Australian Capital Territory

Land (Planning and Environment) Act 1991

A1991-100

Republication No 31

Effective: 2 June 2006 – 2 June 2006

Republication date: 2 June 2006

Last amendment made by A2006-23

Not all amendments are in force: see last endnote

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About this republication

The republished law

This is a republication of 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 2 June 2006. It also includes any amendment, repeal or expiry affecting the republished law to 2 June 2006.

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

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- 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.

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Land (Planning and Environment) Act 1991

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Australian Capital Territory

Land (Planning and Environment) Act 1991

An Act relating to the use of land in the ACT, and for related purposes

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Part 1 Preliminary

1 Name of Act

This Act is the *Land (Planning and Environment) Act 1991*.

2 Dictionary

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

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

For example, the signpost definition '***order***, for part 6 (Approvals and orders)—see section 222.' means that the term 'order' is defined in that section and the definition applies to pt 6.

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

3 Notes

A note included in this Act is explanatory and is not part of this Act.

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

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4 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 258 (Contravening orders)
- s 259B (Contravening direction to carry out rectification work)
- s 259D (1) (Obstructing etc authorised people)
- s 260A (Contravening prohibition notices)
- s 264 (3) (Identity cards).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct***, ***intention***, ***recklessness*** and ***strict liability***).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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Part 2 Planning

Division 2.1 Preliminary

5 Definitions for pt 2

In this part:

background papers, in relation to a draft plan variation or a plan variation means—

(a) an explanatory statement; and

(b) a copy of—

(i) any relevant direction of the Minister; and

Note The Minister may give directions under this Act, s 26 and s 94 (1) (b) and the *Planning and Land Act 2002*, s 12 (1) (b).

(ii) any submission of the conservator mentioned in section 16, including any preliminary draft plan of management (prepared under subdivision 5.7.4) accompanying such a submission; and

(iii) any recommendation or submission made by the heritage council and mentioned in section 17 (Consultation with heritage council); and

(iv) any relevant environmental report; and

(v) the report of any relevant inquiry; and

(vi) the report of any other inquiry relating to the variation; and

(c) a statement, by the planning and land authority, of the reasons for any inconsistency between the draft plan and—

(i) a direction mentioned in paragraph (b) (i); or

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(ii) a submission of the conservator mentioned in paragraph (b) (ii); or

(iii) any recommendation or submission made by the heritage council and mentioned in section 17 (Consultation with heritage council); and

(iv) a recommendation in a report mentioned in paragraph (b) (iv), (v) or (vi); and

(d) any other documents—

(i) considered by the authority to be necessary or useful in explaining the draft plan variation; and

(ii) designated by the authority in writing as background papers.

consultation notice—see section 19 (Public consultation—notification).

development, in relation to land, means—

(a) the erection, alteration or demolition of a building on that land; or

(b) the carrying on of work on that land; or

(c) the use or change of use of that land; or

(d) the use or change of use of a building or works on that land; or

(e) the subdivision or consolidation of that land; or

(f) the display of signs or advertising material on that land.

draft plan variation—

(a) means a draft plan variation prepared by the planning and land authority under section 15 (Preparation of plan variations) and—

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(i) if section 19C (Draft plan variations that do not affect rights) does not apply—notified under section 19 (Public consultation—notification); or

(ii) if section 19C applies—notified in the legislation register under section 19C (2); and

(b) for a draft plan variation that has been revised under section 22 (1) (a) or 27—includes the draft plan variation as revised.

environmental report means—

(a) a preliminary assessment under division 4.2; or

(b) a report under section 128; or

(c) an assessment.

land includes water.

national capital plan means the plan approved under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth), section 19.

Note A reference to an instrument under a law includes a reference to the instrument as amended from time to time (see Legislation Act, s 102)

variation, in relation to the plan, includes the revocation of the plan and its substitution with a new plan.

Division 2.2 Territory plan—object and effect

7 Object of territory plan

(1) The object of the plan is to ensure, in a way not inconsistent with the national capital plan, that the planning and development of the ACT provides the people of the ACT with an ecologically sustainable, healthy, attractive, safe and efficient environment in which to live, work and have their recreation.

(2) The plan must set out the planning principles and policies for giving effect to its object.

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(3) For giving effect to the object of the plan and the principles and policies mentioned in subsection (2), the plan may—

(a) set out specific objectives and policies; and

(b) specify purposes for which land may be used; and

(c) identify land for subdivision 2.3.4, specifying in addition the principles and policies for its development; and

(d) for division 5.7—identify an area of land as public land and reserve it for a purpose specified in section 193; and

(e) provide for other matters relevant to the exercise of the powers of the Territory, the Executive or a territory authority under a territory law, or the administrative review of the exercise of those powers; and

(f) provide for other matters that are necessary or convenient.

8 Effect of plan

The Territory, the Executive, a Minister or a territory authority must not do any act, or approve the doing of any act, that is inconsistent with the plan.

9 Effect of draft plan variation

(1) This section applies to a draft plan variation if a consultation notice states that it applies.

(2) The Territory, the Executive, a Minister or a territory authority must not, during the defined period or a period stated in the consultation notice, whichever is shorter, do or approve the doing of anything that—

(a) would be inconsistent with the plan if it were varied in accordance with the draft variation; or

(b) is inconsistent with the plan.

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(3) If a draft plan variation to which this section applies is deferred under section 22 (1) (b) or section 27 (a), this section does not apply in relation to that draft variation during the period of its deferral.

(4) In this section:

defined period means the period beginning on the day when the draft plan variation is notified under the Legislation Act (see section 19 (Public consultation—notification)) and ending at the end of the day before—

(a) the date the draft variation comes into effect; or

(b) the date the corresponding plan variation is rejected by the Legislative Assembly; or

(c) the date the draft variation, or the corresponding plan variation, is withdrawn under section 22 (1) (c), section 27 (a) or section 30A (3) (b).

draft plan variation includes a provision of a draft plan variation.

12 Plan not to have retrospective effect

If, immediately before the plan comes into effect under this Act, it would be lawful to use any land in a particular way in the exercise of a right derived from an estate in that land, the plan does not prevent the use of that land in that way during the term of the estate.

Division 2.3 Territory plan—continuation and variation

Subdivision 2.3.1 Territory plan

13 Continuation of plan

The plan established under the *Interim Planning Act 1990*, part 3, being that plan as in effect under that Act immediately before the

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commencement of this section, continues in effect under this Act as the territory plan and may be varied in accordance with this part.

Subdivision 2.3.2 Preparation of variations of territory plan

14 Application of sdiv 2.3.2

This subdivision does not apply in relation to a variation to the plan under subdivision 2.3.4.

15 Preparation of plan variations

(1) The planning and land authority may prepare variations to the plan.

(2) A plan variation may be prepared in separate stages or parts.

16 Consultation with conservator

In preparing a draft plan variation, the planning and land authority must—

(a) consider any recommendation or submission made by the conservator in relation to the draft variation, including any preliminary draft plan of management under subdivision 5.7.4 accompanying the recommendation or submission; and

(b) if the draft variation is to identify or affect public land—consult with the conservator, unless the draft gives effect to a recommendation of the conservator under section 192.

17 Consultation with heritage council

In preparing a draft plan variation, the planning and land authority must consult the heritage council and consider any recommendation or submission made by the council in relation to the variation.

18 Environmental reports and inquiries

(1) In preparing a draft plan variation, the planning and land authority must consider—

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(a) any relevant environmental report; and

(b) the report of any relevant inquiry; and

(c) any relevant report required to be prepared by the plan.

(2) The Minister may direct that an assessment be made, or establish a panel to conduct an inquiry, about any aspect of a draft plan variation or a proposed draft plan variation.

(3) The Minister may initiate action under subsection (2) or act on written request by the planning and land authority.

19 Public consultation—notification

(1) Before submitting a draft plan variation to the Minister, the planning and land authority must prepare a notice (a ***consultation notice***)—

(a) stating that copies of the draft plan variation and the background papers are available for public inspection and purchase during a stated period of not less than 15 business days at stated places; and

(b) inviting interested people to give written comments about the draft variation to the authority at a stated address during a stated period of not less than 15 business days; and

(c) stating that copies of written comments about the draft variation, given in response to the invitation in paragraph (b) or otherwise, or received from the national capital authority, will be made available for public inspection for a period of 15 business days after the end of the period mentioned in paragraph (b), at stated places; and

(d) complying with section 19A (as applicable).

(2) The planning and land authority may, in writing (by an ***extension notice***), extend or further extend the consultation period mentioned in subsection (1) (a) or (b).

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(3) An extension notice may be given after the end of the period to be extended.

(4) The following are notifiable instruments:

(a) the consultation notice;

(b) any extension notice.

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

(5) The planning and land authority must also publish the consultation notice and any extension notice in a daily newspaper.

(6) This section does not apply in relation to a draft plan variation that has been revised by the planning and land authority in accordance with a direction under section 26 (1) (b) (Minister's powers).

19A Public consultation—notice of interim effect etc

(1) A consultation notice under section 19 must state whether or not section 9 (Effect of draft plan variation) applies in relation to the draft variation.

(2) A consultation notice that states that section 9 applies must also state—

(a) for section 9 (2) (b), a period not longer than 1 year that is the maximum period during which the draft variation is to have interim effect; and

(b) the effect of section 9.

(3) A consultation notice that states that section 11 applies must state the effect of that section.

19B Public consultation—availability of draft plan variation etc

(1) The planning and land authority must make copies of the draft plan variation and the background papers mentioned in a consultation

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notice available for public inspection and purchase during office hours during the period, and at the places, stated in the notice.

(2) If, in the planning and land authority's opinion, it would not be in the public interest for part of the draft plan variation or of any background paper to be published, the authority must exclude that part from each copy of the document made available under subsection (1).

(3) If part of the draft plan variation or a background paper is excluded from the copies of the document made available for public inspection or purchase under subsection (1), each copy of the document must include a statement to the effect that an unspecified part of the document has been excluded in the public interest.

19C Draft plan variations that do not affect rights

(1) This section applies if the planning and land authority is satisfied that a draft plan variation—

(a) would, if approved, not affect adversely anybody's rights; or

(b) has as its only object the correction of a formal error in the plan.

(2) The draft plan variation is a notifiable instrument.

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

(3) Section 19 and section 19B do not apply to the draft plan variation, but the planning and land authority must take reasonable steps to inform itself about public attitudes to the draft plan variation.

20 Consultation with national capital authority

Before giving a draft plan variation to the Minister, the planning and land authority must consult with the national capital authority.

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21 Public inspection of comments

(1) The planning and land authority must make copies of any comments mentioned in section 19 (1) (c) available for public inspection during office hours during the period, and at the places, mentioned in the consultation notice under section 19 that refers to the relevant draft plan variation.

(2) The planning and land authority may omit from the copy of a comment made available under subsection (1) information that would identify the person who had made the comment if—

(a) the person has asked that the information be omitted; and

(b) the authority is reasonably satisfied that it would not be in the public interest for the information to be published.

22 Revision, deferral or withdrawal of draft plan variations

(1) After the end of the period specified in the notice under section 19 (1) (b) the planning and land authority may, in writing—

(a) revise the draft plan variation; or

(b) defer until a specified date, or until the happening of a specified event, the submission of the draft plan variation to the Minister; or

(c) withdraw the draft plan variation.

(2) A deferral or withdrawal of a draft plan variation must include a statement of the effect of section 9 (Effect of draft plan variation) in relation to the deferral or withdrawal.

(3) A deferral or withdrawal of a draft plan variation is a notifiable instrument.

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

(4) The planning and land authority must also publish a deferral or withdrawal of a draft plan variation in a daily newspaper on the

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same day, or as soon as practicable after the day, the deferral or withdrawal is notified under the Legislation Act.

(5) In revising, deferring or withdrawing a draft plan variation under subsection (1), the planning and land authority must consider written comments about the draft variation received from any person or the national capital authority.

(6) In addition to its power under subsection (1), the planning and land authority may, at any time before the submission or resubmission of a draft plan variation to the Minister, revise the draft variation to correct any formal error.

(7) If the planning and land authority defers a draft plan variation, on the day stated in the deferral, or as soon as practicable after the event mentioned in the deferral, the authority must prepare a notice stating—

(a) that the draft plan variation is revived; and

(b) the effect of section 9 in relation to the revival.

(8) The notice under subsection (7) is a notifiable instrument.

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

(9) The planning and land authority must also publish the notice in a daily newspaper as soon as practicable after preparing it.

Subdivision 2.3.3 Minister approval and consideration by Legislative Assembly

23 Application of sdiv 2.3.3

This subdivision does not apply in relation to a plan variation under subdivision 2.3.4.

24 Submission of draft plan variation to Minister

(1) After the end of the period specified in the notice under section 19 (1) (b), the planning and land authority must submit a

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draft plan variation (as revised, if at all, under section 22) to the Minister for approval, together with—

(a) the background papers; and

(b) a written report setting out the issues raised in any written comments about the draft variation submitted under the invitation in the notice under section 19 (1) or otherwise; and

(c) a written report about its consultation with the public and the national capital authority; and

(d) a written report about any consultation between the authority and the heritage council relating to the draft variation that specifies any difference between the views of the authority and the heritage council in relation to any site of heritage significance; and

(e) a copy of any written comments submitted to the authority by the national capital authority in relation to the draft variation.

(2) The planning and land authority must give the Executive a written report about the authority's consultation with the national capital authority.

(3) The planning and land authority must prepare a written notice stating that the documents mentioned in subsection (1) are available for public inspection.

(4) The notice is a notifiable instrument.

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

(5) The planning and land authority must also publish the notice in a daily newspaper.

(6) The planning and land authority must make copies of the documents mentioned in subsection (1) available for public inspection during office hours during the period, and at the places, stated in the notice.

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25 Consideration by Legislative Assembly committee

The Minister must, within 28 days of receiving a draft plan variation under section 24, refer—

(a) the draft plan variation; and

(b) the documents mentioned in section 24 (1) that relate to the draft plan variation;

to an appropriate committee of the Legislative Assembly together with a request that the committee report on the draft plan to the Legislative Assembly.

26 Minister's powers

(1) On receipt of a draft plan variation submitted or resubmitted for approval, the Minister must—

(a) approve the draft variation in the form in which it is submitted or resubmitted; or

(b) return the draft variation to the planning and land authority together with any or all of the following written directions:

(i) to conduct further specified consultation;

(ii) to consider any relevant environmental report, the report of any relevant inquiry, or any other relevant report;

(iii) to consider any revision suggested by the Minister;

(iv) to revise the draft variation in a specified way;

(v) to defer, in writing, the resubmission of the draft variation to the Minister until a specified date or the happening of a specified event;

(vi) to withdraw the draft variation in writing.

(2) Before taking action under subsection (1), the Minister must consider any recommendation made by a committee of the

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Legislative Assembly in relation to the draft variation, or related documents, referred to the committee under section 25.

(3) A deferral or withdrawal directed under subsection (1) (b) (v) or (vi) must state the effect of section 9 in relation to the deferral or withdrawal of the draft plan variation.

(4) The following are notifiable instruments:

(a) a direction under subsection (1) (b);

(b) a deferral directed under subsection (1) (b) (v);

(c) a withdrawal directed under subsection (1) (b) (vi).

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

(5) The authority must also publish a deferral or withdrawal directed under subsection (1) (b) (v) or (vi) in a daily newspaper on the same day, or as soon as practicable after, the deferral or withdrawal is notified under the Legislation Act.

(6) After approving a draft plan variation under subsection (1) (a), the Minister may, before the draft variation is presented to the Legislative Assembly, revoke the approval and return the draft variation to the planning and land authority under subsection (1) (b).

27 Return of draft plan variation to authority

(1) This section applies if the Minister returns a draft plan variation to the authority with directions under section 26 (1) (b).

(2) The authority must comply with each direction.

(3) If a direction is given under section 26 (1) (b) (i), (ii) or (iii), the authority may revise the draft variation and resubmit it to the Minister for approval together with a written report about the authority's compliance with the Minister's direction and any further revision of the draft variation under section 22 (6).

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(4) If a direction is given under section 26 (1) (b) (iv), the authority must resubmit the draft variation (as revised) together with a written report about any further revision of the draft variation under section 22 (6).

28 Notice of revival of deferred draft plan variation

(1) If the planning and land authority defers a draft plan variation as directed under section 26 (1) (b) (v) (Minister's powers), on the day stated in the deferral, or as soon as practicable after the event mentioned in the deferral, the authority must—

(a) prepare a notice stating—

(i) that the draft plan variation is revived; and

(ii) the effect of section 9 (Effect of draft plan variation) in relation to the revival; and

(iii) the effect of any revision under section 22 (6) (Revision, deferral or withdrawal of draft plan variations); and

(b) resubmit the draft variation to the Minister; and

(c) advise the Legislative Assembly.

(2) A notice under subsection (1) (a) is a notifiable instrument.

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

(3) The planning and land authority must also publish the notice in a daily newspaper.

29 Consideration of plan variation by Legislative Assembly

(1) A plan variation must be presented to the Legislative Assembly within 5 sitting days after the day it is approved by the Minister, together with copies of the following documents in relation to the variation:

(a) the background papers;

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(b) the summaries and reports mentioned in section 24 (1) (b), (c) and (d);

(c) any direction under section 26 (1) (b);

(d) any report mentioned in section 26 (1) (b) (ii);

(e) any report mentioned in section 27 (c).

(2) Subsection (1) is subject to section 26 (6) (Minister's powers).

(3) If a plan variation is not presented to the Legislative Assembly in accordance with subsection (1), it does not come into effect.

(4) The Legislative Assembly may, on a motion of which notice has been given within 5 sitting days after a plan variation has been presented to it, by resolution reject the variation or any provision of it.

(5) If, at the end of 5 sitting days after notice of a motion to reject a plan variation or a provision of a plan variation has been given in the Legislative Assembly (being notice given within 5 sitting days after the variation was presented to the Legislative Assembly)—

(a) the notice has not been called on; or

(b) the motion has been called on and moved and has not been withdrawn or otherwise disposed of;

the plan variation or provision specified in the motion is taken to have been rejected by the Legislative Assembly.

(6) If, before the end of 5 sitting days after a notice of motion to disallow a plan variation or a provision of a plan variation has been given in the Legislative Assembly (being notice given within 5 sitting days after the variation was presented to the Legislative Assembly)—

(a) the Legislative Assembly is dissolved or expires; and

(b) at the time of dissolution or expiry—

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(i) the notice has not been withdrawn and the motion has not been called on; or

(ii) the motion has been called on and moved and has not been withdrawn or otherwise disposed of;

the plan variation is taken, for subsections (4) and (5), to have been presented to the Legislative Assembly on the first sitting day of the Legislative Assembly after the next general election of members of the Assembly.

(7) If, at the end of 5 sitting days after a plan variation is presented to the Legislative Assembly, the Assembly has not passed a resolution rejecting the variation or any provision of it and is not, under subsection (5), taken to have rejected the variation or any provision of it, the Minister must, in writing, fix a day when the plan variation is to commence.

Note An instrument under this subsection is a ***commencement notice*** (see Legislation Act, s 11). A commencement notice must be notified under the Legislation Act.

(8) The planning and land authority must publish in a daily newspaper details of—

(a) the commencement notice under subsection (7); and

(b) where copies of the plan variation may be inspected or purchased.

(9) The planning and land authority must make copies of the plan variation available for inspection or purchase during office hours at the places, and during the period, published in the newspaper under subsection (8) (b).

(10) A plan variation notified under subsection (7) commences on the day fixed by the notice.

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30 Rejection of plan variation by Legislative Assembly

(1) This section applies if a plan variation is completely rejected under section 29 (4) (Consideration of plan variation by Legislative Assembly), or taken to be completely rejected under section 29 (5).

(2) The plan variation does not come into force if this section applies.

(3) The planning and land authority must prepare a notice stating that the plan variation has been rejected.

(4) The notice is a notifiable instrument.

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

(5) The planning and land authority must also publish the notice in a daily newspaper.

30A Partial rejection of plan variation by Legislative Assembly

(1) This section applies if a plan variation is partly rejected under section 29 (4) (Consideration of plan variation by Legislative Assembly), or taken to be partly rejected under section 29 (5).

(2) A provision of a plan variation does not come into force if—

(a) it is rejected by the Legislative Assembly under section 29 (4) or (5); or

(b) it is withdrawn under subsection (3) (b).

(3) The Minister must, in relation to each provision of the plan that is not rejected under section 29 (4) or (5), in writing—

(a) fix a day when the provision (an ***approved provision***) is to commence; or

(b) withdraw the provision.

Note An instrument under par (a) is a ***commencement notice*** (see Legislation Act, s 11). A commencement notice must be notified under the Legislation Act.

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(4) A withdrawal under subsection (3) (b) is a notifiable instrument.

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

30B Partial rejection of plan variation—newspaper publication etc

(1) The planning and land authority must publish in a daily newspaper details of—

(a) a commencement notice under section 30A (3) (a) for a provision (an ***approved provision***); or

(b) a withdrawal notice under section 30A (3) (b).

(2) The details of a commencement notice published under subsection (1) (a) for an approved provision must include details of where, and for what period, copies of the provision may be inspected or purchased.

(3) The planning and land authority must make copies of each approved provision available for inspection or purchase during office hours at the place or places, and during the period, mentioned in subsection (2).

Subdivision 2.3.4 Plan variations—defined land

31 Definition for sdiv 2.3.4

In this subdivision:

defined land means land identified in the plan pursuant to section 7 (3) (c).

32 Plan variations in relation to defined land

(1) On approval of the subdivision of a parcel or part of a parcel of defined land, the planning and land authority must, in writing, vary the plan to specify the purposes for which that land may be used.

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(2) A variation of the plan under subsection (1) in relation to a parcel, or part of a parcel, of land must include a map of that parcel or part showing the purposes for which identified parts of that land may be used.

(3) A variation of the plan under subsection (1) is to be consistent with—

(a) the relevant subdivision and any conditions subject to which that subdivision is approved; and

(b) the principles and policies specified in the plan for the development of the relevant defined land.

(4) A variation of the plan under subsection (1) is a notifiable instrument.

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

(5) A variation of the plan under subsection (1) has the effect of the parcel, or part of a parcel, of land which is subdivided ceasing to be defined land.

(6) Within 7 days after a variation of the plan under subsection (1) is notified under the Legislation Act, the planning and land authority must publish a notice in a daily newspaper that—

(a) specifies the variation made to the plan; and

(b) includes a copy of the map that was included in the variation; and

(c) specifies when the variation to the plan took effect or is to take effect.

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Division 2.5 Miscellaneous

51 Challenge to validity of provisions of plan

The validity of a provision of the plan must not be questioned in any legal proceedings except those commenced within 3 months after the date of the commencement of the provision or of a variation of the provision.

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Part 4 Environmental assessments and inquiries

Division 4.1 Preliminary

Note The Environment Minister may delegate a function of the Environment Minister under this part to the planning and land authority (see Legislation Act, s 254A).

111 Definitions for pt 4

In this part:

defined decision means a decision of the Territory, the Executive, a Minister or a territory authority about a proposal in relation to which a Minister is empowered under part 2, part 5 or part 6, an Act other than this Act or a subordinate law—

(a) to direct that an assessment be made; or

(b) to establish a panel to conduct an inquiry.

environmental impact, in relation to a proposal that is the subject of a defined decision, includes the following potential effects of the proposal (if carried out), either by itself or in combination with the potential effects of another such proposal:

(a) environmental effect on a community;

(b) physical, biological or cultural transformation of an area;

(c) environmental effect on the social system or the ecosystems of an area;

(d) change to the aesthetic, recreational, scientific or other environmental qualities, or values, of an area;

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(e) environmental effect on any premises or land or the surroundings of any premises or land, that has heritage significance;

(f) the endangering, or further endangering, of a community or an area;

(g) the endangering, or further endangering, of any species of fauna or flora;

(h) long-term environmental effects including those with potential to place demands on the social system;

(i) curtailing of the range of beneficial uses of the environment;

(j) pollution;

(k) problems associated with the disposal of waste;

(l) increased demands on natural resources that are, or are likely to be, in short supply;

(m) change to the values or lifestyles of particular groups and communities or to existing social relationships;

(n) socioeconomic effect.

environmental impact statement means an environmental impact statement prepared in accordance with division 4.3.

land includes water.

panel means a panel established to conduct an inquiry.

preliminary assessment means an assessment made under division 4.2.

proponent, in relation to a defined decision, means the person designated as the proponent under section 112.

public environment report means a public environment report prepared in accordance with division 4.3.

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relevant Minister, means the Minister responsible for the administration of the Act or subordinate law under which—

(a) in relation to an assessment or inquiry—that assessment or inquiry is authorised to be made or conducted; or

(b) in relation to a defined decision—the relevant decision is authorised to be made.

112 Proponents

(1) For this part, the relevant Minister in relation to a defined decision may, in writing, designate a person or territory authority as the proponent in relation to the decision.

(2) The relevant Minister must designate, as the proponent in relation to a defined decision, the person or territory authority whose interests would be most directly affected by the decision, unless, in the opinion of that Minister, the public interest requires otherwise.

Division 4.2 Preliminary assessments

113 Directions

The relevant Minister in relation to a defined decision, or the Environment Minister, may, by written notice to the relevant proponent within 28 days after the day when the decision that a preliminary assessment be required is made, direct the proponent to prepare a preliminary assessment of the environmental impact of the relevant proposal.

114 Mandatory preliminary assessments

If a defined decision is of a class prescribed by the plan, the relevant Minister must, within the period mentioned in section 113, issue a notice under that section in relation to the relevant proposal.

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115 Content

A preliminary assessment must consist of the matters specified in schedule 3.

116 Submission to Minister

(1) On notice under section 113, the proponent must submit a preliminary assessment to the Environment Minister in accordance with the notice.

Note A fee may be determined under s 287 for this subsection.

(2) If the Environment Minister is not the relevant Minister in relation to a preliminary assessment, the Environment Minister must give the preliminary assessment to the relevant Minister.

117 Public inspection

(1) After a preliminary assessment is submitted to the Environment Minister under section 116, the Environment Minister must prepare a written notice stating that copies of the preliminary assessment are available for public inspection during a specified period of not less than 15 business days at specified places.

(2) The Environment Minister may, in writing, extend or further extend the period stated in the notice.

(3) The power under subsection (2) may be exercised after the end of the period to be extended.

(4) The following are notifiable instruments:

(a) a notice under subsection (1);

(b) an extension or further extension under subsection (2).

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

(5) The planning and land authority must also publish a notice under subsection (1), or an extension or further extension under subsection (2), in a daily newspaper.

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(6) The Environment Minister must, at the places, and within the period, specified in a notice under subsection (1)—

(a) make copies of the preliminary assessment mentioned in the notice available for public inspection; and

(b) give a copy of the preliminary assessment to any person on request.

Note A fee may be determined under s 287 for par (b).

(7) The Environment Minister must send a copy of the preliminary assessment mentioned in the notice under subsection (1), without charge, to the Conservation Council of the South-East Region and Canberra (Inc.).

118 Exclusion of material

(1) If, in the opinion of the Environment Minister based on reasonable grounds—

(a) a part of a preliminary assessment contains information related to the personal or business affairs of a person—

(i) supplied to the proponent or the Minister in confidence; or

(ii) the publication of which would reveal a trade secret; or

(iii) the disclosure of which would, or would reasonably be expected to, adversely affect a person in relation to the lawful business affairs of that person; and

(b) it would not be in the public interest for that part to be published;

the Environment Minister must exclude that part from each copy of the preliminary assessment made available to the public or for public inspection.

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(2) If a part of a preliminary assessment is excluded from the copies of that assessment made available to the public or for public inspection, each copy must include a statement to the effect that an unspecified part of the assessment has been excluded for the purpose of protecting the confidentiality of information included in that part.

Division 4.3 Assessments

Subdivision 4.3.1 Form and content

119 Form

Unless otherwise specified in the Act or subordinate law under which it is directed, an assessment consists of—

(a) a public environment report; or

(b) an environmental impact statement;

about the proposal that is the subject of a defined decision, together with the report under section 131 evaluating that public environment report or environmental impact statement.

120 Content of public environment reports and environmental impact statements

Public environment reports and environmental impact statements are each to include the matters that are—

(a) prescribed; and

(b) directed under section 123.

Subdivision 4.3.2 Direction of assessments

121 Decisions to direct assessments

(1) The relevant Minister may direct that an assessment be made of the proposal if, in the opinion of the relevant Minister based on

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reasonable grounds, the environmental impact of the proposal would be of sufficient significance.

(2) A direction may only be given within the prescribed time after a proponent submits a preliminary assessment to the Environment Minister or any further time that the Minister administering this Act allows.

(3) In making a decision under subsection (1), the relevant Minister must consider—

(a) the preliminary assessment; and

(b) the report of any meeting called under section 128; and

(c) whether any aspect of the environmental impact of that proposal is, or could be, the subject of—

(i) an inquiry or another assessment; or

(ii) any environmental assessment action taken by or on behalf of the Commonwealth, a State or the Northern Territory.

(4) This section does not apply if a Minister is required under an Act or subordinate law to direct that an assessment be made.

122 Environment Minister's power to direct assessments

If a Minister other than the Environment Minister has the power under an Act or subordinate law to direct that an assessment be made, the Environment Minister also has that power.

123 Directions

(1) A direction by a Minister that an assessment be made in relation to a defined decision must be in writing given to the proponent.

(2) Within 14 days after a direction by a Minister under subsection (1) that an assessment is to be made in relation to a defined decision,

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the Minister must give the proponent detailed directions specifying the following:

(a) the form of the assessment;

(b) the matters to be included in the public environment report or the environmental impact statement and the relative emphasis to be given to each matter;

(c) subject to section 124 or section 125 and section 126, how the report or statement is to be prepared;

(d) if, in the opinion of the Environment Minister based on reasonable grounds, the environmental impact of a proposal that is the subject of another defined decision is relevant to the environmental impact of the relevant proposal—sufficient details of the firstmentioned proposal to enable the proponent to assess the potential combined effects of the proposals.

(3) The Environment Minister must, in consultation with the relevant Minister, decide the matters to be specified under subsection (2).

(4) If a Minister gives detailed directions for an assessment under subsection (2), that Minister must prepare a written notice that sets out—

(a) the name of the proponent; and

(b) the matters specified in the directions; and

(c) the name of any consultant nominated by the Minister under subsection (7) to assist in the preparation of the assessment.

(5) The notice is a notifiable instrument.

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

(6) The Minister who prepared the notice must also publish it in a daily newspaper.

(7) A Minister who directs that an assessment be made may, under subsection (2) (c), direct the proponent in relation to an assessment

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to engage the services of a consultant specified by the Minister in accordance with the prescribed criteria to assist the proponent in the preparation of the assessment.

Subdivision 4.3.3 Preparation, evaluation and consideration by Legislative Assembly

124 Public environment reports—preparation

(1) The Environment Minister may, in writing, direct the proponent in relation to a public environment report—

(a) to undertake the consultation in relation to the preparation of the report that is specified; and

(b) after any such consultation, to make the report available, in a specified way and form, for public inspection, with the notice of that availability that is specified.

(2) The proponent in relation to a public environment report must comply with a direction under subsection (1).

(3) This section does not apply in relation to the preparation of a public environment report for the purposes of an assessment that will be—

(a) a background paper within the meaning of part 2; or

(b) notified together with a draft plan of management under division 5.7.

125 Environmental impact statements—consultation and public inspection

(1) The proponent in relation to an environmental impact statement must prepare a written notice approved in writing by the Environment Minister—

(a) stating that copies of the draft environmental impact statement are available for public inspection and purchase from the proponent at specified places and times; and

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(b) inviting interested people to submit written comments about the draft to the proponent at a specified address and within a period of 20 business days or the longer period directed in writing by the relevant Minister.

(2) The notice approved by the Environment Minister is a notifiable instrument.

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

(3) The proponent must also publish the notice approved by the Environment Minister in a daily newspaper.

(4) The proponent in relation to an environmental impact statement must make copies of the draft statement available for inspection and purchase at the places and times specified in the notice under subsection (1).

(5) A proponent must not sell a copy of a draft environmental impact statement that the proponent has made available for purchase under subsection (4) at a price that exceeds a price fixed by the Environment Minister as the maximum price for the sale of a copy of the statement.

(6) In fixing a maximum price at which a proponent may sell a copy of a draft environmental impact statement, the Environment Minister must fix a price that will reimburse the proponent for the cost of producing the copy but not for the expense incurred by the proponent in preparing the draft statement.

(7) A notice under section 282A (3) (AAT Review of decisions) must include particulars of the calculation of the amount fixed as the maximum price that the proponent may charge for a copy of the draft environmental impact statement.

(8) This section does not apply in relation to the preparation of an environmental impact statement for the purposes of an assessment which will be—

(a) a background paper within the meaning of part 2; or

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(b) notified together with a draft plan of management under division 5.7.

126 Environmental impact statements—consideration of relevant comments and reports

The proponent in relation to an environmental impact statement must, in preparing the statement, consider any written comments from any person or territory authority, and any reports, related to the environmental impact of the relevant proposal.

127 Submission of reports and statements to Environment Minister

The proponent must submit the relevant public environment report or environmental impact statement to the Environment Minister, together with—

(a) a written report about the proponent's consultation in relation to the report or statement; and

(b) a copy of each written comment about the report or statement received by the proponent; and

(c) a copy of each report mentioned in section 126 that is not available to the public.

128 Consultation

(1) The Environment Minister may, by giving reasonable notice to—

(a) the proponent of a proposal that has an environmental impact; and

(b) any other person that the Environment Minister believes on reasonable grounds to have an interest directly affected by the proposal; and

(c) any other person that the Environment Minister considers appropriate;

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call a meeting of them for the purposes of—

(d) clarifying the proposal or concerns relating to the proposal; or

(e) clarifying the report of a panel established to conduct an inquiry into the proposal; or

(f) discussing any ways in which the proposal could be modified to reduce or eliminate any potential adverse environmental impact.

(2) The Environment Minister must give a written report to each participant in the meeting stating—

(a) the outcome of the meeting; and

(b) any recommendations that the Environment Minister intends to include in his or her report under section 131 as a result of the meeting.

(3) If a meeting recommends that a proposal be varied, the Environment Minister must make copies of the report prepared in relation to the meeting for subsection (2) available for public inspection at times and places decided, in writing, by the Environment Minister.

(4) The decision is a notifiable instrument.

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

(5) The Environment Minister must also publish the decision in a daily newspaper.

129 Further information

(1) Within the prescribed period after the submission of a public environment report or an environmental impact statement to the Environment Minister, that Minister may, by written notice to the proponent, direct the proponent to provide further specified information in relation to the proposal, report or statement.

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(2) On notice under subsection (1), the proponent must, in writing, provide the specified information to the Environment Minister.

130 Further revision

(1) Within the prescribed period after the submission of a public environment report or an environmental impact statement to the Environment Minister, that Minister may, by written notice to the proponent, request the proponent to revise the report or statement in consideration of specified matters.

(2) On notice under subsection (1), the proponent may revise the report or statement in consideration of the specified matters.

(3) The proponent must—

(a) if the report or statement is revised—resubmit the revised report or statement to the Environment Minister; or

(b) if the report or statement is not revised—submit a written report to the Environment Minister stating the reasons why the proponent has not revised the report or statement.

131 Evaluation by Environment Minister

(1) Unless subsection (2) applies, within the prescribed period after the submission of a public environment report or environmental impact statement to the Environment Minister, that the Minister must prepare a written report evaluating it.

(2) If the Environment Minister gives a notice to a proponent under section 130 (1), that Minister must prepare a written report evaluating a public environment report or statement within the prescribed period after the proponent—

(a) resubmits the report or statement under section 130 (3) (a); or

(b) submits a report under section 130 (3) (b).

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(3) A report under subsection (1) must include—

(a) a statement about whether, in the opinion of the Environment Minister, the public environment report or environmental impact statement has been prepared in accordance with this division, and with the relevant directions under this division; and

(b) any comment by that Minister about the environmental impact of the relevant proposal; and

(c) if that Minister has called a meeting under section 128—the report of that meeting referred to in section 128 (2); and

(d) any recommendation of that Minister about the conditions subject to which the proposal should be approved.

132 Presentation to Legislative Assembly and public inspection

(1) Within 6 sitting days after the completion of a report mentioned in section 131, the relevant Minister must present to the Legislative Assembly a copy of—

(a) the relevant assessment; and

(b) any notice given by the Environment Minister under section 129 or section 130; and

(c) any report, comment or written information submitted to the Environment Minister under section 127, section 129 or section 130.

(2) After an assessment is finished, the relevant Minister must make copies of the assessment, together with copies of any documents mentioned in subsection (1) (c), available to the public during office hours at places stated in a written notice prepared by the relevant Minister.

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(3) The notice under subsection (2) is a notifiable instrument.

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

(4) The relevant Minister must also publish the notice under subsection (2) in a daily newspaper.

133 Exclusion of material

(1) If, in the relevant Minister's opinion, based on reasonable grounds—

(a) a part of an assessment contains information related to the personal or business affairs of a person—

(i) supplied to the proponent or that Minister in confidence; or

(ii) the publication of which would reveal a trade secret; and

(b) it would not be in the public interest for that part to be published;

the relevant Minister must exclude that part from the copy of the assessment presented to the Legislative Assembly, and from any copy of the assessment made available to the public or for public inspection.

(2) If a part of an assessment is excluded from the copies of that assessment made available to the public or for public inspection, each copy must include a statement to the effect that an unspecified part of the assessment has been excluded for the purpose of protecting the confidentiality of information included in that part.

134 Exemptions

(1) The Environment Minister may, in writing (by an ***exemption***)—

(a) exempt a specified defined decision, or defined decisions of a specified class, from being the subject of an assessment directed under any Act or subordinate law; or

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(b) declare that specified provisions of this division are not to apply in relation to a specified assessment, or to assessments of a specified class.

(2) An exemption is a disallowable instrument.

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

(3) The Legislation Act, chapter 7 (Presentation, amendment and disallowance of subordinate laws and disallowable instruments) applies to an exemption as if each reference in that chapter to 6 sitting days were a reference to 5 sitting days.

(4) Subject to any disallowance under the Legislation Act, chapter 7, the exemption commences—

(a) on the day after the 5th sitting day after the day it is presented to the Legislative Assembly under that chapter; or

(b) if the exemption provides for a later date or time of commencement—on that date or at that time.

(5) The Environment Minister must notify an exemption in a daily newspaper.

(6) The validity of an exemption is not affected by a failure to comply with subsection (5).

Division 4.4 Inquiries

Subdivision 4.4.1 Establishment of panels and terms of reference

135 Constitution

(1) If the relevant Minister in relation to a defined decision decides to establish a panel to inquire into the proposal that is the subject of that decision that Minister must, in writing, appoint a person or people to constitute a panel to conduct the inquiry.

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(2) The relevant Minister must nominate 1 member (or, for a panel constituted by 1 member, that member) of the panel as the presiding member.

136 Combined inquiries

If 2 or more proposals, the subject of 2 or more defined decisions, would in the opinion of the Environment Minister have substantially interconnected effects, that Minister may, under section 135, with the consent of the relevant Minister in relation to each decision, establish a panel to conduct an inquiry into the potential combined effect of those proposals.

138 Terms of reference

(1) The relevant Minister must, in writing, decide the terms of reference of an inquiry.

(2) The terms of reference of an inquiry—

(a) must—

(i) specify the defined decision; and

(ii) require the panel to assess the potential costs and benefits to the community and to the Territory of the proposal that is the subject of that decision; and

(iii) specify a reasonable period within which the panel is to report; and

(b) may require the panel—

(i) to investigate specified aspects of that proposal; or

(ii) to consider any specified report.

(3) The relevant Minister may, at the request of a panel, or on his or her own initiative, in writing, vary the terms of reference of the relevant inquiry.

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(4) A variation of terms of reference is a notifiable instrument.

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

139 Notification

(1) The relevant Minister for an inquiry must, in writing, decide—

(a) the members of the panel, and the presiding member; and

(b) the terms of reference of the inquiry; and

(c) the period within which the panel is to report; and

(d) the other matters that Minister considers necessary.

(2) A decision is a notifiable instrument.

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

Subdivision 4.4.2 Inquiry reports

140 Inquiry reports

A panel must report its findings and recommendations in writing to the relevant Minister in accordance with the terms of reference decided under section 138.

141 Presentation to Legislative Assembly and public inspection

(1) The relevant Minister must present a copy of the report of a panel's findings and recommendations to the Legislative Assembly within 6 sitting days after the day the Minister receives the report.

(2) After a report is completed, the relevant Minister must make copies of the report available to the public during office hours at places stated in a written notice prepared by the relevant Minister.

(3) The notice is a notifiable instrument.

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

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(4) The relevant Minister must also publish the notice in a daily newspaper.

142 Exclusion of material

(1) If, in the panel's opinion based on reasonable grounds and expressed in its report—

(a) a part of a report contains information related to the personal or business affairs of a person—

(i) supplied to the panel in confidence; or

(ii) the publication of which would reveal a trade secret; and

(b) it would not be in the public interest for that part to be published;

the relevant Minister may exclude that part from the copy of the report presented to the Legislative Assembly, and from any copy made available to the public or for public inspection.

(2) If a part of a report is excluded under subsection (1), each copy of the report presented to the Legislative Assembly or made available to the public or for public inspection must include a statement to the effect that an unspecified part of the report has been excluded for the purpose of protecting the confidentiality of information included in that part.

Subdivision 4.4.3 Procedures and powers

143 Definitions for sdiv 4.4.3

In this subdivision:

authorised person means—

(a) a panel member; or

(b) a person assisting a panel member in a way authorised in writing by the member.

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occupier, of a place, includes—

(a) a person believed, on reasonable grounds, to be an occupier of the place; and

(b) a person apparently in charge of the place.

place includes premises, land, vehicle, aircraft or vessel.

144 Notice of inquiry hearings

(1) At a reasonable time before the beginning of an inquiry, the presiding member of a panel must prepare a notice stating—

(a) the subject matter of the inquiry; and

(b) the time when, and place where, the inquiry is to begin.

(2) The notice is a notifiable instrument.

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

(3) The presiding member must also publish the notice in a daily newspaper.

145 Public hearings

(1) A panel must conduct its inquiry in public, except as provided by subsection (2).

(2) A panel may—

(a) direct that the inquiry or any part of it be held in private, and give directions about who may be present during any private hearing; or

(b) give directions prohibiting or restricting the publication of evidence given before the inquiry, or of matters contained in documents lodged with the inquiry; or

(c) give directions prohibiting or restricting the disclosure to any specified person of such evidence or such matters.

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(3) In making a direction under subsection (2), a panel must consider—

(a) the principle that it is desirable that the inquiry should be held in public, and that evidence given before the inquiry, and documents lodged with the inquiry, should be available to interested people and to the public; and

(b) in the circumstances, whether confidentiality is required for the relevant proceedings, evidence or matter.

(4) A panel may issue a direction under subsection (2) for a special hearing under section 147.

146 General procedure

(1) At a hearing of an inquiry, the panel—

(a) must not conduct the hearing in an unduly formal way; and

(b) is not bound by the rules of evidence, and may inform itself—

(i) in any way it considers appropriate; and

(ii) without notice to any person who has made a submission to the inquiry; and

(c) may take evidence on oath; and

Note ***Oath*** includes affirmation and ***take*** an oath includes make an affirmation (see Legislation Act, dict, pt 1). For the taking of an oath or the making of an affirmation, see the *Oaths and Affirmations Act 1984.*

(d) may prohibit or regulate cross-examination; and

(e) subject to this subdivision, may otherwise decide its own procedures.

(2) Unless otherwise required by the panel, a person may make a submission to an inquiry orally or in writing or partly orally and partly in writing.

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(3) The panel may adjourn an inquiry from time to time and from place to place (whether within or outside the ACT).

147 Special hearings—consultation with interested persons

(1) A panel may hold a special hearing of the inquiry to consult with—

(a) the proponent; and

(b) any other person that the panel believes on reasonable grounds to have an interest directly affected by the proposal; and

(c) any other person the panel considers appropriate;

for the purposes of—

(d) clarifying the proposal; and

(e) discussing ways in which the proposal could be modified to reduce or eliminate any potential environmental impact.

(2) The panel must give each person mentioned in subsection (1) reasonable written notice of the special hearing.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(3) The panel must conduct a special hearing in an informal way.

(4) The panel must include in the report of an inquiry a report stating—

(a) the outcome of the special hearing; and

(b) any influence the special hearing has had on the panel's recommendations in relation to the proposal.

148 Assessments for purpose of inquiries

(1) For the purposes of an inquiry, the relevant Minister may, at the written request of the panel, or on his or her own initiative, direct that an assessment be made of the environmental impact of any aspect of the proposal that is the subject of the relevant defined decision.

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(2) An assessment under subsection (1) consists of a public environment report or an environmental impact statement, but does not include a report of the Environment Minister under section 131 evaluating the public environment report or environmental impact statement.

(3) Section 127, section 128, section 129 and section 130 apply to an assessment under subsection (1) as if the references to the Environment Minister in those sections were references to the relevant Minister.

(4) Section 131 does not apply in relation to an assessment under subsection (1).

(5) For section 132 (1), the relevant Minister must present a copy of an assessment under subsection (1), together with any notice, report, comment or information mentioned in section 132 (1) (b) or (c), to the Legislative Assembly within 6 sitting days after—

(a) receiving the assessment under section 127; or

(b) if the Minister issues a notice under section 129, but does not issue a notice under section 130—receiving the relevant information under section 129 (2); or

(c) if the Minister issues a notice under section 130—receiving the assessment or report under section 130 (3).

149 Powers in relation to witnesses etc

(1) The presiding member of a panel, or a person authorised in writing by the presiding member, may, by written notice given to a person, require the person to appear before the panel at a hearing of the inquiry, at a stated time and place, to do either or both of the following:

(a) to give evidence;

(b) to produce a stated document or other thing relevant to the inquiry.

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(2) A person attending before the panel under a notice under subsection (1) is entitled to be paid by the Territory the allowances prescribed by regulation.

(3) The presiding member of the panel may require a witness appearing at a hearing before the panel to give evidence to do 1 or more of the following:

(a) to take an oath;

(b) to answer a question relevant to the hearing;

(c) to produce a stated document or other thing relevant to the hearing.

Note ***Oath*** includes affirmation and ***take*** an oath includes make an affirmation (see Legislation Act, dict, pt 1).

151 Inspection of books and documents

(1) An authorised person may inspect any book or document given in evidence to the inquiry, and may make copies of, or copy extracts from, such a book or document.

(2) A book or document given in evidence to an inquiry may be kept by the panel for the reasonable period the panel considers appropriate.

(3) A panel must allow the owner of a book or document kept by the panel reasonable access to the book or document.

152 Power of entry

(1) For an inquiry, an authorised person may enter any place—

(a) with the consent of the occupier; or

(b) under a warrant issued under section 153.

(2) Before seeking the consent of the occupier of a place for subsection (1), an authorised person must—

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(a) if the authorised person is a panel member—produce written evidence of his or her appointment; and

(b) if the authorised person is the assistant of a panel member—produce written evidence of his or her authority; and

(c) inform the occupier that the occupier may refuse to give consent.

(3) If an authorised person obtains the consent of the occupier to enter a place under subsection (1), the authorised person must ask the occupier to sign a written acknowledgment—

(a) that the occupier has been informed that the occupier may refuse to so consent; and

(b) that the occupier has consented; and

(c) of the day and time when the occupier consented.

(4) If it is material, in any proceedings, for a court to be satisfied that an occupier has consented to the entry of premises by an authorised person under subsection (1) and an acknowledgment in accordance with subsection (3) signed by the occupier is not produced in evidence, it must be presumed that the occupier did not consent, but that presumption is rebuttable.

153 Search warrants

(1) If a panel member believes on reasonable grounds that it is necessary, for the inquiry, for an authorised person to enter and inspect any place and to search for and inspect anything or any kind of thing, within the next 28 days the member may—

(a) lay before a magistrate an information on oath setting out those grounds; and

(b) apply for the issue of a warrant to search the place for such a thing or things, and to inspect it or them.

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(2) On application under subsection (1), the magistrate may issue a warrant authorising the authorised person named in the warrant, with the assistance and by the force that is necessary and reasonable—

(a) to enter the place; and

(b) to search for any specified thing or anything of a specified kind; and

(c) to inspect any such thing.

(3) A magistrate must not issue a warrant unless—

(a) the applicant or another person has given the magistrate, either orally or by affidavit, any further information that the magistrate requires about the grounds on which the issue of the warrant is sought; and

(b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.

(4) A warrant must—

(a) specify the inquiry in relation to which the entry, search and inspection are authorised; and

(b) state the purpose for which it is issued; and

(c) specify particular hours during which the entry is authorised, or state that the entry is authorised at any time of the day or night; and

(d) include a description of the things, or kinds of things, in relation to which any power under section 154 may be exercised; and

(e) specify a date not later than 28 days after the date of issue of the warrant when the warrant ceases to have effect.

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154 Powers of search and inspection

(1) Subject to the terms of any warrant issued under section 153, if an authorised person enters a place in accordance with section 152, the authorised person may, for the purposes of the inquiry—

(a) inspect the place; or

(b) search for and inspect anything; or

(c) require the occupier to give the authorised person the assistance that is reasonable to enable the authorised person to exercise his or her powers under this section.

(2) A person must not, without reasonable excuse, contravene a requirement made of the person under subsection (1) (c).

Maximum penalty: 50 penalty units.

155 Application of Criminal Code, ch 7

A proceeding before a panel is a legal proceeding for the Criminal Code, chapter 7 (Administration of justice offences).

Note That chapter includes offences (eg perjury, falsifying evidence, failing to attend and refusing to be sworn) applying in relation to panel proceedings.

156 Contempt of panel

A person commits an offence if the person does something in the face, or within the hearing, of a panel that would be contempt of court if the panel were a court of record.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

157 Protection of panel members and witnesses

(1) A panel member has, in the exercise of the member's functions, the same protection and immunity as a judge of the Supreme Court.

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(2) Subject to this division, a person giving evidence to an inquiry has the same protection, and is subject to the same liabilities, in any civil or criminal proceeding as a witness in a proceeding in the Supreme Court.

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Part 5 Land administration

Division 5.1 Preliminary

159 Definitions for pt 5

In this part:

building and development provision, in relation to a lease, means a provision of the lease that requires the lessee to carry out specified works on the land comprised in the lease or on any unleased territory land.

consolidation means the surrender of 2 or more leases held by the same lessee and the grant of a new lease or leases to that lessee for the purpose of consolidating the parcels of land comprised in the surrendered leases.

lease means a lease (other than a sublease)—

(a) granted under this Act; or

(b) that is taken under section 289 (Status of leases and licences) to have been granted under this Act; or

(c) granted or arising under the *Unit Titles Act 2001*.

lessee means the person who is the proprietor of a lease, whether or not the person is the registered proprietor of the lease, and whether or not the lease was granted to the person or the lease passed to the person by assignment, transfer, devolution or operation of law.

market value, of a lease, means the amount that could be expected to be paid for the lease on the open market if it were sold by a willing but not anxious seller to a willing but not anxious buyer.

nominal rent lease means a lease of territory land for nominal rent.

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provision, of a lease, includes a provision incorporated in the lease by reference and any other provision to which the lease is subject.

public car park means a road related area within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*, section 42 (Regulations about parking) that is available for use by the public for parking without the payment of money.

registered lease means a lease registered in the register kept under the *Land Titles Act 1925.*

registered proprietor, in relation to a lease, means the person who is registered under the *Land Titles Act 1925* as proprietor of the lease.

rental lease means a lease of territory land for rent in excess of nominal rent.

residential lease means a lease of territory land granted for residential purposes only.

rural lease means a lease of territory land granted for rural purposes or purposes including rural purposes.

subdivision means the surrender of 1 lease, or the surrender of more than 1 lease, held by the same lessee, and the grant of new leases to that lessee for the purpose of subdividing the parcel or parcels of land comprised in the surrendered lease or leases, but does not include the subdivision of land under the *Unit Titles Act 2001*.

sublease means a sublease of a parcel of land, or part of a parcel of land, subject to a lease, or of a building, or a part of a building, on a parcel of land subject to a lease.

sublessee means the person who is the proprietor of a sublease, whether the sublease was granted to the person or the sublease has passed to the person by assignment, transfer, devolution or operation of law.

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159A Meaning of *concessional lease* for Act

(1) In this Act:

concessional lease—

(a) means a lease granted for a consideration less than the full market value of the lease, or for no consideration, if neither of the following payments has been made to the Territory:

(i) an amount in relation to the grant of the lease that is equal to the lease's market value at the time of payment or, if the amount is paid in parts, at the time of the last payment;

(ii) an amount to reduce the rent payable under the lease to a nominal rent under section 186 (Variation of lease to pay out rent); and

(b) includes the following leases:

(i) a consolidated or subdivided concessional lease;

(ii) a further concessional lease;

(iii) a regranted concessional lease; but

(c) does not include—

(i) a consolidated or subdivided lease or a further or regranted lease, other than a lease mentioned in paragraph (b); or

(ii) a lease over land that, immediately before the grant of the lease, was owned, controlled or held by the commissioner for housing under the *Housing Assistance Act 1987*; or

(iii) a lease prescribed by regulation.

(2) For subsection (1), definition of ***concessional lease***, paragraph (a), it does not matter whether the consideration for the grant of the lease was paid as a lump sum or is payable under the lease as rent.

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(3) In this section:

consolidated or subdivided concessional lease means a lease granted during a consolidation or subdivision involving the surrender of 1 or more previous leases if 1 or more of the previous leases was a concessional lease.

further concessional lease means a further lease if the surrendered lease was a concessional lease.

regranted concessional lease means a regranted lease (whether the regrant is on the same or different conditions) if the surrendered lease was a concessional lease.

160 Application of pt 5

(1) This part applies to the grant of an interest in territory land by the planning and land authority on behalf of the Executive.

(2) This part does not apply to a transfer by the Territory of a registered lease of which the Territory is the registered proprietor.

Division 5.2 Leases

160A Effect qualified

This division has effect subject to division 5.4 (Restrictions on rural leases).

160B Planning and land authority may grant leases

(1) The planning and land authority is authorised to grant, on behalf of the Executive, leases that the Executive may grant on behalf of the Commonwealth.

(2) In this section:

lease means a lease of territory land.

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161 Granting of leases

(1) The planning and land authority may grant a lease by—

(a) auction; or

(b) tender; or

(c) ballot; or

(d) direct grant.

Note A fee may be determined under s 287 for this section.

(2) A lease granted under this section may include provisions—

(a) requiring the lessee to develop the land comprised in the lease, or any unleased territory land, in a specified way; or

(b) requiring the lessee to give security for the performance of any of his or her obligations under the lease.

(3) The planning and land authority may restrict the people eligible for the grant of a lease under subsection (1) (a), (b) or (c) by specifying, in the relevant notice of auction, tender or ballot, a class of people eligible or ineligible for the grant of a lease under the auction, tender or ballot.

(4) If, under a restriction imposed under subsection (3), only 1 person is eligible for the grant of a lease under subsection (1) (a), (b) or (c), the planning and land authority may grant a lease to that person under subsection (1) (d) without auctioning the lease, calling tenders or conducting a ballot.

(5) A lease granted under subsection (1) (d) must be granted subject to the provisions that are agreed between the planning and land authority and the applicant for the lease.

(6) The planning and land authority must not grant a lease of territory land under subsection (1) (d) otherwise than in accordance with criteria specified under subsection (7).

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(7) The Executive may, for this section, in writing—

(a) specify criteria for the granting of leases under subsection (1) (d); or

(b) amend or revoke criteria so specified.

(8) An instrument under subsection (7) is a disallowable instrument.

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

163 Leases to community organisations

(1) In this section:

community organisation means a corporation that—

(a) has as its principal purpose the provision of a service, or a form of assistance, to people living or working in the ACT; and

(b) is not carried on for the pecuniary profit or gain of its members; and

(c) does not hold a club licence under the *Liquor Act 1975*.

(2) The planning and land authority may grant a lease of territory land to a community organisation without charge or for a charge that is less than the market value of the lease.

(3) The planning and land authority must not grant a lease under this section otherwise than in accordance with criteria for the granting of leases to community organisations specified under subsection (4).

(4) The Executive may, for this section, in writing—

(a) specify criteria for the granting of leases to community organisations; or

(b) amend or revoke criteria so specified.

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(5) An instrument under subsection (4) is a disallowable instrument.

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

(6) A community organisation must not transfer a lease granted under this section and a purported transfer of such a lease is of no effect.

(7) This section does not limit the power of the planning and land authority to grant a lease of territory land to a community organisation otherwise than under this section.

164 Special leases

(1) The planning and land authority may grant a lease of territory land for a charge that is less than the market value of the lease if the authority is satisfied it is desirable and in the public interest to do so to facilitate—

(a) the economic development of the ACT; or

(b) the development of business in the ACT.

(2) The planning and land authority must not grant a lease of territory land under this section otherwise than in accordance with criteria for the granting of special leases specified under subsection (3).

(3) The Executive may, for this section, in writing—

(a) specify criteria for the granting of special leases; or

(b) amend or revoke criteria so specified.

(4) An instrument under subsection (3) is a disallowable instrument.

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

(5) The lessee under a lease to which this section applies must not, for a period of 5 years after the day when the lease is granted—

(a) assign or transfer the lease; or

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(b) sublet the land comprised in the lease or any part of it; or

(c) part with possession of the land comprised in the lease or any part of it;

without having obtained the written consent of the planning and land authority and any assignment, transfer, sublease, agreement or arrangement made or entered into in contravention of this subsection is of no effect.

(6) The planning and land authority must not consent to the lessee under a lease to which this section applies—

(a) assigning or transferring the lease; or

(b) subletting the land comprised in the lease or any part of it; or

(c) parting with possession of the land comprised in the lease or any part of it;

unless it is satisfied that the person to whom it is proposed that the lease should be assigned or transferred, the person to whom it is proposed that a sublease should be granted or the person to whom it is proposed that possession of the land should be given is a person who satisfies the criteria of eligibility specified under subsection (2) in relation to the class of leases in which the lease is included.

166 Inquiries and assessments in relation to granting of leases

If it is proposed that a lease of territory land be granted, the Minister may—

(a) establish a panel to conduct an inquiry into whether the proposed lease should be granted; or

(b) direct that an assessment be made into the possible environmental impact of a decision to grant the lease.

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166A Grants of leases after inquiries or assessments

(1) This section applies if the Minister, under section 166, establishes a panel to conduct an inquiry, or directs that an assessment be made, in relation to the proposed grant of a lease.

(2) The Minister must—

(a) consider the report of the panel or the assessment; and

(b) review the provisions of the proposed lease taking the report or assessment into account; and

(c) direct the planning and land authority—

(i) to grant the proposed lease; or

(ii) to grant the proposed lease as varied in accordance with the direction; or

(iii) to refuse to grant the proposed lease.

(3) The planning and land authority may grant the proposed lease only in accordance with a direction of the Minister under subsection (2) (c).

167 Eligibility for certain classes of leases

(1) The Executive may, in writing—

(a) declare a specified class of leases to be leases to which this section applies; or

(b) specify, in relation to a class of leases declared under paragraph (a) to be leases to which this section applies, criteria for deciding whether a person is eligible to hold the land comprised in a lease included in that class; or

(c) amend or revoke a declaration under paragraph (a) or criteria specified under paragraph (b).

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(2) An instrument under subsection (1) is a disallowable instrument.

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

(3) The planning and land authority must not grant a lease to which this section applies to a person who does not satisfy the criteria specified under subsection (1) (b) in relation to the class of leases in which the lease is included.

(4) The validity of a lease to which this section applies is not taken to be affected by a failure to comply with subsection (3).

(5) The lessee under a lease to which this section applies, or any other person having an interest in such a lease, must not—

(a) assign or transfer the lease; or

(b) sublet the land comprised in the lease or any part of it; or

(c) part with possession of the land comprised in the lease or any part of it;

without having obtained the written consent of the planning and land authority and any assignment, transfer, sublease, agreement or arrangement made or entered into in contravention of this subsection is of no effect.

(6) The planning and land authority must not consent to the lessee under a lease to which this section applies, or to any other person having an interest in such a lease—

(a) assigning or transferring the lease; or

(b) subletting the land comprised in the lease or any part of it; or

(c) parting with possession of the land comprised in the lease or any part of it;

unless it is satisfied that the person to whom it is proposed that the lease should be assigned or transferred, the person to whom it is proposed that a sublease should be granted or the person to whom it

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is proposed that possession of the land should be given is a person who satisfies the criteria of eligibility specified under subsection (1) (b) in relation to the class of leases in which the lease is included.

168 Authority need not grant lease

(1) The planning and land authority need not grant a lease of territory land to an applicant, even if applications for the lease have been invited.

(2) If applications for a lease have been invited subject to conditions, the planning and land authority may, without granting a lease, invite fresh applications for the lease subject to the same or other conditions.

169 Payment for leases

(1) Subject to subsection (2), the planning and land authority must not grant a lease of territory land otherwise than for payment of an amount that is not less than the market value of the lease.

(2) Subsection (1) does not apply in relation to—

(a) a lease granted for a rent that is the full market rental value of the lease; or

(b) a lease granted under section 161 (1) (d), section 163, section 164, section 171, section 171A or section 172.

170 Failure to accept and execute lease

(1) Subject to subsection (2), if a person who is entitled to the grant of a lease of territory land under this part fails to—

(a) accept and execute the lease; or

(b) pay any amount that he or she is required to pay before being granted the lease;

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within the prescribed period, the planning and land authority may, by instrument served on the person, terminate his or her right to the grant of the lease.

(2) An instrument under subsection (1) must—

(a) specify the ground on which it is given; and

(b) state that it takes effect on the day 28 days after the day it is served.

(3) An instrument under subsection (1) may be served on a person by—

(a) giving it to the person personally; or

(b) sending it to the person by post; or

(c) if the residential address of the person is not known to the planning and land authority—publishing a copy of the instrument in a daily newspaper.

(4) An instrument under subsection (1) takes effect on the day 28 days after the day it is served.

(5) A person whose right to the grant of a lease has been terminated under this section does not have any claim for compensation in relation to the termination of the right or for the recovery of any money paid to the planning and land authority in relation to the grant of the lease.

171 Grant of further residential leases

(1) This section applies if—

(a) the holder of a residential lease of land applies to the planning and land authority for the grant of a further residential lease of the land; and

(b) neither the Territory nor the Commonwealth needs the land for a public purpose; and

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(c) the lessee pays the fee worked out under the determination under subsection (3); and

(d) the lessee surrenders the existing lease.

(2) The planning and land authority must grant the lessee a further residential lease of the land for a term not longer than 99 years to begin on the day after the day the existing lease is surrendered.

(3) The Minister may make a determination, in writing, for subsection (1) (c).

(4) If the term of a further lease granted under subsection (2) is not longer than the term of the existing lease, the fee payable under subsection (1) (c) must not be more than the cost of granting the lease.

(5) A determination under subsection (3) is a disallowable instrument.

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

171A Grant of further rural leases

(1) If—

(a) the holder of a rural lease applies to the planning and land authority for the grant of a further rural lease of the same land; and

(b) neither the Territory nor the Commonwealth requires the land for a public purpose; and

(c) all rent due under the existing lease is paid; and

(d) the lessee pays the determined fee; and

(e) the lessee surrenders the existing lease;

the authority must grant the lessee a further rural lease of that land for a term not longer than the maximum set out in the determination under subsection (2), and subject to any conditions set out in that

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determination, to begin on the day immediately following the date of surrender of the existing lease.

(2) The Minister may make a determination, in writing, for subsection (1).

(3) A determination under subsection (2) may—

(a) include a condition that a lessee pays, for the grant of a further lease—

(i) an amount stated in, or worked out in accordance with, the determination (an ***amount condition***); or

(ii) the market value of the lease; and

(b) provide that an amount condition ceases to apply to a lessee if the lessee—

(i) has not applied for the grant of a further rural lease under subsection (1) within the period stated in the determination for applying for such a grant; and

(ii) has not accepted in writing an offer for the grant of such a lease within the period stated in the determination for accepting such an offer.

(4) A provision mentioned in subsection (3) (b) may apply to an amount condition of a determination made before or after the commencement of that subsection.

(5) If the national capital authority has set a maximum term for a rural lease of land in a designated area, a determination under subsection (2) relating to the land must not set a term for a further rural lease of the land that is longer than the maximum term.

(6) In subsection (5):

designated area—see the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth), section 4.

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(7) If the term of a further lease granted under subsection (1) does not exceed the term of the existing lease, the fee payable under subsection (1) (d) must not exceed the cost of granting the lease.

(8) A determination under subsection (2) is a disallowable instrument.

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

172 Grant of further leases for purposes other than residential or rural

(1) This section applies if—

(a) the holder of a lease of territory land other than a residential lease or a rural lease applies to the planning and land authority for the grant of a further lease of the land for the same purposes; and

(b) neither the Territory nor the Commonwealth needs the land for a public purpose; and

(c) all rent due under the existing lease is paid; and

(d) the lessee pays the fee worked out under the determination under subsection (3); and

(e) the lessee surrenders the existing lease.

(2) The planning and land authority must grant the lessee a further lease of the land for the same purposes for a term not longer than 99 years to begin on the day after the day the existing lease is surrendered.

(3) The Minister may make a determination, in writing, for subsection (1) (d).

(4) If the term of a further lease granted under subsection (2) is not longer than the term of the existing lease, the fee payable under subsection (1) (d) must not be more than the cost of granting the lease.

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(5) A determination under subsection (3) is a disallowable instrument.

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

172A Grant of further lease—unit titles

(1) The planning and land authority may grant a further lease of a unit, or the common property, under a units plan only on an application by the owners corporation.

(2) The planning and land authority may grant a further lease of a unit, or the common property, under a units plan only if—

(a) the authority grants further leases for all the units and the common property; and

(b) the further leases are all granted for the same term.

(3) An application must be supported by an ordinary resolution of the owners corporation.

(4) A certificate under the *Unit Titles Act 2001*, section 109 about the resolution must be attached to the application.

(5) In this section:

further lease means a lease under section 171, section 171A or section 172.

units plan means a units plan under the *Unit Titles Act 2001*, section 7.

172B Grant of further lease—community title

(1) The planning and land authority may grant a further lease of a lot in a community title scheme only on an application by the body corporate of the scheme.

(2) The planning and land authority may grant a further lease of a lot in a community title scheme only if—

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(a) the authority grants further leases for all the lots in the scheme; and

(b) the further leases are all granted for the same term.

(3) An application must be supported by an ordinary resolution of the body corporate.

(4) An application must have attached to it a certificate under the seal of the body corporate that states that at a general meeting of the body corporate held on a stated day a resolution was passed for subsection (3) in the terms set out in the certificate.

172C No right to use, flow and control of water

A lease or further lease of territory land granted under this division after the commencement of this section must not be taken to give a right to the use, flow and control of water (including water containing impurities) under the land the subject of the lease.

173 Lessee's rights in relation to improvements

(1) In this section:

improvement, in relation to land, means—

(a) a building or a structure on the land; or

(b) in relation to land held under a rural lease—

(i) a building or structure on or under the land; or

(ii) any improvement to the land reasonably undertaken for rural purposes.

lessee, for a lease that has been surrendered or ended, or the term of that has ended, means the person who was the lessee under the lease at the time of the surrender or ending.

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undertaken, in relation to an improvement that is a building or structure, means the construction, erection or installation of the building or structure.

(2) This section applies only to the following improvements to land:

(a) an improvement undertaken in a way consistent with the law of the Territory, and with any lease over the land, except—

(i) an improvement undertaken by the Territory or the Commonwealth (subject to paragraph (b)); or

(ii) an improvement acquired by the Territory or the Commonwealth (subject to paragraph (c));

(b) an improvement undertaken by the Territory or the Commonwealth, if the Territory or the Commonwealth has received, or is entitled to receive, payment for that improvement;

(c) an improvement acquired by the Territory or the Commonwealth, if the Territory or the Commonwealth has received, or is entitled to receive, payment for the improvement.

(3) If, on the expiry of the term of a lease of territory land on which there are improvements to which this section applies, the lessee is granted a further lease of that land or any part of it, the lessee is not liable to make any payment to the planning and land authority for the improvements on the land or part of the land.

(4) Subject to subsections (5) and (12), if, on the expiry of the term of a lease of territory land on which there are improvements to which this section applies, the lessee is not granted a further lease of the land, or is granted a lease of part only of the land, the planning and land authority is liable to pay the lessee—

(a) if no further lease of the land is granted to the lessee—the amount decided by the planning and land authority to be the value of the improvements on the land; or

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(b) if a further lease of part only of the land is granted to the lessee—the amount decided by the planning and land authority to be the value of the improvements to which this section applies on the part of the land not so leased.

(5) Before the end of the term of a lease of territory land, the planning and land authority may declare that the land comprised in the lease, or part of the land, is available for a further lease.

(6) If the lessee does not elect to take a further lease of the land, or part of the land, declared to be available within 6 months after the end of the term of the lease, the amount of any expenditure reasonably incurred by the Territory, the planning and land authority or both, in relation to the grant of a lease of the land, or part of the land, to anyone else must be deducted from the amount payable to the lessee under this section.

(7) Subject to subsections (9), (10) and (12), if a lease is surrendered or ended, the provisions of this section relating to the payment to the lessee of the value of the improvements on the land comprised in the lease on the expiration of the term apply (so far as applicable) as if the term of the lease had expired on the day of the surrender or ending.

(8) Subject to subsections (9) and (12), if, before the expiry of the term of a lease of territory land, the planning and land authority withdraws all or part of the leased land from the lease under a provision of the lease, the provisions of this section relating to the payment to the lessee of the value of the improvements on the land on the expiry of the term apply (so far as applicable) as if the term of the lease had expired on the day of the withdrawal.

(9) Subsection (7) or (8) applies in relation to a lease only if the lessee has fully complied with the provisions (if any) of the lease relating to the erection of a building on the land comprised in the lease.

(10) If a lease is surrendered or ended, the planning and land authority may work out the amount of the expenditure reasonably incurred by

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the Territory, the planning and land authority or both, in relation to—

(a) the surrender or ending of the lease; and

(b) any grant of a further lease of the land or part of the land.

(11) The amount worked out under subsection (10) must be deducted from any amount payable under subsection (7) to the lessee of the surrendered or ended lease.

(12) Subsections (4), (7) and (8) apply in relation to a lease subject to any provisions of the lease that preclude or limit the right of the lessee to payment in relation to improvements on the land comprised in the lease.

174 Deciding value of improvements

(1) In this section:

assessment day means—

(a) in relation to land a lease of which has expired—the day of expiry; or

(b) in relation to land a lease of which has been terminated or surrendered—the day of termination or surrender; or

(c) in relation to land that has been withdrawn from a lease—the day of withdrawal.

lessee—see section 173.

market value, in relation to improvements on land, means the amount by which the improvements increase the value of the lease of the land, assuming that the lease, together with the improvements, were offered for sale on the open market on the day immediately before the prescribed day on the reasonable terms and conditions that a genuine seller might require.

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(2) If compensation is payable under section 173 in relation to improvements, the planning and land authority must, as soon as practicable after the assessment day in relation to the land where the improvements are situated, in writing, decide, in accordance with this section, the market value of the improvements on the land as at the assessment day.

(3) If compensation is payable under section 173 (4), the planning and land authority must, in valuing the improvements, assume that a further lease of the land had been granted subject to the same provisions, and for the same term, as the lease that has expired.

(4) If compensation is payable under section 173 (7), the planning and land authority must, in valuing the improvements, assume that the lease of the land had not been terminated or surrendered.

(5) If compensation is payable under section 173 (8), the planning and land authority must, in valuing the improvements, assume that the leased land or part of the leased land had not been withdrawn from the lease.

175 Use of land for leased purpose

(1) Territory land in relation to which a lease has been granted, whether before or after the commencement of this part, must not be used for any purpose other than a purpose authorised by the lease, subject to this section.

(2) Despite the lease of territory land for residential purposes, the land may also be used—

(a) for a home occupation within the meaning of the plan; or

(b) for a home business within the meaning of the plan, in accordance with an approval under part 6.

(3) Despite the purpose permitted by a lease of territory land, the land may be used—

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(a) for a development of a type prescribed by regulation, in accordance with an approval under part 6; or

(b) for any other activity prescribed by regulation.

176 Variation of rent

(1) If the rent payable under a lease of territory land is varied in accordance with the provisions of the lease, the planning and land authority must give the lessee written notice of the variation by post.

(2) A variation of rent mentioned in a notice under subsection (1) must come into operation on—

(a) the day 28 days after the day the notice is given; or

(b) if the lease under which the variation is made provides that the variation comes into operation on a later day—that later day.

177 Review of variations of rent

(1) If—

(a) the rent payable under a lease of territory land is varied in accordance with the provisions of the lease; and

(b) the lease does not provide for the submission to arbitration of differences between the parties to the lease regarding variation of the rent;

the lessee may, within 28 days after receiving the notice under section 176 (1) relating to the variation, serve on the planning and land authority a written request that the authority review the variation.

(2) The making of a request under subsection (1) does not affect the operation of the variation to which the request relates or prevent the taking of action to implement the variation.

(3) If a request is made under subsection (1) in relation to a variation, the planning and land authority must review the variation and may

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confirm the variation or set it aside and substitute any other variation the authority considers appropriate.

178 Refund on lease surrender or termination

(1) This section applies if a lease of territory land is surrendered or terminated under this Act.

(2) On application by the person surrendering the lease or the person whose lease has been terminated, the planning and land authority may authorise payment of the amount prescribed by regulation to the person.

Note A fee may be determined under s 287 for this provision.

(3) The planning and land authority must not authorise the payment of an amount under this section otherwise than in accordance with criteria under subsection (4) for the authorisation of payments.

(4) The Minister may, in writing, determine criteria for the authorisation of payments under this section.

Note The power to make a statutory instrument (including the statement of criteria) includes power to amend or repeal the instrument (see Legislation Act, s 46).

(5) A determination is a disallowable instrument.

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

179 Certificates of compliance

(1) Subject to subsection (4), if a building and development provision of a lease of territory land has been fully complied with, the planning and land authority must, on application by the lessee, issue a certificate of compliance to the effect that the provision has been so complied with.

Note A fee may be determined under s 287 for this subsection.

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(2) Subject to subsection (4), if a building and development provision of a lease of territory land has been partially complied with, the planning and land authority may issue a certificate of compliance to that effect.

(3) A certificate of compliance under subsection (2) may be issued subject to a condition (specified in the certificate) that the lessee provide security in a specified form against failure to complete specified outstanding work.

(4) The planning and land authority must not issue a certificate of compliance in relation to a building and development provision to which a lease under the *Unit Titles Act 2001* is subject unless the other requirements of this section are satisfied and the authority is satisfied—

(a) for every other lease in relation to the same subdivision under the *Unit Titles Act 2001* that is subject to a building and development provision—that the provision has been complied with, or a certificate of compliance has been issued under this section in relation to that provision; or

(b) that the occupier of the unit that is held under the lease will not, as occupier, be substantially inconvenienced by works being carried out, or that are to be carried out, in compliance with a building and development provision to which the lease of the common property or another unit contained in the same subdivision under the *Unit Titles Act 2001* is subject.

(5) For subsection (4), an occupier is substantially inconvenienced by works being, or to be, carried out if the works are being, or are to be, carried out to the common property, or another unit, in the same stage of the development as the occupier's unit.

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U 180 Transfer of land subject to building and development provision

(1) If a lease of territory land contains a building and development provision, the lease, or an interest in the lease, is not capable of being assigned or transferred, either at law or in equity unless—

(a) the lessee has died; or

(b) the transfer or assignment is made under any of the following orders:

(i) an order of the Family Court;

(ii) an order of another court having jurisdiction under the *Family Law Act 1975* (Cwlth);

(iii) an order under the *Domestic Relationships Act 1994,* part 3.2 adjusting the property interests of the parties in a domestic relationship; or

(c) the transfer or assignment happens by operation of, or under, bankruptcy or insolvency; or

(d) the lessee has obtained—

(i) a certificate of compliance under section 179; or

(ii) the consent of the planning and land authority under subsection (2) or (3).

Note A consent under the *City Area Leases Ordinance 1936* may be taken to be a consent under s (2) (see s 292).

(2) The planning and land authority may, in writing, consent to a legal or equitable assignment or transfer of a lease, or an interest in a lease, mentioned in subsection (1) if—

(a) the authority—

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(i) is satisfied that the proposed assignee or transferee intends to comply with the building and development provision; and

(ii) has been given the security (if any) required by the authority for compliance with the provision by the proposed assignee or transferee; and

(b) either—

(i) the authority is satisfied that the lessee cannot, for personal or financial reasons, comply with the building and development provision; or

(ii) the proposed transferee or assignee (the ***homebuyer***) has a contract with the person (the ***builder***) proposing to transfer or assign the lease and, under the contract, the builder is required to build a home on the leased land for the homebuyer.

Note A fee may be determined under s 287 for this provision.

(3) The planning and land authority may also, in writing, consent to a transfer of a lease, or an interest in a lease, mentioned in subsection (1) if the proposed transfer is the first sale of an individual lease of undeveloped land by the person who provided the infrastructure on, and subdivided, the holding lease of which the individual lease is a subdivision.

Note A fee may be determined under s 287 for this provision.

(4) In deciding under subsection (2) or (3) whether to consent to an assignment or transfer of a lease, the planning and land authority must take into consideration any matters determined by the Minister, in writing, for the subsection.

(5) A determination under subsection (4) is a disallowable instrument.

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

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181 Mortgage of leasehold subject to building and development provision

If a lease contains a building and development provision, the lease, or an interest in the lease, is not capable of being mortgaged unless—

(a) the lessee has obtained a certificate of compliance under section 179; or

(b) the mortgage is required by the lessee—

(i) to enable the lessee to repay money borrowed by the lessee for the purpose of acquiring the lease or interest; or

(ii) to secure money borrowed by the lessee for the purpose of acquiring the lease or interest; or

(iii) to enable the lessee to comply with a building and development provision of the lease.

182 Land leased to be held as undivided parcel

(1) Subject to section 183, the land comprised in a lease of territory land must at all times be held and occupied by or under the lessee as 1 undivided parcel.

(2) Subject to this part, the land comprised in a lease of territory land may be sublet and the lease and any interest in it may be assigned, transferred or mortgaged.

183 Power of lessee to sublet part of building or land in certain cases

(1) Any part of a building erected on land comprised in a lease of territory land may, subject to the lease and any sublease of the land, be sublet separately from the remainder of that building.

(2) If a part of a building is sublet separately from the remainder of the building, any part of the parcel of land where the building is erected

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may be sublet with the part of the building separately from the remainder of the parcel of land, provided that the part of the parcel of land so sublet adjoins that part of the parcel of land where the building is erected.

(3) If—

(a) a lease of territory land authorises the use of the land comprised in the lease as a mobile home park; and

(b) any part of the land is being used, or intended to be used, for the siting of a mobile home;

that part may, subject to the lease and any sublease of the land, be sublet separately from the remainder of the land.

(4) In subsection (3):

mobile home means a dwelling (whether or not on wheels) capable of being transferred from place to place and re-erected.

mobile home park means land used for the purpose of accommodating mobile homes or caravans, and includes a caravan park or camping ground.

Division 5.3 Variation of leases

183A Effect qualified

This division has effect subject to division 5.4 (Restrictions on rural leases).

184 Application to surrender and regrant of leases

A reference in this division to the ***variation*** of a lease includes a reference to the surrender of a lease and the grant of a new lease to the same lessee, subject to different provisions, over land—

(a) that is the whole or part of the land comprised in the surrendered lease; and

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(b) that is not defined land within the meaning of subdivision 2.3.4;

except if a lease is surrendered and a further lease is granted under section 171, section 171A or section 172.

184A Variation of nominal rent lease—change of use charge

(1) The planning and land authority must not execute a variation of a nominal rent lease unless the lessee has paid the Territory any change of use charge decided by the authority under subsection (2), subject to any remission or increase under section 184C.

(2) The planning and land authority must decide the change of use charge for a variation of a nominal rent lease in accordance with the formula—

$$CUC = (V_1 - V_2) \times 75\%$$

(3) In subsection (2):

CUC means the change of use charge payable for the variation of the lease.

V_1 means the capital sum that the lease might be expected to realise if—

(a) the lease were to be varied as proposed; and

(b) the lease were offered for sale in good faith immediately after the variation on the reasonable terms and conditions that a genuine seller would require; and

(c) the rent payable throughout the term of the lease were a nominal rent.

V_2 means the capital sum that the lease might be expected to realise if—

(a) the lease were not to be varied during the remainder of its term; and

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(b) the lease were offered for sale in good faith immediately before the variation on the reasonable terms and conditions that a genuine seller would require; and

(c) the rent payable throughout the term of the lease were a nominal rent.

(4) If the capital value assessed as V_1 under subsection (3) is equal to or less than the capital value assessed as V_2 under that subsection, no change of use charge is payable under subsection (1).

(5) So far as this section applies, because of section 184, to the surrender of a lease and the grant of a new lease—

(a) the reference in subsection (3), definition of V_1, paragraph (c) to the term of the lease is a reference to the term of the new lease; and

(b) the reference in subsection (3), definition of V_2, paragraph (c) to the term of the lease is a reference to the term of the lease to be surrendered.

(6) A variation of a lease has no effect if the change of use charge payable under subsection (1) for the variation is not paid.

184C Change of use charge for variations of nominal rent leases

(1) On application by the lessee of a nominal rent lease who applies for a variation of the lease, the planning and land authority must remit a change of use charge under section 184A (Variation of nominal rent lease—change of use charge) in circumstances prescribed by regulation.

(2) The planning and land authority must increase a change of use charge under section 184A in circumstances prescribed by regulation.

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184D Variation of rental leases

(1) The planning and land authority must not execute a variation of a rental lease unless any rent and additional rent payable under the lease up to the day of variation has been paid.

(2) If the planning and land authority executes a variation of a rental lease, the authority must reappraise the rent payable under the lease, following (to the extent possible) the method provided by the rental provisions of the lease.

(3) If the planning and land authority executes a variation of a rental lease, the rent payable under the lease is to be adjusted in accordance with the reappraisal under subsection (2) with effect from the date of variation.

(4) Subsections (2) and (3) do not apply to a variation of a rental lease—

(a) to reduce the rent payable to a nominal rent; or

(b) otherwise affecting the rental provisions of the lease.

185 Advice of rent payable on variation of lease

If the planning and land authority agrees to a variation of a lease of territory land, being a lease under which rent or additional rent is payable, it must—

(a) calculate the amount that would be payable under the lease for rent and additional rent up to the day when it expects the variation to be executed; and

(b) give the lessee written notice of—

(i) the amount calculated for rent and additional rent under paragraph (a); and

(ii) the day up to which the amount payable for rent and additional rent has been calculated; and

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(iii) the day by which the authority requires payment of the amount specified under subparagraph (i) to enable the variation of the lease to be executed on the day specified under subparagraph (ii).

186 Variation of lease to pay out rent

(1) A lease must not be varied to reduce the rent payable to a nominal rent unless—

(a) the lease is included in a prescribed class of leases; and

(b) all amounts payable to the Territory up to the day of variation of the lease for rates and land tax levied in relation to the land comprised in the lease have been paid; and

(c) the provisions of the lease requiring the lessee to develop the land comprised in the lease have been complied with up to the day of the variation; and

(d) the lessee has paid the Territory an amount decided by the planning and land authority by reference to any policy direction made under subsection (2).

(2) The Minister may, in writing, make policy directions for subsection (1) (d).

(3) A policy direction under subsection (2) is a disallowable instrument.

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

(4) If a lease of Territory land is varied to reduce the rent payable to a nominal rent, the lease as varied must provide that the lessee is to pay a rent of 5 cents per annum if and when that rent is demanded.

(5) The requirements of this section are in addition to, and not in substitution for, the requirements of the other provisions of this Act relating to the variation of leases.

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186A No variations to extend term

The planning and land authority must not execute a variation of a lease of territory land to extend the term of the lease.

Division 5.4 Restrictions on rural leases

186B Definitions for div 5.4

In this division:

dealing, in relation to a lease, means—

(a) assigning or transferring the lease; or

(b) subletting the land comprised in the lease or any part of it; or

(c) parting with possession of the land comprised in the lease or any part of it.

discharge amount—

(a) in relation to a special Pialligo lease—means an amount decided in accordance with section 186F; or

(b) in any other case—means an amount decided in accordance with section 186E.

earlier index number**,** for a lease, means the last index number issued before the lease was granted under section 161 or section 171A.

holding period is a period ending—

(a) in relation to a long lease—10 years after the lease is granted; or

(b) in relation to a short lease—at the end of 1/3 the term of the lease.

index number—see section 186G.

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later index number means—

(a) for a special Pialligo lease—the last index number issued before the discharge amount is to be paid; or

(b) for any other lease—the last index number issued before the last amount is worked out under section 186E.

long lease means a lease for a term of at least 21 years.

short lease means a lease for a term less than 21 years.

special Pialligo lease means a lease comprising land in block 6, 12, 13, 14, 15, 19, 20 or 52 of section 2 of the district of Majura.

186C Land management agreements

(1) The planning and land authority may—

(a) grant a rural lease; or

(b) grant a further rural lease; or

(c) vary a rural lease; or

(d) consent to the assignment or transfer of a rural lease;

only if the person to whom the lease is to be granted, assigned or transferred, or the person whose lease is to be varied, (the ***relevant person***) has entered into an agreement that complies with this section with the Territory about managing the rural land subject to the lease.

(2) An agreement complies with this section if it is—

(a) in accordance with a form approved by the Minister under section 287A (Approved forms) for this section; and

(b) signed by—

(i) the conservator; and

(ii) the relevant person.

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(3) An agreement may contain a provision allowing the agreement to be varied other than by agreement between the parties.

186D Dealings with rural leases

(1) This section applies to—

(a) a rural lease granted under section 161 (Granting of leases) after 15 December 1999 for consideration less than the market value of the lease; and

(b) a lease granted under section 171A (Grant of further rural leases) after 15 December 1999 on the payment of an amount worked out on the application of an amount condition mentioned in section 171A (3) (a).

(2) However, this section does not apply to a lease mentioned in subsection (1) (b) that was granted on the surrender of a lease for which a discharge amount had been paid.

(3) A lessee, or other person with an interest in the lease, may deal with a lease to which this section applies within the holding period only with the written consent of the planning and land authority.

(4) A dealing in relation to a lease made or entered into without consent has no effect.

(5) The planning and land authority must consent under this section to a dealing if—

(a) the person to whom—

(i) the lease is being assigned or transferred; or

(ii) the land comprised in the lease, or part of it, is sublet; or

(iii) possession of the land comprised in the lease, or part of it, is being given;

is the lessee's domestic partner or child; or

(b) the discharge amount has been paid in relation to the lease;

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but may not consent otherwise.

(6) The validity of a dealing made or entered into with the consent of the planning and land authority under subsection (5) is not affected—

(a) by a defect or irregularity in relation to the giving of the consent; or

(b) because a ground, or all grounds, for the consent had not arisen.

(7) In this section:

child, of a lessee, includes a child of the lessee's domestic partner.

186E Discharge amount

(1) The discharge amount for a lease (other than a special Pialligo lease) is the amount decided in accordance with the formula—

$$((\text{last amount} - (\text{first amount} \times \frac{\text{later index no}}{\text{earlier index no}})) \times 50\%) + \text{owed amount}$$

(2) In this section:

earlier index no—see section 186B, definition of ***earlier index number***.

first amount means—

(a) in relation to a nominal rent lease—the consideration for the lease when granted under section 161 or section 171A; or

(b) in relation to a short lease—the value of the lease decided when the lease was granted under section 161 or section 171A; or

(c) in relation to any other lease—any consideration for the lease when granted under section 161 or section 171A plus any amount to be paid under the lease;

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other than an amount attributable to lessee-owned improvements to the land comprised in the lease.

last amount, in relation to a lease, means—

(a) the consideration for the dealing with the lease, not including any amount attributable to lessee-owned improvements to the land comprised in the lease; or

(b) if—

(i) there is no consideration; or

(ii) the dealing relates to only part of the land comprised in the lease; or

(iii) the consideration is less than the market value of the lease;

the market value of the lease, not including any amount attributable to the lessee-owned improvements to the land comprised in the lease.

later index no—see section 186B, definition of ***later index number***.

owed amount means—

(a) in relation to a long lease—any amount remaining to be paid under the lease, even if the amount is not owing; or

(b) in relation to a short lease—any rent and additional rent payable under the lease up to the day of the dealing with the lease.

186F Discharge amount—special Pialligo leases

(1) The discharge amount for a special Pialligo lease granted less than 1 year before the discharge amount is to be paid is an amount equal to the total of the amount paid and the owed amount for the lease.

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(2) The discharge amount for a special Pialligo lease granted at least 1 year before the discharge amount is to be paid is the amount decided in accordance with the formula—

$$\text{amount paid - (cpi adjusted amount} \times \frac{\text{years since grant}}{10}) + \text{owed amount}$$

(3) The cpi adjusted amount in relation to a lease is the amount decided in accordance with the formula—

$$\text{amount paid} \times \frac{\text{later index number}}{\text{earlier index number}}$$

(4) In this section:

amount paid means—

(a) in relation to a nominal rent lease—the consideration for the lease when granted under section 161 or section 171A; or

(b) in relation to any other lease—any consideration for the lease when granted under section 161 or section 171A plus any amount to be paid under the lease;

other than an amount attributable to lessee-owned improvements to the land comprised in the lease.

years since grant, in relation to a lease, means the number of whole years since the lease was granted under section 161 or section 171A.

owed amount, in relation to a lease, means any amount remaining to be paid under the lease, even if the amount is not owing.

186G Index numbers

(1) In this division:

index number means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician from time to time.

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(2) However, in deciding index numbers for this division—

(a) if the Australian Statistician revises the calculation of an index number for a reason other than a change in the reference base for the All Groups Consumer Price Index and, as a result of the calculation, publishes an index number for a period in substitution for the previous index number—the later index number is disregarded; and

(b) if the Australian Statistician changes the reference base for the consumer price index after the lease is granted but before the calculation of the later index number—the earlier index number is the index number that would have been applicable if the new reference base had been in effect when the lease was granted.

186H No subdivision or consolidation

The planning and land authority may not consent to the consolidation or subdivision of a lease to which section 186D applies during the holding period.

Division 5.5 Consolidation and subdivision

187AA Effect qualified

This division has effect subject to division 5.4 (Restrictions on rural leases).

187 Application—nominal rent leases of territory land

This division applies only in relation to the consolidation and subdivision of nominal rent leases.

187A Consolidation and subdivision—change of use charge

(1) The planning and land authority must not execute a consolidation or a subdivision unless the lessee has paid the Territory any change of

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use charge decided by the authority under subsection (2), subject to any remission or increase under section 187C.

(2) The planning and land authority must decide the change of use charge for a consolidation or a subdivision in accordance with the formula—

$$CUC = (V_1 - V_2) \times 75\%$$

(3) In subsection (2):

CUC means the change of use charge payable for the consolidation or subdivision.

V_1 means the capital sum that the new lease or leases to be granted under the consolidation or subdivision might be expected to realise if—

(a) the consolidation or subdivision were to take place as proposed; and

(b) the new lease or leases were offered for sale in good faith immediately after the variation on the reasonable terms and conditions that a genuine seller would require; and

(c) the rent payable throughout the term of the new lease or leases were a nominal rent.

V_2 means the capital sum that the lease or leases to be surrendered under the consolidation or subdivision might be expected to realise if—

(a) no consolidation or subdivision were to take place during the remainder of the term of the surrendered lease or leases; and

(b) the lease or leases were offered for sale in good faith immediately before the consolidation or subdivision on the reasonable terms and conditions that a genuine seller would require; and

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(c) the rent payable throughout the term of the lease or leases to be surrendered were a nominal rent.

(4) If the capital value assessed as V_1 under subsection (3) is equal to or less than the capital value assessed as V_2 under that subsection, no change of use charge is payable under subsection (1).

(5) A consolidation or subdivision has no effect if the change of use charge payable under subsection (1) for the consolidation or subdivision is not paid.

187C Change of use charge for consolidations and subdivisions

(1) On application by a lessee who applies for a consolidation or subdivision of a lease or leases, the planning and land authority must remit a change of use charge under section 187A (Consolidation and subdivision—change of use charge) in circumstances prescribed by regulation.

(2) The planning and land authority must increase a change of use charge under section 187A in circumstances prescribed by regulation.

Division 5.6 Recovery of land

188 Termination of leases

(1) Subject to subsection (6), if a lessee of territory land contravenes this part or the lease, the planning and land authority may, by written notice served on the lessee by post, terminate the lease.

(2) A notice under subsection (1) takes effect on the day 14 days after the day it is served.

(3) The planning and land authority must serve a copy of a notice of the termination of a lease of territory land under subsection (1) on—

(a) the registrar-general; and

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(b) any person having an interest in the land that is registered under the *Land Titles Act 1925*;

at the same time as, or as soon as practicable after, the notice under subsection (1) is served.

(4) Subject to subsection (6), if a person who occupies territory land under a licence from the Commonwealth or the Territory contravenes this part or the licence, the planning and land authority may, by written notice served on the licensee by post, terminate the licence.

(5) A notice under subsection (4) takes effect on the day 7 days after the day it is served.

(6) The planning and land authority must not terminate a lease or a licence under this section unless it has—

(a) by written notice served on the lessee or licensee by post—

(i) informed the lessee or licensee that it is considering terminating the lease or licence; and

(ii) specified the grounds on which it is considering taking that action; and

(iii) invited the lessee or licensee to notify the authority in writing within 21 days after the date of the notice of any reasons why the lessee or licensee considers that the lease or licence should not be terminated; and

(b) taken into account any reasons for not terminating the lease or licence notified to the authority by the lessee or licensee in accordance with the notice served on the lessee or licensee under paragraph (a).

(7) The validity of the termination of a lease is not affected by a failure to comply with subsection (3).

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189 How land may be recovered

(1) This section applies if—

(a) a person who has been a lessee of territory land remains in possession of the land after—

(i) the term of the lease has ended; or

(ii) the lease has been surrendered or ended; or

(b) a person who has been a licensee of territory land remains in possession of the land after—

(i) the term of the licence has ended; or

(ii) the licence has been surrendered or ended.

(2) The Executive may, by written notice to the person (the ***unlawful occupier***), demand that the unlawful occupier give possession of the land to the Executive within the reasonable period stated in the demand.

(3) If a demand is not complied with—

(a) the Executive may apply to the Magistrates Court for an order that possession of the land be given to the Executive; and

(b) the court may issue a warrant authorising a police officer, within 30 days after the day the warrant is issued, to enter the land with the assistance and by the force that is reasonable, and give possession of the land to the Executive.

(4) The planning and land authority is authorised to do any of the following on behalf of the Executive:

(a) make a demand under subsection (2);

(b) make an application to the Magistrates Court under subsection (3) (a);

(c) take possession of land under this section.

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(5) In this section:

licence means a licence granted by the Territory, the Commonwealth or the planning and land authority.

190 Evidence of ending of lease

(1) The planning and land authority may certify in writing that a lease of territory land mentioned in the certificate has ended.

(2) A certificate under subsection (1) is evidence of the matter it states.

(3) A document that purports to be a certificate under subsection (1) is taken to be such a certificate, unless the contrary is proved.

Division 5.7 Public land

Subdivision 5.7.1 Preliminary

191 Definitions for div 5.7

In this division:

plan of management means a plan of management prepared under subdivision 5.7.4, as varied and in effect from time to time.

variation, in relation to a plan of management, includes the revocation of the plan and its substitution with a new plan.

Subdivision 5.7.2 Public land

192 Recommendations to planning and land authority

The conservator may, in writing, recommend to the planning and land authority that the plan be varied to provide for—

(a) the identification of an area of land as public land and its reservation for a purpose mentioned in section 193; or

(b) in relation to an area already identified in the plan as public land—

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(i) the variation of its boundaries to reduce or increase the size or the area, or to alter the shape of the area; or

(ii) the variation of the purpose for which it is reserved; or

(iii) the cessation of its designation as public land.

Subdivision 5.7.3 Management of public land

193 Reserved areas

Public land may be reserved by the plan under section 7 (3) (d) for any of the following purposes:

(a) a wilderness area;

(b) a national park;

(c) a nature reserve;

(d) a special purpose reserve;

(e) an urban open space;

(f) a cemetery or burial ground;

(g) a lake;

(h) a sport and recreation reserve;

(i) a heritage area.

194 Management

An area of public land must be managed in accordance with—

(a) the management objectives applying to the area; and

(b) the plan of management (if any) for the area.

195 Management objectives

(1) For section 194, the management objectives for an area of public land reserved for a particular purpose are—

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(a) objectives specified in schedule 1; and

(b) objectives specified by the conservator under subsection (2);

in relation to areas of land reserved for that purpose.

(2) The conservator may, in writing, determine management objectives for an area of public land reserved for a purpose mentioned in schedule 1.

Note A power given under an Act to make a statutory instrument (including a determination of management objectives) includes power to amend or repeal the instrument (see Legislation Act, s 46 (1)).

(3) A determination of management objectives is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Note 2 An amendment or repeal of a determination of management objectives is also a disallowable instrument (see Legislation Act, s 46 (2)).

(4) If there is an inconsistency between the application of 2 management objectives specified in schedule 1 in relation to an area of public land, the objective appearing later in the schedule is to be read subject to the other objective.

(5) If there is an inconsistency between the application of a management objective specified in schedule 1 and a management objective specified by the conservator under subsection (2) in relation to an area of public land, the objective specified by the conservator is to be read subject to the other objective.

(6) In schedule 1:

natural environment means all biological, physical and visual elements of the earth and its atmosphere, whether natural or modified.

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Subdivision 5.7.4 Plans of management

196 Content

A plan of management includes—

(a) a description of the area of public land to which it applies; and

(b) how the relevant management objectives mentioned in section 195 (1) are to be implemented or promoted in that area.

197 Preparation

(1) The conservator must prepare a draft plan of management for an area of public land as soon as practicable after the area is identified as such in the plan.

(2) In preparing a draft plan of management, the conservator must consider any recommendation submitted by the authority.

198 Variations

(1) The conservator may prepare a draft variation of a plan of management in the same way as a draft plan of management.

(2) This subdivision applies to a draft variation of a plan of management as if it were a draft plan of management.

199 Environmental assessments and inquiries

(1) At the written request of the conservator, or on his or her own initiative, at any time before a draft plan of management is approved under section 204 (a), the Minister may—

(a) direct that an assessment be made; or

(b) establish a panel to conduct an inquiry;

about any aspect of the draft plan.

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(2) In preparing or revising a draft plan of management, the conservator must consider any relevant assessment or the report of any relevant inquiry.

200 Public consultation

(1) This section applies to a draft plan of management for an area of public land if—

(a) no corresponding preliminary draft plan of management for that area has been notified under section 19; or

(b) if such a preliminary draft has been so notified—the firstmentioned draft plan of management differs significantly from that preliminary draft.

(2) The conservator must make copies of a draft plan of management to which this section applies available to an appropriate committee of the Legislative Assembly.

(3) The conservator must make copies of a draft plan of management to which this section applies available for public inspection during office hours at the places specified in a written notice prepared by the conservator.

(4) A notice under subsection (3) must include a statement inviting people to submit written comments about the draft plan of management to the conservator at a specified address and within a specified period of not less than 21 days from the date of the notice.

(5) A notice under subsection (3) is a notifiable instrument.

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

(6) The conservator must also publish the notice in a daily newspaper.

201 Revision

The conservator may revise a draft plan of management—

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(a) in consideration of any written comments received from any person about the draft plan; or

(b) to correct any formal error.

202 Submission to Minister

The conservator must submit a draft plan of management (as revised under section 201) to the Minister for approval, together with—

(a) a written report setting out the issues raised in any written comments submitted to the conservator in relation to the draft; and

(b) a written report about the conservator's consultation with the public and with any other person or authority about the draft.

203 Consideration of plan of management by Legislative Assembly committee

If the conservator submits a draft plan of management to the Minister under section 202, the Minister must, within 7 days of receiving the draft plan give—

(a) a copy of the draft plan; and

(b) a copy of the reports mentioned in section 202 (a) and (b) relating to the draft plan; and

(c) all other documents relating to the draft plan submitted to the Minister by the conservator;

to an appropriate committee of the Legislative Assembly.

204 Minister's powers

(1) On receipt of a draft plan of management submitted under section 202 or section 205 for approval, the Minister must consider any recommendation relating to the draft by a committee of the Legislative Assembly that considers the draft under section 203 and—

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(a) in writing, approve a plan of management in the form in which the draft is submitted; or

(b) refer the draft to the conservator together with any of the following written directions:

(i) to conduct further specified consultation;

(ii) to consider any revision suggested by the Minister;

(iii) to revise the draft in a specified way;

(iv) to defer, in writing, until a specified date or the happening of a specified event, the resubmission of the draft to the Minister;

(v) to withdraw the draft in writing.

(2) The following are notifiable instruments:

(a) a deferral directed under subsection (1) (b) (iv);

(b) a withdrawal directed under subsection (1) (b) (v).

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

205 Referral back to conservator

If the Minister refers a draft plan of management to the conservator under section 204 (1) (b), the conservator must—

(a) comply with the Minister's directions; and

(b) if the Minister gives a direction under section 204 (1) (b) (i) or (ii)—if the conservator considers appropriate, revise the draft plan; and

(c) revise the draft to correct any formal error; and

(d) resubmit the draft plan of management (as revised) to the Minister for approval together with a written report about the conservator's compliance with the Minister's directions and about any revision of the draft under paragraph (c).

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206 Notice of revival of deferred draft plan of management

(1) If the conservator defers a draft plan of management as directed under section 204 (1) (b) (iv) (Minister's powers), on the day stated in the deferral, or as soon as possible after the event mentioned in the deferral, the conservator must prepare a written notice stating that the draft plan of management is revived.

(2) A notice is a notifiable instrument.

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

(3) The conservator must also publish the notice in a daily newspaper.

207 Notification, presentation, disallowance and date of effect

(1) A plan of management, as approved by the Minister under section 204, is a disallowable instrument.

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

(2) The Legislation Act, chapter 7 (Presentation, amendment and disallowance of subordinate laws and disallowable instruments) applies to a plan of management as if each reference in that chapter to 6 sitting days were a reference to 5 sitting days.

(3) Subject to any disallowance under the Legislation Act, chapter 7, the plan of management commences—

(a) on the day after the 5th sitting day after the day it is presented to the Legislative Assembly under that chapter; or

(b) if the plan provides for a later date or time of commencement—on that date or at that time.

Subdivision 5.7.5 Leases and licences

208 Leases—generally

(1) Except as provided by section 209, the planning and land authority must not grant a lease—

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(a) of public land; or

(b) during the defined period, of land designated, in a draft variation of the plan notified under section 19, to become public land.

(2) In subsection (1):

defined period, in relation to land designated, in a draft variation of the plan, to become public land, means the period of interim effect, under part 2, of that draft variation.

209 Grant of leases

(1) On the written recommendation of the conservator, the planning and land authority may grant a lease of an area, or part of an area, of public land except if that area is reserved under the plan as a wilderness area.

(2) On the written recommendation of the conservator, the planning and land authority may during the defined period mentioned in section 208 (2), grant a lease of an area, or part of an area, of land designated in a draft variation of the plan to become public land except if it is proposed in that draft variation that the area be reserved as a wilderness area.

210 Licences

(1) The planning and land authority may, on the written recommendation of the conservator, grant a licence to a person to occupy or use an area of unleased public land.

Example of when a licence might be given to a person

to allow a building (including a fitting attached to the building) owned or occupied by the person to encroach onto, over or under an area of unleased public land

Note An example is part of the Act, 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).

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(2) An application for a licence under subsection (1) must—

(a) be in writing signed by the applicant; and

(b) specify—

(i) the land in relation to which the licence is sought; and

(ii) the period for which the licence is sought; and

(iii) the purposes for which it is proposed that the land should be used under the licence.

Note A fee may be determined under s 287 for this subsection.

(3) A licence under subsection (1) must—

(a) be in writing; and

(b) apply to the person to whom it is granted and to all other people to whom it is expressed to apply; and

(c) specify the period for which it is granted; and

(d) be subject to the conditions (if any) specified in the licence.

(4) A person is not required to hold a licence under this section to occupy or use an area of unleased public land if—

(a) the person holds a permit under the *Roads and Public Places Act 1937* to place an object in, over or across the area; and

(b) the area is being occupied or used in accordance with the permit; and

(c) for an occupation or use that requires an approval under division 6.2 (Approvals)—

(i) the occupation or use has been approved under that division; and

(ii) the person is complying with any conditions under section 245 (Conditional approvals) that apply to the approval.

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211 Miner's rights in relation to public land

A miner's right must not be granted in relation to public land.

Division 5.8 Miscellaneous

214 Lessee may surrender lease or part of lease

(1) A person who holds a lease of territory land may, at any time, with the consent of the planning and land authority, surrender the lease or any part of the land comprised in the lease.

(2) The planning and land authority may agree to accept the surrender of a lease, or part of the land comprised in a lease, under subsection (1) either unconditionally or subject to any condition the authority considers appropriate.

(3) The surrender of a lease, or of part of the land comprised in a lease, does not entitle the lessee to a refund or remission of any rent already paid or owing.

215 Reduction of rent and relief from provisions of lease

(1) The planning and land authority may approve—

(a) a reduction of the rent payable under a lease of territory land, or of the amount payable, in relation to any occupation of territory land; or

(b) the grant of relief, to a lessee or occupier of territory land, from compliance, completely or partly, with any provision to which the person's lease or occupation is subject.

(2) The reduction or grant of relief may be for any period (including a period before the commencement of this section or any other period before the approval).

(3) If the planning and land authority gives an approval under subsection (1), the liability or obligation of the lessee or occupier under the lease, or in relation to the person's occupation, is

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discharged for the period approved, to the extent of the reduction or grant of relief approved.

(4) An approval under subsection (1) may be made subject to conditions.

(5) If the planning and land authority approves a grant of relief to a lessee or occupier under subsection (1), it must give to the lessee or occupier notice of the reduction of rent or other grant of relief approved.

Note For how documents may be given, see the Legislation Act, pt 19.5.

216 Access to leased land from roads and road related areas

(1) The planning and land authority may grant a lease of territory land only if satisfied that the lessee will, during the term of the lease, have—

(a) direct access to the leased land from a road or road related area; or

(b) access to the leased land from a road or road related area by way of an access road or track, or in another way, that the lessee may use without charge and for all purposes at any hour of the day or night.

(2) A way of access to leased land provided by the planning and land authority because of subsection (1) (b)—

(a) must not interfere with a building, garden or stockyard on the land at the time the way of access is provided; and

(b) must be located in a way that causes as little damage or inconvenience to the lessee as possible.

(3) The validity of a lease granted under this part is not affected by a failure to comply with this section.

(4) In this section:

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road—see the *Road Transport (General) Act 1999*, dictionary.

road related area—see the *Road Transport (General) Act 1999*, dictionary.

216A Notification of certain leases

(1) This section applies if, during a quarter, the planning and land authority grants a lease—

(a) by direct grant; or

(b) under section 163 (Leases to community organisations), section 164 (Special leases) or section 209 (Grant of leases).

(2) The planning and land authority must, within 5 working days after the end of the quarter, give the Minister a statement that sets out, in relation to any lease mentioned in subsection (1) granted during the quarter—

(a) the name of the lessee; and

(b) a description of the land comprised in the lease in accordance with the *Districts Act 2002*, section 9 (Description of parcel of land for dealings); and

(c) the amount (if any) paid for the grant of the lease; and

(d) the provision of this Act under which the lease was granted.

(3) The Minister must present to the Legislative Assembly a copy of a statement received under subsection (2) within 5 sitting days after the day the Minister receives it.

(4) The validity of a lease is not affected by a failure to comply with subsection (2) or (3).

(5) In this section—

quarter means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October in a year.

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217 Licences in relation to land that is not public land

(1) A person may apply to the planning and land authority for a licence to occupy or use an area of unleased territory land that is not public land.

Example of when a licence might be given to a person

to allow a building (including a fitting attached to the building) owned or occupied by the person to encroach onto, over or under an area of unleased territory land that is not public land

Note An example is part of the Act, 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).

(2) An application under subsection (1) must—

(a) be in writing signed by the applicant; and

(b) specify—

(i) the land in relation to which the licence is sought; and

(ii) the period for which the licence is sought; and

(iii) the purposes for which it is proposed that the land should be used under the licence.

Note A fee may be determined under s 287 for this subsection.

(3) On receiving an application under subsection (1) the planning and land authority may grant the applicant a licence to occupy or use the land specified in the application for the purposes and period specified in the application.

(4) A licence under subsection (1) must—

(a) be in writing; and

(b) apply to the person to whom it is granted and to all other people to whom it is expressed to apply; and

(c) specify the period for which it is granted; and

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(d) be subject to the conditions (if any) that are specified in the licence.

(5) A person is not required to hold a licence under this section to occupy or use an area of unleased territory land that is not public land if—

(a) the person holds a permit under the *Roads and Public Places Act 1937* to place an object in, over or across the area; and

(b) the area is being occupied or used in accordance with the permit; and

(c) for an occupation or use that requires an approval under division 6.2 (Approvals)—

(i) the occupation or use has been approved under that division; and

(ii) the person is complying with any conditions under section 245 (Conditional approvals) that apply to the approval.

218 Reservation of minerals

A reservation of minerals contained in a lease of territory land must be read as a reservation of all minerals and mineral substances in or on the land, including gold, silver, copper, tin, other metals, ores and substances containing metals, gems, precious stones, coal, limestone, shale, mineral oils, valuable earths and substances, stone, clay, gravel and sand.

219 Rights to extract minerals

(1) The planning and land authority may, by a lease or other agreement, grant a person the right to extract minerals from specified territory land.

(2) The provisions of a lease or other agreement entered under subsection (1) are the provisions agreed between the parties.

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220 Access to lease documents and development agreements

(1) The *Freedom of Information Act 1989*, section 11 (2) does not apply to a document that is—

(a) a lease; or

(b) a variation of a lease; or

(c) a renewal of a lease;

if the document became a document of a Commonwealth agency before 1 January 1977.

(2) A document that is—

(a) a lease; or

(b) a variation of a lease; or

(c) a renewal of a lease;

is taken not to be an exempt document for the *Freedom of Information Act 1989*.

(3) A reference in this section to a ***lease*** is a reference to a lease of territory land.

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Part 6 Approvals and orders

Division 6.1 Preliminary

222 Definitions for pt 6

In this part:

application means an application for approval to undertake a development.

approval means—

(a) an approval under section 230 (Approvals); or

(b) if, on reconsideration of an original decision, an application for development is approved—an approval on reconsideration.

Note Div 6.2.4 deals with reconsideration of original decisions.

building includes—

(a) an addition to a building; and

(b) a structure attached to a building; and

(c) a part of a building.

building work—see the *Building Act 2004*, section 6.

consolidation—see section 159.

damage a protected tree—see the *Tree Protection Act 2005*, section 12

declared site—see the *Tree Protection Act 2005*, dictionary.

development means activity in relation to land that consists of 1 or more of the following activities:

(a) the erection, alteration or demolition of a building or structure on or under the land;

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(b) the carrying out of earthworks or other construction work on or under the land;

(c) the carrying out of work that would affect the landscape of the land except if the land—

(i) is leased for residential purposes only; and

(ii) is not registered, or nominated for provisional registration, under the *Heritage Act 2004*;

(d) a use of the land for a business—

(i) that is a home business within the meaning of the plan; and

(ii) that is not expressly authorised by a current lease;

(e) a use of the land for an activity—

(i) that is prescribed for section 175 (3) (a); and

(ii) that is not expressly authorised by a current lease;

(f) if the land is unleased territory land—a use of the land that is not authorised by a current licence or permit granted for the land under an Act;

(g) the erection, fixing or displaying of a sign or advertising material on the land, or on a structure or building on the land, otherwise than in accordance with a right to do so expressly given by a current licence granted under this Act, a current lease or a current permit under the *Roads and Public Places Act 1937*;

(h) a variation of a lease of the land;

(i) an activity declared by another Act to be a development activity for this part;

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but does not include a use of unleased territory land by or on behalf of the Territory for a purpose for which it was used before the commencement of this Act.

Executive includes a Minister acting on behalf of the Executive.

inspector means a person appointed as an inspector under section 263 (1).

lease—see section 159.

lessee—see section 159.

objection means an objection under section 237.

order means—

(a) an order under division 6.3; or

(b) a decision under another Act that is declared by an Act to be an order for this part.

original decision—see section 246 (1).

prescribed period means the period specified in, or ascertained in accordance with, a regulation.

prohibited groundwork—see the *Tree Protection Act 2005*, section 14.

prohibition notice—see section 260 (1).

protected tree—see the *Tree Protection Act 2005*, section 8.

protection zone, for a protected tree—see the *Tree Protection Act 2005*, section 11.

registered tree—see the *Tree Protection Act 2005*, dictionary.

regulated tree—see the *Tree Protection Act 2005*, dictionary.

relevant authority, in relation to an application, means—

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(a) if the Minister has, under section 229B (Minister may decide some applications), decided to consider an application—the Minister; or

(b) the planning and land authority.

structure includes a fence, mast, antenna, aerial, road, footpath, driveway, carpark, culvert or service conduit or cable.

subdivision—see section 159.

tree management plan—see the *Tree Protection Act 2005*, dictionary.

variation, of a lease—see section 223.

223 Meaning of *variation* for pt 6

(1) In this part, ***variation***, of a lease, includes—

(a) the surrender of a lease and the granting of a new lease subject to different provisions to the same lessee over all or part of the land comprised in the surrendered lease; and

(b) a consolidation; and

(c) a subdivision.

(2) However, the ***variation*** of a lease does not include the surrender of a lease and the granting of a new lease to the same lessee over all or part of the land comprised in the surrendered lease if—

(a) the land is defined land within the meaning of section 31; or

(b) the new lease is granted under any of the following provisions:

(i) section 171 (Grant of further residential leases);

(ii) section 171A (Grant of further rural leases);

(iii) section 172 (Grant of further leases for purposes other than residential or rural).

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Division 6.2 Approvals

Subdivision 6.2.1 General

225 Offence—development

(1) A person must not, without reasonable excuse, undertake a development otherwise than in accordance with an approval.

Maximum penalty: 50 penalty units.

(2) A territory authority must not, without reasonable excuse, undertake a development except in accordance with an approval.

226 Application to undertake development

(1) An application for approval must—

(a) be signed by the applicant; and

(b) if the application is for approval of a variation of a lease—be accompanied by an assessment by an accredited valuer that sets out the amounts of the values represented by V_1 and V_2 in—

(i) for a variation that is not a consolidation or subdivision—section 184A; or

(ii) for a variation consisting of a consolidation or subdivision—section 187C.

Note 1 A fee may be determined under s 287 for this subsection.

Note 2 If a form is approved under s 287A for an application or a declaration, the form must be used.

(2) If the development to which the application relates requires construction work to be carried out on land that has previously been developed, and that is not leased for rural purposes, the application must be accompanied by a survey certificate given by a registered surveyor that shows—

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(a) the boundaries of the land where the development is to be undertaken; and

(b) the location of each building or structure on the land; and

(c) the existing contours of the land.

(3) A person is not entitled to apply to undertake a development of a rural lease if—

(a) the development is a variation of the lease that is a consolidation or subdivision; and

(b) the planning and land authority may not consent to the consolidation or subdivision under section 186H.

(4) If an application is made by a person who is not the lessee of the place to which the application relates, the application must, in addition to being signed by the person by whom it is made, be signed by—

(a) if the place to which the application relates is subject to a lease—the lessee of the place; or

(b) in any other case—the planning and land authority.

(5) A lessee may, by writing, appoint a person to act on his or her behalf in relation to an application.

(6) A person who signs an application under subsection (4) (a) is taken to be an applicant in relation to the application.

(7) The planning and land authority may—

(a) correct a formal error in an application; or

(b) at the request of the applicant, make an alteration to an application.

(8) If the planning and land authority makes an alteration or correction under subsection (7), the authority must—

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(a) advise the applicant, or if there is more than 1, each applicant, that the alteration or correction has been made; and

(b) if notice has been given under section 229 of the making of the application—give notice in accordance with that section of the application as so altered or corrected.

(9) An application may be made under this section in relation to a development that has been undertaken without approval.

(10) The Minister may, in writing, exempt developments mentioned in subsection (2) from the application of the subsection.

(11) An exemption is a disallowable instrument.

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

(12) In this section:

accredited valuer means a person who is—

(a) registered, licensed or approved under the law of the Commonwealth or a State to carry out valuations of property; or

(b) accredited as a certified practising valuer by the body known as the Australian Property Institute.

227 Register of applications, approvals, orders and lease and development conditions

(1) The planning and land authority must keep a register of—

(a) each alteration or correction to an application made under section 226 (7); and

(b) each application that has not been withdrawn, or that is not to be taken to have been withdrawn and in relation to which the period for making an application under section 275 or section 276 has not ended; and

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(c) each notice given to the heritage council under section 229 of a development application that relates to a place or object registered, or nominated for provisional registration, under the *Heritage Act 2004*; and

(d) each advice given to the planning and land authority by the heritage council under the *Heritage Act 2004*, section 60 (Advice about effect of development on heritage significance); and

(e) each notice of a development application given to the conservator under section 229 (4) (b); and

(f) each advice given to the planning and land authority by the conservator under the *Tree Protection Act 2005*, section 82 (Advice about tree protection on land subject to development); and

(g) each approval in relation to which the period for making an application under section 275 or section 276 has not ended; and

(h) each approval, for the period for which it remains in force; and

(i) each order, for the period for which it remains in effect; and

(j) the lease and development conditions (if any) applicable to a lease granted after the commencement of this paragraph; and

(k) any comments of the planning and land authority or the planning and land council given to the planning and land authority for the Minister's consideration of an application under section 229B (Minister may decide some applications); and

(l) if an application has been reconsidered under subdivision 6.2.4—the date and details of the decision on reconsideration; and

(m) details of any minor amendment made under section 247.

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(2) The planning and land authority may enter in the register details of lease and development conditions applicable to a lease granted before the commencement of subsection (1) (j).

(3) A person may, during office hours—

(a) inspect the register; and

(b) make copies of, or take extracts from, the register or any part of a document relevant to an application.

Note A fee may be determined under s 287 for par (b).

(4) In this section:

lease and development condition, for a lease, means a condition, other than a condition contained in the lease, that—

(a) was approved by the Territory when the lease was granted; and

(b) regulates the development or use of the land that is subject to the lease.

228 Restrictions on inspection of applications

(1) An applicant for approval to undertake a development may apply in writing to the planning and land authority for a part of any copy of the application to be excluded from being made available to the public or for public inspection.

(2) The planning and land authority may approve or refuse to approve an application under subsection (1).

(3) The planning and land authority must approve an application if satisfied that—

(a) the part of the application for approval to undertake a development to which the application under subsection (1) relates contains information—

(i) about the personal or business affairs of a person; or

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(ii) that has been given to the authority in confidence; or

(iii) the publication of which would disclose a trade secret; or

(iv) the disclosure of which is likely to affect the conduct of a person's lawful business affairs; and

(b) it would not be in the public interest for the part to be published.

(4) If a part of an application is excluded from the copies of that application made available to the public or for public inspection, each copy must include a statement to the effect that an unspecified part of the application has been excluded for the purpose of protecting the confidentiality of information included in that part.

229 Notice of application

(1) The planning and land authority must—

(a) if a place other than unleased land adjoining the place to which an application relates—

(i) is occupied—give notice by post of the making of the application to the lessee of the adjoining place at the address of the adjoining place; or

(ii) is unoccupied—give notice by post to the lessee of the adjoining place at the address of the lessee last-known to the authority; and

(b) publish notice of the making of each application in a daily newspaper.

(2) Subsection (1) (a) does not apply—

(a) if, in the opinion of the planning and land authority, the number of places adjoining the place to which the application relates is such that it would be impractical to give notice by post to the lessee of each place; or

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(b) in relation to a place adjoining the place to which the application relates that is leased by the applicant or a person for whom the applicant has been appointed to act as agent.

(3) The planning and land authority must, if the application relates to a development that is or includes a variation of a lease, give written notice of the making of the application to each person having an estate or interest in the land subject to the lease to be varied (being an estate or interest that is registered under the *Land Titles Act 1925*).

Note For how documents may be given, see the Legislation Act, pt 19.5.

(4) The planning and land authority —

(a) must give the heritage council—

(i) notice of each application that relates to a place or object registered, or nominated for provisional registration, under the *Heritage Act 2004*; and

(ii) a copy of each application mentioned in subparagraph (i); and

(iii) a copy of each objection, or document containing comments about the development, received by the authority that relate to the effect of the development on the heritage significance of the place or object; and

(b) must give the conservator—

(i) a copy of each application that relates to land that includes all or part of—

(A) the protection zone for a protected tree; or

(B) a declared site; and

(ii) if a tree management plan approved under the *Tree Protection Act 2005*, part 4, a proposed tree management plan, or a proposed amendment of a tree management

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plan, is included with the application—a copy of the plan or proposed plan or amendment; and

(iii) a statement that the application is referred to the conservator under this paragraph; and

(c) must give to the conservator for comment a copy of each application that relates to public land; and

(d) may give a copy of an application to any other entity for comment.

(5) The planning and land authority must give the environment protection authority written notice of an application in relation to a development—

(a) listed in the *Environment Protection Act 1997*, schedule 1; or

(b) that has the potential to cause serious or material environmental harm within the meaning of that Act.

(6) The planning and land authority must erect on the place to which an application relates a sign that specifies the development proposed to be undertaken in relation to that place.

(7) A person must not, without lawful excuse, move, deface, damage, obscure or otherwise interfere with a sign erected under subsection (6).

Maximum penalty: 5 penalty units.

(8) A person must not, without reasonable excuse, prevent or restrict access to a sign erected under subsection (6).

Maximum penalty: 5 penalty units.

(9) The validity of an approval is not affected by a failure by the planning and land authority to comply with subsection (6).

(10) A reference in subsection (1) to a ***lessee*** is a reference to the person registered as lessee in the register kept under the *Land Titles Act 1925* in relation to the place to which the application relates.

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229A Direction that applications be submitted to Minister

(1) The Minister may, in writing, direct the planning and land authority to refer to the Minister an application that has not been decided by the authority.

Note The *Planning and Land Act 2002*, s 10 provides that the planning and land authority must comply with directions given to it under a territory law.

(2) If the application relates to a place or object registered, or nominated for provisional registration, under the *Heritage Act 2004*, the planning and land authority must give a copy of the direction to the heritage council.

(3) The planning and land authority must give a copy of the direction to the conservator if the application relates to land that includes all or part of the tree protection zone for a protected tree or a declared site.

(4) When complying with the direction, the planning and land authority must also give the Minister—

(a) the information and documents received by the authority in relation to the application, including—

(i) any advice under the *Heritage Act 2004*, section 60 (Advice about effect of development on heritage significance); and

(ii) any advice under the *Tree Protection Act 2005*, section 82 (Advice about tree protection on land subject to development); and

(b) any other relevant information and documents held by the authority.

(5) If the Minister gives a direction under subsection (1) in relation to an application, the planning and land authority must take no further action that would lead to a decision by the authority on the application.

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229B Minister may decide some applications

(1) This section applies in relation to an application referred to the Minister under section 229A.

(2) The Minister may decide to consider the application if, in the Minister's opinion—

(a) the application raises a major policy issue; or

(b) the application seeks approval for a development that may have a substantial effect on the achievement or development of objectives of the territory plan; or

(c) the approval or refusal of the application would provide a substantial public benefit.

(3) If the Minister decides to consider an application, the Minister must tell the planning and land authority in writing about the decision.

(4) An advice under subsection (3) is a notifiable instrument.

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

(5) An advice under subsection (3) must be notified under the Legislation Act within 3 weeks after the day it is given.

(6) If the Minister decides to consider an application, the Minister must—

(a) tell the applicant in writing about the decision and the grounds on which the decision was made; and

(b) if the application relates to a place or object registered, or nominated for provisional registration, under the *Heritage Act 2004*—ensure that the Minister has the advice of the heritage council under that Act, section 60 (Advice about effect of development on heritage significance); and

(c) for an application mentioned in section 229A (3)—ensure that the Minister has the advice of the conservator under the *Tree*

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Protection Act 2005, section 82 (Advice about tree protection on land subject to development); and

(d) ensure that the Minister has the comments of the planning and land authority and the planning and land council on the application; and

(e) approve or refuse the application under section 230.

(7) Within 3 sitting days after the day the Minister decides an application, the Minister must present to the Legislative Assembly a statement containing—

(a) a description of the development to which the application relates; and

(b) details of the land where the development is proposed to take place; and

(c) the applicant's name; and

(d) details of the Minister's decision; and

(e) the grounds for the decision.

(8) The statement under subsection (7) must be accompanied by a copy of the comments of the planning and land council on the application to which the statement relates.

(9) If the Minister is satisfied that the Minister should not consider the application, the Minister must refer the application back to the planning and land authority for decision.

230 Approvals

(1) The relevant authority may approve or refuse to approve an application.

(2) The relevant authority is taken to have refused to approve an application if the authority fails to make a decision in relation to the application before the end of the prescribed period.

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(3) However, the relevant authority may approve an application at any time until the earliest of the following dates:

(a) the date when the administrative appeals tribunal has finally dealt with an application under section 275 to review the relevant authority's deemed refusal under subsection (2) of this section;

(b) 6 months after the date of the application, unless paragraph (c) applies;

(c) if an assessment or a variation to the plan is required in relation to the application—12 months after the date of the application.

(4) If the relevant authority approves an application to undertake a development that includes an activity that is not permitted by a lease of the land where the activity is to be carried out, the approval must not take effect in relation to that activity until the lease is varied to permit the activity.

(5) Subsection (4) does not apply in relation to—

(a) an activity mentioned in section 222 (1), definition of ***development***, paragraph (c); or

(b) an activity included in a development of a type prescribed for section 175 (3) (a); or

(c) an activity prescribed for section 175 (3) (b).

231 Matters to be considered by relevant authority

(1) In approving or refusing to approve an application, the relevant authority must consider the following:

(a) the comments of any entity to which the authority referred the application for comment;

(b) each objection or other submission received by the authority in relation to the application that has not been withdrawn;

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(c) a preliminary assessment under division 4.2, or a report under section 128, in relation to the environmental impact of the proposed development;

(d) any assessment made, or the report of any inquiry conducted, in relation to the proposed development;

(e) any advice given to the authority by the heritage council under the *Heritage Act 2004*, section 60 (Advice about effect of development on heritage significance) within 15 working days after the day the council is given notice of the application by the authority;

(f) any advice given to the authority by the conservator under the *Tree Protection Act 2005*, section 82 (Advice about tree protection on land subject to development) within 30 working days after the day the conservator is given notice of the application by the authority;

(g) if the relevant authority is the Minister—the comments of the planning and land authority and the planning and land council.

(2) The relevant authority may make a decision under section 230 that is inconsistent with any heritage council advice under the *Heritage Act 2004*, section 60 only if satisfied that—

(a) the following have been considered—

(i) all applicable heritage guidelines;

(ii) all reasonable development options and design solutions;

(iii) any prudent and feasible alternative to the proposed development, or relevant aspects of it; and

(b) as far as practicable, the decision avoids or minimises any adverse impact on the heritage significance of the place; and

(c) on balance, the decision is consistent with the objects of the territory plan.

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(3) Also, if the proposed development would be affected by heritage guidelines relating to the heritage significance of an Aboriginal place or object registered, or nominated for provisional registration, under the *Heritage Act 2004*, the relevant authority must consult each representative Aboriginal organisation and consider any further comments by the heritage council about the development.

(4) The relevant authority must not make a decision under section 230 that is inconsistent with the advice of the conservator under the *Tree Protection Act 2005*, section 82 in relation to a registered tree or a declared site.

(5) The relevant authority may make a decision under section 230 that is inconsistent with the advice of the conservator under the *Tree Protection Act 2005*, section 82 in relation to a regulated tree only if the authority is satisfied, having regard to the broader strategic objectives of the territory plan, that all reasonable development options and design solutions have been considered to avoid or minimise the need to damage the tree or undertake prohibited groundwork.

(6) In making a decision under section 230 that relates to a regulated tree, the relevant authority may, under this section—

(a) if a tree management plan is already in force for the tree—approve an amendment of, or replacement for, the tree management plan; or

(b) in any other case—approve a tree management plan for the tree.

(7) A decision mentioned in subsection (5) must not be made by a person acting as delegate of the planning and land authority.

(8) In this section:

Aboriginal object—see the *Heritage Act 2004*, section 9.

Aboriginal place—see the *Heritage Act 2004*, section 9.

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representative Aboriginal organisations—see the *Heritage Act 2004*, section 14.

232 Duty of applicants

(1) The planning and land authority may direct an applicant—

(a) to give the notice of the application that the authority would, apart from this section, be required to give; and

(b) to give notice to any other person.

(2) The planning and land authority need not give notice of an application under section 229 (Notice of application) or another Act if the authority gives a direction under subsection (1).

(3) If an applicant fails to comply with a direction under subsection (1), the application is to have been withdrawn.

(4) The applicant must pay the cost of a notice given in accordance with a direction under subsection (1).

(5) If the planning and land authority publishes a notice under section 229 (1) (b), the reasonable cost of the notice is a debt payable by the applicant to the Territory.

Note If a form is approved under s 287A for a notice under par (a) or (b), the form must be used.

233 More information

(1) The planning and land authority may, by written notice, require an applicant to give to the authority, within the period specified in the notice (of not less than 28 days), either orally or in writing, the further information relating to the application that is specified in the notice.

(2) An applicant may, at any time before the end of the period specified in a notice under subsection (1), apply to the planning and land authority for an extension of the period within which the applicant is to give information.

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(3) On receipt of an application under subsection (2), the planning and land authority may grant an extension of the period of not more than 6 months.

234 Effect of failure to give further information

If a person fails to give information in accordance with a notice under section 233 (1), the planning and land authority must, for the purposes of enabling an application to be made to the administrative appeals tribunal under section 275, be taken to have made a decision refusing the application for approval to undertake the development.

236 Environmental assessments and inquiries

The Minister may—

(a) direct that an assessment be made; or

(b) establish a panel to conduct an inquiry;

about any aspect of an application.

Subdivision 6.2.2 Objections

237 Objections—general

(1) Any person who may be affected by the approval of an application may, within the prescribed period (or that period as extended under this section), object to the grant of the approval.

(2) The planning and land authority may, by notice published in a daily newspaper, extend or further extend the period allowed under subsection (1) for the objection to the grant of an approval of an application.

(3) The power under subsection (2) may be exercised after the end of the period to be extended.

(4) An objection must be made to the planning and land authority in writing and must set out the grounds of the objection.

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(5) The planning and land authority must give an applicant for approval to undertake a development a copy of each objection to the application, and any other submission received by the authority in relation to the application, that has not been withdrawn.

(6) In this section:

person includes an unincorporated association.

238 Inspection of objections

The planning and land authority must make a copy of each objection available for inspection by members of the public during office hours until the end of the period during which application may be made to the administrative appeals tribunal for a review of a decision in relation to the application.

239 Identity of objectors

The planning and land authority may, on request by a person making an objection, exclude the identity of the objector from being made available under section 237 (5) or section 238 if, in the authority's opinion, based on reasonable grounds, it would not be in the public interest for that identity to be published.

Subdivision 6.2.3 Approvals

242 Approvals—notices to applicants and registrar-general

(1) If an application is approved, the planning and land authority must give written notice—

(a) to the applicant; and

(b) if the application approved relates to a variation of a lease—to the registrar-general for notification under the *Land Titles Act 1925*.

Note An application may be approved under s 246A on reconsideration of an original refusal (see s 222 (1), def ***approval***).

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(2) A notice to an applicant must state the date the approval takes effect.

Note For date of effect of an approval, see s 249.

243 Notification of approval or refusal of application

(1) If an application is approved, the planning and land authority must give each person who objected under section 237 (1) written notice of the approval.

Note An application may be approved under s 246A on reconsideration of an original refusal (see s 222 (1), def ***approval***).

(2) Subsection (1) does not apply to an approval for which the planning and land authority has issued a certificate that an environmental impact statement made, or an inquiry conducted, under part 4 has substantially dealt with the matters forming the basis of the decision to approve the application.

(3) A notice under subsection (1) must—

(a) contain—

(i) a description of the place to which the decision relates; and

(ii) a brief description of the development the subject of the decision; and

(b) set out the decision and the reasons for the decision; and

(c) specify—

(i) the place where, and times when, a copy of the application and the decision may be inspected; and

(ii) how application may be made to the administrative appeals tribunal for a review of the decision.

(4) If an application is refused, the planning and land authority must give written notice of the refusal to the applicant and each person who objected under section 237 (1).

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(5) In this section:

refused, for an application, includes confirming a decision to refuse an application on reconsideration of the decision under subdivision 6.2.4.

(6) A notice under subsection (4) must set out the reasons for the decision.

(7) A notice under subsection (1) or (4) must comply with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

244 Notification if more than 1 objector

If a number of people make 1 objection, the planning and land authority is taken to have complied with section 243 (1) or (3) if the authority gives notice—

(a) if the name and address of 1 of those people have been given as the person to whom notice of the decision is to be given—to that person; or

(b) if no name and address has so been given—to 1 of the people who made that objection.

244A Notice of decision to heritage council

If an application relates to a place registered, or nominated for provisional registration, under the *Heritage Act 2004*, the planning and land authority must give the heritage council—

(a) written notice of the decision to approve or refuse the application; and

(b) a copy of the decision.

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244B Notice of decision to conservator

If an application relates to land that includes all or part of the protection zone for a protected tree, or all or part of a declared site, the planning and land authority must give the conservator—

(a) written notice of the decision to approve or refuse the application; and

(b) a copy of the decision.

245 Conditional approvals

(1) An approval may be conditional.

(2) The relevant authority—

(a) must include in an approval any condition that is required to be included by the plan; and

(b) must not include in an approval a condition inconsistent with a condition included under paragraph (a).

(3) Without limiting subsection (1), the conditions subject to which an approval may be given may include a condition—

(a) that a development is to be carried out to the satisfaction of a specified entity; or

(b) requiring a development to be carried out in stages within the periods specified in or under the approval; or

(c) specifying a period in which a development or any stage of a development is to be carried out; or

(d) that an approval does not take effect unless a specified approval is revoked, amended or given; or

(e) in relation to an approval to carry out a development for a specified period—

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(i) that building works or other works carried out in or on a place the subject of the approval are to be removed at the end of that period; or

(ii) that the place is to be restored to a specified state at the end of that period; or

(f) that a bond be entered into securing performance against the conditions of an approval; or

(g) if the approval is in relation to a place registered, or nominated for provisional registration, under the *Heritage Act 2004*—that the applicant enter into a heritage agreement under that Act for the conservation of the heritage significance of the place; or

(h) that a development be carried out to a specified standard; or

(i) that specified works, services or facilities that the relevant authority considers reasonable in the circumstances—

(i) be provided by the applicant on or to a place the subject of the approval, or on or to another place; or

(ii) be paid for in whole or in part by the applicant; or

(iii) be provided on or to a place the subject of the approval by agreement between the applicant and the Minister responsible for the provision of the works, services or facilities; or

(j) that plans, drawings or other documents be prepared by the applicant and lodged with the planning and land authority for approval before the development or a specified part of it is begun; or

(k) requiring changes to be made to any plan, drawing or other document forming part of the application for approval; or

(l) that the applicant give to the planning and land authority a further assessment by a valuer that complies with section 226 (1) (b).

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(4) The planning and land authority may approve an amendment to a plan, drawing or other document approved under subsection (3) (j) if the amendment is not inconsistent with section 230 (4) or an approval under subsection (3) (j).

Subdivision 6.2.4 Reconsideration of applications for approval

245A Definitions for sdiv 6.2.4

In this subdivision:

new application—see section 246 (2).

original application—see section 246 (1) (a).

original decision—see section 246 (1) (a).

246 Applications for reconsideration

(1) This section applies if—

(a) an application (the ***original application***) has been approved or refused (the ***original decision***) by the planning and land authority; and

(b) either—

(i) an application has not previously been made under this section for reconsideration of the original decision; or

(ii) an application has been previously made and the original decision was taken to be confirmed under section 246B (No action by planning and land authority within time).

(2) The applicant for the original application may apply (the ***new application***) for reconsideration of the original decision.

(3) The new application must be made within—

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(a) 4 weeks after the day the applicant is told about the decision by the planning and land authority; or

(b) any longer period allowed by the planning and land authority, either before or after the end of the 4 weeks.

(4) The application must set out the grounds on which reconsideration of the original decision is sought.

(5) The making of the application for reconsideration of the original decision automatically stays the operation of the decision.

246A Reconsideration of decisions

(1) Within 4 weeks after the day the planning and land authority receives the new application, the authority must—

(a) reconsider the original decision; and

(b) after reconsideration—

(i) make any decision in substitution for the original decision that the authority could have made on the original application; or

(ii) confirm the original decision.

(2) The 4 weeks mentioned in subsection (1) may be extended for a stated period by agreement between the planning and land authority and the applicant.

(3) In reconsidering the original decision, the planning and land authority—

(a) need not give notice of the new application under section 229; but

(b) must give written notice of the new application to anyone who objected to the grant of approval for the original application, allow the person reasonable time (that is not shorter than 2

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weeks) to make a submission on the new application, and consider any submission made within the time allowed.

(4) Also, in reconsidering the original decision, the planning and land authority—

(a) must consider any information available to it when it made the original decision and information given in the new application; and

(b) may consider any other relevant information.

Examples of other relevant information

1 information from submissions by objectors

2 information from an assessment or panel ordered under section 236

Note An example is part of the Act, 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).

(5) The planning and land authority must ensure that, if the original decision is made on its behalf by a person (the ***original decision-maker***), the authority or someone other than the original decision-maker reconsiders the decision.

246B No action by planning and land authority within time

If the planning and land authority does not make a substitute decision, nor confirm the original decision, within the 4 weeks mentioned in section 246A, the planning and land authority is taken to have confirmed the original decision.

246C Notice of decision on reconsideration

(1) As soon as practicable after reconsidering the original decision, the planning and land authority must give written notice of the decision on the reconsideration to the applicant and anyone who was given notice of the new application under section 246A (3) (b).

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(2) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

Subdivision 6.2.5 Approvals—miscellaneous

247 Minor amendments

(1) The lessee or an occupier of a place in relation to which an approval is in force may apply in writing to the planning and land authority for an amendment of it.

(2) The planning and land authority may amend an approval, if satisfied that the amendment—

(a) does not change the effect of a condition subject to which the approval was given; and

(b) will not cause a significant increase in detriment to any person; and

(c) does not change the kind of development approved but only the activity permitted.

(3) The planning and land authority must give notice of an amendment—

(a) to the person who made the application to amend; and

(b) if that person is not the lessee or occupier of the place to which the approval relates—to the lessee; and

(c) to each person who had objected under section 237 (Objections—general) to the grant of the approval; and

(d) to any relevant territory authority.

Note For how documents may be given, see the Legislation Act, pt 19.5.

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248 Corrections

If the planning and land authority is satisfied that an approval contains a formal error, the authority must—

(a) correct the approval; and

(b) notify the applicant in writing.

249 When approvals take effect

(1) This section is subject to section 230 (4) and section 245 (3) (d).

Note Section 230 (4) prevents an approval of a development application for an activity not permitted by the lease from taking effect until the lease is varied. Section 245 (3) (d) allows a condition to be included in an application for approval that the approval does not take effect until a specified approval is given, amended or varied.

(2) An approval under section 230 (Approvals) takes effect—

(a) if no objection to the relevant application has been made under section 237—on the day the approval is given; or

(b) if an objection is made to the relevant application under section 237, but an application is not made to the AAT for review of the decision within 4 weeks after the day the person was notified of the decision—on the day after the end of the 4-week period; or

(c) if application is made to the AAT for a review of the decision to grant the approval and the tribunal decides to confirm the decision (whether or not a condition is varied, omitted or imposed)—on the day the tribunal makes its decision.

(3) An approval on reconsideration under division 6.2.4 takes effect on the day the decision granting the approval is given.

(4) However, the operation of an approval mentioned in subsection (2) (a) or (3) is stayed if application is made to the AAT for review of the decision to grant the approval.

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(5) The stay of the operation of the approval remains in force until the application for review is decided by the tribunal.

250 Execution of approvals for variations of leases

Subject to division 5.3, if an approval to undertake a development takes effect under section 249 and the development consists of or includes a variation of a lease, the planning and land authority must vary the lease in accordance with the terms of the approval.

251 End of approvals

(1) An approval to undertake a development (other than a development that consists only of a variation of a lease) ends if—

(a) the development or any stage of the development is not begun within the period specified in the approval; or

(b) the development or any stage of the development is not completed within the period specified in the approval; or

(c) if no period is specified in an approval for the beginning of the development or any stage of the development—the development or stage of development is not begun within 2 years after the day the approval takes effect.

Note For when an approval takes effect, see s 249.

(2) The end of an approval does not affect anything done under the approval before its end.

252 Extension of time

(1) The lessee or occupier of a place in relation to which an approval to undertake a development (other than a development that consists only of a variation of a lease) applies (being an approval that specifies the date for the completion of the development or any stage of the development) may, before the end of the approval, apply to the planning and land authority for an extension of the period within which to complete the development or any stage of it.

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(2) On receipt of an application under subsection (1), the planning and land authority may extend the period within which the development, or the stage of the development, is to be completed.

253 Revocation of approval

A relevant authority may revoke an approval given by the authority if—

(a) satisfied that the approval was obtained by fraud or misrepresentation; or

(b) if the approval is in relation to a place registered, or nominated for provisional registration, under the *Heritage Act 2004*—the applicant is convicted of an offence against this part or the *Heritage Act 2004*.

Subdivision 6.2.6 Powers of Supreme Court

253A Injunctions to require compliance with approvals

(1) This section applies if a person (the ***relevant person***) has failed, is failing, or proposes to fail, to do something in accordance with the terms of an approval.

(2) The planning and land authority or anyone else may apply to the Supreme Court for an injunction requiring the relevant person to do the thing.

(3) On application under subsection (2), the Supreme Court may grant an injunction requiring the relevant person to do the thing.

(4) The Supreme Court may grant an injunction requiring the relevant person to do a thing—

(a) if satisfied that the person has failed to do the thing, whether or not it appears to the court that the person intends to fail again, or to continue to fail, to do the thing; or

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(b) if it appears to the court that, if an injunction is not granted, it is likely the person will fail to do the thing, whether or not the person has previously failed to do the thing and whether or not there is an imminent danger of substantial damage to someone else if the person fails to do the thing.

(5) This section applies whether or not a proceeding for an offence against this part has begun or is about to begin.

Division 6.3 Orders

Subdivision 6.3.1 Making of orders

254 Applications to planning and land authority for orders

(1) A person may apply to the planning and land authority for an order directed to 1 or more of the following:

(a) the lessee or occupier of a place where a controlled activity was, is being, or is to be, conducted;

(b) anyone by whom or on whose behalf a controlled activity was, is being, or is to be, conducted.

(2) The application must state—

(a) the matter about which the order is sought; and

(b) the kind of order sought by the person; and

(c) each person to whom the order sought is to be directed; and

(d) the place in relation to which the order is sought; and

(e) the grounds on which the order is sought.

Note If a form is approved under s 287A for an application, the form must be used.

(3) The planning and land authority must give written notice of the application to—

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(a) each person to whom the order sought is to be directed; and

(b) if different from the person or people mentioned in paragraph (a)—the lessee or occupier of the place in relation to which the order is sought; and

(c) if the order sought relates to a place or object registered, or nominated for provisional registration, under the *Heritage Act 2004*—the heritage council; and

(d) if the order sought relates to the pruning of a tree that is a protected tree under the *Tree Protection Act 2005*—the conservator; and

Note For restrictions on pruning etc a protected tree, see the *Tree Protection Act 2005*.

(e) if the order sought relates to the parking of a heavy vehicle on residential land under the *Road Transport (Safety and Traffic Management) Regulation 2000*, division 3.1.3—the road transport authority.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(4) The notice must—

(a) be accompanied by a copy of the application; and

(b) contain a statement to the effect that the person to whom it is given may, within 7 days after the day the person is given the notice, make a submission to the planning and land authority about the making of the order.

(5) The notice may also include any other information that the planning and land authority considers appropriate.

254A Decision on application to planning and land authority for order

(1) Before deciding whether to make an order on an application under section 254, the planning and land authority must consider any

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submission made by a person within 7 days after the day the person was given notice of the application under that section.

(2) The planning and land authority may decide—

(a) to make an order of the kind sought; or

(b) to make an order (including a different kind of order) that is not more onerous than the order sought; or

(c) not to make an order.

Example of less onerous order—par (b)

A person applies for an order for the demolition of an unapproved structure but the planning and land authority makes an order that a development application be lodged for the structure within a stated period and, if the application is not lodged within that period or is not approved, the structure is to be demolished.

Note An example is part of the Act, 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).

(3) An order may be directed to 1 or more of the following:

(a) the person against whom the order is sought to be directed;

(b) if the planning and land authority considers that the order would be more appropriately directed to someone else mentioned in section 254 (3) (a) or (b)—that person.

(4) The planning and land authority is taken to have refused to make the order applied for under section 254 if the authority fails to decide the application before the end of the period prescribed by regulation.

255 Proposed orders on planning and land authority's own initiative

(1) This section applies if the planning and land authority proposes, on the authority's own initiative, to make an order (the ***proposed order***) directed to 1 or more of the following:

(a) the lessee or occupier of a place where a controlled activity was, is being, or is to be, conducted;

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(b) anyone by whom or on whose behalf a controlled activity was, is being, or is to be, conducted.

(2) The planning and land authority must give written notice of the proposed order to—

(a) each person to whom the proposed order is directed; and

(b) if different from the person or people mentioned in paragraph (a)—the lessee or occupier of the place in relation to which the proposed order is to apply; and

(c) if the proposed order relates to a place or object registered, or nominated for provisional registration, under the *Heritage Act 2004*—the heritage council; and

(d) if the proposed order relates to the pruning of a tree that is a protected tree under the *Tree Protection Act 2005*—the conservator; and

Note For restrictions on pruning etc a protected tree, see the *Tree Protection Act 2005*.

(e) if the proposed order relates to the parking of a heavy vehicle on residential land under the *Road Transport (Safety and Traffic Management) Regulation 2000*, division 3.1.3—the road transport authority.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(3) The notice must state—

(a) each person to whom the proposed order is directed; and

(b) the terms of the proposed order and the place in relation to which it is to apply; and

(c) the grounds for making the proposed order; and

(d) when the proposed order will take effect; and

(e) if appropriate—

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(i) the period for compliance with the proposed order; and

(ii) when the proposed order will end (including, for example, on the happening of an event stated in the order).

Note An example is part of the Act, 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).

(4) Also, the notice must contain a statement to the effect that the person to whom it is given may, within 7 days after the day the person receives the notice, make a submission to the planning and land authority about the making of the proposed order.

(5) Further, the notice may include any other information that the planning and land authority considers appropriate

256 Decision on proposed order on planning and land authority's own initiative

(1) Before deciding whether to make the proposed order mentioned in section 255, the planning and land authority must consider any submission made by a person within 7 days after the day the person was given notice of the proposed order under section 255 (2).

(2) The planning and land authority may decide—

(a) to make the proposed order; or

(b) to make an order (including a different kind of order) that is not more onerous than the proposed order; or

(c) not to make the proposed order.

Example of less onerous order—par (b)

an order that requires the doing of an act within a period longer than that stated in the proposed order

Note An example is part of the Act, 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).

(3) An order may be directed to 1 or more of the following:

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(a) the person against whom the proposed order is directed; or

(b) if the planning and land authority considers that the order would be more appropriately directed to someone else mentioned in section 255 (2) (a) or (b)—that person.

257 Content of orders

(1) An order must state—

(a) that it is an order under this Act made by the planning and land authority; and

(b) each person to whom the order is directed; and

(c) anyone else who is bound by the order (see section 257B); and

(d) the terms of the order and the place in relation to which the order applies; and

(e) the grounds on which the order is made; and

(f) when the order takes effect; and

(g) if appropriate—

(i) the period for compliance with the order; and

(ii) when the order ends (including, for example, on the happening of an event stated in the order).

Note An example is part of the Act, 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).

(2) An order must also contain a statement to the effect that the order operates until it is revoked or ends in accordance with the order.

(3) An order may direct anyone to whom it is directed—

(a) not to begin a development without approval; or

(b) to stop carrying out a development without approval; or

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(c) to stop, or not begin, a controlled activity other than a development; or

(d) to comply with the terms of an approval to undertake a development; or

(e) to stop carrying out a development other than in accordance with the conditions under which an approval to carry out the development was given; or

(f) to demolish a building or structure, or a part of a building or structure, that has been constructed or erected without approval or permission required under a territory law; or

(g) to demolish a building or structure, or a part of a building or structure, that encroaches onto, over or under unleased territory land without approval granted under a territory law; or

(h) to restore any land, building or structure that has been altered without approval or permission required under a territory law; or

(i) to replace with an identical building or structure any building or structure that has been demolished without approval or permission required under a territory law; or

(j) to clean up a leasehold; or

(k) to prune, in a way stated in the order, a tree, sapling, plant or shrub that overhangs a public place; or

Note For restrictions on pruning etc a protected tree, see the *Tree Protection Act 2005*.

(l) to stop carrying out an activity that is likely to cause soil erosion; or

(m) to stop carrying out an activity that involves destroying, damaging, removing or otherwise interfering with vegetation (living or dead) or removing or otherwise interfering with soil that is—

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(i) between the banks of a watercourse; or

(ii) within 20m of a bank of a watercourse; or

(iii) on land having a slope of more than 18° from the horizontal; or

(n) to manage land held under a rural lease in accordance with the land management agreement applying to it; or

(o) if the person to whom the order is directed is bound by a land management agreement—to comply with the land management agreement.

257A Notice of making of orders

If the planning and land authority makes an order, the authority must give notice of the making of the order to the following:

(a) each person to whom the order is directed;

(b) the applicant (if any) for the order;

(c) the lessee or occupier of the place in relation to which the order applies;

(d) the registrar-general;

(e) if the order relates to the pruning of a tree that is a protected tree under the *Tree Protection Act 2005*—the conservator; and

Note For restrictions on pruning etc a protected tree, see the *Tree Protection Act 2005*.

(f) if the order relates to the parking of a heavy vehicle on residential land under the *Road Transport (Safety and Traffic Management) Regulation 2000*, division 3.1.3—the road transport authority;

(g) anyone else whose interests the authority believes are adversely affected by the order.

Note For how documents may be given, see the Legislation Act, pt 19.5.

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257B Who is bound by an order?

(1) An order binds each person to whom it is directed.

(2) If an order binds the lessee of the place to which the order applies, the order also binds anyone who becomes the lessee of the place after the order is made (a ***future lessee***) to the same extent as if the order had been directed to that person.

(3) If an order binds the occupier of the place to which the order applies, the order also binds anyone who becomes an occupier of the place after the order is made (a ***future occupier***) to the same extent as if the order had been directed to that person.

(4) However, subsection (2) or (3) does not apply to an order if the order states that it does not bind a future lessee or a future occupier (as appropriate) of the lease.

258 Contravening orders

(1) A person commits an offence if—

(a) the planning and land authority makes an order directed to the person; and

(b) the order requires the person to do, or not do, something stated in the order; and

(c) the person is given notice of the making of the order (whether by being given a copy of the order or otherwise); and

(d) the person contravenes the order.

Maximum penalty: the amount stated in schedule 5, column 3 in relation to the activity for which the order was made.

Note A territory authority is not liable to be prosecuted for an offence against this section (see Legislation Act, s 121).

(2) An offence against this section is a strict liability offence.

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258A Ending of orders

(1) An order operates until it is revoked or ends in accordance with the order.

(2) A person who is bound by an order may, in writing, apply to the planning and land authority for the revocation of the order.

(3) The application must state the grounds on which the revocation of the order is sought.

(4) The planning and land authority may revoke the order if satisfied, on reasonable grounds, that the order is no longer necessary or appropriate.

258B Notice ending orders

(1) If an order ends otherwise than by being revoked, the planning and land authority must give written notice of the ending of the order to the registrar-general.

(2) If the planning and land authority revokes an order, the authority must give written notice of the revocation to—

(a) each person to whom the order was directed; and

(b) if different from the person or people mentioned in paragraph (a)—the lessee or occupier of the place in relation to which the order applied; and

(c) the registrar-general.

Subdivision 6.3.2 Rectification work

259 Definitions for sdiv 6.3.2

In this subdivision:

authorised person—see section 259C (1).

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rectification work means—

(a) work in relation to a place where a controlled activity is being conducted to ensure compliance with the approval for the activity; or

(b) the conduct of an activity required under an order that was not carried out within the period stated in the order.

259A Direction to carry out rectification work

(1) The planning and land authority may direct 1 or more of the following to carry out rectification work in relation to a controlled activity:

(a) the lessee or occupier of a place where the activity was or is being conducted;

(b) anyone by whom or on whose behalf the activity was or is being conducted.

(2) The planning and land authority must give notice of the direction to—

(a) the person who is required to comply with the direction; and

(b) if different from the person mentioned in paragraph (a)—the lessee or occupier of the place to which the direction applies.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(3) The notice must state—

(a) that it is a direction under this Act made by the planning and land authority; and

(b) the person who is required to comply with the direction; and

(c) the place in relation to which the direction applies; and

(d) the rectification work required; and

(e) the grounds on which the direction is made; and

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(f) that the rectification work must be completed within 7 days after the day the notice is given to the person or any longer period stated in the notice.

(4) The notice must also contain a statement to the effect that, if the rectification work is not completed within the period required by the notice—

(a) the planning and land authority may authorise someone else to carry out the work; and

(b) the reasonable cost of carrying out the work is a debt to the Territory by the person who is required to comply with the direction.

(5) This section applies whether or not a proceeding for an offence against this part has been begun or is about to begin.

259B Contravening direction to carry out rectification work

(1) A person commits an offence if—

(a) the planning and land authority makes a direction to carry out rectification work in relation to a controlled activity; and

(b) the person is required to comply with the direction; and

(c) the person is given notice of the making of the direction; and

(d) the person contravenes the direction.

Maximum penalty: 50 penalty units.

Note A territory authority is not liable to be prosecuted for an offence against this section (see Legislation Act, s 121).

(2) An offence against this section is a strict liability offence.

259C Authorisation to carry out rectification work

(1) The planning and land authority may authorise a person (an ***authorised person***) to enter the place to which a direction under

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section 259A applies to carry out the rectification work required by the notice under that section if the work is not completed within the period required by the notice.

(2) However, the planning and land authority must not give the authorisation—

(a) until the end of the period within which an application may be made to the administrative appeals tribunal for the review of the decision to make the order to which the rectification work relates; or

(b) if an application is made to the administrative appeals tribunal for a review of the decision—unless the decision is upheld or the application is withdrawn.

(3) The authorised person must carry out the rectification work in accordance with the directions of an inspector.

259D Obstructing etc authorised people

(1) A person commits an offence if—

(a) the person knows that, or is reckless about the fact that, a person is an authorised person; and

(b) the person obstructs, hinders, intimidates or resists the authorised person in the exercise of the person's functions.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) Strict liability applies to subsection (1) (b).

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259E Liability for cost of rectification work

The person who is required to comply with a direction under section 259A (Direction to carry out rectification work) must pay to the Territory the reasonable cost of any rectification work carried out by an authorised person to which the direction related.

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction (see Legislation Act, s 177).

259F Determination of criteria for deferral of rectification work cost

(1) The planning and land authority may, in writing, determine circumstances when the payment of all or part of the cost of rectification work carried out by an authorised person on a lessee's leasehold may be deferred by the lessee.

(2) A determination under subsection (1) is a notifiable instrument.

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

259G Application for deferral of rectification work cost

(1) A lessee who is required to pay the cost of rectification work carried out on the lessee's leasehold may, in writing, apply to the planning and land authority for the deferment of payment of all or part of the cost of the rectification work.

(2) The application must state the grounds for the application.

Note If a form is approved under s 287A for an application, the form must be used.

259H Deferral of rectification work cost

(1) The planning and land authority may, in writing, declare that all or part of the cost of rectification work payable by a lessee is deferred if satisfied that a circumstance determined under section 259F (1) applies to the lessee.

Note Interest is payable on the deferred amount, see s 259I.

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(2) The declaration must state—

(a) the leasehold to which the declaration relates; and

(b) the amount of the cost of the rectification work deferred.

259I Security for deferred rectification work cost

(1) The planning and land authority must—

(a) lodge a copy of a declaration under section 259H with the registrar-general for registration under the *Land Titles Act 1925*; and

(b) give a copy of the declaration to the lessee of the leasehold to which the declaration relates and anyone else who has an interest in the leasehold.

(2) For the *Land Titles Act 1925*, section 104 (1) (Lodging of caveat), the Territory is taken to be a person claiming an interest in the leasehold to which the declaration relates.

(3) The registration under the *Land Titles Act 1925* of the copy of a declaration under section 259H creates a charge over the leasehold to which the declaration relates for—

(a) the amount stated in the declaration; and

(b) interest on the amount calculated on a daily basis at the interest rate applying from time to time under the *Taxation Administration Act 1999*, section 26 (Interest rate).

259J Payment of deferred rectification work cost

(1) If the full amount of the charge mentioned in section 259I (3) is paid to the Territory, the planning and land authority must—

(a) revoke the declaration to which the charge relates; and

(b) lodge a copy of the revocation with the registrar-general for registration under the *Land Titles Act 1925*; and

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(c) give a copy of the revocation to the lessee of the charged leasehold and anyone else who has an interest in the leasehold.

(2) The charge is discharged on the registration under the *Land Titles Act 1925* of the copy of the revocation of the declaration.

(3) The lessees of a charged leasehold are liable separately and together for the payment to the Territory of the full amount of the charge.

(4) A registered charge under this section does not give a power of sale over the leasehold to which it relates.

Subdivision 6.3.3 Prohibition notices and injunctions

260 Prohibition notices—making

(1) This section applies if the planning and land authority believes, on reasonable grounds, that the giving of a notice under this section (a ***prohibition notice***) is necessary to prevent or lessen a significant threat or likelihood of irreversible damage to a thing because of the conduct, or likely conduct, of a controlled activity.

(2) Also, this section applies whether or not—

(a) an order has been made or is proposed to be made in relation to a controlled activity; or

(b) a proceeding for an offence against this part has begun or is about to begin.

(3) The planning and land authority may give a prohibition notice to 1 or more of the following:

(a) the lessee or occupier of a place to which the controlled activity relates;

(b) anyone by whom or on whose behalf the activity—

(a) was, is being, or is to be, conducted; or

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(b) is likely to be conducted.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(4) The prohibition notice must state—

(a) that it is a prohibition notice under this Act; and

(b) each person to whom it is directed; and

(c) that the notice takes effect when it is given to a person to whom it is directed; and

(d) the grounds on which the notice is given; and

(e) the activity, and the place, in relation to which the notice applies; and

(f) that the activity—

(i) must not be carried on by the person; or

(ii) must not be carried on by the person except in accordance with the notice; and

(g) when the notice ends (including, for example, on the happening of an event stated in the notice).

Note An example is part of the Act, 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).

(5) A prohibition notice takes effect when it is given to a person to whom it is directed.

(6) To remove any doubt, 2 or more prohibition notices may be given in relation to the same activity.

260A Contravening prohibition notices

(1) A person commits an offence if—

(a) the planning and land authority gives a prohibition notice to the person; and

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(b) the notice is directed to the person; and

(c) the notice states that a controlled activity must not be carried on by the person in relation to a place; and

(d) the person carries on the activity in relation to the place.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Note A territory authority is not liable to be prosecuted for an offence against this section (see Legislation Act, s 121).

(2) A person commits an offence if—

(a) the planning and land authority gives a prohibition notice to the person; and

(b) the notice is directed to the person; and

(c) the notice states that a controlled activity must not be carried on by the person in relation to a place except in accordance with the notice; and

(d) the person carries on the activity in relation to the place otherwise than in accordance with the notice.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(3) An offence against this section is a strict liability offence.

260B Prohibition notices—ending

(1) A prohibition notice remains in force until it ends in accordance with this section.

(2) A prohibition notice ends on the earlier of the following:

(a) 60 days after the day it is given to a person to whom the notice is directed;

(b) the notice ends in accordance with the notice;

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(c) the notice is revoked.

(3) A person to whom a prohibition notice is directed may, in writing, apply to the planning and land authority for the revocation of the notice.

(4) The application must state the grounds on which the revocation of the prohibition notice is sought.

(5) The planning and land authority may revoke the prohibition notice if satisfied, on reasonable grounds, that the notice is no longer necessary or appropriate.

260C Injunctions to restrain contravention of orders or prohibition notices

(1) This section applies if a person (the ***relevant person***) has engaged, is engaging, or proposes to engage, in conduct that was, is, or would be, a contravention of an order or a prohibition notice.

(2) The planning and land authority or anyone else may apply to the Supreme Court for an injunction.

(3) On application under subsection (2), the Supreme Court may grant an injunction—

(a) restraining the relevant person from engaging in the conduct; and

(b) if, in the court's opinion, it is desirable to do so, requiring the relevant person to do anything.

(4) The Supreme Court may grant an injunction restraining a relevant person from engaging in conduct of a particular kind—

(a) if satisfied that the person has engaged in conduct of that kind, whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind; or

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(b) if it appears to the court that, if an injunction is not granted, it is likely the person will engage in conduct of that kind, whether or not the person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to someone else if the person engages in conduct of that kind.

(5) This section applies whether or not a proceeding for an offence against this part has begun or is about to begin.

Division 6.4 Inspection and seizure powers

Subdivision 6.4.1 Preliminary

262 Definitions for div 6.4

In this division:

connected—a thing is ***connected*** with an offence if—

(a) the offence has been committed in relation to it; or

(b) it will provide evidence of the commission of the offence; or

(c) it was used, is being used, or is intended to be used, to commit the offence.

occupier, of premises, includes—

(a) a person believed, on reasonable grounds, to be an occupier of the premises; and

(b) a person apparently in charge of the premises.

offence includes an offence that there are reasonable grounds for believing has been, is being, or will be committed.

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263 Appointment of inspectors

(1) The planning and land authority may appoint a person as an inspector for this part.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, div 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

(2) An inspector has the functions that the planning and land authority directs.

264 Identity cards

(1) The planning and land authority must give an inspector an identity card stating the person's name and that the person is an inspector.

(2) The identity card must show—

(a) a recent photograph of the person; and

(b) the card's date of issue and expiry; and

(c) anything else prescribed by regulation.

(3) A person commits an offence if—

(a) the person ceases to be an inspector; and

(b) the person does not return the person's identity card to the chief executive as soon as practicable (but within 7 days) after the day the person ceases to be an inspector.

Maximum penalty: 1 penalty unit.

(4) An offence against this section is a strict liability offence.

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265 Power not to be exercised before identity card shown

An inspector may exercise a power under this Act in relation to a person only if the inspector first shows the person his or her identity card.

Subdivision 6.4.2 Inspection

266 Inspections etc

For the purposes of ascertaining whether or not a controlled activity is being conducted in or on any place—

(a) in accordance with an approval; or

(b) without an approval; or

(c) contrary to the conditions of an approval; or

(d) in accordance with, or in contravention of, an order;

an inspector may enter the place—

(e) with the consent of the occupier of the place; or

(f) under a warrant issued under section 273; or

(g) with the assistance and by the force that is reasonable, if the inspector believes on reasonable grounds that the circumstances are of such seriousness and urgency as to require the immediate exercise of those powers without the authority of a warrant issued under section 273;

and, subject to section 268, exercise any power mentioned in section 269 if the inspector believes on reasonable grounds that a controlled activity is, or is intended to be, conducted in or on that place.

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267 Consent to entry

(1) Before seeking the consent of the occupier of a place for section 266, an inspector must inform the occupier that the occupier may refuse to give that consent.

(2) If an inspector obtains the occupier's consent for those purposes, the inspector must ask the occupier to sign a written acknowledgment—

(a) that the occupier has been informed that the occupier may refuse to give consent, for section 266, for the inspector to enter the place and to exercise any power under section 269; and

(b) that the occupier has given the inspector that consent; and

(c) of the day and time when the consent was given.

(3) If it is material, in any proceedings, for a court to be satisfied that an occupier has consented for section 266 and an acknowledgment, in accordance with subsection (2), signed by the occupier, is not produced in evidence, it must be presumed that the occupier did not consent, but that presumption is rebuttable.

269 Powers of inspection

(1) Subject to this part, an inspector who enters a place under section 266 may—

(a) inspect, examine, take measurements of, or conduct tests relating to, the premises or a controlled activity conducted in or on that place; and

(b) take the photographs, video recordings, or make the sketches or other recordings, that the inspector believes on reasonable grounds to be necessary; and

(c) take samples of anything that the inspector believes on reasonable grounds is connected with an offence against this part; and

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(d) seize anything that the inspector believes on reasonable grounds to be connected with an offence against this part; and

(e) inspect, make copies of, or take extracts from, any document in or on that place that the inspector believes on reasonable grounds is connected with an offence against this part; and

(f) require any person in or on the place—

(i) to give the inspector such information; or

(ii) to produce to the inspector any document containing such information;

relating to the use of the place in relation to the conduct of a controlled activity; and

(g) require any person in or on the place to answer questions; and

(h) require any person on the premises to give the inspector the assistance that is reasonable to enable the inspector to exercise his or her powers under this section.

(2) A person shall not, without reasonable excuse, fail to comply with a requirement made of the person under subsection (1) (f), (g) or (h).

Maximum penalty: 50 penalty units.

271 Taking samples

An inspector who takes samples under section 269 (1) (c) must—

(a) ensure that the sample permits paragraph (c) to be complied with; and

(b) give a receipt for the sample to the occupier of the place from where the sample was taken; and

(c) divide the sample into 2 parts as nearly as practicable identical in size and composition to each other and each suitable for the purpose of analysis; and

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(d) place each of those parts in a separate container and seal each container; and

(e) attach to each container a label bearing the signature of the inspector and particulars of the date and time when, and the place where, the sample was taken; and

(f) give 1 container to the occupier of the place.

272 Disposal of seized things

(1) The planning and land authority must take reasonable steps to return a thing seized under section 269 (1) (d) to the person from whom it was seized, or to someone else who appears to the authority to be entitled to it, if—

(a) a prosecution for an offence against this part in relation to the thing is not started within 90 days after the day of the seizure; or

(b) a person is charged with an offence against this part in relation to the thing within the 90-day period but the person is not convicted or found guilty of the offence.

(2) If a person is convicted or found guilty of an offence against this part in relation to a thing seized under section 269 (1) (d), the court may order—

(a) that the thing be given to the person who appears to the court to be entitled to it; or

(b) that the thing be forfeited to the Territory.

273 Search warrants

(1) If an inspector suspects on reasonable grounds that there is in or on any place a thing of a particular kind connected with a particular offence against this part or a regulation, the inspector may—

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(a) lay before a magistrate an information on oath setting out those grounds; and

(b) apply for the issue of a warrant to search the place for things of that kind.

(2) If an application is made under subsection (1) for a warrant to search a place, a magistrate may, subject to subsection (3), issue a warrant authorising an inspector named in the warrant, with the assistance and by the force that is necessary and reasonable—

(a) to enter the place; and

(b) to ascertain whether or not a controlled activity is being conducted in or on the place; and

(c) to search the place for things of the kind specified in the warrant; and

(d) to seize anything found in the course of the search that the inspector believes on reasonable grounds to be a thing of that kind connected with the relevant offence.

(3) A magistrate shall not issue a warrant under subsection (2) unless—

(a) the informant or another person has given the magistrate, either orally or by affidavit, any further information that the magistrate requires about the grounds on which the issue of the warrant is being sought; and

(b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.

(4) A warrant must—

(a) state the purpose for which it is issued; and

(b) specify the nature of the relevant offence; and

(c) specify particular hours during which the entry is authorised, or state that the entry is authorised at any time of the day or night; and

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(d) include a description of the kinds of things in relation to which the powers under the warrant may be exercised; and

(e) specify the date (not later than 28 days after the date of issue of the warrant) when the warrant ceases to have effect.

Division 6.6 Miscellaneous

Subdivision 6.6.1 Review of decisions

275 AAT review—general

(1) A person whose interests are affected by a decision mentioned in schedule 4, part 4.1, column 4 may apply to the AAT for review of the decision.

(2) To remove any doubt, the heritage council may apply to the AAT for review of a decision mentioned in subsection (1).

(3) A person mentioned in schedule 4, part 4.1, column 2 who makes a decision mentioned in column 4 of the item mentioning the person must give written notice to people whose interests the person believes are affected by the decision.

(4) The notice under subsection (3) must comply with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

275A Approvals subject to entity's satisfaction

(1) This section applies if—

(a) an approval given to a person contains a condition that a development is to be carried out to the satisfaction of an entity mentioned in the approval; and

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(b) the entity decides that the development has not been carried out to its satisfaction.

Note Section 245 (3) (a) allows a relevant authority to impose a condition of the kind mentioned in s (1) (a).

(2) The entity must give the person written notice of the decision.

(3) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

(4) A person whose interests are affected by a decision mentioned in subsection (1) (b) may apply to the AAT for review of the decision.

276 Review of decisions—objectors and third parties to approvals

(1) A person who is qualified under subsection (2) may apply to the AAT for review of a decision of the relevant authority to—

(a) approve an application under section 230 or section 246A; or

(b) include a condition in an approval.

Note Section 245 deals with inclusion of conditions.

(2) A person is qualified to make an application under subsection (1) if—

(a) the person objected to the grant of the approval of the relevant application to undertake development under section 237; or

(b) the AAT is satisfied that the person had reasonable grounds for not objecting within the prescribed period.

(3) An application under subsection (1) must be made within 4 weeks after the day the person was notified of the decision.

(4) A notice given under section 243 to a person who objected under section 237 must be in accordance with the requirements of the code

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of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

(5) At the hearing of a proceeding before the administrative appeals tribunal, the tribunal must have regard to—

(a) any decisions or recommendations of a committee of the Legislative Assembly in relation to; and

(b) any environmental impact statement made, or inquiry conducted into;

a matter that is in issue in the hearing.

(6) In this section:

person includes an unincorporated association.

(7) For this section, an organisation or association of people, whether incorporated or not, must be taken to have interests that are affected by a decision if the decision relates to a matter included in the objects or purposes of the organisation or association.

277 Review of decisions—orders and prohibition notices

(1) Application may be made to the administrative appeals tribunal for review of a decision of the planning and land authority—

(a) to make an order under section 254A (2) (Decision on application to planning and land authority for order) or section 256 (2) (Decision on proposed order on planning and land authority's own initiative); or

(b) not to make an order under section 254A (2); or

(c) to include in an order under section 254A (2) or section 256 (2) a direction of a kind mentioned in section 257 (3); or

(d) to refuse, under section 258A (4) (Ending of orders), to revoke an order; or

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(e) to give a prohibition notice under section 260 (3) (Prohibition notices—making); or

(f) to refuse, under section 260B (5) (Prohibition notices—ending), to revoke a prohibition notice.

(2) A notice given by the planning and land authority to a person in accordance with section 257A (a), (b), (c) or (f) (Notice of making of orders) must be in accordance with the requirements of the code of practice under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

278 Notification of objectors

(1) This section applies in relation to a decision mentioned in schedule 4, part 4.1.

(2) The person who made the decision must, as soon as practicable, tell each person who, under section 237, objected to the application in relation to which the decision was made, in writing, about the application to the tribunal.

(3) A notice under subsection (1) must include a statement to the effect that the person to whom it is given is entitled, on application to the administrative appeals tribunal, to be made a party to the proceedings for the review.

(4) In this section:

applicant means—

(a) for a decision mentioned in schedule 4, part 4.1, items 1 to 7—the applicant for the decision; or

(b) for a decision mentioned in schedule 4, part 4.1 item 8—the person to whom the approval was granted.

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279 Application for review by objectors—notification to applicants

(1) If an objector makes an application under section 276 for the review of a decision, the objector must, at the same time, give notice to the person who made the application for approval of the decision in relation to which the objector has applied for review.

(2) A notice under subsection (1) must include a statement to the effect that the person to whom it is given is entitled, on application to the administrative appeals tribunal, to be made a party to the proceedings for the review.

(3) In subsection (1):

objector means a person mentioned in section 276 (2).

279A Challenge to validity of certain decisions

(1) The validity of a decision made by the Minister on an application to which section 229B (6) applies may not be questioned in any legal proceedings except those begun within 28 days after the date of the decision.

(2) In this section:

legal proceedings does not include an application to the administrative appeals tribunal.

Subdivision 6.6.2 General

282 Regulations for pt 6

(1) A regulation may make provision for—

(a) the lodging of applications; and

(b) the form and conditions of a bond mentioned in section 245 (3) (f), including the method of calculating the amount of the bond and the conditions of payment under the bond; and

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(c) the exemption of the Territory or a territory authority from the requirements of all or any of the provisions of this part; and

(d) the circumstances, whether generally or in a particular case, in which an exemption under paragraph (c) applies; and

(e) exempting a development of a kind specified by regulation, either absolutely or subject to conditions, from the application of this part or any provision of this part; and

(f) exempting a controlled activity of a kind specified by regulation, either absolutely or subject to conditions, from the application of this part or any provision of this part; and

(g) the extension of any period within which action is taken by the Minister, the planning and land authority or anyone else, under this part or a regulation.

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

(3) An exemption under a regulation mentioned in subsection (2) is a disallowable instrument.

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

(4) An exemption under subsection (1) or (2) that relates to a development mentioned in subsection (2) may be conditional.

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Part 7 Administrative appeals

282A AAT review of decisions

(1) Application may be made to the AAT for review of the following decisions:

(a) a decision mentioned in subsection (3) or (4);

(b) a decision mentioned in schedule 4, part 4.2, column 4.

(2) A person mentioned in schedule 4, part 4.2, column 2, who makes a decision mentioned in column 4 of the item in which the person is mentioned must give written notice to people whose interests the person believes are affected by the decision.

(3) If the Environment Minister, under section 125 (5), fixes a maximum price for the sale by a proponent of a copy of a draft environmental impact statement, the Environment Minister must give written notice of the decision to the proponent.

(4) If the conservator decides to vary a land management agreement under a provision of the agreement mentioned in section 186C (3), the conservator must give written notice of the decision to the other party to the agreement.

(5) A notice under subsection (2), (3) or (4) must comply with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

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Part 8 Miscellaneous

283 Delegation by Executive

(1) The Executive may delegate to a person a function under part 2 (Planning) or part 5 (Land administration), other than a function under the following provisions:

- section 163 (4) (Leases to community organisations)
- section 164 (3) (Special leases)
- section 167 (1) (Eligibility for certain classes of leases).

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

(2) If, immediately before the commencement of this section, a person was authorised to act on the Executive's behalf in the exercise of a function mentioned in subsection (1), then, on the commencement of this section, the Executive is taken to have delegated the function to the person.

(3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

(4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

284 Power of administrative appeals tribunal and Supreme Court

If a person appeals, or purports to appeal, under this Act—

(a) to the administrative appeals tribunal; or

(b) against a determination or decision of the administrative appeals tribunal to the Supreme Court;

and it appears to the tribunal or court—

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(c) that the appeal, or purported appeal, or the decision, or the purported decision, against which the appeal, or purported appeal, has been brought is affected by a failure to comply with a requirement of this Act; and

(d) that to exercise the powers given by this section would not be unjust or inequitable;

the tribunal or court may order that, subject to any specified conditions, the requirement concerned be dispensed with to the necessary extent.

286 Acts and omissions of representatives

(1) In this section:

person means an individual.

Note See the Criminal Code, pt 2.5 for provisions about corporate criminal responsibility.

representative, of a person, means an employee or agent of the person.

state of mind, of a person, includes—

(a) the person's knowledge, intention, opinion, belief or purpose; and

(b) the person's reasons for the intention, opinion, belief or purpose.

(2) This section applies to a prosecution for any offence against this Act.

(3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—

(a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and

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(b) the representative had the state of mind.

(4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is also taken to have been done or omitted to be done by the person.

(5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.

(6) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (4).

287 Determination of fees

(1) The Minister may, in writing, determine fees for this Act.

Note The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

(2) A determination is a disallowable instrument.

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

287A Approved forms

(1) The Minister may, in writing, approve forms for section 186C (Land management agreements).

(2) The planning and land authority may approve forms for any other provision of this Act.

(3) If a form is approved for a particular purpose, the form must be used for that purpose.

Note For other provisions about forms, see Legislation Act, s 255.

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(4) A form approved for section 186C is a disallowable instrument.

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

(5) A form approved for any other provision is a notifiable instrument.

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

288 Regulation-making power

(1) The Executive may make regulations for this Act.

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

(2) A regulation may prescribe offences for contraventions of a regulation and prescribe maximum penalties of not more than 10 penalty units for offences against a regulation.

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Part 9 Transitional

289 Status of leases and licences

(1) Subject to section 290, a lease or licence granted or continued, or purported to have been granted or continued, under a repealed Act and in force immediately before 2 April 1992 is taken, on and after that day, to have been granted under this Act.

(2) In this section:

repealed Act means any of the following Acts:

(a) the *Leases Act 1918* No 2;

(b) the *Leases (Special Purposes) Act 1925* No 11;

(c) the *City Area Leases Act 1936* No 31.

290 Continued application of certain repealed Acts and provisions

(1) Despite the repeal of the *Australian National University (Leases) Act 1967*, that Act continues to apply in relation to a lease granted under, or continued in force by, that Act and in force immediately before 2 April 1992.

(2) Despite the repeal of the *Canberra College of Advanced Education (Leases) Act 1977* and subject to subsection (3), that Act continues to apply in relation to a lease granted under that Act and in force immediately before 2 April 1992.

(3) For subsection (2), the *Canberra College of Advanced Education (Leases) Act 1977*, section 5 is taken to apply as if that section had been amended by omitting 'in perpetuity'.

(4) Despite the repeal of the *Church Lands Leases Act 1924*, that Act, sections 5, 6, 8 and 10 continue to apply in relation to a lease

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granted under that Act and in force immediately before 2 April 1992.

(5) In a continuing lease, a reference to ***improvements*** is a reference to improvements other than improvements by way of clearing, draining, grading, filling, excavating or levelling made by the Territory or the Commonwealth or the cost of which the Territory or the Commonwealth has paid.

(6) Despite the repeal of the *City Area Leases Act 1936*, the following sections of that Act continue to apply:

(a) so far as the section relates to a continuing lease in which provision is made for the land comprised in the lease to be used for a purpose specified in that Act, section 8A (1)—section 8A;

(b) so far as the section relates to a variation of a continuing lease in relation to which notice under that Act, section 18A of that Act was given before the commencement day—section 18B;

(c) so far as the section relates to a continuing lease in relation to which notice under the section was given before the commencement day—section 22;

(d) so far as the section relates to a continuing lease specified in that Act, section 28A (1)—section 28A;

(e) so far as the section relates to a continuing lease specified in that Act, section 28DA (1)—section 28DA;

(f) so far as the section relates to a sublease specified in that Act, section 30A (2) and in force immediately before 2 April 1992—section 30A.

(7) Despite the repeal of the *Leases (Special Purposes) Act 1925*, that Act, sections 5AC, 5AD, 5A and 5B continue to apply in relation to a lease of territory Land—

(a) granted under that Act, section 3 (2) as in force immediately before 11 May 1989; and

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(b) in force immediately before 2 April 1992.

(8) Despite the repeal of the *Leases (Special Purposes) Act 1925*, that Act, section 5BA (6) continues to apply in relation to a lease granted under that Act and in force immediately before 2 April 1992.

(9) In this section:

continuing lease means a lease granted or continued, or purported to have been granted or continued, under the *City Area Leases Act 1936* and to which this Act, section 289 applies.

291 Conversion of Commonwealth leases

(1) This section applies if—

(a) a declaration under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth), section 27 (1) has been rescinded, revoked, amended or varied and as a consequence land that had been national land has ceased to be national land; and

(b) a lease had been granted under a prescribed law over all or part of that land and the lease was in force immediately before the rescission, revocation, amendment or variation of the declaration.

(2) The lease is taken to have been granted under this Act from the day of the rescission, revocation, amendment or variation of the declaration.

(3) In this section:

prescribed law means any of the following laws:

(a) the *Leases Ordinance 1918*;

(b) the *Leases (Special Purposes) Ordinance 1925*;

(c) the *City Area Leases Ordinance 1936*;

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(d) the provisions of a law mentioned in paragraph (a), (b) or (c) as in effect under the *National Land Ordinance 1989*.

294 Territory plan variation—omission of heritage places register

(1) The planning and land authority must, in writing, make amendments of the plan that are necessary or convenient because of the omission of the heritage places register by the *Heritage Act 2004*.

(2) An instrument under subsection (1) is a disallowable instrument.

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

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Schedule 1 Management objectives for public land

(see s 195)

column 1 item	column 2 reserve	column 3 management objectives	
1	wilderness area	1	to conserve the natural environment in a way ensuring that disturbance to that environment is minimal
		2	to provide for the use of the area (other than by vehicles or other mechanised equipment) for recreation by limited numbers of people, to ensure that opportunities for solitude are provided
2	national park	1	to conserve the natural environment
		2	to provide for public use of the area for recreation, education and research
3	nature reserve	1	to conserve the natural environment
		2	to provide for public use of the area for recreation, education and research
4	special purpose reserve	1	to provide for public and community use of the area for recreation and education

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column 1 item	column 2 reserve	column 3 management objectives	
5	cemetery or burial ground	1	to provide for the interment or cremation of human remains and the interment of the ashes of human remains
6	sport and recreation reserve	1	to provide for public and community use of the area for sport and recreation
7	urban open space	1	to provide for public and community use of the area
		2	to develop the area for public and community use
8	lake	1	to prevent and control floods by providing a reservoir to receive flows from rivers, creeks and urban run-offs
		2	to prevent and control pollution of waterways
		3	to provide for public use of the lake for recreation
		4	to provide a habitat for fauna and flora

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Schedule 3 Content of preliminary assessments

(see s 115)

1 The following format is to be used for a preliminary assessment required under section 115.

1. **General Information**

1.1 **Name and address of proponent** This is to include the details of any ACT government authority or agency.

1.2 **Details of the contact** This is to include the contact officer within any ACT government authority or agency.

1.3 **Status of the project** Advise the current position on the planning of the project, studies begun or planned and the proposed targets for planning, development or construction.

1.4 **Location of the project**

(a) project site description sufficient for precise location on a map or a map included to show the exact site location;

(b) information on possible future extensions.

1.5 **Description of the project**

(a) the type and form of the project including supporting developments including those not the responsibility of the proponent;

(b) the purpose and need for the project, intended utilisation and operation of the facilities;

(c) the relationship of the project with surrounding development, to connected facilities and services or to other proposed projects.

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2 Existing Environmental Conditions

2.1 **Description of project site** A brief description of the overall appearance and current land use with mention made of any special features including the built and natural heritage factors (if any) of the site.

2.2 **Description of region surrounding the project site** Significant differences between the site and surrounding areas should be noted eg variation in population density, watershed, proximity to watercourses and water bodies.

2.3 **Current land use policy and lease conditions of the site**

3 Potential Impact of the Project on the Environment

3.1 **On the physical environment**

3.2 **On the human environment**

3.3 **On the non-human biological environment**

3.4 **Potentially beneficial impacts**

4 Summary and Conclusions

4.1 A summary of the potential benefits and disadvantages of the project. Can the benefits to the community be said to offset any unavoidable permanent or temporary adverse effects?

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Schedule 4 Decisions reviewable by AAT

(see s 275, 282A)

Part 4.1 Reviewable decisions under part 6

column 1 item	column 2 decision-maker	column 3 provision of Act	column 4 decision
1	planning and land authority	228 (2)	refusing to approve application
2	relevant authority	230	refusing to approve application
3	planning and land authority	233 (3)	refusing to grant extension of period
4	relevant authority	245	giving approval subject to condition
5	planning and land authority	245 (4)	refusing to approve amendment
6	planning and land authority	246A	refusing to approve application
7	planning and land authority	246A	giving approval subject to condition
8	planning and land authority	247 (2)	refusing to amend approval
9	planning and land authority	252 (2)	refusing to extend period

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column 1 item	column 2 decision-maker	column 3 provision of Act	column 4 decision
10	relevant authority	253	revoking approval

Part 4.2 Other reviewable decisions

column 1 item	column 2 decision-maker	column 3 provision of Act	column 4 decision
1	planning and land authority	167 (3)	deciding that person not eligible for grant of lease of specified class
2	planning and land authority	167 (5)	refusing to consent to assignment, transfer or subletting of lease or parting of possession of leasehold
3	planning and land authority	170 (1)	terminating person's right to grant of lease
4	planning and land authority	171 (2)	refusing to grant further residential lease
5	planning and land authority	171A (1)	refusing to grant further rural lease
6	planning and land authority	172 (2)	refusing to grant further lease other than residential or rural lease
7	planning and land authority	174 (2)	deciding market value of improvements
8	planning and land authority	177 (3)	confirming variation of rent

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column 1 item	column 2 decision-maker	column 3 provision of Act	column 4 decision
9	planning and land authority	177 (3)	on review of variation of rent, substituting other variation
10	planning and land authority	178 (1)	refusing to authorise payment of amount
11	planning and land authority	179 (1)	refusing to issue certificate of compliance
12	planning and land authority	179 (2)	on application for certificate of compliance under s 179 (1)—issuing certificate that building and development condition partially complied with
13	planning and land authority	179 (2)	refusing to issue certificate that building and development condition partially complied with
14	planning and land authority	179 (2)	issuing certificate of compliance subject to condition under s 179 (3)
15	planning and land authority	180 (2)	refusing to consent to assignment or transfer of lease or interest in lease
16	planning and land authority	184A (2)	deciding change of use charge for variation of nominal rent lease
17	planning and land authority	184C (1)	refusing to remit change of use charge for variation of nominal rent lease

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column 1 item	column 2 decision-maker	column 3 provision of Act	column 4 decision
18	planning and land authority	184C (1)	remitting change of use charge for variation of nominal rent lease by amount less than amount applied for
19	planning and land authority	184C (2)	increasing change of use charge for variation of nominal rent lease
20	planning and land authority	184D (2)	reappraising rent payable under rental lease
21	planning and land authority	186 (1) (d)	deciding amount payable to reduce lease rent to nominal rent
22	planning and land authority	187A (2)	deciding change of use charge for consolidation or subdivision
23	planning and land authority	187C (1)	refusing to remit change of use charge for consolidation or subdivision
24	planning and land authority	187C (1)	remitting change of use charge for consolidation or subdivision by amount less than amount applied for
25	planning and land authority	187C (2)	increasing change of use charge for consolidation or subdivision
26	planning and land authority	188 (1)	terminating lease

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column 1 item	column 2 decision-maker	column 3 provision of Act	column 4 decision
27	planning and land authority	188 (4)	terminating licence
28	planning and land authority	214 (1)	refusing consent to surrender of lease or part of leasehold
29	planning and land authority	214 (2)	accepting surrender of lease or part of leasehold subject to condition
30	planning and land authority	219 (1)	refusing to grant right to extract minerals

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Schedule 5 Activities subject to orders

(see s 4, s 258)

column 1 item	column 2 activities	column 3 penalty
1	work affecting a conservation requirement under a heritage direction conducted otherwise than in accordance with an approval	200 penalty units
2	failure to comply with— (a) a lease; or (b) if a lease is granted subject to the lessee entering into a development agreement and the lessee has entered into such an agreement—the development agreement	50 penalty units
3	failure to keep a leasehold clean	50 penalty units
4	undertaking a development	50 penalty units
5	having a building or structure that was constructed or erected without approval required by— (a) this Act, division 6.2; or (b) the *Buildings (Design and Siting) Act 1964*	50 penalty units
6	permitting a tree, sapling, plant or shrub to overhang a public place so as to obstruct or inconvenience a person in that place	5 penalty units

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column 1 item	column 2 activities	column 3 penalty
7	an activity that is likely to cause soil erosion, or an activity that involves destroying, damaging, removing or otherwise interfering with vegetation (living or dead) or soil between the banks, or within 20m of the bank, of a watercourse, or on land with a slope of more than 18° from the horizontal	100 penalty units
8	parking a heavy vehicle on residential land in contravention of a code of practice under the *Road Transport (Safety and Traffic Management) Regulation 2000*, division 3.1.3 about the parking of heavy vehicles	20 penalty units
9	managing land held under a rural lease other than in accordance with the land management agreement that applies to it	50 penalty units

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Dictionary

(see s 2)

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

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

- AAT
- administrative appeals tribunal
- amend
- appoint
- change
- conservator of flora and fauna
- contravene
- document
- domestic partner (see s 169)
- entity
- exercise
- function
- month
- national capital authority
- penalty unit (see s 133)
- the Territory.

application, for part 6 (Approvals and orders)—see section 222.

approval, for part 6 (Approvals and orders)—see section 222.

assessment means an assessment made under division 4.3

authorised person—

(a) for subdivision 4.4.3 (Procedures and powers)—see section 143; and

(b) for subdivision 6.3.2 (Rectification work)—see section 259C (1).

background papers, for part 2 (Planning)—see section 5.

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building, for part 6 (Approvals and orders)—see section 222.

building and development provision, for part 5 (Land administration)—see section 159.

building work, for part 6 (Approvals and orders)—see section 222.

cemetery includes crematorium.

concessional lease—see section 159A.

connected, with an offence, for division 6.4 (Enforcement)—see section 262.

conservator means the conservator of flora and fauna.

consolidation—

(a) for part 5 (Land administration)—see section 159; and

(b) for part 6 (Approvals and orders)—see section 222.

consultation notice, for part 2 (Planning)—see section 19.

controlled activity means—

(a) an activity of a kind mentioned in schedule 5; or

(b) an activity under another Act that is declared by that Act to be a controlled activity for schedule 5.

damage a protected tree, for part 6 (Approvals and orders)—see section 222.

dealing, for division 5.4 (Restrictions on rural leases)—see section 186B.

declared site, for part 6 (Approvals and orders)—see section 222.

defined decision, for part 4 (Environmental assessments and inquiries)—see section 111.

development, in relation to land—

(a) for part 2 (Planning)—see section 5; and

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(b) for part 6 (Approvals and orders)—see section 222.

discharge amount, for division 5.4 (Restrictions on rural leases)—see section 186B.

draft plan variation, for part 2 (Planning)—see section 5.

earlier index number, for division 5.4 (Restrictions on rural leases)—see section 186B.

environmental impact, for part 4 (Environmental assessments and inquiries)—see section 111.

environmental impact statement, for part 4 (Environmental assessments and inquiries)—see section 111.

environmental report, for part 2 (Planning)—see section 5.

Environment Minister means the Minister administering part 4 (Environmental assessments and inquiries).

Executive, for part 6 (Approvals and orders)—see section 222.

formal error means—

(a) a clerical error; or

(b) an error arising from an accidental slip or omission; or

(c) a defect of form.

heritage direction—see the *Heritage Act 2004*, section 62.

heritage significance—see the *Heritage Act 2004*, section 62.

holding period, for division 5.4 (Restrictions on rural leases)—see section 186B.

index number, for division 5.4 (Restrictions on rural leases)—see section 186G.

inquiry means an inquiry conducted under division 4.4 (Inquiries).

inspector, for part 6 (Approvals and orders), means a person appointed as an inspector under section 263 (1).

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land—

(a) for part 2 (Planning)—see section 5; and

(b) for part 4 (Environmental assessments and inquiries)—see section 111.

land management agreement means an agreement under section 186C.

Note A reference to an instrument (including a land management agreement) includes a reference to the instrument as originally made and as amended (see Legislation Act, s 102).

later index number, for division 5.4 (Restrictions on rural leases)—see section 186B.

lease—

(a) for part 5 (Land administration)—see section 159; and

(b) for part 6 (Approvals and orders)—see section 222.

lessee—

(a) for part 5 (Land administration)—see section 159; and

(b) for part 6 (Approvals and orders)—see section 222.

long lease, for division 5.4 (Restrictions on rural leases)—see section 186B.

market value, for part 5 (Land administration)—see section 159.

national capital plan, for part 2 (Planning)—see section 5.

natural environment, for schedule 1 (Management objectives for public land)—see section 195 (6).

new application, for subdivision 6.2.4 (Reconsideration of applications for approval)—see section 245A.

newspaper means a newspaper published and circulating in the ACT.

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nominal rent lease, for part 5 (Land administration)—see section 159.

objection, for part 6 (Approvals and orders)—see section 222.

occupier—

(a) for subdivision 4.4.3 (Procedures and powers)—see section 143; and

(b) for division 6.4 (Enforcement)—see section 262.

offence, for division 6.4 (Enforcement)—see section 262.

order, for part 6 (Approvals and orders)—see section 222.

original application, for subdivision 6.2.4 (Reconsideration of applications for approval)—see section 245A.

original decision, for subdivision 6.2.4 (Reconsideration of applications for approval)—see section 245A.

panel, for part 4 (Environmental assessments and inquiries)—see section 111.

place, for subdivision 4.4.3 (Procedures and powers)—see section 143.

plan means the territory plan.

Note A reference to an instrument (including the plan) includes a reference to the instrument as originally made and as amended (see Legislation Act, s 102).

plan of management, for division 5.7 (Public land)—see section 191.

preliminary assessment, for part 4 (Environmental assessments and inquiries)—see section 111.

prescribed period, for part 6 (Approvals and orders)—see section 222.

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prohibited groundwork, for part 6 (Approvals and orders)—see section 222.

prohibition notice, for part 6 (Approvals and orders)—see section 260 (1).

proponent, for part 4 (Environmental assessments and inquiries)—see section 111.

protected tree, for part 6 (Approvals and orders)—see section 222.

protection zone, for a protected tree, for part 6 (Approvals and orders)—see section 222.

provision, of a lease, for part 5 (Land administration)—see section 159.

public car park, for part 5 (Land administration)—see section 159.

public environment report, for part 4 (Environmental assessments and inquiries)—see section 111.

public land means land identified by the plan as public land.

rectification work, for subdivision 6.3.2 (Rectification work)—see section 259.

registered lease, for part 5 (Land administration)—see section 159.

registered proprietor, for part 5 (Land administration)—see section 159.

registered tree, for part 6 (Approvals and orders)—see section 222.

regulated tree, for part 6 (Approvals and orders)—see section 222.

relevant authority, for part 6 (Approvals and orders)—see section 222.

relevant Minister, for part 4 (Environmental assessments and inquiries)—see section 111.

rental lease, for part 5 (Land administration)—see section 159.

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residential lease, for part 5 (Land administration)—see section 159.

rural lease, for part 5 (Land administration)—see section 159.

short lease, for division 5.4 (Restrictions on rural leases)—see section 186B.

special Pialligo lease, for division 5.4 (Restrictions on rural leases)—see section 186B.

structure, for part 6 (Approvals and orders)—see section 222.

subdivision—

(a) for part 5 (Land administration)—see section 159; and

(b) for part 6 (Approvals and orders)—see section 222.

sublease, for part 5 (Land administration)—see section 159.

sublessee, for part 5 (Land administration)—see section 159.

territory authority means—

(a) a body (whether or not incorporated) established by the Executive; or

(b) the holder of a position established under an Act or by the Executive.

variation, of a lease—

(a) for division 5.3 (Variation of leases)—see section 184; and

(b) for part 6 (Approvals and orders)—see section 223.

variation, of the plan, for part 2 (Planning)—see section 5.

variation, of a plan of management, for division 5.7 (Public land)—see section 191.

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

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3 Legislation history

Land (Planning and Environment) Act 1991 No 100
notified 15 January 1992
s 1, s 2 commenced 15 January 1992
remainder commenced 2 April 1992

as amended by

Land (Planning and Environment) (Amendment) Act 1992 No 32
notified 3 July 1992
s 5 (1) taken to have commenced 2 April 1992 (s 5 (2))
remainder commenced 3 July 1992

Land (Planning and Environment) (Amendment) Act 1993 No 11
notified 1 March 1993
commenced 1 March 1993

Acts Revision (Position of Crown) Act 1993 No 44 sch 2
notified 27 August 1993 (Gaz 1993 No S165)
sch 2 commenced 27 August 1993 (s 2)

Registrar-General (Consequential Provisions) Act 1993 No 64
notified 6 September 1993
s 1, s 2 commenced 6 September 1993
remainder commenced 1 October 1993 (s 2 (2) and Gaz 1993 No S207)

Land (Planning and Environment) (Amendment) Act (No 2) 1993 No 75
notified 2 November 1993
s 1, s 2 commenced 2 November 1993
remainder commenced 1 December 1993 (Gaz 1993 No S247)

Land (Planning and Environment) (Amendment) Act (No 3) 1993 No 77
notified 2 November 1993
s 1, s 2 commenced 2 November 1993
remainder commenced 1 December 1993 (Gaz 1993 No S243)

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Real Property (Consequential Provisions) Act 1993 No 90
notified 17 December 1993
s 1, s 2 commenced 17 December 1993
remainder commenced 1 January 1994 (s 2 (2) and Gaz 1993 No S270)

Statute Law Revision Act 1994 No 26
notified 31 May 1994
commenced 31 May 1994

Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38
notified 30 June 1994
s 1, s 2 commenced 30 June 1994
remainder commenced 1 July 1994 (Gaz 1994 No S142)

Administrative Appeals (Consequential Amendments) Act 1994 No 60
notified 11 October 1994
s 1, s 2 commenced 11 October 1994
remainder commenced 14 November 1994 (s 2 (2) and Gaz 1994 No S250)

Statute Law Revision (Penalties) Act 1994 No 81
notified 29 November 1994
s 1, s 2 commenced 29 November 1994
remainder commenced 29 November 1994 (Gaz 1994 No S269)

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97
notified 15 December 1994
s 1, s 2 commenced 15 December 1994
remainder commenced 15 December 1994 (Gaz 1994 No S293)

Land (Planning and Environment) (Amendment) Act 1995 No 20
notified 5 September 1995
commenced 5 September 1995

Land (Planning and Environment) (Amendment) Act (No 2) 1995 No 21
notified 5 September 1995
ss 1-3 commenced 5 September 1995
remainder commenced 1 January 1996 (Gaz 1995 No S316)

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Annual Reports (Government Agencies) (Consequential Provisions) Act 1995 No 25
notified 5 September 1995
commenced 5 September 1995

Land Titles (Consequential Amendments) Act 1995 No 54
notified 20 December 1995
commenced 20 June 1996 (s 2)

Remuneration Tribunal (Consequential and Transitional Provisions) Act 1995 No 56
notified 20 December 1995
commenced 21 December 1995 (s 2 and Gaz 1995 No S315)

Gungahlin Development Authority (Consequential Provisions) Act 1996 No 39
notified 10 July 1996
commenced 19 August 1996 (s 2 and Gaz 1996 No S212)

Land (Planning and Environment) (Amendment) Act 1996 No 62
notified 3 December 1996
commenced 3 December 1996

Land (Planning and Environment) (Amendment) Act (No 2) 1996 No 71
notified 20 December 1996
ss 1-3 commenced 20 December 1996
remainder commenced 1 January 1997 (Gaz 1996 No S352)

Motor Traffic (Amendment) Act (No 3) 1996 No 83
notified 20 December 1996
ss 1-3 commenced 20 December 1996
remainder commenced 1 January 1997 (Gaz 1996 No S353)

Land (Planning and Environment) (Amendment) Act (No 3) 1996 No 85
notified 24 December 1996
s 1, s 2 commenced 24 December 1996
remainder commenced 24 June 1997

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Land (Planning and Environment) (Amendment) Act 1997 No 7
notified 22 April 1997
ss 1-3 commenced 22 April 1997
remainder commenced 24 June 1997 (s 2 (2))

Remuneration Tribunal (Consequential Amendments) Act 1997 No 41 (as am by Act 2002 No 49 amdt 3.222)
notified 19 September 1997
commenced 24 September 1997 (s 2 as am by Act 2002 No 49 amdt 3.222)

Environment Protection (Consequential Provisions) Act 1997 No 93
notified 1 December 1997
s 1, s 2 commenced 1 December 1997
remainder commenced 1 June 1998

Land (Planning and Environment) (Amendment) Act (No 2) 1997 No 116
notified 24 December 1997
commenced 24 December 1997

Statute Law Revision (Penalties) Act 1998 No 54
notified 27 November 1998
s 1, s 2 commenced 27 November 1998
remainder commenced 9 December 1998 (Gaz 1998 No 49)

Water Resources Act 1998 No 63 s 83
notified 11 December 1998 (Gaz 1998 No S209)
s 83 commenced 11 December 1998

Land (Planning and Environment) (Amendment) Act 1998 No 65
notified 23 December 1998
commenced 23 December 1998

Land (Planning and Environment) (Amendment) Act 1999 No 40
notified 16 July 1999
commenced 16 July 1999

Land Planning and Environment Amendment Act (No 2) 1999 No 73
notified 15 December 1999
commenced 15 December 1999

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Road Transport Legislation Amendment Act 1999 No 79
notified 23 December 1999
commenced 1 March 2000 (s 2 and Gaz 2000 No S5)

Land (Planning and Environment) Amendment Act (No 3) 1999 No 87
notified 23 December 1999
commenced 23 December 1999

Land (Planning and Environment) Amendment Act 2000 No 14
notified 31 March 2000
commenced 31 March 2000

Land (Planning and Environment) Amendment Act 2000 (No 2) 2000 No 15
notified 20 April 2000
commenced 20 April 2000

Land (Planning and Environment) Amendment Act 2000 (No 3) 2000 No 37
notified 20 July 2000
s 1, s 2 commenced 20 July 2000
remainder commenced 24 July 2000 (Gaz 2000 No S39)

Land (Planning and Environment) Amendment Act 2000 (No 4) 2000 No 49
notified 28 September 2000
commenced 28 September 2000

Statute Law Amendment Act 2000 No 80
notified 21 December 2000
commenced 21 December 2000

Land (Planning and Environment) Amendment Act 2001 No 1
notified 19 February 2001 (Gaz 2001 No S7)
s 1, s 2 commenced 19 February 2001 (IA s 10B)
remainder commenced 31 May 2001 (Gaz 2001 No 22)

Unit Titles Consequential Amendments Act 2001 No 17 sch 2
notified 5 April 2001 (Gaz 2001 No 14)
s 1, s 2 commenced 5 April 2001 (IA s 10B)
sch 2 commenced 5 October 2001 (s 2)

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Tree Protection (Interim Scheme) Act 2001 No 20 s 54
notified 3 April 2001 (Gaz 2001 No S16)
s 1, s 2 commenced 3 April 2001 (IA s 10B)
s 54 taken to have commenced 29 March 2001 (s 2)

Land (Planning and Environment) Amendment Act 2001 (No 2) 2001 No 32
notified 21 June 2001 (Gaz 2001 No S33)
taken to have commenced 15 June 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 207
notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 207 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Statute Law Amendment Act 2001 (No 2) 2001 No 56 pt 3.29
notified 5 September 2001 (Gaz 2001 No S65)
amdt 3.436 taken to have commenced 21 December 2000 (s 2 (2))
pt 3.29 remainder commenced 5 September 2001 (s 2 (1))

Community Title Act 2001 No 58 s 101, s 102
notified 10 September 2001 (Gaz 2001 No S66)
s 1, s 2 commenced 10 September 2001 (IA s 10B)
s 101, s 102 commenced 10 March 2002 (s 2 and LA s 79)

Land (Planning and Environment) Amendment Act 2001 (No 3) 2001 No 73
notified LR 12 September 2001
commenced 12 September 2001 (s 2)

Land (Planning and Environment) Amendment Act 2001 (No 4) 2001 No 80
notified 10 September 2001 (Gaz 2001 No S66)
s 1, s 2 commenced 10 September 2001 (IA s 10B)
s 3, s 4 commenced 10 September 2001 (s 2 (1))
remainder commenced 12 September 2001 (s 2 (2))

Legislation Amendment Act 2002 No 11 pt 2.32
notified LR 27 May 2002
s 1, s 2 commenced 27 May 2002 (LA s 75)
pt 2.32 commenced 28 May 2002 (s 2 (1))

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Statute Law Amendment Act 2002 No 30 pt 3.38

notified LR 16 September 2002
s 1, s 2 commenced 16 September 2002 (LA s 75)
pt 3.38 commenced 17 September 2002 (s 2 (1))

Land (Planning and Environment) Amendment Act 2002 No 37

notified LR 10 October 2002
s 1, s 2 commenced 10 October 2002 (LA s 75 (1))
remainder commenced 11 October 2002 (s 2)

Districts Act 2002 No 39 pt 1.4

notified LR 10 October 2002
s 1, s 2 commenced 10 October 2002 (LA s 75 (1))
pt 1.4 commenced 11 October 2002 (s 2)

Statute Law Amendment Act 2002 (No 2) No 49 amdt 3.222

notified LR 20 December 2002
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))
amdt 3.222 commenced 24 September 1997 (s 2 (3))

Note This Act only amends the Remuneration Tribunal (Consequential Amendments) Act 1997 No 41.

Planning and Land (Consequential Amendments) 2002 A2002-56 sch 1

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

Cemeteries and Crematoria Act 2003 A2003-11 sch 1 pt 1.1

notified LR 27 March 2003
s 1, s 2 commenced 27 March 2003 (LA s 75 (1))
sch 1 pt 1.1 commenced 27 September 2003 (s 2 and LA s 79)

Legislation (Gay, Lesbian and Transgender) Amendment Act 2003 A2003-14 sch 1 pt 1.20

notified LR 27 March 2003
s 1, s 2 commenced 27 March 2003 (LA s 75 (1))
sch 1 pt 1.20 commenced 28 March 2003 (s 2)

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Planning and Land Legislation Amendment Act 2003 A2003-30 sch 1 pt 1.1

notified LR 30 June 2003

s 1, s 2 commenced 30 June 2003 (LA s 75 (1))

sch 1 pt 1.1 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 pt 2, sch 1 pt 1.2, sch 2

notified LR 7 July 2003

s 1, s 2 commenced 7 July 2003 (LA s 75 (1))

pt 2, sch 1 pt 1.2, sch 2 commenced 1 September 2003 (s 2 and CN2003-8)

Sexuality Discrimination Legislation Amendment Act 2004 A2004-2 sch 1 pt 1.9

notified LR 18 February 2004

s 1, s 2 commenced 18 February 2004 (LA s 75 (1))

sch 1 pt 1.9 commenced 22 March 2004 (s 2 and CN2004-4)

Construction Occupations Legislation Amendment Act 2004 A2004-13 sch 2 pt 2.16

notified LR 26 March 2004

s 1, s 2 commenced 26 March 2004 (LA s 75 (1))

sch 2 pt 2.16 commenced 1 September 2004 (s 2 and see Construction Occupations (Licensing) Act 2004 A2004-12, s 2 and CN2004-8)

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 1 pt 1.27, sch 2 pt 2.48

notified LR 26 March 2004

s 1, s 2 commenced 26 March 2004 (LA s 75 (1))

sch 1 pt 1.27, sch 2 pt 2.48 commenced 9 April 2004 (s 2 (1))

Gungahlin Drive Extension Authorisation Act 2004 A2004-27 s 16, s 17

notified LR 26 May 2004

s 1, s 2 commenced 26 May 2004 (LA s 75 (1))

s 16, s 17 commenced 27 May 2004 (s 2)

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Statute Law Amendment Act 2004 A2004-42 sch 1 pt 1.3
notified LR 11 August 2004
s 1, s 2 commenced 11 August 2004 (LA s 75 (1))
sch 1 pt 1.3 commenced 25 August 2004 (s 2 (1))

Heritage Act 2004 A2004-57 sch 1 pt 1.5
notified LR 9 September 2004
s 1, s 2 commenced 9 September 2004 (LA s 75 (1))
sch 1 pt 1.5 commenced 9 March 2005 (s 2 and LA s 79)

Land (Planning and Environment) Amendment Act 2004 A2004-64
notified LR 25 August 2004
s 1, s 2 commenced 25 August 2004 (LA s 75 (1))
remainder commenced 1 November 2004 (s 2 and CN2004-16)

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.31
notified LR 12 May 2005
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))
sch 3 pt 3.31 commenced 2 June 2005 (s 2 (1))

Pest Plants and Animals Act 2005 A2005-21 sch 1 pt 1.1
notified LR 12 May 2005
s 1, s 2 commenced 12 May 2005 (LA s 75 (1))
sch 1 pt 1.1 commenced 12 November 2005 (s 2 and LA s 79)

Unit Titles (Staged Development) Amendment Act 2005 A2005-37 sch 1 pt 1.1
notified LR 26 August 2005
s 1, s 2 commenced 26 August 2005 (LA s 75 (1))
sch 1 pt 1.1 commenced 14 September 2005 (s 2 and CN2005-21)

Land (Planning and Environment) Amendment Act 2005 A2005-49
notified LR 6 September 2005
s 1, s 2 commenced 6 September 2005 (LA s 75 (1))
remainder commenced 7 September 2005 (s 2)

Tree Protection Act 2005 A2005-51 sch 1 pt 1.3
notified LR 29 September 2005
s 1, s 2 commenced 29 September 2005 (LA s 75 (1))
sch 1 pt 1.3 commenced 29 March 2006 (s 2 and LA s 79)

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Criminal Code (Administration of Justice Offences) Amendment Act 2005 A2005-53 sch 1 pt 1.17

notified LR 26 October 2005
s 1, s 2 commenced 26 October 2005 (LA s 75 (1))
sch 1 pt 1.17 commenced 23 November 2005 (s 2)

Statute Law Amendment Act 2005 (No 2) A2005-62 sch 1 pt 1.2

notified LR 21 December 2005
s 1, s 2 commenced 21 December 2005 (LA s 75 (1))
sch 1 pt 1.2 commenced 11 January 2006 (s 2 (1))

Civil Unions Act 2006 A2006-22 sch 1 pt 1.18

notified LR 19 May 2006
s 1, s 2 commenced 19 May 2006 (LA s 75 (1))
sch 1 pt 1.18 awaiting commencement (s 2)

Note default commencement under LA s 79: 19 November 2006

Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.25

notified LR 18 May 2006
s 1, s 2 commenced 18 May 2006 (LA s 75 (1))
sch 1 pt 1.25 commenced 2 June 2006 (s 2 (1) and see Crimes (Sentence Administration) Act 2005 A2005-59 s 2, Crimes (Sentencing) Act 2005 A2005-58, s 2 and LA s 79)

4 Amendment history

Title

title	am R23 LA

Name of Act

s 1	sub 2002 No 30 amdt 3.404

Dictionary

s 2	om 2001 No 44 amdt 1.2333 ins 2002 No 30 amdt 3.404

Notes

s 3	om 1993 No 44 ins 2002 No 30 amdt 3.404

Offences against Act—application of Criminal Code etc

s 4	om 2002 No 30 amdt 3.404 def ***appeals board*** ins 1993 No 77 s 4 def ***commissioner*** ins 1996 No 85 s 4 def ***conservator*** am 1994 No 97 sch

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def ***controlled activity*** am 1996 No 85 s 4
def ***determined fee*** om 2001 No 44 amdt 1.2334
def ***Environment Minister*** ins 1996 No 71 s 4
def ***Gungahlin central area*** ins 1996 No 39 s 8
def ***land management agreement*** ins 1999 No 73 s 4
sub 2001 No 44 amdt 1.2335
def ***pest animal*** ins 1997 No 7 s 4
def ***pest plant*** ins 1997 No 7 s 4
def ***plan*** sub 2001 No 44 amdt 1.2335
def ***public land*** ins 1996 No 85 s 4
def ***public street*** ins 1996 No 85 s 4
om 1999 No 79 sch 3
def ***registrar*** ins 1993 No 77 s 4
def ***public works*** om 1993 No 75 s 4
pres s 4 ins A2003-34 amdt 2.1

Preliminary
div 2.1 hdg (prev pt 2 div 1 hdg) renum R6 LA

Definitions for pt 2
s 5 am 1996 Nos 71 and 85
def ***background papers*** am A2002-56 amdts 1.1-1.3, amdt 1.24; A2004-57 amdts 1.8-1.11; pars renum R23 LA (see A2004-57 amdt 1.12)
def ***Commonwealth Planning Act*** om 2002 No 30 amdt 3.405
def ***consultation notice*** ins 2002 No 30 amdt 3.406
def ***draft plan variation*** sub 2002 No 30 amdt 3.407, A2002-56 amdt 1.4
def ***national authority*** om 2002 No 30 amdt 3.408
def ***national capital plan*** sub 2002 No 30 amdt 3.409

Stages and parts of the plan
s 6 om 2002 No 30 amdt 3.410

Territory plan—object and effect
div 2.2 hdg (prev pt 2 div 2 hdg) renum R6 LA

Object of Territory plan
s 7 hdg sub A2004-57 amdt 1.13
s 7 am 1996 No 85; 2002 No 30 amdt 3.411; A2004-57 amdt 1.14; pars renum R23 LA (see A2004-57 amdt 1.15)

Effect of plan
s 8 am 1993 No 77; 1996 No 85

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Effect of draft plan variation

s 9 am 1996 No 85; 2000 No 37 s 4; 2001 No 44 amdt 1.2336; R6 LA (see 2001 No 44 amdt 1.2337); 2002 No 30 amdt 3.412, amdt 3.413; ss renum R9 LA (see 2002 No 30 amdt 3.414); A2002-56 amdt 1.5, amdt 1.6; pars renum R15 LA; A2004-57 amdt 1.16; ss renum R23 LA (see A2004-57 amdt 1.17)

Effect of interim heritage places register

s 10 am A2002-56 amdt 1.23, amdt 1.24
om A2004-57 amdt 1.18

Draft heritage places register and variations—lack of effect

s 11 om A2004-57 amdt 1.18

Territory plan—continuation and variation

div 2.3 hdg (prev pt 2 div 3 hdg) renum R6 LA

Territory plan

sdiv 2.3.1 hdg (prev pt 2 div 3 sdiv A hdg) renum R6 LA

Preparation of variations of Territory plan

sdiv 2.3.2 hdg (prev pt 2 div 3 sdiv B hdg) renum R6 LA

Preparation of plan variations

s 15 am 1996 No 85
sub A2002-56 amdt 1.7

Consultation with conservator

s 16 sub 1996 No 85
am A2002-56 amdt 1.24

Consultation with heritage council

s 17 am 2001 No 44 amdt 1.2338, amdt 1.2339; 2002 No 30 amdt 3.415, amdt 3.508; A2002-56 amdt 1.24
sub A2004-57 amdt 1.19

Environmental reports and inquiries

s 18 am 2002 No 30 amdt 3.416; A2002-56 amdt 1.24

Public consultation—notification

s 19 am 1993 No 75; 1996 No 85; 2000 No 37 s 5
sub 2001 No 44 amdt 1.2340
am 2002 No 30 amdt 3.417; A2002-56 amdt 1.8, amdt 1.23, amdt 1.24

Public consultation—notice of interim effect etc

s 19A ins 2001 No 44 amdt 1.2340
am 2002 No 30 amdt 3.418; A2004-57 amdt 1.20

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Public consultation—availability of draft plan variation etc

s 19B ins 2001 No 44 amdt 1.2340
am 2002 No 30 amdt 3.419; A2002-56 amdt 1.9, amdt 1.10, amdt 1.24; ss renum R12 LA (see A2002-56 amdt 1.11)

Draft plan variations that do not affect rights

s 19C ins 2001 No 44 amdt 1.2340
sub A2002-56 amdt 1.12

Consultation with national capital authority

s 20 am 2002 No 30 amdt 3.420
sub A2002-56 amdt 1.12

Public inspection of comments

s 21 am 1996 No 85; 2002 No 30 amdt 3.421
sub A2002-56 amdt 1.13

Revision, deferral or withdrawal of draft plan variations

s 22 am 1996 No 85; 2001 No 44 amdts 1.2341-1.2345; R6 LA (see 2001 No 44 amdt 1.2346); 2002 No 30 amdt 3.422; A2002-56 amdt 1.23, amdt 1.24

Executive approval and consideration by Legislative Assembly

sdiv 2.3.3 hdg (prev pt 2 div 3 sdiv C hdg) renum R6 LA

Submission of draft plan variation to Executive

s 24 am 1996 No 85; 2001 No 44 amdt 1.2347; 2002 No 30 amdt 3.422, amdt 3.423; A2002-56 amdt 1.23, amdt 1.24; A2003-30 amdt 1.1; ss renum R12 LA (see A2003-30 amdt 1.2); A2004-57 amdt 1.21

Consideration by Legislative Assembly committee

s 25 am A2002-56 amdt 1.23

Minister's powers

s 26 hdg sub A2002-56 amdt 1.14
s 26 am 1996 No 85; 2001 No 44 amdts 1.2348-1.2350; 2002 No 30 amdt 3.424; A2002-56 amdts 1.15-1.17, amdt 1.23, amdt 1.24

Return of draft plan variation to authority

s 27 sub 2002 No 30 amdt 3.425
am A2002-56 amdt 1.18, amdt 1.19, amdt 1.23

Notice of revival of deferred draft plan variation

s 28 am 2001 No 44 amdt 1.2351, amdt 1.2352; A2002-56 amdt 1.20, amdt 1.23, amdt 1.24

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Consideration of plan variation by Legislative Assembly

s 29 am 1996 No 85; 2001 No 44 amdts 1.2353-1.2356, amdt 1.2358; R6 LA (see 2001 No 44 amdt 1.2357); 2002 No 30 amdts 3.426-3.430; ss renum R9 LA (see 2002 No 30 amdt 3.431); A2002-56 amdt 1.20, amdt 1.21, amdt 1.23

Rejection of plan variation by Legislative Assembly

s 30 om 2001 No 44 amdt 1.2359
ins 2001 No 44 amdt 1.2358
am A2002-56 amdt 1.21, amdt 1.24

Partial rejection of plan variation by Legislative Assembly

s 30A ins 2001 No 44 amdt 1.2358
am 2002 No 30 amdt 3.432

Partial rejection of plan variation—newspaper publication etc

s 30B ins 2001 No 44 amdt 1.2358
am A2002-56 amdt 1.21

Plan variations—defined land

sdiv 2.3.4 hdg (prev pt 2 div 3 sdiv D hdg) renum R6 LA

Plan variations in relation to defined land

s 32 am 1996 No 85; 2001 No 44 amdts 1.2360-1.2366; R6 LA (see 2001 No 44 amdt 1.2367); am A2002-56 amdt 1.24

Australian Capital Territory Planning Authority

div 2.4 hdg (prev pt 2 div 4 hdg) renum R6 LA
om A2002-56 amdt 1.22

Establishment, constitution, functions and powers

div 4 subdiv A hdg om 1996 No 85

Establishment of authority

s 33 am 1996 No 85
sub 2002 No 30 amdt 3.433
om A2002-56 amdt 1.22

Constitution

s 34 om 1996 No 85

Functions

s 36 am 2002 No 30 amdt 3.434, amdt 3.435
om A2002-56 amdt 1.22

Executive policy directions

s 37 am 1995 No 25; 1996 No 85; 2001 No 44 amdt 1.2368; R6 LA (see 2001 No 44 amdt 1.2369); 2002 No 30 amdt 3.436
om A2002-56 amdt 1.22

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Power to enter into contracts

s 38	am 1994 No 38 sub 2002 No 30 amdt 3.437 om A2002-56 amdt 1.22

Annual report

s 39	om 1995 No 25

Delegation

s 40	sub 2002 No 30 amdt 3.437 om A2002-56 amdt 1.22

Staff

s 41	am 2002 No 30 amdt 3.438 om A2002-56 amdt 1.22

Effect of irregularity of appointment of chief planner

s 42	om 1996 No 85

Chief planner

div 4 subdiv B hdg	om 1996 No 85

Chief planner

s 43	om 1996 No 85

Acting chief planner

s 44	om 1996 No 85

Remuneration and allowances

s 45	am 1994 No 38 om 1995 No 56

Leave of absence

s 46	om 1996 No 85

Disclosure of interests

s 47	om 1996 No 85

Other employment, remuneration, business etc

s 48	om 1996 No 85

Resignation

s 49	om 1996 No 85

Termination of appointment

s 50	om 1996 No 85

Miscellaneous

div 2.5 hdg	(prev pt 2 div 5 hdg) renum R6 LA

Heritage

pt 3 hdg	om A2004-57 amdt 1.22

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Preliminary

div 3.1 hdg (prev pt 3 div 1 hdg) renum R6 LA
om A2004-57 amdt 1.22

Definitions for pt 3

s 52 hdg sub 2002 No 30 amdt 3.439
s 52 am 2002 No 30 amdt 3.440, amdt 3.442
om A2004-57 amdt 1.22
def ***interim heritage places register*** ins 2001 No 44 amdt 1.2370
am 2002 No 30 amdt 3.441
om A2004-57 amdt 1.22
def ***interim variation*** ins 2001 No 44 amdt 1.2371
om A2004-57 amdt 1.22

Compliance with requirements for consultation or notification

s 53 om 2001 No 44 amdt 1.2372
ins 2002 No 30 amdt 3.443
om A2004-57 amdt 1.22

Heritages places register

div 3.2 hdg (prev pt 3 div 2 hdg) renum R6 LA
om A2004-57 amdt 1.22

Content of heritage places register

s 54 am 2002 No 30 amdt 3.444, amdt 3.445
om A2004-57 amdt 1.22

Interim heritage places registers

div 3.3 hdg (prev pt 3 div 3 hdg) renum R6 LA
om A2004-57 amdt 1.22

Effect

sdiv 3.3.1 hdg (prev pt 3 div 3 sdiv A hdg) renum R6 LA
om A2004-57 amdt 1.22

Effect of interim registers

s 55 am 2001 No 44 amdt 1.2373; 2002 No 30 amdt 3.446
om A2004-57 amdt 1.22

Preparation, notification and submission of registers

sdiv 3.3.2 hdg (prev pt 3 div 3 sdiv B hdg) renum R6 LA
om A2004-57 amdt 1.22

Application for inclusion of places in interim register

s 59 am 1993 No 77; 1996 No 71; ss renum R15 LA
om A2004-57 amdt 1.22

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Public notification

s 60	am 1993 No 77; 1996 No 71; 2001 No 44 amdt 1.2374, amdt 1.2375; R6 LA (see 2001 No 44 amdt 1.2376); 2002 No 30 amdt 3.447, amdt 3.448 om A2004-57 amdt 1.22

Notification of lessees and occupiers

s 61	am 2001 No 44 amdt 1.2377; 2002 No 30 amdt 3.508 om A2004-57 amdt 1.22

Revision of interim register

s 62	am 1993 No 77; 1996 No 71; 2001 No 44 amdts 1.2378-1.2381; R6 LA (see 2001 No 44 amdt 1.2382); 2002 No 30 amdt 3.449, amdt 3.508 om A2004-57 amdt 1.22

Submission of interim register to planning and land authority

s 63 hdg	am A2002-56 amdt 1.25
s 63	am 1993 No 77; 1996 No 71; 2001 No 44 amdt 1.2383; A2002-56 amdt 1.25-1.29 om A2004-57 amdt 1.22

Acquisition

s 64	am A2002-56 amdt 1.30, amdt 1.31 om A2004-57 amdt 1.22

Acquisition of heritage places and objects

div 3.4 hdg	(prev pt 3 div 4 hdg) renum R6 LA om A2004-57 amdt 1.22

Notice of acquistion

s 65	am 1993 No 77 om 1996 No 71

Aboriginal heritage

div 3.5 hdg	(prev pt 3 div 5 hdg) renum R6 LA om A2004-57 amdt 1.22

Preliminary

sdiv 3.5.1 hdg	(prev pt 3 div 5 sdiv A hdg) renum R6 LA om A2004-57 amdt 1.22

Definitions for div 3.5

s 66	sub 2002 No 30 amdt 3.450 om A2004-57 amdt 1.22

Reporting discoveries of unregistered Aboriginal places

sdiv 3.5.2 hdg	(prev pt 3 div 5 sdiv B hdg) renum R6 LA om A2004-57 amdt 1.22

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Reports
s 67 am 1994 No 81
om A2004-57 amdt 1.22

Aboriginal heritage discoveries—consideration of reports
s 68 am 2002 No 30 amdt 3.508
om A2004-57 amdt 1.22

Aboriginal heritage discoveries—Ministerial directions and declarations
s 69 am 1993 No 77; 1996 No 71; 2001 No 44 amdts 1.2384-1.2386; 2002 No 30 amdts 3.451-3.454
om A2004-57 amdt 1.22

Protection of unregistered Aboriginal heritage
subdiv 3.5.3 hdg (prev pt 3 div 5 subdiv C hdg) renum R6 LA
om A2004-57 amdt 1.22

Damaging unregistered Aboriginal places
s 70 am 1994 No 81
om A2004-57 amdt 1.22

Orders for protection of unregistered Aboriginal places—application of pt 6
s 71 am 1993 No 77; A2002-56 amdt 1.31; A2003-34 amdt 1.3
om A2004-57 amdt 1.22

Orders—reports by heritage council
s 72 om A2004-57 amdt 1.22

Orders—Ministerial directions and declarations
s 73 am 1993 No 77; 1996 No 71; 2001 No 44 amdts 1.2387-1.2389; 2002 No 30 amdt 3.455, 3.456
om A2004-57 amdt 1.22

Compensation claims
sdiv 3.5.4 hdg (prev pt 3 div 5 sdiv D hdg) renum R6 LA
om A2004-57 amdt 1.22

Definitions for sdiv 3.5.4
s 74 om A2004-57 amdt 1.22

Application of sdiv 3.5.4
s 75 am 2002 No 30 amdt 3.457
om A2004-57 amdt 1.22

Right to compensation
s 76 om A2004-57 amdt 1.22

Loss for which compensation is recoverable
s 77 am 2002 No 30 amdt 3.458
om A2004-57 amdt 1.22

Amount of compensation
s 78 om A2004-57 amdt 1.22

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Consultation with applicants
s 79 am 1996 No 71
om A2004-57 amdt 1.22

Notice of decisions about compensation
s 80 am 1993 No 77
sub 1996 No 71
om A2004-57 amdt 1.22

Consultation in relation to registers
sdiv 3.5.5 hdg (prev pt 3 div 5 sdiv E hdg) renum R6 LA
om A2004-57 amdt 1.22

Consultation with Aboriginal organisations
s 81 am 2002 No 30 amdt 3.459
om A2004-57 amdt 1.22

Restricted information
sdiv 3.5.6 hdg (prev pt 3 div 5 sdiv F hdg) renum R6 LA
om A2004-57 amdt 1.22

Restricted information
s 82 am 1993 No 77; 1996 No 71; 2001 No 56 amdt 3.432; 2002 No 30 amdt 3.508
om A2004-57 amdt 1.22

Publication of restricted information by public officials
s 83 om A2004-57 amdt 1.22

Publication of restricted information generally
s 84 am 1993 No 77; 1994 No 81; 1996 No 71
om A2004-57 amdt 1.22

Access to restricted information
s 85 am 1996 No 71
om A2004-57 amdt 1.22

Administrative review
pt 3 div 6 hdg om 1996 No 71

Review of decisions
s 86 am 1993 No 77
om 1996 No 71

Public access to heritage information
div 3.6 hdg (prev pt 3 div 7 hdg) renum R6 LA
om A2004-57 amdt 1.22

Information about administrative action
sdiv 3.6.1 hdg (prev pt 3 div 7 sdiv A hdg) renum R6 LA
om A2004-57 amdt 1.22

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Application of sdiv 3.6.1
s 87 om A2004-57 amdt 1.22

Searching administrative records
s 88 am 2001 No 44 amdt 1.2390, amdt 1.2391
om A2004-57 amdt 1.22

Access to heritage registers
sdiv 3.6.2 hdg (prev pt 3 div 7 sdiv B hdg) renum R6 LA
om A2004-57 amdt 1.22

Searching heritage registers
s 89 am 2001 No 44 amdt 1.2392, amdt 1.2393
sub 2002 No 30 amdt 3.460
om A2004-57 amdt 1.22

Australian Capital Territory Heritage Council
div 3.7 hdg (prev pt 3 div 8 hdg) renum R6 LA
sub 2002 No 30 amdt 3.461
om A2004-57 amdt 1.22

Preliminary
sdiv 3.7.1 hdg (prev pt 3 div 8 sdiv A hdg) renum R6 LA
om 2002 No 30 amdt 3.461

Definitions for div 3.7
s 90 sub 2002 No 30 amdt 3.461
om A2004-57 amdt 1.22

Establishment, functions and powers
sdiv 3.7.2 hdg (prev pt 3 div 8 sdiv B hdg) renum R6 LA
om 2002 No 30 amdt 3.461

Establishment of heritage council
s 91 sub 2002 No 30 amdt 3.461
om A2004-57 amdt 1.22

Constitution
s 92 sub 2002 No 30 amdt 3.461
am A2002-56 amdt 1.32
om A2004-57 amdt 1.22

Functions of heritage council
s 93 am 1995 No 25; 2001 No 44 amdt 1.2394
sub 2002 No 30 amdt 3.461
om A2004-57 amdt 1.22

Ministerial directions
s 94 sub 2002 No 30 amdt 3.461
om A2004-57 amdt 1.22

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Deputies of permanent members

s 95	om 1995 No 25 ins 2002 No 30 amdt 3.461 om A2004-57 amdt 1.22

Appointment of expert members

s 96	sub 2002 No 30 amdt 3.461 om A2004-57 amdt 1.22

Constitution and meetings

sdiv 3.7.3 hdg	(prev pt 3 div 8 sdiv C hdg) renum R6 LA om 2002 No 30 amdt 3.461

Term of appointment of expert members

s 97	am 1996 No 85 sub 2002 No 30 amdt 3.461 om A2004-57 amdt 1.22

Conditions of appointment of expert members generally

s 98	sub 2002 No 30 amdt 3.461 om A2004-57 amdt 1.22

Chairperson, deputy chairperson and secretary

s 99	sub 2002 No 30 amdt 3.461 om A2004-57 amdt 1.22

Leave of absence

s 100	sub 2002 No 30 amdt 3.461 om A2004-57 amdt 1.22

Disclosure of interests

s 101	sub 2002 No 30 amdt 3.461 om A2004-57 amdt 1.22

Ending of appointments

s 102	om 1997 No 41 ins 2002 No 30 amdt 3.461 om A2004-57 amdt 1.22

Calling meetings

s 103	am 1997 No 41 sub 2002 No 30 amdt 3.461 om A2004-57 amdt 1.22

Procedure at meetings

s 104	sub 2002 No 30 amdt 3.461 om A2004-57 amdt 1.22

Delegation to secretary

s 105	sub 2002 No 30 amdt 3.461 om A2004-57 amdt 1.22

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Termination of appointment
s 106 om 2002 No 30 amdt 3.461

Acting members
s 107 om 2002 No 30 amdt 3.461

Convening meetings
s 108 om 2002 No 30 amdt 3.461

Procedure at meetings
s 109 om 2002 No 30 amdt 3.461

Quorum
s 110 om 2002 No 30 amdt 3.461

Preliminary
div 4.1 hdg (prev pt 4 div 1 hdg) renum R6 LA
div 4.1 note ins A2002-56 amdt 1.33

Definitions for pt 4
s 111 am 1996 No 71

Preliminary assessments
div 4.2 hdg (prev pt 4 div 2 hdg) renum R6 LA

Directions
s 113 am 1996 No 85

Submission to Minister
s 116 am 1996 No 85; 2001 No 44 amdt 1.2395, amdt 1.2396

Public inspection
s 117 am 1993 No 77; 1996 No 71
sub 1996 No 85
am 2000 No 37 s 6; 2001 No 44 amdts 1.2397-1.2400; R6 LA (see 2001 No 44 amdt 1.2401); A2002-56 amdt 1.34

Assessments
div 4.3 hdg (prev pt 4 div 3 hdg) renum R6 LA

Form and content
sdiv 4.3.1 hdg (prev pt 4 div 3 sdiv A hdg) renum R6 LA

Direction of assessments
sdiv 4.3.2 hdg (prev pt 4 div 3 sdiv B hdg) renum R6 LA

Decisions to direct assessments
s 121 am 2000 No 37 s 7; ss renum R15 LA

Directions
s 123 am 1996 No 85; 2001 No 44 amdt 1.2402, amdt 1.2403; R6 LA (see 2001 No 44 amdt 1.2404)

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Preparation, evaluation and consideration by Legislative Assembly
sdiv 4.3.3 hdg (prev pt 4 div 3 sdiv C hdg) renum R6 LA

Environmental impact statements—consultation and public inspection
s 125 am 1993 No 77; 1996 No 71; 2000 No 37 s 8; 2001 No 44 amdt .2405, amdt 1.2406; 2001 No 56 amdt 3.433; R6 LA (see 2001 No 44 amdt 1.2407); A2002-56 amdt 1.35

Consultation
s 128 am 2001 No 44 amdts 1.2408-1.2410

Presentation to Legislative Assembly and public inspection
s 132 am 2001 No 44 amdt 1.2411; 2002 No 30 amdt 3.462

Exclusion of material
s 133 am 2002 No 30 amdt 3.463

Exemptions
s 134 am 2001 No 44 amdts 1.2412-1.2414

Inquiries
div 4.4 hdg (prev pt 4 div 4 hdg) renum R6 LA

Establishment of panels and terms of reference
sdiv 4.4.1 hdg (prev pt 4 div 4 sdiv A hdg) renum R6 LA

Remuneration
s 137 om 1997 No 41

Terms of reference
s 138 am 2001 No 44 amdt 1.2415, amdt 1.2416

Notification
s 139 am 2001 No 44 amdt 1.2417, amdt 1.2418

Inquiry reports
sdiv 4.4.2 hdg (prev pt 4 div 4 sdiv B hdg) renum R6 LA

Presentation to Legislative Assembly and public inspection
s 141 am 2001 No 44 amdt 1.2419; 2002 No 30 amdt 3.464

Exclusion of material
s 142 am 2002 No 30 amdt 3.465, amdt 3.466

Procedures and powers
sdiv 4.4.3 hdg (prev pt 4 div 4 sdiv C hdg) renum R6 LA

Definitions for sdiv 4.4.3
s 143 sub 2002 No 30 amdt 3.467
def ***authorised person*** sub 2002 No 30 amdt 3.467
def ***occupier*** ins 2002 No 30 amdt 3.467
def ***place*** sub 2002 No 30 amdt 3.467

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Notice of inquiry hearings
s 144 am 2001 No 44 amdts 1.2420-1.2422

General procedure
s 146 am 2002 No 30 amdt 3.468; A2005-53 amdt 1.88

Special hearings—consultation with interested persons
s 147 am 2002 No 30 amdt 3.508

Assessments for purpose of inquiries
s 148 am 2002 No 30 amdt 3.469

Powers in relation to witnesses etc
s 149 am 1994 No 81
sub A2005-53 amdt 1.89

Victimisation of witnesses
s 150 am 1994 No 81
om A2005-53 amdt 1.90

Powers of search and inspection
s 154 am 1994 No 81

Application of Criminal Code, ch 7
s 155 am 1994 No 81
om A2004-15 amdt 2.105
ins A2005-53 amdt 1.91

Contempt of panel
s 156 am 1994 No 81; 2002 No 30 amdt 3.470
sub A2005-53 amdt 1.91

Protection of panel members and witnesses
s 157 am 2002 No 30 amdt 3.471

Administrative review
pt 4 div 5 hdg om 1996 No 71

Review of decisions
s 158 am 1993 No 77
om 1996 No 71

Preliminary
div 5.1 hdg (prev pt 5 div 1 hdg) renum R6 LA

Definitions for pt 5
s 159 hdg sub 2002 No 30 amdt 3.472
s 159 am 1993 No 90; 1995 No 54; 1996 No 85; 1999 No 79 sch 3; 2001 No 17 amdt 2.9; 2002 No 30 amdt 3.473, amdt 3.477
def ***lease*** sub 2002 No 30 amdt 3.474
def ***market value*** ins 2002 No 30 amdt 3.475
def ***provision*** ins 2002 No 30 amdt 3.475
def ***repealed*** Act om 2002 No 30 amdt 3.476

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Meaning of *concessional lease* for Act
s 159A ins A2005-49 s 4

Application of pt 5
s 160 am A2002-56 amdt 1.36

Leases
div 5.2 hdg (prev pt 5 div 2 hdg) renum R6 LA

Effect qualified
s 160A ins 1999 No 73 s 5

Planning and land authority may grant leases
s 160B ins A2002-56 amdt 1.37

Granting of leases
s 161 am 1993 No 11; 1996 No 85; 2001 No 44 amdts 1.2423-1.2425; R6 LA (see 2001 No 44 amdt 1.2426); A2002-56 amdt 1.38, amdt 1.78

Fees for granting leases
s 162 om 2001 No 44 amdt 1.2427

Leases to community organisations
s 163 am 1993 No 11; 2001 No 44 amdt 1.2428, amdt 1.2429; 2002 No 30 amdt 3.478; A2002-56 amdt 1.39, amdt 1.78; ss renum R15 LA

Special leases
s 164 am 1993 No 11; 2001 No 44 amdt 1.2428, amdt 1.2429; A2002–56 amdt 1.40, amdt 1.78; ss renum R15 LA

Authority to consider proposed leases
s 165 am 1993 No 11; 1996 No 39
om 1996 No 85

Inquiries and assessments in relation to granting of leases
s 166 am A2002-56 amdt 1.41, amdt 1.42

Grants of leases after inquiries or assessments
s 166A ins A2002-56 amdt 1.42

Eligibility for certain classes of leases
s 167 am 1996 No 85; 2001 No 44 amdt 1.2428, amdt 1.2429; A2002–56 amdt 1.78

Authority need not grant lease
s 168 sub A2002-56 amdt 1.43

Payment for leases
s 169 am 2000 No 37 s 9; A2002-56 amdt 1.78

Failure to accept and execute lease
s 170 am 2002 No 30 amdt 3.479; A2002-56 amdt 1.78

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Grant of further residential leases
s 171 am 1996 No 85; 2001 No 44 amdt 1.2429, amdt 1.2430
sub A2002-56 amdt 1.44

Grant of further rural leases
s 171A ins 1996 No 85
am 1999 No 73 s 6; 2001 No 32 s 4, s 5; 2001 No 44 amdt 1.2429, amdt 1.2430; R6 LA (see 2001 No 32 s 6); A2002-56 amdt 1.45, amdt 1.46, amdt 1.78; pars, ss renum R15 LA

Grant of further leases for purposes other than residential or rural
s 172 am 1996 No 85; 2001 No 44 amdt 1.2429; amdt 1.2430
sub A2002–56 amdt 1.47

Grant of further lease—unit titles
s 172A ins 1996 No 85
sub 2001 No 17 amdt 2.10
am A2002-56 amdt 1.48, amdt 1.78; A2005-20 amdt 3.181

Grant of further lease–community title
s 172B ins 2001 No 58 s 102
am A2002–56 amdt 1.49, amdt 1.78

No right to use, flow and control of water
s 172C (prev s 172B) ins 1998 No 63
renum 2001 No 58 s 101

Lessee's rights in relation to improvements
s 173 am 1996 No 85; A2002–56 amdts 1.50-1.54, amdt 1.78, amdt 1.79; ss renum R12 LA (see A2002-56 amdt 1.55)

Deciding value of improvements
s 174 am 1996 No 85; A2002–56 amdt 1.79

Use of land for leased purpose
s 175 am 1996 No 85

Variation of rent
s 176 am A2002-56 amdt 1.79

Review of variations of rent
s 177 am A2002-56 amdt 1.56, amdt 1.79

Refund on lease surrender or termination
s 178 am 2001 No 44 amdt 1.2428, amdt 1.2429; A2002-56 amdt 1.79
sub A2004-64 s 4

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Certificates of compliance

s 179 am 1996 No 85; 2001 No 17 amdt 2.11; 2001 No 44 amdt 1.2431, amdt 1.2432; R6 LA (see 2001 No 44 amdt 1.2433); A2002-56 amdt 1.57, amdt 1.79; A2005-37 amdt 1.1

Transfer of land subject to building and development provision

s 180 am 1996 No 85; 2001 No 44 amdt 1.2434, amdt 1.2435; A2002–56 amdt 1.58, amdt 1.59, amdt 1.79; A2004-2 amdt 1.31; A2004-64 ss 5-7; ss renum R22 LA (see A2004-64 s 8); A2006-22 amdt 1.69

Mortgage of leasehold subject to building and development provision

s 181 am 1996 No 85

Power of lessee to sublet part of building or land in certain cases

s 183 am 1995 No 20

Variation of leases

div 5.3 hdg (prev pt 5 div 3 hdg) renum R6 LA

Effect qualified

s 183A ins 1999 No 73 s 7

Application to surrender and regrant of leases

s 184 am 1996 No 62
sub 1996 No 85

Variation of nominal rent lease—change of use charge

s 184A ins 1996 No 85
am 2001 No 1 s 4; A2002–56 amdt 1.60, amdt 1.79; ss renum R15 LA

New change of use charge formula

s 184B ins 1996 No 85
am 1998 No 65; 1999 No 40 s 4; 2000 No 14 s 4; 2000 No 49 s 4
om 2001 No 1 s 5

Change of use charge for variations of nominal rent leases

s 184C ins 1996 No 85
am 2000 No 49 s 5; 2001 No 1 s 6
sub 2001 No 80 s 3
am A2002–56 amdt 1.79

Variation of rental leases

s 184D ins 1996 No 85
am A2002–56 amdt 1.61, amdt 1.78

Advice of rent payable on variation of lease

s 185 am A2002-56 amdt 1.62, amdt 1.78

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Variation of lease to pay out rent

s 186 am 1996 No 85; 2001 No 44 amdt 1.2436, amdt 1.2437; A2002–56 amdt 1.79; ss renum R15 LA

No variations to extend term

s 186A ins 1996 No 85
am A2002-56 amdt 1.78

Restrictions on rural leases

div 5.4 hdg (prev pt 5 div 3AA hdg) ins 1999 No 73 s 8
renum R6 LA

Definitions for div 5.4

s 186B ins 1999 No 73 s 8
def ***dealing*** ins 1999 No 73 s 8
def ***discharge amount*** ins 1999 No 73 s 8
def ***earlier index number*** ins 1999 No 73 s 8
def ***holding period*** ins 1999 No 73 s 8
def ***index number*** ins 1999 No 73 s 8
def ***later index number*** ins 1999 No 73 s 8
def ***long lease*** ins 1999 No 73 s 8
def ***short lease*** ins 1999 No 73 s 8
def ***special Pialligo lease*** ins 1999 No 73 s 8

Land management agreements

s 186C ins 1999 No 73 s 8
am 2001 No 44 amdt 1.2438, amdt 1.2439; A2002-56 amdt 1.63, amdt 1.64, amdt 1.78; A2004-42 amdt 1.6

Dealings with rural leases

s 186D ins 1999 No 73 s 8
am 2001 No 32 s 7; R6 LA (see 2001 No 32 s 8); A2002-56 amdt 1.65, amdt 1.78; A2003-14 amdt 1.67, amdt 1.68

Discharge amount

s 186E ins 1999 No 73 s 8
am A2003-34 amdt 2.2

Discharge amount—special Pialligo leases

s 186F ins 1999 No 73 s 8
am 2001 No 56 amdt 3.434

Index numbers

s 186G ins 1999 No 73 s 8

No subdivision or consolidation

s 186H ins 1999 No 73 s 8
am A2002-56 amdt 1.78

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Consolidation and subdivision
div 5.5 hdg (prev pt 5 div 3A hdg) ins 1996 No 85
renum R6 LA

Effect qualified
s 187AA ins as s 187A 1999 No 73 s 9
renum 2000 No 80 amdt 3.8

Application—nominal rent leases of territory land
s 187 om 1993 No 75
ins 1996 No 85

Consolidation and subdivision—change of use charge
s 187A ins 1996 No 85
am 2001 No 1 s 7; A2002-56 amdt 1.66, amdt 1.79; ss renum R15 LA

New change of use charge formula
s 187B ins 1996 No 85
am 1998 No 65; 1999 No 40 s 5; 2000 No 14 s 5; 2000 No 49 s 6
om 2001 No 1 s 8

Change of use charge for consolidations and subdivisions
s 187C ins 1996 No 85
am 2000 No 49 s 7; 2001 No 1 s 9
sub 2001 No 80 s 4
am A2002-56 amdt 1.79

Recovery of land
div 5.6 hdg (prev pt 5 div 4 hdg) renum R6 LA

Termination of leases
s 188 am 1996 No 85; A2002-56 amdt 1.67, amdt 1.78, amdt 1.79; ss renum R15 LA

How land may be recovered
s 189 sub A2002-56 amdt 1.68

Evidence of ending of lease
s 190 sub A2002-56 amdt 1.68

Public land
div 5.7 hdg (prev pt 5 div 5 hdg) renum R6 LA

Preliminary
sdiv 5.7.1 hdg (prev pt 5 div 5 sdiv A hdg) renum R6 LA

Definitions for div 5.7
s 191 hdg sub 2002 No 30 amdt 3.480

Public land
sdiv 5.7.2 hdg (prev pt 5 div 5 sdiv B hdg) renum R6 LA

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Recommendations to planning and land authority
s 192 hdg am A2002-56 amdt 1.69
s 192 am 1996 No 85; A2002-56 amdt 1.70

Management of public land
sdiv 5.7.3 hdg (prev pt 5 div 5 sdiv C hdg) renum R6 LA

Reserved areas
s 193 am 1996 No 85; A2004-57 amdt 1.23

Management objectives
s 195 am 2001 No 44 amdt 1.2440; 2002 No 30 amdt 3.481

Plans of management
sdiv 5.7.4 hdg (prev pt 5 div 5 sdiv D hdg) renum R6 LA

Public consultation
s 200 am 2001 No 44 amdt 1.2441, amdt 1.2442

Minister's powers
s 204 am 2001 No 44 amdts 1.2443-1.2446

Referral back to conservator
s 205 am 2001 No 44 amdt 1.2447, amdt 1.2448

Notice of revival of deferred draft plan of management
s 206 sub 2001 No 44 amdt 1.2449

Notification, presentation, disallowance and date of effect
s 207 am 2001 No 44 amdt 1.2450, amdt 1.2451

Leases and licences
sdiv 5.7.5 hdg (prev pt 5 div 5 sdiv E hdg) renum R6 LA

Leases—generally
s 208 am A2002-56 amdt 1.78

Grant of leases
s 209 am 1993 No 11, A2002-56 amdt 1.71

Licences
s 210 am 1992 No 32; 1996 No 71; 2001 No 44 amdts 1.2452-1.2454; A2002-56 amdt 1.78; A2003-34 s 4, s 5

Miner's rights in relation to public land
s 211 am 2002 No 30 amdt 3.482

Administrative review
pt 5 div 6 hdg om 1996 No 71

Notice of decisions
s 212 am 1993 No 77
om 1996 No 71

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Review by appeals board
s 213 sub 1993 No 77
om 1996 No 71

Notice of decisions under s 174, s 177, s 178 or s 184
s 213A ins 1993 No 77
am 1994 No 60
om 1996 No 71

Review by administrative appeals tribunal
s 213B ins 1993 No 77
om 1996 No 71

Lessee may surrender lease or part of lease
s 214 am A2002-56 amdt 1.72, amdt 1.78

Miscellaneous
div 5.8 hdg (prev pt 5 div 7 hdg) renum R6 LA

Reduction of rent and relief from provisions of lease
s 215 sub 2002 No 30 amdt 3.483
am A2002-56 amdt 1.78

Access to leased land from roads and road related areas
s 216 am 1996 No 85
sub 1999 No 79 sch 3
am A2002-56 amdt 1.73, amdt 1.74, amdt 1.78; ss renum R12 LA (see A2002-56 amdt 1.75)

Notification of certain leases
s 216A ins 1993 No 11
am 1996 No 85
sub 2002 No 30 amdt 3.484
am 2002 No 39 amdt 1.4
sub A2002-56 amdt 1.76

Licences in relation to land that is not public land
s 217 am 2001 No 44 amdts 1.2455-1.2457
am A2002-56 amdt 1.78; A2003-34 s 6, s 7

Rights to extract minerals
s 219 am A2002-56 amdt 1.78

False or misleading statements in relation to leases
s 221 am 1994 No 81
sub A2002-56 amdt 1.77
om A2004-15 amdt 2.105

Preliminary
div 6.1 hdg (prev pt 6 div 1 hdg) renum R6 LA

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Definitions for pt 6

s 222 hdg	sub 2002 No 30 amdt 3.485
s 222	am 1996 No 85; 1997 No 116; 2000 No 37 s 10; 2002 No 30 amdt 3.486, amdt 3.491
	def ***approval*** sub A2002-56 amdt 1.80
	def ***building work*** sub 2002 No 30 amdt 3.487; A2004-13 amdt 2.73
	def ***consolidation*** sub 2002 No 30 amdt 3.487
	def ***damage*** ins A2005-51 amdt 1.4
	def ***declared site*** ins A2005-51 amdt 1.4
	def ***development*** am A2003-34 amdt 1.4; pars renum R15 LA; A2004-57 amdt 1.24
	def ***Executive*** ins 2002 No 30 amdt 3.488
	def ***inspector*** ins A2003-34 amdt 2.3
	def ***lease*** sub 2002 No 30 amdt 3.489
	def ***lessee*** sub 2002 No 30 amdt 3.489
	def ***order*** sub A2003-34 amdt 1.5
	def ***original decision*** ins A2002-56 amdt 1.81
	def ***prohibited groundwork*** ins A2005-51 amdt 1.4
	def ***prohibition notice*** ins A2003-34 amdt 1.6
	def ***protected tree*** ins A2005-51 amdt 1.4
	def ***protection zone*** ins A2005-51 amdt 1.4
	def ***registered tree*** ins A2005-51 amdt 1.4
	def ***regulated tree*** ins A2005-51 amdt 1.4
	def ***relevant authority*** sub A2002-56 amdt 1.82
	def ***subdivision*** sub 2002 No 30 amdt 3.489
	def ***tree management plan*** ins A2005-51 amdt 1.4
	def ***variation*** ins 2002 No 30 amdt 3.490

Meaning of *variation* for pt 6

s 223	om 1996 No 85
	ins 2002 No 30 amdt 3.492

Approvals

div 6.2 hdg	(prev pt 6 div 2 hdg) renum R6 LA

Preliminary

pt 6 div 2 sdiv A hdg	om 1996 No 85

Interpretation

s 224	om 1996 No 85

General

sdiv 6.2.1 hdg	(prev pt 6 div 2 sdiv B hdg) renum R6 LA

Offence—development

s 225	am 1996 No 85

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Application to undertake development

s 226 am 1996 No 85; 1999 No 73 s 10; 2001 No 44 amdts 1.2458-1.2460; 2001 No 73 s 4, s 5; 2001 No 80 ss 5-7; R6 LA (see 2001 No 44 amdt 1.2461 and 2001 No 73 s 6); A2002-56 amdts 1.83-1.85, amdt 1.133, amdt. 1.134

Register of applications, approvals, orders and lease and development conditions

s 227 hdg sub 2000 No 37 s 11

s 227 am 2000 No 37 s 11; 2001 No 44 amdt 1.2462, amdt 1.2463; R6 LA (see 2001 No 44 amdt 1.2464); A2002-56 amdt 1.86, amdt 1.87, amdt 1.134; A2004-57 amdt 1.25; pars renum R23 LA (see A2004-57 amdt 1.26); A2005-51 amdt 1.5; pars renum R30 LA (see A2005-51 amdt 1.6)

Restrictions on inspection of applications

s 228 am 1996 No 85; A2002-56 amdt 1.88, amdt 1.134

Notice of application

s 229 am 1993 No 90; 1995 No 54; 1996 No 71; 1996 No 85; 1997 No 93; 2000 No 37 s 12; 2001 No 20 s 54; 2002 No 30 amdt 3.508; A2002-56 amdt 1.89, amdt 1.134; A2003-30 amdt 1.3; ss renum R15 LA; A2004-57 amdt 1.27; A2005-51 amdt 1.7

Direction that applications to be submitted to Minister

s 229A hdg sub 2001 No 44 amdt 1.2465

s 229A ins 1996 No 85
am 1999 No 87 s 3; 2001 No 44 amdts 1.2466-1.2472; R6 LA (see 2001 No 44 amdt 1.2473); 2002 No 30 amdt 3.493, amdt 3.494
sub A2002-56 amdt 1.90
am A2004-57 amdt 1.28, amdt 1.29; ss renum R23 LA (see A2004-57 amdt 1.30); A2005-51 amdt 1.8, amdt 1.9; ss renum R30 LA (see A2005-51 amdt 1.10)

Minister may decide some applications

s 229B ins A2002-56 amdt 1.90
am A2004-27 s 16; A2004-57 amdt 1.31; A2005-51 amdt 1.11; pars renum R30 LA (see A2005-51 amdt 1.12)

Approvals

s 230 am 1993 No 77; 1996 No 71
sub 1996 No 85
am 2000 No 37 s 13

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Matters to be considered by relevant authority

s 231 am 1996 No 85; 2002 No 30 amdt 3.495; A2002-56 amdt 1.91, amdt 1.134, amdt 1.135; A2004-27 s 17
sub A2004-57 amdt 1.32
am A2005-51 amdt 1.13, amdt 1.14; ss renum R30 LA (see A2005-51 amdt 1.15)

Duty of applicants

s 232 am 2001 No 44 amdt 1.2474, amdt 1.2475; 2002 No 30 amdt 3.508; A2002-56 amdt 1.92-1.94, amdt 1.134; ss renum R12 La (see A2002-56 amdt 1.95)

More information

s 233 am 1996 No 85; A2002-56 amdt 1.135

Effect of failure to give further information

s 234 am 1996 No 85; A2002-56 amdt 1.135

Duties of concurring authorities

s 235 am 1996 No 39
om 1996 No 85

Objections

sdiv 6.2.2 hdg (prev pt 6 div 2 sdiv C hdg) renum R6 LA

Objections—general

s 237 am 1996 No 85; 1997 No 116; 2000 No 37 s 14; A2002-56 amdt 1.96, amdt 1.134; ss renum R12 LA (see A2002-56 amdt 1.97)

Inspection of objections

s 238 am 1993 No 77; 1996 No 71; A2002-56 amdt 1.134

Identity of objectors

s 239 am A2002-56 amdt 1.98, amdt 1.134

Circumstances in which Executive approves applications, other than lease variations, subdivisions, consolidations

s 240 om 1996 No 85

Circumstances in which Executive approves applications for lease variations, subdivisions, consolidations

s 241 om 1996 No 85

Approvals

sdiv 6.2.3 hdg (prev pt 6 div 2 sdiv D hdg) renum R6 LA

Approvals—notices to applicants and registrar-general

s 242 am 1992 No 32; 1993 No 64
sub 1996 No 85; A2002-56 amdt 1.99

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Notification of approval or refusal of application
s 243 am 1993 No 77; 1996 Nos 71 and 85; 2000 No 37 s 15; A2002-56 amdt 1.100, amdt 1.101, amdt 1.135; ss renum R12 LA (see A2002-56 amdt 1.102)

Notification if more than 1 objector
s 244 am 1996 No 85; A2002-56 amdt 1.103, amdt 1.134

Notice of decision to heritage council
s 244A ins A2004-57 amdt 1.33

Notice of decision to conservator
s 244B ins A2005-51 amdt 1.16

Conditional approvals
s 245 am 1996 No 85; 2001 No 80 s 8, s 9; A2002-56 amdt 1.104-1.106, amdt 1.134; pars renum R15 LA; A2004-57 amdt 1.34

Reconsideration of applications for approval
sdiv 6.2.4 hdg ins A2002-56 amdt 1.107

Definitions for sdiv 6.2.4
s 245A ins A2002-56 amdt 1.107
def ***new application*** ins A2002-56 amdt 1.107
def ***original application*** ins A2002-56 amdt 1.107
def ***original decision*** ins A2002-56 amdt 1.107

Applications for reconsideration
s 246 om 1996 No 85
ins A2002-56 amdt 1.107
am A2003-30 amdt 1.4

Reconsideration of decisions
s 246A ins A2002-56 amdt 1.107

No action by planning and land authority within time
s 246B ins A2002-56 amdt 1.107

Notice of decision on reconsideration
s 246C ins A2002-56 amdt 1.107

Approvals—miscellaneous
sdiv 6.2.5 hdg ins A2002-56 amdt 1.107

Minor amendments
s 247 am 1996 No 85; 2002 No 30 amdt 3.508; 2002 No 37 ss 4-6; ss (4), (5) om R10 LA; pars renum R10 LA; A2002-56 amdt 1.108, amdt 1.135

Corrections
s 248 am 1996 No 85; A2002-56 amdt 1.109

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When approvals take effect

s 249	sub 1993 No 77 am 1996 No 71; 1996 No 85; 2002 No 30 amdt 3.496 sub A2002-56 amdt 1.110 am A2005-62 amdt 1.4

Execution of approvals for variations of leases

s 250	sub 1996 No 85 am A2002-56 amdt 1.133

End of approvals

s 251	am 1996 No 85; A2002-56 amdt 1.111

Extension of time

s 252	am 1996 No 85; A2002-56 amdt 1.134

Revocation of approval

s 253	am A2002-56 amdt 1.112; A2004-57 amdt 1.35

Powers of Supreme Court

sdiv 6.2.6 hdg	ins A2003-34 amdt 1.7

Injunctions to require compliance with approvals

s 253A	ins A2003-34 amdt 1.7

Orders

div 6.3 hdg	(prev pt 6 div 3 hdg) renum R6 LA sub A2003-34 s 8

Making of orders

sdiv 6.3.1 hdg	ins A2003-34 s 8

Applications to planning and land authority for orders

s 254	om 1996 No 85 ins 1997 No 7 am 2001 No 44 amdt 1.2476-1.2478; A2002-56 amdt 1.113 sub A2003-34 s 8 am A2004-57 amdt 1.36; pars renum R23 LA (see A2004-57 amdt 1.37); A2005-21 amdt 1.1; pars renum R27 LA (see A2005-21 amdt 1.2); A2005-51 amdt 1.17

Decision on application to planning and land authority for order

s 254A	ins A2003-34 s 8 am A2005-21 amdt 1.3

Proposed orders on planning and land authority's own initiative

s 255	sub A2003-34 s 8 am A2004-57 amdt 1.38; pars renum R23 LA (see A2004-57 amdt 1.39) ; A2005-21 amdt 1.4; pars renum R27 LA (see A2005-21 amdt 1.5); A2005-51 amdt 1.18

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Decision on proposed order on planning and land authority's own initiative
s 256 am 1993 No 77; 1996 No 71; 1996 No 83; 1996 No 85; 1997 No 7; 1999 No 73 s 11; 1999 No 79 sch 3; 2001 No 44 amdt 1.2479; 2002 No 30 amdt 3.508; A2002-56 amdts 1.114-1.117, amdt 1.134
sub A2003-34 s 8

Effect of certain orders
s 256A ins 1997 No 7
om A2003-34 s 8

Content of orders
s 257 am 1993 Nos 64 and 77; 1996 No 71; 2002 No 30 amdt 3.508; A2002-56 amdt 1.118, amdt 1.119, amdt 1.134
sub A2003-34 s 8
am A2005-51 amdt 1.19

Notice of making orders
s 257A ins A2003-34 s 8
am A2005-21 amdt 1.6; pars renum R27 LA (see A2005-21 amdt 1.7); A2005-51 amdt 1.20

Who is bound by an order?
s 257B ins A2003-34 s 8

Contravening orders
s 258 am 1993 No 77; 1996 No 71; A2002-56 amdt 1.120
sub A2003-34 s 8

Ending of orders
s 258A ins A2003-34 s 8

Notice ending orders
s 258B ins A2003-34 s 8

Effect of orders about pest animals or plants
s 258C ins A2003-34 s 8
om A2005-21 amdt 1.8

Rectification work
sdiv 6.3.2 hdg ins A2003-34 s 8

Definitions for sdiv 6.3.2
s 259 am 1993 No 77; 1996 No 71; A2002-56 amdt 1.121, amdt 1.134
sub A2003-34 s 8

Direction to carry out rectification work
s 259A ins A2003-34 s 8

Contravening direction to carry out rectification work
s 259B ins A2003-34 s 8

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Authorisation to carry out rectification work
s 259C ins A2003-34 s 8

Obstructing etc authorised people
s 259D ins A2003-34 s 8

Liability for cost of rectification work
s 259E ins A2003-34 s 8

Determination of criteria for deferral of rectification work cost
s 259F ins A2003-34 s 8

Application for deferral of rectification work cost
s 259G ins A2003-34 s 8

Deferral of rectification work cost
s 259H ins A2003-34 s 8

Security for deferred rectification work cost
s 259I ins A2003-34 s 8

Payment of deferred rectification work cost
s 259J ins A2003-34 s 8

Prohibition notices and injunctions
sdiv 6.3.3 hdg ins A2003-34 s 8

Prohibition notices—making
s 260 am 1993 Nos 64 and 77; 1996 No 71; A2002-56 amdt 1.122
sub A2003-34 s 8

Contravening prohibition notices
s 260A ins A2003-34 s 8

Prohibition notices—ending
s 260B ins A2003-34 s 8

Injunctions to restrain contravention of orders or prohibition notices
s 260C ins A2003-34 s 8

Other matters
sdiv 6.3.4 hdg ins A2003-34 s 8
om A2005-21 amdt 1.9

Declaration of pest animal or pest plant
s 261 sub A2003-34 s 8
om A2005-21 amdt 1.9

Inspection and seizure powers
div 6.4 hdg (prev pt 6 div 4 hdg) renum R6 LA
sub A2003-34 amdt 2.4

Preliminary
sdiv 6.4.1 hdg (prev pt 6 div 4 sdiv A hdg) renum R6 LA

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Definitions for div 6.4

s 262	sub 2002 No 30 amdt 3.497 def ***connected*** ins 2002 No 30 amdt 3.497 def ***occupier*** ins 2002 No 30 amdt 3.497 def ***offence*** ins 2002 No 30 amdt 3.497

Appointment of inspectors

s 263	am A2002-56 amdt 1.134 sub A2003-34 amdt 2.5

Identity cards

s 264	am A2002-56 amdt 1.134 sub A2003-34 amdt 1.8 am A2005-20 amdt 3.182; ss renum R24 LA (see A2005-20 amdt 3.183)

Power not to be exercised before identity card shown

s 265	am 1994 No 81; A2002-56 amdt 1.134 sub A2003-34 amdt 1.8

Inspection

sdiv 6.4.2 hdg	(prev pt 6 div 4 sdiv B hdg) renum R6 LA

Display of identity cards

s 268	om A2003-34 amdt 1.9

Powers of inspection

s 269	am 1994 No 81

Work carried out at direction of inspector

s 270	om A2003-34 amdt 1.9

Disposal of seized things

s 272	am A2002-56 amdt 1.123, amdt 1.134 sub A2006-23 amdt 1.210

Obstruction of inspectors

s 274	am 1994 No 81 om A2004-15 amdt 2.105

Commissioner for land and planning

div 6.5 hdg	(prev pt 6 div 4A hdg) ins 1996 No 85 renum R6 LA om A2002-56 amdt 1.124

Commissioner for land and planning

s 274A	ins 1996 No 85 am 2002 No 11 amdt 2.66 sub 2002 No 30 amdt 3.498 om A2002-56 amdt 1.124

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Term of office

s 274B	ins 1996 No 85 sub 2002 No 30 amdt 3.498 om A2002-56 amdt 1.124

Leave of absence

s 274C	ins 1996 No 85 sub 2002 No 30 amdt 3.498 om A2002-56 amdt 1.124

Leave of absence

s 274D	ins 1996 No 85 om 2002 No 30 amdt 3.498

Acting appointments

s 274E	ins 1996 No 85 om 2002 No 30 amdt 3.498

Resignation

s 274F	ins 1996 No 85 om 2002 No 30 amdt 3.498

Suspension and removal of commissioner

s 274G	ins 1996 No 85 am 2002 No 30 amdts 3.499-3.501 om A2002-56 amdt 1.124

Retirement

s 274H	ins 1996 No 85 om A2002-56 amdt 1.124

Delegation

s 274I	ins 1996 No 85 sub 2002 No 30 amdt 3.502 om A2002-56 amdt 1.124

Protection from suit

s 274J	ins 1996 No 85 am 2002 No 30 amdt 3.503 om A2002-56 amdt 1.124

Miscellaneous

div 6.6 hdg	(prev pt 6 div 5 hdg) renum R6 LA

Review of decisions

sdiv 6.6.1 hdg	(prev pt 6 div 5 sdiv A hdg) renum R6 LA

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AAT review—general

s 275	am 1993 No 77 sub 1996 No 71 am 1996 No 85 sub A2002-56 amdt 1.125 am A2004-57 amdt 1.40; ss renum R23 LA (see A2004-57 amdt 1.41)

Approvals subject to entity's satisfaction

s 275A	ins A2002-56 amdt 1.125

Review of decisions—objectors and third parties to approvals

s 276 hdg	sub A2003-34 amdt 2.6
s 276	am 1993 No 77; 1996 No 71; 1996 No 85; 1997 No 116; 2000 No 15 s 4; 2000 No 37 s 16; A2002-56 amdt 1.126; ss renum R12 LA (see A2002-56 amdt 1.127)

Review of decisions—orders and prohibition notices

s 277	am 1993 No 77 sub 1996 No 7; A2003-34 amdt 1.10

Notification of objectors

s 278	am 1993 No 77; 1996 No 71; 1996 No 85; 2002 No 30 amdt 3.508; A2002-56 amdt 1.128, amdt 1.129; ss renum R12 LA (see A2002-56 amdt 1.130)

Application for review by objectors—notification to applicants

s 279 hdg	sub A2003-34 amdt 2.7
s 279	am 1993 No 77; 1996 No 71; 1996 No 85

Challenge to validity of certain decisions

s 279A	ins 1999 No 87 s 4 am A2002-56 amdt 1.131

Applicants and objectors may be made parties to proceedings

s 280	sub 1993 No 77 om 1996 No 71

Failure to comply with certain notification requirements

s 281	om 1996 No 71

General

sdiv 6.6.2 hdg	(prev pt 6 div 5 sdiv B hdg) renum R6 LA

Regulations

s 282	am 1992 No 32; 1996 No 85; 2000 No 37 s 17; 2001 No 44 amdts 1.2480-1.2482; A2002-56 amdt 1.132; pars renum R15 LA

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Administrative appeals

pt 7 hdg	(prev pt 6A hdg) ins 1993 No 77 sub 1996 No 71 renum R6 LA

Preliminary

pt 6A div 1 hdg	ins 1993 No 77 om 1996 No 71

AAT review of decisions

s 282A	ins 1993 No 77 sub 1996 No 71 am 1996 No 85; 1999 No 73 s 12; 2000 No 15 s 5; 2001 No 56 amdt 3.435 sub A2002-56 amdt 1.136 am A2004-42 amdt 1.7; A2004-57 amdt 1.42

Establishment of land planning and appeals board

pt 6A div 2 hdg	ins 1993 No 77 om 1996 No 71

Establishment of board

s 282B	ins 1993 No 77 om 1996 No 71

Appointment of members

s 282C	ins 1993 No 77 om 1996 No 71

Remuneration and allowances

s 282D	ins 1993 No 77 om 1996 No 71

Acting appointments

s 282E	ins 1993 No 77 om 1996 No 71

Deputy chairperson to act for chairperson

s 282F	ins 1993 No 77 om 1996 No 71

Delegation

s 282G	ins 1993 No 77 om 1996 No 71

Leave of absence

s 282H	ins 1993 No 77 om 1996 No 71

Other terms and conditions

s 282I	ins 1993 No 77 om 1996 No 71

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Resignation
s 282J ins 1993 No 77
om 1996 No 71

Removal from office
s 282K ins 1993 No 77
om 1996 No 71

Organisation of appeals board
pt 6A div 3 hdg ins 1993 No 77
om 1996 No 71

Disclosure of interests
s 282L ins 1993 No 77
om 1996 No 71

Arrangement of business
s 282M ins 1993 No 77
om 1996 No 71

Constitution of appeals board
s 282N ins 1993 No 77
om 1996 No 71

Member presiding
s 282P ins 1993 No 77
om 1996 No 71

Member of appeals board ceasing to be available
s 282Q ins 1993 No 77
om 1996 No 71

Places of sitting
s 282R ins 1993 No 77
om 1996 No 71

Review by the appeals board of decisions
pt 6A div 4 hdg ins 1993 No 77
om 1996 No 71

Reviewable decisions
s 282S ins 1993 No 77
om 1996 No 71

Persons who may apply to appeals board
s 282T ins 1993 No 77
om 1996 No 71

Manner of applying for review
s 282U ins 1993 No 77
om 1996 No 71

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Parties to proceedings before appeals board
s 282V ins 1993 No 77
om 1996 No 71

Representation before appeals board
s 282W ins 1993 No 77
om 1996 No 71

Procedure of appeals board
s 282X ins 1993 No 77
om 1996 No 71

Conferences
s 282Y ins 1993 No 77
om 1996 No 71

Hearings to be in public
s 282Z ins 1993 No 77
om 1996 No 71

Lodging of material documents with appeals board
s 282ZA ins 1993 No 77
om 1996 No 71

Power of appeals board to obtain additional statements
s 282ZB ins 1993 No 77
om 1996 No 71

Opportunity to make submissions
s 282ZC ins 1993 No 77
om 1996 No 71

Powers of appeals board
s 282ZD ins 1993 No 77
om 1996 No 71

Operation and implementation of a decision that is subject to review
s 282ZE ins 1993 No 77
om 1996 No 71

Power of appeals board to dismiss application or strike out party
s 282ZF ins 1993 No 77
om 1996 No 71

Review by appeals board
s 282ZG ins 1993 No 77
om 1996 No 71

Return of documents etc at completion of proceeding
s 282ZH ins 1993 No 77
om 1996 No 71

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Appeals to Supreme Court from decisions of the appeals board

s 282ZI	ins 1993 No 77 om 1996 No 71

Operation and implementation of a decision that is subject to appeal

s 282ZJ	ins 1993 No 77 om 1996 No 71

Reference of questions of law to Supreme Court

s 282ZK	ins 1993 No 77 om 1996 No 71

Sending of documents to, and disclosure of documents by, the Supreme Court

s 282ZL	ins 1993 No 77 om 1996 No 71

Miscellaneous

pt 6A div 5 hdg	ins 1993 No 77 om 1996 No 71

Protection of members, representatives and witnesses

s 282ZM	ins 1993 No 77 om 1996 No 71

Failure of witness to attend

s 282ZN	ins 1993 No 77 om 1996 No 71

Refusal to answer questions

s 282ZP	ins 1993 No 77 om 1996 No 71

False or misleading evidence

s 282ZQ	ins 1993 No 77 om 1996 No 71

Contempt of appeals board

s 282ZR	ins 1993 No 77 om 1996 No 71

Registry

s 282ZS	ins 1993 No 77 om 1996 No 71

Registrar

s 282ZT	ins 1993 No 77 om 1996 No 71

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Giving of notices

s 282ZU	ins 1993 No 77 am 1994 No 38 om 1996 No 71

Lodging of documents

s 282ZV	ins 1993 No 77 om 1996 No 71

Miscellaneous

pt 8 hdg	(prev pt 7 hdg) renum R6 LA

Delegation by Executive

s 283	am 1996 No 39; 2002 No 30 amdt 3.504; A2002-56 amdt 1.137; A2003-30 amdt 1.5, amdt 1.6 sub A2005-20 amdt 3.184 (2)-(4) exp 2 June 2006 (s 283 (4))

Power of administrative appeals tribunal and Supreme Court

s 284	sub 1993 No 77; 1996 No 71

Corporations–penalites

s 285	am 1994 No 26 om R5 LRA

Acts and omissions of representatives

s 286	sub A2004-15 amdt 1.31

Determination of fees

s 287	sub 2001 No 44 amdt 1.2483

Approved forms

s 287A	ins 2001 No 44 amdt 1.2483 am 2002 No 30 amdt 3.505 sub A2002-56 amdt 1.138

Regulation-making power

s 288	am 1994 No 81 sub 2001 No 44 amdt 1.2483

Transitional

pt 9 hdg	(prev pt 8 hdg) ins 2000 No 80 amdt 3.9 renum R6 LA

Status of leases and licences

s 289	ins 2000 No 80 amdt 3.9 am 2002 No 30 amdt 3.506

Continued application of certain repealed Acts and provisions

s 290	ins 2000 No 80 amdt 3.9

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Conversion of Commonwealth leases

s 291	ins 2001 No 56 amdt 3.436 am A2003-34 s 9 (4), (5) exp 1 December 2003 (s 291 (5))

Consent under City Area Leases Ordinance 1936, s 28

s 292	ins A2002-56 amdt 1.139 exp 1 July 2004 (s 292 (3))

Proceedings and evidence

s 293	ins A2003-30 amdt 1.7 exp 1 July 2004 (s 293 (9))

Territory plan variation—omission of heritage places register

s 294	ins A2004-57 amdt 1.43

Management objectives for public land

sch 1	am A2003-11 amdt 1.1

Criteria for assessment of heritage significance of places

sch 2	ss renum R23 LA om A2004-57 amdt 1.44

Decisions reviewable by AAT

sch 4	am 1993 No 75; 1996 No 39 om 1996 No 85 ins A2002-56 amdt 1.140 am A2004-57 amdt 1.45; items renum R23 LA (see A2004-57 amdt 1.46)

Activities subject to orders

sch 5 hdg	am A2003-34 amdt 1.11
sch 5	am 1993 No 75; 1995 No 21; 1996 No 85; 1997 No 7; 1998 No 54; 1999 No 73 s 13; 1999 No 79 sch 3; 2000 No 37 s 18; R6 LA; A2003-34 amdt 2.8; A2004-57 amdt 1.47; A2005-21 amdt 1.10; items renum R27 LA (see A2005-21 amdt 1.11)

Dictionary

dict	ins 2002 No 30 amdt 3.507 am A2002-56 amdt 1.141; A2003-14 amdt 1.69 def ***Aboriginal object*** om A2004-56 amdt 1.48 def ***Aboriginal project*** ins 2002 No 30 amdt 3.507 def ***Aboriginal place*** ins 2002 No 30 amdt 3.507 om A2004-56 amdt 1.48 def ***Aboriginal tradition*** ins 2002 No 30 amdt 3.507 om A2004-56 amdt 1.48 def ***application*** ins 2002 No 30 amdt 3.507 def ***approval*** ins 2002 No 30 amdt 3.507 def ***assessment*** ins 2002 No 30 amdt 3.507 def ***authorised person*** ins 2002 No 30 amdt 3.507 sub A2003-34 amdt 1.12

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def ***authority*** ins 2002 No 30 amdt 3.507
om A2002-56 amdt 1.142
def ***background papers*** ins 2002 No 30 amdt 3.507
def ***building*** ins 2002 No 30 amdt 3.507
def ***building and development provision*** ins 2002 No 30 amdt 3.507
def ***building work*** ins 2002 No 30 amdt 3.507
def ***cemetery*** ins A2003-11 amdt 1.2
def ***chairperson*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.48
def ***commissioner*** ins 2002 No 30 amdt 3.507
om A2002-56 amdt 1.143
def ***compensation*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.48
def ***concessional lease*** ins A2005-49 s 5
def ***connected*** ins 2002 No 30 amdt 3.507
def ***conservation*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.48
def ***conservator*** ins 2002 No 30 amdt 3.507
def ***consolidation*** ins 2002 No 30 amdt 3.507
def ***consultation notice*** ins 2002 No 30 amdt 3.507
def ***controlled activity*** ins 2002 No 30 amdt 3.507
def ***damage*** ins A2005-51 amdt 1.21
def ***dealing*** ins 2002 No 30 amdt 3.507
def ***declared site*** ins A2005-51 amdt 1.21
def ***defined decision*** ins 2002 No 30 amdt 3.507
def ***deputy chairperson*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.48
def ***development*** ins 2002 No 30 amdt 3.507
def ***discharge amount*** ins 2002 No 30 amdt 3.507
def ***draft plan variation*** ins 2002 No 30 amdt 3.507
def ***earlier index number*** ins 2002 No 30 amdt 3.507
def ***environmental impact*** ins 2002 No 30 amdt 3.507
def ***environmental impact statement*** ins 2002 No 30 amdt 3.507
def ***environmental report*** ins 2002 No 30 amdt 3.507
def ***Environment Minister*** ins 2002 No 30 amdt 3.507
def ***Executive*** ins 2002 No 30 amdt 3.507
def ***expert member*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.48
def ***formal error*** ins 2002 No 30 amdt 3.507
def ***Gungahlin central area*** ins 2002 No 30 amdt 3.507
om A2003-30 amdt 1.8
def ***heritage direction*** ins A2004-57 amdt 1.49
def ***heritage council*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.49

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def ***heritage object*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.49
def ***heritage objects register*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.49
def ***heritage place*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.49
def ***heritage places register*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.49
def ***heritage significance*** ins 2002 No 30 amdt 3.507
sub A2004-56 amdt 1.49
def ***holding period*** ins 2002 No 30 amdt 3.507
def ***index number*** ins 2002 No 30 amdt 3.507
def ***inquiry*** ins 2002 No 30 amdt 3.507
def ***inspector*** ins A2003-34 amdt 2.9
def ***interim heritage places register*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.50
def ***interim variation*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.50
def ***land*** ins 2002 No 30 amdt 3.507
def ***land management agreement*** ins 2002 No 30 amdt 3.507
def ***later index number*** ins 2002 No 30 amdt 3.507
def ***lease*** ins 2002 No 30 amdt 3.507
def ***lessee*** ins 2002 No 30 amdt 3.507
def ***long lease*** ins 2002 No 30 amdt 3.507
def ***market value*** ins 2002 No 30 amdt 3.507
def ***member*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.50
def ***national capital plan*** ins 2002 No 30 amdt 3.507
def ***natural environment*** ins 2002 No 30 amdt 3.507
def ***new application*** ins A2002-56 amdt 1.144
def ***newspaper*** ins 2002 No 30 amdt 3.507
def ***nominal rent lease*** ins 2002 No 30 amdt 3.507
def ***objection*** ins 2002 No 30 amdt 3.507
def ***occupier*** ins 2002 No 30 amdt 3.507
def ***offence*** ins 2002 No 30 amdt 3.507
def ***order*** ins 2002 No 30 amdt 3.507
def ***original application*** ins A2002-56 amdt 1.144
def ***original decision*** ins A2002-56 amdt 1.144
def ***panel*** ins 2002 No 30 amdt 3.507
def ***permanent member*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.50
def ***pest animal*** ins 2002 No 30 amdt 3.507
sub A2003-34 amdt 1.13
om A2005-21 amdt 1.12

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def ***pest plant*** ins 2002 No 30 amdt 3.507
sub A2003-34 amdt 1.14
om A2005-21 amdt 1.12
def ***place*** ins 2002 No 30 amdt 3.507
def ***plan*** ins 2002 No 30 amdt 3.507
def ***plan of management*** ins 2002 No 30 amdt 3.507
def ***preliminary assessment*** ins 2002 No 30 amdt 3.507
def ***prescribed period*** ins 2002 No 30 amdt 3.507
def ***prohibited groundwork*** ins A2005-51 amdt 1.21
def ***prohibition notice*** ins A2003-34 amdt 1.15
def ***proponent*** ins 2002 No 30 amdt 3.507
def ***protected tree*** ins A2005-51 amdt 1.21
def ***protection zone*** ins A2005-51 amdt 1.21
def ***provision*** ins 2002 No 30 amdt 3.507
def ***public car park*** ins 2002 No 30 amdt 3.507
def ***public environment report*** ins 2002 No 30 amdt 3.507
def ***public land*** ins 2002 No 30 amdt 3.507
def ***rectification work*** ins A2003-34 amdt 1.15
def ***registered*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.50
def ***registered lease*** ins 2002 No 30 amdt 3.507
def ***registered proprietor*** ins 2002 No 30 amdt 3.507
def ***registered tree*** ins A2005-51 amdt 1.21
def ***registration*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.50
def ***regulated tree*** ins A2005-51 amdt 1.21
def ***relevant Aboriginal organisation*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.50
def ***relevant authority*** ins 2002 No 30 amdt 3.507
def ***relevant Minister*** ins 2002 No 30 amdt 3.507
def ***rental lease*** ins 2002 No 30 amdt 3.507
def ***residential lease*** ins 2002 No 30 amdt 3.507
def ***restricted information*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.50
def ***rural lease*** ins 2002 No 30 amdt 3.507
def ***secretary*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.50
def ***short lease*** ins 2002 No 30 amdt 3.507
def ***special Pialligo lease*** ins 2002 No 30 amdt 3.507
def ***structure*** ins 2002 No 30 amdt 3.507
def ***subdivision*** ins 2002 No 30 amdt 3.507
def ***sublease*** ins 2002 No 30 amdt 3.507
def ***sublessee*** ins 2002 No 30 amdt 3.507
def ***territory authority*** ins 2002 No 30 amdt 3.507
def ***damage*** ins A2005-51 amdt 1.4

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def ***unregistered*** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.50
def ***variation*, for part 3 (Heritage)** ins 2002 No 30 amdt 3.507
om A2004-56 amdt 1.50
def ***variation*, of a lease** ins 2002 No 30 amdt 3.507
def ***variation*, of a plan** ins 2002 No 30 amdt 3.507
def ***variation*, of a plan of management** ins 2002 No 30 amdt 3.507

5 Earlier republications

Some earlier republications 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 republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1993 No 90	31 January 1994
2	Act 1994 No 97	28 February 1995
3	Act 1997 No 7	24 June 1997
4	Act 1998 No 65	28 February 1999
5	Act 2000 No 15	30 May 2000
6*	Act 2001 No 80	5 October 2001
7	Act 2001 No 80	11 March 2002
8	Act 2002 No 11	28 May 2002
9	Act 2002 No 30	17 September 2002
10	Act 2002 No 39	11 October 2002
10 (RI)	Act 2002 No 39 †	11 October 2002
11	A2003-14	28 March 2003
12	A2003-30	1 July 2003
13	A2003-34	1 September 2003
14*	A2003-34	27 September 2003

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Republication No	Amendments to	Republication date
15	A2003-34	2 December 2003
16	A2004-2	22 March 2004
17	A2004-15	9 April 2004
18	A2004-27	27 May 2004
19	A2004-27	2 July 2004
20	A2004-42	25 August 2004
21	A2004-42	1 September 2004
22 (RI)	A2004-64	18 January 2005
23 (RI)	A2004-64	1 April 2005
24*	A2005-21	2 June 2005
25	A2005-49	7 September 2005
26	A2005-49	14 September 2005
27 (RI)	A2005-53	25 January 2006
28 (RI)	A2005-53	25 January 2006
29 (RI)	A2005-62	25 January 2006
30	A2005-62	29 March 2006

† includes retrospective amendments by Act 2002 No 49

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6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

Civil Unions Act 2006 A2006-22 sch 1 pt 1.18

Part 1.18 Land (Planning and Environment) Act 1991

[1.69] Section 180 (1) (b) (iii)

substitute

(iii) an order under the *Relationships Act 1994,* part 3.2 adjusting the property interests of the parties in a personal relationship; or

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