

Rachel Stephen-Smith MLA

Minister for Health

Minister for Mental Health

Minister for Finance

Minister for the Public Service

Member for Kurrajong

RESPONSE TO QUESTION ON NOTICE**Questions on Notice Paper No 5****Friday, 11 April 2025****Question No. 289****MR PETER CAIN MLA:** To ask the Minister for Finance

1. Does the ACT Government offer Lease Variation Charge (LVC) remissions in 2024-25.
2. Has the ACT Government ever previously offered LVC remissions; if so, can the Minister provide a list of previously available LVC remissions.
3. Has the ACT Government ever previously offered LVC remissions for childcare centres.
4. How many LVC remissions for childcare centres have been granted by the ACT Government.
5. How many development applications were lodged with LVC remissions for childcare centres.

How many developments were built/completed, including childcare centres, with LVC remissions for childcare centres.

Rachel Stephen-Smith MLA - The answer to the Member's question is as follows:

1, 2 & 3 Yes, see extract from ACT Legislation Register below.

Planning Act 2023

Planning (Reduction of Lease Variation Charges for Environmental Remediation) Determination 2023	Disallowable instruments	s 338	27 November 2023	DI2023-280
Planning (Reduction of Lease Variation Charges for the Housing Commissioner) Determination 2023	Disallowable instruments	s 338	27 November 2023	DI2023-277



Planning and Development Act 2007

<u>Planning and Development (Remission of Lease Variation Charge for Environmental Remediation) Determination 2012 (No 1)(Repealed)</u>	Disallowable instruments	s 278D	1 July 2012 - 30 June 2016	DI2012-125
<u>Planning and Development (Remission of Lease Variation Charge for Environmental Remediation) Determination 2016 (No 1)(Repealed)</u>	Disallowable instruments	s 278D	9 September 2016 - 16 May 2018	DI2016-260
<u>Planning and Development (Remission of Lease Variation Charges for Adaptive Re-use—Environmental Performance) Revocation 2014 (No 1)(Repealed)</u>	Disallowable instruments	s 278E	11 April 2014 - 12 April 2014	DI2014-47
<u>Planning and Development (Remission of Lease Variation Charges for Adaptive Re-use—Environmental Performance) Determination 2012 (No 1)(Repealed)</u>	Disallowable instruments	s 278E	1 July 2012 - 11 April 2014	DI2012-78
<u>Planning and Development (Remission of Lease Variation Charges for Adaptive Re-use—Public Art) Determination 2012 (No 1)(Repealed)</u>	Disallowable instruments	s 278E	1 July 2012 - 30 June 2015	DI2012-79
<u>Planning and Development (Remission of Lease Variation Charges for Community Purpose—Childcare Services) Determination 2011 (No 1)(Repealed)</u>	Disallowable instruments	s 278B	16 December 2011 - 5 June 2014	DI2011-319
<u>Planning and Development (Remission of Lease Variation Charges for Community Purpose—Childcare Services) Determination 2014 (No 1)(Repealed)</u>	Disallowable instruments	s 278B	6 June 2014 - 6 March 2016	DI2014-97
<u>Planning and Development (Remission of Lease Variation Charges for Community Purpose—Health Services) Determination 2011 (No 1)(Repealed)</u>	Disallowable instruments	s 278B	16 December 2011 - 30 June 2013	DI2011-320

<u>Planning and Development (Remission of Lease Variation Charges for Community Purpose—Housing Assistance) Determination 2011 (No 1)</u> (Repealed)	Disallowable instruments	s 278B	16 December 2011 - 16 May 2018	DI2011-318
<u>Planning and Development (Remission of Lease Variation Charges for Environmental Remediation) Determination 2018</u> (Repealed)	Disallowable instruments	s 278	17 May 2018 - 26 November 2023	DI2018-92
<u>Planning and Development (Remission of Lease Variation Charges for the Housing Commissioner) Determination 2018</u> (Repealed)	Disallowable instruments	s 278	17 May 2018 - 26 November 2023	DI2018-93
<u>Planning and Development (Remission of Lease Variation Charges) Determination 2011 (No 1)</u> (Repealed)	Disallowable instruments	s 278F	16 July 2011 - 30 June 2015	DI2011-197
<u>Planning and Development (Remission of Lease Variation Charges) Determination 2014 (No 1)</u> (Repealed)	Disallowable instruments	s 278F	1 July 2015 - 30 June 2016	DI2014-201
<u>Planning and Development (Remission of Lease Variation Charges) Determination 2015 (No 1)</u> (Repealed)	Disallowable instruments	s 278F	1 July 2016 - 16 May 2018	DI2015-216
<u>Planning and Development (Remission of Lease Variation Charges) Determination 2018 (No 1)</u> (Repealed)	Disallowable instruments	s 278	17 May 2018 - 26 November 2023	DI2018-94
<u>Planning and Development (Remission of Lease Variation Charges—Environmental Sustainability) Determination 2018 (No 1)</u> (Repealed)	Disallowable instruments	s 278	7 March 2018 - 16 May 2018	DI2018-40
<u>Planning and Development (Remission of Lease Variation Charges—Environmental Sustainability) Determination 2018 (No 2)</u> (Repealed)	Disallowable instruments	s 278	17 May 2018 - 30 June 2019	DI2018-89

<u>Planning and Development (Remission of Lease Variation Charges—Affordable Rental Development Concession) Determination 2019</u> (Repealed)	Disallowable instruments	s 278	1 October 2019 - 30 June 2022	DI2019-229
<u>Planning and Development (Remission of Lease Variation Charges—Construction Sector Recovery) Amendment Determination 2021 (No 1)</u> (Repealed)	Disallowable instruments	s 278	30 September 2021 - 1 October 2021	DI2021-243
<u>Planning and Development (Remission of Lease Variation Charges—Construction Sector Recovery) Determination 2020</u> (Repealed)	Disallowable instruments	s 278	25 June 2020 - 31 March 2021	DI2020-224
<u>Planning and Development (Remission of Lease Variation Charges—Construction Sector Recovery) Determination 2021</u> (Repealed)	Disallowable instruments	s 278	24 December 2020 - 31 January 2022	DI2021-13
<u>Planning and Development (Remission of Lease Variation Charges—Economic Stimulus and Sustainability) Determination 2014 (No 1)</u> (Repealed)	Disallowable instruments	s 278, s 278E	6 March 2014 - 6 March 2016	DI2014-48
<u>Planning and Development (Remission of Lease Variation Charges—Economic Stimulus and Sustainability) Determination 2016 (No 1)</u> (Repealed)	Disallowable instruments	s 278 and s 278E	23 March 2016 - 6 March 2018	DI2016-28

4 & 5 Nine remissions were granted under disallowable instruments DI2011-319 and DI2014-97.

Since 8 April 2016 (SL2016-7), lease variations have not been chargeable variations for lease variation charge (LVC) purposes where the only effect of the variation is to—

- authorise the use of the land under the lease for a childcare centre; or
- do both of the following:
 - authorise the use of the land under the lease for a childcare centre;

- limit the maximum number of children provided care in the childcare centre permitted under the lease; or
- increase the maximum number of children provided care in the childcare centre permitted under the lease; or
- increase the maximum gross floor area of any building or other structure permitted for use as a childcare centre on the land under the lease.

See – *Planning Act 2023*, section 327 definition of *chargeable variation* and *Planning (General) Regulation 2023*, regulation 74(1)(d); and *Planning and Development Act 2007* (Repealed), section 276 definition of *chargeable variation* and *Planning and Development Regulation 2008*, regulation 170(1)(d).

Development applications are not lodged with LVC remissions. Any LVC and associated remissions are calculated following development approval for the variation of the lease.

Approved for circulation to the Member and incorporation into Hansard.



Rachel Stephen-Smith MLA
Minister for Finance

Date:12/5/25.....

This response required 2hrs 20mins to complete, at an approximate cost of \$270.64.