

# Planning and Development (Remission of Lease Variation Charges for Community Purpose—Housing Assistance) Determination 2011 (No 1)

Disallowable instrument DI2011–318

made under the

**Planning and Development Act 2007, s 278B (When commissioner must remit lease variation charge—community purpose)**

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## 1 Name of instrument

This instrument is the *Planning and Development (Remission of Lease Variation Charges for Community Purpose—Housing Assistance) Determination 2011 (No 1)*.

*Note* Terms used 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
- nominal rent lease
- s 276E chargeable variation
- s 277 chargeable variation.

## 2 Community purpose—Act, s 278B (2)

I, the Minister for the Environment and Sustainable Development, determine the provision of housing assistance as a community purpose.

## 3 Remission of lease variation charges—certain housing assistance variations—Act, s 278B (3)

- (1) This section applies to a chargeable variation of a nominal rent lease if—
  - (a) the lease was granted to the housing commissioner for a term beginning before 17 December 1987; and
  - (b) the housing commissioner is the lessee.
- (2) I, the Treasurer, determine the amounts in subsections (3) and (4).

- (3) For a s 276E chargeable variation, the amount of the lease variation charge to be remitted is—
- (a) if less than 50% of the charge is remittable under another provision of the Act—an amount that, with any other remittable amount, is equal to 50% of the charge; or
  - (b) if 50% or more of the charge is remittable under another provision of the Act—an amount equal to 0% of the charge; or
  - (c) in any other case—an amount equal to 50% of the charge.
- (4) For a s 277 chargeable variation, the amount of the lease variation charge to be remitted is an amount equal to 25% of the added value for the variation.
- (5) In this section:  
*added value*—see the *Planning and Development Regulation 2008*, section 179.

#### **4 Remission of lease variation charges—other housing assistance variations—Act, s 278B (3)**

- (1) This section applies to a chargeable variation of a nominal rent lease that authorises development for the community purpose mentioned in section 2, other than a variation mentioned in section 3.
- (2) I, the Treasurer, determine the amount of the lease variation charge for the chargeable variation to be remitted is an amount equal to 0% of the charge.

Simon Corbell  
Minister for the Environment and Sustainable Development  
13 December 2011

Andrew Barr  
Treasurer  
14 December 2011