

# Planning and Development (Remission of Lease Variation Charges) Determination 2011 (No 1)

## Disallowable instrument DI2011–197

made under the

**Planning and Development Act 2007, s 278F (When commissioner must remit lease variation charges—chargeable variations generally)**

---

### 1 Name of instrument

This instrument is the *Planning and Development (Remission of Lease Variation Charges) Determination 2011 (No 1)*.\*

*Note* Terms in this instrument have the same meaning that they have in the *Planning and Development Act 2007* (see Legislation Act, s 148). For example, the following terms are defined in the *Planning and Development Act 2007*, dict:

- chargeable variation
- gross floor area
- lease variation charge
- LVC determination
- s 276E chargeable variation.

### 2 Remission of lease variation charges—s 276E chargeable variation to increase number of dwellings—Act, s 278F (1)

(1) This section applies—

- (a) to a s 276E chargeable variation under the Act, section 276A (1), definition of *s 276E chargeable variation*—
  - (i) paragraph (a); and
  - (ii) paragraph (c) (ii) to increase the number of dwellings permitted on the land under the lease; and
  - (iii) paragraph (f) (i); and
  - (iv) paragraph (g) (i); and
- (b) if a lease variation charge is determined in an LVC determination for the variation.

(2) The determined amount of the lease variation charge for a chargeable variation to be remitted is an amount equal to the percentage of the charge mentioned in table 2, column 3 for the financial year in which the notice of assessment under s 276D is given.

\*Name amended under Legislation Act, s 60

**Table 2 Percentage of lease variation charge—s 276E chargeable variation to increase number of dwellings**

<b>column 1 item</b>	<b>column 2 financial year in which notice of assessments 276D is given</b>	<b>column 3 percentage of lease variation charge</b>
1	1 July 2011 to 30 June 2012	75%
2	1 July 2012 to 30 June 2013	65%
3	1 July 2013 to 30 June 2014	55%
4	1 July 2014 to 30 June 2015	40%
5	1 July 2015 to 30 June 2016	25%

**3 Remission of lease variation charges—s 276E chargeable variation to increase maximum gross floor area of non-residential building or structure—Act, s 278F (1)**

- (1) This section applies—
- (a) to a s 276E chargeable variation under the Act, section 276A (1), definition of *s 276E chargeable variation*—
    - (i) paragraph (c) (i); and
    - (ii) paragraph (f) (ii); and
    - (iii) paragraph (g) (ii); and
  - (b) if a lease variation charge is determined in an LVC determination for the variation.
- (2) The determined amount of the lease variation charge for the chargeable variation to be remitted is an amount equal to 25% of the charge.

**4 Remission of lease variation charges—all other chargeable variations—Act, s 278F (1)**

- (1) This section applies to a chargeable variation other than a chargeable variation mentioned in section 2 or section 3.
- (2) The determined amount of the lease variation charge for the chargeable variation to be remitted is an amount equal to 0% of the charge.

Andrew Barr MLA  
Treasurer  
14 July 2011