

Australian Capital Territory

Planning and Development (Change of Use Charge on Disused Service Station Sites) Policy Direction 2010 (No 1)

Disallowable instrument DI2010 - 103

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 2010 (No 1)*.

2 Commencement

This instrument is taken to have commenced on 1 June 2010.

3 Repeal of instrument

The policy direction (Change of Use Charge on Disused Service Station Sites) Policy Direction 2009 (No 1) Disallowable instrument DI2009-140 is repealed.

4 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 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 purposes permitted under the lease made pursuant to paragraph (1)(a) above, has been lodged with the planning and land authority on or before 30 July 2010; and

(i) if the development application is approved prior to 30 July 2010, the lessee has provided to the planning and land authority, a certificate dated no later than 30 December 2010 from a building certifier, appointed under s19 or section 19A of the *Building Act 2004*, certifying works in accordance with the approved development application have 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*; or

(ii) if the development application is approved after 30 July 2010, the lessee has provided to the planning and land authority a certificate dated within six months of the date of approval of the development application from a building certifier, appointed under s19 or section 19A of the *Building Act 2004* certifying works in accordance with the approved development application have 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*

(2) where all of the applicable 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

11 June 2010