

**2000**

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**LAND (PLANNING AND ENVIRONMENT) ACT 1991  
LAND (PLANNING AND ENVIRONMENT) REGULATIONS AMENDMENT 2000**

**Subordinate Law No. 1 of 2001**

**EXPLANATORY STATEMENT**

**Circulated by authority of  
Brendan Smyth MLA  
Minister for Urban Services**

## Land (Planning and Environment) Regulations Amendment 2000

### OUTLINE

This is an Amendment to the *Land (Planning and Environment) Regulations* (the Principal Regulations).

The Amendment expands the exemption from development approval currently contained in Item 3 of Schedule 1 to the Principal Regulations. Item 3 sets out the conditions under which certain construction or earthworks may be exempt from requiring development approval on rural land. The Amendment expands Item 3 by providing an exemption for landscaping work on rural land, subject to conditions being met.

The conditions include that the development is reasonably connected to the rural purposes and that the development is a minor development. Minor development is defined in the interpretation section of the Principal Regulations to mean a development in relation to land that a reasonable person would consider being of a minor nature. The consideration may be guided by having regard to, amongst other things, “the nature, scale and any possible environmental effects of the development, including potential pollution of any sort”.

In addition, the development must not result in the substantial clearing of 0.5 hectares or more of native vegetation (in new item 3 (e)). This is the current requirement in the Territory Plan in relation to vegetation clearing. Clearing greater than 0.5 hectares will continue to require development approval which triggers an automatic preliminary assessment of the environmental impact of the work. It is considered highly unlikely that many developments which result in the substantial clearing of land will be within the definition of minor development.

To be exempt from requiring development approval, all of the requirements of this Item must be met.

### Financial Implications

There are no financial implications.

## CLAUSE NOTES

### Formal clauses

**Clauses 1, 2** are formal clauses that deal with the commencement of the Amendment and identify the Principal Regulations.

### Substitution

Clause 3 amends Schedule 1 by omitting item 3 and substituting a new item 3. **New Item 3** adds the word 'landscaping' to the definition of types of work which might be exempted from development approval in relation to rural land. This expands the scope of the work to include tree planting and tree removal.

**New Item 3 (a), 3(b) and 3(c)** relate to the requirement for the exemption to be minor, for rural purposes, and on rural land. No change has been made from the pre-existing legislation.

**New Item 3 (d)** reiterates that obligations in relation to land exist under alternate environmental legislation and that any potential development must comply with the requirements in this legislation. If the development does not comply with the requirements of this legislation, a development approval will be required.

**New Item 3 (e)** reiterates the requirement to have a development approval if the development will result in the substantial clearing of 0.5 hectares of more of native vegetation. The requirement to have a development approval is a crucial factor which automatically results in an automatic preliminary assessment being conducted over the development.

**New Item 3(f)** reiterates that any development is also subject to the provisions of a land management agreement. Any exemption from development approval otherwise given cannot release the lessee from the requirements of this agreement.