



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Planning and Development Act 2007, s425

## DEVELOPMENT APPLICATION

Form

### NOMINATING REMISSION - DI2016-28

To be completed and uploaded via eDevelopment with the DA

This form must be provided with any development application that could be eligible for a remission under the *Planning and Development (Remission of Lease Variation Charges – Economic Stimulus and Sustainability) Determination 2016 (No 1)* (DI 2016-28) made under sections 278 and 278E of the *Planning and Development Act 2007*.

**An applicant is required to indicate whether or not they are seeking a remission under DI 2016-28.**

#### Lease/Site Details *Please Print*

Block/s  Section  Suburb

District  Street Address

#### Development Application status:

- INITIAL SUBMISSION AND NO EXISTING APPLICATION
- PRE-LODGE (FEES NOT YET PAID)
- LODGED (FEES PAID AND UNDER ASSESSMENT)
- DEVELOPMENT CONDITIONALLY APPROVED
- LVC NOT YET DETERMINED
- LVC DETERMINED

#### Existing Development Application number:

#### Was the application approved prior to 7 March 2016?

- YES – Your application does not meet the criteria for this remission, or
- YES – If your application was approved between 6 March 2014 and 6 March 2016, your application may meet the criteria for the nominating remission (DI 2014-48 available in Repealed DI's on the Legislation Register) and approved form AF2014-137, or
- NO – Your application may meet the criteria for this remission, please complete this form

**Are you seeking a remission under DI 2016-28? and Is your DA eligible under section 3 of DI 2016-28?**

If you answer **NO** to these questions, please progress to the lessee and applicant declaration on page 2

REMISSION APPLICATION YES  NO  MEETS CRITERIA YES  NO

To be eligible for remission under DI2016-28 your development application **must** include a **lease variation** that attracts Lease Variation Charge (LVC) calculated in accordance with **s277** of the *Planning and Development Act 2007* **AND** relates to the approval of **development of a building** (i.e. design and siting) where the lease variation is necessary to allow the development of the building.

#### IDENTIFICATION OF PROPOSED CRITERIA FOR REMISSION

I/we hereby certify that the development proposed will meet following criteria:

Please tick relevant boxes

- ECONOMIC STIMULUS** – where an application is lodged for a lease variation **AND** relates to development of a building where the variation of the lease is necessary to allow the development of the building, 25% of the Added Value calculated by using the formula  $(V1 - V2) \times 25\%$  may be remitted.

One or more of the following remissions can be packaged together to result in a maximum 25% remission of the lease variation charge  $(V1 - V2) \times 75\%$  of the added value) (refer to section 10 of DI 2016-28).

<input type="checkbox"/>	A BUILDING ACHIEVING AN AVERAGE GREEN STAR RATING OF 5 for a possible <b>10%</b> remission	<input type="checkbox"/>	A BUILDING ACHIEVING AN AVERAGE GREEN STAR RATING OF 6 for a possible <b>25%</b> remission
<input type="checkbox"/>	A BUILDING ACHIEVING AN AVERAGE NATHERS RATING OF 6.5 OR 7 for a possible <b>10%</b> remission	<input type="checkbox"/>	A BUILDING ACHIEVING AN AVERAGE NATHERS RATING OF 7.5 for a possible <b>25%</b> remission
<input type="checkbox"/>	A DEVELOPMENT WHERE <b>50% OR MORE</b> (BUT NOT 100%) OF DWELLINGS MEET THE AUSTRALIAN STANDARD FOR ADAPTABLE HOUSING AS 4299-1995 for a possible <b>10%</b> remission	<input type="checkbox"/>	A DEVELOPMENT WHERE <b>100%</b> OF DWELLINGS MEET THE AUSTRALIAN STANDARD FOR ADAPTABLE HOUSING AS 4299-1995 for a possible <b>25%</b> remission

Approved form AF2017-80 approved by Dorte Ekelund, *Chief Planning Executive* on 22 March 2017 under section 425 of the *Planning and Development Act 2007*.

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## Further Information

*Planning and Development (Remission of Lease Variation Charges – Economic Stimulus and Sustainability) Determination 2016 (No 1) (DI 2016-28)* applies **only** to a LVC calculated in accordance with Section 277 of the *Planning and Development Act 2007*.

The remission amount applied to the determined LVC will be calculated based on the criteria nominated by the applicant in this form, and by evidence provided by a licensed energy assessor on the ratings achieved for the individual dwellings and the overall dwelling average.

This remission is only valid for development applications that meet the criteria of section 3 of DI 2016-28. The DA is approved on or after 6 March 2016 and the approval also relates to the development of a building on the land under the lease and that satisfies the relevant criteria at sections 4 (b), 6 (a) (b) and section 8 (a) (b) (c) as nominated by the applicant.

DI2016-28 expires on 6 March 2018 and an eligible DA must be approved by 6 March 2018 to be able to gain a remission under the instrument.

Applicant and Lessee Declaration: please print		
Applicant's Name	Applicant's Signature	Date
Lessee's Name	Lessee's Signature	Date
Lessee's Name	Lessee's Signature	Date

In signing this application for remission on LVC under DI 2016-28, I/we understand and accept the terms of the remission. **This form must be signed by all the Crown lessees prior to submission.**

### DEFINITIONS:

**Green Star rating** - Means a rating under the national environmental rating system for buildings called the "Green Star" rating system developed by the Green Building Council of Australia. [www.gbca.org.au](http://www.gbca.org.au)

**NatHERS rating** - Means a rating under the Nationwide House Energy Rating Scheme (NatHERS) administered through the Ministerial Council of Energy. [www.nathers.gov.au](http://www.nathers.gov.au)

**Australian Standard for Adaptable Housing** - AS 4299-1995 can be purchased at [www.standards.org.au](http://www.standards.org.au)

### Privacy Notice

The personal information on this form is being collected to enable processing of your application. Collection of personal information is authorised by Chapters 7, 8 and 9 of the *Planning and Development Act 2007*. The information that you provide may be disclosed to the ACT Revenue Office, the Australian Valuation Office and the Registrar-General's Office. The information may be accessed by other government agencies, ACTEWAGL, ACTEW Corporation and other commercial organisations interested in development and building information.

### Contact Details:

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