

**AUSTRALIAN CAPITAL TERRITORY**  
**LAND (PLANNING AND ENVIRONMENT) ACT 1991**  
**EXPLANATORY STATEMENT**  
**DETERMINATION OF CLASSES OF APPLICATIONS**

**INSTRUMENT NO. 227 OF 1997**

As part of the Government's response to the 'Report into the Administration of the ACT Leasehold' an Office of the Commissioner for Land and Planning has been set up to provide independent decision making in relations to certain classes of Development Applications made under Part IV of the *Land (Planning and Environment) Act 1991* (the Act).

Part VI of the Act deals with Approvals and orders. Under sub-section 229A(1) of the Act the Minister may prescribe by instrument the classes of development applications that are to be referred to the Commissioner for determination in accordance with subsection 229A(3)

The instrument details the classes of development applications that the Minister shall refer to the Commissioner for Land and Planning. The classes of development applications include:

- applications that have received objections,
- applications that the Minister has directed be subject to an Environmental Assessment or Inquiry;
- applications involving a perception of conflict of interest if the decision were to be made by officers of Planning and Land Management Group
- applications that has been referred to the Heritage Council where the Council has commented to the effect that it does not agree to an approval of the application