

# Planning and Development (Remission of Lease Variation Charges for the Housing Commissioner) Determination 2018

Disallowable instrument DI2018–93

made under the

*Planning and Development Act 2007*, s 278 (Remission of lease variation charges)

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## 1 Name of instrument

This instrument is the Planning and Development (Remission of Lease Variation Charges for the Housing Commissioner) Determination 2018.

*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*, Dictionary:

- chargeable variation
- gross floor area
- lease variation charge
- nominal rent lease
- s 276E chargeable variation
- s 277 chargeable variation.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Determination of circumstances which apply to the variation—s 278 (1)

Pursuant to s 278 (1) of the *Planning and Development Act 2007*, I, the Minister for Planning and Land Management, determine:

- (1) This instrument 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.

#### 4 Determination of the amount to be remitted— s 278 (2)

Pursuant to s 278 (2) of the Planning and Development Act 2007, I, the Treasurer, determine the amounts in subsections (1) and (2):

- (1) 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.
- (2) 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.
- (3) In this section:  
**added value**—see the Planning and Development Regulation 2008, section 179.

Mick Gentleman  
Minister for Planning and Land Management

16 May 2018

Andrew Barr  
Treasurer

16 May 2018