Australian Capital Territory

Planning (Reduction of Lease Variation Charges) Determination 2023

**Disallowable instrument DI2023–276**

made under the

*Planning Act 2023*, s 338 (Reduction of lease variation charges)

**1 Name of instrument**

This instrument is the *Planning (Reduction of Lease Variation Charges) Determination 2023*.

**2 Commencement**

This instrument commences on the commencement of the Act, division 10.7.3 (Variation of nominal rent leases).

**3 Definitions**

In this instrument:

***Act*** means the *Planning Act 2023*.

***chargeable variation***—see the Act, dictionary.

***gross floor area***—see the Act, dictionary.

***lease variation charge***—see the Act, dictionary.

***standard chargeable variation***—see the Act, dictionary.

**4 Reduction of lease variation charges—standard chargeable variation to increase number of dwellings—s 338 (1) and (2)**

1. This section applies to a chargeable variation if—
   1. it is a ***standard chargeable variation*** prescribed by the *Planning (General) Regulation 2023*, section 75 (1)—
2. paragraph (a); or
3. paragraph (c) (i); or
4. paragraph (f) (i); or
5. paragraph (g) (i); and

(b) a lease variation charge is determined in a determination for the variation under the Act, section 331.

1. The determined amount that the lease variation charge for a chargeable variation is to be reduced is an amount equal to 25% of the charge.

**5 Reduction of lease variation charges—standard chargeable variation to increase maximum gross floor area of any non-residential building or structure—s 338 (1) and (2)**

1. This section applies to a chargeable variation if—
2. it is a ***standard chargeable variation*** prescribed by the *Planning (General) Regulation 2023*, section 75 (1)—
3. paragraph (c) (ii); or
4. paragraph (f) (ii); or
5. paragraph (g) (ii); and
6. a lease variation charge is determined in a determination for the variation under the Act, section 331.
7. The determined amount that the lease variation charge for a chargeable variation is to be reduced is an amount equal to 25% of the charge.

**6 Reduction of lease variation charges—standard chargeable variation for all other chargeable variations—s 338 (1) and (2)**

1. This section applies to a chargeable variation other than a chargeable variation mentioned in section 4 or 5.
2. The determined amount that the lease variation charge for the chargeable variation is to be reduced is an amount equal to 0% of the charge.

Mick Gentleman

Minister for Planning and Land Management

November 2023

Andrew Barr

Treasurer

24 November 2023