



ACT
Government

Part F

Other Policies

F2 – Leasing
Policy

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1. Application

The Lease Variation Policy applies to any development where varying a Crown lease is proposed and applies across all zones of the Territory Plan. It is to be read in conjunction with the relevant district policy and zone policy.

2. Policy Outcomes

Development proposals involving a variation of a Crown lease will be assessed having regard to the policy outcomes below. These are assessed in conjunction with the policy outcomes in the relevant district policy and zone policy. The desired outcomes relevant to that district or zone will inform development configuration and contribute to future development proceeding consistent with the desired outcomes for that land.

All zones

1. To ensure a new use is suitable for the site and has limited impacts to surrounding areas including public spaces and on leased land.
2. Crown leases are only varied where it has been demonstrated that the varied Crown lease and use will be suitable for the block/site.
3. Crown leases are only varied where relevant services are provided to the service providers satisfaction.

3. Assessment Outcomes

Consistent with the lease variation policy outcomes and the relevant zone policy outcomes, development proposals must demonstrate that they are consistent with the assessment outcomes stated below. Development proposals must also demonstrate that they are consistent with the relevant district and zone assessment outcomes.

In demonstrating compliance with the assessment outcomes, consideration is to be given to the relevant design guides and may be given to planning technical specifications which may serve as a benchmark. While all assessment outcomes are to be met, not all outcomes are covered by a design guide and/or planning specification.

Where a proposed development complies with a relevant provision in the design guide and/or planning specification and the development comprehensively addresses the assessment outcome, further assessment regarding those assessment outcomes will not be required.

The Territory Planning Authority may consider advice or written support from a referral entity to demonstrate compliance with a relevant assessment outcome. Where endorsement from an entity is noted as a planning specification, entity referral will be required.

Specific assessment outcomes

The assessment outcomes for proposed lease variations are:

Site and Land Use

1. The functionality and usability of the development is appropriate for its intended purpose/use. This includes limiting future adverse impacts between permissible land uses and on surrounding areas.

Sustainability and Environment

2. Site constraints including bushfire, flooding, contamination, air quality or hazardous materials are appropriately considered.

Parking, Services and Utilities

3. The site is capable of being appropriately serviced in terms of infrastructure and utility services.

4. Assessment Requirements

In general, assessment requirements set the mandatory development controls relevant to a proposed development.

All development proposals involving a variation of a Crown lease will be assessed against the following requirements:

| Control | Assessment requirement |
|---|---|
| Circumstances for lease variation | <ol style="list-style-type: none">1. A lease is varied only where all of the following are achieved:<ol style="list-style-type: none">a) The varied lease is consistent with the Territory Plan including all relevant policies (these consist of district policies and zone policies).b) The land to which the lease applies is suitable for the development or use authorised by the varied lease. |
| Additional uses and rights | <ol style="list-style-type: none">2. An additional use or right under a lease is increased only where it is demonstrated:<ol style="list-style-type: none">a) sufficient car parking is capable of being provided for the current uses and additional development. .b) any potential increase in traffic flow is within the capacity of the surrounding road network.c) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard.<p>Note:]Examples of rights are the maximum gross floor area, the maximum floor area allocated to a particular use, and building heights.</p> |
| Number of dwellings and secondary residences | <ol style="list-style-type: none">3. This requirement applies to any of the following:<ol style="list-style-type: none">a) Varying a lease to express the number of approved or lawfully erected dwellings or units.b) Varying a lease to change the number of approved or lawfully erected dwellings or units.c) Varying a lease to add a secondary residence where erection of a secondary residence has been approved.<p>The variation to the <i>lease</i> is consistent with the following:</p><ol style="list-style-type: none">i) all other requirements of the lease; and |

| Control | Assessment requirement |
|-----------------------------|---|
| | <ul style="list-style-type: none"> ii) the Territory Plan, including all relevant policies. |
| Secondary residences | <ul style="list-style-type: none"> 4. A variation to a lease to authorise a secondary residence is approved only where the block affected by the lease is 500m² or larger. |
| Easements | <ul style="list-style-type: none"> 5. A proposal to vary a lease to remove, relocate or change easements is consistent with both of the following: <ul style="list-style-type: none"> a) is supported by written endorsement from the relevant service provider. b) is supported by drawings and information demonstrating that easements are not required or are provided elsewhere on the land. |