

2000

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**LAND PLANNING AND ENVIRONMENT AMENDMENT BILL  
2000 (No 4)**

**EXPLANATORY MEMORANDUM**

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

## **LAND PLANNING AND ENVIRONMENT AMENDMENT BILL 2000 (No.4)**

### **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 2000 (No. 4) (the Bill) amends the Act in relation to the calculation of the Change of Use Charge (CUC).

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

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

Sections 184B and 187B of the Act are 'sunset clauses' that provide for the formula prescribed in subsections 184A(2) and 187A(2) to change on 30 September 2000 so that the CUC is calculated at 100% of added value.

This Bill repeals sections 184B and 187B of the Act.

### **Financial Implications**

Nil.

### **Clause Notes**

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

**Clause 3 – Act amended** – identifies the Act being amended as the *Land (Planning and Environment) Act 1991*.

**Clause 4 – Repeal** – repeals section 184B of the Act.

**Clause 5 – Variation of nominal rent leases – remission or increase of change of use charge** – amends section 184C by replacing the word "Minister" with "Executive" in subsections (2) and (4). The effect of this amendment is that the Executive, and not the Minister, has the power to make regulations under this section.

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**Clause 6 – Repeal** - repeals section 187B of the Act.

**Clause 7 – Consolidation and subdivision – remission or increase of change of use charge** - amends section 187C by replacing the word "Minister" with "Executive" in subsections (2) and (4). The effect of this amendment is that the Executive, and not the Minister, has the power to make regulations under this section.