

Planning and Development (Remission of Lease Variation Charges for Adaptive Re-use—Public Art) Determination 2012 (No 1)*

Disallowable instrument DI2012-79

made under the

Planning and Development Act 2007, s 278E (When commissioner must remit lease variation charges—other)

1 Name of instrument

This instrument is the *Planning and Development (Remission of Lease Variation Charges for Adaptive Re-use—Public Art) Determination 2012 (No 1)*.

2 Commencement

This instrument commences on 1 July 2012.

3 Circumstances of adaptive re-use remission

- (1) I, the Minister for Environment and Sustainable Development, determine the provision of a lease variation charge adaptive re-use remission for public art.
- (2) For the purpose of this instrument adaptive re-use refers to the conversion of a used office building to a class 2 residential building as classified in the building code which contribute to public space improvements in the city centre development code or the town centres development code in the Territory Plan.
 - (b) Public space improvements are where the project also involves investment in public art projects which have been identified in consultation with the ACT Government.

4 Application for the adaptive re-use remission

- (1) Applications for the adaptive re-use remission relating to public space improvements will need to be lodged at the Development Application (DA) stage.

*Name amended under Legislation Act, s 60

5 Maximum amount to be remitted through the adaptive re-use remission

- (1) I, the Treasurer, determine the maximum amount to be remitted through the adaptive re-use remission for public art to be 75 per cent of the lease variation charge which has been determined for payment.

6 Amount to be remitted through the adaptive re-use remission for public art

- (1) Eligible developers are able to reduce the amount of lease variation charge paid by investing in public art projects which have been identified in consultation with the ACT Government.
- (2) The remission will be calculated at 50 per cent of the amount contributed to a public art project developed in consultation with the relevant government agencies.
- (3) The remission will be considered as part of existing DA approval processes.

7 Verification of the remission

- (1) The adaptive re-use remission granted for public art will be verified as per conditions set out in the Development Approval.

8 Expiry

- (1) This instrument expires on 30 June 2015.

Andrew Barr
Treasurer
3 May 2012

Simon Corbell
Minister for the Environment and Sustainable Development
3 May 2012