

1998
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Tucker)

**Land (Planning and Environment)
(Amendment) Bill (No. 2) 1998**

A BILL

FOR

An Act to amend the *Land (Planning and Environment) Act 1991*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1. Short title

5 This Act may be cited as the *Land (Planning and Environment) (Amendment) Act (No. 2) 1998*.

2. Commencement

This Act commences on the day on which it is notified in the *Gazette*.

3. Principal Act

10 In this Act, "Principal Act" means the *Land (Planning and Environment) Act 1991*.¹

Job No. 1998/133

4. Minor amendments

Section 247 of the Principal Act is amended—

- (a) by inserting after subsection (1) the following subsections.

5 “(1A) On receiving an application under subsection (1), the relevant authority shall give notice in writing of the application to each person who objected to the approval under subsection 237 (1).

“(1B) A notice under subsection (1A) shall—

- 10 (a) contain a brief description of the proposed amendment;
(b) state that copies of the application are available for inspection at a specified place during a specified period of not less than 14 days commencing on the date of the notice; and
15 (c) contain a statement to the effect that the person to whom the notice is given may, within 14 days after it is given, make submissions to the relevant authority in relation to the proposed amendment.

20 “(1C) The relevant authority shall make copies of an application available for inspection during office hours at the place and during the period specified in the notice under subsection (1B)

“(1D) Before deciding whether to amend an approval, the relevant authority shall consider any submissions made in accordance with a notice under subsection (1B) relating to the proposed amendment.”;

- 25 (b) by omitting paragraph (2) (c) and substituting the following paragraph

“(c) will not cause an increase in detriment to any person or to the environment.”;

- (c) by omitting from paragraph (3) (b) “and”; and

- 30 (d) by inserting after paragraph (3) (b) the following paragraph

“(ba) to each person who objected to the approval under subsection 237 (1); and”.

5. Review—objectors, third parties

Section 276 of the Principal Act is amended—

- 35 (a) by adding at the end of paragraph (1) (a) “and”;
(b) by omitting paragraph (1) (b);
(c) by omitting from subsection (4) “(other than in respect of a matter to which subsection (5) of this section applies)” and “substantially and adversely”;

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- (d) by omitting subsections (5) and (7); and
- (e) by omitting from subsection (9) “substantially and adversely”.

6. Review of decisions

5 Section 282A of the Principal Act is amended by omitting from subsections (1), (2) and (3) “substantially and adversely”.

NOTE

Principal Act

1. Reprinted as at 24 June 1997 See also Acts Nos 41, 93 and 116, 1997, No #, 1998

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