Australian Capital Territory

Planning (Reduction of Lease Variation Charges for the Housing Commissioner) Determination 2023

**Disallowable instrument DI2023–277**

made under the

*Planning Act 2023*, s 338 (Reduction of lease variation charges)

**1 Name of instrument**

This instrument is the *Planning (Reduction of Lease Variation Charges for the Housing Commissioner) Determination 2023*.

**2 Commencement**

This instrument commences on the commencement of the Act, division 10.7.3 (Variation of nominal rent leases).

**3 Definitions**

In this instrument:

***Act*** means the *Planning Act 2023*.

***added value***—see the *Planning (General) Regulation 2023*, section 72.

***chargeable variation***—see the Act, dictionary.

***gross floor area***—see the Act, dictionary.

***housing commissioner***—see *Housing Assistance Act 2007*, section 9.

***lease variation charge***—see the Act, dictionary.

***nominal rent lease***—see the Act, dictionary.

***non-standard chargeable variation***—see the Act, dictionary.

***standard chargeable variation***—see the Act, dictionary.

**4 Determination of circumstances which apply to the variation—s 338 (1)**

Pursuant to section 338 (1) of the Act, I, the Minister for Planning and Land Management, determine:

1. This instrument applies to a chargeable variation of a nominal rent lease if—
   1. the lease was granted to the housing commissioner for a term beginning before 17 December 1987; and
   2. the housing commissioner is the lessee.

**5 Determination of the amount to be reduced— s 338 (2)**

Pursuant to section 338 (2) of the Act, I, the Treasurer, determine the amounts in subsections (1) and (2):

1. for a standard chargeable variation, the amount of the lease variation charge to be reduced is—
2. if less than 50% of the charge is reduced under another provision of the Act—an amount that, with any other reduced amount, is equal to 50% of the charge; or
3. if 50% or more of the charge is reduced under another provision of the Act—an amount equal to 0% of the charge; or
4. in any other case—an amount equal to 50% of the charge.
5. for a non-standard chargeable variation, the amount of the lease variation charge is to be reduced is an amount equal to 25% of the added value for the variation.

Mick Gentleman

Minister for Planning and Land Management

November 2023

Andrew Barr

Treasurer

24 November 2023