



Australian Capital Territory

# **Land (Planning and Environment) Regulation 1992**

**SL1992-5**

made under the

**Land (Planning and Environment) Act 1991**

**Republication No 24**

**Effective: 1 March 2007 – 31 July 2007**

Republication date: 1 March 2007

Last amendment made by A2007-1

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Land (Planning and Environment) Regulation 1992*, made under the *Land (Planning and Environment) Act 1991* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 March 2007. It also includes any amendment, repeal or expiry affecting the republished law to 1 March 2007.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Land (Planning and Environment) Regulation 1992

made under the

**Land (Planning and Environment) Act 1991**

## Contents

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	Page	
<b>Part 1</b>	<b>Preliminary</b>	
1	Name of regulation	2
2	Dictionary	2
3	Meaning of terms used in plan etc	2
4	Notes	3
<b>Part 2</b>	<b>Environmental assessments</b>	
5	Content of public environment reports and environmental impact statements	4
6	Prescribed period—Act, s 121 (2)	6
7	Prescribed criteria—Act, s 123 (7)	7

---

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01/03/07

Land (Planning and Environment) Regulation 1992  
Effective: 01/03/07-31/07/07

contents 1

## Contents

---

	Page
8 Prescribed period—Act, s 129 (1)	7
9 Prescribed period—Act, s 130 (1)	7
10 Prescribed periods—Act, s 131 (1) and (2)	7
<b>Part 3 Land administration</b>	
<b>Division 3.1 Leases</b>	
10A Concessional lease exemptions—Act, s 159A	8
11 Prescribed period—Act, s 170 (1)	9
12 Confidential services and special dwellings—Act, s 175 (3) (a)	9
13 Farm tourism and other rural business (lease purpose)—Act, s 175 (3) (a)	10
14 Heavy vehicle parking (lease purposes)—Act, s 175 (3) (b)	10
14A Amount of refund for surrender or termination—Act, s 178 (1)	10
<b>Division 3.2 Variation of leases</b>	
15 Definitions for div 3.2	11
15A Meaning of <i>lease</i> over the largest parcel of land	12
16 Boundary variations remission—Act, s 184C (1)	12
19 Commissioner for housing remission—Act, s 184C (1)	12
20 Prescribed circumstances—Act, s 184C (1)	13
21 Remission of change of use charges—Act, s 184C (1)	14
22 Concessional lease increase—Act, s 184C (2)	14
23 Recently commenced lease increase—Act, s 184C (2)	15
24 Enlarged area of land increase—Act, s 184C (2)	16
25 Service station lease increase—Act, s 184C (2)	17
26 Variation of lease to pay out rent—prescribed leases	17
<b>Division 3.3 Consolidation and subdivision</b>	
27 Definitions for div 3.3	17
27A Meaning of <i>lease</i> over the largest parcel of land	18
30 Commissioner for housing remission—Act, s 187C (1)	18
31 Prescribed circumstances—Act, s 187C (1)	19
32 Remission of change of use charges—Act, s 187C (2)	19
33 Concessional lease increase—Act, s 187C (2)	20
34 Recently commenced lease increase—Act, s 187C (2)	21
35 Consolidation involving service station lease increase—Act, s 187C (2)	22

	Page
36 Subdivision involving service station lease increase—Act, s 187C (2)	23
<b>Part 4 Approvals and orders</b>	
<b>Division 4.1 Approvals</b>	
36A Meaning of <i>prescribed period</i> for div 4.1	24
37 Prescribed period—Act, s 230 (2)	24
37A Extension of prescribed period for preliminary assessment	24
37B Extension of prescribed period for directed assessments	25
37C Extension of prescribed period to conduct inquiry into application	25
37D Extension of prescribed period to supply further information—additional information sufficient	26
37E Extension of prescribed period to supply further information—additional information insufficient	26
37F Extension of prescribed period to supply further information—no additional information provided	27
37G Extension of prescribed period on application	28
38 Prescribed period—Act, s 237 (1)	28
<b>Division 4.2 Orders</b>	
39 Prescribed period—Act, s 254A (4)	29
<b>Division 4.3 Exemptions from Act, pt 6</b>	
39A Definition of <i>minor development</i> —determined criteria	32
40 Absolute exemptions from Act, pt 6	32
41 Notification exemptions—Act, s 229 (1) and (6)	33
42 Exclusion of appeals—general	33
43 Exclusion of appeals by objectors and third parties—Act, s 276	34
44 Ministerial exemptions for signs and advertising material	35

Contents

---

		Page
<b>Schedule 1</b>	<b>Unconditional exemptions from Act, pt 6</b>	36
<b>Schedule 2</b>	<b>Exemptions from Act, pt 6 subject to authority guideline</b>	43
<b>Schedule 3</b>	<b>Exemptions from Act, pt 6 subject to implementation plans</b>	45
<b>Schedule 4</b>	<b>Notification exemptions—Act, s 229 (1) and (6)</b>	46
<b>Schedule 5</b>	<b>Notification exemptions—Act, s 229 (1) (b) and (6)</b>	53
<b>Schedule 6</b>	<b>Exclusion of appeals, general—Act, s 275</b>	54
<b>Schedule 7</b>	<b>Exclusion of appeals by objectors and third parties—Act, s 276</b>	55
<b>Schedule 8</b>	<b>Civic centre area and town centre areas</b>	67
<b>Part 8.1</b>	<b>Civic centre area</b>	67
<b>Part 8.2</b>	<b>Belconnen town centre area</b>	68
<b>Part 8.3</b>	<b>Gungahlin town centre area</b>	69
<b>Part 8.4</b>	<b>Tuggeranong town centre area</b>	70
<b>Part 8.5</b>	<b>Woden town centre area</b>	71

---

<b>Dictionary</b>	Page
	72
<b>Endnotes</b>	
1 About the endnotes	78
2 Abbreviation key	78
3 Legislation history	79
4 Amendment history	86
5 Earlier republications	96
6 Renumbered provisions	97







Australian Capital Territory

# Land (Planning and Environment) Regulation 1992

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made under the

**Land (Planning and Environment) Act 1991**

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Land (Planning and Environment) Regulation 1992*.

### 2 Dictionary

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*subdivision*—see the Act, section 159.’ means that the term ‘subdivision’ is defined in that section and applies to this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and 156 (1)).

### 3 Meaning of terms used in plan etc

- (1) Terms used in the plan have the same respective meanings in this regulation.
- (2) A reference in this regulation to an area by a land use description (for example, ‘residential area’ or ‘group centre area’) is a reference to the area subject, under the plan, to the land use policy having that description.

**4 Notes**

A note included in this regulation is explanatory and is not part of the section.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

## Part 2 Environmental assessments

### 5 Content of public environment reports and environmental impact statements

For the Act, section 120 (a), the following matters are prescribed:

- (a) a statement setting out—
  - (i) the proposal to which the public environment report or environmental impact statement relates; and
  - (ii) the objectives of the proponent in seeking the defined decision to which the proposal relates; and
  - (iii) any means known to the applicant of achieving the objectives specified under subparagraph (ii) other than means that require the defined decision; and
  - (iv) the method by which it is proposed that effect should be given to the defined decision; and
  - (v) any other methods known to the proponent by which effect could be given to the defined decision; and
  - (vi) in relation to each method of giving effect to the defined decision specified under subparagraph (iv) or (v)—
    - (A) the parts of the environment that would be affected by giving effect to the defined decision by that method; and
    - (B) any environmental standards that the proponent would adopt in giving effect to the defined decision by that method; and
    - (C) any environmental safeguards that the proponent would adopt in giving effect to the defined decision by that method; and

- (vii) in relation to each means of achieving the objectives of the proponent in seeking the defined decision that are specified under subparagraph (iii)—
  - (A) the parts of the environment that would be affected in achieving the objectives by those means; and
  - (B) any environmental standards that the proponent would adopt in achieving the objectives by those means; and
  - (C) any environmental safeguards that the proponent would adopt in achieving the objectives by those means;
- (b) a detailed technical assessment in relation to each method of giving effect to the defined decision specified under paragraph (a) (iv) or (v) of—
  - (i) the environmental impact of giving effect to the defined decision by that method; and
  - (ii) the effectiveness of the adoption of any environmental standards specified in relation to the method under paragraph (a) (vi) (B); and
  - (iii) the effectiveness of the adoption of any environmental safeguards specified in relation to the method under paragraph (a) (vi) (C); and
  - (iv) the consequences of not adopting any environmental standards specified in relation to the method under paragraph (a) (vi) (B) and any environmental safeguards specified in relation to the method under paragraph (a) (vi) (C);
- (c) a detailed technical assessment in relation to each means of achieving the objectives of the proponent in seeking the defined decision that are specified under paragraph (a) (iii) of—

- (i) the environmental impact of achieving the objectives by those means; and
  - (ii) the effectiveness of the adoption of any environmental standards specified in relation to those means under paragraph (a) (vii) (B); and
  - (iii) the effectiveness of the adoption of any environmental safeguards specified in relation to those means under paragraph (a) (vii) (C); and
  - (iv) the consequences of not adopting the environmental standards specified in relation to the means under paragraph (a) (vii) (B) and any environmental safeguards specified in relation to the means under paragraph (a) (vii) (C);
- (d) details of the source of any information relied on, and of any consultation undertaken, in the preparation of the public environment report or environmental impact statement;
- (e) a description of the procedure adopted for the preparation of the public environment report or environmental impact statement;
- (f) a description of any research undertaken for the purpose of preparing the public environment report or environmental impact statement and details of any data obtained from the research in sufficient detail to permit an independent analysis of the data;
- (g) a statement specifying the name and qualifications of each person who participated in the preparation of the substance of the report and the part of the report that each of those persons prepared or assisted in preparing.

**6 Prescribed period—Act, s 121 (2)**

The prescribed period is 30 business days.

**7 Prescribed criteria—Act, s 123 (7)**

For the Act, section 123 (7), the following criteria are prescribed in relation to a consultant specified by the Minister:

- (a) the consultant is to hold professional qualifications relevant to the assessment to be made;
- (b) the consultant is to have experience relevant to the assessment to be made;
- (c) the consultant is to have experience in the preparation of environmental assessments.

**8 Prescribed period—Act, s 129 (1)**

For the Act, section 129 (1), the prescribed period is 42 days.

**9 Prescribed period—Act, s 130 (1)**

For the Act, section 130 (1), the prescribed period is 42 days.

**10 Prescribed periods—Act, s 131 (1) and (2)**

For the Act, section 131 (1) and (2), the period of 56 days is prescribed.

## Part 3 Land administration

### Division 3.1 Leases

#### 10A Concessional lease exemptions—Act, s 159A

The following leases are excluded from the definition of *concessional lease*:

- (a) a lease of territory land granted for residential purposes only;
- (b) a lease granted for rural purposes or purposes including rural purposes;
- (c) a lease granted to a territory-owned corporation;
- (d) a lease (the *individual lease*) granted for no consideration if—
  - (i) the individual lease is a subdivision of a lease (the *head lease*) held by the person to whom the individual lease is granted; and
  - (ii) the person has provided infrastructure on the land leased under the head lease;
- (e) a lease granted for commercial purposes if the lease was granted for less than market value only because—
  - (i) the lease was a lease for rent in excess of nominal rent that was granted after 1 January 1974; and
  - (ii) the rent was paid out—
    - (A) in accordance with a law that regulated the payment of land rent in the ACT and that was in force at the time of payment; or
    - (B) by agreement between the Commonwealth or Territory and the lessee.



**Examples of residential purposes for par (a)**

- 1 for the purpose of a single dwelling
- 2 for the purpose of not less than 3 dwellings and not more than 8 dwellings

**Examples of rural purposes for par (b)**

- 1 agriculture
- 2 horticulture
- 3 horse agistment
- 4 animal husbandry

**Examples of commercial purposes for par (e)**

- 1 industrial
- 2 business

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**11 Prescribed period—Act, s 170 (1)**

For the Act, section 170 (1), the prescribed period is 28 days from the day when the person who is entitled to the grant of the lease is notified by the planning and land authority that the lease is available for execution by the person.

**12 Confidential services and special dwellings—Act, s 175 (3) (a)**

For the Act, section 175 (3) (a), developments of the following type are prescribed developments:

- (a) the use of premises for the provision of confidential services (such as a domestic crisis service), if the Minister has, in writing, determined that it is in the public interest for the development to be so prescribed;
- (b) the use of residential premises as a special dwelling within the meaning of the plan.

**13 Farm tourism and other rural business (lease purpose)—  
Act, s 175 (3) (a)**

- (1) For the Act, section 175 (3) (a), the use of land in a rural lease for farm tourism, or another rural business, is a prescribed development if the use—
- (a) is secondary to the use of the land for the primary purpose authorised by the lease; and
  - (b) has no adverse effect on the environment in the area covered by, or adjacent to, the lease.

- (2) In this section:

*farm tourism* means operating a craft workshop, shop, guesthouse, outdoor recreation facility, overnight camping area or other activity for tourists.

**14 Heavy vehicle parking (lease purposes)—Act, s 175 (3) (b)**

- (1) The parking of a heavy vehicle on residential land in accordance with the *Road Transport (Safety and Traffic Management) Regulation 2000*, division 3.1.3 is a prescribed activity.

- (2) In this section:

*heavy vehicle*—see the *Road Transport (Safety and Traffic Management) Regulation 2000*, section 82.

**14A Amount of refund for surrender or termination—Act,  
s 178 (1)**

- (1) The amount prescribed for a lessee is the lesser of the following amounts:
- (a) the amount paid for the grant or transfer of the lease to the lessee;
  - (b) the market value of the lease.

- (2) However, the amount prescribed for a lessee is the price paid for the grant if—
- (a) the lessee is the lessee originally granted the lease; and
  - (b) the lease was granted before this section commences.
- (3) Subsection (2) and this subsection expire 7 years after the day this section commences.

## **Division 3.2                    Variation of leases**

### **15                    Definitions for div 3.2**

In this division:

*added value*, in relation to the variation of a lease, means the amount worked out in accordance with the formula—

$$V_1 - V_2$$

where  $V_1$  and  $V_2$  have the same respective meanings in relation to the variation as in the Act, section 184A (2) and (5).

*change of use charge*, in relation to the variation of a lease, means the change of use charge under the Act, section 184A (1) for that variation.

*consolidated lease* means a lease granted in the course of a consolidation following the surrender of 2 or more previous leases.

*further lease* means a lease granted under the Act, section 171, section 171A or section 172 following the surrender of a previous lease over the same land.

*lease*, over the largest parcel of land—see section 15A.

*regranted lease* means a lease granted following the surrender of a previous lease, as referred to in the Act, section 184.

*subdivided lease* means a lease granted in the course of a subdivision following the surrender of 1 or more previous leases.

**15A Meaning of *lease* over the largest parcel of land**

- (1) This section applies if—
  - (a) a number of leases are surrendered in the course of a subdivision or consolidation; and
  - (b) the parcels of land over which the leases were granted are not of equal area; and
  - (c) there are 2 or more parcels of land of equal area that are larger than all the other parcels.
- (2) In this division:  
*lease*, over the largest parcel of land, means any of the leases over the equally large parcels mentioned in subsection (1) (c).

**16 Boundary variations remission—Act, s 184C (1)**

- (1) For the Act, section 184C (1), the planning and land authority must remit in full change of use charge for the variation of a lease if—
  - (a) the only effect of the variation would be to alter a common boundary between 2 or more adjoining leases; and
  - (b) the land comprised in each such adjoining lease is leased for the same purposes; and
  - (c) no such adjoining lease permits the use of the leased land for rural purposes, or for purposes including rural purposes.
- (2) If subsection (1) applies in relation to the variation of a lease, this division does not otherwise apply in relation to the variation.

**19 Commissioner for housing remission—Act, s 184C (1)**

- (1) Subject to subsection (2), for the Act, section 184C (1), the planning and land authority must remit the change of use charge for the variation of a lease by an amount equal to 25% of the added value in relation to the variation if—

- (a) the lease is held by the commissioner for housing; and
  - (b) the lease was granted to the commissioner for a term beginning on or before 16 December 1987.
- (2) If a change of use charge eligible for a remission under subsection (1) is also subject to an increase under section 24 (Enlarged area of land increase—Act, s 184C (2)), the remission is to be offset by that increase.

**20 Prescribed circumstances—Act, s 184C (1)**

- (1) For the Act, section 184C (1), prescribed circumstances are that it is necessary or desirable to—
- (a) promote development of an area; or
  - (b) change the purposes for which land or buildings, or parts of land or buildings, in an area may be used; or
  - (c) promote the construction of housing meeting good design or construction criteria; or
  - (d) promote the construction of attached houses, apartments or 2 or more detached houses on a single lot; or
  - (e) promote the construction of housing accessible to, or adaptable for, frail or disabled people; or
  - (f) provide land for the exclusive use of community organisations; or
  - (g) assist occupiers of premises affected, or likely to be affected, by the operation of the *Smoking (Prohibition in Enclosed Public Places) Act 2003*, part 2 (Smoking prohibited in enclosed public places) to provide additional facilities at the premises.
- (2) Subsection (1) (g) applies only to an application for variation of a lease made before 1 December 2009.

- (3) Subsection (1) (g), subsection (2) and this subsection expire on 1 December 2010.

**21 Remission of change of use charges—Act, s 184C (1)**

- (1) The Minister may give written policy directions for deciding the remission of change of use charges under the Act, section 184C (1), for the variation of leases in circumstances prescribed by section 20.

- (2) A policy direction is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (3) If a policy direction is in effect, the planning and land authority must—
- (a) give a remission of a change of use charge for a variation of a lease to which the direction applies; and
  - (b) apply the direction in deciding the remission of change of use charge to be given for a variation of a lease to which the direction applies.

**22 Concessional lease increase—Act, s 184C (2)**

- (1) The planning and land authority must increase the change of use charge for the variation of a concessional lease by an amount equal to 25% of the added value in relation to the variation.

- (2) This section applies in relation to the variation of a concessional lease only if—

- (a) the lease is to be varied to provide for a use other than a community use; and
- (b) the lease is not a lease held by the commissioner for housing to which section 19 (Commissioner for housing remission—Act, s 184C (1)) applies.

- (3) This section does not apply in relation to a variation of a lease if section 25 applies in relation to the variation.

**23 Recently commenced lease increase—Act, s 184C (2)**

- (1) The planning and land authority must increase the change of use charge for the variation of a recently commenced lease by an amount equal to 25% of the added value in relation to the variation.
- (2) For this section, the following leases are *recently commenced leases*:
- (a) a lease (other than a further lease, a consolidated lease, a subdivided lease or a regranted lease) the term of which began 5 years or less before the date of the application for variation;
  - (b) a consolidated or subdivided recently commenced lease;
  - (c) a further recently commenced lease;
  - (d) a recently regranted lease.
- (3) Subsection (1) applies in relation to the variation of a lease consisting (under the Act, section 184) of the grant of a lease following the surrender of a previous lease if the surrendered lease was a recently commenced lease, unless the variation has the effect only of correcting an error in the surrendered lease.
- (4) This section does not apply to a variation of a lease to which either of the following sections applies:
- (a) section 22 (Concessional lease increase—Act, s 184C (2));
  - (b) section 25 (Service station lease increase—Act, s 184C (2)).
- (5) In this section:
- consolidated or subdivided recently commenced lease* means a lease granted in the course of a consolidation or subdivision involving the surrender of 1 or more previous leases if—
- (a) each surrendered lease was a recently commenced lease; or

- (b) if more than 1 lease was surrendered, and any (but not all) of the surrendered leases was a recently commenced lease—
  - (i) if the surrendered leases were not over parcels of land of equal area—the surrendered lease that was over the largest parcel of land was a recently commenced lease; or
  - (ii) if all surrendered leases were over parcels of land of equal area—any surrendered lease was a recently commenced lease.

*further recently commenced lease* means a further lease if the surrendered lease was a recently commenced lease.

*recently regranted lease* means a regranted lease if the surrendered lease was a recently commenced lease.

## **24 Enlarged area of land increase—Act, s 184C (2)**

- (1) This section applies in relation to a variation of a lease consisting (under the Act, section 184) of the grant of a lease following the surrender of a previous lease if the area of land comprised in the new lease is larger than the area of land comprised in the surrendered lease.
- (2) If this section applies, for the Act, section 184C (2) the planning and land authority must increase the change of use charge for the variation by an amount equal to 25% of that part of the added value of the variation attributable to the additional part of land comprised in the new lease.
- (3) This section does not apply in relation to the variation of a lease if either of the following sections applies in relation to the variation:
  - (a) section 22 (Concessional lease increase—Act, s 184C (2));
  - (b) section 25 (Service station lease increase—Act, s 184C (2)).



**25 Service station lease increase—Act, s 184C (2)**

- (1) This section applies in relation to the variation of a service station lease if, as a result of the variation, the lease ceases to be a service station lease.
- (2) For the Act, section 184C (2), if this section applies, the planning and land authority must increase the change of use charge for the variation by an amount equal to 25% of the added value in relation to the variation.

**26 Variation of lease to pay out rent—prescribed leases**

For the Act, section 186 (1) (a), each of the following classes of leases is prescribed:

- (a) leases granted for full market value payable as rent;
- (b) leases granted, for rural purposes or for purposes that include rural purposes, for a period of not less than 21 years;
- (c) concessional leases.

**Division 3.3 Consolidation and subdivision**

**27 Definitions for div 3.3**

In this division:

*added value*, in relation to a consolidation or a subdivision, means the amount worked out in accordance with the formula—

$$V_1 - V_2$$

where  $V_1$  and  $V_2$  have the same respective meanings in relation to the consolidation or subdivision as in the Act, section 187A (2).

*change of use charge*, in relation to a consolidation or subdivision, means the change of use charge under the Act, section 187A (1) for the consolidation or subdivision.

*consolidated lease* means a lease granted in the course of a consolidation following the surrender of 2 or more previous leases.

*further lease* means a lease granted under the Act, section 171, section 171A or section 172 following the surrender of a previous lease over the same land.

*lease*, over the largest parcel of land—see section 27A.

*regranted lease* means a lease granted following the surrender of a previous lease, as referred to in the Act, section 184.

*subdivided lease* means a lease granted in the course of a subdivision following the surrender of 1 or more previous leases.

### **27A Meaning of *lease* over the largest parcel of land**

- (1) This section applies if—
  - (a) a number of leases are surrendered in the course of a subdivision or consolidation; and
  - (b) the parcels of land over which the leases were granted are not of equal area; and
  - (c) there are 2 or more parcels of land of equal area that are larger than all the other parcels.
- (2) In this division:

*lease*, over the largest parcel of land, means any of the leases over the equally large parcels mentioned in subsection (1) (c).

### **30 Commissioner for housing remission—Act, s 187C (1)**

For the Act, section 187C (1), the planning and land authority must remit a change of use charge for a consolidation or subdivision by an amount equal to 25% of the added value in relation to the consolidation or subdivision if—

- (a) each lease to be surrendered is held by the commissioner for housing; and
- (b) each lease to be surrendered was granted to the commissioner for a term beginning on or before 16 December 1987.

**31 Prescribed circumstances—Act, s 187C (1)**

For the Act, section 187C (1), prescribed circumstances are that it is necessary or desirable to—

- (a) promote development in an area; or
- (b) change the purposes for which land may be used.

**32 Remission of change of use charges—Act, s 187C (2)**

- (1) The Minister may give written policy directions for deciding the remission of change of use charges under the Act, section 187C (1), for consolidations or subdivisions of leases in circumstances prescribed by section 31.
- (2) A policy direction is a disallowable instrument.  
*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
- (3) If a policy direction is in effect, the planning and land authority must—
  - (a) give a remission of a change of use charge for a consolidation or subdivision of leases to which the direction applies; and
  - (b) apply the direction in deciding the remission of change of use charge to be given for a consolidation or subdivision of leases to which the direction applies.

**33 Concessional lease increase—Act, s 187C (2)**

- (1) This section applies in relation to a consolidation or subdivision if any of the leases to be surrendered in the course of the consolidation or subdivision is a concessional lease.
- (2) For the Act, section 187C (2), the planning and land authority must increase the change of use charge for a consolidation or subdivision to which this section applies by an amount equal to 25% of that part of the added value in relation to the consolidation or subdivision that is attributable to the surrender of the concessional lease or leases in the course of the consolidation or subdivision.
- (3) This section applies in relation to a consolidation or subdivision only if a lease is to be granted in the course of the consolidation or subdivision for a use other than a community use.
- (4) This section does not apply in relation to a consolidation or subdivision if—
  - (a) section 34 (Recently commenced lease increase—Act, s 187C (2)) applies in relation to the consolidation or subdivision; and
  - (b) the amount of the increase in the change of use charge otherwise payable under this section is less than the amount of such an increase payable under section 34.
- (5) This section does not apply if—
  - (a) for a consolidation—section 35 (Consolidation involving service station lease increase—Act, s 187C (2)) applies; and
  - (b) for a subdivision—section 36 (Subdivision involving service station lease increase—Act, s 187C (2)) applies.

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**34 Recently commenced lease increase—Act, s 187C (2)**

- (1) This section applies in relation to a consolidation or subdivision where any of the leases to be surrendered is a recently commenced lease.
- (2) For the Act, section 187C (2), the planning and land authority must increase the change of use charge for a consolidation or subdivision to which this section applies by an amount equal to 25% of that part of the added value in relation to the consolidation or subdivision that is attributable to the surrender of the recently granted lease or leases in the course of the consolidation or subdivision.
- (3) For this section, the following leases are *recently commenced leases*:
  - (a) a lease (other than a further lease, a consolidated lease, a subdivided lease, or a regranted lease) the term of which began 5 years or less before the date of the application for consolidation or subdivision;
  - (b) a further recently commenced lease;
  - (c) a consolidated or subdivided recently commenced lease;
  - (d) a recently regranted lease.
- (4) This section does not apply in relation to a consolidation or subdivision if—
  - (a) section 33 (Concessional lease increase—Act, s 187C (2)) applies in relation to the consolidation or subdivision; and
  - (b) the amount of the increase in the change of use charge otherwise payable under this section is less than or equal to the amount of such an increase payable under section 33.
- (5) This section does not apply if—
  - (a) for a consolidation—section 35 (Consolidation involving service station lease increase—Act, s 187C (2)) applies; and

(b) for a subdivision—section 36 (Subdivision involving service station lease increase—Act, s 187C (2)) applies.

(6) In this section:

***consolidated or subdivided recently commenced lease*** means a lease granted in the course of a consolidation or subdivision involving the surrender of 1 or more previous leases if—

- (a) each surrendered lease was a recently commenced lease; or
- (b) if more than 1 lease was surrendered, and any (but not all) of the surrendered leases was a recently commenced lease—
  - (i) if the surrendered leases were not over parcels of land of equal area—the surrendered lease that was over the largest parcel of land was a recently commenced lease; or
  - (ii) if all surrendered leases were over parcels of land of equal area—any surrendered lease was a recently commenced lease.

***further recently commenced lease*** means a further lease if the surrendered or expired lease was a recently commenced lease.

***recently regranted lease*** means a regranted lease if the surrendered lease was a recently commenced lease.

### **35 Consolidation involving service station lease increase— Act, s 187C (2)**

- (1) This section applies in relation to a consolidation if—
  - (a) at least 1 of the leases to be surrendered is a service station lease; and
  - (b) the consolidated lease is not or, if 2 or more consolidated leases are granted, neither or none of the consolidated leases is, a service station lease.

- (2) For the Act, section 187C (2), the planning and land authority must increase the change of use charge for a consolidation in relation to which this section applies by an amount equal to 25% of that part of the added value in relation to the consolidation that is attributable to the surrendered service station lease or leases.

**36 Subdivision involving service station lease increase—  
Act, s 187C (2)**

- (1) This section applies in relation to a subdivision if—
- (a) the lease to be surrendered or, if more than 1 lease is to be surrendered, at least 1 of the leases to be surrendered, is a service station lease; and
  - (b) at least 1 of the subdivided leases is not a service station lease.
- (2) For the Act, section 187C (2), the planning and land authority must increase the change of use charge for a subdivision to which this section applies by—
- (a) if no subdivided lease is a service station lease—an amount equal to 25% of the added value of the subdivision that is attributable to the surrendered service station lease or leases; or
  - (b) if at least 1 of the subdivided leases is a service station lease—an amount equal to 25% of the added value of the subdivision that is attributable to that part of the surrendered service station lease or leases that is represented by a subdivided lease that is not a service station lease.

## Part 4 Approvals and orders

### Division 4.1 Approvals

#### 36A Meaning of *prescribed period* for div 4.1

In this division:

*prescribed period*, in relation to an application to undertake a development—see section 37.

#### 37 Prescribed period—Act, s 230 (2)

The *prescribed period* for the Act, section 230 (2) in relation to an application to undertake a development is—

- (a) 30 working days after the day the application is lodged; or
- (b) if an objection is made under the Act, section 237 not later than 30 working days after the day the application is lodged—45 working days after the day the application is lodged; or
- (c) if the period mentioned in paragraph (a) is extended under this division—the period mentioned in paragraph (a) plus each extension that applies to the application under this division; or
- (d) if the period mentioned in paragraph (b) is extended under this division—the period mentioned in paragraph (b) plus each extension that applies to the application under this division.

#### 37A Extension of prescribed period for preliminary assessment

- (1) This section applies if an applicant for an application to undertake a development is directed to prepare a preliminary assessment under the Act, section 113.



- (2) The prescribed period in relation to the application is extended by a period of the same length as the period—
  - (a) beginning on the day after the day the direction is given; and
  - (b) ending 6 weeks after the day the applicant submits the preliminary assessment to the Environment Minister.

**37B Extension of prescribed period for directed assessments**

- (1) This section applies to an application to undertake a development if a direction is given under the Act, section 121 to undertake an assessment of the application.
- (2) The prescribed period in relation to the application given is extended by a period of the same length as the period—
  - (a) beginning on the day after the day the direction is given; and
  - (b) ending on the day after the day the report under the Act, section 131 is completed.

**37C Extension of prescribed period to conduct inquiry into application**

- (1) This section applies to an application to undertake a development if a panel is established to conduct an inquiry in relation to the application.
- (2) The prescribed period for the application is extended by a period of the same length as the period—
  - (a) beginning on the day after the day the panel is established; and
  - (b) ending on the day after the day the panel's report is presented to the Legislative Assembly under the Act, section 141 (1).

**37D Extension of prescribed period to supply further information—additional information sufficient**

- (1) This section applies if—
  - (a) the applicant for an application to undertake a development is, by notice (the *request notice*) under the Act, section 233, required to give the planning and land authority further information in relation to the application; and
  - (b) the authority gives the request notice to the applicant not later than 15 business days after the day the applicant lodges the application; and
  - (c) no other notice requesting further information has been given to the applicant in relation to the application; and
  - (d) the applicant gives the authority the information required by the request notice before the end of the period stated in the notice.
- (2) The prescribed period in relation to the application is extended by a period—
  - (a) beginning on the day after the day the planning and land authority gives the applicant the request notice; and
  - (b) ending on the day after the day the applicant gives the authority the information required by the request notice.

**37E Extension of prescribed period to supply further information—additional information insufficient**

- (1) This section applies if—
  - (a) the applicant for an application to undertake a development is, by notice (the *request notice*) under the Act, section 233, required to give the planning and land authority further information in relation to the application; and

- (b) the authority gives the request notice to the applicant not later than 15 business days after the day the applicant lodges the application; and
- (c) no other notice requesting further information has been given to the applicant in relation to the application; and
- (d) the applicant gives the authority information relating to the request notice before the end of the period stated in the request notice; and
- (e) the authority decides that the information given in relation to the request notice is insufficient and gives the applicant written notice (the *insufficiency notice*) of the decision.

*Note* The Legislation Act, s 151B provides the time for doing things for which no time is fixed.

- (2) The prescribed period in relation to the application is extended by a period—
  - (a) beginning on the day after the day the planning and land authority gives the applicant the request notice; and
  - (b) ending 28 days after the day the applicant receives the insufficiency notice.

**37F Extension of prescribed period to supply further information—no additional information provided**

- (1) This section applies if—
  - (a) the applicant for an application to undertake a development is, by notice (the *request notice*) under the Act, section 233, required to give the planning and land authority further information in relation to the application; and
  - (b) the authority gives the request notice to the applicant not later than 15 business days after the day the applicant lodges the application; and

- (c) no other notice requesting further information has been given to the applicant in relation to the application; and
  - (d) the applicant does not give the authority the information requested by the request notice before the end of the period stated in the request notice.
- (2) The prescribed period in relation to the application is extended by a period of the same length as the period stated in the request notice.

### **37G Extension of prescribed period on application**

- (1) This section applies if, before the end of the prescribed period—
- (a) the applicant for an application to undertake a development applies in writing for an extension of the prescribed period; and
  - (b) the applicant has not applied previously for an extension of the prescribed period.
- (2) The relevant authority may extend the prescribed period for the application.
- (3) The Legislation Act, section 151C (Power to extend time) does not apply in relation to an application for an extension to which this section applies.

### **38 Prescribed period—Act, s 237 (1)**

For the Act, section 237 (1), the prescribed period in relation to an application for development is—

- (a) 15 business days beginning on the date of publication of notice of the application in a daily newspaper under the Act, section 229 (1) (b); or
- (b) if the Act, section 229 (1) (b) and (6) do not apply in relation to the development (under section 41 (2))—10 business days after the latest notice of the application was given under the Act, section 229 (1) (a); or

- (c) if the Act, section 229 (1) (a) and (b) and (6) do not apply in relation to the development (under section 41 (1))—the period beginning on the day the application is made and ending at the end of the day before the day the application is approved or refused.

## **Division 4.2                      Orders**

### **39                      Prescribed period—Act, s 254A (4)**

- (1) The prescribed period is—
- (a) if—
- (i) an application is made under the Act, section 254 (1) for an order in relation to an activity mentioned in the Act, schedule 5, item 1, 4 or 5; and
  - (ii) application had previously been made under the Act, section 226 for approval to conduct the activity in relation to which the order is sought and the relevant authority had not approved or refused to approve that application before the making of the application under the Act, section 254 (1); and
  - (iii) the relevant authority approves the application under the Act, section 226;
- 21 days beginning on the day the approval of the application under the Act, section 226 takes effect; or
- (b) if—
- (i) an application is made under the Act, section 254 (1) for an order in relation to an activity mentioned in the Act, schedule 5, item 1, 4 or 5; and
  - (ii) application is made under the Act, section 226 for approval to conduct the activity in relation to which the order is sought and that application is made within

21 days beginning on the day when the relevant authority receives the application under the Act, section 254 (1); and

- (iii) the relevant authority approves the application under the Act, section 226;

21 days beginning on the day the approval of the application under the Act, section 226 takes effect; or

(c) if—

- (i) an application is made under the Act, section 254 (1) for an order in relation to an activity mentioned in the Act, schedule 5, item 1, 4 or 5; and
- (ii) application had previously been made under the Act, section 226 for approval to conduct the activity in relation to which the order is sought and the relevant authority had not approved or refused to approve that application before the making of the application under the Act, section 254 (1); and
- (iii) the relevant authority refuses to approve the application under the Act, section 226 or is to be taken to have refused the application;

21 days beginning on—

- (iv) the day when the relevant authority notifies the applicant for approval under the Act, section 226 of his or her refusal to approve the application; or
- (v) the first day when the relevant authority is to be taken to have refused the application;

as the case requires; or

- (d) if—
- (i) an application is made under the Act, section 254 (1) for an order in relation to an activity mentioned in the Act, schedule 5, item 1, 4 or 5; and
  - (ii) application is made under the Act, section 226 for approval to conduct the activity in relation to which the order is sought and that application is made within 21 days beginning on the day when the relevant authority receives the application under the Act, section 254 (1); and
  - (iii) the relevant authority refuses to approve the application under the Act, section 226 or is to be taken to have refused the application;
- 21 days beginning on—
- (iv) the day when the relevant authority notifies the applicant for approval under the Act, section 226 of his or her refusal to approve the application; or
  - (v) the first day when the relevant authority is to be taken to have refused the application;
- as the case requires; or
- (e) in any other case—21 days beginning on the day when the Minister receives the application under the Act, section 254 (1).

- (2) In the application of subsection (1) to an application under the Act, section 254 (1) for an order in relation to a development mentioned in the Act, schedule 5, item 5, a reference to an application for approval to conduct the development in relation to which the order is sought is to be read as a reference to an application for retrospective approval in relation to a development that was undertaken without approval, as mentioned in the Act, section 226 (9).

## Division 4.3 Exemptions from Act, pt 6

### 39A Definition of *minor development*—determined criteria

- (1) The Minister may, in writing, determine criteria for the dictionary, definition of *minor development*, paragraph (h).
- (2) A determination is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

### 40 Absolute exemptions from Act, pt 6

- (1) The Act, part 6 does not apply to a development listed in schedule 1.
- (2) The Act, part 6 does not apply to a development listed in schedule 2 if the development (as proposed) is consistent with a guideline or standard adopted by the authority for this subsection and the guideline or standard that relates to the development.
- (3) The Act, part 6 does not apply to a development listed in schedule 3 if the development is consistent with an approved implementation plan under the *Buildings (Design and Siting) Act 1964*.
- (4) Subsections (1), (2) and (3) do not apply in relation to a development, other than the development listed at schedule 1, item 1, if—
  - (a) the development is part of, or is carried out in association with, a development to which the Act, part 6 applies; or
  - (b) the development—
    - (i) affects a place that is registered, or nominated for provisional registration, under the *Heritage Act 2004*; and
    - (ii) would be inconsistent with a heritage guideline applying to the place; or



- (c) the development would be inconsistent with a condition of an approval, a provision of a lease or an agreement collateral to the grant of a lease.
- (5) The Act, part 6 does not apply to—
  - (a) the construction, alteration or demolition of a public road in a designated area; or
  - (b) any works in a designated area related to the construction, alteration or demolition of a public road; or
  - (c) any other development in a designated area that requires approval under the Commonwealth Act, section 12 (Works in Designated Areas to be subject to Plan and approval by the Authority).
- (6) In subsection (5):

*Commonwealth Act* means the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth).

*designated area*—see the Commonwealth Act, section 4, definition of *Designated Area*.

*works*—see the Commonwealth Act, section 4.

#### **41 Notification exemptions—Act, s 229 (1) and (6)**

- (1) A development listed in schedule 4 is exempt from the application of the Act, section 229 (1) and (6).
- (2) A development listed in schedule 5 is exempt from the application of the Act, section 229 (1) (b) and 229 (6).

#### **42 Exclusion of appeals—general**

- (1) The Act, section 275 does not apply if the decision relates to development listed in schedule 6.

- (2) If a decision of the relevant authority relates to more than 1 development, subsection (1) excludes from the application of the Act, section 275 only that aspect of the decision that concerns any development listed in schedule 6.
- (3) The Act, section 275 does not apply to a decision by the relevant authority in relation to the construction of the Gungahlin Drive extension.
- (4) In subsection (3):

***Gungahlin Drive extension*** means the road proposed to run from the Barton Highway to the Glenloch Interchange, substantially as shown in the plans mentioned in the following reports (which are available for public inspection at the offices of the administrative unit responsible for road services):

- (a) Gungahlin Drive Extension Document Readiness Report, February 2004 Package A, Project No US 01176C-01, plan numbers 32416A-PP-061, 062, 063, 064, 065 and 066;
- (b) Gungahlin Drive Extension Document Readiness Report, February 2004 Package B, Project No US 01176C-02, plan numbers 32416B-PP-061 and 062.

*Note 1* The plans are available for public inspection at Roads ACT, level 7, Macarthur House, 12 Wattle Street, Lyneham ACT 2602.

*Note 2* The plans are also available for public inspection at [www.gde.act.gov.au/download/alignment\\_details.htm](http://www.gde.act.gov.au/download/alignment_details.htm).

- (5) Subsections (3) and (4) and this subsection expire 5 years after the day they commence.

#### **43 Exclusion of appeals by objectors and third parties—Act, s 276**

- (1) The Act, section 276 does not apply if the decision relates to development listed in schedule 7.

- (2) If a decision of the relevant authority relates to more than 1 development, subsection (1) excludes from the application of the Act, section 276 only that aspect of the decision that concerns any development listed in schedule 7.
- (3) The Act, section 276 does not apply to a decision by the relevant authority in relation to the construction of the Gungahlin Drive extension.
- (4) In subsection (3):  
*Gungahlin Drive extension*—see section 42 (4).
- (5) Subsections (3) and (4) and this subsection expire 5 years after the day they commence.

#### **44 Ministerial exemptions for signs and advertising material**

For the Act, section 282 (2), the Minister may exempt from the Act, part 6 or any provision of that part a development that consists of the erection, fixing or displaying of a sign or advertising material on land, otherwise than in accordance with a right to do so expressly given by a current licence granted under the Act or a current lease.

*Note* An exemption under this section is a disallowable instrument (see the Act, s 282 (2)).

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## Schedule 1      Unconditional exemptions from Act, pt 6

(see s 40 (1))

<b>column 1 item</b>	<b>column 2 exemption</b>
1	A development carried out by or on behalf of the Territory in an emergency to protect the health or safety of the public, or for the protection of public property.
2	Internal alteration of a building, if— <ul style="list-style-type: none"><li>(a) for a residential building—the alteration would not increase the number of dwellings within the building; and</li><li>(b) for a commercial building—the alteration would not increase the building’s gross floor area; and</li><li>(c) in any case—the alteration would not result in the building’s being classified differently under the classification scheme set out in the building code.</li></ul>

column 1 item	column 2 exemption
3	<p>Construction, alteration or demolition of a building or structure, or the carrying out of earthworks, landscaping or other construction work, if—</p> <ul style="list-style-type: none"> <li>(a) the development is to be undertaken on Territory land leased for rural purposes, or for purposes including rural purposes; and</li> <li>(b) the development is a minor development; and</li> <li>(c) the development is reasonably connected with those rural purposes; and</li> <li>(d) the development does not require a licence or permit under the <i>Water Resources Act 1998</i>, an authorisation under the <i>Environment Protection Act 1997</i> or an approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwlth); and</li> <li>(e) the development will not result in the substantial clearing of 0.5ha or more of native vegetation; and</li> <li>(f) the development is not contrary to a land management agreement under the Act, section 186C.</li> </ul>
4	<p>Variation of a lease under a provision of the lease to effect the withdrawal by the planning and land authority of part of the land over which the lease was granted.</p>
5	<p>Variation of a lease to effect a subdivision, if—</p> <ul style="list-style-type: none"> <li>(a) each lease to be surrendered was granted for purposes including development and subdivision; and</li> <li>(b) the land over which each lease was granted has been developed in accordance with the lease.</li> </ul>

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<b>column 1 item</b>	<b>column 2 exemption</b>
6	Surrender of a rural lease and the granting of a new rural lease over the whole of the land comprised in the surrendered lease and additional land.
7	Consolidation of rural leases. <i>Note</i> The Act, s 186H and s 187 impose limitations on the consolidation of rural leases.
8	A development solely undertaken for the purposes of the maintenance of a building or structure.
9	Carrying out work that would affect the landscape of land leased for residential purposes only.
10	Works relating to footpaths within a road reserve or pathway reserve.
11	Surfacing a road, cycleway or carpark.
12	Works relating to traffic management devices used for pedestrian or vehicle control, including the following devices: <ul style="list-style-type: none"><li>(a) signs;</li><li>(b) lines;</li><li>(c) traffic signals.</li></ul>
13	Minor flood mitigation measures.
14	Playground developments or improvements by or on behalf of the Territory.
15	Erection, alteration or demolition of fences and freestanding walls, being fences and walls that do not exceed 1.8m in height and are located behind the building line.

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column 1 item	column 2 exemption
16	<p>Erection or alteration of an exempt building or structure (other than a structure mentioned in item 28) if, on completion of the development—</p> <ul style="list-style-type: none"> <li data-bbox="555 689 1337 757">(a) no part of the building or structure would be between a front boundary and a building line; and</li> <li data-bbox="555 779 1337 887">(b) the building or structure has no metal roofing or walling that is untreated, pre-coloured or painted white or off-white; and</li> <li data-bbox="555 909 1337 1160">(c) if the building or structure is a class 10 building (other than a retaining wall, external deck, terrace, landing, external stairs or boundary fence or wall) under the building code—the building or structure is the only building or structure any part of which is less than 1.5m from a side or rear boundary of the leased land where it is erected; and</li> <li data-bbox="555 1182 1337 1323">(d) if the building or structure is a retaining wall, external deck, terrace, landing or external stairs—no part of the building or structure is less than 1.5m from a side or rear boundary of the leased land where it is erected.</li> </ul>
17	Demolition of an exempt building or structure.
18	Changing the external material or finish of a building if the change would not significantly affect the appearance of the building.
19	Variation of roof pitch if the variation is not greater than 2°.
20	Installation of a chimney, flue or vent extending not more than 1.5m above the surface of a roof.

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<b>column 1 item</b>	<b>column 2 exemption</b>
21	Resiting a building in relation to which approval has been given under the Act or under the <i>Buildings (Design and Siting) Act 1964</i> by not more than 150mm horizontally, except if the approval requires that the building be built adjacent to a boundary.
22	Installation of an external switchboard.
23	Installation of external security lighting if the installation is a minor development.
24	Installation or removal of electricity, water, gas, communications or similar services, other than reticulated services or trunk supply services.
25	Installation or removal of drainage services other than reticulated services or trunk drainage services.
26	Erection or installation of a temporary, portable or demountable building or structure for a specific event or project, if the building or structure is to be removed at the end of 6 months, or any further period approved by the planning and land authority in writing.
27	External repainting of a dwelling.
28	A development in relation to an external deck, external stairs, an external landing or a retaining wall if the deck, stairs, landing or wall is not more than 0.4m in height.
29	A development in relation to a letterbox not exceeding, or that is not to exceed, 2m <sup>2</sup> in area or 1.8m in height.
30	The planting or harvesting of plantation trees within a plantation area for the purposes of plantation forestry within the meaning of the plan.
32	Variation of a lease solely to permit a development mentioned in another item of this schedule.

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column 1 item	column 2 exemption
33	Placing or displaying a movable sign in a public place.
34	Installation or alteration of a satellite dish for receiving purposes if— <ul style="list-style-type: none"> <li data-bbox="555 701 1270 768">(a) the building where the dish is to be installed, or is located, is—               <ul style="list-style-type: none"> <li data-bbox="651 790 1038 822">(i) in a residential area; and</li> <li data-bbox="651 844 1007 875">(ii) a single dwelling; and</li> </ul> </li> <li data-bbox="555 898 1254 965">(b) the face of the dish as installed or altered can be contained within a circle 0.65m in diameter; and</li> <li data-bbox="555 987 1334 1099">(c) if any adjacent area of the roof is pitched—no part of the dish as installed or altered would project above the roof ridge line of the adjacent pitched roof; and</li> <li data-bbox="555 1122 1254 1189">(d) the dish as installed or altered and its supporting structure have a matt finish.</li> </ul>
35	Installation or alteration of a satellite dish that is for receiving purposes only on a building that is not in a residential area if, as installed or altered— <ul style="list-style-type: none"> <li data-bbox="555 1335 1238 1402">(a) the face of the dish would be capable of being contained within a circle 1.5m in diameter; and</li> <li data-bbox="555 1424 1318 1491">(b) the dish and its supporting structure would be colour-matched to its background and have a matt finish; and</li> <li data-bbox="555 1514 1270 1581">(c) the dish and its supporting structure would not be conspicuous from an adjacent residential area.</li> </ul>

Schedule 1 Unconditional exemptions from Act, pt 6

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column 1 item	column 2 exemption
36	Installation or alteration of a microwave antenna that is for receiving purposes only on a building if, as installed or altered— <ul style="list-style-type: none"><li>(a) the face of the dish of the antenna would be capable of being contained within a circle 0.65m in diameter; and</li><li>(b) the antenna and its supporting structure would be—<ul style="list-style-type: none"><li>(i) not more than 1m high; and</li><li>(ii) colour-matched to its background and have a matt finish.</li></ul></li></ul>
37	Removal of a satellite dish or microwave antenna mentioned in item 32, item 33 or item 34 from a building.

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## Schedule 2 Exemptions from Act, pt 6 subject to authority guideline

(see s 40 (2))

column 1 item	column 2 exemption
1	Installation or removal of a bus stop (including a marker, pad or seat) within a road corridor.
2	Erection or removal of a bus shelter (other than in the Civic Centre area, a Town Centre area or a Group Centre area).
3	Installation or removal of lighting for parking or in a public area.
4	Tree and shrub planting or removal on unleased territory land by or on behalf of the Territory.
5	Minor landscape works other than works carried out in the Civic Centre area, a Town Centre area or a Group Centre area.
7	Erection or removal of lighting columns.
8	Installation on or removal from unleased territory land of street furniture, including the following: <ul style="list-style-type: none"><li>(a) fixed benches;</li><li>(b) fixed garbage bins;</li><li>(c) recycling bins;</li><li>(d) parking meters;</li><li>(e) streetlights;</li><li>(f) street signs;</li><li>(g) guardrails and protective rails;</li><li>(h) planter boxes.</li></ul>

**Schedule 2** Exemptions from Act, pt 6 subject to authority guideline

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<b>column 1 item</b>	<b>column 2 exemption</b>
9	Installation or removal of reticulated services.
10	Installation, alteration or removal of an externally mounted photovoltaic panel.
11	Installation, alteration or removal of an externally mounted solar water heater.
12	Installation, alteration or removal of an externally mounted airconditioning unit.

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## Schedule 3 Exemptions from Act, pt 6 subject to implementation plans

(see s 40 (3))

<b>column 1 item</b>	<b>column 2 exemption</b>
1	Erection or removal of a bus shelter.
2	Construction, modification or removal of a pathway through unleased territory land.
3	Minor landscape works other than works carried out in the Civic Centre Area, a Town Centre Area or a Group Centre Area.
4	Installation or removal of reticulated services.

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## Schedule 4 Notification exemptions—Act, s 229 (1) and (6)

(see s 41 (1))

column 1 item	column 2 exemption
1	Variation of a lease to reduce the rent payable under the lease to a nominal rent.
2	Development related to the proposed use of premises for confidential services (such as a domestic violence crisis service), if the Minister has made a determination in relation to those premises under section 12 (a).
3	Development related to the proposed use of residential premises as a special dwelling.
4	Consolidation.
5	Variation of a lease if the whole of the land comprised in the lease is identified in the plan for the Act, subdivision 2.3.4.
6	Variation of a lease if the lease, as varied, would permit (or would continue to permit) the use of the land for rural purposes, or for purposes including rural purposes, if— <ol style="list-style-type: none"><li>(a) the sole effect of the variation would be to omit a provision relating to the withdrawal of land by the Territory; or</li><li>(b) if the variation is to consist of the surrender of an existing lease and the grant of a new lease, as mentioned in the Act, section 223 (2)—the differences between the existing lease and the proposed new lease are limited to any of the following:</li></ol>

column 1 item	column 2 exemption
	<ul style="list-style-type: none"> <li>(i) the omission of a provision in the existing lease relating to the withdrawal of land by the Territory;</li> <li>(ii) the date of commencement;</li> <li>(iii) the proposed new lease being expressed to terminate on a day before that of the existing lease.</li> </ul>
7	<p>Use of land for a home business, if—</p> <ul style="list-style-type: none"> <li>(a) the land is leased for residential purposes only; and</li> <li>(b) such use by the applicant is currently approved under the Act, part 6; and</li> <li>(c) no complaints about that use have been received by the planning and land authority within the 12 months before the application.</li> </ul>
8	<p>A minor development in relation to land within a residential area, if the planning and land authority has reasonable grounds for considering that the enjoyment of any adjoining land would not be detrimentally affected by the development.</p>
9	<p>A minor development in relation to land other than within a residential area.</p>
10	<p>The erection or alteration of 1 or more dwellings, or of buildings or structures associated with 1 or more dwellings, on land within a residential area, if—</p> <ul style="list-style-type: none"> <li>(a) if the land has not previously been developed— <ul style="list-style-type: none"> <li>(i) the development would consist of the erection of no more than 1 dwelling, and of any associated buildings or structures; or</li> </ul> </li> </ul>

column 1 item	column 2 exemption
	<ul style="list-style-type: none"> <li>(ii) if a multi-unit development is applied for—at the time of the application, the lease permits a development of the type applied for, or the lease was granted expressly for development and subdivision; and</li> <li>(b) if the land has previously been developed—the development would not result in an increase in the number of dwellings on the land; and</li> <li>(c) the area of the parcel of land is not more than 450m<sup>2</sup> and no setback is required by the territory plan for the dwelling, building or structure in relation to 1 side boundary only; and</li> <li>(d) if the area of the land is more than 450m<sup>2</sup>, the setback of the dwelling, building or structure, as proposed to be erected or altered, would be no less than— <ul style="list-style-type: none"> <li>(i) in relation to the front boundary setback— <ul style="list-style-type: none"> <li>(A) 6m from any front boundary; or</li> <li>(B) if the land has not previously been developed for urban purposes, and approval for the subdivision of the land had been given after 18 October 1993 (being an approval within the meaning of the plan, appendix 3.1, paragraph D2.1)—4m from any front boundary; and</li> </ul> </li> <li>(ii) 3m from any rear boundary; and</li> <li>(iii) 1.5m from any side boundary, except if the development is a multi-unit development; and</li> </ul> </li> </ul>



column 1 item	column 2 exemption
	<ul style="list-style-type: none"> <li>(iv) if the development is a multi-unit development—3m from any side boundary; and</li> </ul>
	<ul style="list-style-type: none"> <li>(e) if the land has previously been developed—the development would not result in an increase of more than 75m<sup>2</sup> in the total of the following:               <ul style="list-style-type: none"> <li>(i) the gross floor area of all buildings and structures on the land, except for buildings or structures not enclosed by means of walls and a roof;</li> <li>(ii) for buildings and structures not enclosed by means of walls and a roof—the plan area of each such building and structure; and</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>(f) the development would not result in—               <ul style="list-style-type: none"> <li>(i) the erection of any building on the land having more than 1 storey; or</li> <li>(ii) the erection of any building or structure on the land having a height exceeding 6.5m; and</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>(g) the development would not result in—               <ul style="list-style-type: none"> <li>(i) the alteration of any building on the land at the time of the application to add 1 or more storeys; or</li> <li>(ii) the alteration of any building or structure on the land at the time of the application to increase its height, except if the height would be increased to 6.5m or less; or</li> </ul> </li> </ul>

column 1 item	column 2 exemption
	<ul style="list-style-type: none"> <li>(iii) the alteration of any building on the land at the time of the application by the construction of an extension having more than 1 storey; or</li> <li>(iv) the alteration of any building or structure on the land at the time of the application by the construction of an extension having a height exceeding 6.5m.</li> </ul>
11	Demolition of a building or structure in connection with the erection or alteration of a building or structure, if the erection or alteration is listed elsewhere in this schedule.
12	Development by or on behalf of the Territory on land identified in the plan for the Act, subdivision 2.3.4 consisting of the erection, alteration or demolition of a building or structure, or the carrying out of earthworks or other construction work that would affect the landscape of the land.
13	Development by or on behalf of the Territory consistent with— <ul style="list-style-type: none"> <li>(a) an approved implementation plan under the <i>Buildings (Design and Siting) Act 1964</i>; or</li> <li>(b) a draft implementation plan under the <i>Buildings (Design and Siting) Act 1964</i> that, as at 24 June 1997, had been neither approved nor rejected by the Minister.</li> </ul>
14	Development on land in an industrial area consisting of the erection, fixing or display of a sign or advertising material on the land, or on a structure or building on the land.
15	Construction, alteration or demolition of a public road or a car park within a road reserve.

column 1 item	column 2 exemption
16	<p>Construction, alteration, removal or demolition of a floodway, sewerage or drainage works, a public road, a car park or utilities work on unleased territory land or on land subject to a lease granted for purposes that include subdivision and development if—</p> <p>(a) no direction that an assessment be made of the relevant proposal has been given under the Act, section 121 (1); or</p> <p>(b) if an assessment has been submitted to the Environment Minister—any conditions recommended by the Minister under the Act, section 131 (3) (d) have been complied with.</p>
17	<p>Construction, alteration or removal of trunk supply services, a building or structure for railway use, or a distribution reservoir, major electrical substation, major pump station, power generation station, treatment plant or water storage dam, if—</p> <p>(a) no direction that an assessment be made of the relevant proposal has been given under the Act, section 121 (1); or</p> <p>(b) if an assessment has been submitted to the Environment Minister—any conditions recommended by the Minister under the Act, section 131 (3) (d) have been complied with.</p>
18	<p>Installation, alteration or removal of reticulated services on unleased territory land or land subject to a lease granted for purposes that include subdivision and development.</p>
19	<p>A development that is required by a lease and development condition.</p>
20	<p>Amendment of a schedule of unit entitlement under the <i>Unit Titles Act 2001</i>.</p>

**Schedule 4** Notification exemptions—Act, s 229 (1) and (6)

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<b>column 1 item</b>	<b>column 2 exemption</b>
21	Variation of a lease solely to permit a development mentioned in another item of this schedule.
22	A minor development to vary a lease only to incorporate into the lease an encroachment onto, over or under unleased territory land from the lease.

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## Schedule 5 Notification exemptions—Act, s 229 (1) (b) and (6)

(see s 41 (2))

column 1 item	column 2 exemption
1	Erection, alteration or demolition of a single dwelling, if the development would not result in more than 1 dwelling being on the land.
2	Demolition of a building or structure in connection with an erection or alteration of a building or structure if the erection or alteration listed in item 1.
3	Erection, alteration or demolition of a structure that is a class 10 building under the building code.
4	Variation of a lease solely to permit a development mentioned in another item of this schedule.
5	Installation, alteration or removal of an externally mounted photovoltaic panel.
6	Installation, alteration or removal of an externally mounted solar water heater.
7	Installation, alteration or removal of an externally mounted airconditioning unit.

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## Schedule 6      Exclusion of appeals, general—Act, s 275

(see s 42)

<b>column 1 item</b>	<b>column 2 exclusion</b>
1	Development in relation to an encroachment onto, over or under unleased territory land.
2	A development if the application for the development is decided by the Minister after consideration under the Act, section 229B.
3	Variation of a lease to increase the area of land comprised in the lease.
4	Development on unleased territory land.

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## Schedule 7 Exclusion of appeals by objectors and third parties—Act, s 276

(see s 43)

column 1 item	column 2 exclusion
1	Development listed in schedule 4.
2	A development if the application for the development is approved by the Minister after consideration under the Act, section 229B, whether or not a condition is included in the approval.
3	Erection, fixing or display of a sign or advertising material on the land, or on a structure or building on the land.
4	Minor development consisting of the carrying out of earthworks, or other construction work that would affect the landscape of the land.
5	Erection, alteration or demolition of a single dwelling, if the development would not result in more than 1 dwelling being on the land.
6	Erection, alteration or demolition of a structure that is a class 10 building under the building code.

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column 1 item	column 2 exclusion
7	<p data-bbox="480 555 1337 622">Development on land in a municipal services area, other than land in the Civic centre area or a town centre area, if—</p> <ul style="list-style-type: none"><li data-bbox="555 645 1337 757">(a) the land would, if the development is approved, be no less than 50m away from any residential area at its nearest point; and</li><li data-bbox="555 779 1337 1182">(b) the development would not result in any of the following uses of the land being permitted:<ul style="list-style-type: none"><li data-bbox="651 869 975 898">(i) hazardous industry;</li><li data-bbox="651 920 1054 949">(ii) hazardous waste industry;</li><li data-bbox="651 972 986 1001">(iii) incineration facility;</li><li data-bbox="651 1023 831 1052">(iv) land fill;</li><li data-bbox="651 1075 943 1104">(v) liquid fuel depot;</li><li data-bbox="651 1126 963 1155">(vi) offensive industry;</li></ul></li><li data-bbox="555 1205 1337 1346">(c) the development would not increase the gross floor area of any buildings on the land beyond a plot ratio of 1:1, calculated by reference to the area of the land as at the time of the application; and</li><li data-bbox="555 1368 1337 1653">(d) the development does not consist of—<ul style="list-style-type: none"><li data-bbox="651 1429 1337 1496">(i) the erection of a building or structure on the land with a height greater than 10m; or</li><li data-bbox="651 1518 1337 1653">(ii) the alteration of any building or structure on the land at the time of the application so as to increase its height, if that height would exceed 10m after the alteration.</li></ul></li></ul>

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column 1 item	column 2 exclusion
8	<p>Development on land in a commercial area, other than land in the Civic centre area or a town centre area, if—</p> <ul style="list-style-type: none"> <li data-bbox="555 651 1329 757">(a) the land would, if the development is approved, be no less than 50m away from any residential area at its nearest point; and</li> <li data-bbox="555 779 1329 920">(b) if the land has been previously developed—the development would not increase the total gross floor area of all buildings on the land by more than 50%; and</li> <li data-bbox="555 943 1329 1084">(c) if at the time of the application the lease permits a community use, or a use including a community use—the development would not have the effect of prohibiting a community use of the land; and</li> <li data-bbox="555 1106 1329 1211">(d) the development would not have the effect of permitting the use of the land for a corrections facility; and</li> <li data-bbox="555 1234 1329 1749">(e) if the land is within a commercial ‘E’ (corridors and office sites) area— <ul style="list-style-type: none"> <li data-bbox="651 1330 1329 1503">(i) if there is no building or structure on the land at the time of the application that has more than 4 storeys—the development would not result in any building or structure on the land having more than 4 storeys; and</li> <li data-bbox="651 1525 1329 1749">(ii) if there is a building or structure on the land at the time of the application that has more than 4 storeys—the development would not result in any increase in the height of such a building or structure, or in any other building or structure on the land having more than 4 storeys; and</li> </ul> </li> </ul>

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column 1 item	column 2 exclusion
	<ul style="list-style-type: none"><li data-bbox="635 577 1331 757">(iii) if the land is within a corridor precinct specified in part B2E of the plan—the development would result in the setback of any proposed new building being no less than 10m from the front boundary; and</li><li data-bbox="555 779 1331 1256">(f) if the land is within a Group Centre area if—<ul style="list-style-type: none"><li data-bbox="651 835 1331 1014">(i) if there is no building or structure on the land at the time of the application that has more than 2 storeys—the development would not result in any building or structure on the land having more than 2 storeys; and</li><li data-bbox="643 1037 1331 1256">(ii) if there is a building or structure on the land at the time of the application that has more than 2 storeys—the development would not result in any increase in the height of such a building or structure, or in any other building or structure on the land having more than 2 storeys; and</li></ul></li><li data-bbox="555 1279 1331 1771">(g) if the land is within a local centre area, if—<ul style="list-style-type: none"><li data-bbox="651 1335 1331 1435">(i) there is no building or structure on the land at the time of the application that has more than 2 storeys; and</li><li data-bbox="643 1458 1331 1570">(ii) the development would not result in any building or structure on the land having more than 2 storeys; and</li><li data-bbox="635 1592 1331 1771">(iii) if the lease currently permits the use of the land for a shop, or a use including the use of the land for a shop—the development would not have the effect of prohibiting the use of the land for a shop; and</li></ul></li></ul>

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column 1 item	column 2 exclusion
9	<p data-bbox="635 562 1310 663">(iv) the development would not have the effect of permitting the erection of any dwelling on the land.</p> <p data-bbox="480 685 1294 786">Development on land in an entertainment, accommodation and leisure area, other than land in the Civic centre or a town centre area, if—</p> <p data-bbox="555 819 1321 920">(a) the land would, if the development is approved, be no less than 50m away from any residential area at its nearest point; and</p> <p data-bbox="555 947 1305 1081">(b) if the land has been previously developed—the development would not increase the total gross floor area of all buildings on the land by more than 50%; and</p> <p data-bbox="555 1108 1326 1249">(c) if at the time of the application the lease permits a community use, or a use including a community use—the development would not have the effect of prohibiting a community use of the land; and</p> <p data-bbox="555 1276 1310 1417">(d) if there is no building or structure on the land at the time of the application that has more than 2 storeys—the development would not result in any building or structure on the land having more than 2 storeys; and</p> <p data-bbox="555 1444 1310 1653">(e) if there is a building or structure on the land at the time of the application that has more than 2 storeys—the development would not result in any increase in the height of such a building or structure, or in any other building or structure on the land having more than 2 storeys.</p>

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<b>column 1 item</b>	<b>column 2 exclusion</b>
10	<p>Development on land in a community facility area or a restricted access recreation area, other than land in the Civic centre or a town centre area, if—</p> <ul style="list-style-type: none"><li>(a) the land would, if the development is approved, be no less than 50m away from any residential area at its nearest point; and</li><li>(b) the gross floor area of all buildings on the land at the time of the application does not exceed 300m<sup>2</sup>; and</li><li>(c) the development would not result in the total gross floor area of all buildings on the land exceeding 300m<sup>2</sup>; and</li><li>(d) if the land has been previously developed—the development would not increase the proportion of the total site area on the land covered by buildings, driveways and carparking areas by more than 50%, calculated by reference to the area of the land as at the time of the application; and</li><li>(e) if, at the time of the application, the lease permits a community use, or a use including a community use—the development would not have the effect of prohibiting a community use of the land; and</li><li>(f) the development would not have the effect of permitting the use of the land for a corrections facility; and</li><li>(g) if there is no building or structure on the land at the time of the application that has more than 1 storey—the development would not result in any building or structure on the land having more than 1 storey; and</li></ul>

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column 1 item	column 2 exclusion
	(h) if there is a building or structure on the land at the time of the application that has more than 1 storey—the development would not result in any increase in the height of such a building or structure, or in any other building or structure on the land having a height exceeding 6m.
11	<p>Development on land in—</p> <p>(a) the Civic centre area; or</p> <p>(b) a town centre area; or</p> <p>(c) an industrial area.</p>
12	<p>Development on land in an urban open space area, a hills, ridges and buffer area, a river corridor area, a mountains and bushlands area or a plantation forestry area, other than land in the Civic centre or a town centre area, if—</p> <p>(a) the land would, if the development is approved, be no less than 50m away from any residential area at its nearest point; and</p> <p>(b) the development would not have the effect of permitting the use of the land for a purpose other than that for which it is leased at the time of the application, or other than that permitted by a licence in relation to the land that is current at the time of the application; and</p> <p>(c) the development would not increase the area of the leased land by more than 1ha; and</p>

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<b>column 1 item</b>	<b>column 2 exclusion</b>
	(d) if the gross floor area of all buildings on the land at the time of the application does not exceed 300m <sup>2</sup> —the development would not result in the total gross floor area of all buildings on the land exceeding 300m <sup>2</sup> ; and
	(e) if the gross floor area of all buildings on the land at the time of the application exceeds 300m <sup>2</sup> —the development would not increase the total gross floor area of all buildings on the land; and
	(f) if the total site area covered by buildings, driveways and carparking areas at the time of the application is equal to no more than 50% of the area of the land—the development would not result in such site coverage increasing to more than 50% of the area of the land, calculated by reference to the area of the land as at the time of the application; and
	(g) if the total site area covered by buildings, driveways and carparking areas at the time of the application is more than 50% of the area of the land—the development would not increase such site coverage, calculated by reference to the area of the land as at the time of the application; and
	(h) if there is no building or structure on the land at the time of the application that has more than 1 storey—the development would not result in any building or structure on the land having more than 1 storey; and

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column 1 item	column 2 exclusion
13	<p data-bbox="544 562 1326 775">(i) if there is a building or structure on the land at the time of the application that has more than 1 storey—the development would not result in any increase in the height of such a building or structure, or in any other building or structure on the land having a height exceeding 6m.</p> <p data-bbox="464 792 1310 864">Development on land within a broadacre area or a rural land use area if—</p> <p data-bbox="544 891 1326 992">(a) the land would, if the development is approved, be no less than 50m away from any residential area at its nearest point; and</p> <p data-bbox="544 1019 1326 1232">(b) the development would not have the effect of permitting the use of the land for a purpose other than that for which it is leased at the time of the application, or other than that permitted by a licence in relation to the land that is current at the time of the application; and</p> <p data-bbox="544 1258 1286 1330">(c) the development would not increase the area of the leased land by more than 1ha; and</p> <p data-bbox="544 1357 1326 1525">(d) if the gross floor area of all buildings on the land at the time of the application does not exceed 2 000m<sup>2</sup>—the development would not result in the total gross floor area of all buildings on the land exceeding 2 000m<sup>2</sup>; and</p> <p data-bbox="544 1552 1326 1688">(e) if the gross floor area of all buildings on the land at the time of the application exceeds 2 000m<sup>2</sup>—the development would not increase the total gross floor area of all buildings on the land; and</p>

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<b>column 1 item</b>	<b>column 2 exclusion</b>
	<p>(f) if the total site area covered by buildings, driveways and carparking areas at the time of the application is equal to no more than 50% of the area of the land—the development would not result in such site coverage increasing to more than 50% of the area of the land, calculated by reference to the area of the land as at the time of the application; and</p> <p>(g) if the total site area covered by buildings, driveways and carparking areas at the time of the application is more than 50% of the area of the land—the development would not increase such site coverage, calculated by reference to the area of the land as at the time of the application; and</p> <p>(h) if there is no building or structure on the land at the time of the application that has more than 1 storey—the development would not result in any building or structure on the land having more than 1 storey; and</p> <p>(i) if there is a building or structure on the land at the time of the application that has more than 1 storey—the development would not result in any increase in the height of such a building or structure, or in any other building or structure on the land having a height exceeding 6m.</p>

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column 1 item	column 2 exclusion
14	<p>Development on land in a designated area within the meaning of the national capital plan, other than land in the Civic centre or a town centre area, if—</p> <ul style="list-style-type: none"> <li data-bbox="555 689 1326 792">(a) the land would, if the development is approved, be no less than 50m away from any residential area at its nearest point; and</li> <li data-bbox="555 817 1337 1032">(b) the development would not have the effect of permitting the use of the land for a purpose other than that for which it is leased at the time of the application, or other than that permitted by a licence in relation to the land that is current at the time of the application; and</li> <li data-bbox="555 1057 1326 1196">(c) if the land has been previously leased—the development would not increase the total gross floor area of all buildings permitted by the lease at the time of the application by more than 50%.</li> </ul>
15	Demolition of a building or structure in connection with development listed elsewhere in this schedule consisting of the erection or alteration of a building or structure.
16	<p>Development by or on behalf of the Territory that consists of the construction, alteration, demolition or removal of—</p> <ul style="list-style-type: none"> <li data-bbox="555 1435 1305 1462">(a) electricity, water, gas or communication services; or</li> <li data-bbox="555 1487 1222 1514">(b) a floodway or sewerage or drainage works; or</li> <li data-bbox="555 1538 1251 1565">(c) a public road, public path, cycleway or car park.</li> </ul>
17	The construction, alteration, demolition or removal of public facilities on unleased territory land, including barbecues, seating or playground equipment, or related landscaping.

**Schedule 7**

Exclusion of appeals by objectors and third parties—Act, s 276

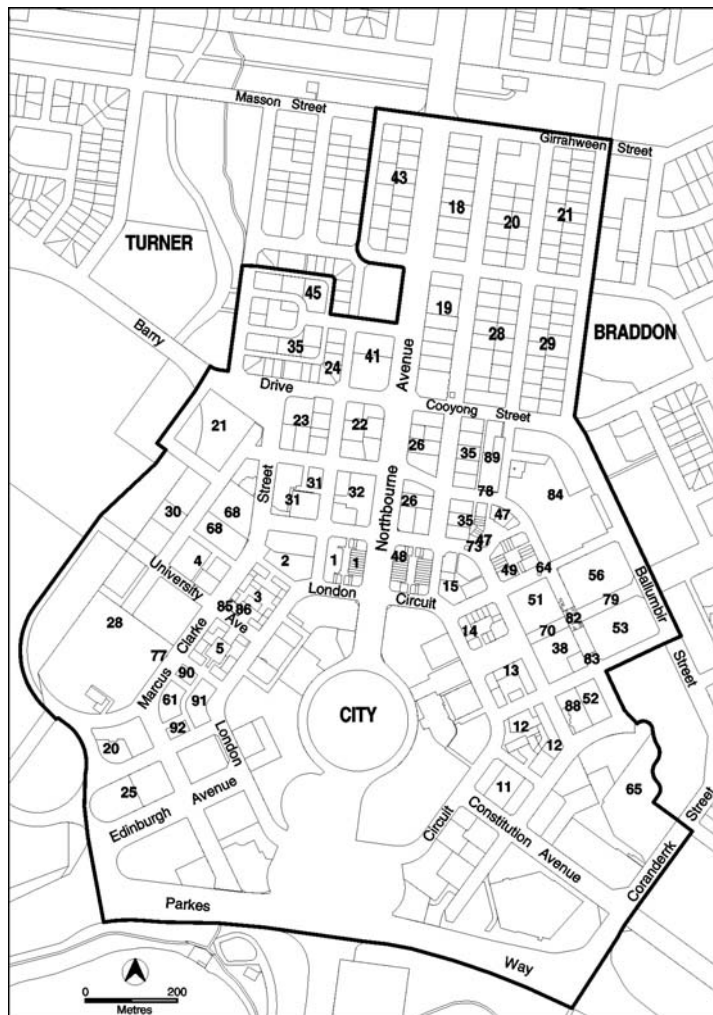
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<b>column 1 item</b>	<b>column 2 exclusion</b>
18	Variation of a lease solely to permit development mentioned in another item of this schedule.
19	Installation, alteration or removal of an externally mounted photovoltaic panel.
20	Installation, alteration or removal of an externally mounted solar water heater.
21	Installation, alteration or removal of an externally mounted airconditioning unit.

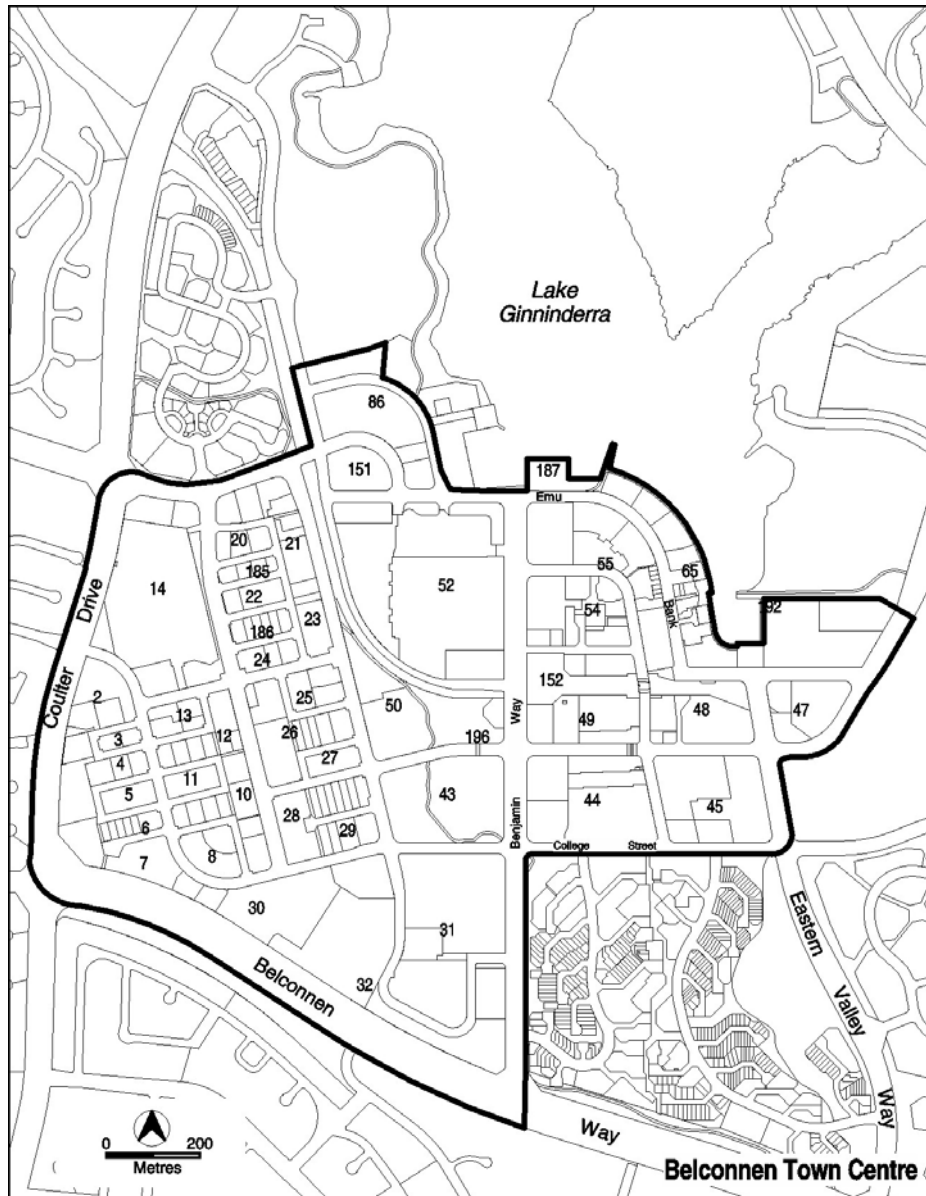
## Schedule 8 Civic centre area and town centre areas

(see dict)

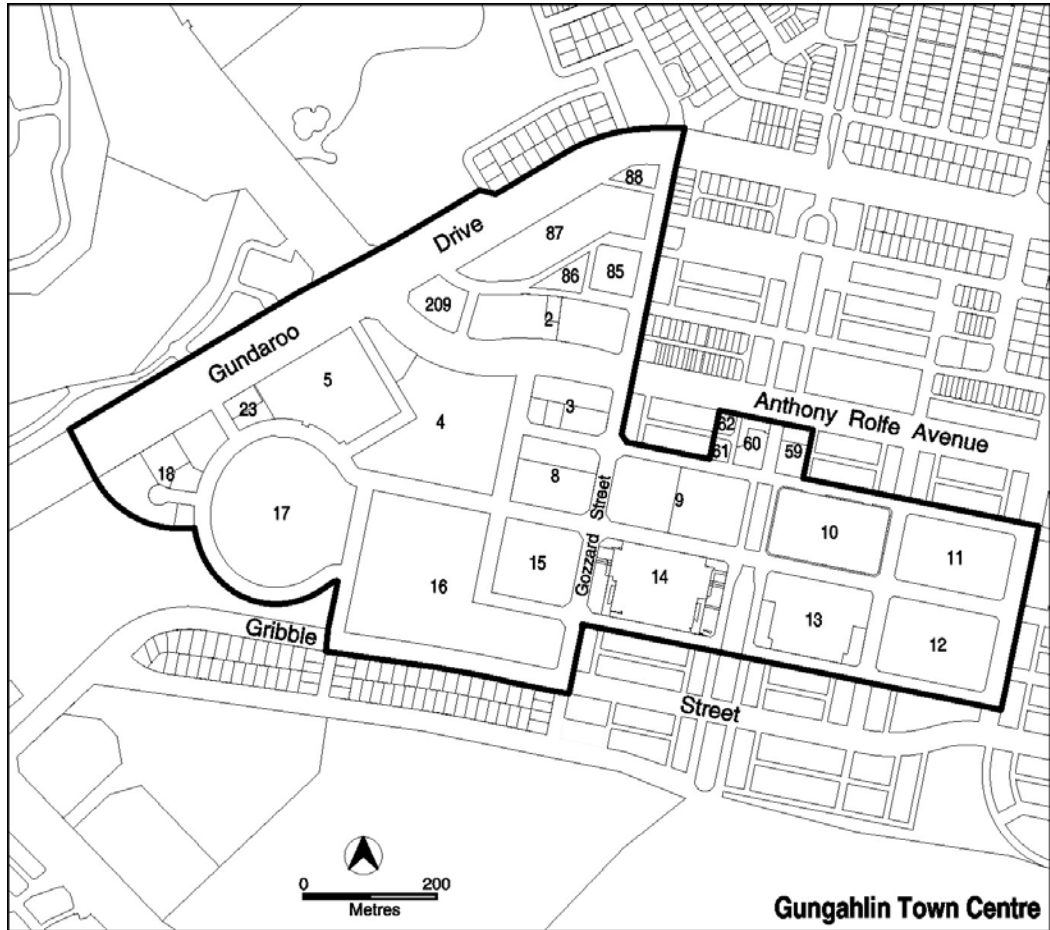
### Part 8.1 Civic centre area



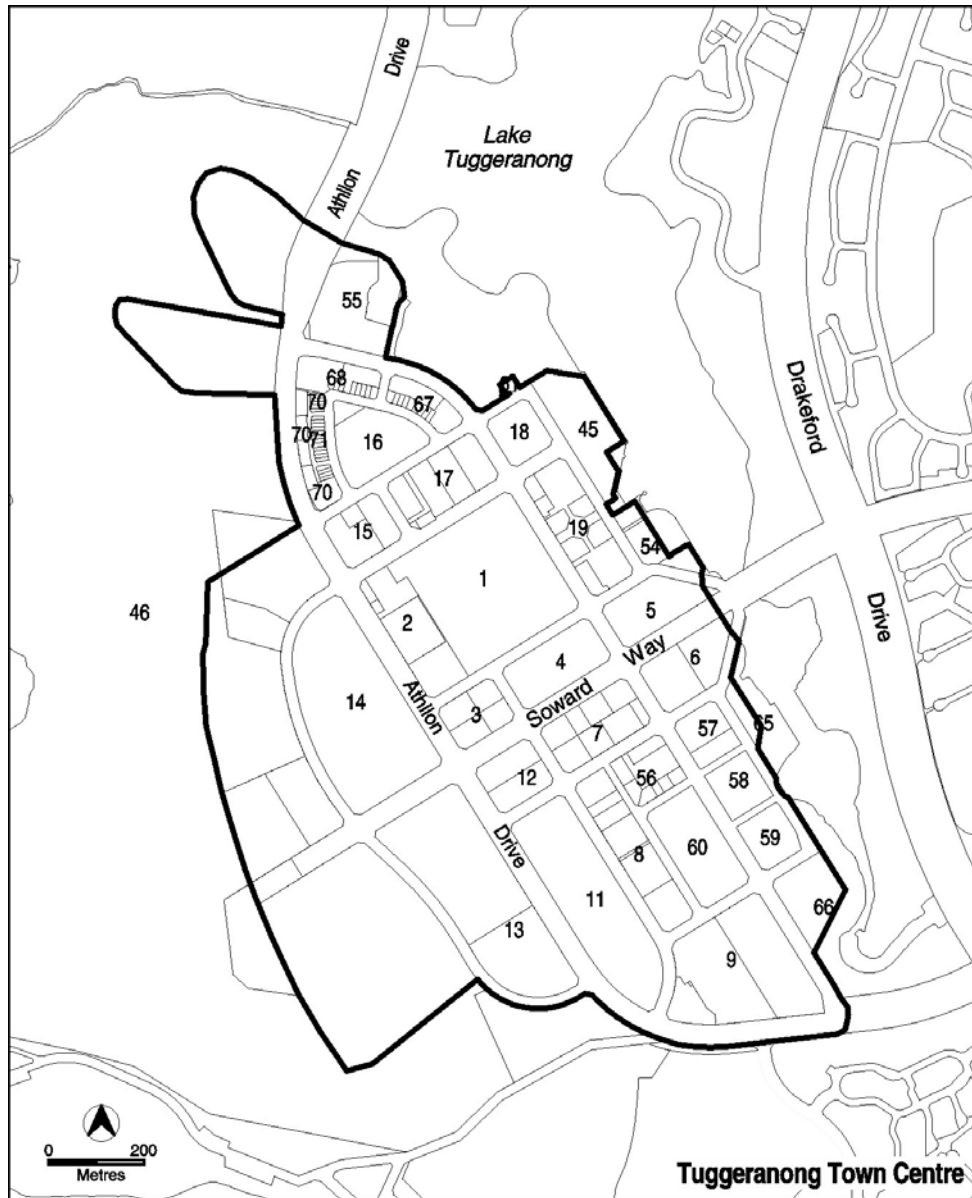
**Part 8.2 Belconnen town centre area**



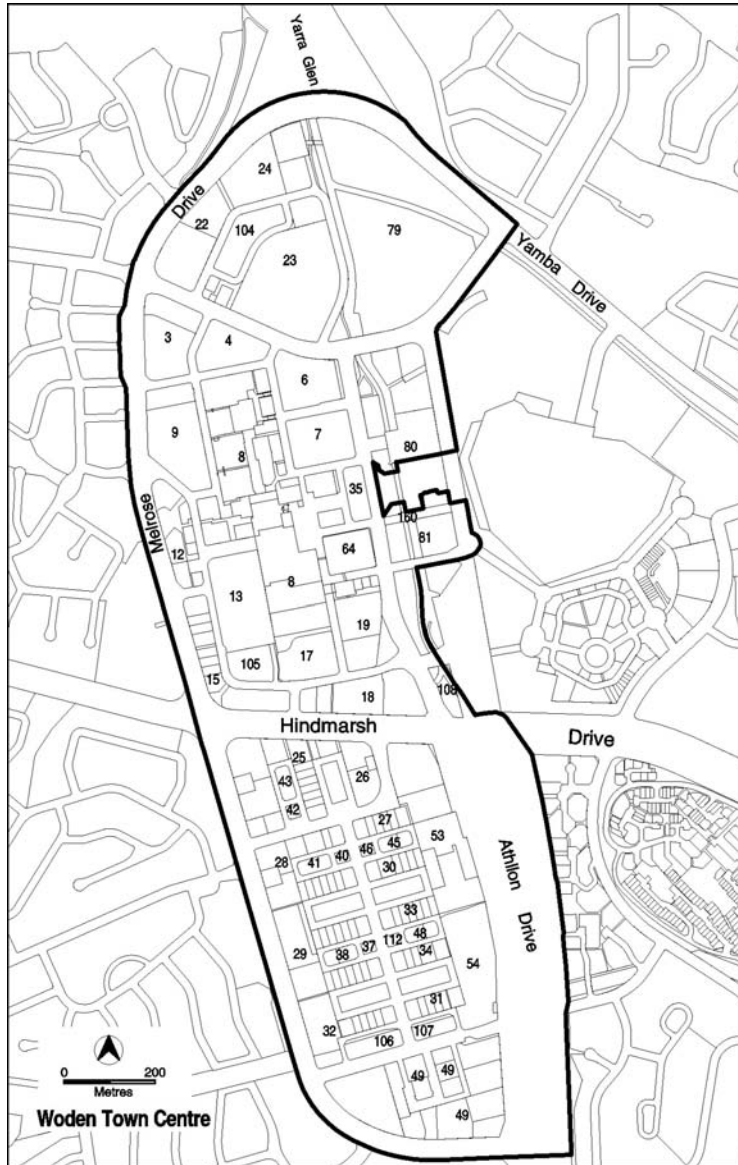
## Part 8.3 Gungahlin town centre area



## Part 8.4 Tuggeranong town centre area



**Part 8.5**                      **Woden town centre area**



## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- business day
- land and planning authority
- territory land.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Land (Planning and Environment) Act 1991* (see Legislation Act, s 148.) For example, the following terms are defined in the *Land (Planning and Environment) Act 1991*, dict:

- concessional lease (see s 159A)
- Environment Minister
- land management agreement
- newspaper
- plan.

***added value***—

- (a) for division 3.2 (Variation of leases)—see section 15; and
- (b) for division 3.3 (Consolidation and subdivision)—see section 27.

***adjoining***, in relation to a parcel of land that is proposed to be the subject of a development, means abutting the parcel, or separated from it only by a road, reserve, river, watercourse, or any similar division.

***Belconnen town centre area*** means the area outlined in bold on the plan in schedule 8, part 8.2.

***change of use charge***—

- (a) for division 3.2 (Variation of leases)—see section 15; and



- (b) for division 3.3 (Consolidation and subdivision)—see section 27.

***Civic centre area*** means the area outlined in bold on the plan in schedule 8, part 8.1.

***community use*** includes the uses defined as such in the plan, but is not limited to those uses.

***consolidated lease***—

- (a) for division 3.2 (Variation of leases)—see section 15; and  
(b) for division 3.3 (Consolidation and subdivision)—see section 27.

***consolidation***—see the Act, section 159.

***development***—see the Act, section 222.

***exempt building or structure*** means—

- (a) a retaining wall that does not exceed 1m in height; or  
(b) a carport—  
(i) the plan area of which does not exceed 25m<sup>2</sup>, and  
(ii) the height of which does not exceed 3m; or  
(c) a pergola—  
(i) for a roofed pergola—the plan area of which does not exceed 25m<sup>2</sup>, and that does not project above the line of any adjacent guttering; and  
(ii) in any case—the height of which does not exceed 3m; or  
(d) a shed, gazebo, greenhouse or similar structure—  
(i) the plan area of which does not exceed 10m<sup>2</sup>; and

- (ii) the height of which does not exceed 3m; or
- (e) an external deck, terrace or landing, or external stairs, the height of which does not exceed 1m; or
- (f) an antenna or aerial (other than a satellite dish, or microwave antenna, that is for receiving purposes only) the height of which does not exceed 5m; or
- (g) a swimming pool the capacity of which does not exceed 10m<sup>3</sup> that is designed to be installed above ground level; or
- (h) an outdoor ornamental pond the depth of which does not exceed 300mm; or
- (i) a barbecue or other structure—
  - (i) the plan area of which does not exceed 2m<sup>2</sup>; and
  - (ii) the height of which does not exceed 1.8m; or
- (j) a water tank—
  - (i) the capacity of which does not exceed 17kL; and
  - (ii) the height of which does not exceed 2.4m.

***further lease***—

- (a) for division 3.2 (Variation of leases)—see section 15; and
- (b) for division 3.3 (Consolidation and subdivision)—see section 27.

***Gungahlin town centre area*** means the area outlined in bold on the plan in schedule 8, part 8.3.

***height***, in relation to a building or structure, means the vertical distance from natural ground level to the highest point of the building or structure.

***industrial area*** means an area designated as industrial by the territory plan (see the territory plan, part B3).

**lease**, over the largest parcel of land—

- (a) for division 3.2 (Variation of leases)—see section 15A; and
- (b) for division 3.3 (Consolidation and subdivision)—see section 27A.

**lease and development condition**, for a lease, means a condition, other than a condition contained in the lease or an agreement collateral to the lease, that—

- (a) was approved by the Territory when the lease was granted; and
- (b) relates to the development or use of the land that is subject to the lease.

**local centre** means an area of land designated by the territory plan as a Local Centre (Commercial ‘D’).

**market value**—see the Act, section 159.

**minor development** means a development in relation to land that a reasonable person would consider to be of a minor nature, having regard to the following matters:

- (a) the views to and from the adjoining land;
- (b) the overshadowing of the adjoining land;
- (c) the privacy of the adjoining land;
- (d) the likelihood of the adjoining land being detrimentally affected by noise at the time the development is carried out or at any time in the future;
- (e) the local streetscape;
- (f) any other potential loss of amenity;
- (g) the nature, scale and any possible environmental effects of the development, including potential pollution of any sort;
- (h) any further criteria determined by the Minister in writing.

**minor landscape works** means landscaping consisting of a minor development involving tree, shrub or ground cover planting or removal, grassing, paving, earthworks, drainage works, batter treatment, irrigation or erosion control, if the development does not affect an area of remnant native grassland greater than 0.5ha.

**public street**—see the *Road Transport (Safety and Traffic Management) Act 1999*, dictionary, definition of **road**.

**rear boundary** means a boundary that is not a front boundary and does not meet a front boundary.

**regranted lease**—

- (a) for division 3.2 (Variation of leases)—see section 15; and
- (b) for division 3.3 (Consolidation and subdivision)—see section 27.

**relevant authority**—see the Act, section 222.

**reticulated services** means—

- (a) electricity, water, drainage, gas, communications or similar services the provision of which allows for direct access to and use of the services by the occupiers of individual parcels of land; or
- (b) mobile telecommunications services.

**rural lease**—see the Act, section 159.

**service station lease** means a lease of land that provides that the land is to be used predominantly for the purpose of a service station, whether it is referred to as a service station, motor service station or in any other way.

**side boundary** means a boundary that meets a front boundary.

**subdivided lease**—

- (a) for division 3.2 (Variation of leases)—see section 15; and

(b) for division 3.3 (Consolidation and subdivision)—see section 27.

**subdivision**—see the Act, section 159.

**town centre area** means the Belconnen town centre area, the Gungahlin town centre area, the Tuggeranong town centre area or the Woden town centre area.

**Tuggeranong town centre area** means the area outlined in bold on the plan in schedule 8, part 8.4.

**variation**—see the Act, section 223.

**Woden town centre area** means the area outlined in bold on the plan in schedule 8, part 8.5.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This regulation was originally the *Land (Planning and Environment) Regulations*. It was renamed by the *Land (Planning and Environment) Regulations Amendment SL1999-31*, s 3 and under the *Legislation Act 2001*.

After 11 May 1989 and before 10 November 1999, a regulation commenced on its notification day unless otherwise stated (see *Subordinate Laws Act 1989* s 6).

#### **Land (Planning and Environment) Regulation 1992 SL1992-5**

notified 8 May 1992 (Gaz 1992 No S56)

commenced 8 May 1992

as amended by

#### **Land (Planning and Environment) (Amendment) Regulations 1992 SL1992-19**

notified 2 October 1992 (Gaz 1992 No S173)

commenced 2 October 1992

#### **Land (Planning and Environment) (Amendment) Regulations 1993 SL1993-3**

notified 22 January 1993 (Gaz 1993 No S12)

commenced 22 January 1993 (s 2)

#### **Land (Planning and Environment) (Amendment) Regulations 1993 SL1993-5**

notified 22 February 1993 (Gaz 1993 No S20)

commenced 22 February 1993 (s 2)

#### **Land (Planning and Environment) (Amendment) Regulations 1993 SL1993-29**

notified 28 July 1993 (Gaz 1993 No S152)

commenced 28 July 1993 (s 1)

#### **Land (Planning and Environment) (Amendment) Regulations 1993 SL1993-47**

notified 1 December 1993 (Gaz 1993 No S247)

commenced 1 December 1993 (s 1 and Gaz 1993 No S247)

## Endnotes

3 Legislation history

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**Land (Planning and Environment) (Amendment) Regulations 1993  
SL1993-53 (as am by SL1995-20)**

notified 24 December 1993 (Gaz 1993 No S277)

commenced 24 December 1993 (s 1)

**Land (Planning and Environment) (Amendment) Regulations 1994  
SL1994-5**

notified 10 March 1994 (Gaz 1994 No S46)

commenced 10 March 1994 (s 2)

**Land (Planning and Environment) (Amendment) Regulations 1994  
S1994-22**

notified 29 June 1994 (Gaz 1994 No S135)

commenced 29 June 1994 (s 2)

**Land (Planning and Environment) (Amendment) Regulations 1994  
SL1994-41**

notified 29 November 1994 (Gaz 1994 No S275)

commenced 29 November 1994 (s 2)

**Land (Planning and Environment) (Amendment) Regulations 1995  
SL1995-7**

notified 25 January 1995 (Gaz 1995 No S30)

commenced 25 January 1995 (s 1)

**Land (Planning and Environment) (Amendment) Regulations 1995  
SL1995-18**

notified 17 May 1995 (Gaz 1995 No S103)

commenced 17 May 1995 (s 1)

**Land (Planning and Environment) (Amendment) Regulations 1995  
SL1995-20**

notified 16 June 1995 (Gaz 1995 No S128)

commenced 16 June 1995 (s 1)

**Land (Planning and Environment) (Amendment) Regulations 1995  
SL1995-36**

notified 26 September 1995 (Gaz 1995 No S243)

commenced 26 September 1995 (s 1)



**Land (Planning and Environment) (Amendment) Regulations 1996  
SL1996-20**

notified 23 September 1996 (Gaz 1996 No S238)  
commenced 23 September 1996 (s 1)

**Land (Planning and Environment) (Amendment) Regulations 1996  
SL1996-21**

notified 26 September 1996 (Gaz 1996 No S243)  
commenced 26 September 1996 (s 1)

**Land (Planning and Environment) (Amendment) Act 1996 A1996-62  
s 5**

notified 3 December 1996 (Gaz 1996 No S321)  
s 5 commenced 3 December 1996 (s 2)

**Land (Planning and Environment) (Amendment) Act (No 2) 1996  
A1996-71 s 20**

notified 20 December 1996 (Gaz 1996 No S328)  
ss 1-3 commenced 20 December 1996 (s 2 (1))  
s 20 commenced 1 January 1997 (s 2 (2) and Gaz 1996 No S352)

**Land (Planning and Environment) Regulations (Amendment) 1997  
SL1997-7**

notified 8 April 1997 (Gaz 1997 No S88)  
s 1, s 2 commenced 8 April 1997 (s 1 (1))  
remainder commenced 28 August 1997 (s 1 (2)-(4))

**Land (Planning and Environment) Regulations (Amendment) 1997  
SL1997-16**

notified 23 June 1997 (Gaz 1997 No S172)  
s 1, s 2 commenced 23 June 1997 (s 1 (1))  
s 9 commenced 14 January 1998 (s 1 (2) and Gaz 1998 No S27)  
remainder commenced 24 June 1997 (s 1 (2) and Gaz 1997 No S179)

**Land (Planning and Environment) Regulations (Amendment) 1997  
SL1997-23**

*Note* This regulation was not tabled and was taken to be repealed before it commenced.

## Endnotes

3 Legislation history

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**Land (Planning and Environment) Regulations (Amendment) 1998  
SL1998-21**

notified 17 June 1998 (Gaz 1998 No 24)  
s 1, s 2 commenced 17 June 1998 (s 1 (1))  
remainder commenced 30 October 1998 (s 1 (2), (3))

**Land (Planning and Environment) Regulations (Amendment) 1998  
SL1998-32**

notified 21 October 1998 (Gaz 1998 No 42)  
regs 1-3 commenced 21 October 1998 (s 1 (1))  
remainder commenced 19 February 1999 (s 1 (2)-(6))

**Roads and Public Places (Amendment) Act 1998 A1998-56 s 14**

notified 27 November 1998 (Gaz 1998 No S207)  
ss 1-3 commenced 27 November 1998 (s 2 (1))  
s 14 commenced 27 May 1999 (s 2 (3))

**Land (Planning and Environment) Regulations (Amendment) 1999  
SL1999-31**

notified 1 December 1999 (Gaz 1999 No 48)  
commenced 1 December 1999 (s 1)

**Land (Planning and Environment) Regulations (Amendment) 1999  
SL1999-34**

notified 22 December 1999 (Gaz 1999 No 51)  
commenced 22 December 1999 (s 1)

**Road Transport Legislation Amendment Act 1999 A1999-79 sch 4**

notified 23 December 1999 (Gaz 1999 No S65)  
sch 4 commenced 1 March 2000 (see s 2 and Gaz 2000 No S5)

**Land (Planning and Environment) Regulations Amendment 2000  
SL2000-2**

notified 14 February 2000 (Gaz 2000 No S4)  
commenced 14 February 2000 (s 1)

**Land (Planning and Environment) Regulations Amendment 2000  
SL2000-55**

notified 21 December 2000 (Gaz 2000 No 51)  
commenced 21 December 2000 (s 1)

**Land (Planning and Environment) Regulations Amendment 2001  
SL2001-1**

notified 25 January 2001 (Gaz 2001 No 4)  
commenced 25 January 2001 (s 1)

**Land (Planning and Environment) (Amendment) Regulations 2001  
SL2001-8**

notified 22 March 2001 (Gaz 2001 No 12)  
s 1 commenced 22 March 2001 (IA s 10B)  
remainder commenced 5 April 2001 (Gaz 2001 No 14 p 381)

**Unit Titles Consequential Amendments Act 2001 A2001-17 sch 3**

notified 5 April 2001 (Gaz 2001 No 14)  
s 1, s 2 commenced 5 April 2001 (IA s 10B)  
sch 3 commenced 5 October 2001 (s 2)

**Legislation (Consequential Amendments) Act 2001 A2001-44 pt 208**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 208 commenced 12 September 2001 (s 2 and see Gaz 2001  
No S65)

**Statute Law Amendment Act 2001 (No 2) 2001 A2001-56 pt 3.30**

notified 5 September 2001 (Gaz 2001 No S65)  
commenced 5 September 2001 (s 2 (1))

**Land (Planning and Environment) Amendment Act 2001 (No 4) 2001  
A2001-80 s 10**

notified 10 September 2001 (Gaz 2001 No S66)  
s 1, s 2 commenced 10 September 2001 (IA s 10B)  
s 10 commenced 12 September 2001 (s 2 (2))

**Land (Planning and Environment) Regulations Amendment 2001  
SL2001-35**

notified LR 13 September 2001  
commenced 13 September 2001 (s 1)

**Statute Law Amendment Act 2002 A2002-30 pt 3.39**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
pt 3.39 commenced 17 September 2002 (s 2 (1))

## Endnotes

3 Legislation history

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### **Planning and Land (Consequential Amendments) Act 2002 A2002-56 sch 2**

notified LR 20 December 2002  
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))  
sch 2 commenced 1 July 2003 (s 2 and see Planning and Land Act 2002 A2002-55, s 2)

### **Land (Planning and Environment) (Compliance) Amendment Act 2003 A2003-34 sch 1 pt 1.3**

notified LR 7 July 2003  
s 1, s 2 commenced 7 July 2003 (LA s 75 (1))  
sch 1 pt 1.3 commenced 1 September 2003 (s 2 and CN2003-8)

### **Land (Planning and Environment) Amendment Regulations 2003 (No 1) SL2003-35**

notified LR 9 October 2003  
s 1, s 2 commenced 9 October 2003 (LA s 75 (1))  
remainder commenced 10 October 2003 (s 2)

### **Land (Planning and Environment) Amendment Regulations 2004 (No 1) SL2004-12**

notified LR 29 April 2004  
s 1, s 2 commenced 29 April 2004 (LA s 75 (1))  
remainder commenced 30 April 2004 (s 2)

### **Construction Occupations Legislation Amendment Act 2004 A2004-13 sch 2 pt 2.18**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.18 commenced 1 September 2004 (s 2 and see Construction Occupations (Licensing) Act 2004 A2004-12, s 2 and CN2004-8)

### **Land (Planning and Environment) Amendment Regulations 2004 (No 2) SL2004-43**

notified LR 8 September 2004  
s 1, s 2 commenced 8 September 2004 (LA s 75 (1))  
remainder commenced 9 September 2004 (s 2)

**Heritage Act 2004 A2004-57 sch 1 pt 1.7**

notified LR 9 September 2004  
s 1, s 2 commenced 9 September 2004 (LA s 75 (1))  
sch 1 pt 1.7 commenced 9 March 2005 (s 2 and LA s 79)

**Land (Planning and Environment) Amendment Act 2004 A2004-64 s 9**

notified LR 25 August 2004  
s 1, s 2 commenced 25 August 2004 (LA s 75 (1))  
s 9 commenced 1 November 2004 (s 2 and CN2004-16)

**Land (Planning and Environment) Amendment Regulation 2005  
(No 1) SL2005-19**

notified LR 1 September 2005  
s 1, s 2 commenced 1 September 2005 (LA s 75 (1))  
remainder commenced 2 September 2005 (s 2)

**Land (Planning and Environment) Amendment Act 2005 A2005-49  
sch 1**

notified LR 6 September 2005  
s 1, s 2 commenced 6 September 2005 (LA s 75 (1))  
sch 1 commenced 7 September 2005 (s 2)

**Land (Planning and Environment) Amendment Regulation 2006  
(No 1) SL2006-12**

notified LR 10 April 2006  
s 1, s 2 commenced 10 April 2006 (LA s 75 (1))  
remainder commenced 11 April 2006 (s 2)

**Land (Planning and Environment) Amendment Regulation 2006  
(No 2) SL2006-13**

notified LR 20 April 2006  
s 1, s 2 commenced 20 April 2006 (LA s 75 (1))  
remainder commenced 21 April 2006 (s 2)

**Land (Planning and Environment) Amendment Regulation 2006  
(No 3) SL2006-19**

notified LR 25 May 2006  
s 1, s 2 commenced 25 May 2006 (LA s 75 (1))  
remainder commenced 26 May 2006 (s 2)

## Endnotes

4 Amendment history

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### **Land (Planning and Environment) Amendment Regulation 2006 (No 4) SL2006-33**

notified LR 29 June 2006  
s 1, s 2 commenced 29 June 2006 (LA s 75 (1))  
remainder commenced 30 June 2006 (s 2)

### **Land (Planning and Environment) Legislation Amendment Act 2007 A2007-1 pt 3**

notified LR 1 March 2007  
s 1, s 2 commenced 1 March 2007 (LA s 75 (1))  
pt 3 taken to have commenced 1 March 2007 (s 2)

## 4 Amendment history

### **Preliminary**

pt 1 hdg ins SL1997-16 s 3

### **Name of regulation**

s 1 sub SL1999-31 s 3  
am R16 LA

### **Dictionary**

s 2 am SL1996-20 s 3; SL1997-16 s 4; SL1998-32 s 3; SL1999-31  
s 4; A1999-79 sch 4; SL2000-2 s 3; A2001-44 amdt 1.2484;  
SL2001-35 amdt 1.1-1.3  
defs reloc to dict SL2001-35 amdt 1.4  
sub SL2001-35 amdt 1.5  
am A2004-13 amdt 2.76

### **Meaning of terms used in plan etc**

s 3 orig s 3 sub SL1992-19 s 2  
am SL1993-3 s 3; SL1993-29 s 2  
om SL1997-16 s 6  
(prev s 2A) ins SL2001-35 amdt 1.5  
renum R6 LA (see SL2001-35 amdt 1.10)

### **Notes**

s 4 (prev s 2B) ins SL2001-35 amdt 1.5  
renum R6 LA (see SL2001-35 amdt 1.10)

### **Application of amendments by Land (Planning and Environment) Amendment Regulation 2004 (No 1)**

s 4A ins SL2004-12 s 4  
exp 30 October 2004 (s 4A (2))

### **Environment assessments**

pt 2 hdg ins SL1997-16 s 5

**Content of public environment reports and environment impact statements**

s 5 (prev s 4) renum R6 LA (see SL2001-35 amdt 1.10)

**Prescribed period—Act s 121 (2)**

s 6 (prev s 5) sub SL2000-2 s 4  
renum R6 LA (see SL2001-35 amdt 1.10)  
sub A2002-30 amdt 3.509

**Prescribed criteria—Act, s 123 (4)**

s 7 (prev s 6) ins SL1992-5  
renum R6 LA (see SL2001-35 amdt 1.10)

**Prescribed period—Act, s 129(1)**

s 8 (prev s 7) renum R6 LA (see SL2001-35 amdt 1.10)

**Prescribed period—Act, s 130 (1)**

s 9 (prev s 8) renum R6 LA (see SL2001-35 amdt 1.10)

**Prescribed periods—Act, s 131 (1) and (2)**

s 10 orig s 10 ins SL1992-5  
om SL1997-16 s 6  
(prev s 9) renum R6 LA (see SL2001-35 amdt 1.10)

**Land administration**

pt 3 hdg ins SL1997-16 s 7

**Leases**

div 3.1 hdg (prev pt 3 div 1 hdg) ins SL1997-16 s 7  
renum R6 LA

**Concessional lease exemptions—Act, s 159A**

s 10A ins A2005-49 amdt 1.1

**Prescribed period—Act, s 170 (1)**

s 11 am A2002-56 amdt 2.8

**Determination of amount under paragraph 184 (b) of the Act**

s 11A ins SL1995-20 s 3  
am SL1996-20 s 4  
om SL1997-7 s 4

**Confidential services and special dwellings—Act, s 175 (3) (a)**

s 12 orig s 12 am SL1993-53 s 3; SL1995-20 s 4  
om SL1997-7 s 4  
(prev s 11AA) ins SL1997-16 s 8  
renum R6 LA (see SL2001-35 amdt 1.10)

**Farm tourism and other rural business (lease purpose)—Act, s 175 (3) (a)**

s 13 (prev s 11AAA) ins SL1999-34 s 3  
renum R6 LA (see SL2001-35 amdt 1.10)

## Endnotes

4 Amendment history

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### **Heavy vehicle parking (lease purposes)—Act, s 175 (3) (b)**

s 14 (prev 11AB) ins SL1997-16 s 9  
sub A1999-79 sch 4  
renum R6 LA (see SL2001-35 amdt 1.10)  
sub A2002-30 amdt 3.510

### **Amount of refund for surrender or termination—Act, s 178 (1)**

s 14A ins A2004-64 s 9  
(2), (3) exp 1 November 2011 (s 14A (3))

### **Variation of leases**

div 3.2 hdg (prev pt 3 div 2 hdg) ins SL1997-7 s 4  
renum R6 LA

### **Definitions for div 3.2**

s 15 hdg sub A2002-30 amdt 3.511  
s 15 (prev 12A) ins SL1997-7 s 4  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-30 amdt 3.512, amdt 3.514  
def *lease* ins A2002-30 amdt 3.513

### **Meaning of *lease* over the largest parcel of land**

s 15A ins A2002-30 amdt 3.514

### **Boundary variations remission—Act, s 184C (1)**

s 16 (prev s 12B) ins SL1997-7 s 4  
am A2001-80 s 10  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-30 amdt 3.515; A2002-56 amdt 2.9

### **Local centre remission—Act, s 184C (1)**

s 17 hdg (prev s 13 hdg) sub SL2001-35 amdt 1.6  
s 17 orig s 17 om SL1997-16 s 10  
(prev s 13) am SL1992-19 s 3; SL1993-53 s 4; SL1996-20 s 5;  
A1996-62 s 5  
sub SL1997-7 s 4  
am SL1998-21 s 3; SL1998-32 s 4; A2001-80 s 10  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-30 amdt 3.516, amdt 3.517; A2002-56 amdt 2.9  
om SL2006-12 s 4

### **Local centre declarations—lease variation**

s 18 (prev s 13A) ins SL1996-20 s 6  
am SL1997-7 s 5  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-56 amdt 2.9  
om SL2006-12 s 4



**Commissioner for housing remission—Act, s 184C (1)**

s 19 orig s 19 om SL1997-16 s 12  
 (prev s 14) am SL1993-5 s 3; SL1993-53 s 5; SL1996-20 s 7  
 sub SL1997-7 s 6  
 am A2001-80 s 10  
 renum R6 LA (see SL2001-35 amdt 1.10)  
 am A2002-30 amdt 3.518; A2002-56 amdt 2.9; SL2006-12 s 5

**Prescribed circumstances—Act, s 184C (1)**

s 20 (prev s 14AA) ins SL2001-35 s 3  
 renum R6 LA (see SL2001-35 amdt 1.10)  
 am SL2004-43 regs 4-6  
(1) (g), (2), (3) exp 1 December 2010 (s 20 (3))

**Remission of change of use charges—Act, s 184C (2)**

s 21 (prev s 14AB) ins SL2001-35 s 3  
 renum R6 LA (see SL2001-35 amdt 1.10)  
 am A2002-30 amdt 3.519; A2002-56 amdt 2.9

**Concessional lease increase—Act, s 184C (2)**

s 22 hdg sub A2002-30 amdt 3.520  
 s 22 (prev s 14A) ins SL1997-7 s 6  
 am SL1998-32 s 5; A2001-80 s 10  
 renum LRA (see SL2001-35 amdt 1.10)  
 am A2002-30 amdt 3.520; A2002-56 amdt 2.9; A2005-49  
 amdt 1.2

**Recently commenced lease increase—Act, s 184C (2)**

s 23 hdg sub A2002-30 amdt 3.521  
 s 23 (prev s 14B) ins SL1997-7 s 6  
 am SL1998-32 s 6; SL2001-35 amdt 1.7, amdt 1.8  
 renum R6 LA (see SL2001-35 amdt 1.10)  
 am A2002-30 amdt 3.521, amdt 3.522; A2002-56 amdt 2.9

**Enlarged area of land increase—Act, s 184C (2)**

s 24 hdg sub A2002-30 amdt 3.523  
 s 24 (prev s 14C) ins SL1997-7 s 6  
 am SL1998-32 s 7; A2001-80 s 10  
 renum R6 LA (see SL2001-35 amdt 1.10)  
 am A2002-30 amdt 3.524, amdt 3.525; A2002-56 amdt 2.9

**Service station lease increase—Act, s 184C (2)**

s 25 hdg sub A2002-30 amdt 3.526  
 s 25 (prev s 14D) ins SL1998-32 s 8  
 renum R6 LA (see SL2001-35 amdt 1.10)  
 am A2002-30 amdt 3.527; am A2002-56 amdt 2.1

## Endnotes

### 4 Amendment history

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#### **Variation of lease to pay out rent—prescribed leases**

s 26 (prev s 15) am SL1993-47 s 2; SL1997-7 s 7  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2005-49 amdt 1.3

#### **Consolidation and subdivision**

div 3.3 hdg (prev pt 3 div 3 hdg) ins SL1997-7 s 8  
renum R6 LA

#### **Definitions for div 3.3**

s 27 hdg sub A2002-30 amdt 3.528  
s 27 (prev s 15A) ins SL1997-7 s 8  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-30 amdt 3.529, amdt 3.531  
def *lease* ins A2002-30 amdt 3.530

#### **Meaning of *lease* over the largest parcel of land**

s 27A ins A2002-30 amdt 3.531

#### **Local centre remission—Act, s 187C (1)**

s 28 (prev s 15B) ins SL1997-7 s 8  
am SL1998-21 s 4; SL1998-32 s 9; A2001-80 s 10  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-30 amdt 3.532, amdt 3.533; A2002-56 amdt 2.9  
om SL2006-12 s 6

#### **Local centre declarations—consolidation and subdivision**

s 29 (prev s 15C) ins SL1997-7 s 8  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-56 amdt 2.9  
om SL2006-12 s 6

#### **Commissioner for housing remission—Act, s 187C (1)**

s 30 (prev s 15D) ins SL1997-7 s 8  
am A2001-80 s 10  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-56 amdt 2.9; SL2006-12 s 7

#### **Prescribed circumstances—Act, s 187C (1)**

s 31 (prev s 15DA) ins SL2001-35 s 4  
renum R6 LA (see SL2001-35 amdt 1.10)

#### **Remission of change of use charges—Act, s 187C (2)**

s 32 (prev s 15DB) ins SL2001-35 s 4  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-30 amdt 3.534; A2002-56 amdt 2.9

**Concessional lease increase—Act, s 187C (2)**

s 33 hdg sub A2002-30 amdt 3.535  
s 33 (prev s 15E) ins SL1997-7 s 8  
am SL1998-32 s 10; A2001-80 s 10  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-30 amdt 3.536, amdt 3.537; A2002-56 amdt 2.9;  
A2005-49 amdts 1.4-1.6

**Recently commenced lease increase—Act, s 187C (2)**

s 34 hdg sub A2002-30 amdt 3.538  
s 34 (prev s 15F) ins SL1997-7 s 8  
am SL1998-32 s 11; A2001-80 s 10  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-30 amdt 3.539, amdt 3.540; A2002-56 amdt 2.9

**Consolidation involving service station lease increase—Act, s 187C (2)**

s 35 hdg sub A2002-30 amdt 3.541  
s 35 (prev s 15G) ins SL1998-32 s 12  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-30 amdt 3.542; A2002-56 amdt 2.2

**Subdivision involving service station lease increase—Act, s 187C (2)**

s 36 hdg sub A2002-30 amdt 3.543  
s 36 (prev s 15H) ins SL1998-32 s 12  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-30 amdt 3.544; A2002-56 amdt 2.3

**Approvals and orders**

pt 4 hdg ins SL1997-16 s 10

**Approvals**

div 4.1 hdg (prev pt 4 div 1 hdg) ins SL1997-16 s 10  
renum R6 LA

**Meaning of *prescribed period* for div 4.1**

s 36A ins SL2006-19 s 4

**Prescribed period—Act, s 230 (2)**

s 37 (prev s 16) am SL1992-19 s 4  
sub SL1997-16 s 10  
am SL2000-2 s 5  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-30 amdt 3.545  
sub SL2006-19 s 4

**Extension of prescribed period for preliminary assessment**

s 37A ins SL2006-19 s 4

**Extension of prescribed period for directed assessments**

s 37B ins SL2006-19 s 4

## Endnotes

### 4 Amendment history

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**Extension of prescribed period to conduct inquiry into application**

s 37C ins SL2006-19 s 4

**Extension of prescribed period to supply further information—additional information sufficient**

s 37D ins SL2006-19 s 4

**Extension of prescribed period to supply further information—additional information insufficient**

s 37E ins SL2006-19 s 4

**Extension of prescribed period to supply further information—no additional information provided**

s 37F ins SL2006-19 s 4

**Extension of prescribed period on application**

s 37G ins SL2006-19 s 4

**Prescribed period—Act, s 237 (1)**

s 38 (prev s 18) am SL1997-16 s 11; SL2000-2 s 6  
renum R6 LA (see SL2001-35 amdt 1.10)

**Orders**

div 4.2 hdg (prev pt 4 div 2 hdg) ins SL1997-16 s 12  
renum R6 LA

**Prescribed period—Act, s 254A (4)**

s 39 hdg sub A2003-34 amdt 1.16  
s 39 (prev s 20) am SL1997-16 s 13  
renum R6 LA (see SL2001-35 amdt 1.10)  
am A2002-56 amdt 2.4, amdt 2.5, amdt 2.10; A2003-34  
amdt 1.16, amdt 1.17

**Exemptions from Act , pt 6**

div 4.3 hdg (prev pt 4 div 3 hdg) ins SL1997-16 s 14  
renum R6 LA

**Definition of *minor development*—determined criteria**

s 39A ins A2003-34 amdt 1.18

**Absolute exemptions from Act, pt 6**

s 40 (prev s 21) am SL1992-19 s 5; SL1994-22 s 3; SL1994-41 s 2;  
SL1995-7 s 3; SL1995-18 s 3; SL1995-36 s 3  
sub SL1997-16 s 14  
am A2001-56 amdt 3.437  
renum R6 LA (see SL2001-35 amdt 1.10)  
am SL2004-12 s 5, s 6; A2004-57 amdt 1.52

**Notification exemptions—Act, s 229 (1) and (6)**

s 41 (prev s 22) am SL1994-22 s 4  
 sub SL1997-16 s 14  
 am A2001-56 amdt 3.438  
 renum R6 LA (see SL2001-35 amdt 1.10)  
 am A2002-56 amdt 2.9; SL2004-12 s 7

**Exclusion of appeals—general**

s 42 hdg sub SL2004-12 s 8  
 s 42 (prev s 23) ins SL1994-5 s 3  
 sub SL1996-21 s 3  
 om A1996-71 s 20  
 ins SL1997-16 s 14  
 am A2001-56 amdt 3.439  
 renum R6 LA (see SL2001-35 amdt 1.10)  
 am SL2004-12 s 9; A2007-1 s 10  
(3)-(5) exp 30 April 2009 (s 42 (5))

**Exclusion of appeals by objectors and third parties—Act, s 276**

s 43 hdg sub SL2004-12 s 10  
 s 43 (prev s 24) ins SL1997-16 s 14  
 am A2001-56 amdt 3.439  
 renum R6 LA (see SL2001-35 amdt 1.10)  
 am SL2004-12 s 11; A2007-1 s 11  
(3)-(5) exp 30 April 2009 (s 43 (5))

**Ministerial exemptions for signs and advertising material**

s 44 (prev s 25) ins SL2001-8 s 3  
 renum R6 LA (see SL2001-35 amdt 1.10)

**Unconditional exemptions from Act, part 6**

sch 1 sub SL1997-16 s 15  
 am A1998-56 s 14; SL1999-31 s 5; SL2000-2 sch 1; SL2001-1  
 s 3  
 items renum R6 LA  
 am A2002-56 amdt 2.8, amdt 2.9; SL2003-35 s 4  
 items renum R10 LA (see SL2003-35 s 5)  
 am SL2004-12 s 12; SL2006-19 s 5; SL2006-33 s 4

**Exemptions from Act, part 6 subject to authority guideline**

sch 2 sub SL1997-16 s 15  
 am SL2000-55 s 3; SL2001-8 s 4

**Exemptions from Act, part 6 subject to implementation plans**

sch 3 am SL1993-53 s 6  
 om SL1997-7 s 9  
 (prev sch 3A) ins SL1997-16 s 15  
 renum SL1997-16 s 15

## Endnotes

### 4 Amendment history

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#### **Notification exemptions—Act, regulation 229 (1) and (6)**

sch 4 ins SL1997-16 s 15  
am SL2000-2 sch 2; A2001-17 amdt 3.4; A2002-56 amdt 2.9;  
A2003-34 amdt 1.19

#### **Notification exemptions Act, regulation 229 (1) (b) and 229 (6)**

sch 5 ins SL1997-16 s 15  
am SL2000-2 sch 3; SL2000-55 s 4; SL2006-19 s 6

#### **Exclusion of appeals, general—Act, s 275**

sch 6 hdg sub SL2004-12 s 13  
sch 6 ins SL1997-16 s 15  
am SL2000-2 sch 4; SL2001-8 s 5; A2002-56 amdt 2.6;  
SL2004-12 s 14; A2007-1 s 12

#### **Exclusion of appeals by objectors and third parties—Act, s 276**

sch 7 hdg sub SL2004-12 s 15  
sch 7 ins SL1997-16 s 15  
am SL2000-2 sch 5; SL2000-55 s 5; A2002-56 amdt 2.7;  
SL2004-12 s 16; SL2006-13 ss 4-10; items renum R21 LA;  
SL2006-19 s 7; A2007-1 ss 13-17

#### **Civic centre area and town centre areas**

sch 8 ins SL2006-13 s 11

#### **Dictionary**

dict ins SL2001-35 amdt 1.9  
am A2002-30 amdt 3.546; A2005-49 amdt 1.7  
def **added value** ins A2002-30 amdt 3.547  
def **adjoining** ins SL1997-16 s 4  
reloc from s 2 SL2001-35 amdt 1.4  
def **Belconnen town centre area** ins SL2006-13 s 12  
def **building code** ins SL2000-2 s 3  
sub SL2001-35 amdt 1.1  
reloc from s 2 SL2001-35 amdt 1.4  
om A2004-13 amdt 2.77  
def **change of use charge** ins A2002-30 amdt 3.547  
def **Civic centre area** ins SL2006-13 s 12  
def **community use** ins SL1997-16 s 4  
reloc from s 2 SL2001-35 amdt 1.4  
def **consolidated lease** ins A2002-30 amdt 3.547  
def **consolidation** ins SL1997-16 s 4  
sub SL2001-35 amdt 1.1  
reloc from s 2 SL2001-35 amdt 1.4  
sub A2002-30 amdt 3.548  
def **development** ins SL1997-16 s 4  
sub SL2001-35 amdt 1.1  
reloc from s 2 SL2001-35 amdt 1.4  
sub A2002-30 amdt 3.548

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- def **exempt building or structure** ins SL1997-16 s 4  
reloc from s 2 SL2001-35 amdt 1.4
- def **further lease** ins A2002-30 amdt 3.549
- def **Gungahlin town centre area** ins SL2006-13 s 12
- def **height** ins SL1997-16 s 4  
reloc from s 2 SL2001-35 amdt 1.4
- def **industrial area** ins SL2006-13 s 12
- def **lease** ins A2002-30 amdt 3.549
- def **lease and development condition** ins SL2000-2 s 3  
reloc from s 2 SL2001-35 amdt 1.4
- def **local centre** ins SL1996-20 s 3  
reloc from s 2 SL2001-35 amdt 1.4
- def **market value** ins SL2001-35 amdt 1.9  
sub A2002-30 amdt 3.550
- def **minor development** ins SL1997-16 s 4  
reloc from s 2 SL2001-35 amdt 1.4  
am A2003-34 amdt 1.20
- def **minor landscape works** ins SL1997-16 s 4  
reloc from s 2 SL2001-35 amdt 1.4
- def **public street** sub A1999-79 sch 4  
reloc from s 2 SL2001-35 amdt 1.4
- def **rear boundary** ins SL1997-16 s 4  
sub SL2001-35 amdt 1.2  
reloc from s 2 SL2001-35 amdt 1.4
- def **regranted lease** ins A2002-30 amdt 3.551
- def **relevant authority** ins SL1997-16 s 4  
sub SL2001-35 amdt 1.2  
reloc from s 2 SL2001-35 amdt 1.4  
am A2002-30 amdt 3.552
- def **reticulated services** ins SL1997-16 s 4  
reloc from s 2 SL2001-35 amdt 1.4  
sub SL2005-19 s 4
- def **rural lease** ins SL2003-35 s 6
- def **service station lease** ins SL1998-32 s 3  
reloc from s 2 SL2001-35 amdt 1.4
- def **side boundary** ins SL1997-16 s 4  
reloc from s 2 SL2001-35 amdt 1.4
- def **subdivided lease** ins A2002-30 amdt 3.553
- def **subdivision** ins SL1997-16 s 4  
sub SL2001-35 amdt 1.3  
reloc from s 2 SL2001-35 amdt 1.4  
sub A2002-30 amdt 3.554
- def **town centre area** ins SL2006-13 s 12
- def **Tuggeranong town centre area** ins SL2006-13 s 12
- def **variation** ins SL1997-16 s 4  
sub SL2001-35 amdt 1.3  
reloc from s 2 SL2001-35 amdt 1.4

## Endnotes

### 5 Earlier replications

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sub A2002-30 amdt 3.554  
def **Woden town centre area** ins SL2006-13 s 12

## 5 Earlier replications

Some earlier replications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Replication No	Amendments to	Replication date
1	SL1993-53	31 December 1993
2	SL1995-7	31 January 1995
3	SL1995-36	31 January 1996
4	SL1997-16	28 February 1998
5	SL2000-2	30 May 2000
6*	SL2001-35	13 September 2001
7	A2002-30	17 September 2002
8	A2002-56	1 July 2003
9	A2003-34	1 September 2003
10	SL2003-35	10 October 2003
11	SL2003-35	30 January 2004
12	SL2004-12	30 April 2004
13	A2004-13	1 September 2004
14	A2004-64	9 September 2004
15	A2004-64	31 October 2004
16	A2004-64	1 November 2004
17	A2004-64	9 March 2005
18	SL2005-19	2 September 2005
19*	A2005-49	7 September 2005



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Republication No	Amendments to	Republication date
20	SL2006-12	11 April 2006
21	SL2006-13	21 April 2006
22	SL2006-19	26 May 2006
23	SL2006-33	30 June 2006

## 6 Renumbered provisions

This subordinate law was renumbered under the *Legislation Act 2001* in R6 (see SL2001-35 amdt 1.10). Details of renumbered provisions are shown in endnote 4 (Amendment history). For a table showing the renumbered provisions, see R6.

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