

2001

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN  
CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) AMENDMENT  
BILL 2001 (NO 2)

EXPLANATORY MEMORANDUM

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

## **LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL 2001 (NO 2)**

### **Outline**

The *Land (Planning and Environment) Amendment Bill 2001 (No 2)* (the Bill) amends the *Land (Planning and Environment) Act 1991* regarding applications for a variation to a lease (or for consolidation or subdivision) and payment of the change of use charge.

The primary amendments in the Bill are to sections 184C, 187C, 226(1) and 245. The amendments to sections 184C and 187C provide that the Minister "must" (rather than "may") remit a change of use charge under sections 184A and 184C.

Section 226(1) is amended to provide that an application for an approval to vary a lease must be accompanied by an assessment by an accredited valuer, stating whether, and to what extent, the variation of the lease (or a consolidation or subdivision) will increase the value of the lease (or leases).

The amendment to section 245 provides that an approval of a lease variation (or a consolidation or subdivision) may be given on the condition that the applicant gives to the Minister a further assessment by a valuer in compliance with section 226(1)(b).

### **Financial Implications**

Nil.

### Clause Notes

**Clauses 1 and 2 – Name of Act and commencement** – are machinery provisions that specify the name of the Act and provide for the commencement of its provisions.

**Clause 3 – Section 184C** – substitutes a new section 184C providing that the Minister "must" remit a change of use charge determined under section 184A. The removed section provided that the Minister "may" remit the charge.

**Clause 4 – Section 187** – substitutes a new section 187C providing that the Minister "must" remit a change of use charge determined under section 187A. The removed section provided that the Minister "may" remit the charge.

**Clause 5 – Application to undertake development Section 226(1)** – substitutes a new section 226(1) providing that an application for approval to vary a lease (or for consolidation or subdivision) must, in addition to being signed by the applicant:

- if the application is for approval of a variation of a lease (or a consolidation or subdivision), be accompanied by an assessment, by an accredited valuer, stating the increase in the value of the lease, if any.

**Clause 6 – Section 226(1), note 2** – substitutes a new Note 2. The note provides that, if a form is approved for an application or a declaration, then the form must be used.

**Clause 7 – New section 226(9)** – inserts section 226(9), which defines the term "accredited valuer" for the purposes of section 226.

**Clause 8 – Conditional approvals Section 245(3)(l)** – omits the word "approval." and replaces it with "approval; or" to allow for the insertion of a new section 245(3)(m).

**Clause 9 – New section 245(3)(m)** – inserts section 245(3)(m). The new section provides that an approval of a lease variation (or a consolidation or subdivision) may be on the condition that the applicant gives to the Minister a further assessment that complies with section 226(1)(b).

**Clause 10 – Land (Planning and Environment) Regulations 1992, mentions of may** – provides that all references to "may" in regulations 12B(1), 13(1), 14(1), 14A(1), 14C(2), 14D(2), 15B(1), 15D(1), 15E(2) and 15F(2) of the *Land (Planning and Environment) Regulations 1992* are changed to "must".