



Australian Capital Territory

Land (Planning and Environment) Regulations Amendment

Subordinate Law 2000 No 2

The Australian Capital Territory Executive makes the following regulations under the *Land (Planning and Environment) Act 1991*.

Dated 8 February 2000.

BRENDAN SMYTH
Minister

GARY HUMPHRIES
Minister



Australian Capital Territory

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Land (Planning and Environment) Act 1991

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1 Commencement

These regulations commence on the day they are notified in the Gazette.

2 Regulations amended

These regulations amend the *Land (Planning and Environment) Regulations 1992*.

3 Interpretation

Regulation 2 is amended by inserting in subregulation (1) the following definitions:

“building code means the building code under section 24 of the *Building Act 1972*.

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.”.

4 Substitution

Regulation 5 is repealed and the following regulation substituted:

“5 Prescribed period—s 121 (1)

For subsection 121 (1) of the Act, the prescribed period is 30 business days.”.

5 Prescribed period—s 230 (2)

Regulation 16 is amended by omitting from subregulation (5) “Minister” and substituting “relevant authority”.

6 Prescribed period—s 237 (1)

Regulation 18 is amended—

- (a) by omitting from paragraph (a) “the period of 21 days” and substituting “15 business days”; and

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(b) by omitting from paragraph (b) “the period of 14 days” and substituting “10 business days”.

7 Schedule 1

Schedule 1 is amended as set out in Schedule 1.

8 Schedule 4

Schedule 4 is amended as set out in Schedule 2.

9 Schedule 5

Schedule 5 is amended as set out in Schedule 3.

10 Schedule 6

Schedule 6 is amended as set out in Schedule 4.

11 Schedule 7

Schedule 7 is amended as set out in Schedule 5.

SCHEDULE 1

(See reg 7)

AMENDMENTS TO SCHEDULE 1

1 Omit item 14, substitute the following item:

- “14 Erection or alteration of an exempt building or structure (other than a structure mentioned in item 25) if, on completion of the development—
- (a) no part of the building or structure would be between a front boundary and a building line; and
 - (b) the building or structure has no metal roofing or walling that is untreated, pre-coloured or painted white or off-white; and
 - (c) if the building or structure is a class 10 structure under the building code—it is the only such structure on the boundary of the leased land on which it is erected.”.

2 Omit item 22, substitute the following items:

- “22 Installation or removal of electricity, water, gas, communications or similar services, other than reticulated services or trunk supply services.
- 22A Installation or removal of drainage services other than reticulated services or trunk drainage services.”.

3 Omit item 27.

4 Omit item 30, substitute the following item:

- “30 Variation of a lease solely to permit a development mentioned in another item of this schedule.”.

SCHEDULE 2

(See reg 8)

AMENDMENTS TO SCHEDULE 4

1 Item 10—

(a) after paragraph (b) insert the following paragraph:

“(ba) the area of the parcel of land is not more than 450 square metres and no setback is required by the Territory Plan for the dwelling, building or structure in relation to 1 side boundary only;” and

(b) omit from paragraph (c) “the setback”, substitute “if the area of the land is more than 450 square metres, the setback”.

2 Omit item 15, substitute the following items:

- “15 Construction, alteration or demolition of a public road or a car park within a road reserve.
- 16 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—
- (a) no direction that an assessment be made of the relevant proposal has been given under subsection 121 (1) of the Act; or
 - (b) if an assessment has been submitted to the Environment Minister—any conditions recommended by the Minister under paragraph 131 (3) (d) of the Act have been complied with.
- 17 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—
- (a) no direction that an assessment be made of the relevant proposal has been given under subsection 121 (1) of the Act; or
 - (b) if an assessment has been submitted to the Environment Minister—any conditions recommended by the Minister under paragraph 131 (3) (d) of the Act have been complied with.
- 18 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.
- 19 A development that is required by a lease and development condition.

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SCHEDULE 2—continued

- 20 Alteration of a schedule of unit entitlements under the *Unit Titles Act 1970*.
- 21 Variation of a lease solely to permit a development mentioned in another item of this schedule.”.
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SCHEDULE 3

(See reg 9)

AMENDMENTS TO SCHEDULE 5

1 Omit item 1, substitute the following item:

- “1 Erection, alteration or demolition of a single dwelling, where the development would not result in more than 1 dwelling being on the land.”.

2 Omit item 3, substitute the following items:

- “3 Erection, alteration or demolition of a structure that is a class 10 structure within the meaning of the building code.
- 4 Variation of a lease solely to permit a development mentioned in another item of this Schedule.”.
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SCHEDULE 4

(See reg 10)

AMENDMENT TO SCHEDULE 6

Add at the end the following item:

“4 A development on unleased Territory land.”

SCHEDULE 5

(See reg 11)

AMENDMENTS TO SCHEDULE 7

1 Omit item 5, substitute the following items:

- “5 Erection, alteration or demolition of a single dwelling, where the development would not result in more than 1 dwelling being on the land.
- 5A Erection, alteration or demolition of a structure that is a class 10 structure within the meaning of the building code.”.

2 Omit item 14, substitute the following items:

- “14 A development by or on behalf of the Territory that consists of the construction, alteration, demolition or removal of—
- (a) electricity, water, gas or communication services; or
- (b) a floodway or sewerage or drainage works; or
- (c) a public road, public path, cycleway or car park.
- 15 The construction, alteration, demolition or removal of public facilities on unleased Territory land, including barbecues, seating or playground equipment, or related landscaping.
- 16 Variation of a lease solely to permit a development mentioned in another item of this Schedule.”.
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Endnotes

Regulations amended

- 1 Republished as in force on 28 February 1998. See also SL 1998 Nos 21 and 32; Act 1998 No 56; SL 1999 Nos 31 and 34.

Notification

- 2 Notified in the Gazette on 14 February 2000.

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