



## AUSTRALIAN CAPITAL TERRITORY

### LAND (PLANNING AND ENVIRONMENT) ACT 1991

#### DETERMINATION OF CLASSES OF APPLICATIONS


##### INSTRUMENT NO. 227 OF 1997

Under subsection 229A(1) of the *Land (Planning and Environment) Act 1991* (the Act) I prescribe the classes of applications that are to be referred to the Commissioner for determination in accordance with subsection 229A(3).

1. The Minister shall refer to the Commissioner each application
  - a) that has been notified under section 229 of the Act and in relation to which a person has objected under section 237;
  - b) in respect of which the Minister has directed that an Assessment be made under Division 3 of Part IV of the Act;
  - c) in respect of which there is no public servant who is empowered under the Act to determine the application and who does not have, or may not reasonably be perceived to have, a conflict of interest in respect of the application.
  
2. Clause 1 of this instrument does not apply where the application relates only to the erection, alteration or demolition of a single residential dwelling or an associated outbuilding

3. Notwithstanding clauses 1 and 2, the Minister shall also refer to the Commissioner each application:
- a) that has been referred to the Heritage Council under paragraph 229(4)(a) of the Act and in respect of which the Council has commented to the effect that it does not agree to an approval of the application; or
  - b) that has been referred to the Conservator under paragraph 229(4)(ab) of the Act and in respect of which the Conservator has commented to the effect that he or she does not agree to an approval of the application;

Dated this *22<sup>nd</sup>* day of *September* 1997

  
Gary Humphries MLA  
Minister for the Environment,  
Land and Planning