

Planning (Reduction of Lease Variation Charges for the Housing Commissioner) Determination 2023

Disallowable instrument DI2023–277

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 for the Housing Commissioner) 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*.

added value—see the *Planning (General) Regulation 2023*, section 72.

chargeable variation—see the Act, dictionary.

gross floor area—see the Act, dictionary.

housing commissioner—see *Housing Assistance Act 2007*, section 9.

lease variation charge—see the Act, dictionary.

nominal rent lease—see the Act, dictionary.

non-standard chargeable variation—see the Act, dictionary.

standard chargeable variation—see the Act, dictionary.

4 Determination of circumstances which apply to the variation—s 338 (1)

Pursuant to section 338 (1) of the Act, I, the Minister for Planning and Land Management, determine:

- (1) This instrument applies to a chargeable variation of a nominal rent lease if—
 - (a) the lease was granted to the housing commissioner for a term beginning before 17 December 1987; and
 - (b) the housing commissioner is the lessee.

5 Determination of the amount to be reduced— s 338 (2)

Pursuant to section 338 (2) of the Act, I, the Treasurer, determine the amounts in subsections (1) and (2):

- (1) for a standard chargeable variation, the amount of the lease variation charge to be reduced is—
 - (a) if less than 50% of the charge is reduced under another provision of the Act—an amount that, with any other reduced amount, is equal to 50% of the charge; or
 - (b) if 50% or more of the charge is reduced under another provision of the Act—an amount equal to 0% of the charge; or
 - (c) in any other case—an amount equal to 50% of the charge.
- (2) for a non-standard chargeable variation, the amount of the lease variation charge is to be reduced is an amount equal to 25% of the added value for the variation.

Mick Gentleman
Minister for Planning and Land Management

November 2023

Andrew Barr
Treasurer

24 November 2023