



Australian Capital Territory

Planning and Land Regulations 2003 No 16

made under the

Planning and Land Act 2002

Republication No 1

Effective: 1 July 2003 – 1 January 2004

Republication date: 1 July 2003

Last amendment made by SL2003-21
(republication for new regulations and amendments by SL2003-21)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Planning and Land Regulations 2003*, made under the *Planning and Land Act 2002* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 July 2003. It also includes any amendment, repeal or expiry affecting the republished law to 1 July 2003.

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

Kinds of republications

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

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

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



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01/07/03

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1 Name of regulations

These regulations are the *Planning and Land Regulations 2003*.

3 Notes

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

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

4 When council's advice must be asked—Act, s 11 (1) (b)

- (1) The prescribed circumstance is that the function is to be exercised in relation to a matter that the authority considers involves significant policy, planning or community issues.
- (2) The following functions are taken to always involve significant policy, planning or community issues:
 - (a) preparing draft plan variations, other than draft plan variations that relate only to defined land, that do not adversely affect anybody's rights or have as their only object the correction of a formal error in the plan;
 - (b) preparing or reviewing a section master plan;
 - (c) preparing or reviewing a program of land release for the ACT;
 - (d) advising on the broad spatial planning framework for the ACT;
 - (e) dealing with an application, or the grant of a lease, if the Minister has directed that an assessment be made, or a panel be established to conduct an inquiry, under the *Land (Planning and Environment) Act 1991*, part 2 (Planning), part 5 (Land administration) or part 6 (Approvals and orders) or another Act in relation to the application or grant;

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- (f) deciding an application that relates to—
- (i) a residential building intended to be higher than 3 storeys and consisting of more than 50 units; or
 - (ii) a building the total floor space of which is intended to be more than 7000m²; or
 - (iii) a building or structure intended to be higher than 25m;
- (g) deciding applications to change concessional leases into leases that are not concessional leases.
- (3) However, the authority need not ask for advice from the council about a function to be exercised in relation to a matter (the *significant matter*) mentioned in subregulation (1) or (2) if—
- (a) the council has already given the authority advice in relation to the significant matter and the matter has not changed substantially; or
 - (b) the council has already given the authority advice in relation to another matter that is substantially the same as the significant matter; or
 - (c) the authority is satisfied that the exercise of the function in relation to the matter is in accordance with a policy about which the council has already advised the authority.
- (3A) Also, the authority need not ask for advice from the council about a function to be exercised in relation to an application if the application was made before the commencement of this regulation.
- (3B) Subregulation (3A) and this subregulation expire 6 months after the day this regulation commences.
- (4) In this regulation:
- application*—see the *Land (Planning and Environment) Act 1991*, section 222.

concessional leases—see the *Land (Planning and Environment) Regulations 1992*, regulation 22 (4).

defined land—see the *Land (Planning and Environment) Act 1991*, section 31.

draft plan variation—see the *Land (Planning and Environment) Act 1991*, section 5.

section master plan—see the Territory plan, part D (Definition of terms).

5 Contents of land agency business plans—Act, s 45 (2) (d) (ii)

- (1) The following information is prescribed in relation to the financial year:
 - (a) a statement of expected financial performance for the current year and each of the 3 following financial years;
 - (b) a statement of the expected financial position for the current year and each of the 3 following financial years;
 - (c) an explanation of any significant variation disclosed by the business plan for the year from information previously given by the land agency in a business plan;
 - (d) a statement of the main challenges and opportunities that the land agency expects to face in the current year and each of the following 3 financial years.

6 Land agency draft business plan to Minister

- (1) The land agency must give the Minister a draft business plan for a financial year—
 - (a) within 1 month after the beginning of the financial year; or
 - (b) within another period fixed by the Minister and notified to the land agency.

- (2) The Minister may fix a period for subregulation (1) (b).
- (3) The Minister must tell the land agency in writing about any period fixed under subregulation (2), including reasons why the period was fixed.

7 Minister's response to draft business plan

- (1) The Minister must, as soon as practicable after receiving the draft business plan—
 - (a) give the land agency written comments on the draft; or
 - (b) if the Minister is satisfied with the draft business plan—accept the business plan by telling the land agency in writing that the Minister accepts it.
- (2) If the Minister gives the land agency written comments, the land agency must—
 - (a) consider the comments; and
 - (b) consult with the Minister on any comment the land agency does not agree with to try to reach agreement with the Minister; and
 - (c) revise the draft business plan so that, as far as practicable, it gives effect to the Minister's comments and anything agreed between the Minister and the land agency, and give the Minister the revised draft business plan.
- (3) In this regulation:
draft business plan includes a draft business plan revised under subregulation (2) (c).

8 Variation of business plan

- (1) The land agency may apply in writing to the Minister to vary the agency's business plan for a financial year.

- (2) The Minister must, as soon as practicable after receiving the application—
- (a) give the land agency written comments on the application; or
 - (b) if the Minister is satisfied with the business plan as varied in accordance with the application—accept the business plan as varied in accordance with the application by telling the land agency in writing that the Minister accepts.
- (3) If the Minister gives the land agency written comments, the land agency must—
- (a) consider the comments; and
 - (b) consult with the Minister on any comment the land agency does not agree with to try to reach agreement with the Minister if possible; and
 - (c) revise the application to vary the business plan so that, as far as practicable, it gives effect to the Minister’s comments and anything agreed between the Minister and the land agency and give the Minister the revised application.
- (4) In this regulation:
- application** includes an application revised under subregulation (3) (c).

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

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
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Planning and Land Regulations 2003 SL2003-16

notified LR 24 June 2003

reg 1, reg 2 commenced 24 June 2003 (LA s 75 (1))

remainder commenced 1 July 2003 (reg 2 and see Planning and Land Act 2002 A2002-55, s 2)

as amended by

Planning and Land Amendment Regulations 2003 (No 1) SL2003-21

notified LR 30 June 2003

reg 1, reg 2 commenced 30 June 2003 (LA s 75 (1))

remainder commenced 1 July 2003 (reg 2)

4 Amendment history

Commencement

reg 2 om LA s 89 (4)

When council's advice must be asked—Act, s 11 (1) (b)

reg 4 am SL2003-21 reg 4

(3A), (3B) exp 1 January 2004 (reg 4 (3B))

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