



Australian Capital Territory

Land (Planning and Environment) Regulations 1992 No 5

made under the

Land (Planning and Environment) Act 1991

Republication No 6

Republication date: 13 September 2001

Last amendment made by SL 2001 No 35

Amendments incorporated to 13 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Land (Planning and Environment) Regulations 1992*, made under the *Land (Planning and Environment) Act 1991* as in force on 13 September 2001. It includes any amendment, repeal or expiry affecting the republished law to 13 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

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 includes 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—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
13 September 2001



Australian Capital Territory

Land (Planning and Environment) Regulations 1992

made under the

Land (Planning and Environment) Act 1991

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Australian Capital Territory

Land (Planning and Environment) Regulations 1992

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Land (Planning and Environment) Act 1991

Part 1 Preliminary

1 Name of regulations

These regulations are the *Land (Planning and Environment) Regulations 1992*.

2 Dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary at the end of these regulations defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined in other legislation.

For example, the signpost definition '*building code*—see the *Building Act 1972*, section 24.' means that the expression 'building code' is defined in section 24 of that Act and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and 156 (1)).

3 Meaning of words and expressions used in plan etc

- (1) Words and expressions used in the plan have the same respective meanings in these regulations.
- (2) A reference in these regulations to an area by a land use description (for example, 'residential area' or 'group centre area') is a reference to the area subject, under the plan, to the land use policy having that description.

4 Notes

A note included in these regulations is explanatory and is not part of the regulations.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Environmental assessments

5 Content of public environment reports and environmental impact statements

For the Act, section 120 (a), the following matters are prescribed:

- (a) a statement setting out—
 - (i) the proposal to which the public environment report or environmental impact statement relates; and
 - (ii) the objectives of the proponent in seeking the defined decision to which the proposal relates; and
 - (iii) any means known to the applicant of achieving the objectives specified pursuant to subparagraph (ii) other than means which require the defined decision; and
 - (iv) the method by which it is proposed that effect should be given to the defined decision; and
 - (v) any other methods known to the proponent by which effect could be given to the defined decision; and
 - (vi) in respect of each method of giving effect to the defined decision specified pursuant to subparagraph (iv) or (v)—
 - (A) the parts of the environment that would be affected by giving effect to the defined decision by that method; and
 - (B) any environmental standards that the proponent would adopt in giving effect to the defined decision by that method; and
 - (C) any environmental safeguards that the proponent would adopt in giving effect to the defined decision by that method; and

- (vii) in respect of each means of achieving the objectives of the proponent in seeking the defined decision that are specified pursuant to subparagraph (iii)—
 - (A) the parts of the environment that would be affected in achieving the objectives by those means; and
 - (B) any environmental standards that the proponent would adopt in achieving the objectives by those means; and
 - (C) any environmental safeguards that the proponent would adopt in achieving the objectives by those means;
- (b) a detailed technical assessment in respect of each method of giving effect to the defined decision specified pursuant to paragraph (a) (iv) or (v) of—
 - (i) the environmental impact of giving effect to the defined decision by that method; and
 - (ii) the effectiveness of the adoption of any environmental standards specified in relation to the method pursuant to paragraph (a) (vi) (B); and
 - (iii) the effectiveness of the adoption of any environmental safeguards specified in relation to the method pursuant to paragraph (a) (vi) (C); and
 - (iv) the consequences of not adopting any environmental standards specified in relation to the method pursuant to paragraph (a) (vi) (B) and any environmental safeguards specified in relation to the method pursuant to paragraph (a) (vi) (C);
- (c) a detailed technical assessment in respect of each means of achieving the objectives of the proponent in seeking the defined decision that are specified pursuant to paragraph (a) (iii) of—

- (i) the environmental impact of achieving the objectives by those means; and
 - (ii) the effectiveness of the adoption of any environmental standards specified in relation to those means pursuant to paragraph (a) (vii) (B); and
 - (iii) the effectiveness of the adoption of any environmental safeguards specified in relation to those means pursuant to paragraph (a) (vii) (C); and
 - (iv) the consequences of not adopting the environmental standards specified in relation to the means pursuant to paragraph (a) (vii) (B) and any environmental safeguards specified in relation to the means pursuant to paragraph (a) (vii) (C);
- (d) details of the source of any information relied on, and of any consultation undertaken, in the preparation of the public environment report or environmental impact statement;
- (e) a description of the procedure adopted for the preparation of the public environment report or environmental impact statement;
- (f) a description of any research undertaken for the purpose of preparing the public environment report or environmental impact statement and details of any data obtained from the research in sufficient detail to permit an independent analysis of the data;
- (g) a statement specifying the name and qualifications of each person who participated in the preparation of the substance of the report and the part of the report which each of those persons prepared or assisted in preparing.

6 Prescribed period—Act, s 121 (1)

For the Act, section 121 (1), the prescribed period is 30 business days.

7 Prescribed criteria—Act, s 123 (4)

For the Act, section 123 (4), the following criteria are prescribed in respect of a consultant specified by the Minister:

- (a) the consultant is to hold professional qualifications relevant to the assessment to be made;
- (b) the consultant is to have experience relevant to the assessment to be made;
- (c) the consultant is to have experience in the preparation of environmental assessments.

8 Prescribed period—Act, s 129 (1)

For the Act, section 129 (1), the prescribed period is 42 days.

9 Prescribed period—Act, s 130 (1)

For the Act, section 130 (1), the prescribed period is 42 days.

10 Prescribed periods—Act, s 131 (1) and (2)

For the Act, section 131 (1) and (2), the period of 56 days is prescribed.

Part 3 Land administration

Division 3.1 Leases

11 Prescribed period—Act, s 170 (1)

For the Act, section 170 (1), the prescribed period is 28 days from the day on which the person who is entitled to the grant of the lease is notified by the Executive that the lease is available for execution by him or her.

12 Confidential services and special dwellings—Act, s 175 (3) (a)

For the Act, section 175 (3) (a), developments of the following type are prescribed developments:

- (a) the use of premises for the provision of confidential services (such as a domestic crisis service), if the Minister has, by instrument, determined that it is in the public interest for the development to be so prescribed;
- (b) the use of residential premises as a special dwelling within the meaning of the plan.

13 Farm tourism and other rural business (lease purpose)—Act, s 175 (3) (a)

- (1) For the Act, section 175 (3) (a), the use of land in a rural lease for farm tourism, or another rural business, is a prescribed development if the use—
 - (a) is secondary to the use of the land for the primary purpose authorised by the lease; and
 - (b) has no adverse effect on the environment in the area covered by, or adjacent to, the lease.

- (2) In this regulation:

farm tourism means operating a craft workshop, shop, guesthouse, outdoor recreation facility, overnight camping area or other activity for tourists.

14 Heavy vehicle parking (lease purposes)—Act, s 175 (3) (b)

- (1) For the Act, section 175 (3) (b), the parking of a heavy vehicle on residential land in accordance with the parking regulations is a prescribed activity.

- (2) In subregulation (1):

heavy vehicle—see the parking regulations.

parking regulations means the regulations about parking on residential land under the *Road Transport (Safety and Traffic Management) Act 1999*.

Division 3.2 Variation of leases

15 Interpretation for div 3.2

- (1) In this division:

added value, in relation to the variation of a lease, means the amount determined in accordance with the formula—

$$V_1 - V_2$$

where V_1 and V_2 have the same respective meanings in relation to the variation as in the Act, section 184A (2) and (4).

change of use charge, in relation to the variation of a lease, means the change of use charge under the Act, section 184A (1) for that variation.

consolidated lease means a lease granted in the course of a consolidation following the surrender of 2 or more previous leases.

further lease means a lease granted under the Act, section 171, 171A or 172 following the surrender of a previous lease over the same land.

regranted lease means a lease granted following the surrender of a previous lease, as referred to in the Act, section 184.

subdivided lease means a lease granted in the course of a subdivision following the surrender of 1 or more previous leases.

(2) Where—

- (a) a number of leases are surrendered in the course of a subdivision or consolidation; and
- (b) the parcels of land over which such leases were granted are not of equal area; and
- (c) there are 2 or more such parcels of land of equal area that are larger than all the other parcels;

a reference in this division to the lease over the largest such parcel is to be taken to be a reference to any of the leases over the equally large parcels referred to in paragraph (c).

16 Boundary variations remission—Act, s 184C (1)

- (1) For the Act, section 184C (1), the Minister must entirely remit the change of use charge for the variation of a lease where—
 - (a) the only effect of the variation would be to alter a common boundary between 2 or more adjoining leases; and
 - (b) the land comprised in each such adjoining lease is leased for the same purposes; and
 - (c) no such adjoining lease permits the use of the leased land for rural purposes, or for purposes including rural purposes.
- (2) Where subregulation (1) applies in relation to the variation of a lease, this division does not otherwise apply in relation to the variation.

17 Local centre remission—Act, s 184C (1)

- (1) Subject to subregulations (2) and (3), for the Act, section 184C (1), the Minister must remit the whole of the change of use charge for the variation of a lease where—
 - (a) the lease is over land lying wholly within a local centre; and
 - (b) the Minister has made a declaration in relation to that lease under regulation 18.
- (2) If a change of use charge eligible for a remission under subregulation (1) is also subject to an increase under regulation 22 (Concessional lease increase—Act, s 184C (3)), regulation 23 (Recently commenced lease increase—Act, s 184C (3)) or regulation 24 (Enlarged area of land increase—Act, s 184C (3)), the remission is to be offset by that increase.
- (3) This regulation does not apply in relation to a variation to which regulation 25 applies.

18 Local centre declarations—lease variation

- (1) A lessee who is applying for a variation of a lease of Territory land that lies wholly within a local centre may, for the purposes of that application, apply to the Minister in writing for a declaration—
 - (a) that the local centre is no longer viable as such a centre or that it will cease to be so viable within 3 years if the lease is not varied in the manner proposed in the application; and
 - (b) that the local centre is unlikely to be developed if no remissions under the Act, section 184C (1) were allowed in respect of change of use charges for variations of leases of land within the local centre.
- (2) An application under subregulation (1) shall set out the grounds on which the applicant considers that the declaration should be made.

- (3) On receiving an application under subregulation (1) the Minister may, if satisfied that the circumstances specified in subregulation (1) (a) and (b) exist in relation to the variation of the lease, by writing make a declaration to that effect.

19 Commissioner for housing remission—Act, s 184C (1)

- (1) Subject to subregulation (2), for the Act, section 184C (1), the Minister must remit the change of use charge for the variation of a lease by an amount equal to 25% of the added value in relation to the variation where—
- (a) the lease is held by the commissioner for housing; and
 - (b) the lease was granted to the commissioner for a term commencing on or before 16 December 1987.
- (2) If a change of use charge eligible for a remission under subregulation (1) is also subject to an increase under regulation 24 (Enlarged area of land increase—Act, s 184C (3)), the remission is to be offset by that increase.
- (3) This regulation does not apply in relation to the variation of a lease if regulation 17 (Local centre remission—Act, s 184C (1)) applies in relation to the variation.

20 Prescribed circumstances—Act, s184C (1)

For the Act, section 184C (1), prescribed circumstances are that it is necessary or desirable to—

- (a) promote development of an area; or
- (b) change the purposes for which land or buildings, or parts of land or buildings, in an area may be used; or
- (c) promote the construction of housing meeting good design or construction criteria; or
- (d) promote the construction of attached houses, apartments or 2 or more detached houses on a single lot; or

- (e) promote the construction of housing accessible to, or adaptable for, frail or disabled persons; or
- (f) provide land for the exclusive use of community organisations.

21 Remission of change of use charges—Act, s 184C (2)

- (1) The Minister may give written policy directions for determining remissions to be given of change of use charges under the Act, section 184C, for the variation, in circumstances prescribed by regulation 22, of stated leases or for stated types of lease variation.
- (2) A policy direction is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) If a policy direction is in effect, the Minister must—
 - (a) give a remission of a change of use charge for a variation of a lease to which the direction applies; and
 - (b) apply the direction in determining the remission of change of use charge to be given for a variation of a lease to which the direction applies.

22 Concessional lease increase—Act, s 184C (3)

- (1) For the the Act, section 184C (3), the Minister must increase the change of use charge for the variation of a concessional lease by an amount equal to 25% of the added value in relation to the variation.
- (2) This regulation applies in relation to the variation of a concessional lease only if—
 - (a) the lease is to be varied to provide for a use other than a community use; and
 - (b) the lease is not a lease held by the commissioner for housing to which regulation 19 (Commissioner for housing remission—Act, s 184C (1)) applies.

- (3) This regulation does not apply in relation to a variation of a lease where regulation 25 applies in relation to the variation.
- (4) For this regulation, the following leases are *concessional leases*:
- (a) a lease granted for a consideration less than the full market value of the lease, whether any such consideration was paid as a lump sum for the grant or is payable under the lease as rent, and in relation to which neither of the following payments have been made to the Territory:
 - (i) a capital sum or sums in respect of its grant equal to the market value of the lease at the time of the payment, or at the time of the last such payment, as the case may be;
 - (ii) a capital sum or sums to reduce the rent payable under the lease to a nominal rent under the Act, section 186;except a further lease, a consolidated lease, a subdivided lease, a regranted lease, or a lease over land that, immediately prior to the grant of the lease, was owned, controlled or held by the commissioner for housing under the *Housing Assistance Act 1987*;
 - (b) a consolidated or subdivided concessional lease;
 - (c) a further concessional lease;
 - (d) a regranted concessional lease.
- (5) This regulation applies in relation to the variation of a lease consisting (by virtue the Act, section 184) of the grant of a lease following the surrender of a previous lease where the surrendered lease was a concessional lease.
- (6) In this regulation:
- consolidated or subdivided concessional lease* means a lease granted in the course of a consolidation or subdivision involving the surrender of 1 or more previous leases where—
- (a) each surrendered lease was a concessional lease; or

- (b) if more than 1 lease was surrendered, and any (but not all) of the surrendered leases was a concessional lease—
 - (i) the surrendered leases were not over parcels of land of equal area; and
 - (ii) the surrendered lease that was over the largest parcel of land was a concessional lease.

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

regranted concessional lease means a regranted lease where the surrendered lease was a concessional lease.

23 Recently commenced lease increase—Act, s 184C (3)

- (1) For the Act, section 184C (3), the Minister may increase the change of use charge for the variation of a recently commenced lease by an amount equal to 25% of the added value in relation to the variation.
- (2) For this regulation, the following leases are *recently commenced leases*:
 - (a) a lease (other than a further lease, a consolidated lease, a subdivided lease or a regranted lease) the term of which commenced 5 years or less before the date of the application for variation;
 - (b) a consolidated or subdivided recently commenced lease;
 - (c) a further recently commenced lease;
 - (d) a recently regranted lease.
- (3) Subregulation (1) applies in relation to the variation of a lease consisting (by virtue of the Act, section 184) of the grant of a lease following the surrender of a previous lease where the surrendered lease was a recently commenced lease, unless the variation has the effect only of correcting an error in the surrendered lease.

(4) This regulation does not apply to a variation of a lease to which either of the following regulations applies:

- (a) regulation 22 (Concessional lease increase—Act, s 184C (3));
- (b) regulation 25 (Service station lease increase—Act, s 184C (3)).

(5) In this regulation:

consolidated or subdivided recently commenced lease means a lease granted in the course of a consolidation or subdivision involving the surrender of 1 or more previous leases where—

- (a) each surrendered lease was a recently commenced lease;
or
- (b) if more than 1 lease was surrendered, and any (but not all) of the surrendered leases was a recently commenced lease—
 - (i) if the surrendered leases were not over parcels of land of equal area—the surrendered lease that was over the largest parcel of land was a recently commenced lease; or
 - (ii) if all surrendered leases were over parcels of land of equal area—any surrendered lease was a recently commenced lease.

further recently commenced lease means a further lease where the surrendered lease was a recently commenced lease.

recently regranted lease means a regranted lease where the surrendered lease was a recently commenced lease.

24 Enlarged area of land increase—Act, s 184C (3)

(1) This regulation applies in relation to a variation of a lease consisting (by virtue of the Act, section 184) of the grant of a lease following the surrender of a previous lease if the area of land comprised in the new lease is larger than the area of land comprised in the surrendered lease.

- (2) Where this regulation applies, for the Act, section 184C (3) the Minister must increase the change of use charge for the variation by an amount equal to 25% of that portion of the added value of the variation attributable to the additional portion of land comprised in the new lease.
- (3) This regulation does not apply in relation to the variation of a lease where any of the following regulations apply in relation to the variation:
 - (a) regulation 22 (Concessional lease increase—Act, s 184C (3));
 - (b) regulation 23 (Recently commenced lease increase—Act, s 184C (3));
 - (c) regulation 25 (Service station lease increase—Act, s 184C (3)).

25 Service station lease increase—Act, s 184C (3)

- (1) This regulation applies in relation to the variation of a service station lease where, as a result of the variation, the lease ceases to be a service station lease.
- (2) For the Act, section 184C (3), where this regulation applies, the Minister shall increase the change of use charge for the variation by an amount equal to 25% of the added value in relation to the variation.

26 Variation of lease to pay out rent—prescribed leases

For the Act, section 186 (1) (a), each of the following classes of leases is prescribed:

- (a) leases granted for full market value payable as rent;
- (b) leases granted, for rural purposes or for purposes that include rural purposes, for a period of not less than 21 years;
- (c) concessional leases within the meaning of regulation 22.

Division 3.3 Consolidation and subdivision

27 Interpretation for div 3.3

(1) In this division:

added value, in relation to a consolidation or a subdivision, means the amount determined in accordance with the formula—

$$V_1 - V_2$$

where V_1 and V_2 have the same respective meanings in relation to the consolidation or subdivision as in the Act, section 187A (2) and (4).

change of use charge, in relation to a consolidation or subdivision, means the change of use charge under the Act, section 187A (1) for that consolidation or subdivision.

consolidated lease means a lease granted in the course of a consolidation following the surrender of 2 or more previous leases.

further lease means a lease granted under the Act, section 171, 171A or 172 following the surrender of a previous lease over the same land.

regranted lease means a lease granted following the surrender of a previous lease, as referred to in the Act, section 184.

subdivided lease means a lease granted in the course of a subdivision following the surrender of 1 or more previous leases.

(2) Where—

- (a) a number of leases are surrendered in the course of a subdivision or consolidation; and
- (b) the parcels of land over which such leases were granted are not of equal area; and

- (c) there are 2 or more such parcels of land of equal area that are larger than all the other parcels;

a reference in this division to the lease over the largest such parcel is to be taken to be a reference to any of the leases over the equally large parcels referred to in paragraph (c).

28 Local centre remission—Act, s 187C (1)

- (1) Subject to subregulations (2) and (3), for the Act, section 187C (1), the Minister must remit the whole of the change of use charge for a consolidation or subdivision where—
- (a) each lease to be surrendered is over land wholly within a local centre; and
 - (b) the Minister has made a declaration in relation to the consolidation or subdivision under regulation 29.
- (2) If a change of use charge eligible for a remission under subregulation (1) is also subject to an increase under regulation 33 (Concessional lease increase—Act, s 187C (3)) or regulation 34 (Recently commenced lease increase—Act, s 187C (3)), the remission is to be offset by that increase.
- (3) This regulation does not apply in relation to—
- (a) a consolidation in relation to which regulation 35 (Consolidation involving service station lease increase—Act, s 187C (3)) applies; or
 - (b) a subdivision in relation to which regulation 36 (subdivision involving service station lease increase—Act, s 187C (3)) applies.

29 Local centre declarations—consolidation and subdivision

- (1) A lessee who is applying for a consolidation or subdivision of leases over land within a local centre may, for the purposes of that application, apply to the Minister in writing for a declaration—

- (a) that the local centre is no longer viable as such a centre or that it will cease to be so viable within 3 years if the consolidation or subdivision is not effected in the manner proposed in the application; and
 - (b) that the local centre is unlikely to be developed if no remissions under the Act, section 187C (1) are allowed in respect of change of use charges for the consolidation or subdivision of leases over land within the local centre.
- (2) An application under subregulation (1) shall set out the grounds on which the applicant considers that the declaration should be made.
- (3) On receiving an application under subregulation (1) the Minister may, if satisfied that the circumstances specified in subregulation (1) (a) and (b) exist in relation to the consolidation or subdivision, by writing make a declaration to that effect.

30 Commissioner for housing remission—Act, s 187C (1)

- (1) For the Act, section 187C (1), the Minister must remit a change of use charge for a consolidation or subdivision by an amount equal to 25% of the added value in relation to the consolidation or subdivision where—
- (a) each lease to be surrendered is held by the commissioner for housing; and
 - (b) each lease to be surrendered was granted to the commissioner for a term commencing on or before 16 December 1987.
- (2) This regulation does not apply in relation to a consolidation or subdivision if regulation 28 (Local centre remission—Act, s 187C (1)) applies in relation to the consolidation or subdivision.

31 Prescribed circumstances—Act, s 187C (1)

For the Act, section 187C (1), prescribed circumstances are that it is necessary or desirable to—

- (a) promote development in an area; or
- (b) change the purposes for which land may be used.

32 Remission of change of use charges—Act, s 187C (2)

- (1) The Minister may give written policy directions for determining remissions to be given of change of use charges under the Act, section 187C, in circumstances prescribed by regulation 31, for stated consolidations or subdivisions of leases or for stated types of consolidations or subdivisions of leases.

- (2) A policy direction is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) If a policy direction is in effect, the Minister must—
 - (a) give a remission of a change of use charge for a consolidation or subdivision of leases to which the direction applies; and
 - (b) apply the direction in determining the remission of change of use charge to be given for a consolidation or subdivision of leases to which the direction applies.

33 Concessional lease increase—Act, s 187C (3)

- (1) This regulation applies in relation to a consolidation or subdivision where any of the leases to be surrendered in the course of the consolidation or subdivision is a concessional lease.
- (2) For the Act, section 187C (3), the Minister must increase the change of use charge for a consolidation or subdivision to which this regulation applies by an amount equal to 25% of that portion of the added value in relation to the consolidation or subdivision that is attributable to the surrender of the concessional lease or leases in the course of the consolidation or subdivision.
- (3) This regulation applies in relation to a consolidation or subdivision only if a lease is to be granted in the course of the consolidation or subdivision for a use other than a community use.

- (4) For this regulation, subject to subregulation (5), the following leases are *concessional leases*:
- (a) a lease granted for a consideration less than the full market value of the lease, whether any such consideration was paid as a lump sum for the grant or is payable under the lease as rent, and in relation to which neither of the following payments have been made to the Territory:
 - (i) a capital sum or sums in respect of its grant equal to the market value of the lease at the time of the payment, or at the time of the last such payment, as the case may be;
 - (ii) a capital sum or sums to reduce the rent payable under the lease to a nominal rent under the Act, section 186;except a further lease, a consolidated lease, a subdivided lease, a regranted lease, or a lease over land that, immediately prior to the grant of the lease, was owned, controlled or held by the commissioner for housing under the *Housing Assistance Act 1987*;
 - (b) a consolidated or subdivided concessional lease;
 - (c) a further concessional lease;
 - (d) a regranted concessional lease.
- (5) For this regulation, a lease held by the commissioner for housing to which regulation 30 (Commissioner for housing remission—Act, s 187C (1)) applies is not a concessional lease.
- (6) This regulation does not apply in relation to a consolidation or subdivision if—
- (a) regulation 34 (Recently commenced lease increase—Act, s 187C (3)) applies in relation to the consolidation or subdivision; and
 - (b) the amount of the increase in the change of use charge otherwise payable under this regulation is less than the amount of such an increase payable under regulation 34.

- (7) This regulation does not apply—
- (a) in relation to a consolidation—where regulation 35 (Consolidation involving service station lease increase—Act, s 187C (3)) applies; and
 - (b) in relation to a subdivision—where regulation 36 (Subdivision involving service station lease increase—Act, s 187C (3)) applies.

- (8) In this regulation:

consolidated or subdivided concessional lease means a lease granted in the course of a consolidation or subdivision involving the surrender of 1 or more previous leases where—

- (a) each surrendered lease was a concessional lease; or
- (b) if more than 1 lease was surrendered, and any (but not all) of the surrendered leases was a concessional lease—
 - (i) the surrendered leases were not over parcels of land of equal area; and
 - (ii) the surrendered lease that was over the largest parcel of land was a concessional lease.

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

regranted concessional lease means a regranted lease where the surrendered lease was a concessional lease.

34 Recently commenced lease increase—Act, s 187C (3)

- (1) This regulation applies in relation to a consolidation or subdivision where any of the leases to be surrendered is a recently commenced lease.
- (2) For the Act, section 187C (3), the Minister must increase the change of use charge for a consolidation or subdivision to which this regulation applies by an amount equal to 25% of that portion of the

added value in relation to the consolidation or subdivision that is attributable to the surrender of the recently granted lease or leases in the course of the consolidation or subdivision.

- (3) For this regulation, the following leases are *recently commenced leases*:
- (a) a lease (other than a further lease, a consolidated lease, a subdivided lease, or a regranted lease) the term of which commenced 5 years or less before the date of the application for consolidation or subdivision;
 - (b) a further recently commenced lease;
 - (c) a consolidated or subdivided recently commenced lease;
 - (d) a recently regranted lease.
- (4) This regulation does not apply in relation to a consolidation or subdivision if—
- (a) regulation 33 (Concessional lease increase—Act, s 187C (3)) applies in relation to the consolidation or subdivision; and
 - (b) the amount of the increase in the change of use charge otherwise payable under this regulation is less than or equal to the amount of such an increase payable under regulation 33.
- (5) This regulation does not apply—
- (a) in relation to a consolidation—where regulation 35 (Consolidation involving service station lease increase—Act, s 187C (3)) applies; and
 - (b) in relation to a subdivision—where regulation 36 (Subdivision involving service station lease increase—Act, s 187C (3)) applies.
- (6) In this regulation:
- consolidated or subdivided recently commenced lease* means a lease granted in the course of a consolidation or subdivision involving the surrender of 1 or more previous leases where—

- (a) each surrendered lease was a recently commenced lease;
or
- (b) if more than 1 lease was surrendered, and any (but not all) of the surrendered leases was a recently commenced lease—
 - (i) if the surrendered leases were not over parcels of land of equal area—the surrendered lease that was over the largest parcel of land was a recently commenced lease; or
 - (ii) if all surrendered leases were over parcels of land of equal area—any surrendered lease was a recently commenced lease.

further recently commenced lease means a further lease where the surrendered or expired lease was a recently commenced lease.

recently regranted lease means a regranted lease where the surrendered lease was a recently commenced lease.

**35 Consolidation involving service station lease increase—
Act, s 187C (3)**

- (1) This regulation applies in relation to a consolidation where—
 - (a) at least 1 of the leases to be surrendered is a service station lease; and
 - (b) the consolidated lease is not or, where 2 or more consolidated leases are granted, neither or none of the consolidated leases is, a service station lease.
- (2) For the Act, section 187C (3), the Minister shall increase the change of use charge for a consolidation in relation to which this regulation applies by an amount equal to 25% of that portion of the added value in relation to the consolidation that is attributable to the surrendered service station lease or leases.

**36 Subdivision involving service station lease increase—
Act, s 187C (3)**

- (1) This regulation applies in relation to a subdivision where—
 - (a) the lease to be surrendered or, if more than 1 lease is to be surrendered, at least 1 of the leases to be surrendered, is a service station lease; and
 - (b) at least 1 of the subdivided leases is not a service station lease.
- (2) For the Act, section 187C (3), the Minister shall increase the change of use charge for a subdivision to which this regulation applies by—
 - (a) if no subdivided lease is a service station lease—an amount equal to 25% of the added value of the subdivision that is attributable to the surrendered service station lease or leases; or
 - (b) if at least 1 of the subdivided leases is a service station lease—an amount equal to 25% of the added value of the subdivision that is attributable to that portion of the surrendered service station lease or leases that is represented by a subdivided lease that is not a service station lease.

Part 4 **Approvals and orders**

Division 4.1 **Approvals**

37 **Prescribed period—Act, s 230 (2)**

- (1) The prescribed period for the Act, section 230 (2) in relation to an application to undertake a development is—
 - (a) 30 working days after the date of the application; and
 - (b) if an objection is made under the Act, section 237 within 30 working days after the date of the application—45 working days after the date of the application; and
 - (c) if the period referred to in paragraph (a) or (b) is extended pursuant to this regulation—the extended period.
- (2) If the applicant is directed to prepare a preliminary assessment under the Act, section 113 in relation to the application, the initial period is extended by a period of the same length as the period commencing on the day on which the direction is given and ending 42 days after the day on which the applicant submits the preliminary assessment to the Environment Minister.
- (3) If an assessment is directed under the Act, section 121 in relation to the application, the initial period, as extended pursuant to subregulation (2), is further extended by a period of the same length as the period commencing on the day on which the assessment is directed and ending on the day on which the report under the Act, section 131 is completed.
- (4) If a panel is established to conduct an inquiry in relation to the application, the initial period, as extended (if at all) pursuant to subregulation (2) or (3), is extended, or further extended, by a period of the same length as the period commencing on the day on which the panel is established and ending on the day on which the

panel's report is laid before the Legislative Assembly under the Act, section 141 (1).

- (5) The relevant authority may extend, or further extend, the initial period, as extended (if at all) pursuant to subregulation (2), (3) or (4), upon the written application of the applicant before the expiration of that period, or of the latest extended period, as the case may be.

- (6) In this regulation:

initial period, in relation to an application, means the period referred to in subregulation (1) (a) or (b), as the case requires.

38 Prescribed period—Act, s 237 (1)

For the Act, section 237 (1), the prescribed period in relation to an application for development is—

- (a) 15 business days commencing on the date of publication of notice of the application in a daily newspaper under the Act, section 229 (1) (b); or
- (b) if the Act, section 229 (1) (b) and (5) do not apply in relation to the development (by virtue of regulation 41 (2))—10 business days after the latest notice of the application was given under the Act, section 229 (1) (a); or
- (c) if the Act, section 229 (1) (a) and (b) and (5) do not apply in relation to the development (by virtue of regulation 41 (1))—the period commencing on the day the application is made and ending at the expiration of the day before the day the application is approved or refused.

Division 4.2 Orders

39 Prescribed period—Act, s 256 (6)

- (1) For the Act, section 256 (6), the prescribed period is—
- (a) where—

- (i) an application is made under the Act, section 256 (1) for an order in respect of an activity referred to in the Act, schedule 5, item 1, 5 or 6; and
- (ii) application had previously been made under the Act, section 226 for approval to conduct the activity in respect of which the order is sought, being an application which the Minister had not approved or refused to approve before the making of the application under the Act, section 256 (1); and
- (iii) the Minister approves the application under the Act, section 226;

21 days commencing on the day on which the approval of the application under the Act, section 226 takes effect; or

(b) where—

- (i) an application is made under the Act, section 256 (1) for an order in respect of an activity referred to in the Act, schedule 5, item 1, 5 or 6; and
- (ii) application is made under the Act, section 226 for approval to conduct the activity in respect of which the order is sought, being an application made within the period of 21 days commencing on the day on which the Minister receives the application under the Act, section 256 (1); and
- (iii) the Minister approves the application under the Act, section 226;

21 days commencing on the day on which the approval of the application under the Act, section 226 takes effect; or

(c) where—

- (i) an application is made under the Act, section 256 (1) for an order in respect of an activity referred to in the Act, schedule 5, item 1, 5 or 6; and

- (ii) application had previously been made under the Act, section 226 for approval to conduct the activity in respect of which the order is sought, being an application which the Minister had not approved or refused to approve before the making of the application under the Act, section 256 (1); and
- (iii) the Minister refuses to approve the application under the Act, section 226 or is to be taken to have refused the application;

21 days commencing on—

- (iv) the day on which the Minister notifies the applicant for approval under the Act, section 226 of his or her refusal to approve the application; or
- (v) the first day on which the Minister is to be taken to have refused the application;

as the case requires; or

- (d) where—
 - (i) an application is made under the Act, section 256 (1) for an order in respect of an activity referred to in the Act, schedule 5, item 1, 5 or 6; and
 - (ii) application is made under the Act, section 226 for approval to conduct the activity in respect of which the order is sought, being an application made within the period of 21 days commencing on the day on which the Minister receives the application under the Act, section 256 (1); and
 - (iii) the Minister refuses to approve the application under the Act, section 226 or is to be taken to have refused the application;

21 days commencing on—

(iv) the day on which the Minister notifies the applicant for approval under the Act, section 226 of his or her refusal to approve the application; or

(v) the first day on which the Minister is to be taken to have refused the application;

as the case requires; or

(e) in any other case—21 days commencing on the day on which the Minister receives the application under the Act, section 256 (1).

(2) In the application of subregulation (1) to an application under the Act, section 256 (1) for an order in respect of a development referred to in the Act, schedule 5, item 6, a reference to an application for approval to conduct the development in respect of which the order is sought is to be read as a reference to an application for retrospective approval in respect of a development that was undertaken without approval, as referred to in the Act, section 226 (5).

Division 4.3 Exemptions from Act, part 6

40 Absolute exemptions from Act, pt 6

- (1) The Act, part 6 does not apply to a development listed in schedule 1.
- (2) The Act, part 6 does not apply to a development listed in schedule 2 if the development (as proposed) is consistent with a guideline or standard adopted by the authority for the purposes of this subregulation, being a guideline or standard that relates to such a development.
- (3) The Act, part 6 does not apply to a development listed in schedule 3 if the development is consistent with an approved implementation plan under the *Buildings (Design and Siting) Act 1964*.

- (4) Subregulations (1), (2) and (3) do not apply in relation to a development, other than the development listed at schedule 1, item 1, if—
- (a) the development is part of, or is carried out in association with, a development to which the Act, part 6 applies; or
 - (b) the development may be inconsistent with the requirements for the conservation of the heritage significance of a place, being requirements included in the heritage places register or an interim heritage places register; or
 - (c) the development would be inconsistent with a condition of an approval, a provision of a lease or an agreement collateral to the grant of a lease.

41 Notification exemptions—Act, s 229 (1) and (5)

- (1) A development listed in schedule 4 is exempt from the application of the Act, section 229 (1) and (5).
- (2) A development listed in schedule 5 is exempt from the application of the Act, section 229 (1) (b) and 229 (5).
- (3) Subregulations (1) and (2) do not apply in relation to a development if—
 - (a) the development is part of, or is carried out in association with, a development not subject to an exemption—
 - (i) under this regulation; or
 - (ii) under regulation 40; or
 - (b) the development may, in the opinion of the Minister, be inconsistent with the requirements for the conservation of the heritage significance of a place, being requirements included in the heritage places register or an interim heritage places register.

42 Exclusion of appeals by applicants—Act, s 275

- (1) The Act, section 275 does not apply in relation to a decision of the relevant authority about a development listed in schedule 6.
- (2) If a decision of the relevant authority relates to more than 1 development, subregulation (1) excludes from the application of the Act, section 275 only that aspect of the decision that concerns any development listed in schedule 6.

43 Exclusion of appeals by objectors—Act, s 276

- (1) The Act, section 276 does not apply in relation to a decision of the relevant authority about a development listed in schedule 7.
- (2) If a decision of the relevant authority relates to more than 1 development, subregulation (1) excludes from the application of the Act, section 276 only that aspect of the decision that concerns any development listed in schedule 7.
- (3) Subregulation (1) does not apply in relation to a development if the development may be inconsistent with the requirements for the conservation of the heritage significance of a place, being requirements included in the heritage places register or an interim heritage places register.

44 Ministerial exemptions for signs and advertising material

For the Act, section 282 (2), the Minister may exempt from the Act, part 6 or any provision of that part a development that consists of the erection, fixing or displaying of a sign or advertising material on land, otherwise than in accordance with a right to do so expressly given by a current licence granted under the Act or a current lease.

Note An exemption under this regulation is a disallowable instrument (see the *Land (Planning and Environment Act 1991, s 282 (2))*).

Schedule 1 Unconditional exemptions from Act, part 6

(see reg 40 (1))

column 1 item	column 2 exemption
1	A development carried out by or on behalf of the Territory in an emergency to protect the health or safety of the public, or for the protection of public property.
2	Internal alteration of a building, where— <ul style="list-style-type: none">(a) in the case of a residential building—the alteration would not increase the number of dwellings within the building; and(b) in the case of a commercial building—the alteration would not increase the building’s gross floor area; and(c) in any case—the alteration would not result in the building’s being classified differently under the classification scheme set out in the building code.
3	Construction, alteration or demolition of a building or structure, or the carrying out of earthworks, landscaping or other construction work, if— <ul style="list-style-type: none">(a) the development is to be undertaken on Territory land leased for rural purposes, or for purposes including rural purposes; and(b) the development is a minor development; and(c) the development is reasonably connected with those rural purposes; and(d) the development does not require a licence or permit under the <i>Water Resources Act 1998</i>, an authorisation under the <i>Environment Protection Act 1997</i> or an approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwlth); and

column 1 item	column 2 exemption
	<ul style="list-style-type: none"> (e) the development will not result in the substantial clearing of 0.5ha or more of native vegetation; and (f) the development is not contrary to a land management agreement under the Act, section 186C.
4	Variation of a lease pursuant to a provision of the lease to effect the withdrawal by the Executive of part of the land over which the lease was granted.
5	<p>Variation of a lease to effect a subdivision, where—</p> <ul style="list-style-type: none"> (a) each lease to be surrendered was granted for purposes including development and subdivision; and (b) the land over which each lease was granted has been developed in accordance with the lease.
6	A development solely undertaken for the purposes of the maintenance of a building or structure.
7	Carrying out work that would affect the landscape of land leased for residential purposes only.
8	Works relating to footpaths within a road reserve or pathway reserve.
9	Surfacing a road, cycleway or carpark.
10	<p>Works relating to traffic management devices used for pedestrian or vehicle control, including the following devices:</p> <ul style="list-style-type: none"> (a) signs; (b) lines; (c) traffic signals.
11	Minor flood mitigation measures.
12	Playground developments or improvements by or on behalf of the Territory.
13	Erection, alteration or demolition of fences and freestanding walls, being fences and walls that do not exceed 1.8m in height and are located behind the building line.

Schedule 1 Unconditional exemptions from Act, part 6

column 1 item	column 2 exemption
14	Erection or alteration of an exempt building or structure (other than a structure mentioned in item 26) if, on completion of the development— <ul style="list-style-type: none">(a) no part of the building or structure would be between a front boundary and a building line; and(b) the building or structure has no metal roofing or walling that is untreated, pre-coloured or painted white or off-white; and(c) if the building or structure is a class 10 structure under the building code—it is the only such structure on the boundary of the leased land on which it is erected.
15	Demolition of an exempt building or structure.
16	Changing the external material or finish of a building where the change would not significantly affect the appearance of the building.
17	Variation of roof pitch where the variation is not greater than 2°.
18	Installation of a chimney, flue or vent extending not more than 1.5m above the surface of a roof.
19	Resiting a building in relation to which approval has been given under the Act or under the <i>Buildings (Design and Siting) Act 1964</i> by not more than 150mm horizontally, except where the approval requires that the building be built adjacent to a boundary.
20	Installation of an external switchboard.
21	Installation of external security lighting where the installation is a minor development.
22	Installation or removal of electricity, water, gas, communications or similar services, other than reticulated services or trunk supply services.
23	Installation or removal of drainage services other than reticulated services or trunk drainage services.

column 1 item	column 2 exemption
24	Erection or installation of a temporary, portable or demountable building or structure for a specific event or project, where the building or structure is to be removed at the end of a period of 6 months, or such further period as is approved by the Minister in writing.
25	External repainting of a dwelling.
26	A development in relation to an external deck, external stairs, an external landing or a retaining wall, being a deck, stairs, landing or wall not more than 0.4m in height.
27	A development in relation to a letterbox not exceeding, or that is not to exceed, 2m ² in area or 1.8m in height.
28	The planting or harvesting of plantation trees within a plantation area for the purposes of plantation forestry within the meaning of the plan.
29	A development referred to in the Act, section 222 (1), definition of <i>development</i> , paragraph (a), (b), (c) or (g) within a designated area within the meaning of the national capital plan.
30	Variation of a lease solely to permit a development mentioned in another item of this schedule.
31	Placing or displaying a movable sign in a public place.
32	<p data-bbox="472 1270 1283 1375">Installation or alteration of a satellite dish that is for receiving purposes only on a building in a residential area where, as installed or altered—</p> <ul style="list-style-type: none"> <li data-bbox="531 1382 1283 1458">(a) the face of the dish would be capable of being contained within a circle 0.65m in diameter; and <li data-bbox="531 1464 1283 1570">(b) no part of the dish or its supporting structure would project above the roof ridge line of any adjacent area of roof that is a pitched roof; and <li data-bbox="531 1576 1283 1682">(c) the dish and its supporting structure would be colour-matched to its background and have a matt finish; and <li data-bbox="531 1688 1283 1805">(d) the dish and its supporting structure would not be visible from the public street adjacent to the front

Schedule 1 Unconditional exemptions from Act, part 6

column 1 item	column 2 exemption
	boundary of the block of land on which the building is situated; and
	(e) the dish and its supporting structure would—
	(i) not be visible from a block of leased Territory land adjacent to the block on which the building is situated; or
	(ii) be not less than 4m from the boundary of any block of leased Territory land adjacent to the block on which the building is situated.
33	Installation or alteration of a satellite dish that is for receiving purposes only on a building that is not in a residential area where, as installed or altered—
	(a) the face of the dish would be capable of being contained within a circle 1.5m in diameter; and
	(b) the dish and its supporting structure would be colour-matched to its background and have a matt finish; and
	(c) the dish and its supporting structure would not be conspicuous from an adjacent residential area.
34	Installation or alteration of a microwave antenna that is for receiving purposes only on a building where, as installed or altered—
	(a) the face of the dish of the antenna would be capable of being contained within a circle 0.65m in diameter; and
	(b) the antenna and its supporting structure would be—
	(i) not more than 1m high; and
	(ii) colour-matched to its background and have a matt finish.

column 1 item	column 2 exemption
35	Removal of a satellite dish or microwave antenna referred to in items 32, 33 or 34 from a building.

Schedule 2 Exemptions from Act, part 6 subject to authority guideline

(see reg 40 (2))

column 1 item	column 2 exemption
1	Installation or removal of a bus stop (including a marker, pad or seat) within a road corridor.
2	Erection or removal of a bus shelter (other than in the Civic Centre area, a Town Centre area or a Group Centre area).
3	Installation or removal of lighting for parking or in a public area.
4	Tree and shrub planting or removal on unleased Territory land by or on behalf of the Territory.
5	Minor landscape works other than works carried out in the Civic Centre area, a Town Centre area or a Group Centre area.
7	Erection or removal of lighting columns.
8	Installation on or removal from unleased Territory land of street furniture, including the following: <ul style="list-style-type: none">(a) fixed benches;(b) fixed garbage bins;(c) recycling bins;(d) parking meters;(e) streetlights;(f) street signs;(g) guardrails and protective rails;(h) planter boxes.
9	Installation or removal of reticulated services.
10	Installation, alteration or removal of an externally mounted photovoltaic panel.

column 1 item	column 2 exemption
11	Installation, alteration or removal of an externally mounted solar water heater.
12	Installation, alteration or removal of an externally mounted airconditioning unit.

Schedule 3 Exemptions from Act, part 6 subject to implementation plans

(see reg 40 (3))

column 1 item	column 2 exemption
1	Erection or removal of a bus shelter.
2	Construction, modification or removal of a pathway through unleased Territory land.
3	Minor landscape works other than works carried out in the Civic Centre Area, a Town Centre Area or a Group Centre Area.
4	Installation or removal of reticulated services.

Schedule 4 Notification exemptions— Act, section 229 (1) and (5)

(see reg 41 (1))

column 1 item	column 2 exemption
1	Variation of a lease to reduce the rent payable under the lease to a nominal rent.
2	Development related to the proposed use of premises for confidential services (such as a domestic violence crisis service), where the Minister has made a determination in relation to those premises under regulation 12 (a).
3	Development related to the proposed use of residential premises as a special dwelling.
4	Consolidation.
5	Variation of a lease where the whole of the land comprised in the lease is identified in the plan for the purposes of the Act, subdivision 2.3.4.
6	Variation of a lease where the lease, as varied, would permit (or would continue to permit) the use of the land for rural purposes, or for purposes including rural purposes, if— <ol style="list-style-type: none"> (a) the sole effect of the variation would be to omit a provision relating to the withdrawal of land by the Territory; or (b) if the variation is to consist of the surrender of an existing lease and the grant of a new lease, as referred to in the Act, section 222 (3)—the differences between the existing lease and the proposed new lease are limited to any of the following: <ol style="list-style-type: none"> (i) the omission of a provision in the existing lease relating to the withdrawal of land by the Territory;

Schedule 4 Notification exemptions—Act, section 229 (1) and (5)

column 1 item	column 2 exemption
	<ul style="list-style-type: none">(ii) the date of commencement;(iii) the proposed new lease being expressed to terminate on a day before that of the existing lease.
7	Use of land for a home business, where— <ul style="list-style-type: none">(a) the land is leased for residential purposes only; and(b) such use by the applicant is currently approved under the Act, part 6; and(c) no complaints about that use have been received by the Minister within the 12 months prior to the application.
8	A minor development in relation to land within a residential area, if the Minister has reasonable grounds for considering that the enjoyment of any adjoining land would not be detrimentally affected by the development.
9	A minor development in relation to land other than within a residential area.
10	The erection or alteration of 1 or more dwellings, or of buildings or structures associated with 1 or more dwellings, on land within a residential area, where— <ul style="list-style-type: none">(a) if the land has not previously been developed—<ul style="list-style-type: none">(i) the development would consist of the erection of no more than 1 dwelling, and of any associated buildings or structures; or(ii) if a multi-unit development is applied for—at the time of the application, the lease permits a development of the type applied for, or the lease was granted expressly for development and subdivision; and(b) if the land has previously been developed—the development would not result in an increase in the number of dwellings on the land; and

column 1 item	column 2 exemption
	(c) the area of the parcel of land is not more than 450m ² and no setback is required by the Territory plan for the dwelling, building or structure in relation to 1 side boundary only; and
	(d) if the area of the land is more than 450m ² , the setback of the dwelling, building or structure, as proposed to be erected or altered, would be no less than—
	(i) in relation to the front boundary setback—
	(A) 6m from any front boundary; or
	(B) if the land has not previously been developed for urban purposes, and approval for the subdivision of the land had been given after 18 October 1993 (being an approval within the meaning of the plan, appendix 3.1, paragraph D2.1)—4m from any front boundary; and
	(ii) 3m from any rear boundary; and
	(iii) 1.5m from any side boundary, except where the development is a multi-unit development; and
	(iv) if the development is a multi-unit development—3m from any side boundary; and
	(e) if the land has previously been developed—the development would not result in an increase of more than 75m ² in the total of the following:
	(i) the gross floor area of all buildings and structures on the land, except in the case of buildings or structures not enclosed by means of walls and a roof;

Schedule 4 Notification exemptions—Act, section 229 (1) and (5)

column 1 item	column 2 exemption
	<ul style="list-style-type: none">(ii) in the case of buildings and structures not enclosed by means of walls and a roof—the plan area of each such building and structure; and
	(f) the development would not result in— <ul style="list-style-type: none">(i) the erection of any building on the land having more than 1 storey; or(ii) the erection of any building or structure on the land having a height exceeding 6.5m; and
	(g) the development would not result in— <ul style="list-style-type: none">(i) the alteration of any building on the land at the time of the application to add 1 or more storeys; or(ii) the alteration of any building or structure on the land at the time of the application to increase its height, except where the height would be increased to 6.5m or less; or(iii) the alteration of any building on the land at the time of the application by the construction of an extension having more than 1 storey; or(iv) the alteration of any building or structure on the land at the time of the application by the construction of an extension having a height exceeding 6.5m.
11	Demolition of a building or structure in connection with the erection or alteration of a building or structure, where the erection or alteration is listed elsewhere in this schedule.

column 1 item	column 2 exemption
12	Development by or on behalf of the Territory on land identified in the plan for the purposes of the Act, subdivision 2.3.4 consisting of the erection, alteration or demolition of a building or structure, or the carrying out of earthworks or other construction work that would affect the landscape of the land.
13	Development by or on behalf of the Territory consistent with— <ul style="list-style-type: none"> <li data-bbox="531 801 1279 875">(a) an approved implementation plan under the <i>Buildings (Design and Siting) Act 1964</i>; or <li data-bbox="531 898 1279 1037">(b) a draft implementation plan under the <i>Buildings (Design and Siting) Act 1964</i> that, as at the date of commencement of this schedule, had been neither approved nor rejected by the Minister.
14	Development on land in an industrial area consisting of the erection, fixing or display of a sign or advertising material on the land, or on a structure or building on the land.
15	Construction, alteration or demolition of a public road or a car park within a road reserve.
16	Construction, alteration, removal or demolition of a floodway, sewerage or drainage works, a public road, a car park or utilities work on unleased Territory land or on land subject to a lease granted for purposes that include subdivision and development if— <ul style="list-style-type: none"> <li data-bbox="531 1429 1279 1534">(a) no direction that an assessment be made of the relevant proposal has been given under the Act, section 121 (1); or <li data-bbox="531 1556 1279 1697">(b) if an assessment has been submitted to the Environment Minister—any conditions recommended by the Minister under the Act, section 131 (3) (d) have been complied with.

Schedule 4 Notification exemptions—Act, section 229 (1) and (5)

column 1 item	column 2 exemption
17	Construction, alteration or removal of trunk supply services, a building or structure for railway use, or a distribution reservoir, major electrical substation, major pump station, power generation station, treatment plant or water storage dam, if— <ul style="list-style-type: none">(a) no direction that an assessment be made of the relevant proposal has been given under the Act, section 121 (1); or(b) if an assessment has been submitted to the Environment Minister—any conditions recommended by the Minister under the Act, section 131 (3) (d) have been complied with.
18	Installation, alteration or removal of reticulated services on unleased Territory land or land subject to a lease granted for purposes that include subdivision and development.
19	A development that is required by a lease and development condition.
20	Amendment of a schedule of unit entitlement under the <i>Unit Titles Act 2001</i> .
21	Variation of a lease solely to permit a development mentioned in another item of this schedule.

Schedule 5 Notification exemptions— Act, section 229 (1) (b) and (5)

(see reg 41 (2))

column 1 item	column 2 exemption
1	Erection, alteration or demolition of a single dwelling, where the development would not result in more than 1 dwelling being on the land.
2	Demolition of a building or structure in connection with an erection or alteration of a building or structure, being an erection or alteration listed at item 1 of this schedule.
3	Erection, alteration or demolition of a structure that is a class 10 structure within the meaning of the building code.
4	Variation of a lease solely to permit a development mentioned in another item of this schedule.
5	Installation, alteration or removal of an externally mounted photovoltaic panel.
6	Installation, alteration or removal of an externally mounted solar water heater.
7	Installation, alteration or removal of an externally mounted airconditioning unit.

Schedule 6 Exclusion of appeals by applicants—Act, section 275

(see reg 42)

column 1 item	column 2 exclusion
1	A development in relation to an encroachment onto, over or under unleased Territory land.
2	A development the application for which is determined by the Minister under the Act, section 229A (7) (d).
3	Variation of a lease to increase the area of land comprised in the lease.
4	A development on unleased Territory land.

Schedule 7 Exclusion of appeals by objectors—Act, section 276

(see reg 43)

column 1 item	column 2 exclusion
1	A development listed in schedule 4.
2	A development the application for which is determined by the Minister under the Act, section 229A (7) (a).
3	Erection, fixing or display of a sign or advertising material on the land, or on a structure or building on the land.
4	A minor development consisting of the carrying out of earthworks, or other construction work that would affect the landscape of the land.
5	Erection, alteration or demolition of a single dwelling, where the development would not result in more than 1 dwelling being on the land.
6	Erection, alteration or demolition of a structure that is a class 10 structure within the meaning of the building code.
7	Development on land within an industrial area or a municipal services area— <ul style="list-style-type: none"> (a) where, if the development is approved, the land would be no less than 50m away from any residential area at its nearest point; and (b) where the development would not result in any of the following uses of the land being permitted: <ul style="list-style-type: none"> (i) hazardous industry; (ii) hazardous waste industry; (iii) incineration facility; (iv) land fill; (v) liquid fuel depot; (vi) offensive industry;

column 1 item	column 2 exclusion
	<ul style="list-style-type: none">(c) where the development would not increase the gross floor area of any buildings on the land beyond a plot ratio of 1:1, calculated by reference to the area of the land as at the time of the application; and(d) where the development does not consist of—<ul style="list-style-type: none">(i) the erection of a building or structure on the land with a height greater than 10m; or(ii) the alteration of any building or structure on the land at the time of the application so as to increase its height, where that height would exceed 10m after the alteration.
8	<p>Development on land within a commercial area—</p> <ul style="list-style-type: none">(a) where, if the development is approved, the land would be no less than 50m away from any residential area at its nearest point; and(b) if the land has been previously developed—where the development would not increase the total gross floor area of all buildings on the land by more than 50%; and(c) if at the time of the application the lease permits a community use, or a use including a community use—where the development would not have the effect of prohibiting a community use of the land; and(d) where the development would not have the effect of permitting the use of the land for a corrections facility; and(e) if the land is within a commercial ‘E’ (corridors and office sites) area—<ul style="list-style-type: none">(i) if there is no building or structure on the land at the time of the application that has more

column 1 item	column 2 exclusion
	<p>than 4 storeys—where the development would not result in any building or structure on the land having more than 4 storeys; and</p> <p>(ii) if there is a building or structure on the land at the time of the application that has more than 4 storeys—</p> <p>where the development would not result in any increase in the height of such a building or structure, or in any other building or structure on the land having more than 4 storeys; and</p> <p>(iii) if the land is within a corridor precinct specified in part B2E of the plan—where the development would result in the setback of any proposed new building being no less than 10m from the front boundary; and</p> <p>(f) if the land is within a Group Centre area—</p> <p>(i) if there is no building or structure on the land at the time of the application that has more than 2 storeys—where the development would not result in any building or structure on the land having more than 2 storeys; and</p> <p>(ii) if there is a building or structure on the land at the time of the application that has more than 2 storeys—where the development would not result in any increase in the height of such a building or structure, or in any other building or structure on the land having more than 2 storeys; and</p> <p>(g) if the land is within a local centre area, where—</p> <p>(i) there is no building or structure on the land at the time of the application that has more than 2 storeys; and</p>

column 1 item	column 2 exclusion
9	<p>(ii) the development would not result in any building or structure on the land having more than 2 storeys; and</p> <p>(iii) if the lease currently permits the use of the land for a shop, or a use including the use of the land for a shop—the development would not have the effect of prohibiting the use of the land for a shop; and</p> <p>(iv) the development would not have the effect of permitting the erection of any dwelling on the land.</p> <p>Development on land within an entertainment, accommodation and leisure area—</p> <p>(a) where, if the development is approved, the land would be no less than 50m away from any residential area at its nearest point; and</p> <p>(b) if the land has been previously developed—where the development would not increase the total gross floor area of all buildings on the land by more than 50%; and</p> <p>(c) if at the time of the application the lease permits a community use, or a use including a community use—where the development would not have the effect of prohibiting a community use of the land; and</p> <p>(d) if there is no building or structure on the land at the time of the application that has more than 2 storeys—where the development would not result in any building or structure on the land having more than 2 storeys; and</p> <p>(e) if there is a building or structure on the land at the time of the application that has more than 2 storeys—where the development would not result in any increase in the height of such a building or structure,</p>

column 1 item	column 2 exclusion
10	<p data-bbox="592 499 1295 566">or in any other building or structure on the land having more than 2 storeys.</p> <p data-bbox="472 577 1295 645">Development on land within a community facility area or a restricted access recreation area—</p> <ul style="list-style-type: none"> <li data-bbox="533 663 1295 763">(a) where, if the development is approved, the land would be no less than 50m away from any residential area at its nearest point; and <li data-bbox="533 790 1295 891">(b) where the gross floor area of all buildings on the land at the time of the application does not exceed 300m²; and <li data-bbox="533 918 1295 1019">(c) where the development would not result in the total gross floor area of all buildings on the land exceeding 300m²; and <li data-bbox="533 1046 1295 1258">(d) if the land has been previously developed—where the development would not increase the proportion of the total site area on the land covered by buildings, driveways and carparking areas by more than 50%, calculated by reference to the area of the land as at the time of the application; and <li data-bbox="533 1285 1295 1462">(e) if, at the time of the application, the lease permits a community use, or a use including a community use—where the development would not have the effect of prohibiting a community use of the land; and <li data-bbox="533 1489 1295 1590">(f) where the development would not have the effect of permitting the use of the land for a corrections facility; and <li data-bbox="533 1617 1295 1787">(g) if there is no building or structure on the land at the time of the application that has more than 1 storey—where the development would not result in any building or structure on the land having more than 1 storey; and

column 1 item	column 2 exclusion
11	<p>(h) if there is a building or structure on the land at the time of the application that has more than 1 storey—where the development would not result in any increase in the height of such a building or structure, or in any other building or structure on the land having a height exceeding 6m.</p> <p>Development on land within an urban open space area, a hills, ridges and buffer area, a river corridor area, a mountains and bushlands area or a plantation forestry area—</p> <p>(a) where, if the development is approved, the land would be no less than 50m away from any residential area at its nearest point; and</p> <p>(b) where the development would not have the effect of permitting the use of the land for a purpose other than that for which it is leased at the time of the application, or other than that permitted by a licence in relation to the land that is current at the time of the application; and</p> <p>(c) where the development would not increase the area of the leased land by more than 1ha; and</p> <p>(d) if the gross floor area of all buildings on the land at the time of the application does not exceed 300m²—where the development would not result in the total gross floor area of all buildings on the land exceeding 300m²; and</p> <p>(e) if the gross floor area of all buildings on the land at the time of the application exceeds 300m²—where the development would not increase the total gross floor area of all buildings on the land; and</p> <p>(f) if the total site area covered by buildings, driveways and carparking areas at the time of the application is equal to no more than 50% of the area of the land—where the development would not result in such site coverage increasing to more than 50% of the area of</p>

column 1 item	column 2 exclusion
12	<p>the land, calculated by reference to the area of the land as at the time of the application; and</p> <p>(g) if the total site area covered by buildings, driveways and carparking areas at the time of the application is more than 50% of the area of the land—where the development would not increase such site coverage, calculated by reference to the area of the land as at the time of the application; and</p> <p>(h) if there is no building or structure on the land at the time of the application that has more than 1 storey—where the development would not result in any building or structure on the land having more than 1 storey; and</p> <p>(i) if there is a building or structure on the land at the time of the application that has more than 1 storey—where the development would not result in any increase in the height of such a building or structure, or in any other building or structure on the land having a height exceeding 6m.</p> <p>Development on land within a broadacre area or a rural land use area—</p> <p>(a) where, if the development is approved, the land would be no less than 50m away from any residential area at its nearest point; and</p> <p>(b) where the development would not have the effect of permitting the use of the land for a purpose other than that for which it is leased at the time of the application, or other than that permitted by a licence in relation to the land that is current at the time of the application; and</p> <p>(c) where the development would not increase the area of the leased land by more than 1ha; and</p> <p>(d) if the gross floor area of all buildings on the land at</p>

Schedule 7 Exclusion of appeals by objectors—Act, section 276

column 1 item	column 2 exclusion
	<p>the time of the application does not exceed 2 000m²—where the development would not result in the total gross floor area of all buildings on the land exceeding 2 000m²; and</p> <p>(e) if the gross floor area of all buildings on the land at the time of the application exceeds 2 000m²—where the development would not increase the total gross floor area of all buildings on the land; and</p> <p>(f) if the total site area covered by buildings, driveways and carparking areas at the time of the application is equal to no more than 50% of the area of the land—where the development would not result in such site coverage increasing to more than 50% of the area of the land, calculated by reference to the area of the land as at the time of the application; and</p> <p>(g) if the total site area covered by buildings, driveways and carparking areas at the time of the application is more than 50% of the area of the land—where the development would not increase such site coverage, calculated by reference to the area of the land as at the time of the application; and</p> <p>(h) if there is no building or structure on the land at the time of the application that has more than 1 storey—where the development would not result in any building or structure on the land having more than 1 storey; and</p> <p>(i) if there is a building or structure on the land at the time of the application that has more than 1 storey—where the development would not result in any increase in the height of such a building or structure, or in any other building or structure on the land having a height exceeding 6m.</p>

column 1 item	column 2 exclusion
13	<p>Development within a designated area within the meaning of the national capital plan—</p> <ul style="list-style-type: none"> <li data-bbox="531 607 1297 712">(a) where, if the development is approved, the land would be no less than 50m away from any residential area at its nearest point; and <li data-bbox="531 725 1297 943">(b) where the development would not have the effect of permitting the use of the land for a purpose other than that for which it is leased at the time of the application, or other than that permitted by a licence in relation to the land that is current at the time of the application; and <li data-bbox="531 956 1297 1099">(c) if the land has been previously leased—where the development would not increase the total gross floor area of all buildings permitted by the lease at the time of the application by more than 50%.
14	Demolition of a building or structure in connection with a development listed elsewhere in this schedule consisting of the erection or alteration of a building or structure.
15	<p>A development by or on behalf of the Territory that consists of the construction, alteration, demolition or removal of—</p> <ul style="list-style-type: none"> <li data-bbox="531 1312 1270 1344">(a) electricity, water, gas or communication services; or <li data-bbox="531 1368 1185 1400">(b) a floodway or sewerage or drainage works; or <li data-bbox="531 1424 1214 1456">(c) a public road, public path, cycleway or car park.
16	The construction, alteration, demolition or removal of public facilities on unleased Territory land, including barbecues, seating or playground equipment, or related landscaping.
17	Variation of a lease solely to permit a development mentioned in another item of this schedule.
18	Installation, alteration or removal of an externally mounted photovoltaic panel.
19	Installation, alteration or removal of an externally mounted solar water heater.

Schedule 7 Exclusion of appeals by objectors—Act, section 276

column 1 item	column 2 exclusion
20	Installation, alteration or removal of an externally mounted airconditioning unit.

Dictionary

(see reg 2)

adjoining, in relation to a parcel of land which is proposed to be the subject of a development, means abutting the parcel, or separated from it only by a road, reserve, river, watercourse, or any similar division.

building code—see the Building Act 1972, section 24.

community use includes the uses defined as such in the plan, but is not limited to those uses.

consolidation—see the Act, section 159 (1).

development—see the Act, section 222 (1).

exempt building or structure means—

- (a) a retaining wall that does not exceed 1m in height; or
- (b) a carport—
 - (i) the plan area of which does not exceed 25m², and
 - (ii) the height of which does not exceed 3m; or
- (c) a pergola—
 - (i) in the case of a roofed pergola—the plan area of which does not exceed 25m², and that does not project above the line of any adjacent guttering; and
 - (ii) in any case—the height of which does not exceed 3m; or
- (d) a shed, gazebo, greenhouse or similar structure—
 - (i) the plan area of which does not exceed 10m²; and
 - (ii) the height of which does not exceed 3m; or

- (e) an external deck, terrace or landing, or external stairs, the height of which does not exceed 1m; or
- (f) an antenna or aerial (other than a satellite dish, or microwave antenna, that is for receiving purposes only) the height of which does not exceed 5m; or
- (g) a swimming pool the capacity of which does not exceed 10m³ that is designed to be installed above ground level; or
- (h) an outdoor ornamental pond the depth of which does not exceed 300mm; or
- (i) a barbecue or other structure—
 - (i) the plan area of which does not exceed 2m²; and
 - (ii) the height of which does not exceed 1.8m; or
- (j) a water tank—
 - (i) the capacity of which does not exceed 17kL; and
 - (ii) the height of which does not exceed 2.4m.

height, in relation to a building or structure, means the vertical distance from natural ground level to the highest point of the building or structure.

lease and development condition, for a lease, means a condition, other than a condition contained in the lease or an agreement collateral to the lease, that—

- (a) was approved by the Territory when the lease was granted; and
- (b) relates to the development or use of the land that is subject to the lease.

local centre means an area of land designated by the Territory plan as a Local Centre (Commercial 'D').

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.

minor development means a development in relation to land, other than a lease variation, that a reasonable person would consider to be of a minor nature, having regard to the following matters:

- (a) the views to and from the adjoining land;
- (b) the overshadowing of the adjoining land;
- (c) the privacy of the adjoining land;
- (d) the likelihood of the adjoining land being detrimentally affected by noise at the time the development is carried out or at any time in the future;
- (e) the local streetscape;
- (f) any other potential loss of amenity;
- (g) the nature, scale and any possible environmental effects of the development, including potential pollution of any sort;
- (h) any further criteria determined by the Minister by instrument.

minor landscape works means landscaping consisting of a minor development involving tree, shrub or ground cover planting or removal, grassing, paving, earthworks, drainage works, batter treatment, irrigation or erosion control, being a development affecting no area of remnant native grassland greater than 0.5ha.

public street—see the *Road Transport (Safety and Traffic Management) Act 1999*, dictionary, definition of **road**.

rear boundary means a boundary that is not a front boundary and does not meet a front boundary.

relevant authority—see the Act, section 222 (1).

reticulated services means services (being electricity, water, drainage, gas, communications or similar services) the provision of which allows for direct access to and use of such services by the occupiers of individual parcels of land.

service station lease means a lease of land that provides that the land is to be used predominantly for the purpose of a service station, whether it is referred to as a service station, motor service station or in any other way.

side boundary means a boundary which meets a front boundary.

subdivision—see the Act, section 159 (1).

variation, of a lease—see the Act, section 222 (3).

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 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 endnotes.

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.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
	<u>underlining</u> = whole or part not commenced

Endnotes

3 Legislation history

3 Legislation history

The *Land (Planning and Environment) Regulations 1992* were originally the *Land (Planning and Environment) Regulations*. They were renamed by SL 1999 No 31 (see reg 3).

Land (Planning and Environment) Regulations 1992 No 5

notified 8 May 1992
commenced 8 May 1992

as amended by

Land (Planning and Environment) (Amendment) Regulations 1992 No 19

notified 2 October 1992
commenced 2 October 1992

Land (Planning and Environment) (Amendment) Regulations 1993 No 3

notified 22 January 1993
commenced 22 January 1993 (reg 2)

Land (Planning and Environment) (Amendment) Regulations 1993 No 5

notified 22 February 1993
commenced 22 February 1993 (reg 2)

Land (Planning and Environment) (Amendment) Regulations 1993 No 29

notified 28 July 1993
commenced 28 July 1993 (reg 1)

Land (Planning and Environment) (Amendment) Regulations 1993 No 47

notified 1 December 1993
commenced 1 December 1993 (reg 1 and Gaz 1993 No S247)

Land (Planning and Environment) (Amendment) Regulations 1993 No 53 (as am by SL 1995 No 20)

notified 24 December 1993
commenced 24 December 1993 (reg 1)

**Land (Planning and Environment) (Amendment) Regulations 1994
No 5**

notified 10 March 1994
commenced 10 March 1994 (reg 2)

**Land (Planning and Environment) (Amendment) Regulations 1994
No 22**

notified 29 June 1994
commenced 29 June 1994 (reg 2)

**Land (Planning and Environment) (Amendment) Regulations 1994
No 41**

notified 29 November 1994
commenced 29 November 1994 (reg 2)

**Land (Planning and Environment) (Amendment) Regulations 1995
No 7**

notified 25 January 1995
commenced 25 January 1995 (reg 1)

**Land (Planning and Environment) (Amendment) Regulations 1995
No 18**

notified 17 May 1995
commenced 17 May 1995 (reg 1)

**Land (Planning and Environment) (Amendment) Regulations 1995
No 20**

notified 16 June 1995
commenced 16 June 1995 (reg 1)

**Land (Planning and Environment) (Amendment) Regulations 1995
No 36**

notified 26 September 1995
commenced 26 September 1995 (reg 1)

**Land (Planning and Environment) (Amendment) Regulations 1996
No 20**

notified 23 September 1995
commenced 23 September 1995 (reg 1)

**Land (Planning and Environment) (Amendment) Regulations 1996
No 21**

notified 26 September 1996
commenced 26 September 1996 (reg 1)

Endnotes

3 Legislation history

Land (Planning and Environment) (Amendment) Act 1996 No 62, s 5

notified 3 December 1996 (Gaz 1996 No S321)
s 5 commenced 3 December 1996 (s 2)

**Land (Planning and Environment) (Amendment) Act (No 2) 1996
No 71 s 20**

notified 20 December 1996 (Gaz 1996 No S328)
ss 1-3 commenced 20 December 1996 (s 2 (1))
s 20 commenced 1 January 1997 (s 2 (2) and Gaz 1996 No S352)

**Land (Planning and Environment) Regulations (Amendment) 1997
No 7**

notified 8 April 1997
reg 1, reg 2 commenced 8 April 1997 (reg 1 (1))
remainder commenced 27 August 1997 (reg 1 (2)-(4))

**Land (Planning and Environment) Regulations (Amendment) 1997
No 16**

notified 23 June 1997
reg 1, reg 2 commenced 23 June 1997
reg 9 commenced 14 January 1998 (Gaz 1998 No S27)
remainder (regs 3-8, regs 10-16) commenced 24 June 1997 (Gaz 1997
No S179)

**Land (Planning and Environment) Regulations (Amendment) 1997
No 23**

Note These regulations were not tabled and were taken to be repealed
before they commenced.

**Land (Planning and Environment) Regulations (Amendment) 1998
No 21**

notified 17 June 1998
reg 1, reg 2 commenced 17 June 1998 (reg 1 (1))
remainder (reg 3, reg 4) commenced 30 October 1998 (reg 1 (2), (3))

**Land (Planning and Environment) Regulations (Amendment) 1998
No 32**

notified 21 October 1998
regs 1-3 commenced 21 October 1998 (reg 1 (1))
remainder (regs 3-12) commenced 19 February 1999 (reg 1 (2)-(6))

Roads and Public Places (Amendment) Act 1998 No 56 s 14

notified 27 November 1998 (Gaz S207)

ss 1-3 commenced 27 November 1998

s 14 commenced 27 May 1999 (s 2 (3))

Land (Planning and Environment) Regulations (Amendment) 1999 No 31

notified 1 December 1999

commenced 1 December 1999 (reg 1)

Land (Planning and Environment) Regulations (Amendment) 1999 No 34

notified 22 December 1999

commenced 22 December 1999 (reg 1)

Road Transport Legislation Amendment Act 1999 No 79 sch 4

notified 23 December 1999 (Gaz 1999 No S65)

sch 4 commenced 1 March 2000 (see s 2 and Gaz 2000 No S5)

Land (Planning and Environment) Regulations Amendment 2000 No 2

notified 14 February 2000 (Gaz 2000 No S4)

commenced 14 February 2000 (reg 1)

Land (Planning and Environment) Regulations Amendment 2000 No 55

notified 21 December 2000 (Gaz 2000 No 51)

commenced 21 December 2000 (reg 1)

Land (Planning and Environment) Regulations Amendment 2001 No 1

notified 25 January 2001 (Gaz 2001 No 4)

commenced 25 January 2001 (reg 1)

Land (Planning and Environment) (Amendment) Regulations 2001 No 8

notified 22 March 2001 (Gaz 2001 No 12)

reg 1 commenced 22 March 2001 (IA s 10B)

remainder (regs 2-5) commenced 5 April 2001 (Gaz 2001 No 14 p 381)

Unit Titles Consequential Amendments Act 2001 No 17 sch 3

notified 5 April 2001 (Gaz 2001 No 14)

s 1, s 2 commenced 5 April 2001 (IA s 10B)

sch 3 commenced 5 October 2001 (s 2)

Endnotes

4 Amendment history

Legislation (Consequential Amendments) Act 2001 No 44 pt 208

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 208 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

Statute Law Amendment Act 2001(No 2) 2001 No 56 pt 3.30

notified 5 September 2001 (Gaz 2001 No S65)

commenced 5 September 2001 (s 2 (1))

Land (Planning and Environment) Amendment Act 2001 (No 4) 2001 No 80 s 10

notified 10 September 2001 (Gaz 2001 No S66)

s 1, s 2 commenced 10 September 2001 (IA s 10B)

s 10 commenced 12 September 2001 (s 2 (2))

Land (Planning and Environment) Regulations Amendment 2001 No 35

notified LR 13 September 2001

commenced 13 September 2001 (reg 1)

4 Amendment history

Preliminary

pt 1 hdg ins 1997 No 16 reg 3

Name of regulations

reg 1 sub 1999 No 31 reg 3

Dictionary

reg 2 am 1996 No 20 reg 3; 1997 No 16 reg 4; 1998 No 32 reg 3;
1999 No 31 reg 4; Act 1999 No 79 sch 4; 2000 No 2 reg 3;
Act 2001 No 44 amdt 1.2484; 2001 No 35 amdt 1.1-1.3
defs reloc to dict 2001 No 35 amdt 1.4
sub 2001 No 35 amdt 1.5

Meaning of words and expressions used in plan etc

reg 3 orig reg 3 sub 1992 No 19 reg 2
am 1993 No 3 reg 3; 1993 No 29 reg 2
om 1997 No 16 reg 6
(prev reg 2A) ins 2001 No 35 amdt 1.5
renum R6 LA (see 2001 No 35 amdt 1.10)

Notes

reg 4 (prev reg 2B) ins 2001 No 35 amdt 1.5
renum R6 LA (see 2001 No 35 amdt 1.10)

Environment assessments

pt 2 hdg ins 1997 No 16 reg 5

Content of public environment reports and environment impact statements

reg 5 (prev reg 4) renum R6 LA (see 2001 No 35 amdt 1.10)

Prescribed period—Act, s 121 (1)

reg 6 (prev reg 5) sub 2000 No 2 s 4
renum R6 LA (see 2001 No 35 amdt 1.10)

Prescribed criteria—Act, s 123 (4)

reg 7 (prev reg 6) ins 1992 No 5
renum R6 LA (see 2001 No 35 amdt 1.10)

Prescribed period—Act, s 129(1)

reg 8 (prev reg 7) renum R6 LA (see 2001 No 35 amdt 1.10)

Prescribed period—Act, s 130 (1)

reg 9 (prev reg 8) renum R6 LA (see 2001 No 35 amdt 1.10)

Prescribed periods—Act, s 131 (1) and (2)

reg 10 orig reg 10 ins 1992 No 5
om 1997 No 16 reg 6
(prev reg 9) renum R6 LA (see 2001 No 35 amdt 1.10)

Land administration

pt 3 hdg ins 1997 No 16 reg 7

Leases

div 3.1 hdg (prev pt 3 div 1 hdg) ins 1997 No 16 reg 7
renum R6 LA

Confidential services and special dwellings—Act, s 175 (3) (a)

reg 12 orig reg 12 am 1993 No 53 reg 3; 1995 No 20 reg 4
om 1997 No 7 reg 4
(prev reg 11AA) ins 1997 No 16 reg 8
renum R6 LA (see 2001 No 35 amdt 1.10)

Farm tourism and other rural business (lease purpose)—Act, s 175 (3) (a)

reg 13 (prev reg 11AAA) ins 1999 No 34 reg 3
renum R6 LA (see 2001 No 35 amdt 1.10)

Heavy vehicle parking (lease purposes)—Act, s 175 (3) (a)

reg 14 (prev 11AB) ins 1997 No 16 reg 9
sub Act 1999 No 79 sch 4
renum R6 LA (see 2001 No 35 amdt 1.10)

Determination of amount under paragraph 184 (b) of the Act

reg 11A ins 1995 No 20 reg 3
am 1996 No 20 reg 4
om 1997 No 7 reg 4

Endnotes

4 Amendment history

Variation of leases

div 3.2 hdg (prev pt 3 div 2 hdg) ins 1997 No 7 reg 4
renum R6 LA

Interpretation

reg 15 (prev 12A) ins 1997 No 7 reg 4
renum R6 LA (see 2001 No 35 amdt 1.10)

Boundary variations remission—Act, s 184C (1)

reg 16 (prev reg 12B) ins 1997 No 7 reg 4
am Act 2001 No 80 s 10
renum R6 LA (see 2001 No 35 amdt 1.10)

Local centre remission—Act, s 184C (1)

reg 17 hdg (prev reg 13 hdg) sub 2001 No 35 amdt 1.6
reg 17 orig reg 17 om 1997 No 16 reg 10
(prev reg 13) am 1992 No 19 reg 3; 1993 No 53 reg 4; 1996 No
20 reg 5; Act 1996 No 62 s 5
sub 1997 No 7 reg 4
am 1998 No 21 reg 3; 1998 No 32 reg 4; Act 2001 No 80 s 10
renum R6 LA (see 2001 No 35 amdt 1.10)

Local centre declarations—lease variation

reg 18 (prev reg 13A) ins 1996 No 20 reg 6
am 1997 No 7 reg 5
renum R6 LA (see 2001 No 35 amdt 1.10)

Commissioner for housing remission—Act, s 184C (1)

reg 19 orig reg 19 om 1997 No 16 reg 12
(prev reg 14) am 1993 No 5 reg 3; 1993 No 53 reg 5; 1996
No 20 reg 7
sub 1997 No 7 reg 6
am Act 2001 No 80 s 10
renum R6 LA (see 2001 No 35 amdt 1.10)

Prescribed circumstances—Act, s 184C (1)

reg 20 (prev reg 14AA) ins 2001 No 35 reg 3
renum R6 LA (see 2001 No 35 amdt 1.10)

Remission of change of use charges—Act, s 184C (2)

reg 21 (prev reg 14AB) ins 2001 No 35 reg 3
renum R6 LA (see 2001 No 35 amdt 1.10)

Concessional lease increase—Act, s 184C (3)

reg 22 (prev reg 14A) ins 1997 No 7 reg 6
am 1998 No 32 reg 5; Act 2001 No 80 s 10
renum LRA (see 2001 No 35 amdt 1.10)

Recently commenced lease increase—Act, s 184C (3)

reg 23 (prev reg 14B) ins 1997 No 7 reg 6
am 1998 No 32 reg 6; 2001 No 35 amdt 1.7, amdt 1.8
renum R6 LA (see 2001 No 35 amdt 1.10)

Enlarged area of land increase—Act, s 184C (3)

reg 24 (prev reg 14C) ins 1997 No 7 reg 6
am 1998 No 32 reg 7; Act 2001 No 80 s 10
renum R6 LA (see 2001 No 35 amdt 1.10)

Service station lease increase—Act, s 184C (3)

reg 26 (prev reg 14D) ins 1998 No 32 reg 8
renum R6 LA (see 2001 No 35 amdt 1.10)

Variation of lease to pay out rent—prescribed leases

reg 27 (prev reg 15) am 1993 No 47 reg 2; 1997 No 7 reg 7
renum R6 LA (see 2001 No 35 amdt 1.10)

Consolidation and subdivision

div 3.3 hdg (prev pt 3 div 3 hdg) ins 1997 No 7 reg 8
renum R6 LA

Interpretation for div 3.3

reg 28 (prev reg 15A) ins 1997 No 7 reg 8
renum R6 LA (see 2001 No 35 amdt 1.10)

Local centre remission—Act, s 187C (1)

reg 29 (prev reg 15B) ins 1997 No 7 reg 8
am 1998 No 21 reg 4; 1998 No 32 reg 9; Act 2001 No 80 s 10
renum R6 LA (see 2001 No 35 amdt 1.10)

Local centre declarations—consolidation and subdivision

reg 30 (prev reg 15C) ins 1997 No 7 reg 8
renum R6 LA (see 2001 No 35 amdt 1.10)

Commissioner for housing remission—Act, s 187C (1)

reg 31 (prev reg 15D) ins 1997 No 7 reg 8
am Act 2001 No 80 s 10
renum R6 LA (see 2001 No 35 amdt 1.10)

Prescribed circumstances—Act, s 187C (1)

reg 32 (prev reg 15DA) ins 2001 No 35 reg 4
renum R6 LA (see 2001 No 35 amdt 1.10)

Remission of change of use charges—Act, s 187C (2)

reg 33 (prev reg 15DB) ins 2001 No 35 reg 4
renum R6 LA (see 2001 No 35 amdt 1.10)

Concessional lease increase—Act, s 187C (3)

reg 34 (prev reg 15E) ins 1997 No 7 reg 8
am 1998 No 32 reg 10; Act 2001 No 80 s 10
renum R6 LA (see 2001 No 35 amdt 1.10)

Recently commenced lease increase—Act, s 187C (3)

reg 35 (prev reg 15F) ins 1997 No 7 reg 8
am 1998 No 32 reg 11; Act 2001 No 80 s 10
renum R6 LA (see 2001 No 35 amdt 1.10)

Endnotes

4 Amendment history

Consolidation involving service station lease increase—Act, s 187C (3)

reg 35 (prev reg 15G) ins 1998 No 32 reg 12
renum R6 LA (see 2001 No 35 amdt 1.10)

Subdivision involving service station lease increase—Act, s 187C (3)

reg 36 (prev reg 15H) ins 1998 No 32 reg 12
renum R6 LA (see 2001 No 35 amdt 1.10)

Approvals and orders

pt 4 hdg ins 1997 No 16 reg 10

Approvals

div 4.1 hdg (prev pt 4 div 1 hdg) ins 1997 No 16 reg 10
renum R6 LA

Prescribed period—Act, s 230 (2)

reg 37 (prev reg 16) am 1992 No 19 reg 4
sub 1997 No 16 reg 10
am 2000 No 2 reg 5
renum R6 LA (see 2001 No 35 amdt 1.10)

Prescribed period—Act, s 237 (1)

reg 38 (prev reg 18) am 1997 No 16 reg 11; 2000 No 2 reg 6
renum R6 LA (see 2001 No 35 amdt 1.10)

Orders

div 4.2 hdg (prev pt 4 div 2 hdg) ins 1997 No 16 reg 12
renum R6 LA

Prescribed period—Act, s 256 (6)

reg 39 (prev reg 20) am 1997 No 16 reg 13
renum R6 LA (see 2001 No 35 amdt 1.10)

Exemptions from Act, pt 6

div 4.3 hdg (prev pt 4 div 3 hdg) ins 1997 No 16 reg 14
renum R6 LA

Absolute exemptions from Act, pt 6

reg 40 (prev reg 21) am 1992 No 19 reg 5; 1994 No 22 reg 3; 1994 No
41 reg 2; 1995 No 7 reg 3; 1995 No 18 reg 3; 1995 No 36 reg
3
sub 1997 No 16 reg 14
am Act 2001 No 56 amdt 3.437
renum R6 LA (see 2001 No 35 amdt 1.10)

Notification exemptions—Act, s 229 (1) and (5)

reg 41 (prev reg 22) am 1994 No 22 reg 4
sub 1997 No 16 reg 14
am Act 2001 No 56 amdt 3.438
renum R6 LA (see 2001 No 35 amdt 1.10)

Exclusion of appeals by applicants—Act, s 275

reg 42 (prev reg 23) ins 1994 No 5 reg 3
sub 1996 No 21 reg 3
om Act 1996 No 71 s 20
ins 1997 No 16 reg 14
am Act 2001 No 56 amdt 3.439
renum R6 LA (see 2001 No 35 amdt 1.10)

Exclusion of appeals by objectors—Act, s 276

reg 43 (prev reg 24) ins 1997 No 16 reg 14
am Act 2001 No 56 amdt 3.439
renum R6 LA (see 2001 No 35 amdt 1.10)

Ministerial exemptions for signs and advertising material

reg 44 (prev reg 25) ins 2001 No 8 reg 3
renum R6 LA (see 2001 No 35 amdt 1.10)

Unconditional exemptions from Act, part 6

sch 1 sub 1997 No 16 reg 15
am 1998 Act No 56 s 14; 1999 No 31 reg 5; 2000 No 2 reg 7
sch 1; 2001 No 1 reg 3
renum items R6 LA

Exemptions from Act, part 6 subject to authority guideline

sch 2 sub 1997 No 16 reg 15
am 2000 No 55 reg 3; 2001 No 8 reg 4

Exemptions from Act, part 6 subject to implementation plans

sch 3 am 1993 No 53 reg 6
om 1997 No 7 reg 9
(prev sch 3A) ins 1997 No 16 reg 15
renum 1997 No 16 reg 15

Notification exemptions—Act, section 229 (1) and (5)

sch 4 ins 1997 No 16 reg 15
am 2000 No 2 reg 8 sch 2; Act 2001 No 17 amdt 3.4

Notification exemptions Act, section 229 (1) (b) and 229 (5)

sch 5 ins 1997 No 16 reg 15
am 2000 No 2 reg 9 sch 3; 2000 No 55 reg 4

Exclusion of appeals by applicants—Act, section 275

sch 6 ins 1997 No 16 reg 15
am 2000 No 2 reg 10 sch 4; 2001 No 8 reg 5

Exclusion of appeals by objectors—Act, section 276

sch 7 ins 1997 No 16 reg 15
am 2000 No 2 reg 11 sch 5; 2000 No 55 reg 5

Endnotes

4 Amendment history

Dictionary

dict

ins 2001 No 35 amdt 1.9
def **adjoining** ins 1997 No 16 reg 4
reloc from reg 2 2001 No 35 amdt 1.4
def **building code** ins 2000 No 2 reg 3
sub 2001 No 35 amdt 1.1
reloc from reg 2 2001 No 35 amdt 1.4
def **community use** ins 1997 No 16 reg 4
reloc from reg 2 2001 No 35 amdt 1.4
def **consolidation** ins 1997 No 16 reg 4
sub 2001 No 35 amdt 1.1
reloc from reg 2 2001 No 35 amdt 1.4
def **development** ins 1997 No 16 reg 4
sub 2001 No 35 amdt 1.1
reloc from reg 2 2001 No 35 amdt 1.4
def **exempt building or structure** ins 1997 No 16 reg 4
reloc from reg 2 2001 No 35 amdt 1.4
def **height** ins 1997 No 16 reg 4
reloc from reg 2 2001 No 35 amdt 1.4
def **lease and development condition** ins 2000 No 2 reg 3
reloc from reg 2 2001 No 35 amdt 1.4
def **local centre** ins 1996 No 20 reg 3
reloc from reg 2 2001 No 35 amdt 1.4
def **market value** ins 2001 No 35 amdt 1.9
def **minor development** ins 1997 No 16 reg 4
reloc from reg 2 2001 No 35 amdt 1.4
def **minor landscape works** ins 1997 No 16 reg 4
reloc from reg 2 2001 No 35 amdt 1.4
def **public street** sub Act 1999 No 79 sch 4
reloc from reg 2 2001 No 35 amdt 1.4
def **rear boundary** ins 1997 No 16 reg 4
sub 2001 No 35 amdt 1.2
reloc from reg 2 2001 No 35 amdt 1.4
def **relevant authority** ins 1997 No 16 reg 4
sub 2001 No 35 amdt 1.2
reloc from reg 2 2001 No 35 amdt 1.4
def **reticulated services** ins 1997 No 16 reg 4
reloc from reg 2 2001 No 35 amdt 1.4
def **service station lease** ins 1998 No 32 reg 3
reloc from reg 2 2001 No 35 amdt 1.4
def **side boundary** ins 1997 No 16 reg 4
reloc from reg 2 2001 No 35 amdt 1.4
def **subdivision** ins 1997 No 16 reg 4
sub 2001 No 35 amdt 1.3
reloc from reg 2 2001 No 35 amdt 1.4
def **variation** ins 1997 No 16 reg 4
sub 2001 No 35 amdt 1.3
reloc from reg 2 2001 No 35 amdt 1.4

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Republication No	Amendments to	Republication date
1	SL 1993 No 53	31 December 1993
2	SL 1995 No 7	31 January 1995
3	SL 1995 No 36	31 January 1996
4	SL 1997 No 16	28 February 1998
5	SL 2000 No 2	30 May 2000

6 Renumbered provisions

as made under the *Legislation Act 2001* in R6 (see 2001 No 35 amdt 1.10)

Previous	Renumbered as	Previous	Renumbered as
reg 4	reg 5	reg 14A (2A)	reg 22 (3)
reg 5	reg 6	reg 14A (3)	reg 22 (4)
reg 6	reg 7	reg 14A (5)	re 22 (6)
reg 7	reg 8	reg 14B	reg 23
reg 8	reg 9	reg 14C	reg 24
reg 9	reg 10	reg 14D	reg 25
pt 3 div 1	div 3.1	reg 15	reg 26
reg 11AA	reg 12	pt 3 div 3	div 3.3
reg 11AAA	reg 13	reg 15A	reg 27
reg 11AB	reg 14	reg 15B	reg 28
pt 3 div 2	div 3.2	reg 15C	reg 29
reg 12A	reg 15	reg 15D	reg 30
reg 12B	reg 16	reg 15DA	reg 31
reg 13	reg 17	reg 15DB	reg 32
reg 13A	reg 18	reg 15E	reg 33
reg 14	reg 19	reg 15E (6A)	reg 33 (7)
reg 14AA	reg 20	reg 15E (7)	reg 33 (8)
reg 14AB	reg 21	reg 15F	reg 34
reg 14A	reg 22	reg 15F (4A)	reg 34 (5)

Endnotes

6 Renumbered provisions

Previous	Renumbered as	Previous	Renumbered as
reg 15F (5)	reg 34 (6)	sch 4 item 10 (c)	sch 4 item 10 (d)
reg 15G	reg 35	sch 4 item 10 (d)	sch 4 item 10 (e)
reg 15H	reg 36	sch 4 item 10 (e)	sch 4 item 10 (f)
pt 4 div 1	div 4.1	sch 7 item 5A	sch 7 item 6
reg 16	reg 37	sch 7 item 6	sch 7 item 7
reg 18	reg 38	sch 7 item 7	sch 7 item 8
pt 4 div 2	div 4.2	sch 7 item 8	sch 7 item 9
reg 20	reg 39	sch 7 item 9	sch 7 item 10
pt 4 div 3	div 4.3	sch 7 item 10	sch 7 item 11
reg 21	reg 40	sch 7 item 11	sch 7 item 12
reg 22	reg 41	sch 7 item 12	sch 7 item 13
reg 23	reg 42	sch 7 item 13	sch 7 item 14
reg 24	reg 43	sch 7 item 14	sch 7 item 15
reg 25	reg 44	sch 7 item 15	sch 7 item 16
sch 1 item 22A	sch 1 item 23	sch 7 item 16	sch 7 item 17
sch 1 item 23	sch 1 item 24	sch 7 item 17	sch 7 item 18
sch 1 item 24	sch 1 item 25	sch 7 item 18	sch 7 item 19
sch 1 item 25	sch 1 item 26	sch 7 item 19	sch 7 item 20
sch 1 item 26	sch 1 item 27		
sch 4 item 10 (ba)	sch 4 item 10 (c)		

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