



Australian Capital Territory

# **Land (Planning and Environment) (Bushfire Emergency) Amendment Regulations 2003 (No 1)**

**Subordinate Law SL2003–7**

---

The Australian Capital Territory Executive makes the following regulations under the *Land (Planning and Environment) Act 1991*.

Dated 18 February 2003.

SIMON CORBELL  
Minister

MS KATY GALLAGHER  
Minister

---





Australian Capital Territory

# Land (Planning and Environment) (Bushfire Emergency) Amendment Regulations 2003 (No 1)

**Subordinate Law SL2003–7**

made under the

*Land (Planning and Environment) Act 1991*

## Contents

	Page
1 Name of regulations	1
2 Commencement	1
3 Regulations amended	1
4 New part 1 heading	1
5 Regulation 5	1
6 New part 2 heading	2
7 Regulation 7 heading	2

## Contents

---

	Page
8 Regulation 7 (3)	2
9 Regulation 7 (4)	2
10 New part 3	3
11 Dictionary, new definitions	6

**1 Name of regulations**

These regulations are the *Land (Planning and Environment) (Bushfire Emergency) Amendment Regulations 2003 (No 1)*.

**2 Commencement**

These regulations commence on the day after their notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Regulations amended**

These regulations amend the *Land (Planning and Environment) (Bushfire Emergency) Regulations 2003*.

**4 New part 1 heading**

*insert*

**Part 1 Preliminary**

**5 Regulation 5**

*omit*

clear

*substitute*

redevelop

**6 New part 2 heading**

*after regulation 6, insert*

## **Part 2 Clearing land**

**7 Regulation 7 heading**

*substitute*

**7 Fire-caused clearing developments exempted from Act,  
div 6.2**

**8 Regulation 7 (3)**

*omit*

fire-caused development

*substitute*

fire-caused clearing development

**9 Regulation 7 (4)**

*omit*

*fire-caused development*

*substitute*

*fire-caused clearing development*

**10 New part 3**

*after regulation 9, insert*

## **Part 3 Rebuilding**

### **10 Fire-caused rebuilding developments**

For this part, a *fire-caused rebuilding development* is a development consisting of the erection or alteration of 1 or more buildings or structures on land mentioned in a declaration under regulation 7 (1) (Fire-caused clearing developments exempted from Act, div 6.2), if—

- (a) any building or structure to be erected replaces a building or structure of the same kind that was located on the land immediately before the beginning of the bushfire emergency, and that was damaged during the bushfire emergency; and
- (b) any building or structure to be altered was damaged during the bushfire emergency.

### **11 Previous approval**

- (1) For this part, a development or a design or siting feature of a building or structure is *previously approved* if, before the beginning of the bushfire emergency, it had been approved under the Act, division 6.2 or the *Buildings (Design and Siting) Act 1964* (repealed).
- (2) However, a development or a design or siting feature is not taken to be previously approved if—
  - (a) the approval was given under the Act, division 6.2 for the development or feature before the beginning of the bushfire emergency; and

- (b) immediately before the beginning of the bushfire emergency—
  - (i) the period for applying to the administrative appeals tribunal for a review of a decision in relation to the approval under the Act, section 276 (1) (c) (Review—objectors and third parties) had not ended; or
  - (ii) an application to the tribunal for a review of such a decision had been made and the application had not been finally disposed of by the tribunal.
- (3) In this section:  
*design or siting feature*, of a building or structure, means—
  - (a) its height or gross floor area; or
  - (b) a dwelling or dwellings for which it is used; or
  - (c) its setbacks.

## **12 Rebuilding in accordance with previous approvals**

The Act, division 6.2 (Approvals) does not apply to a fire-caused rebuilding development if the development has been previously approved, whether or not any development in accordance with the approval has ever been undertaken.

## **13 Exemption from public consultation requirements**

- (1) An application for a fire-caused rebuilding development of land is exempt from the application of the Act, section 229 (1) and (5) (Notice of application), section 231 (1) (a) (ii) (Matters to be considered) and subdivision 6.2.2 (Objections) unless the development would result in—
  - (a) the height of any new or altered building or structure being greater than the previously approved height of the building or structure that is replaced or altered; or



- (b) the gross floor area of any new or altered building or structure being more than 15% greater than the previously approved gross floor area of the building or structure that is replaced or altered; or
  - (c) any new or altered building or structure being used for a greater number of dwellings than were previously approved; or
  - (d) the setbacks for any new or altered building or structure not complying with the lesser of the following:
    - (i) the setbacks recommended under the relevant performance measures and performance criteria set out in the plan, appendix III (Residential design and siting codes);
    - (ii) any setbacks that were previously approved for the building or structure that is replaced or altered.
- (2) This regulation does not apply if, at the time the application for the development is made, the person who was the lessee of the land at the beginning of the bushfire emergency is no longer the lessee of the land.
- (3) If, before the beginning of the bushfire emergency, a person had entered into an agreement with the lessee of the land giving the person a right to the transfer of the lease, but no transfer had been registered under the *Land Titles Act 1925* in accordance with the agreement, the person is taken for subsection (2) to be the lessee of the land at the beginning of the emergency.

## **11 Dictionary, new definitions**

*insert*

*dwelling*—see the plan, part D.

*fire-caused rebuilding development*—see regulation 10.

*gross floor area*—see the plan, part D.

*height*—see the plan, part D, definition of *height of building*.

*previously approved*—see regulation 11.

*setback*—see the plan, part D.

---

## **Endnotes**

### **Republications of amended laws**

- 1 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

### **Notification**

- 2 Notified under the Legislation Act on 20 February 2003.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))

© Australian Capital Territory 2003