

Chris Steel MLA

Treasurer

Minister for Planning and Sustainable Development

Minister for Heritage

Minister for Transport

Member for Murrumbidgee

RESPONSE TO QUESTION ON NOTICE

Questions on Notice Paper No 1

6 December 2024

Question No. 83

MR CAIN MLA - To ask the Minister for Planning and Sustainable Development:

- (1) What is the (a) mean, (b) median, (c) highest and (d) lowest number of days it took for a Lease Variation Charge calculation application to be finalised in 2023-24.
- (2) What is the (a) mean, (b) median, (c) highest and (d) lowest number of days it took for a Lease Variation Charge calculation application to be finalised between 2020-21 and 2023-24.

MINISTER STEEL MLA - The answer to the Member's question is as follows:

The Territory Planning Authority (the TPA) does not currently hold data relating to timeframes for the calculation of a Lease Variation Charge (LVC).

A LVC is triggered by the approval of a development application (DA) that proposes to vary a Crown Lease.

There are two types of LVCs:

- 1) Codified
- 2) V1/V2 (before and after valuations of the varied crown lease)

Codified LVC is not reviewable and is not referred to the ACT Valuation Office (ACTVO) for assessment. Instead, these charges are set out under the Planning (Lease Variation Charges) Determination 2024 (<https://www.legislation.act.gov.au/di/2024-184/>).

V1/V2 LVC on the other hand is referred to the ACTVO for assessment. Once determined, These LVC can be subject to review.



The timing of the determination of a LVC is dependent on various factors. For example, with codified LVC, there may be conditions in the DA approval that need to be satisfied first. With V1/V2 LVC, there may be dispute between the lessee and the TPA in relation to the values. These disputes generally involve discussion between respective valuers, including the ACTVO, and may end up being referred to the ACT Civil and Administrative Tribunal (ACAT). Additionally, finalisation of LVC is often affected by lessee driven amendments to the DA for a preferred development approach, stakeholder involvement, or satisfying other conditions of an approval.

Consequently, there are significant variances in the time it takes to finalise a lease variation determination outside the control of the TPA and as such the data requested is not collected.

Relevant statistics in relation to LVC are presented in the Environment, Planning and Sustainable Development Directorate's Annual Report (<https://www.planning.act.gov.au/about#annual-reports>).

Approved for circulation to the Member and incorporation into Hansard.



Chris Steel MLA

Minister for Planning and Sustainable Development

Date: 21/1/25

This response required 1hrs 45mins to complete, at an approximate cost of \$196.45.