

2000
LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

LAND PLANNING AND ENVIRONMENT (AMENDMENT) BILL (No 5)

EXPLANATORY MEMORANDUM

Circulated with the authority of Simon Corbell MLA Member for Molonglo

Land (Planning and Environment) (Amendment) Bill No5 2000

Outline:

This is an amending Bill. It amends the *Land (Planning and Environment) Act 1991* (The Land Act). The amendments provide for Change of Use Charge (CUC) to be waived in whole or part by the Executive via an instrument that would be disallowable by the Legislative Assembly.

CLAUSE NOTES

Formal clauses

Clauses 1, 2 and 3 are formal clauses that deal with the short title of the Bill, its commencement and identifies the *Land (Planning and Environment) Act 1991* (the Land Act) as the Act being amended.

Clause 4 amends Section 184A by omitting from subsection (1) "or increase under section 184C and substituting under section 184C, 184CA or 184CB.

Clause 5 inserts into the Act new sections 184C, 184CA, 184CB and 184CC substituting for existing section 184C.

S184C Remission of change of use charge – boundary variations

This section allow the Minister to remit CUC under s184A from variation of a lease if: the only effect of the variation would be to alter a common boundary between 2 or more adjoining leases; the land comprised in each of the leases is leased for the same purposes and none of the leases permits the land subject to the lease to be used for rural purposes.

S184CA Remission of change of use charge- commissioner for housing

This section allow the Minister to remit CUC payable under s184A by an amount equal to 25% of the added value resulting from the variation if: the lease is held the commissioner for housing and the lease was granted to the commissioner for a term commencing on or before 16 December 1987.

S184CB Remission of change of use charge under determination

This section allows the Minister to remit CUC payable for stated land or land within a stated area by a percentage. The Minister may state conditions on which a remission of CUC may be given and a determination is a disallowable instrument.

S184CC Transitional provisions about variations of nominal rent leases

This section provides transitional provisions about variations of nominal rent leases prior to the introduction of this Bill.

Clause 6 amends section 187A by omitting from subsection (1) "or increase under section 187C" and substituting "under section 187C or 187D".

Clause 7 inserts into the Act new sections 187C, 187D and 187E substituting for existing section 187C.

Section 187C – Remission of change of use charge – commissioner for housing

This section allows the Minister to remit CUC payable under S187A for a consolidation or subdivision by an amount equal to 25% of added value resulting from the subdivision or consolidation if: the lease to be surrendered is held by the commissioner for housing and the lease to be surrendered was granted to the commissioner on or before 16 December.

Section 187D Remission of CUC under determination

This section allows the Minister in writing to remit a percentage of CUC payable for a consolidation or subdivision of leases of stated land or leases within a stated area. The determination may state conditions on which a remission of CUC may be given. The determination is a disallowable instrument.

Section 187E Transitional provisions about consolidations and subdivisions

This section provides transitional provisions for consolidations and subdivisions prior to the introduction of this Bill.

Clause 8 amends Section 282A to reflect preceding amendments.

Clause 9 amends *Land (Planning and Environment) Regulations 1992* to reflect legislative amendments.