1995

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

LAND (PLANNING AND ENVIRONMENT) REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by the authority of Bill Wood MLA
Minister for the Environment, Land and Planning

General Outline

These Regulations amend the *Land (Planning and Environment) Regulations* (the Regulations).

Under the *Land (Planning and Environment) Act 1991* (the Land Act) it is possible to make a Regulation which removes the requirement to publicly notify an application to conduct a controlled activity. This also affects third party appeal rights.

Previously, an application to vary a lease to permit dual occupancy development was, by way of a Regulation, not subject to public notification and third party appeal. This Regulation omits that earlier Regulation.

This puts into effect part of the Government's response to the report titled 'Residential Redevelopment Review' by Mr. Lansdown. Applications to vary leases to permit dual occupancy developments are to be subject to public notification and third party appeals.

Financial Implications

The amendments will involve some minor additional administrative costs.

Clause Notes

Clauses 1 & 2

Clauses 1 and 2 are mechanical clauses which provide for the commencement of the Regulations and identify the Principal Regulations. The Regulations commence on the day on which they are notified in the Gazette.

Clause 3 - Exemption of controlled activities from provisions of Part VI of the Act.

Clause 3 amends Regulation 21 of the Principal Regulations. Regulation 21 provides for the exemption of controlled activities from the requirements of Part VI of the Land Act. Part VI specifies the procedures for processing an application to conduct a controlled activity.

Regulation 21 is amended by omitting paragraph (2)(b). Applications to vary leases to permit 2 self-contained dwellings to be erected on the land comprised in the lease will thus be subject to public notification and third party appeal.