



Australian Capital Territory

# Land (Planning and Environment) Amendment Regulation 2006 (No 3)

**Subordinate Law SL2006-19**

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

Dated 22 May 2006.

SIMON CORBELL  
Minister

JOHN HARGREAVES  
Minister

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# Land (Planning and Environment) Amendment Regulation 2006 (No 3)

Subordinate Law SL2006-19

made under the

Land (Planning and Environment) Act 1991

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## 1 Name of regulation

This regulation is the *Land (Planning and Environment) Amendment Regulation 2006 (No 3)*.

## 2 Commencement

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

## 3 Legislation amended

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

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J2005-984

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**4 Section 37**

*substitute*

**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

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- (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.



**5 Schedule 1, item 16, column 2**

*substitute*

Erection or alteration of an exempt building or structure (other than a structure mentioned in item 28) 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 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
- (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.

**6 Schedule 5, item 3, column 2**

*omit*

class 10 structure within the meaning of

*substitute*

class 10 building under

**7 Schedule 7, item 6, column 2**

*omit*

class 10 structure within the meaning of

*substitute*

class 10 building under

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**Endnotes**

**1 Notification**

Notified under the Legislation Act on 25 May 2006.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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