

Planning and Development (Remission of Lease Variation Charges) Determination 2014 (No 1)*

Disallowable instrument DI2014–201

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 2014 (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
- LVC determination
- s 276E chargeable variation.

2 Commencement

This instrument commences on 1 July 2015.

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

- (1) This section applies to a chargeable variation if—
 - (a) it is a s 276E chargeable variation mentioned in the Act, section 276A (1), definition of *s 276E chargeable variation*—
 - (i) paragraph (a); or
 - (ii) paragraph (c) (ii) to increase the number of dwellings permitted on the land under the lease; or
 - (iii) paragraph (f) (i); or
 - (iv) paragraph (g) (i); and
 - (b) 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 55% of the charge.

*Name amended under *Legislation Act*, s 60

4 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 to a chargeable variation if—
- (a) it is a s 276E chargeable variation mentioned in the Act, section 276A (1), definition of *s 276E chargeable variation*—
 - (i) paragraph (c) (i); or
 - (ii) paragraph (f) (ii); or
 - (iii) paragraph (g) (ii); and
 - (b) 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.

5 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 3 or section 4.
- (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.

6 Repeal

The Planning and Development (Remission of Lease Variation Charges) Determination 2011 (No 1) (DI2011-197) is repealed.

Note The repeal takes effect on 1 July 2015 (see s 2).

7 Expiry

This instrument expires on 30 June 2016.

Andrew Barr
Treasurer
30 June 2014