

DEVELOPMENT APPLICATION

Form

NOMINATING REMISSION - DI2014-48

To be completed and uploaded via eDevelopment with the DA

This form must be provided with any development application that could be eligible for a remission under the *Planning and Development (Remission of Lease Variation Charges – Economic Stimulus and Sustainability) Determination 2014 (No 1)* (DI 2014-48) made under sections 278 and 278E of the *Planning and Development Act 2007*.

An applicant is required to indicate whether or not they are seeking a remission under DI2014-48.

Is your DA eligible under section 3 of DI 2014-48?

If you answer **no** to this question, please progress to the lessee and applicant declaration on page 2

MEETS CRITERIA NO YES

Are you seeking remission under DI 2014-48

If you answer **no** to this question, please progress to the lessee and applicant declaration on page 2

REMISSION APPLICATION YES NO

To be eligible to apply for remission under DI 2014-48 your development application **must** include a **lease variation** that attracts Lease Variation Charge (LVC) calculated in accordance with **section 277** of the *Planning and Development Act 2007* **AND** relate to the approval of **development of a building** (ie design and siting) where the variation of the lease is necessary to allow the development of the building.

Development Application status:

- INITIAL SUBMISSION AND NO EXISTING APPLICATION
- PRE-LODGE (FEES NOT YET PAID)
- LODGED (FEES PAID AND UNDER ASSESSMENT)
- DEVELOPMENT CONDITIONALLY APPROVED
- LVC NOT YET DETERMINED
- LVC DETERMINED

Existing Development Application number:

Was the application approved prior to 6 March 2014

- YES – YOUR APPLICATION DOES NOT MEET THE CRITERIA FOR THIS REMISSION
- NO – YOUR APPLICATION MAY MEET THE CRITERIA FOR THIS REMISSION

Lease/Site Details *Please Print*

Block/s Section Suburb

District Street Address

IDENTIFICATION OF PROPOSED CRITERIA FOR REMISSION

I/we hereby certify that the development proposed will meet following criteria:

Please tick relevant boxes

- ECONOMIC STIMULUS** – where an application is lodged for a lease variation **AND** relates to development of a building where the variation of the lease is necessary to allow the development of the building, 25% of the added value calculated by using the formula $(V1 - V2) \times 25\%$ may be remitted.

One or more of the following remissions can be packaged together to result in a maximum 25% remission of the lease variation charge (refer to section 10 of DI2014-48).

<input type="checkbox"/>	A BUILDING ACHIEVING AN AVERAGE GREEN STAR RATING OF 5 for a possible 10% remission	<input type="checkbox"/>	A BUILDING ACHIEVING AN AVERAGE GREEN STAR RATING OF 6 for a possible 25% remission
<input type="checkbox"/>	A BUILDING ACHIEVING AN AVERAGE NATHERS RATING OF 6.5 OR 7 for a possible 10% remission	<input type="checkbox"/>	A BUILDING ACHIEVING AN AVERAGE NATHERS RATING OF 7.5 for a possible 25% remission
<input type="checkbox"/>	A DEVELOPMENT WHERE 50% OR MORE (BUT NOT 100%) OF DWELLINGS MEET THE AUSTRALIAN STANDARD FOR ADAPTABLE HOUSING AS 4299-1995 for a possible 10% remission	<input type="checkbox"/>	A DEVELOPMENT WHERE 100% OF DWELLINGS MEET THE AUSTRALIAN STANDARD FOR ADAPTABLE HOUSING AS 4299-1995 for a possible 25% remission

Important Information for you to understand

Planning and Development (Remission of Lease Variation Charges – Economic Stimulus and Sustainability) Determination 2014 (No 1) Disallowable Instrument 2014- 48 (DI2014-48) applies **only** to a Lease Variation Charge (LVC) calculated in accordance with section 277 of the *Planning and Development Act 2007*. The amount of remission applied to the determined LVC will be calculated based on the criteria nominated by the applicant in this form.

Please be aware that failure to meet the criteria for remission by either not developing the building or by delivering a lower than nominated building at completion may require the lessee (or subsequent lessee if the lease has been transferred to pay to the Territory, the value of the relevant remitted component beyond the remission applicable to the standard of building delivered i.e. the amount which would apply to the completed development. For example:

1. If an applicant made a nomination to deliver a sustainability outcome e.g. the applicant nominated that the building would deliver an average Green Star rating of **6** meaning that a 25% remission was given. However, on completion the building only achieved an average Green Star rating of **5** then the additional 15% of the remission value must be repaid. This is because the higher rating of Green Star 6 attracted a 25% remission whereas a Green Star rating of 5 only attracts a 10% remission. The repayment is the difference between these two values.
2. If no building is developed the amount of the economic stimulus component of the remission i.e. 25% of the determined added value that was used in the calculation of the LVC is required to be repaid. This is because the remission was provided as an economic stimulus for the construction industry with the intent that buildings would be developed.

The lessee will be required, at their own cost, to provide evidence from the relevant industry authority of the ratings and/or standards of the completed building. Where a remission under DI2014-48 has been applied, and the lessee intends to apply for subdivision under either the *Planning and Development Act 2007* or the *Unit Titles Act 2001*, the lessee will be required to provide evidence from the relevant industry authority of the ratings and/or standards met prior to the subdivision.

This remission is valid for development applications that meet the criteria of DI2014-48, section 3. The DA is approved on or after 6 March 2014 and the approval also relates to the development of a building on the land under the lease and that satisfies the relevant criteria at sections 4 (b), 6 (a) (b) and section 8 (a) (b) (c) as nominated by the applicant.

The DI expires on 6 March 2016 and an eligible DA must be approved by 6 March 2016 to be able to gain a remission under the instrument.

Applicant and Lessee Declaration: please print		
Applicant's Name	Applicant's Signature	Date
Lessee's Name	Lessee's Signature	Date
Lessee's Name	Lessee's Signature	Date

In signing this application for remission on LVC under DI2014-48 I/we understand and accept the terms of the remission.

This form must be signed by all the Crown lessees prior to submission.

DEFINITIONS:

Green Star rating - Means a rating under the national environmental rating system for buildings called the "Green Star" rating system developed by the Green Building Council of Australia. www.gbca.org.au

NatHERS rating - Means a rating under the Nationwide House Energy Rating Scheme (NatHERS) administered through the Ministerial Council of Energy. www.nathers.gov.au

Australian Standard for Adaptable Housing - AS 4299-1995 can be purchased at www.standards.org.au

Privacy Notice

The personal information on this form is provided to the Environment and Planning Directorate (EPD) to enable the processing of your application. The collection of personal information is authorised by the Planning and Development Act 2007. If all or some of the personal information is not collected EPD cannot process your application. The Planning and Development Act 2007 requires the details of applications, decisions and orders to be kept on a register and made available for public inspection. Information and documentation relevant to a development application may be made available via the Internet. The personal information you provide may be disclosed to Australian Bureau of Statistics, ACT Revenue Office, the Registrar General's Office, ACTEW Corporation, ActewAGL, Territory and Municipal Services Directorate and other Government agencies with a direct interest in the development assessment process. The information may also be disclosed where authorised by law or court order, or where the Directorate reasonably believes that the use or disclosure of the information is reasonably necessary for enforcement-related activities conducted by, or on behalf of, an enforcement body. EPD's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPD Information Privacy Policy can be found at www.environment@act.gov.au

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