

2009

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning)

Planning and Development Amendment Bill 2009

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FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning)

Planning and Development Amendment Bill 2009

A Bill for

An Act to amend the *Planning and Development Act 2007*, and for other purposes

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

J2008-671

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Planning and Development Amendment Act 2009*.

4 **2 Commencement**

5 This Act commences on the 7th day after its notification day.

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

1 **Part 2** **Planning and Development**
2 **Act 2007**

3 **3** **Legislation amended—pt 2**

4 This part amends the *Planning and Development Act 2007*.

5 **4** **Relationship between development proposals and**
6 **development applications**
7 **New section 113 (3)**

8 *insert*

9 (3) Subsection (2) is subject to section 123 (Impact track applicability).

10 **5** **Application of assessment tracks to development**
11 **proposals**
12 **Section 114 (2)**

13 *omit*

14 **6** **New section 131A**

15 *in division 7.2.5, insert*

16 **131A** **Development proposal for lease variation in designated**
17 **area**

- 18 (1) This section applies to a development proposal that is a variation of
19 a lease in a designated area.
- 20 (2) Section 50 (Effect of territory plan), section 65 (Effect of draft plan
21 variations publicly notified) and the territory plan do not apply in
22 relation to the development proposal.
- 23 (3) The development proposal must be dealt with under the provisions
24 of this Act (other than any territory plan-related provisions) that
25 apply in relation to the merit track.

1 (4) However, if the impact track applies to the development proposal
2 under section 123 (b), (c), (d) or (e), the proposal must be dealt with
3 under the provisions of this Act (other than any territory plan-related
4 provisions) that apply in relation to the impact track.

5 (5) In this section:

6 ***territory plan-related provision*** means a provision of this Act that
7 applies a development table, code, rules or criteria, objectives for a
8 zone, statement of strategic directions, or anything else in the
9 territory plan.

10 **Examples—territory plan-related provisions**

11 1 s 119 (2) (b)

12 2 s 139 (2) (e) and (f)

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

16 **7 Applications to amend development approvals**
17 **Section 197 (1)**

18 *substitute*

19 (1) This section applies if—

20 (a) the planning and land authority has given development
21 approval for a development proposal; and

22 (b) the development proposal changes (the ***changed development***
23 ***proposal***) so that it is not covered by the development
24 approval; and

25 (c) section 198C (When development approvals do not require
26 amendment) does not apply to the changed development
27 proposal.

1 **8 Deciding applications to amend development approvals**
2 **Section 198 (4)**

3 *substitute*

- 4 (4) To remove any doubt, only the application for the amendment need
5 be publicly notified if—
- 6 (a) public notification of the proposed development is required
7 under the assessment track that applies to the proposed
8 development; and
- 9 (b) the requirement to publicly notify the application is not waived
10 under section 198B.

11 **9 New sections 198A to 198C**

12 *in division 7.3.11, insert*

13 **198A Exception to referral requirement under s 198 (1) (b)**

- 14 (1) This section applies if—
- 15 (a) a development application was referred to an entity under
16 division 7.3.3 (Referral of development applications); and
- 17 (b) an application for amendment of the development approval to
18 which the development application related must be referred to
19 the entity under section 198 (1) (b); and

20 *Note 1* Under s 198 (1) (b), an application for amendment is deemed to
21 be an application for development approval, which would
22 ordinarily require the application to be referred to relevant entities
23 under div 7.3.3.

24 *Note 2* For the referral requirement, see s 145.

- 25 (c) the planning and land authority is satisfied that the application
26 for amendment does not affect any part of the development
27 approval in relation to which the entity made a comment.

- 1 (2) Despite section 198 (1) (b), the planning and land authority need not
2 refer the application for amendment to the entity.

3 **198B Waiver of notification requirement under s 198 (1) (b)**

4 Despite section 198 (1) (b), the planning and land authority may
5 waive the requirement to publicly notify an application for
6 amendment of a development approval if satisfied that—

- 7 (a) no-one other than the applicant will be adversely affected by
8 the amendment; and
9 (b) the environmental impact caused by the amendment will do no
10 more than minimally increase the environmental impact of the
11 development.

12 *Note* For the notification requirement, see s 146.

13 **198C When development approvals do not require amendment**

- 14 (1) This section applies if—
15 (a) the planning and land authority has given development
16 approval for a development proposal; and
17 (b) the development proposal changes (the *changed development*
18 *proposal*) so that it is not covered by the development
19 approval; and
20 (c) a circumstance prescribed by regulation under subsection (3)
21 applies.
22 (2) The changed development proposal is taken to be in accordance
23 with the development approval.
24 (3) A regulation may prescribe circumstances for subsection (1) (c).

25 *Note 1* The development may still need building approval, or further building
26 approval, under the *Building Act 2004*.

27 *Note 2* The development must also comply with the lease for the land on which
28 it is carried out.

1 **10 Development other than use lawful when begun**
2 **Section 203 (1) (c)**

3 *substitute*

4 (c) after the person undertakes, or begins, the development, the
5 development stops being exempt because of an amendment of
6 this Act.

7 *Note* A reference to an Act includes a reference to the statutory
8 instruments (eg the territory plan) made or in force under the Act,
9 including any regulation (see Legislation Act, s 104).

10 **11 Use as development lawful when begun**
11 **Section 204 (1) (c)**

12 *substitute*

13 (c) the use stops being exempt because of an amendment of this
14 Act.

15 *Note* A reference to an Act includes a reference to the statutory
16 instruments (eg the territory plan) made or in force under the Act,
17 including any regulation (see Legislation Act, s 104).

18 **12 Payment for leases**
19 **Section 246 (2) (c) and (d)**

20 *substitute*

21 (c) a lease mentioned in section 246A (Payment for adjoining
22 concessional leases); or

23 (d) a further lease granted under section 254 (Grant of further
24 leases); or

25 (da) a lease mentioned in section 461A (Payment for leases to
26 community organisations); or

1 **13 Section 246 (3) (b) and (c)**

2 *substitute*

3 (b) the entity provides another component (a *non-monetary*
4 *component*) comprising—

5 (i) infrastructure, or other work, in relation to the lease or
6 another lease; or

7 (ii) 1 or more of the following under a deed or agreement
8 with the Territory or a Territory authority:

9 (A) goods;

10 (B) services;

11 (C) works; and

12 (c) the total value of the monetary component and the
13 non-monetary component is not less than the market value of
14 the lease.

15 **14 New section 246 (3A)**

16 *insert*

17 (3A) To remove any doubt, for a lease prescribed for subsection (2) (e),
18 an entity pays the amount prescribed by regulation for the lease if—

19 (a) the entity pays less than the amount prescribed for the lease
20 (the *monetary component*); and

21 (b) the entity provides another component (a *non-monetary*
22 *component*) comprising—

23 (i) infrastructure, or other work, in relation to the lease or
24 another lease; or

25 (ii) 1 or more of the following under a deed or agreement
26 with the Territory or a Territory authority:

27 (A) goods;

- 1 (B) services;
- 2 (C) works; and
- 3 (c) the total value of the monetary component and the
4 non-monetary component is not less than the amount
5 prescribed for the lease.

6 **15 New section 246A**

7 *insert*

8 **246A Payment for adjoining concessional leases**

- 9 (1) This section applies if—
- 10 (a) a person applies for the grant of a lease (a *new lease*) (whether
11 before or after 31 March 2008); and
- 12 (b) the new lease adjoins another lease (an *original lease*) granted
13 to the person; and
- 14 (c) the original lease is a concessional lease.
- 15 (2) The planning and land authority may grant the new lease on
16 payment of an amount worked out in the way the amount payable
17 for the original lease was worked out.
- 18 (3) If the amount payable for the original lease was worked out under
19 the repealed Act, the repealed Act applies to working out the
20 amount payable for the new lease as if the repealed Act had not been
21 repealed.
- 22 (4) In this section:
- 23 *repealed Act* means the *Land (Planning and Environment)*
24 *Act 1991*.

1 **16 Grant of further leases**
2 **Section 254 (1) (e)**

3 *substitute*

4 (e) if the further lease is a rural lease—

5 (i) if the further lease is a rental lease—the amount of rent
6 determined under section 280 is payable under the further
7 lease; or

8 (ii) in any other case—

9 (A) the amount determined under section 280 for the
10 grant of the further lease is paid; or

11 (B) if the determination under section 280 for the grant
12 of the further lease provides for the payment of the
13 amount by instalments—any instalment required,
14 under the determination, to be paid before the
15 further lease is granted is paid; and

16 **17 Grant of further lease includes authorised use**
17 **New section 255 (4)**

18 *insert*

19 (4) To remove any doubt, a further lease may include provisions that
20 are different from the lease that it is replacing.

21 **Example**

22 A further lease includes a restriction on the number of dwellings that may be built
23 on the lease. The lease the further lease is replacing did not include a similar
24 provision.

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

18 Section 280*substitute***280 Determination of amount payable for further leases—rural land**

- (1) The Minister may make a determination for section 254 (1) (e) (i) or (ii) (Grant of further leases).
- (2) A determination for section 254 (1) (e) (ii) may provide that the amount payable for the grant of the lease is payable in stated instalments.
- (3) If the Minister has not made a determination under subsection (1), the amount that is taken to have been determined for a rural lease is the market value of the lease, payable as a lump sum.
- (4) A determination is a disallowable instrument.

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

**19 Application for extension of time to commence or complete building and development
Section 298A (3) to (5)***substitute*

- (3) The application must be accompanied by—
- (a) the most recent assessment notice for rates for the land; and
- (b) the amount, or the total of the amounts, (the *required fee*), for each year, or part year, of the period of extension of time sought is worked out as follows:

$$A \times \frac{D}{365} \times B$$

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Example

Frank applies for an extension of time for 1 October 2009 to 31 December 2011 (2 years and 92 days). In Frank's case, the *Planning and Development Regulation 2008* prescribes A in the above formula to be 1 for the 1st year, 2 for the 2nd year and 3 for the 3rd year of the period of extension. The fee is worked out using the following formula: $[1 \times 365/365 \times B] + [2 \times 365/365 \times B] + [3 \times 92/365 \times B]$.

Note 1 The required fee may be waived under the *Financial Management Act 1996*, s 131.

Note 2 An example is part of the regulation, 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).

- (4) However, if an extension (the *earlier extension*) of time has been approved, in working out the required fee for a further extension—
- (a) the formula for working out the required fee applies as if the period of extension included each earlier extension, other than—
 - (i) an earlier extension for which the required fee was waived under the *Financial Management Act 1996*, section 131; or
 - (ii) an earlier extension prescribed by regulation; and
 - (b) the required fee is reduced by—
 - (i) the amount of the required fee paid for each earlier extension; and
 - (ii) if part of the required fee was waived under the *Financial Management Act 1996*, section 131 for an earlier extension—the amount waived.

1 (5) In this section:

2 *A* is the figure, not more than 5, prescribed by regulation for the
3 relevant year of the period of extension.

4 *Note* Power to make a statutory instrument (including a regulation) includes
5 power to make different provision for different categories (see
6 Legislation Act, s 48).

7 *B* is the amount of rates payable in relation to the land under the
8 *Rates Act 2004*, for the financial year in which the application is
9 made.

10 *D* is the lesser of—

11 (a) 365; and

12 (b) the number of days for which the extension is sought in the
13 relevant year.

14 *period of extension* means—

15 (a) the period of extension applied for under subsection (2); or

16 (b) if an application seeks extensions for 2 or more building and
17 development provisions in a lease—the longest of the
18 extensions sought.

19 **20 Extension of time to commence or complete building and**
20 **development**
21 **Section 298B (5) and (6)**

22 *omit*

1 **21 New section 312A**

2 *in part 9.12, insert*

3 **312A Conversion of Commonwealth leases**

4 (1) This section applies if—

5 (a) a declaration under the *Australian Capital Territory (Planning*
6 *and Land Management) Act 1988* (Cwlth), section 27 (1), that
7 specified land in the Territory is national land, is amended or
8 repealed; and

9 (b) because of the amendment or repeal of the declaration, the land
10 ceases to be national land; and

11 (c) a lease granted under a prescribed law or over all or part of the
12 land is in force immediately before the amendment or repeal of
13 the declaration.

14 (2) The lease is taken to be granted under this Act on the amendment or
15 repeal of the declaration.

16 (3) In this section:

17 *prescribed law* means—

18 (a) any of the following laws in effect before the law was
19 repealed:

20 (i) the *Leases Ordinance 1918*;

21 (ii) the *Leases (Special Purposes) Ordinance 1925*;

22 (iii) the *City Area Leases Ordinance 1936*; or

23 (b) a law mentioned in paragraph (a) as in effect under the
24 *National Land Ordinance 1989* (Cwlth).

- 1 (4) If a lease would have been taken to have been granted under this Act
2 but for the amendment or repeal of a declaration happening before
3 the commencement of this section, the lease is taken to have been
4 granted under this Act on the later of—
- 5 (a) the amendment or repeal of the declaration; or
6 (b) 31 March 2008.
- 7 (5) Subsection (4) is a law to which the Legislation Act, section 88
8 (Repeal does not end effect of transitional laws etc) applies.
- 9 (6) Subsections (4) and (5) and this subsection expire on the day after
10 this section commences.

11 **22 Expiry—ch 15**
12 **Section 431 (2) (a), (b) and (c)**

13 *substitute*

- 14 (a) section 446 (Power to make lease and development
15 conditions);
- 16 (b) section 446A (Transitional—application for development
17 approval if lease and development condition);
- 18 (c) section 458 (Transitional—applications for certain grants
19 before commencement day);
- 20 (d) section 467 (Transitional—plans of management).

1 **23 Transitional—applications lodged before commencement**
2 **day**
3 **Section 442 (1)**

4 *substitute*

- 5 (1) This section applies if—
- 6 (a) before the commencement day, a person applied for—
- 7 (i) an approval under the repealed Act, section 226
8 (Application to undertake development); or
- 9 (ii) an amendment of an approval under the repealed Act,
10 section 247 (Minor amendments); and
- 11 (b) immediately before the commencement day, the planning and
12 land authority had not finally decided the application.

13 **24 New section 442 (4)**

14 *insert*

- 15 (4) In this section:
- 16 ***finally decided***—an application for approval under the repealed Act,
17 section 226 is ***finally decided*** if—
- 18 (a) the period for making an application under the repealed Act,
19 section 246 for reconsideration of the planning and land
20 authority’s decision on the application for approval has ended
21 and no application for reconsideration has been made; or
- 22 (b) if an application under the repealed Act, section 246 for
23 reconsideration of the planning and land authority’s decision
24 on the application for approval is made within the
25 reconsideration period—
- 26 (i) the authority has made a decision on the application for
27 reconsideration under the repealed Act,
28 section 246A (1) (b); or

1 (ii) the authority is taken to have confirmed the original
2 decision under the repealed Act, section 246B.

3 *reconsideration period* means the period within which an
4 application must be made under the repealed Act, section 246 (3).

5 **25 New section 442C**

6 *insert*

7 **442C Transitional—development application lodged on or after** 8 **commencement day for estate development plan given** 9 **before commencement day**

- 10 (1) This section applies in relation to a development application if—
- 11 (a) the application is lodged on or after the commencement day
12 but not later than 6 months after the commencement day; and
- 13 (b) the application relates to, or incorporates, a document that the
14 planning and development authority is satisfied is an estate
15 development plan; and
- 16 *Note* For considerations for when something is an estate development
17 plan, see s (5).
- 18 (c) the estate development plan was given to the planning and land
19 authority before the commencement day for consideration on
20 the basis that the plan might form the basis of a development
21 application.
- 22 (2) The development application may be made, and decided, in
23 accordance with the repealed Act (including the territory plan and
24 any other instruments under the repealed Act) as if that Act had not
25 been repealed.
- 26 (3) If the development application is approved, the approval—
- 27 (a) is taken to be a development approval under this Act (including
28 for section 96) unless otherwise provided by subsection (4);
29 and

- 1 (b) unless extended under this Act, continues in force until the
2 time when it would have ended under the repealed Act; and
- 3 (c) is taken to relate to a proposal in the merit track for
4 section 198 (2) (Deciding applications to amend development
5 approvals).
- 6 (4) Also, the repealed Act (including the territory plan and any other
7 instruments under the repealed Act), and not this Act, applies in
8 relation to any application for reconsideration, or for review, of the
9 decision on a development application to which this section applies.
- 10 (5) In deciding whether a document is an estate development plan, the
11 planning and land authority must consider whether—
- 12 (a) the document is identified, by itself or another document, as an
13 estate development plan; and
- 14 (b) at the time it was given to the authority, the document appeared
15 to be a document to which the government publication
16 *Guidelines for Estate Development Plans—Greenfield Land*
17 *Subdivision—September 2007*, published on the public website
18 maintained by the authority, applied; and
- 19 (c) the document includes plans, or a proposal, for the subdivision
20 of land and related infrastructure development.
- 21 **Examples—related infrastructure**
22 sewers, footpaths, street lighting
- 23 *Note* An example is part of the Act, is not exhaustive and may extend,
24 but does not limit, the meaning of the provision in which it
25 appears (see Legislation Act, s 126 and s 132).
- 26 (6) For this section, an estate development plan (the *final plan*) in
27 relation to a development application is taken to have been given to
28 the planning and land authority for consideration if—
- 29 (a) an estate development plan (the *initial plan*) was given to the
30 authority; and

- 1 (b) the final plan is identifiable as a revised version of the initial
2 plan.

3 **26 Section 444**

4 *substitute*

5 **444 Transitional—approvals under repealed Act**

- 6 (1) This section applies if—
7 (a) immediately before the commencement day, a person had an
8 approval under the repealed Act, part 6 (Approvals and orders);
9 or
10 (b) the planning and land authority gives an approval under the
11 repealed Act after the commencement day.

12 *Note* The repealed Act applies to applications for approvals not decided
13 immediately before the commencement day (see s 442).

- 14 (2) The approval—
15 (a) is taken to be a development approval under this Act; and
16 (b) unless extended under this Act, continues in force until the
17 time when it would have ended under the repealed Act; and
18 (c) for the Act, section 198 (2) (Deciding applications to amend
19 development approvals) is taken to relate to a proposal in the
20 merit track.

- 21 (3) If the application to which the approval relates was not required to
22 be publicly notified under the repealed Act, an application under this
23 Act for the amendment of the approval need not be publicly notified
24 under this Act.

25 *Note* If an application for reconsideration had not been finally decided by the
26 planning and land authority under the repealed Act, the repealed Act
27 (including rights of ACAT review under the repealed Act) continues to
28 apply to the application (see s 442).

1 **444A Commencement of development approvals under**
2 **repealed Act**

- 3 (1) This section applies to each of the following development approvals
4 unless the development approval commenced before the
5 commencement day:
- 6 (a) a development approval mentioned in section 442
7 (Transitional—applications lodged before commencement
8 day);
- 9 (b) a development approval mentioned in section 442B
10 (Transitional—application for review lodged after
11 commencement day for application lodged before
12 commencement day);
- 13 (c) a development approval mentioned in section 442C
14 (Transitional—development application lodged on or after
15 commencement day for estate development plan given before
16 commencement day);
- 17 (d) a development approval mentioned in section 443
18 (Transitional—applications for review not finally decided);
- 19 (e) a development approval mentioned in section 444
20 (Transitional—approvals under repealed Act).
- 21 (2) Despite anything else in this part, the development approval
22 commences, or is taken to have commenced, when the development
23 approval would have commenced under the repealed Act if the
24 repealed Act had not been repealed.

25 **27 Transitional—approvals in force with uncommenced**
26 **extension**
27 **Section 445 (2) (a)**

28 *substitute*

- 29 (a) is taken to be a development approval under this Act; and

28 Sections 446 and 446A

substitute

446 Power to make lease and development conditions

(1) This section applies to land in relation to which—

- (a) an earlier application has been made and earlier approval given, whether the earlier approval is given before or after the commencement day; or
- (b) development approval has been given under section 442C.

Note Under s 442C, if an estate development plan was considered before commencement of this Act, the repealed Act applies to the application for development approval.

(2) On and after the commencement day, the planning and land authority may make a lease and development condition in relation to the land, or part of the land.

(3) In this section:

defined land means land identified in the old territory plan for the repealed Act, subdivision 2.3.4.

earlier application means an application for development approval if the application—

- (a) was made under the repealed Act before the commencement day; and
- (b) relates to land that was defined land when the application was made; and
- (c) is for approval to subdivide land, whether or not it is also for approval of something else.

earlier approval means development approval under the repealed Act of an earlier application.

1 *lease and development condition* means a lease and development
2 condition that could have been made under the repealed Act, but for
3 its repeal.

4 *old territory plan* means the Territory Plan under the repealed Act.

5 (4) This section is a provision to which the Legislation Act, section 88
6 (Repeal does not end effect of transitional laws etc) does not apply.

7 (5) This section expires 5 years after the commencement day.

8 **446A Transitional—application for development approval if**
9 **lease and development condition**

10 (1) This section applies to a development application if the application
11 is—

12 (a) not in the code track; and

13 (b) for development on land to which—

14 (i) a lease and development condition made under
15 section 446 applies; or

16 (ii) a lease and development condition made under the
17 repealed Act applied immediately before the
18 commencement day.

19 (2) The planning and land authority, or Minister, must consider the
20 lease and development condition in making a decision under
21 section 162 (Deciding development applications) in relation to the
22 development application if—

23 (a) the territory plan provides that the condition may vary the plan;
24 and

25 (b) the condition is relevant to assessing the application and
26 granting the approval.

27 (3) This section expires 5 years after the commencement day.

1 **29 Transitional—extended meaning of *development***
2 ***approval*—s 199**
3 **Section 447**

4 *omit*

5 **30 Section 458**

6 *substitute*

7 **458 Transitional—applications for certain grants before**
8 **commencement day**

9 (1) This section applies if—

10 (a) a person applied for the grant of a lease under the repealed Act,
11 section 161 (Granting of leases), section 163 (Leases to
12 community organisations) or section 164 (Special leases); and

13 (b) the lease was not granted before the commencement day.

14 (2) The planning and land authority may grant the lease under—

15 (a) the repealed Act as if the repealed Act had not been repealed;
16 or

17 (b) if the person agrees in writing to a lease under this Act being
18 granted—this Act.

19 (3) A lease granted under subsection (2) (a)—

20 (a) may be registered under the *Land Titles Act 1925* as if the
21 repealed Act had not been repealed; and

22 (b) is taken to have been granted under this Act.

23 (4) This section expires 5 years after the commencement day.

1 **31 Transitional—applications for certain grants decided after**
2 **6 months**
3 **Section 459**

4 *omit*

5 **32 New section 459A**

6 *insert*

7 **459A Transitional—contracts before commencement day to**
8 **grant leases**

9 (1) This section applies if—

10 (a) by contract made before the commencement day, the land
11 development agency or planning and land authority agreed
12 with someone else (the *third party*) that a lease would be
13 granted under the repealed Act; and

14 (b) the lease was not granted before the commencement day.

15 **Examples—par (a)**

16 1 The conditions of a land auction require a lease to be granted under the
17 repealed Act.

18 2 Under a deed of agreement with a developer for the development of land the
19 planning and land authority agrees that the holding leases for the
20 development, and the individual leases for the developed land, will be
21 granted in the form of a lease under the repealed Act.

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

25 (2) The planning and land authority may grant a lease under—

26 (a) the repealed Act as if the repealed Act had not been repealed;
27 or

28 (b) if the third party agrees in writing to a lease under this Act
29 being granted—this Act.

- 1 (3) A lease granted under subsection (2) (a)—
- 2 (a) may be registered under the *Land Titles Act 1925* as if the
- 3 repealed Act had not been repealed; and
- 4 (b) is taken to have been granted under this Act.

5 **33 New section 461A**

6 *insert*

7 **461A Payment for leases to community organisations**

- 8 (1) This section applies if—
- 9 (a) after the commencement day a person applies for the grant of a
- 10 lease; and
- 11 (b) if the application had been made under the repealed Act before
- 12 its repeal—the planning and land authority could have granted
- 13 the lease under the repealed Act, section 163 (Leases to
- 14 community organisations).
- 15 (2) The planning and land authority may grant the lease on payment of
- 16 an amount worked out under the repealed Act, section 163 (2) as if
- 17 the repealed Act had not been repealed.

1 **Part 3 Planning and Development**
2 **Regulation 2008**

3 **34 Legislation amended—pt 3**

4 This part amends the *Planning and Development Regulation 2008*.

5 **35 Modification of Act, ch 15—Act, s 429**
6 **Section 410**

7 *omit*

8 **36 Modification of Act**
9 **Schedule 20**

10 *omit*

11 **37 Dictionary, definition of *period of extension***

12 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2009.

2 Notification

Notified under the Legislation Act on 2009.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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