

AUSTRALIAN CAPITAL TERRITORY

*LAND (PLANNING AND ENVIRONMENT) ACT 1991*

LAND (PLANNING AND ENVIRONMENT) EXEMPTION 2003

DISALLOWABLE INSTRUMENT DI2003-252

EXPLANATORY STATEMENT

This disallowable instrument is being redetermined as a result of the *Planning and Land (Consequential Amendments) Act 2002* which transfers certain powers from the Minister/Executive to the Planning and Land Authority. Disallowable Instrument No 297 of 2001 is revoked.

Subsection 226(10) of the *Land (Planning and Environment) Act 1991* (the Act) provides that the Minister may exempt developments from the requirements of subsection 226(2).

Subsection 226(2) states that if a development application requires construction work to be carried out on land that has previously been developed, and that is not leased for rural purposes, the application must be accompanied by a survey certificate given by a registered surveyor.

This disallowable instrument made under subsection 226(7) of the Act determines those developments that are exempt from the requirement to provide a survey certificate with an application. They are as follows:

1. development that relates only to demolition of a building or structure;
2. development in an industrial area;
3. public works, provided that the works are not proposed to be undertaken within 50 metres of a residential area;
4. 'minor development' as defined in the Act;
5. signs; and
6. installation of an attachment to a roof, provided that the attachment does not extend beyond the footprint of the building or structure on which it is to be installed.

Under the instrument the Minister retains the discretion, notwithstanding an exemption, to require an application to be accompanied by a survey certificate.