



Australian Capital Territory

# **Planning and Land Regulation 2003**

**SL2003-16**

made under the

**Planning and Land Act 2002**

**Republication No 4**

**Effective: 1 January 2006 – 1 July 2006**

Republication date: 1 January 2006

Last amendment made by A2005-52

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Planning and Land Regulation 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 January 2006. It also includes any amendment, repeal or expiry affecting the republished law to 1 January 2006.

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](http://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.



Australian Capital Territory

# Planning and Land Regulation 2003

made under the

**Planning and Land Act 2002**

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Planning and Land Regulation 2003  
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Australian Capital Territory

# Planning and Land Regulation 2003

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made under the

**Planning and Land Act 2002**

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**1 Name of regulation**

This regulation is the *Planning and Land Regulation 2003*.

**3 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the 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 7000m<sup>2</sup>; 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 subsection (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.
- (4) In this section:

**application**—see the *Land (Planning and Environment) Act 1991*, section 222.

**concessional leases**—see the *Land (Planning and Environment) Regulation 1992*, section 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).



## 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.

### 2 Abbreviation key

|  |  |
|--|--|
| am = amended   | ord = ordinance  |
| amdt = amendment                                       | orig = original  |
| ch = chapter   | par = paragraph/subparagraph   |
| def = definition                                       | pres = present   |
| dict = dictionary                                      | prev = previous  |
| disallowed = disallowed by the Legislative<br>Assembly | (prev...) = previously   |
| div = division   | pt = part  |
| exp = expires/expired                                  | r = rule/subrule   |
| Gaz = gazette  | renum = renumbered   |
| hdg = heading  | reloc = relocated  |
| IA = Interpretation Act 1967                           | R[X] = Republication No  |
| ins = inserted/added                                   | RI = reissue   |
| LA = Legislation Act 2001                              | s = section/subsection   |
| LR = legislation register                              | sch = schedule   |
| LRA = Legislation (Republication) Act 1996             | sdiv = subdivision   |
| mod = modified/modification                            | sub = substituted  |
| o = order  | SL = Subordinate Law   |
| om = omitted/repealed                                  | <u>underlining</u> = whole or part not commenced<br>or to be expired |

## Endnotes

3 Legislation history

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### 3 Legislation history

This regulation was originally the *Planning and Land Regulations 2003*. It was renamed under the *Legislation Act 2001*.

#### **Planning and Land Regulation 2003 SL2003-16**

notified LR 24 June 2003

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

remainder commenced 1 July 2003 (s 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

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

remainder commenced 1 July 2003 (s 2)

#### **Financial Management Legislation Amendment Act 2005 A2005-52 sch 1 pt 1.17**

notified LR 26 October 2005

s 1, s 2 commenced 26 October 2005 (LA s 75 (1))

sch 1 pt 1.17 commenced 1 January 2006 (s 2 (2))

### 4 Amendment history

#### **Name of regulation**

s 1 am R3 LA

#### **Commencement**

s 2 om LA s 89 (4)

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

s 4 am SL2003-21 s 4  
(3A), (3B) exp 1 January 2004 (s 4 (3B))

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

s 5 om A2005-52 amdt 1.246

#### **Land agency draft business plan to Minister**

s 6 om A2005-52 amdt 1.246

#### **Minister's response to draft business plan**

s 7 om A2005-52 amdt 1.246

#### **Variation of business plan**

s 8 om A2005-52 amdt 1.246

## 5 Earlier replications

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

Since 12 September 2001 every authorised replication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised replication are identical.

| Replication No | Amendments to | Replication date |
|----------------|---------------|------------------|
| 1              | SL2003-21     | 1 July 2003      |
| 2              | SL2003-21     | 24 December 2003 |
| 3              | SL2003-21     | 3 November 2004  |

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