

# Planning and Development (Lease Variation Charge Deferred Payment Scheme) Determination 2021

## Disallowable instrument DI2021–12

made under the

*Planning and Development Act 2007*, s 279AA (1) (b) (Application to defer payment of lease variation charges) and s 279AC (2) (Conditions of deferral arrangement)

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### 1 Name of instrument

This instrument is the *Planning and Development (Lease Variation Charge Deferred Payment Scheme) Determination 2021*.

### 2 Commencement

This instrument is taken to have commenced on 24 December 2020.

### 3 Determination of amount to be deferred—s 279AA (1) (b)

For the purposes of the *Planning and Development Act 2007*, section 279AA (1) (b), I determine that the amount of the lease variation charge to be deferred is:

- (1) for a lease variation charge subject to a remission under:
  - (a) *Planning and Development (Remission of Lease Variation Charges—Construction Sector Recovery) Determination 2020*; and
  - (b) *Planning and Development (Remission of Lease Variation Charges—Construction Sector Recovery) Determination 2021*;  
—at least \$1; and
- (2) in all other circumstances—at least \$50 000.

#### 4 Determination of other conditions—s 279AC (2)

For the purposes of the *Planning and Development Act 2007*, section 279AC (2), I determine that:

- (1) the rate of interest charged on the amount payable under the deferral arrangement is the market rate only where:
  - (a) a lessee is a gaming machine club; and
  - (b) the Treasurer is satisfied that a public benefit will be derived from the development and/or use of the land subject to the lease variation charge;
- (2) for any other lessee—the rate of interest charged on the amount payable under the deferral arrangement is the sum of:
  - (a) the market rate; and
  - (b) a margin of 1.8 percentage points per annum;
- (3) the interest chargeable under section 4 (1) or 4 (2) on the amount payable shall be:
  - (a) calculated from the date of the execution of the lease variation until the amount payable under the deferral arrangement is paid in full;
  - (b) worked out:
    - (i) for each month that the amount is deferred or unpaid;
    - (ii) on the 1st day of that month; and
    - (iii) at the interest rate applying to that day; and
    - (iv) on the total amount payable that is deferred or unpaid on a day when the interest is worked out;
- (4) for sub-section (3)(b)(i) if an amount remains unpaid for part of a month, interest is payable for the whole month;
- (5) In this section:

***amount payable*** means the amount of the lease variation charge that is deferred and includes:

- (a) the costs and expenses reasonably incurred by the Territory in attempting to recover the lease variation charge and any other amounts payable under the deferral arrangement; and
- (b) the interest chargeable at the rate specified in section 4 (1) or section 4 (2).

***gaming machine club*** means a club that holds a class C licence under the *Gaming Machine Act 2004*.

***market rate*** means the monthly 90-day bank bill rate worked out in accordance with the *Taxation Administration Act 1999*, section 26.

## **5 Revocation**

This instrument revokes *Planning and Development (Lease Variation Charge Deferred Payment Scheme) Determination 2020*, DI2020-225.

Andrew Barr MLA  
Treasurer

12 January 2021