

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—

(a) it is a *standard chargeable variation* prescribed by the *Planning (General) Regulation 2023*, section 75 (1)—

(i) paragraph (a); or

(ii) paragraph (c) (i); or

(iii) paragraph (f) (i); or

(iv) paragraph (g) (i); and

- (b) a lease variation charge is determined in a determination for the variation under the Act, section 331.
- (2) 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—
 - (a) it is a *standard chargeable variation* prescribed by the *Planning (General) Regulation 2023*, section 75 (1)—
 - (i) paragraph (c) (ii); or
 - (ii) paragraph (f) (ii); or
 - (iii) paragraph (g) (ii); and
 - (b) a lease variation charge is determined in a determination for the variation under the Act, section 331.
- (2) 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