



Australian Capital Territory

Land (Planning and Environment) Amendment Regulations 2004 (No 1)

Subordinate Law SL2004-12

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

Dated 29 April 2004.

SIMON CORBELL
Minister

KATY GALLAGHER
Minister



Australian Capital Territory

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Land (Planning and Environment) Act 1991

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1 Name of regulations

These regulations are the *Land (Planning and Environment) Amendment Regulations 2004 (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 Legislation amended

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

4 New regulation 4A

in part 1, insert

4A Application of amendments by Land (Planning and Environment) Amendment Regulations 2004 (No 1)

- (1) The amendments of these regulations by the *Land (Planning and Environment) Amendment Regulations 2004 (No 1)* do not apply to an application to undertake a development made before the commencement of the amendments.
- (2) This regulation expires 6 months after the day it commences.

5 Regulation 40 (4) (b)

substitute

- (b) the development would be inconsistent with a requirement stated in the heritage places register, or an interim heritage places register, for the conservation of the heritage significance of the place; or

6 New regulation 40 (5) and (6)

insert

- (5) The Act, part 6 does not apply to—
- (a) the construction, alteration or demolition of a public road in a designated area; or
 - (b) any works in a designated area related to the construction, alteration or demolition of a public road; or
 - (c) any other development in a designated area that requires approval under the Commonwealth Act, section 12 (Works in Designated Areas to be subject to Plan and approval by the Authority).

- (6) In subregulation (5):

Commonwealth Act means the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth)

designated area—see the Commonwealth Act, section 4, definition of *Designated Area*.

works—see the Commonwealth Act, section 4.

7 Regulation 41 (3)

omit

8 Regulation 42 heading

substitute

42 Exclusion of appeals—general

9 New regulation 42 (3) to (5)

insert

- (3) The Act, section 275 does not apply to a decision by the relevant authority in relation to the construction of the Gungahlin Drive extension.
- (4) In subregulation (3):

Gungahlin Drive extension means the road proposed to run from the Barton Highway to the Glenloch Interchange, substantially as shown in the plans mentioned in the following reports (which are available for public inspection at the offices of the administrative unit responsible for road services):

- (a) Gungahlin Drive Extension Document Readiness Report, February 2004 Package A, Project No US 01176C-01, plan numbers 32416A-PP-061, 062, 063, 064, 065 and 066;
- (b) Gungahlin Drive Extension Document Readiness Report, February 2004 Package B, Project No US 01176C-02, plan numbers 32416B-PP-061 and 062.

Note 1 The plans are available for public inspection at Roads ACT, level 7, Macarthur House, 12 Wattle Street, Lyneham ACT 2602.

Note 2 The plans are also available for public inspection at www.gde.act.gov.au/download/alignment_details.htm.

- (5) Subregulations (3) and (4) and this subregulation expire 5 years after the day they commence.

10 Regulation 43 heading

substitute

43 Exclusion of appeals by objectors and third parties—Act, s 276

11 Regulation 43 (3)

substitute

- (3) The Act, section 276 does not apply to a decision by the relevant authority in relation to the construction of the Gungahlin Drive extension.
- (4) In subregulation (3):
Gungahlin Drive extension—see regulation 42 (4).
- (5) Subregulations (3) and (4) and this subregulation expire 5 years after the day they commence.

12 Schedule 1, item 31

omit

13 Schedule 6 heading

substitute

**Schedule 6 Exclusion of appeals,
general—Act, s 275**

(see reg 42)

14 Schedule 6, item 2

substitute

- 2 A development if the application for the development is decided by the Minister after consideration under the Act, section 229B.

15 Schedule 7 heading

substitute

**Schedule 7 Exclusion of appeals by objectors and third parties—
Act, s 276**

(see reg 43)

16 Schedule 7, item 2

substitute

- 2 A development if the application for the development is approved by the Minister after consideration under the Act, section 229B, whether or not a condition is included in the approval

Endnotes

1 Notification

Notified under the Legislation Act on 29 April 2004.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

Australian Capital Territory 2004