

AUSTRALIAN CAPITAL TERRITORY
LAND (PLANNING AND ENVIRONMENT) ACT 1991
LAND (PLANNING AND ENVIRONMENT) DETERMINATION
OF CRITERIA FOR EXEMPTION OF SIGNS 2003
DISALLOWABLE INSTRUMENT DI2003-251

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 66 of 2001 is revoked.

The *Land (Planning and Environment) Act 1991* (the Act) establishes a regime which provides for planning, heritage, environmental and land matters in respect of Territory Land.

Part 6 of the Act requires any development in the Territory to be the subject of a development approval. The *Land (Planning and Environment) Regulations* (the Regulations) provide some exemptions from the requirement to seek development approval.

Section 282(2) of the Act provides that the Regulations may authorise the Minister to exempt from Part 6 of the Act, by disallowable instrument, any development consisting of the erection, fixing or displaying of a sign or advertising material on the land.

Regulation 44 provides for a disallowable instrument to establish criteria for the exemption, from the requirement for development approval, of the erection, fixing or displaying of a sign or advertising material on land.

Signs located on National Land are not exempt from the requirement for development approval.

The criteria for exempting signs are:

1. any sign referred to in the two attached schedules, and marked with an “E”, is exempt provided it complies with ‘Part C3 – Sign Policies’ of the Territory Plan.
2. any sign referred to in the two attached schedules, and marked with a “T”, is exempt provided:
 - (a) the sign complies with ‘Part C3 – Sign Policies’ of the Territory Plan; and
 - (b) the sign is not erected, fixed or displayed for more than two weeks in any calendar year.

3. any sign that is the subject of an approved Signage Master Plan in accordance with 'Part C3 – Sign Policies' of the Territory Plan is exempt.