



AUSTRALIAN CAPITAL TERRITORY  
LAND (PLANNING AND ENVIRONMENT) ACT 1991

POLICY DIRECTION

REMISSIONS OF CHANGE OF USE CHARGE

NO 311 OF 2001

Under regulations 14AB and 15DB of the *Land (Planning and Environment) Regulations* (the Regulations), I give the following policy direction for determining remissions to be given of change of use charges in the circumstances prescribed by regulations 14AA and 15DA respectively.

1. The Minister must entirely remit the change of use charge for the types of lease variation or consolidation or subdivision referred to in Schedule 1.
2. The Minister must remit the change of use charge, for the types of lease variation, consolidation or subdivision referred to in Schedule 2, by an amount equal to 25% of the added value in relation to that variation, consolidation or subdivision.
3. Unless otherwise stated in Schedules 1 or 2:
  - (a) if a remission of change of use charge applies under either Schedule, and an increase also applies to that type of lease variation, consolidation or subdivision, the remission is to be offset by that increase; and

2.

- (b) only one remission may apply to a type of lease variation, consolidation or subdivision, with the following order of priority:
  - (i) the Regulations;
  - (ii) Schedule 1;
  - (iii) Schedule 2.

Dated: 13 September 2001

Brendan Smyth MLA  
Minister for Urban Services

## **SCHEDULE 1 TO DISALLOWABLE INSTRUMENT NO. 311 OF 2001**

### **FULL remissions of change of use charge for**

#### **LEASE VARIATIONS, CONSOLIDATIONS AND SUBDIVISIONS**

A full remission of change of use charge applies to the following types of lease variation, consolidation or subdivision:

1. The variation of a lease, in the City West area, providing for office use to permit the use of the land for 'residential' purposes or 'commercial accommodation', provided the application to vary the lease was lodged on or before 30 June 2002. The remission applies only to that portion of the added value attributable to a variation of the lease to allow the lessee to use the existing gross floor area of buildings on the land, but that area may include replacement buildings or parts of buildings.
2. The variation of a lease to provide for the leased land (including any buildings) to be used exclusively for the purposes of a community organisation, provided that the use of that land by that organisation is mandatory. The remission applies only to that portion of the added value attributable to a variation of the lease to require the use of the land by the community organisation.
3. The variation of a lease that permits the use of the land (including any buildings) for a commercial land use (the 'old use'), within the meaning of Part B2 of the Territory Plan, to permit another commercial use (the 'new use'), provided that:
  - a) the remission will apply only to that portion of the added value attributable to a variation of the lease to allow the new use to be conducted within existing areas of land or buildings that were used for the old use;
  - b) a full remission will apply only to the first 250m<sup>2</sup> of area to be used for the new use. Subject to paragraph a) and Schedule 2, a 25% remission will apply any additional area used for the new use; and
  - c) the remission will apply only if no other remission of change of use charge has been granted in respect of that parcel of land within a period of 5 years before the latest application for variation of the lease was lodged.

The above remissions apply as though a reference to a lease variation is also a reference to a consolidation or subdivision.

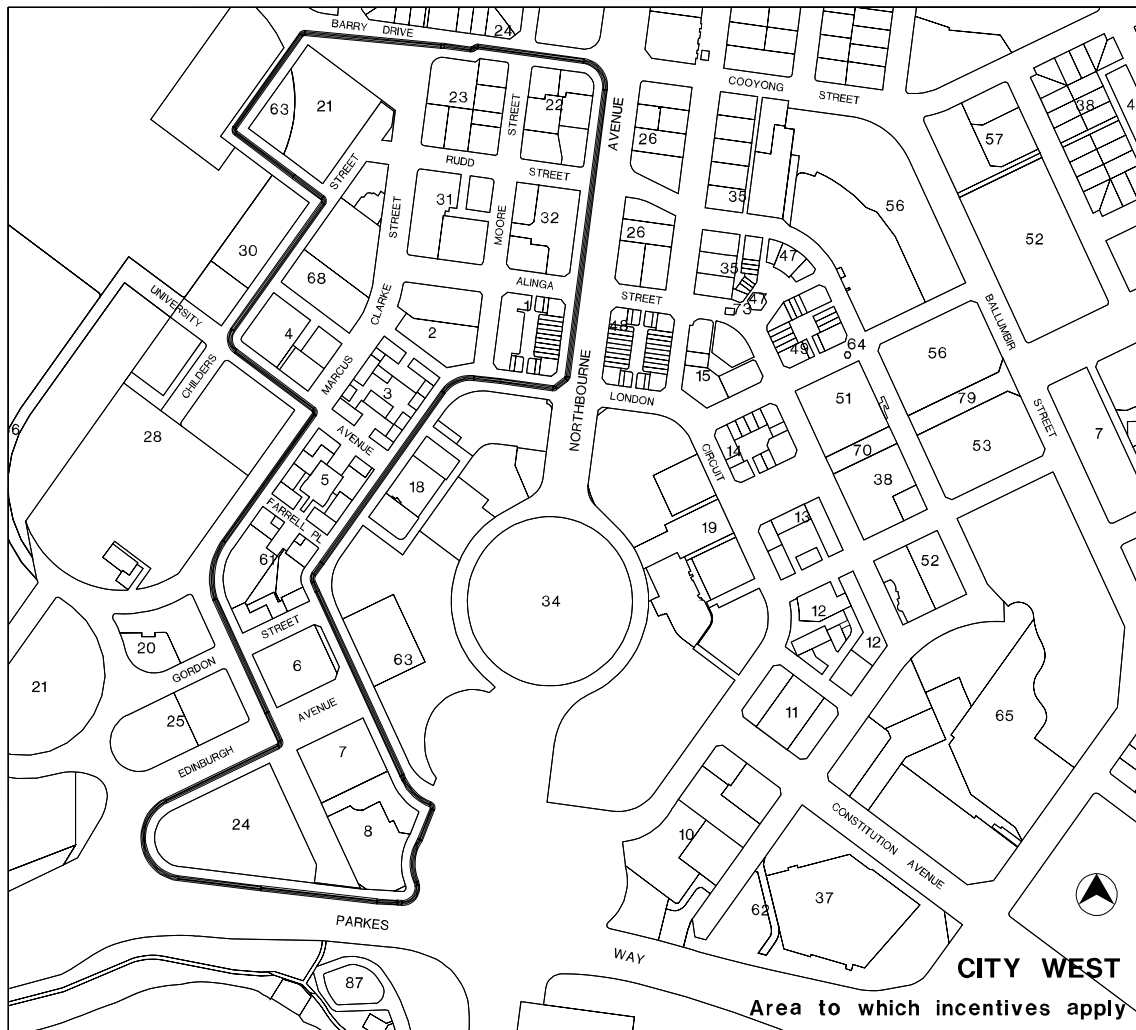
2.

In this instrument:

**“community organisation”** means a body corporate that:

- a) has as its principle purpose the provision of a service, or a form of assistance, to persons living or working in the Territory; and
- b) is not carried on for the pecuniary profit or gain of its members; and
- c) does not hold a club licence under the *Liquor Act 1975*.

**“City West area”** means the area shown within the bolded lines on the map below.



## **SCHEDULE 2 TO DISALLOWABLE INSTRUMENT NO. 311 OF 2001**

### **PARTIAL remissions of change of use charge for**

#### **LEASE VARIATIONS, CONSOLIDATIONS AND SUBDIVISIONS**

A remission of 25% of the added value applies in relation to the following types of lease variation, consolidation or subdivision:

1. The variation of a lease, within a commercial land use policy area under the Territory Plan, to allow for residential use, provided that either:
  - (a) the lease, as varied, does not allow residential use on the ground floor of any side of any building on the land; or
  - (b) any residential use permitted on the ground floor is the subject of an approved Master Plan in accordance with policies in the Territory Plan for Town Centres, Group Centres and Local Centres.
2. The variation of a lease that permits the use of the land (including any buildings) for a commercial land use (the 'old use'), within the meaning of Part B2 of the Territory Plan, to permit another commercial use (the 'new use'), provided that:
  - (a) the remission will apply only to that portion of the added value attributable to a variation of the lease to allow the new use to be conducted within existing areas of land or buildings that were used for the old use;
  - (b) the remission will apply to the area, in excess of the first 250m<sup>2</sup>, to be used for the new use; and
  - (c) the remission will apply only if no other remission of change of use charge has been granted in respect of that parcel of land within a period of 5 years before the latest application for variation of the lease was lodged.
3. The variation of a lease to permit development or a use of the land that is in accordance with an approved Master Plan in accordance with policies in the Territory Plan for Group Centres and Local Centres, provided that the Minister is satisfied that the development or land use promotes the objectives of the Territory Plan.

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4. The variation of a lease to permit development that the Minister is satisfied complies with guidelines adopted by the Authority for the purposes of this instrument in relation to the development of accessible and adaptable housing.

This remission applies in addition to any remission under paragraph 5.

5. The variation of a lease to allow residential development which the Minister is satisfied complies with quality design guidelines adopted by the Authority for the purposes of this instrument, provided that the leased land is:
- (a) within an area designated B11, B12 or B13 under the Territory Plan; or
  - (b) within 250 metres from the boundary of a Town Centre, Group Centre or Local Centre.

The above remissions apply as though a reference to a lease variation is also a reference to a consolidation or subdivision.

In this instrument:

**“Authority”** means the Australian Capital Territory Planning Authority.