

1992

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

Land (Planning and Environment) Regulations (Amendment)

EXPLANATORY MEMORANDUM

Circulated by Authority of

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## LAND (PLANNING AND ENVIRONMENT) REGULATIONS (AMENDMENT)

### GENERAL OUTLINE

This amendment to the Land (Planning and Environment) Regulations ("the Regulations") makes a number of changes to the Regulations to correct some errors and to expand the classes of matters excluded from provisions of Part VI of the Land (Planning and Environment) Act 1991 ("the Act"). The Amendment also provides for the limited operation of Part VI in respect of certain matters previously excluded from its operation under Regulation 21.

### FINANCIAL IMPACT

The Bill involves no direct cost to Government.

### NOTES ON CLAUSES

Clause 1 of the Amendment provides for the citation of the "Principal Regulations" as the Land (Planning and Environment) Regulations.

Clause 2 provides that Regulation 3 of the Principal Regulations is repealed and an amended regulation substituted.

The amended Regulation 3 expands the classes of work prescribed for the purposes of the definition of "public works" in section 4 of the Act.

- Subregulation (a) retains the definition included in the previous Regulation 3, which exempts as a "prescribed class of works" any works for which public funding had already been authorised by the Territory before 2 April 1992.
- Subregulation (b) exempts any works which have been or will be contracted by the Territory before 1 December 1992.
- Subregulation (c) exempts works which were requested before 1 December 1992 by the Territory or a body established by the Territory for a public purpose.
- Subregulation (d) exempts works for which the Territory has contracted a person, as project manager, to supervise the completion of a project.

Clause 3 amends Regulation 13 of the Principal Regulations by correcting a reference to subregulation 14(3). The corrected reference is to subregulation 14(2).

Clause 4 amends Regulation 16 of the Principal Regulations by correcting two errors.

- Paragraph 16(1)(a) is amended by omitting the reference to paragraph 229(1)(a) and (b) of the Act. The paragraph is now consistent with the other provisions of Regulation 16.
- Subregulation 16(2) is amended by correcting a reference to paragraph 226(1)(a) of the Act. The corrected reference is to paragraph 226(1)(d).

Clause 5 amends Regulation 21 of the Principal Regulations to make certain activities subject to Part VI of the Act, but exempt from the public notification and appeal processes under Part VI. Those activities include:

- varying a lease to reduce the rent payable under the lease to a nominal rent;
- varying a lease to permit two self-contained dwellings to be erected on the land comprised in the lease;
- withdrawing land from a lease;
- renewing a lease under section 171 or section 172 of the Act;
- subdivision of a parcel of land, leased before the Principal Regulations commenced, for development purposes; and
- consolidation of parcels of Territory Land.

Clause 5 also amends Regulation 21 by the addition of subregulations (7) & (8) which make two further exemptions from the public notification and appeal processes under Part VI of the Act. Those exclusions are:

- encroachments by buildings which were erected before 2 April 1992, and
- encroachments by buildings which were erected with approval given before 2 April 1992 under the Buildings (Design & Siting) Act 1964.