

2001

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**LAND (PLANNING AND ENVIRONMENT) ACT 1991
POLICY DIRECTION**

No. 311 of 2001

EXPLANATORY STATEMENT

Circulated by Authority of
Brendan Smyth MLA
Minister for Urban Services

Sections 184C and 187C of the *Land (Planning and Environment) Act 2001* (the Act) provides that the Minister may make regulations for the purposes of providing for the remission or increase of change of use charges for the variation of leases, consolidated or subdivision in circumstances prescribed by the Regulations.

Regulations 14AB and 15DB of the *Land (Planning and Environment) Regulations* (the Regulations) empowers the Minister to give written policy directions for determining remissions of the change of use charge for lease variations, consolidations or subdivision, in circumstances prescribed by regulations 14AA and 15DA.

Regulation 14AA provides the prescribed circumstances for lease variations under section 184C of the Act that it is necessary or desirable to:

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

Regulation 15DA provides the prescribed circumstances for consolidated or subdivision under section 187C of the Act that it is necessary or desirable to:

- a) Promote development of an area; or
- b) Change the purposes for which land may be used.

This disallowable instrument made under subsections 14AB(2) and 15DB(2) of the regulations establishes the policy directions for determining remissions to be given of change of use charges.

The instrument provides that the Minister must:

1. entirely remit the change of use charge for the types of lease variation or consolidation or subdivision referred to in Schedule 1 of the instrument.
2. remit the change of use charge, for the types of lease variation, consolidation or subdivision referred to in Schedule 2, by an amount equal to 25% of the added value in relation to that variation, consolidation or subdivision.

The instrument provides that Schedule 1, Schedule 2 and the regulations is the order of priority if:

- a) a remission of change of use charge applies under either Schedule, and an increase also applies to that type of lease variation, consolidation or subdivision, the remission is to be offset by that increase; and
- b) only one remission may apply to a type of lease variation, consolidation or subdivision.

Schedule 1 of the disallowable instrument provides the types of lease variation, consolidation or subdivision a full remission of change of use charge applies.

Schedule 2 of the disallowable instrument provides the types of lease variation, consolidation or subdivision a remission of 25% of the added value applies.