



ACT
Government

Environment, Planning and
Sustainable Development

Planning and Development Act 2007, s425

DEVELOPMENT APPLICATION

Form

NOMINATING REMISSION - DI2019-229

To be completed and uploaded via eDevelopment with the DA or prior to the Lease Variation Charge (LVC) Assessment

This form must be provided by the applicant for any development application that could be eligible for a remission under the *Planning and Development (Remission of Lease Variation Charges–Affordable Rental Development Concession) Determination 2019* (DI 2019-229) made under section 278 of the *Planning and Development Act 2007*.

An applicant is required to indicate which remission they are seeking under DI 2019-229. Please note, the applicant may enter the deferral payment scheme if the LVC is determined at \$50,000.00 or more.

Lease/Site Details *Please Print*

Block/s

Section

Suburb

District

Street
Address

Development
Application
Number

Eligibility Criteria

To be eligible for remission under DI2019-229, your development application **must**: include a **lease variation** that attracts LVC calculated in accordance with **s276E/s277** of the *Planning and Development Act 2007*; relate to the approval of a development for dwellings to be used for Affordable Housing rental; and where the lease variation is necessary to allow for the development.

You must also meet the following criteria of DI2019-229:

- (1) the land is leased by a registered community housing provider;
- (2) the development application for the chargeable variation is approved by the grant of a development approval under section 162 of the *Planning and Development Act 2007* on or after 1 October 2019; and
- (3) the development approval and the varied lease include a condition that the lessee develop and use the land, or part of the land, for affordable rental for a minimum of 7 years from the date of the grant of certificate of occupancy.

Failure to meet any of the above conditions will result in applicant not receiving the remission.

IDENTIFICATION OF PROPOSED CRITERIA FOR REMISSION DI 2019-229

Applicant hereby certifies that the development proposed will meet following criteria:

<input type="checkbox"/>	Land leased by registered community housing provider		
<input type="checkbox"/>	S276E Lease variation	<input type="checkbox"/>	S277 Lease variation
<input type="checkbox"/>	Number of dwellings used for affordable rental: _____		
<input type="checkbox"/>	These dwellings will be used for affordable rental for a minimum of seven (7) years.		

APPLICANT HAS PROVIDED THE FOLLOWING EVIDENCE:

1) That the lessee is a registered community housing provider;

YES NO

2) The number of dwellings which are to be used for affordable rental; and

YES NO

3) That the lessee agrees to use these dwellings for affordable rental for a minimum of seven (7) years.

YES NO

Further Information

Planning and Development (Remission of Lease Variation Charges—Affordable Rental Development Concession) Determination 2019 (DI2019-229) applies **only** to LVC calculated in accordance with section 278 of the *Planning and Development Act 2007*.

The remission amount applied to the determined LVC will be calculated based on the criteria nominated by the applicant in this form, and by evidence provided for the individual dwellings.

This remission is only valid for development applications (DA) that meet the criteria of DI 2019-229. The DA must be for land which is leased by a registered community housing provider; and for a chargeable variation which is approved by the grant of a development approval under section 162 of the *Planning and Development Act 2007* on or after 1 October 2019. The development approval and the varied lease must include a condition that the lessee develop and use the land, or part of the land, for affordable rental for a minimum of seven years from the date of the grant of certificate of occupancy.

DI 2019-229 expires on 30 June 2022 and an eligible DA must be approved before the expiry date to be able to gain a remission under the instrument.

DECLARATION

In signing this application form for remission on LVC under DI 2019-229, you understand and accept the terms of the remission. **This form must be signed by all the lessees prior to submission.**

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

DEFINITIONS:

affordable rental means housing that is rented:

- (a) at a rate that is less than 75 per cent of the current market rent; and
- (b) by an eligible household comprising a person or persons whose combined gross income is less than or equal to the income limits provided in section 3 (2) of DI 2019-229;

certificate of occupancy - see the *Building Act 2004*.

combined gross income of an eligible household means the combined gross income of person or those persons at the time the parcel of land is first rented.

Community Housing Providers National Law (ACT) means the provisions applying because of the *Community Housing Providers National Law (ACT) Act 2013*, section 7.

the land means the land under the lease that is the subject of the lease variation.

registered community housing provider - see the *Community Housing Providers National Law (ACT) Act 2013*, section 4 (1).

Privacy Notice

The personal information on this form is being collected to enable processing of your application. Collection of personal information is authorised by Chapters 7, 8 and 9 of the *Planning and Development Act 2007*. The information that you provide may be disclosed to the ACT Revenue Office, the Australian Valuation Office and the Registrar-General's Office. The information may be accessed by other government agencies, ACTEWAGL, ACTEW Corporation and other commercial organisations interested in development and building information.

Contact Details:

Environment, Planning and Sustainable Development Directorate

Customer Service Centre

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