

1994

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).

The *Land (Planning and Environment) Act 1991* (the Land Act) provides that where an application to conduct a controlled activity is made, the application is subject to public notification. However, some of the public notification requirements can be exempt. This affects the third party appeal rights.

The Regulations will provide that in certain circumstances where an application is received to either vary or consolidate a lease containing a rural purpose clause, it will not be subject to public notification nor third party appeal.

Financial implications

The amendments involve no additional administrative costs. Costs borne by applicants should be reduced.

CLAUSE NOTES

Clause 1

Clause 1 provides that the Regulations commence on the day on which they are notified in the Gazette.

Clause 2

Clause 2 amends Regulation 21 of the 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 adding a new subregulation. Subregulation 21(6A) specifies that subsection 229(1) and section 276 of the Land Act do not apply to an application to vary a lease or subdivide or consolidate a lease where:

- the lease being varied contains a rural purpose clause; or

- the new lease contains a rural purpose clause and is being executed on the surrender of another lease that also contains a rural purpose clause; and

where the variation of the lease and the difference between the lease being surrendered and the lease being executed are limited to:

- . the date of the commencement of the lease;
- . the term of the lease;
- . the omission of a clause on the withdrawal of land; and
- . the consolidation of land contiguous to the land being varied or surrendered.