

1998

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY

**LAND (PLANNING AND ENVIRONMENT) ACT 1991**

**LAND (PLANNING AND ENVIRONMENT) REGULATIONS  
(AMENDMENT)**

EXPLANATORY STATEMENT

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

## Land (Planning and Environment) Regulations (Amendment)

### Background

Amendments to the *Land (Planning and Environment) Regulations* in September 1996 introduced a remission of 50% of the Change of Use Charge for variations to leases wholly within a Local Centre. A lessee, whose lease is wholly within the area designated in the Territory Plan as a Local Centre, is able to take advantage of the favourable Change of Use Charge regime if certain criteria are met in terms of the non-viability of the Local Centre.

As part of the Government's implementation of "Striking a Balance: A Retail Policy for Canberra - The Next Generation", the remission has been increased for changes to individual leases within a Local Centre, to 100% of the Change of Use Charge as an incentive for the full development of Local Centres where the centre is not viable and not considered a priority to retain.

### Legislative Provisions

Sub-section 184C(1) of the *Land (Planning and Environment) Act 1991* (the Act) provides that the Minister may remit a change of use charge under section 184A for the variation of a nominal rent lease in circumstances prescribed by the regulations.

The change to the remission of change of use charge for Local Centres amends subregulations 13(1) and 15B(1) of the *Land (Planning and Environment) Regulations*. The amending regulations provide for the remission of the whole of the change of use charge for the variation of a lease within a Local Centre.

The 100% remission of change of use charge is available to proponents who can demonstrate that their application for a variation of a lease within a Local Centre meets the 'Guidelines for the Assessment of Development for Local Centres' in Territory Plan Variation No. 64.