

Planning and Development (Remission of Lease Variation Charges for Adaptive Re-use—Environmental Performance) Determination 2012 (No 1)

Disallowable instrument DI2012-78

made under the

Planning and Development Act 2007, s 278E (When commissioner must remit lease variation charges—other)

1 Name of instrument

This instrument is the *Planning and Development (Remission of Lease Variation Charges for Adaptive Re-use — Environmental Performance) Determination 2012 (No 1)*.

2 Commencement

This instrument commences on 1 July 2012.

3 Meaning of certain terms—correlation with the Planning and Development Act 2007 and Building Act 2004

A term used in this instrument has the same meaning as the term has in the *Planning and Development Act 2007* or the *Building Act 2004* unless this instrument provides a different meaning for the term.

4 Circumstances of adaptive re-use remission

- (1) I, the Minister for the Environment and Sustainable Development, determine the provision of a lease variation charge adaptive re-use remission.
- (2) For the purpose of this instrument adaptive re-use refers to the conversion of all or part of an existing office building to a class 2 residential building as classified in the building code, in the city centre development code or the town centres developments code in the Territory Plan.
- (3) A remission for adaptive re-use will be made if the development achieves high environmental performance in accordance with subsection (4) following and the crown lease includes provisions relating to the remission criteria.

- (4) High environmental performance is based on the predicted carbon savings of the class 2 parts of the building above an estimate of the carbon emissions baseline for the building meeting the current standards.

5 Application for the adaptive re-use remission

- (1) Applications for the adaptive re-use remission relating to high environmental performance will need to be lodged as part of the Development Application (DA) for the lease variation.
- (2) An application for the lease variation charge adaptive re-use remission for high environmental performance will need to be accompanied by:
 - (a) a plan of the development that shows how the level of environmental performance will be achieved; and
 - (b) an assessment of the level of the carbon savings over the established baseline in accordance with subsection (3) following.
- (3) The assessment of carbon savings must be completed using a publicly available calculator developed by the ACT Government for the purposes of this remissions scheme.
 - (a) The calculator will be published on ACT Government websites and updated annually.
 - (b) The assessment made by the developer will be verified within ACT Government.

6 Maximum amount to be remitted through the adaptive re-use remission

- (1) I, the Treasurer, determine the maximum amount to be remitted through the adaptive re-use remission to be 75 per cent of the lease variation charge which has been determined for payment.

7 Amount to be remitted through the adaptive re-use remission for high environmental performance

- (1) The value of carbon savings and accordingly the remission will be calculated based on the level of abatement to result from measures above the baseline established by the ACT Government.
- (2) The adaptive re-use remission for high environmental performance will be calculated as:

$$\text{REI} = \text{CA} \times \text{Cp} \times (1 + \text{ECP}) \text{ where:}$$

- (a) REI is the amount of the remission;
- (b) CA is carbon abatement determined through the publicly available calculator at the time of application;

(c) C_p is carbon price as set under the national carbon pricing framework;
and

(d) ECP is the Embodied Carbon Premium at 20 per cent of the carbon price.

8 Verification of the remission

- (1) The adaptive re-use remission granted will be verified as per conditions set out in the Development Approval.

9 Review of lease variation charge adaptive re-use remission scheme

- (1) A review of the remission scheme will occur following the transition to a floating price on carbon in 2015.

10 Expiry

- (1) This instrument expires on 30 June 2015.

Andrew Barr
Treasurer
3 May 2012

Simon Corbell
Minister for the Environment and Sustainable Development
3 May 2012