

2005

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning)

Land (Planning and Environment) Amendment Bill 2005

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(Minister for Planning)

Land (Planning and Environment) Amendment Bill 2005

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 **1 Name of Act**

2 This Act is the *Land (Planning and Environment) Amendment*
3 *Act 2005*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Legislation amended**

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

10 *Note* This Act also amends the *Land (Planning and Environment)*
11 *Regulation 1992* (see sch 1).

12 **4 New section 159A**

13 *insert*

14 **159A Meaning of concessional lease for Act**

15 (1) In this Act:

16 *concessional lease*—

17 (a) means a lease granted for a consideration less than the full
18 market value of the lease, or for no consideration, if neither of
19 the following payments has been made to the Territory:

20 (i) an amount in relation to the grant of the lease that is
21 equal to the lease's market value at the time of payment
22 or, if the amount is paid in parts, at the time of the last
23 payment;

24 (ii) an amount to reduce the rent payable under the lease to a
25 nominal rent under section 186 (Variation of lease to pay
26 out rent); and

- 1 (b) includes the following leases:
- 2 (i) a consolidated or subdivided concessional lease;
- 3 (ii) a further concessional lease;
- 4 (iii) a regranted concessional lease; but
- 5 (c) does not include—
- 6 (i) a consolidated or subdivided lease or a further or
- 7 regranted lease, other than a lease mentioned in
- 8 paragraph (b); or
- 9 (ii) a lease over land that, immediately before the grant of the
- 10 lease, was owned, controlled or held by the commissioner
- 11 for housing under the *Housing Assistance Act 1987*; or
- 12 (iii) a lease prescribed by regulation.
- 13 (2) For subsection (1), definition of ***concessional lease***, paragraph (a), it
- 14 does not matter whether the consideration for the grant of the lease
- 15 was paid as a lump sum or is payable under the lease as rent.
- 16 (3) In this section:
- 17 ***consolidated or subdivided concessional lease*** means a lease
- 18 granted during a consolidation or subdivision involving the
- 19 surrender of 1 or more previous leases if 1 or more of the previous
- 20 leases was a concessional lease.
- 21 ***further concessional lease*** means a further lease if the surrendered
- 22 lease was a concessional lease.
- 23 ***regranted concessional lease*** means a regranted lease (whether the
- 24 regrant is on the same or different conditions) if the surrendered
- 25 lease was a concessional lease.

1 **5 Dictionary, new definition of *concessional lease***

2 *insert*

3 *concessional lease*—see section 159A.

1 **Schedule 1** **Land (Planning and**
2 **Environment) Regulation 1992**

3 (see s 3)

4 **[1.1] New section 10A**

5 *in division 3.1, insert*

6 **10A Concessional lease exemptions—Act, s 159A**

7 The following leases are excluded from the definition of
8 ***concessional lease***:

- 9 (a) a lease of territory land granted for residential purposes only;
- 10 (b) a lease granted for rural purposes or purposes including rural
11 purposes;
- 12 (c) a lease granted to a territory-owned corporation;
- 13 (d) a lease (the ***individual lease***) granted for no consideration if—
- 14 (i) the individual lease is a subdivision of a lease (the ***head***
15 ***lease***) held by the person to whom the individual lease is
16 granted; and
- 17 (ii) the person has provided infrastructure on the land leased
18 under the head lease;
- 19 (e) a lease granted for commercial purposes if the lease was
20 granted for less than market value only because—
- 21 (i) the lease was a lease for rent in excess of nominal rent
22 that was granted after 1 January 1974; and
- 23 (ii) the rent was paid out—

1 (A) in accordance with a law that regulated the payment
2 of land rent in the ACT and that was in force at the
3 time of payment; or

4 (B) by agreement between the Commonwealth or
5 Territory and the lessee.

6 **Examples of residential purposes for par (a)**

- 7 1 for the purpose of a single dwelling
8 2 for the purpose of not less than 3 dwellings and not more than 8 dwellings

9 **Examples of rural purposes for par (b)**

- 10 1 agriculture
11 2 horticulture
12 3 horse agistment
13 4 animal husbandry

14 **Examples of commercial purposes for par (e)**

- 15 1 industrial
16 2 business

17 *Note* An example is part of the regulation, is not exhaustive and may extend,
18 but does not limit, the meaning of the provision in which it appears (see
19 Legislation Act, s 126 and s 132).

20 **[1.2] Section 22 (4) to (6)**

21 *omit*

22 **[1.3] Section 26 (c)**

23 *substitute*

24 (c) concessional leases.

25 **[1.4] Section 33 (4) and (5)**

26 *omit*

27 **[1.5] Section 33 (6) and (7)**

28 *renumber as section 33 (4) and (5)*

1 **[1.6] Section 33 (8)**

2 *omit*

3 **[1.7] Dictionary, note 3**

4 *insert*

- 5 • concessional lease (see s 159A)
-

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2005.

2 Notification

Notified under the Legislation Act on 2005.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
