



Australian Capital Territory

# **Planning and Development (Concessional Leases) Amendment Regulation 2009 (No 1)**

**Subordinate Law SL2009-41**

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The Australian Capital Territory Executive makes the following regulation under the *Planning and Development Act 2007*.

Dated 4 August 2009.

ANDREW BARR  
Minister

JOHN HARGREAVES  
Minister

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J2009-544

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)





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# Planning and Development (Concessional Leases) Amendment Regulation 2009 (No 1)

Subordinate Law SL2009-41

made under the

**Planning and Development Act 2007**

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## 1 Name of regulation

This regulation is the *Planning and Development (Concessional Leases) Amendment Regulation 2009 (No 1)*.

## 2 Commencement

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

## 3 Legislation amended

This regulation amends the *Planning and Development Regulation 2008*.

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J2009-544

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**4 New section 240 (f) to (k)**

*after the note, insert*

- (f) a lease that expressly states that the lease is not a concessional lease;

**Example**

A lease that includes a statement under the Act, s 238 (2) (a) that the lease is not a concessional lease.

- (g) a lease granted to a territory entity;
- (h) a lease granted to an entity other than a territory entity if—
  - (i) the lease expressly states that the lease commenced, or is taken to have commenced, on a day (the ***lease commencement day***) earlier than the day the lease was granted; and
  - (ii) the land comprised in the lease was occupied by a territory entity on the lease commencement day;
- (i) a lease granted to a Commonwealth entity;
- (j) a lease granted to an entity other than a Commonwealth entity if—
  - (i) the lease expressly states that the lease commenced, or is taken to have commenced, on a day (the ***lease commencement day***) earlier than the day the lease was granted; and
  - (ii) the land comprised in the lease was occupied by a Commonwealth entity on the lease commencement day;
- (k) a lease granted under the *City Area Leases Act 1936* if, on 1 July 2009—
  - (i) the lessee of the lease is the holder of a club licence under the *Liquor Act 1975*; and

- (ii) at least 75% of the area of the land comprising the lease is located in—
- (A) a commercial zone under the territory plan; or
  - (B) a designated area under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth); and

**Example**

30% of land comprised in a lease is located in a commercial zone and 50% of land is located in a designated area.

- (iii) there is no restriction on dealing with the lease expressed in the lease; and
- (iv) the lease authorises the land comprised in the lease to be used for both—
- (A) a licensed club under the *Liquor Act 1975*; and
  - (B) a commercial purpose unrelated to the club.

**Examples—commercial purpose**

- 1 a shop under the territory plan
- 2 a non-retail commercial use under the territory plan
- 3 a commercial accommodation use under the territory plan

**5 New section 240 (2)**

*insert*

- (2) In this section:

***Commonwealth entity*** means—

- (a) the Commonwealth; or
- (b) a Commonwealth authority under the *Commonwealth Authorities and Companies Act 1997* (Cwlth); or

(c) a Commonwealth company under the *Commonwealth Authorities and Companies Act 1997* (Cwlth).

*territory entity* means—

- (a) a territory authority; or
- (b) a territory instrumentality.

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**6 Section 240 (as amended)**

*renumber as section 99*

**7 Chapter 6**

*relocate before part 5.1 as part 5.1A*

**8 Dictionary, note 2**

*insert*

- territory instrumentality

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**Endnotes**

**1 Notification**

Notified under the Legislation Act on 5 August 2009.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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