Australian Capital Territory

Planning (Reduction and Deferral of Lease Variation Charges—RZ1 and RZ2) Determination 2026 (No 2)

Disallowable instrument DI2026–236

made under the

***Planning Act 2023*, s 338 (Reduction of lease variation charges) and s 343 (1) (a) (Approval to defer payment of lease variation charges)**

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1 Name of instrument

This instrument is the *Planning (Reduction and Deferral of Lease Variation Charges—RZ1 & RZ2) Determination 2026 (No.2)*.

2 Commencement

This instrument commences on the commencement of the *Planning (Missing Middle Housing) Amendment Act 2026*, section 3.

3 Definitions

In this instrument:

Act means the *Planning Act 2023*.

RZ1 means the zone identified in the territory plan as RZ1.

RZ2 means the zone identified in the territory plan as RZ2.

Note Terms used in this instrument have the same meaning that they have in the *Planning Act 2023* (see *Legislation Act 2001*, s 148).

4 Determination of circumstances—s 338 (1)

As Minister for Planning and Sustainable Development, I determine that the amount of lease variation charge applying under part 10.7 of the Act to a chargeable variation of a nominal rent lease must be reduced if all of the following criteria are met:

(a) the chargeable variation is a standard chargeable variation to authorise or permit the addition of 1 or more dwellings on the land under the lease in RZ1 or RZ2; and

(b) by 30 June 2029, either:

(i) the development application for the chargeable variation is approved; or

(ii) the chargeable variation is declared as an exempt development under section 149C of the Act; and

(c) an application to defer payment of the lease variation charge under section 342 of the Act is made to the commissioner for revenue on or after 10 June 2026; and

(d) the commissioner approves the application mentioned in paragraph (c); and

(e) after the commissioner approves the application in accordance with paragraph (d), a certificate of occupancy is issued for each additional dwelling by 31 December 2030.

Examples

1. The reduction does not apply if a property is sold before a certificate of occupancy is granted for each dwelling under s (4) (1) (e).

2. The reduction does not apply if a certificate of occupancy is granted after 31 December 2030 for any additional dwelling.

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

As Treasurer, I determine that a lease variation charge subject to a reduction under clause 4 must be reduced by 50% of the charge.

6 Determination of amount to be deferred—s 343 (1) (a)

As Treasurer, I determine that, for a lease variation charge subject to a reduction under section 4, the total lease variation charge to be deferred is at least $1.

7 Revocation

This instrument revokes the *Planning (Reduction and Deferral of Lease Variation Charges—RZ1 and RZ2) Determination 2026*, DI2026-143.

8 Expiry

This instrument expires on 31 December 2030.

Chris Steel MLA
Treasurer and Minister for Planning and Sustainable Development
28 October 2026