

Planning and Development (Remission of Lease Variation Charges for Community Purpose—Childcare Services) Determination 2014 (No 1)

Disallowable instrument DI2014–97

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Remission of Lease Variation Charges for Community Purpose—Childcare Services) 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; lease variation charge; and nominal rent lease.

2. Revocation

This instrument revokes the *Planning and Development (Remission of Lease Variation Charges for Community Purpose – Childcare Services) Determination 2011 (1) (2011-319)*.

3. Application

This instrument applies to a development application for a lease variation that is lodged before 6 March 2016, whether or not the application is decided before 6 March 2016.

4 Community purpose—Act, s 278B (2)

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

5 Remission of lease variation charges—certain childcare services variations—Act, s 278B (3)

- (1) This section applies to a chargeable variation of a nominal rent lease if the only effect of the variation, and any other chargeable variation approved under the development application for the variation, is to—
- (a) authorise the use of the land under the lease for a childcare centre; or
 - (b) authorise the use of the land under the lease for a childcare centre and limit the maximum number of children provided care in a childcare centre permitted under the lease; or
 - (c) increase the maximum number of children provided care in a childcare centre permitted under the lease.
- (2) I, the Treasurer, determine the amount of the lease variation charge for the chargeable variation to be remitted is an amount equal to 100% of the charge.
- (3) In this section:
childcare centre—see the *Planning and Development Regulation 2008*, section 170A (2).

6 Remission of lease variation charges—certain childcare services 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 4, other than a variation mentioned in section 5.
- (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.

7 Expiry

This instrument expires on 6 March 2016.

Simon Corbell
Minister for the Environment and Sustainable Development
26 May 2014

Andrew Barr
Treasurer
27 May 2014