

1996

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

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

EXPLANATORY MEMORANDUM

Circulated by authority of the Minister for the Environment, Land
and Planning
Mr Gary Humphries MLA

OUTLINE

This regulation amends the Land (Planning and Environment) Regulations (the Regulations).

Paragraph 184(b) of the *Land (Planning and Environment) Act 1991* (the Act) provides that the Executive may not execute a variation of a lease unless the amount prescribed in respect of the resulting increase in the value of the lease is paid. Regulations 11A to 14 provide for the assessment of the amount to be paid by the lessee.

This regulation amends regulation 13 of the Regulations and adds a new regulation 13A:

- a) to change the general rate of betterment payable under section 184 from 100% of the 'added value' arising from the lease variation to 75% of the added value; and
- b) to provide that, in respect of leases within a local centre which meets the prescribed criteria, the rate of betterment is 50% of the added value.

Regulations 2, 11A and 14 are consequentially amended to account for the changes.

Other rates of betterment under the Regulations remain unchanged.

The application of the new rates does not impede the rights of, or impose a liability or burden on, any person.

FINANCIAL IMPLICATIONS

While the rate of charge in respect of certain lease variations is reduced, it is possible that overall revenue from lease variations will rise through increased activity.

CLAUSE NOTES

Clauses 1 and 2

Clauses 1 and 2 are machinery provisions that specify the short title of the Bill, provide for the commencement of the Regulations and identify the regulations being amended.

Clause 3 - Interpretation

Clause 3 amends regulation 2 by adding a definition of "Local Centre".

Clause 4 - Determination of amount under paragraph 184(b) of the Act

Clause 4 amends regulation 11A by adding a reference to the new regulation 13A.

Clause 5 - Calculation of amount payable

Clause 5 amends regulation 13 by omitting paragraph 13(b) and adding new paragraphs (b), (c) and (d) which provide respectively for the amount to be paid in respect of Local Centres, prescribed leases (for the purposes of regulation 14) and other cases.

Clause 6 - Remission in respect of certain leases in Local Centres

Clause 6 inserts a new regulation 13A which provides for the amount to be paid in respect of leases in Local Centres. The lessee must establish, in an application to the Executive, that the Local Centre is not viable, or will not within 3 years be viable, and that the Centre will not be developed if the remission under paragraph 13(1)(d) - payment of 75% of the added value - is applied. The Executive may make a declaration to that effect.

Clause 7 - Remission of amount payable

Clause 7 amends the definition of "prescribed lease". That definition excludes a lease of land that is wholly within a Local Centre.