



Australian Capital Territory

Land (Planning and Environment) Regulations Amendment

Subordinate Law 2001 No 35

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

Dated 12 September 2001.

BRENDAN SMYTH
Minister

MICHAEL MOORE
Minister



Australian Capital Territory

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1 Commencement

These regulations commence on their notification day.

2 Regulations amended

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

Note The regulations are amended in the body of these regulations and in schedule 1.

3 New regulations 14AA and 14AB

after regulation 14, insert

14AA Prescribed circumstances—Act, s184C (1)

For the Act, section 184C (1), prescribed circumstances are that it is necessary or desirable to—

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

14AB Remission of change of use charges—Act, s 184C (2)

- (1) The Minister may give written policy directions for determining remissions to be given of change of use charges under the Act,

section 184C, for the variation, in circumstances prescribed by regulation 14AA, of stated leases or for stated types of lease variation.

- (2) A policy direction is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) If a policy direction is in effect, the Minister must—
- (a) give a remission of a change of use charge for a variation of a lease to which the direction applies; and
 - (b) apply the direction in determining the remission of change of use charge to be given for a variation of a lease to which the direction applies.

4 New regulations 15DA and 15DB

insert

15DA Prescribed circumstances—Act, s 187C (1)

For the Act, section 187C (1), prescribed circumstances are that it is necessary or desirable to—

- (a) promote development in an area; or
- (b) change the purposes for which land may be used.

15DB Remission of change of use charges—Act, s 187C (2)

- (1) The Minister may give written policy directions for determining remissions to be given of change of use charges under the Act, section 187C, in circumstances prescribed by regulation 15DA, for stated consolidations or subdivisions of leases or for stated types of consolidations or subdivisions of leases.
- (2) A policy direction is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) If a policy direction is in effect, the Minister must—
- (a) give a remission of a change of use charge for a consolidation or subdivision of leases to which the direction applies; and
 - (b) apply the direction in determining the remission of change of use charge to be given for a consolidation or subdivision of leases to which the direction applies.

Schedule 1 Minor and technical amendments

(see reg 2)

[1.1] Regulation 2 (1), definitions of building code, consolidation and development

substitute

building code—see the *Building Act 1972*, section 24.

consolidation—see the Act, section 159 (1).

development—see the Act, section 222 (1).

[1.2] Regulation 2 (1), definitions of *rear boundary* and *relevant authority*

substitute

rear boundary means a boundary that is not a front boundary and does not meet a front boundary.

relevant authority—see the Act, section 222 (1).

[1.3] Regulation 2 (1), definitions of *subdivision*, *Territory Land* and *variation*

substitute

subdivision—see the Act, section 159 (1).

variation, of a lease—see the Act, section 222 (3).

[1.4] Regulation 2 (as amended by these regulations)

relocate definitions to dictionary

[1.5] Regulation 2, remainder

substitute

2 Dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary at the end of these regulations defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined in other legislation.

For example, the signpost definition '*building code*—see the *Building Act 1972*, section 24.' means that the expression 'building code' is defined in section 24 of that Act and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and 156 (1)).

2A Meaning of words and expressions used in plan etc

- (1) Words and expressions used in the plan have the same respective meanings in these regulations.
- (2) A reference in these regulations to an area by a land use description (for example, 'residential area' or 'group centre area') is a reference to the area subject, under the plan, to the land use policy having that description.

2B Notes

A note included in these regulations is explanatory and is not part of the regulations.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

[1.6] Regulation 13, heading

substitute

13 Local centre remission—Act, s 184C (1)

[1.7] Regulation 14B (1)

omit

For the purposes of subsection 184C (3) or regulation 14D (Service station lease increase—Act, s 184C (3)) of the Act

substitute

For the Act, section 184C (3)

[1.8] Regulation 14B (4)

substitute

- (4) This regulation does not apply to a variation of a lease to which either of the following regulations applies:
- (a) regulation 14A (Concessional lease increase—Act, s 184C (3));
 - (b) regulation 14D (Service station lease increase—Act, s 184C (3)).

[1.9] Dictionary

insert

Dictionary

(see reg 2)

market value, of a lease, means the amount that could be expected to be paid for the lease on the open market if it were sold by a willing but not anxious seller to a willing but not anxious buyer.

[1.10] Renumbering

renumber the regulations when next republished under Legislation Act 2001

Endnotes**Regulations amended**

- 1 Republished as in force on 30 May 2000. (Republication No 5). See also SL 2000 No 55; 2001 Nos 1 and 8; Acts 2001 Nos 44, 56 and 80.

Notification

- 2 Notified under the *Legislation Act 2001* on 13 September 2001.
(see www.legislation.act.gov.au)