

Planning and Development (Change of Use Charge on Disused Service Station Sites) Policy Direction 2009 (No 1)

Disallowable instrument DI2009–140

made under the

Planning and Development Regulation 2008, Section 177

1 Name of instrument

This instrument is the *Planning and Development (Change of Use Charge on Disused Service Station Sites) 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 with the planning and land authority or will be lodged on or before 1 June 2010 in respect of a leasehold that:
 - (i) has previously been used as a service station; and
 - (ii) has ceased to operate as a service station before 1 June 2009.
 - (b) no change of use charge in respect of the above application, or part thereof, was paid by the lessee, or any person on behalf of the lessee, prior to 1 June 2009 (whether or not such change of use charge was assessed prior to 1 June 2009);
 - (c) a development application in respect of the leasehold, consistent with the variation of the change of use to the purposes permitted under the lease, has been approved by the planning and land authority on or before 1 June 2010; and

- (d) the lessee has provided to the planning and land authority a certificate from a building certifier, appointed under s19 or section 19A of the *Building Act 2004* certifying works in accordance with the approved development application reached the stage of completion of excavation, placement of formwork and placement of steel reinforcing for the footings as set out in section 33(a) of the *Building (General) Regulation 2008* on or before 1 June 2010;
- (2) where all of the conditions set out above are fulfilled, the planning and land authority shall remit one hundred percent (100%) of the amount of the change in use charge in respect of the variation of the lease;
- (3) for the avoidance of doubt, the planning and land authority must not remit a change of use charge under this policy direction to a lessee in respect of a variation of a lease where the change of use charge in respect of that variation, or part thereof, was paid before 1 June 2009.

Andrew Barr MLA
Minister for Planning

30 June 2009