



Australian Capital Territory

Land (Planning and Environment) Regulations¹ (Amendment)

Subordinate Law No. 32 of 1998²

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

Dated 16 October 1998.

BRENDAN SMYTH
Minister

GARY HUMPHRIES
Minister

1. Commencement

- (1) Regulations 1, 2 and 3 and, subject to subregulation (3), regulation 6, commence on the day on which these Regulations are notified in the *Gazette*.
- (2) Regulations 4 and 5 commence on the day on which regulation 8 commences.

- (3) Regulation 6 commences—
- (a) in so far as it inserts paragraph 14B (4) (b) into the Principal Regulations—on the day on which regulation 8 commences; and
 - (b) in so far as it inserts paragraphs 14B (4) (c) and (d) into the Principal Regulations—on the day on which regulation 11 commences.
- (4) Regulation 8 commences as provided by paragraph 184C (5) (a) of the Act.
- (5) Regulations 7, 9, 10 and 11 commence on the day on which regulation 12 commences.
- (6) Regulation 12 commences as provided by paragraph 187C (5) (a) of the Act.

2. Interpretation

In these Regulations—

“Principal Regulations” means the *Land (Planning and Environment) Regulations*;

“the Act” means the *Land (Planning and Environment) Act 1991*.

3. Interpretation

Regulation 2 of the Principal Regulations is amended by inserting in subregulation (1) the following definition:

“ ‘service station lease’ means a lease of land that provides that the land is to be used predominantly for the purpose of a service station, whether it is referred to as a service station, motor service station or in any other way;”.

4. Calculation of amount payable

Regulation 13 of the Principal Regulations is amended—

- (a) by omitting from subregulation (1) “subregulation (2)” and substituting “subregulations (2) and (3)”; and
- (b) by adding at the end the following subregulation:

“(3) This regulation does not apply in relation to a variation to which subregulation 14D (1) applies.”.

5. Concessional lease increase—s. 184C (3)

Regulation 14A of the Principal Regulations is amended by inserting after subregulation (2) the following subregulation:

“(2A) This regulation does not apply in relation to a variation of a lease where regulation 14D applies in relation to the variation.”.

6. Recently commenced lease increase—s. 184C (3)

Regulation 14B of the Principal Regulations is amended by inserting “or regulation 14D (Service station lease increase—s. 184C (3))” after “184C (3)”.

7. Enlarged area of land increase—s. 184C (3)

Regulation 14C of the Principal Regulations is amended by omitting subregulation (3) and substituting the following subregulation:

“(3) This regulation does not apply in relation to the variation of a lease where any of the following regulations apply in relation to the variation:

- (a) regulation 14A (Concessional lease increase—s. 184C (3));
- (b) regulation 14B (Recently commenced lease increase—s. 184C (3));
- (c) regulation 14D (Service station lease increase—s. 184C (3)).”.

8. Insertion

After regulation 14C of the Principal Regulations the following regulation is inserted:

“14D. Service station lease increase—s. 184C (3)

“(1) This regulation applies in relation to the variation of a service station lease where, as a result of the variation, the lease ceases to be a service station lease.

“(2) For the purposes of subsection 184C (3) of the Act, where this regulation applies, the Minister shall increase the change of use charge for the variation by an amount equal to 25% of the added value in relation to the variation.”.

9. Local Centre remission—s. 187C (1)

Regulation 15B of the Principal Regulations is amended—

- (a) by omitting from subregulation (1) “subregulation (2)” and substituting “subregulations (2) and (3)”; and
- (b) by adding at the end the following subregulation:

“(3) This regulation does not apply in relation to—

 - (a) a consolidation in relation to which regulation 15G (Consolidation involving service station lease increase—s. 187C (3)) applies; or
 - (b) a subdivision in relation to which regulation 15H (Subdivision involving service station lease increase—s. 187C (3)) applies.”.

10. Concessional lease increase—s. 187C (3)

Regulation 15E of the Principal Regulations is amended by inserting after subregulation (6) the following subregulation:

“(6A) This regulation does not apply—

- (a) in relation to a consolidation—where regulation 15G (Consolidation involving service station lease increase—s. 187C (3)) applies; and
- (b) in relation to a subdivision—where regulation 15H (Subdivision involving service station lease increase—s. 187C (3)) applies.”.

11. Recently commenced lease increase—s. 187C (3)

Regulation 15F of the Principal Regulations is amended by inserting after subregulation (4) the following subregulation:

“(4A) This regulation does not apply—

- (a) in relation to a consolidation—where regulation 15G (Consolidation involving service station lease increase—s. 187C (3)) applies; and
- (b) in relation to a subdivision—where regulation 15H (Subdivision involving service station lease increase—s. 187C (3)) applies.”.

12. Insertion

After regulation 15F of the Principal Regulations the following regulations are inserted in Division 3 of Part III:

“15G. Consolidation involving service station lease increase—s. 187C (3)

“(1) This regulation applies in relation to a consolidation where—

- (a) at least 1 of the leases to be surrendered is a service station lease; and
- (b) the consolidated lease is not or, where 2 or more consolidated leases are granted, neither or none of the consolidated leases is, a service station lease.

“(2) For the purposes of subsection 187C (3) of the Act, the Minister shall increase the change of use charge for a consolidation in relation to which this regulation applies by an amount equal to 25% of that portion of the added value in relation to the consolidation that is attributable to the surrendered service station lease or leases.

“15H. Subdivision involving service station lease increase—s. 187C (3)

“(1) This regulation applies in relation to a subdivision where—

- (a) the lease to be surrendered or, if more than 1 lease is to be surrendered, at least 1 of the leases to be surrendered, is a service station lease; and
- (b) at least 1 of the subdivided leases is not a service station lease.

“(2) For the purposes of subsection 187C (3) of the Act, the Minister shall increase the change of use charge for a subdivision to which this regulation applies by—

- (a) if no subdivided lease is a service station lease—an amount equal to 25% of the added value of the subdivision that is attributable to the surrendered service station lease or leases; or
- (b) if at least 1 of the subdivided leases is a service station lease—an amount equal to 25% of the added value of the subdivision that is attributable to that portion of the surrendered service station lease or leases that is represented by a subdivided lease that is not a service station lease.”.

NOTES

Principal Regulations

1. Reprinted as at 28 February 1998. See also Subordinate Law No. 21, 1998.

Notification

2. Notified in the ACT Gazette on 21 October 1998.