

1994

**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY**

**LAND (PLANNING AND ENVIRONMENT) REGULATIONS (AMENDMENT)**

**EXPLANATORY MEMORANDUM**

**Circulated by the authority of Bill Wood MLA  
Minister for the Environment, Land and Planning**

## General Outline

These regulations amend the *Land (Planning and Environment) Regulations* (the Regulations).

The *Land (Planning and Environment) Act 1991* (the Land Act) provides, amongst other things, that where an application to conduct a controlled activity is made, the application is subject to public notification. However, regulations can be made to prescribe that some of the public notification requirements for controlled activities need not be complied with. Where an application is not subject to public notification it is also not subject to third party appeal.

The Regulations will provide that, subject to certain conditions, where an application is received to renew an approval to conduct a home business, it will not be subject to public notification or third party appeal. The initial approval, which was subject to public notification, would have been given under the *City Area Leases Act 1936*. If the business is still operating in accordance with that approval and has not been subject to complaint, the applicant will not be required to repeat the process.

The Land Act also provides that where an application for a controlled activity is received it has to be processed within a prescribed period. It is possible, in certain circumstances, to extend that prescribed period, for example, where the applicant is requested to provide further information.

The Regulations will also provide that the period concurring authorities have to consider an application will be extended by the time the applicant takes to provide the information requested by the Minister. When the application is referred to a concurring authority they must also process the application within a prescribed time. However, the time they have is not extended when, for instance, further information is required.

## Financial Implications

The amendments involve no additional administrative costs. Costs borne by applicants should be reduced.

## CLAUSE NOTES

### Clauses 1 & 2

Clause 1 and 2 are machinery provisions that specify the Principal Regulations and provide for the commencement of the Regulations.

### Clause 3

Clause 3 amends Regulation 21 of the Principal Regulations. Regulation 21 provides for the exemption of controlled activities from the requirements of Part VI of the Land Act. Part VI specifies the procedures for processing an application to conduct a controlled activity.

Regulation 21 is amended by adding a new subregulation. Subregulation 21(9) specifies that paragraphs 229(1)(a) and (b) and section 276 of the Land Act do not apply to an application for renewal of an approval to conduct a home business where:

approval was granted under the *City Area Leases Act 1936*;

the business has been carried on in accordance with the approval;

the approval is not inconsistent with the Territory Plan; and

no complaints have been received by the Minister in respect of the business.

### Clause 4

Clause 4 amends Regulation 22 of the Principal Regulations. Regulation 22 provides for extensions of time for the purposes of Part VI. Applications must be processed by concurring authorities within prescribed times.

Regulation 22 is amended by adding a new subregulation. Subregulation 22(8) provides that where a copy of an application has been referred to a concurring authority, and the Minister then requires the applicant to provide further information, the prescribed period of the concurring authority is extended. The period by which the prescribed period is extended is equal to the time the applicant takes to provide the information or the day on which the applicant is required to supply the information.