

2000

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Corbell)

**Land (Planning and Environment)
Amendment Bill 2000 (No 5)**

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Land (Planning and Environment) Amendment (No 5) No , 2000

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**Land (Planning and Environment)
Amendment Bill 2000 (No 5)**

A BILL

FOR

An Act to amend the *Land (Planning and Environment) Act 1991* and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Land (Planning and Environment) Amendment Act 2000 (No 5)*.

2 Commencement

This Act commences on a day fixed by the Minister by notice in the Gazette.

5 *Note 1.* The provisions of an Act providing for its name and commencement automatically commence on the date of notification of the Act (see *Interpretation Act 1967*, s 10B).

Note 2. A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see *Interpretation Act 1967*, s 10C (1)).

10 *Note 3.* If a provision has not commenced within 6 months beginning on the date of notification of the Act, it automatically commences on the first day after that period (see *Interpretation Act 1967*, s 10E (2)).

3 Act amended

This Act amends the *Land (Planning and Environment) Act 1991*.

4 Variation of nominal rent lease—change of use charge

15 Section 184A is amended by omitting from subsection (1) “or increase under section 184C” and substituting “under section 184C, 184CA or 184CB”.

5 Substitution

Section 184C is omitted and the following sections are substituted:

20 “184C Remission of change of use charge—boundary variations

The Minister may entirely remit the change of use charge under section 184A for a variation of a lease if—

- (a) the only effect of the variation would be to alter a common boundary between 2 or more adjoining leases; and
- 25 (b) the land comprised in each of the leases is leased for the same purposes; and
- (c) none of the leases permits the land subject to the lease to be used for rural purposes, or for purposes including rural purposes.

“184CA Remission of change of use charge—commissioner for housing

5 “(1) The Minister must remit the change of use charge payable under section 184A for a variation of a lease by an amount equal to 25% of the added value resulting from the variation if—

- (a) the lease is held by the commissioner for housing; and
- (b) the lease was granted to the commissioner for a term commencing on or before 16 December 1987.

“ (2) In subsection (1):

10 *added value*, resulting from a variation of a lease, means the amount determined in accordance with the formula—

$$V_1 - V_2$$

where V_1 and V_2 have the same respective meanings in relation to the variation as in subsections 184A (2) and (4).

15 **“184CB Remission of change of use charge under determination**

“ (1) The Minister may, in writing, determine that the change of use charge payable for a variation of a nominal rent lease of stated land, or of land within a stated area, may be remitted by a percentage not more than a percentage stated in the determination.

20 “ (2) A determination under subsection (1) may state conditions on which a remission of a change of use charge may be given.

“ (3) A determination under subsection (1) is a disallowable instrument.

“ (4) The Minister may remit a change of use charge under section 184A in accordance with a determination under subsection (1).

25 **“184CC Transitional provisions about variations of nominal rent leases**

30 “ (1) This Division and Part 6A as in force immediately before the commencement of the *Land (Planning and Environment) Amendment Act 2000 (No 5)* continue to apply to a variation of a nominal rent lease if the variation had been applied for, but not effected, before that commencement.

“ (2) This section expires 3 months after it commences.”

6 Consolidation and subdivision—change of use charge

Section 187A is amended by omitting from subsection (1) “or increase under section 187C” and substituting “under section 187C or 187D”.

7 Substitution

Section 187C is omitted and the following sections are substituted:

“187C Remission of change of use charge—commissioner for housing

“(1) The Minister must remit the change of use charge payable under section 187A for a consolidation or subdivision by an amount equal to 25% of the added value resulting from the consolidation or subdivision if—

(a) the lease, or each lease, to be surrendered is held by the commissioner for housing; and

(b) the lease, or each lease, to be surrendered was granted to the commissioner for a term commencing on or before 16 December 1987.

“(2) In subsection (1):

added value, resulting from a consolidation or subdivision, means the amount determined in accordance with the formula—

$$V_1 - V_2$$

where V_1 and V_2 have the same respective meanings in relation to the consolidation or variation as in subsection 187A (2).

“187D Remission of change of use charge under determination

“(1) The Minister may, in writing, determine that the change of use charge payable for a consolidation or subdivision of leases of stated land, or of leases of land within a stated area, may be remitted by a percentage not more than a percentage stated in the determination.

“(2) A determination under subsection (1) may state conditions on which a remission of a change of use charge may be given.

“(3) A determination under subsection (1) is a disallowable instrument.

“(4) The Minister may remit a change of use charge under section 187A in accordance with a determination under subsection (1).

"187E Transitional provisions about consolidations and subdivisions

"(1) This Division and Part 6A as in force immediately before the commencement of the *Land (Planning and Environment) Amendment Act 2000 (No 5)* continue to apply to a consolidation or subdivision if the consolidation or subdivision had been applied for, but not effected, before that commencement.

"(2) This section expires 3 months after it commences."

8 Review of decisions

Section 282A is amended by—

- (a) omitting paragraphs (1) (j) to (1) (l) and (1) (p) to (1) (r); and
- (b) by renumbering paragraphs (1) (ga) to (1) (i) as (1) (h) to (1) (l); and
- (c) by renumbering paragraphs (1) (m) to (1) (o) as (1) (p) to (1) (r); and
- (d) by inserting after paragraph (1) (l) the following paragraphs:
 - "(m) refusing to remit a change of use charge for the variation of a lease under section 184C; and
 - (n) refusing to remit a change of use charge for the variation of a lease under subsection 184CB (4); and
 - (o) remitting a change of use charge for the variation of a lease under subsection 184CB (4) by an amount less than that applied for; and"; and
- (e) by inserting after paragraph (1) (r) the following paragraphs:
 - "(s) refusing to remit a change of use charge for a consolidation or subdivision under subsection 187D (4); and
 - (t) remitting a change of use charge for a consolidation or subdivision under subsection 187D (4) by an amount less than that applied for."

9 Amendment of Regulations

The *Land (Planning and Environment) Regulations 1992* are amended—

- (a) by omitting the heading to Part 3, Division 1; and
- (b) by omitting the heading to Part 3, Division 2; and
- (c) by omitting regulations 12A to 14D; and
- (d) by omitting Part 3, Division 3.

Endnotes

Act amended

- 1 Republished as in force on 30 May 2000 (Republication No 5). See also Acts 2000 Nos 37 and 49.

Regulations amended

- 2 Republished as in force on 30 May 2000 (Republication No 5).