

Australian Capital Territory

Planning and Development Amendment Regulation 2020 (No 3)

Subordinate law SL2020–36

made under the

Planning and Development Act 2007, s 253F (b) (Grant of community concessional lease by tender)

EXPLANATORY STATEMENT

The *Planning and Development Amendment Regulation 2020 (No 3)* (the Regulation) amends section 144 (4) of the *Planning and Development Regulation 2008* to further clarify the discretion that can be exercised by the planning and land authority (the authority) under this provision when granting a community concessional lease.

Section 253F of the *Planning and Development Act 2007* (the Act) allows the authority to grant a community concessional lease by tender if the requirements set out in the Planning and Development Regulation are complied with.

Section 144 of the *Planning and Development Regulation 2008* provides that an expression of interest process must occur prior to the tender process to assess suitability of community organisations to submit a tender.

The authority must, under section 144 (4) (a), assess whether the community organisation's response to the expression of interest meets the threshold criteria.

The threshold criteria are detailed under section 145 of the *Planning and Development Regulation 2008*.

Section 144 (4) of the *Planning and Development Regulation 2008* has been amended so that, even if there are two (2) or more community organisations which the authority considers meet the threshold criteria, making them suitable community organisations, the authority must further rank the organisations by suitability to be granted a lease in accordance with the threshold criteria.

Section 144 (5) has been added to the *Planning and Development Regulation 2008* to specify that the authority may decide how many suitable community organisations to invite to tender for the grant of the lease. This number of organisations becomes the decided number. Thereafter, the authority may invite the decided number of suitable community organisations by rank, to tender for the grant of the community concessional lease.

The objective of this amendment is to ensure that a reasonable, but not excessive, number of community organisations are invited to tender, so that community organisations do not incur the significant costs of preparing a tender when they may have limited chance of success.

A regulatory impact statement is not required for this Regulation as it is not likely to impose appreciable costs on the community, or a part of the community; it merely clarifies an existing process for granting community concessional leases. Further, this Regulation does not fundamentally affect the law's application or operation, it provides further detail on the authority's decision-making process.