

1995

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

LAND (PLANNING AND ENVIRONMENT) REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by the authority of Gary Humphries 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.

Three amendments are proposed to the Regulations. Presently, where a new lease is executed for the purpose of sub-dividing land that was to be developed and re-sold, the right of appeal and obligation to publicly notify do not apply. It is proposed to amend the Regulations to provide that Part VI of the Land Act will not apply to such lease variations.

It is also proposed to provide that all lease variations of land to be redeveloped and resold will be exempt from Part VI. Previously, only broadacre land development leases granted before the commencement of the Regulations were exempted from notification and third party appeal rights.

The Regulations will also be amended to provide for the exemption from Part VI of the Act, the withdrawal by the Government of land from a lease, where the lease contains a withdrawal clause.

Financial Implications

These amendments have no financial implications.

Clause Notes

Clauses 1 and 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

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(c) and inserting Paragraph 2A. Paragraph 2A provides that the withdrawal of land by the Government from leases which contain withdrawal clauses will be exempt from Part VI of the Land Act.

Sub-Regulation 21(3) is amended to provide for the exemption from Part VI of the Land Act, the variation of all leases to obtain single block leases, where the lease has been granted for the purpose of subdivision, development and resale, and where this has occurred in accordance with the provisions of the lease.