



Australian Capital Territory

Planning and Development Amendment Regulation 2009 (No 9)

Subordinate Law SL2009-38

The Australian Capital Territory Executive makes the following regulation under the *Planning and Development Act 2007*.

Dated 22 July 2009.

ANDREW BARR
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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made under the

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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1 Name of regulation

This regulation is the *Planning and Development Amendment Regulation 2009 (No 9)*.

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 *Planning and Development Regulation 2008*.

4 Section 105 (e) and note

substitute

(e) a lease to a community organisation;

Note *Community organisation*—see the dictionary.

5 Section 106 (a)

substitute

(a) the land is the most suitable land for the entity's proposed use of the land, having regard to the entity's functions; and

6 Section 107 (a)

substitute

(a) the land is the most suitable land for the entity's proposed use of the land, having regard to the entity's functions; and

7 Section 112

substitute

**112 Direct sale criteria for community organisations—
Act, s 240 (1) (a) (i)**

- (1) The criteria for the direct sale of a lease to a community organisation are—
 - (a) the planning and land authority is satisfied that the community organisation meets the business-case criteria in relation to the proposed development; and
 - (b) the planning and land authority is satisfied that the proposed use of the land is—
 - (i) consistent with the community organisation's constitution or rules; and
 - (ii) compatible with ACT or Commonwealth government policies applicable to the proposed use.

Note **Community organisation**—see the dictionary.

- (2) For subsection (1) (a), the community organisation must give the planning and land authority the business-case documentation for the proposed development.
- (3) For subsection (1) (b) (ii), the community organisation must give the planning and land authority details of how the development and use of the land will meet any relevant ACT or Commonwealth government policies applicable to the proposed use of the land, including (but not limited to) written evidence of the following:
 - (a) the support of any ACT or Commonwealth government agency responsible for implementing policy in relation to the land use;

- (b) if the community organisation is eligible for funding by an ACT or Commonwealth government agency—the community organisation’s eligibility.

8 Section 142 (2) (c)

substitute

- (c) a lease (the *exempt lease*) of public land granted under the Act, section 238 (1) (d) to the lessee of a lease that is contiguous with the exempt lease;
- (d) a lease (the *exempt lease*) of unleased land, other than public land, granted under the Act, section 238 (1) (d) to the lessee of a lease that is contiguous with the exempt lease;
- (e) a lease granted by direct sale under the Act, section 238 (1) (d) if the lease is—
- (i) a lease mentioned in section 130 (1) (a), (b) or (c) (Certain direct sales not requiring approval—Act, s 240 (1) (d)); and
 - (ii) sold for market value;
- (f) a lease granted under the Act, section 241 if—
- (i) the lease is sold for market value; and
 - (ii) the Act, section 251 (1) (a) or (d) does not apply to the lease.

9 Section 204 (1)

omit

community organisation for community use

substitute

community organisation

10 Section 210 (1) (b) and notes

substitute

(b) a lease granted to a community organisation;

Note **Community organisation**—see the dictionary.

11 Section 211 (1) (b)

substitute

(b) a lease granted to a community organisation;

12 Schedule 1, section 1.99C etc

after

the boundary of

insert

a block in

in

- section 1.99C
- section 1.99F
- section 1.99K
- section 1.99Q
- section 1.99U
- section 1.99V

13 Schedule 20, modification 20.1, new sections 429EAA and 429EAB

insert

429EAA Modification—s 246 (Payment for leases)

Section 246 (3) (b) and (c) applies as if it read as follows:

- ‘(b) the entity provides another component (a *non-monetary component*) comprising—
- (i) infrastructure, or other work, in relation to the lease or another lease; or
 - (ii) 1 or more of the following under a deed or agreement with the Territory or a Territory authority:
 - (A) goods;
 - (B) services;
 - (C) works; and
- (c) the total value of the monetary component and the non-monetary component is not less than the market value of the lease.’

429EAB Modification—s 246 (Payment for leases)

Section 246 applies as if the following subsection were inserted:

- ‘(3A) To remove any doubt, for a lease prescribed for subsection (2) (e), an entity pays the amount prescribed by regulation for the lease if—
- (a) the entity pays less than the amount prescribed for the lease (the *monetary component*); and

- (b) the entity provides another component (a *non-monetary component*) comprising—
 - (i) infrastructure, or other work, in relation to the lease or another lease; or
 - (ii) 1 or more of the following under a deed or agreement with the Territory or a Territory authority:
 - (A) goods;
 - (B) services;
 - (C) works; and
- (c) the total value of the monetary component and the non-monetary component is not less than the amount prescribed for the lease.’

Endnotes

1 Notification

Notified under the Legislation Act on 23 July 2009.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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