

# Planning and Development (Reduction of Change of Use Charge) Policy Direction 2009 (No 1)

Disallowable instrument DI2009–137

made under the

**Planning and Development Regulation 2008, Section 177**

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## 1 Name of instrument

This instrument is the *Planning and Development (Reduction of Change of Use Charge) Policy Direction 2009 (No 1)*.

## 2 Commencement

This instrument is taken to have commenced on 1 July 2009.

## 3 Policy Direction

Pursuant to section 177 of the *Planning and Development Regulation 2008* I make the following Policy Direction for the purposes of sections 175(1)(b) and 175(2)(a) of the Regulations:

- (1) this policy direction will apply only where all of the following conditions are fulfilled:
  - (a) an application for a variation of the purposes permitted under the lease has been lodged or will be lodged with the planning and land authority between 1 June 2009 and 1 June 2010;
  - (b) the application in section (1)(a) of this instrument is accompanied by a development application for the construction of a structure upon the leasehold which has been approved at the time the application under section (1)(a) of this instrument is made, or is subsequently approved (or approved subject to conditions) in substantially the same form; and
  - (c) the chief planning executive of the planning and land authority determines that the variation applied for in section (1)(a) of this instrument is reasonably relevant and proportionate to the development as proposed in the development application accompanying it under (1)(b);

- (2) where the conditions set out in section (1) of this instrument are fulfilled, the planning and land authority shall remit any amount of the change in use charge that exceeds:

$$\text{CUC} = (V_1 - V_2) \times 50\%$$

Where

CUC,  $V_1$  and  $V_2$  have the same meanings as in section 277 of the Act;

- (3) if the variation is prescribed under section 182 of the Regulations, section 182(2) shall apply to the amount remitted under Section (2) of this instrument.
- (4) For the avoidance of doubt, this policy direction does not apply to the remission of change of use charges in relation to:
- (a) leases held by the housing commissioner; or
  - (b) a concessional lease

Andrew Barr MLA  
Minister for Planning

30 June 2009