

3 **229A Direction that applications be submitted to Minister**

- 4 (1) The Minister may, in writing, direct the planning and land authority  
5 to refer to the Minister an application that has not been decided by  
6 the authority.

7 *Note* The *Planning and Land Act 2002*, s 9 provides that the planning and  
8 land authority must comply with directions given to it under a Territory  
9 law.

- 10 (2) When complying with the direction, the planning and land authority  
11 must also give the Minister—

12 (a) the information and documents received by the authority in  
13 relation to the application; and

14 (b) any other relevant information and documents held by the  
15 authority.

- 16 (3) If the Minister gives a direction under subsection (1) in relation to  
17 an application, the planning and land authority must take no further  
18 action that would lead to a decision by the authority on the  
19 application.

20 **229B Minister may decide some applications**

- 21 (1) This section applies in relation to an application referred to the  
22 Minister under section 229A.

- 23 (2) The Minister may decide to consider the application if, in the  
24 Minister's opinion—

25 (a) the application raises a major policy issue; or

26 (b) the application seeks approval for a development that may  
27 have a substantial effect on the achievement or development of  
28 objectives of the Territory plan; or

- 
- 1 (c) the approval or refusal of the application would provide a  
2 substantial public benefit.
- 3 (3) If the Minister decides to consider an application, the Minister must  
4 tell the planning and land authority in writing about the decision.
- 5 (4) An advice under subsection (3) is a notifiable instrument.
- 6 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- 7 (5) An advice under subsection (3) must be notified under the  
8 *Legislation Act 2001* within 3 weeks after the day it is given.
- 9 (6) If the Minister decides to consider an application, the Minister  
10 must—
- 11 (a) tell the applicant in writing about the decision and the grounds  
12 on which the decision has been taken; and
- 13 (b) ensure that the Minister has the comments of the planning and  
14 land authority and the planning and land council on the  
15 application; and
- 16 (c) approve or refuse the application.
- 17 (7) Within 3 sitting days after the day the Minister decides an  
18 application, the Minister must present to the Legislative Assembly a  
19 statement containing—
- 20 (a) a description of the development to which the application  
21 relates; and
- 22 (b) details of the land where the development is proposed to take  
23 place; and
- 24 (c) the applicant's name; and
- 25 (d) details of the Minister's decision; and
- 26 (e) the grounds for the decision.

- 1 (8) If the Minister is satisfied that the Minister should not consider the  
2 application, the Minister must refer the application back to the land  
3 and planning authority for decision.

4 **[1.91] New section 231 (1) (a) (v)**

5 *insert*

- 6 (v) if the relevant authority is the Minister—the comments of  
7 the planning and land authority and the planning and land  
8 council; and

9 **[1.92] Section 232 (1)**

10 *substitute*

- 11 (1) The planning and land authority may direct an applicant—  
12 (a) to give the notice of the application that the authority would,  
13 but for this section, be required to give; and  
14 (b) to give notice to any other person.  
15 (1A) The planning and land authority need not give notice of an  
16 application under section 229 (Notice of application) or another Act  
17 if the authority gives a direction under subsection (1A).

18 **[1.93] Section 232 (2)**

19 *omit*

20 requirement made

21 *substitute*

22 direction

1 **[1.94] Section 232 (3)**

2 *omit*

3 subsection (1)

4 *substitute*

5 a direction under subsection (1)

6 **[1.95] Section 232**

7 *renumber subsections when Act next republished under Legislation*  
8 *Act 2001*

9 **[1.96] Section 237 (3)**

10 *omit*

11 by the Minister

12 *substitute*

13 by the authority

14 **[1.97] Section 237**

15 *renumber subsections when Act next republished under Legislation*  
16 *Act 2001*

17 **[1.98] Section 239**

18 *omit*

19 Minister's

20 *substitute*

21 authority's

1 **[1.99] Section 242**

2 *substitute*

3 **242 Approvals—notices to applicants and registrar-general**

4 (1) If an application is approved, the planning and land authority must  
5 give written notice—

6 (a) to the applicant; and

7 (b) if the application approved relates to a variation of a lease—to  
8 the registrar-general for notification under the *Land Titles Act*  
9 *1925*.

10 *Note* An application may be approved under s 246A on reconsideration of an  
11 original refusal—see s 222 (1), def *approval*.

12 (2) A notice to an applicant must state the date the approval takes effect.

13 *Note* For date of effect of an approval, see s 249 (When approvals take  
14 effect).

15 **[1.100] Section 243 (1)**

16 *substitute*

17 (1) If an application is approved, the planning and land authority must  
18 give each person who objected under section 237 (1) written notice  
19 of the approval.

20 *Note* An application may be approved under s 246A on reconsideration of an  
21 original refusal—see s 222 (1), def *approval*.

22 **[1.101] Section 243 (4)**

23 *substitute*

24 (4) If an application is refused, the planning and land authority must  
25 give written notice of the refusal to the applicant and each person  
26 who objected under section 237 (1).

1 (4A) In this section:

2 *refused*, for an application, includes confirming a decision to refuse  
3 an application on reconsideration of the decision under  
4 subdivision 6.2.4.

5 **[1.102] Section 243**

6 *renumber subsections when Act next republished under Legislation*  
7 *Act 2001*

8 **[1.103] Section 244 (a)**

9 *omit*

10 has been given to the Minister

11 *substitute*

12 have been given

13 **[1.104] Section 245 (1)**

14 *substitute*

15 (1) An approval may be conditional.

16 **[1.105] Section 245 (3) (k)**

17 *omit*

18 with the Minister for approval by him or her

19 *substitute*

20 with the planning and land authority for approval

1 **[1.106] Section 245 (4)**

2 *omit*

3 section 230 (2)

4 *substitute*

5 section 230 (4)

6 **[1.107] New subdivision 6.2.4 and subdivision heading**

7 *insert*

8 **Subdivision 6.2.4 Reconsideration of applications for**  
9 **approval**

10 **245A Definitions for subdiv 6.2.4**

11 In this subdivision:

12 *new application*—see section 246 (2).

13 *original application*—see section 246 (1) (a).

14 *original decision*—see section 246 (1) (a).

15 **246 Applications for reconsideration**

16 (1) This section applies if—

17 (a) an application (the *original application*) has been approved or  
18 refused (the *original decision*) by the planning and land  
19 authority; and

20 (b) either—

21 (i) an application has not previously been made under this  
22 section for reconsideration of the original decision (other  
23 than an application; or

- 
- 1                   (ii) an application has been previously made and the original  
2                   decision was taken to be confirmed under section 246B  
3                   (No action by planning and land authority within time).
- 4           (2) The applicant for the original application may apply (the *new*  
5           *application*) for reconsideration of the original decision.
- 6           (3) The new application must be made within—
- 7               (a) 4 weeks after the day the applicant is told about the decision by  
8               the planning and land authority; or
- 9               (b) any longer period allowed by the planning and land authority,  
10              either before or after the end of the 4 weeks.
- 11          (4) The application must set out the grounds on which reconsideration  
12          of the original decision is sought.
- 13          (5) The making of the application for reconsideration of the original  
14          decision automatically stays the operation of the decision.

15   **246A Reconsideration of decisions**

- 16          (1) Within 4 weeks after the day the planning and land authority  
17          receives the new application, the authority must—
- 18               (a) reconsider the original decision; and
- 19               (b) after reconsideration—
- 20                   (i) make any decision in substitution for the original  
21                   decision that the authority could have made on the  
22                   original application; or
- 23                   (ii) confirm the original decision.
- 24          (2) The 4 weeks mentioned in subsection (1) may be extended for a  
25          stated period by agreement between the planning and land authority  
26          and the applicant.

- 1 (3) In reconsidering the original decision, the planning and land  
2 authority—
- 3 (a) need not give notice of the new application under section 229;  
4 but
- 5 (b) must give written notice of the new application to anyone who  
6 objected to the grant of approval for the original application,  
7 allow the person reasonable time (that is not shorter than 2  
8 weeks) to make a submission on the new application, and  
9 consider any submission made within the time allowed.
- 10 (4) Also, in reconsidering the original decision, the planning and land  
11 authority—
- 12 (a) must consider any information available to it when it made the  
13 original decision and information given in the new application;  
14 and
- 15 (b) may consider any other relevant information.
- 16 **Examples of other relevant information**
- 17 1 information from submissions by objectors
- 18 2 information from an assessment or panel ordered under s 236
- 19 *Note* An example is part of the Act, is not exhaustive and may extend, but  
20 does not limit, the meaning of the provision in which it appears (see  
21 *Legislation Act 2001*, s 126 and s 132).
- 22 (5) The planning and land authority must ensure that, if the original  
23 decision is made on its behalf by a person (the *original*  
24 *decision-maker*), the authority or someone other than the original  
25 decision-maker reconsiders the decision.

26 **246B No action by planning and land authority within time**

27 If the planning and land authority does not make a substitute  
28 decision, nor confirm the original decision, within the 4 weeks  
29 mentioned in section 246A, the planning and land authority is taken  
30 to have confirmed the original decision.

1 **246C Notice of decision on reconsideration**

2 (1) As soon as practicable after reconsidering the original decision, the  
3 planning and land authority must give written notice of the decision  
4 on the reconsideration to the applicant and anyone who was given  
5 notice of the new application under section 246A (3) (b).

6 (2) The notice must be in accordance with the requirements of the code  
7 of practice in force under the *Administrative Appeals Tribunal Act*  
8 *1989*, section 25B (1).

9 **Subdivision 6.2.5 Approvals—miscellaneous**

10 **[1.108] Section 247 (1)**

11 *omit*

12 the relevant authority who gave the approval

13 *substitute*

14 the planning and land authority

15 **[1.109] Section 247 (3) (c)**

16 *substitute*

17 (c) to each person who had objected under section 237  
18 (Objections—general) to the grant of the approval; and

19 (d) to any relevant Territory authority.

20 **[1.110] Section 248**

21 *omit everything before paragraph (a), substitute*

22 If the planning and land authority is satisfied that an approval  
23 contains a formal error, the authority must—

1 **[1.111] Section 249**

2 *substitute*

3 **249 When approvals take effect**

4 (1) This section is subject to sections 230 (4) and 245 (3) (d).

5 *Note* Section 230 (4) prevents an approval of a development application for  
6 an activity not permitted by the lease from taking effect until the lease is  
7 varied. Section 245 (3) (d) allows a condition to be included in an  
8 application for approval that the approval does not take effect until a  
9 specified approval is given, amended or varied.

10 (2) An approval under section 230 (Approvals) takes effect—

11 (a) if no objection to the relevant application has been made under  
12 section 237—on the day the approval is given; or

13 (b) if an objection to the relevant application has been made under  
14 section 237 and no application has been made to the AAT for  
15 review of the decision within 4 weeks after the day of the  
16 decision—on the day after the end of the period of 4 weeks; or

17 (c) if application is made to the AAT for a review of the decision  
18 to grant the approval and the tribunal decides to confirm the  
19 decision (whether or not a condition is varied, omitted or  
20 imposed)—on the day the tribunal makes its decision.

21 (3) An approval on reconsideration under division 6.2.4 takes effect on  
22 the day the decision granting the approval is given.

23 (4) However, the operation of an approval mentioned in subsection (2)  
24 (a) or (3) is stayed if application is made to the AAT for review of  
25 the decision to grant the approval.

26 (5) The stay of the operation of the approval remains in force until the  
27 application for review is decided by the tribunal.

1 **[1.112] New section 251 (1) (c)**

2 *omit*

3 the date of the approval.

4 *substitute*

5 the day the approval takes effect.

6 *Note* For when an approval takes effect, see section 249 (When approvals  
7 take effect).

8 **[1.113] Section 253**

9 *omit*

10 The Minister may revoke an approval—

11 *substitute*

12 A relevant authority may revoke an approval given by the  
13 authority—

14 **[1.114] Section 254**

15 *omit*

16 Minister

17 *substitute*

18 Environment Minister

19 **[1.115] Section 256 (4BA) (a)**

20 *omit*

21 Minister

22 *substitute*

23 Environment Minister

1 **[1.116] Section 256 (4BA) (b)**

2 *omit*

3 Minister

4 *substitute*

5 authority

6 **[1.117] Section 256 (4C)**

7 *omit*

8 the Minister must,

9 *substitute*

10 the authority must,

11 **[1.118] Section 256 (6)**

12 *omit*

13 the Minister is,

14 *substitute*

15 the authority is,

16 **[1.119] Section 257 (1)**

17 *omit*

18 the Minister shall

19 *substitute*

20 the authority must

21 **[1.120] Section 257 (1) (e)**

22 *omit*

23 Minister

24 *substitute*

1 authority

2 **[1.121] Section 258**

3 *omit*

4 Where the Minister or the Executive, by order, directs

5 *substitute*

6 If an order under section 256 has the effect of directing

7 **[1.122] Section 259 (1) (a)**

8 *omit*

9 Minister

10 *substitute*

11 authority

12 **[1.123] Section 260 (2) and (3)**

13 *substitute*

14 (2) The planning and land authority must give the registrar-general—

15 (a) a copy of any order of the kind mentioned in subsection (1);  
16 and

17 (b) written notice of any revocation of such an order.

18 **[1.124] Section 272 (1)**

19 *omit*

20 to whom the Minister

21 *substitute*

22 whom the authority

23 **[1.125] Division 6.5**

24 *omit*

---

1 **[1.126] Section 275**

2 *substitute*

3 **275 AAT review—general**

4 (1) A person whose interests are affected by a decision mentioned in  
5 schedule 4, part 4.1, column 4 may apply to the AAT for review of  
6 the decision.

7 (2) A person mentioned in schedule 4, part 4.1, column 2 who makes a  
8 decision mentioned in column 4 of the item mentioning the person  
9 must give written notice to people whose interests the person  
10 believes are affected by the decision.

11 (3) The notice under subsection (2) must comply with the requirements  
12 of the code of practice in force under the *Administrative Appeals*  
13 *Tribunal Act 1989*, section 25B (1).

14 **275A Approvals subject to entity's satisfaction**

15 (1) This section applies if—

16 (a) an approval given to a person contains a condition that a  
17 development is to be carried out to the satisfaction of an entity  
18 mentioned in the approval; and

19 (b) the entity decides that the development has not been carried out  
20 to its satisfaction.

21 *Note* Section 245 (3) (a) allows a relevant authority to impose a condition of  
22 the kind mentioned in s (1) (a).

23 (2) The entity must give the person written notice of the decision.

24 (3) The notice must be in accordance with the requirements of the code  
25 of practice in force under the *Administrative Appeals Tribunal Act*  
26 *1989*, section 25B (1).

27 (4) A person whose interests are affected by a decision mentioned in  
28 subsection (1) (b) may apply to the AAT for review of the decision.

1 **[1.127] Section 276 (1)**

2 *substitute*

3 (1) A person who is qualified under subsection (1A) may apply to the  
4 AAT for review of a decision of the relevant authority to—

5 (a) approve an application under section 230 or 246A; or

6 (b) include a condition in an approval.

7 *Note* Section 245 deals with inclusion of conditions.

8 (1A) A person is qualified to make an application under subsection (1)  
9 if—

10 (a) the person objected to the grant of the approval of the relevant  
11 application to undertake development under section 237; or

12 (b) the AAT is satisfied that the person had reasonable grounds for  
13 not objecting within the prescribed period.

14 (1B) An application under subsection (1) must be made within 4 weeks  
15 after the day the person was notified of the decision.

16 **[1.128] Section 276**

17 *renumber subsections when Act next republished under Legislation*  
18 *Act 2001*

19 **[1.129] Section 278 (1)**

20 *substitute*

21 (1) This section applies in relation to a decision mentioned in  
22 schedule 4, part 4.1.

23 (1A) The person who made the decision must, as soon as practicable, tell  
24 each person who, under section 237, objected to the application in  
25 relation to which the decision was made, in writing, about the  
26 application to the tribunal.

- 1 **[1.130] New section 278 (3)**
- 2 *insert*
- 3 (3) In this section:
- 4 *applicant* means—
- 5 (a) for a decision mentioned in schedule 4, part 4.1, items 1 to
- 6 7—the applicant for the decision; or
- 7 (b) for a decision mentioned in schedule 4, part 4.1 item 8—the
- 8 person to whom the approval was granted.

- 9 **[1.131] Section 278**
- 10 *renumber subsections when Act next republished under Legislation*
- 11 *Act 2001*

- 12 **[1.132] Section 279A**
- 13 *omit*
- 14 section 229A (7)
- 15 *substitute*
- 16 section 229B (6)

- 17 **[1.133] Section 282 (1) (f)**
- 18 *omit*
- 19 the Executive, a person or the Minister,
- 20 *substitute*
- 21 the Minister, the planning and land authority or anyone else,

- 22 **[1.134] Part 6, further amendments, mentions of *Executive***
- 23 *omit*
- 24 Executive
- 25 *substitute*

1           planning and land authority

2           *in the following provisions:*

- 3           • section 226 (3) (b)  
4           • section 250

5   **[1.135]       Part 6, further amendments, mentions of *Minister***

6           *omit*

7           Minister

8           *substitute*

9           planning and land authority

10          in the following provisions:

- 11          • section 226 (4) (b)  
12          • section 227  
13          • section 228 (1) and (2)  
14          • section 229 (1) (1st mention)  
15          • section 229 (2), (3), (4), (4A), (5) and (6B)  
16          • section 231 (1) (a) (ii)  
17          • section 232 (4)  
18          • section 237 (1A) and (2)  
19          • section 237 (3) (1st mention)  
20          • section 238  
21          • section 239 (1st mention)  
22          • section 244 (1st mention)  
23          • section 245 (3) (m)  
24          • section 245 (4)

**Schedule 1** Land (Planning and Environment) Act 1991  
**Part 1.5** Act, part 6 (Approvals and orders)

Amendment [1.136]

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- 1 • section 252
- 2 • section 256 (1)
- 3 • section 256 (3) (1st mention)
- 4 • section 256 (4)
- 5 • section 256 (4A) (1st mention)
- 6 • section 256 (4B)
- 7 • section 256 (4BA) (1st mention)
- 8 • section 256 (4C) (1st mention)
- 9 • section 256 (6) (1st mention)
- 10 • section 257 (1) (1st mention)
- 11 • section 259 (1) (1st mention)
- 12 • section 259 (3)
- 13 • section 263
- 14 • section 264
- 15 • section 265
- 16 • section 272 (1) (1st mention)

17 **[1.136] Part 6, further amendments, mentions of *relevant***  
18 ***authority***

19 *omit*

20 relevant authority

21 *substitute*

22 planning and land authority

23 *in the following provisions:*

- 24 • section 231 (1)

- 1           • section 233
- 2           • section 234
- 3           • section 243 (2)
- 4           • section 247 (2) and (3)

5           **Part 1.6**                           **Act, part 7 (Administrative**  
6   **appeals)**

7           **[1.137] Section 282A**

8           *substitute*

9           **282A AAT review of decisions**

- 10          (1) Application may be made to the AAT for review of the following  
11          decisions:
- 12           (a) a decision mentioned in subsection (3) or (4);
  - 13           (b) a decision not to register a place under section 69 (1) (b) or  
14           73 (1) (b);
  - 15           (c) a decision mentioned in schedule 4, part 4.2, column 4.
- 16          (2) A person mentioned in schedule 4, part 4.2, column 2, who makes a  
17          decision mentioned in column 4 of the item in which the person is  
18          mentioned must give written notice to people whose interests the  
19          person believes are affected by the decision.
- 20          (3) If the Environment Minister, under section 125 (5), fixes a  
21          maximum price for the sale by a proponent of a copy of a draft  
22          environmental impact statement, the Environment Minister must  
23          give written notice of the decision to the proponent.
- 24          (4) If the planning and land authority decides to vary a land  
25          management agreement under a provision mentioned in

1 section 186C (3), the authority must give written notice of the  
2 decision to the other party to the agreement.

3 (5) A notice under subsection (2), (3) or (4) must comply with the  
4 requirements of the code of practice in force under the  
5 *Administrative Appeals Tribunal Act 1989*, section 25B (1).

## 6 **Part 1.7 Act, part 8 (Miscellaneous)**

### 7 **[1.138] Section 283**

8 *insert*

9 *Note* Section 160B (Planning and land authority may grant leases) authorises  
10 the planning and land authority to grant leases on behalf of the  
11 Executive.

### 12 **[1.139] Section 287A**

13 *substitute*

#### 14 **287A Approved forms**

15 (1) The Minister may, in writing, approve forms for section 186C (Land  
16 management agreements).

17 (2) The planning and land authority may approve forms for any other  
18 provision of this Act.

19 (3) If a form is approved for a particular purpose, the form must be used  
20 for that purpose.

21 *Note* For other provisions about forms, see *Legislation Act 2001*, s 255.

22 (4) A form approved for section 186C is a disallowable instrument.

23 *Note* A disallowable instrument must be notified, and presented to the  
24 Legislative Assembly, under the *Legislation Act 2001*.

25 (5) A form approved for any other provision is a notifiable instrument.

26 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

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1 **Part 1.8** **Act, part 9 (Transitional)**

2 **[1.140] New section 292**

3 *insert*

4 **292 Consent under City Area Leases Ordinance 1936—s 28**

5 (1) This section applies if a lessee has obtained the consent of the  
6 Minister under the *City Area Leases Ordinance 1936*, section 28 as  
7 in force at any time before 19 December 1973 to the assignment or  
8 transfer of a lease or an interest in the lease, either at law or in  
9 equity.

10 (2) For section 180 (1) (Transfer of land subject to building and  
11 development provision), the consent is taken to be a consent under  
12 this Act, section 180 (2).

13 (3) This section expires 1 year after it commences.

14 (4) Subsections (1) and (2) are declared to be provisions to which the  
15 *Legislation Act 2001*, section 88 (Repeal does not end transitional or  
16 validating effect etc) applies.

1 **Part 1.9** **Insertion of schedule**

2 **[1.141]** **Schedule 4**

3 *insert*

4 **Schedule 4** **Decisions reviewable by**  
5 **AAT**

6 (see s 275, 282A)

7 **Part 4.1** **Reviewable decisions under**  
8 **part 6**

9

column 1 item	column 2 decision-maker	column 3 section of Act	column 4 decision
1	planning and land authority	228 (2)	refusing to approve application
2	relevant authority	230	refusing to approve application
3	planning and land authority	233 (3)	refusing to grant extension of period
4	relevant authority	245	giving approval subject to condition
5	planning and land authority	245 (4)	refusing to approve amendment
6	planning and land authority	246A	refusing to approve application
7	planning and land authority	246A	giving approval subject to condition

<b>column 1 item</b>	<b>column 2 decision-maker</b>	<b>column 3 section of Act</b>	<b>column 4 decision</b>
8	planning and land authority	247 (2)	refusing to amend approval
9	planning and land authority	252 (2)	refusing to extend period
10	relevant authority	253	revoking approval

1 **Part 4.2 Other reviewable decisions**

2

<b>column 1 item</b>	<b>column 2 decision-maker</b>	<b>column 3 section of Act</b>	<b>column 4 decision</b>
1	heritage council	59 (3)	including provision in interim heritage places register
2	heritage council	59 (3)	refusing application for inclusion of provision in interim heritage places register
3	heritage council	62 (1) (b)	revision of interim heritage places register by removal of provision relating to entry
4	Minister	64	acquiring place or object
5	Minister	69 (1) (a)	directing heritage council to notify interim heritage places register
6	Minister	73 (1) (a)	directing heritage council to notify interim heritage places register
7	Minister	76 (1)	refusing to compensate

**Schedule 1** Land (Planning and Environment) Act 1991  
**Part 1.9** Insertion of schedule

Amendment [1.141]

<b>column 1 item</b>	<b>column 2 decision-maker</b>	<b>column 3 section of Act</b>	<b>column 4 decision</b>
8	Minister	82 (1)	declaring information to be restricted information
9	heritage council	84 (2)	refusing to approve publication of restricted information about Aboriginal place
10	planning and land authority	167 (3)	deciding that person not eligible for grant of lease of specified class
11	planning and land authority	167 (5)	refusing to consent to assignment, transfer or subletting of lease or parting of possession of leasehold
12	planning and land authority	170 (1)	terminating person's right to grant of lease
13	planning and land authority	171 (2)	refusing to grant further residential lease
14	planning and land authority	171A (1)	refusing to grant further rural lease
15	planning and land authority	172 (2)	refusing to grant further lease other than residential or rural lease
16	planning and land authority	174 (2)	determining market value of improvements
17	planning and land authority	177 (3)	confirming variation of rent

<b>column 1 item</b>	<b>column 2 decision-maker</b>	<b>column 3 section of Act</b>	<b>column 4 decision</b>
18	planning and land authority	177 (3)	on review of variation of rent, substituting other variation
19	planning and land authority	178 (1)	refusing to authorise payment of amount
20	planning and land authority	179 (1)	refusing to issue certificate of compliance
21	planning and land authority	179 (2)	on application for certificate of compliance under s 179 (1)—issuing certificate that building and development condition partially complied with
22	planning and land authority	179 (2)	refusing to issue certificate that building and development condition partially complied with
23	planning and land authority	179 (2)	issuing certificate of compliance subject to condition under s 179 (3)
24	planning and land authority	180 (2)	refusing to consent to assignment or transfer of lease or interest in lease
25	planning and land authority	184A (2)	determining change of use charge for variation of nominal rent lease
26	planning and land authority	184C (1)	refusing to remit change of use charge for variation of nominal rent lease

**Schedule 1** Land (Planning and Environment) Act 1991  
**Part 1.9** Insertion of schedule

Amendment [1.141]

<b>column 1 item</b>	<b>column 2 decision-maker</b>	<b>column 3 section of Act</b>	<b>column 4 decision</b>
27	planning and land authority	184C (1)	remitting change of use charge for variation of nominal rent lease by amount less than amount applied for
28	planning and land authority	184C (2)	increasing change of use charge for variation of nominal rent lease
29	planning and land authority	184D (2)	reappraising rent payable under rental lease
30	planning and land authority	186 (1) (d)	determining amount payable to reduce lease rent to nominal rent
31	planning and land authority	187A (2)	determining change of use charge for consolidation or subdivision
32	planning and land authority	187C (1)	refusing to remit change of use charge for consolidation or subdivision
33	planning and land authority	187C (1)	remitting change of use charge for consolidation or subdivision by amount less than amount applied for
34	planning and land authority	187C (2)	increasing change of use charge for consolidation or subdivision
35	planning and land authority	188 (1)	terminating lease

column 1 item	column 2 decision-maker	column 3 section of Act	column 4 decision
36	planning and land authority	188 (3)	terminating licence
37	planning and land authority	214 (1)	refusing consent to surrender of lease or part of leasehold
38	planning and land authority	214 (2)	accepting surrender of lease or part of leasehold subject to condition
39	planning and land authority	219 (1)	refusing to grant right to extract minerals

1 **Part 1.10 Act, dictionary**

2 **[1.142] Dictionary, note 2**

3 *insert*

- 4 • AAT

5 **[1.143] Dictionary, definition of *authority***

6 *omit*

7 **[1.144] Dictionary, definition of *commissioner***

8 *omit*

1 **[1.145] Dictionary, new definitions**

2 *insert*

3 *new application*, for subdivision 6.2.4 (Reconsideration of  
4 applications for approval)—see section 245A.

5 *original application*, for subdivision 6.2.4 (Reconsideration of  
6 applications for approval)—see section 245A.

7 *original decision*, for subdivision 6.2.4 (Reconsideration of  
8 applications for approval)—see section 245A.



1 **[2.4] Regulation 39 (1)**

2 *omit*

3 section 226

4 *substitute*

5 section 230

6 **[2.5] Regulation 39 (2)**

7 *omit*

8 226 (5)

9 *substitute*

10 226 (9)

11 **[2.6] Schedule 6, item 2**

12 *omit*

13 229A (7) (d)

14 *substitute*

15 229B (6) (c)

16 **[2.7] Schedule 7, item 2**

17 *omit*

18 229A (7) (d)

19 *substitute*

20 229B (6) (c)

21 **[2.8] Further amendments, mentions of *Executive***

22 *omit*

23 Executive

24 *substitute*

1 planning and land authority

2 *in the following provisions:*

- 3 • regulation 11  
4 • schedule 1, item 4

5 **[2.9] Further amendments, mentions of *Minister***

6 *omit*

7 Minister

8 *substitute*

9 planning and land authority

10 *in the following provisions:*

- 11 • regulation 16 (1)  
12 • regulation 17  
13 • regulation 18  
14 • regulation 19 (1)  
15 • regulation 21 (3)  
16 • regulation 22  
17 • regulation 23 (1)  
18 • regulation 24 (2)  
19 • regulation 28  
20 • regulation 29  
21 • regulation 30 (1)  
22 • regulation 32 (3)  
23 • regulation 33 (2)  
24 • regulation 34 (2)

**Schedule 2** Land (Planning and Environment) Regulations 1992

Amendment [2.10]

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- 1 • regulation 41
- 2 • schedule 1, item 24
- 3 • schedule 4, items 7 and 8

**[2.10] Further amendments, further mentions of *Minister***

- 5 *omit*
- 6 Minister
- 7 *substitute*
- 8 relevant authority
- 9 *in the following provisions:*
- 10 • regulation 39 (1) (a) (ii) and (iii)
- 11 • regulation 39 (1) (b) (ii) and (iii)
- 12 • regulation 39 (1) (c) (ii), (iii), (iv) and (v)
- 13 • regulation 39 (1) (d) (ii), (iii), (iv) and (v)

1 **Schedule 3**            **Other Acts and regulations**

2 (see s 4)

3 **Part 3.1**                    **Building Act 1972**

4 **[3.1] Section 5 (1), new definition of *lease***

5            *substitute*

6            *lease*—see Land Act, section 159.

7 **[3.2] Section 5 (1), definition of *Territory planning authority***

8            *omit*

9 **[3.3] Section 9 (5)**

10            *omit*

11            Minister

12            *substitute*

13            planning and land authority

14 **[3.4] Section 44 (4)**

15            *omit*

16            Territory planning authority

17            *substitute*

18            planning and land authority

- 1 **[3.5] Section 46 (3)**
- 2 *omit*
- 3 Territory planning authority
- 4 *substitute*
- 5 planning and land authority
- 6 **[3.6] Section 53AB (1) (a) (iii), (3) and (4)**
- 7 *omit*
- 8 for a term of years
- 9 **[3.7] Section 54B (1) (a) and (b)**
- 10 *substitute*
- 11 (a) is on land held under a lease or tenancy from the  
12 Commonwealth by a person other than the Territory; or
- 13 (b) is on land held under a sublease or tenancy from the Territory.
- 14 **[3.8] Section 74 (2), (3) and (4)**
- 15 *omit everything before paragraph (a), substitute*
- 16 (2) If the planning and land authority proposes to suspend or cancel the  
17 approval of the scheme, the authority must give the trustees of the  
18 scheme a written notice—
- 19 (a) stating the grounds on which the authority proposes to suspend  
20 or cancel the approval; and
- 21 (b) stating the facts that, in the authority’s opinion, establish the  
22 grounds; and
- 23 (c) telling the trustees that the trustees may, within in stated  
24 reasonable time, give a written response to the authority about  
25 the matters in the notice.

1 (3) If, after considering any response given to the planning and land  
2 authority under subsection (2) (c), the authority is satisfied that the  
3 grounds for suspending or cancelling the approval have been  
4 established, the authority may, in writing, suspend or cancel the  
5 approval.

6 (4) If the planning and land authority suspends or cancels an approval,  
7 the authority must give written notice of the suspension or  
8 cancellation to the trustees.

9 **[3.9] Section 79 (1) and (2)**

10 *substitute*

11 (1) The planning and land authority may, in writing, cancel the approval  
12 of an approved scheme if the trustees of the scheme ask the  
13 authority, in writing, to do so.

14 (2) If the planning and land authority cancels the approval, the authority  
15 must give written notice of the cancellation to the trustees.

16 **[3.10] Section 80 (1)**

17 *substitute*

18 (1) If the planning and land authority suspends or cancels the approval  
19 of a fidelity fund scheme under this division, the authority may  
20 apply to the Supreme Court for orders to give effect to, or  
21 consequential on, the suspension or cancellation.

22 **[3.11] Section 83 (3) and (4)**

23 *substitute*

24 (3) The planning and land authority must give the trustees notice of the  
25 authority's decision to approve or refuse to approve the  
26 appointment.

27 (4) If the planning and land authority refuses to approve an  
28 appointment, the notice must include the reasons for the refusal.

1 **[3.12] Section 89 heading**

2 *substitute*

3 **89 Giving of information to authority by auditor or actuary**  
4 **etc**

5 **[3.13] Section 89 (2)**

6 *substitute*

7 (2) The person may give information to the planning and land authority  
8 about the approved scheme if the person considers that giving  
9 information will assist the authority to exercise the authority's  
10 functions under this part.

11 **[3.14] Further amendments, mentions of *Minister***

12 *omit*

13 Minister

14 *substitute*

15 planning and land authority

16 *in the following provisions:*

- 17 • section 25 (1)
- 18 • section 67
- 19 • section 68 (1)
- 20 • section 68 (2) (1st mention)
- 21 • section 68 (3)
- 22 • section 69
- 23 • section 72 (1)
- 24 • section 73
- 25 • section 76

- 1 • section 77 (1) (1st mention)
- 2 • section 78 (1)
- 3 • section 81
- 4 • section 82 (3) (a)
- 5 • section 83 (1) and (2)
- 6 • section 84
- 7 • section 88
- 8 • section 86
- 9 • section 89 (3) (1st mention)
- 10 • section 89 (5)
- 11 • section 92
- 12 • section 93 (1) (1st mention)
- 13 • section 93 (3)
- 14 • section 93 (4) (1st mention)
- 15 • section 93 (5) (b)
- 16 • section 93 (7) (1st mention)
- 17 • section 94 (1) (a)
- 18 • section 95

**[3.15] Further amendments, mentions of *Minister***

20 *omit*

21 Minister

22 *substitute*

23 authority

24 *in the following provisions:*

- 1 • section 68 (2) (2nd mention)
- 2 • section 68 (2) (a)
- 3 • section 77 (1) (2nd mention)
- 4 • section 89 (3) (2nd mention)
- 5 • section 93 (1) (b)
- 6 • section 93 (4) (2nd mention)
- 7 • section 93 (7) (a) and (b)

## 8 **Part 3.2 Common Boundaries Act 1981**

### 9 **[3.16] Division 2.2 heading**

10 *substitute*

## 11 **Division 2.2 Fences required by authority**

### 12 **[3.17] Section 26 (b)**

13 *omit*

14 Minister

15 *substitute*

16 authority

### 17 **[3.18] Further amendments, mentions of *Minister***

18 *omit*

19 Minister

20 *substitute*

21 planning and land authority

22 *in the following provisions:*



1 (Authorisation of amendment)

2 **[3.23] Section 25 (2) (b)**

3 *substitute*

4 (b) the authorisation of the amendment under section 23  
5 (Authorisation of amendment); and

6 **[3.24] Section 28 (2) (d)**

7 *substitute*

8 (d) the Minister;

9 (e) the planning and land authority.

10 **[3.25] Section 89 (6) (b)**

11 *substitute*

12 (b) the Minister;

13 (c) the planning and land authority.

14 **[3.26] Further amendments, mentions of *Minister***

15 *omit*

16 Minister

17 *substitute*

18 planning and land authority

19 *in the following provisions:*

- 20 • section 8 (1)
- 21 • section 9
- 22 • section 10
- 23 • section 11 (1st mention)
- 24 • section 12 (1st mention)

- 1           • section 13 (2) and (4)
- 2           • section 14 (1st mention)
- 3           • section 15 (2)
- 4           • section 16 (2)
- 5           • section 22
- 6           • section 23
- 7           • section 24 (2)
- 8           • section 64 (a) and (b) (i)
- 9           • section 65 (b)
- 10          • section 81
- 11          • section 93
- 12          • section 94 (1st mention)
- 13          • section 97

**[3.27] Further amendments, mentions of *Minister***

15           *omit*

16           Minister

17           *substitute*

18           authority

19           *in the following provisions:*

- 20          • section 11 (2nd mention)
- 21          • section 12 (2nd mention)
- 22          • section 14 (2nd mention)
- 23          • section 64 (b) (ii)

- 1           • section 94 (2nd mention)

2           **Part 3.4                           Electoral Act 1992**

3           **[3.28] Section 39 (3) (b)**

4           *substitute*

- 5           (b) the planning and land authority; and

6           **Part 3.5                           Energy Efficiency Ratings**  
7   **(Sale of Premises) Act 1997**

8           **[3.29] Section 3, definition of *energy efficiency rating statement*,**  
9           **paragraph (a)**

10           *omit*

11           planning authority

12           *substitute*

13           planning and land authority

14           **Part 3.6                           Environment Protection Act**  
15   **1997**

16           **[3.30] Sections 21A (3) (a) and 164 (2)**

17           *omit*

18           planning authority

19           *substitute*

20           planning and land authority

---

1 **Part 3.7** **Gungahlin Development**  
2 **Authority Act 1996**

3 **[3.31] Section 7 (1) (d)**

4 *omit*

5 maintenance; and

6 *substitute*

7 maintenance.

8 **[3.32] Section 7 (1) (e)**

9 *omit*

10 **Part 3.8** **Heritage Objects Act 1991**

11 **[3.33] Section 4 (1), definition of *authority***

12 *omit*

13 **Part 3.9** **Housing Assistance Act 1987**

14 **[3.34] Section 9 (1) (a)**

15 *substitute*

16 (a) to hold land on lease from the Commonwealth, whether the  
17 lease is granted to the commissioner directly or is transferred to  
18 the commissioner by the previous holder of the lease; and

19 **[3.35] Section 16 (5)**

20 *omit*

21 to the Executive.

22 *substitute*

1 to the planning and land authority.

2 **[3.36] Section 17 (2)**

3 *omit*

4 under the *Leases Act 1918* as

5 **[3.37] Section 17 (5), definition of *unleased land***

6 *omit*

7 under the *Leases Act 1918*

8 **Part 3.10 Lands Acquisition Act 1994**

9 **[3.38] Section 115**

10 *omit*

11 **[3.39] Further amendments, mentions of *Minister***

12 *omit*

13 Minister

14 *substitute*

15 planning and land authority

16 *in the following provisions:*

- 17 • section 50 (1) (d)  
18 • section 103 (4)  
19 • section 113

20 **Part 3.11 Land Titles Act 1925**

21 **[3.40] Section 72A (1)**

22 *substitute*

- 1 (1) If the planning and land authority has executed a variation of a  
2 Crown lease under the Land Act, the authority must lodge a copy of  
3 the variation with the registrar-general.

4 **Part 3.12 Land Titles (Unit Titles) Act**  
5 **1970**

6 **[3.41] Section 7 (2)**

7 *omit*

8 the chief executive of the administrative unit responsible for the  
9 administration of the *Unit Titles Act 2001*

10 *substitute*

11 the planning and land authority

12 **[3.42] Section 29**

13 *substitute*

14 **29 Registration of instruments granting further leases**

15 (1) This section applies if the planning and land authority grants further  
16 leases under the *Land (Planning and Environment) Act 1991*,  
17 section 171, 171A or 172 of the units and the common property  
18 forming part of a registered units plan.

19 (2) On lodgment of the instruments granting the leases, the  
20 registrar-general must—

21 (a) register the instruments; and

22 (b) write on the units plan the memorials necessary to show that  
23 the further leases have been granted, and the date of the end of  
24 their terms.

1 **Part 3.13** **Legislation Act 2001**

2 **[3.43] Dictionary, part 1.1, new definition of *chief planning***  
3 ***executive***

4 *insert*

5 *chief planning executive*—see the *Planning and Land Act 2002*,  
6 dictionary.

7 **[3.44] Dictionary, part 1.1, definition of *commissioner for land***  
8 ***and planning***

9 *omit*

10 **[3.45] Dictionary, part 1.1, new definition of *land development***  
11 ***agency***

12 *insert*

13 *land development agency* means the Land Development Agency  
14 established under the *Planning and Land Act 2002*, section 37 (1).

15 **[3.46] Dictionary, part 1.1, new definition of *planning and land***  
16 ***council***

17 *insert*

18 *planning and land council* means the Planning and Land Council  
19 established under the *Planning and Land Act 2002*, section 24.

20 **[3.47] Dictionary, part 1.1, definition of *planning authority***

21 *substitute*

22 *planning and land authority* means the Planning and Land  
23 Authority established under the *Planning and Land Act 2002*,  
24 section 6 (1).

---

1 **Part 3.14** **Remuneration Tribunal Act**  
2 **1995**

3 **[3.48] Section 10 (1) (o)**

4 *omit*

5 **[3.49] Section 10 (1)**

6 *renumber paragraphs when Act next republished under Legislation*  
7 *Act 2001*

8 **Part 3.15** **Sale of Motor Vehicles Act**  
9 **1977**

10 **[3.50] Section 6B**

11 *omit*

12 **[3.51] Section 10 (1) (g)**

13 *omit*

14 a certificate by the relevant chief executive that, in his or her  
15 opinion,

16 *substitute*

17 must be accompanied by a certificate by the planning and land  
18 authority that, in its opinion,

1 **[3.52] Section 11 (1) (h)**

2 *omit*

3 a certificate by the relevant chief executive that, in his or her  
4 opinion,

5 *substitute*

6 must be accompanied by a certificate by the planning and land  
7 authority that, in its opinion,

8 **[3.53] Section 14B (e)**

9 *omit*

10 a certificate by the relevant chief executive that, in his or her  
11 opinion,

12 *substitute*

13 must be accompanied by a certificate by the planning and land  
14 authority that, in its opinion,

15 **[3.54] Section 57 (2)**

16 *omit*

17 relevant chief executive

18 *substitute*

19 planning and land authority

20 **[3.55] Dictionary, definition of *relevant chief executive***

21 *omit*

---

1 **Part 3.16** **Unit Titles Act 2001**

2 **[3.56] Section 21 (1)**

3 *substitute*

- 4 (1) If the planning and land authority considers that the rent proposed in  
5 a unit title application to be reserved for the lease of 1 or more units  
6 is not reasonable in the circumstances, the authority must determine  
7 what rent is reasonable for the relevant unit or units.

8 **[3.57] Section 21 (2)**

9 *omit*

10 Minister's

11 *substitute*

12 planning and land authority's

13 **[3.58] Section 21 (3)**

14 *substitute*

- 15 (3) If the total rent for all units, worked out in accordance with the  
16 planning and land authority's determination, equals the rent payable  
17 under the lease of the parcel when the determination is made, a  
18 decision (under part 14 (Administrative review)) on an objection or  
19 review of the authority's determination must not change the total  
20 amount.

21 **[3.59] Section 22**

22 *substitute*

23 **22 Unit title applications—amendment of development**  
24 **statement by authority**

25 If a unit title application provides for a staged development, the  
26 planning and land authority may, before approving the application  
27 under section 20, amend the development statement if the authority

1 considers it reasonable to do so to minimise the adverse effect of the  
2 development on anyone's amenity while it is taking place.

3 **Examples of people whose amenity may be affected**

- 4 1 owners or occupiers of units  
5 2 owners or occupiers of nearby premises  
6 3 members of the public who regularly use the surrounding area

7 *Note* An example is part of the Act, is not exhaustive and may extend, but  
8 does not limit, the meaning of the provision in which it appears (see  
9 *Legislation Act 2001*, s 126 and s 132).

10 **[3.60] Section 23 (1)**

11 *omit everything before paragraph (a), substitute*

- 12 (1) If the planning and land authority approves a unit title application  
13 for a parcel, the authority must give the lessee of the parcel—

14 **[3.61] Section 24 (1) (b)**

15 *omit*

16 Minister's

17 *substitute*

18 planning and land authority's

19 **[3.62] Section 27 (1)**

20 *omit everything before paragraph (a), substitute*

- 21 (1) If the planning and land authority has approved a unit title  
22 application, the lessee of the parcel may submit to the authority for  
23 endorsement under this section a units plan consisting of the  
24 following documents:

1 **[3.63] Section 29 (3)**

2 *omit everything before paragraph (a), substitute*

- 3 (3) The planning and land authority may amend the development  
4 statement despite the applicant's failure to obtain an interested  
5 person's agreement if the authority is satisfied on reasonable  
6 grounds that—

7 **[3.64] Section 29 (4)**

8 *substitute*

- 9 (4) The planning and land authority may refuse to amend the  
10 development statement if, in the authority's opinion based on  
11 reasonable grounds, the amendment would result in the development  
12 having a significantly adverse effect on anyone's amenity while it is  
13 taking place.

14 **Examples of people whose amenity may be affected**

- 15 1 owners or occupiers of units  
16 2 owners or occupiers of nearby premises  
17 3 members of the public who regularly use the surrounding area

18 *Note* An example is part of the Act, is not exhaustive and may extend, but  
19 does not limit, the meaning of the provision in which it appears (see  
20 *Legislation Act 2001*, s 126 and s 132).

21 **[3.65] Section 30 (3)**

22 *omit everything before paragraph (a), substitute*

- 23 (3) The planning and land authority may amend the development  
24 statement despite the applicant's failure to obtain an interested  
25 nonvoter's agreement if the authority is satisfied on reasonable  
26 grounds that—

1 **[3.66] Section 30 (4)**

2 *substitute*

3 (4) The planning and land authority may refuse to amend the  
4 development statement if, in the authority's opinion based on  
5 reasonable grounds, the amendment would result in the development  
6 having a significantly adverse effect on anyone's amenity while it is  
7 taking place.

8 **Examples of people whose amenity may be affected**

9 1 owners or occupiers of units

10 2 owners or occupiers of nearby premises

11 3 members of the public who regularly use the surrounding area

12 *Note* An example is part of the Act, is not exhaustive and may extend, but  
13 does not limit, the meaning of the provision in which it appears (see  
14 *Legislation Act 2001*, s 126 and s 132).

15 **[3.67] Section 154 (3) (b) (ii)**

16 *substitute*

17 (ii) a copy of the certificate mentioned in  
18 subsection (1) (b) (ii).

1 **[3.68] Section 154 (4)**

2 *substitute*

- 3 (4) On application by the applicant for the provisional damage order, if  
4 the planning and land authority is satisfied that approval under this  
5 Act or any other relevant Territory law for the unit redevelopment  
6 would still have been given if the proposals for the subdivision of  
7 the parcel under this Act, or any other relevant development  
8 proposals, had shown the units plan as it is proposed to be altered by  
9 the unit redevelopment, the authority must give the applicant a  
10 certificate to that effect.

11 *Note 1* A fee may be determined under s 179 (Determination of fees) for this  
12 section.

13 *Note 2* If a form is approved under s 180 (Approved forms) for an application,  
14 the form must be used.

15 **[3.69] Section 167**

16 *substitute*

17 **167 Lease variation—amendment of schedule of unit**  
18 **entitlement**

- 19 (1) On the variation of the lease of a unit, the planning and land  
20 authority may, by written notice to the registrar-general, direct that  
21 the schedule of unit entitlement be amended if the authority  
22 considers it necessary to do so to reflect accurately any change in  
23 the relative improved values of the units because of the variation.
- 24 (2) On the registration of the planning and land authority's direction to  
25 amend the schedule of unit entitlement, the units plan is amended  
26 accordingly.

1 **[3.70] Section 170 (2) (c)**

2 *substitute*

3 (c) all those easements are enforceable by and against the planning  
4 and land authority as if the authority were the owner of the  
5 unit; and

6 **[3.71] Section 173 (3)**

7 *substitute*

8 (3) However, the planning and land authority is not required to notify a  
9 person with an interest in a parcel, or an interested nonvoter, of a  
10 reviewable decision if the authority is not, and could not reasonably  
11 be, aware of the person's interest because of the process of reaching  
12 the decision.

13 **[3.72] Section 185**

14 *omit*

15 **[3.73] Dictionary, definition of *development statement***

16 *substitute*

17 *development statement* means a statement about a staged  
18 development, accompanying a unit title application (as amended  
19 under section 22 (Unit title applications—amendment of  
20 development statement by authority), or amended under section 29  
21 (Amendment of development statements before registration) or  
22 section 30 (Amendment of development statements after  
23 registration)).

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**[3.74] Further amendments, mentions of *Minister***

*omit*

Minister

*substitute*

planning and land authority

*in the following provisions:*

- section 17 (1)
- section 20 (1) to (4)
- section 20 (5) (1st mention)
- section 23 (2)
- section 24 (2) and (4)
- section 27 (3) (1st mention)
- section 28
- section 29 (1) and (2)
- section 29 (5)
- section 30 (1)
- section 30 (2) (1st mention)
- section 30 (5) (a)
- section 51 (7)
- section 91 (1) (d)
- section 146
- section 149
- section 154 (1) (b) and (3) (b) (i)

- 1 • section 155
- 2 • section 160
- 3 • section 163 (1) (c)
- 4 • section 166 (3)
- 5 • section 171 (1)
- 6 • section 173 (1) and (2)
- 7 • section 174
- 8 • section 175 (2)
- 9 • section 180
- 10 • section 186 (1)
- 11 • dictionary, definition of *eligible person*, paragraph (d)

**[3.75] Further amendments, mentions of *Minister***

13 *omit*

14 Minister

15 *substitute*

16 authority

17 *in the following provisions:*

- 18 • section 20 (5) (a)
- 19 • section 23 (1) (a) (i)
- 20 • section 27 (3) (a) and (c)
- 21 • section 30 (2) (a)
- 22 • section 30 (5) (b)
- 23 • section 170 (2) (d)

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## 1 Part 3.17 Unit Titles Regulations 2001

### 2 [3.76] Regulation 8 (c)

3 *substitute*

- 4 (c) include a requirement that after the completion of any stated  
5 stages of the development, and after the completion of the  
6 entire development, the planning and land authority is to be  
7 provided with a report by a registered surveyor about the  
8 position of fully or partially completed buildings in relation to  
9 the boundaries of the units and of the parcel.

10 *Note* If a form is approved under the Act, s 180 (Approved forms) for a  
11 report, the form must be used.

### 12 [3.77] Regulation 9 (1)

13 *omit everything before paragraph (a), substitute*

- 14 (1) If the planning and land authority approves a unit title application,  
15 the authority must—

### 16 [3.78] Further amendments, mentions of *Minister*

17 *omit*

18 Minister

19 *substitute*

20 planning and land authority

21 *in the following provisions*

- 22 • regulation 3  
23 • regulation 8, note 1  
24 • regulation 18  
25 • regulation 20  
26 • schedule 2, clause 1

- 1           • schedule 3, clauses 1 (2) and 2

2           **Part 3.18**                   **Utilities (Telecommunications**  
3                                   **Installations) Act 2001**

4           **[3.79] Section 6**

5           *omit*

6           planning authority

7           *substitute*

8           planning and land authority

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## Endnotes

### Republications of amended laws

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

### Penalty units

- 2           The *Legislation Act 2001*, s 133 deals with the meaning of offence penalties that are expressed in penalty units.