

Planning (General) Amendment Regulation 2025 (No 1)

Subordinate law SL2025–18

made under the

Planning Act 2023, s 523 (Regulation-making power)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Planning (General) Amendment Regulation 2025 (No 1)* (the **regulation**) as made by the Executive. It has been prepared to assist the reader of the regulation. It does not form part of the regulation and has not been endorsed by the Legislative Assembly.

This statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

OVERVIEW

This regulation is made under section 523 of the *Planning Act 2023* (the **Act**) to prescribe additional community uses for the purposes of s 291 of the Act.

The Act establishes the framework for the grant of a community lease. Section 291 (1) of the Act provides a definition of community lease to mean a concessional lease granted to a community organisation for 1 or more community lease uses. Section 291 (1) also provides a definition of community lease use to mean a list of community uses, and permits additional community uses to be prescribed by regulation.

The regulation supports the grant of a concessional lease to community organisations for a broader range of community uses. It reinstates the policy framework previously embedded in legislation, which enabled concessional land to be made available to community, charitable and welfare organisations for diverse purposes that benefit the public. The regulation aims to create an inclusive and flexible framework for the Government and the not-for-profit sector to deliver social and community services across the Territory.

CONSULTATION ON THE PROPOSED APPROACH

In developing the regulation, the Health and Community Services Directorate, the Chief Minister, Treasury and Economic Development Directorate, and the Territory

Planning Authority were consulted. Internal consultation was also undertaken within the City and Environment Directorate.

CLIMATE IMPACT

There are no climate change impacts arising from the regulation.

REGULATORY IMPACT STATEMENT (RIS)

Section 34 of *Legislation Act 2001* (the **Legislation Act**) provides that if a proposed subordinate law or disallowable instrument (the **proposed law**) is likely to impose appreciable costs on the community, or a part of the community, then, before the proposed law is made, the Minister administering the authorising law must arrange for a regulatory impact statement to be prepared for the proposed law.

A RIS is not required as the proposed law does not impose any appreciable costs on the community, or part of the community under section 34 (1) of the Legislation Act.

CONSISTENCY WITH HUMAN RIGHTS

During the development of the regulation due regard was given to its engagement with rights under the *Human Rights Act 2004* (the **HR Act**). The regulation does not engage an individual's human rights under the HR Act.

SCRUTINY COMMITTEE PRINCIPLES

This regulation has been developed in accordance with the Standing Committee for Legal Affairs (Legislative Scrutiny Role) terms of reference, principles and technical and stylistic standards expected by the Assembly.

CLAUSE NOTES

Clause 1 Name of regulation

This clause provides that the name of the regulation is the *Planning (General) Amendment Regulation 2025 (No 1)*.

Clause 2 Commencement

This clause provides that the regulation will commence on the day after its notification day.

Clause 3 Legislation amended

Clause 3 specifies that the legislation amended by the regulation is the *Planning (General) Regulation 2023*.

Clause 4 Part 11 heading

Clause 4 replaces the current heading of Part 11 with **Grants of community leases**. This amendment to the heading has been made to align with the amendments made by clause 5, as below.

Clause 5 New section 64A

This clause inserts new section **64A – Prescribed community lease uses—Act, s 291 (1), def community lease use, par (k)**.

This clause prescribes that *health facility* and *hospital* are community uses for the purpose of s 291 of the Act. This permits these uses as eligible for the grant of a community lease, and that the prescribed uses have the same meaning as in the territory plan.

Clause 6 Dictionary, definition of *proposed lease*

This clause replaces the words *Community leases—grant by tender* with *Grants of community leases* from the definition of *proposed lease* to align with the above amendment at clause 4.