

# Planning and Development (Remission of Lease Variation Charges) Determination 2018 (No 1)

Disallowable instrument DI2018–94

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) Determination 2018 (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*, Dictionary:

- chargeable variation
- gross floor area
- lease variation charge
- LVC determination
- s 276E chargeable variation.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Remission of lease variation charges—s 276E chargeable variation to increase number of dwellings—s 278 (1) and (2)

- (1) This section applies to a chargeable variation if—
- (a) it is a *s 276E chargeable variation* prescribed by the Planning and Development Regulation 2008, section 170A(1)—
    - (i) paragraph (a); or
    - (ii) paragraph (c) (i) 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 25% of the charge.

**4 Remission of lease variation charges—s 276E chargeable variation to increase maximum gross floor area of any non-residential building or structure—s 278 (1) and (2)**

- (1) This section applies to a chargeable variation if—
  - (a) it is a s *276E chargeable variation* prescribed by the Planning and Development Regulation 2008, section 170A(1)—
    - (i) paragraph (c) (ii); 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 a chargeable variation to be remitted is an amount equal to 25% of the charge.

**5 Remission of lease variation charges— s 276E chargeable variation for all other chargeable variations— s 278 (1) and (2)**

- (1) This section applies to a chargeable variation other than a chargeable variation mentioned in section 3 or 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.

Mick Gentleman  
Minister for Planning and Land Management

16 May 2018

Andrew Barr  
Treasurer

16 May 2018