

1998

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL
1998**

EXPLANATORY MEMORANDUM

**Circulated by authority of the
Minister for Urban Services
Mr Brendan Smyth MLA**

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1998

Outline

The *Land (Planning and Environment) Act 1991* (the Act) deals with the use of land in the Territory and related purposes. The Land (Planning and Environment) (Amendment) Bill 1998 (the Bill) amends the Act in relation to the calculation of the Change of Use Charge

Subsections 184A(1) and 187A(1) of the Act require that prior to the Executive approving the execution of a lease variation, subdivision or consolidation, the lessee must have paid any Change of Use Charge determined by the Minister

Subsections 184A(2) and 187A(2) provide a formula for the calculation of the Change of Use Charge. The charge is based on any added to the lease that results from the variation, subdivision or consolidation. The current formula provides that the charge is calculated at 75% of the added value

Sections 184B and 187B of the Act are sunset clauses that amend the formula prescribed to calculate the Change of Use Charge. Sections 184B and 187B amend subsections 184A(2) and 187A(2) to calculate the charge at 100% of added value, effective from 25 December 1998

This Bill amends sections 184B and 187B of the Act to extend the date of effect of the sections by 12 months. That is, the provisions will take effect from 25 December 1999

The intention of the amending Bill is to provide sufficient time for consideration of the findings of the Change of Use Charge Impact Study commissioned by the Government in late 1998. The Study will examine the effectiveness of the current charging system and possible alternatives. The 12 month extension of time will enable the implementation of any legislative change which may result from the recommendations of the Study

Financial Implications

Nil

Clause Notes

Clauses 1, 2 and 3 deal with the title and commencement of the Bill. Clause 3 identifies the Act being amended

Clause 4 extends the date of effect of section 184B of the Act by 12 months

Clause 5 extends the date of effect of section 187B of the Act by 12 months