

# PART F2: LEASE VARIATION POLICY

## 1.1 Zone Maps and Applicability

This Lease Variation Policy (Policy) applies to any development where varying of leases is proposed and applies across all zones of the Territory Plan.

This Policy is to be read in conjunction with the relevant district policy and zone policy. In the event of inconsistency between provisions, the order of precedence is:

1. the relevant district policy
2. assessment requirements in this Policy
3. assessment requirements in the relevant zone policy
4. assessment outcomes in this Policy assessed in conjunction with the assessment outcomes in the relevant district policy and zone policy. Particular matters may be given more weight depending on the site, context, nature of the proposed development and other circumstances. A strong reliance on the applicable desired policy outcomes will inform the assessment.

As this applies to a specific development type, there is no map applicable for using this policy.

## 1.2 Policy Outcomes

Development proposals involving a variation of a Crown lease will be assessed having regard to the policy outcomes to be achieved for the zone.

The fundamental desired outcome for this policy is:

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.

Other outcomes to be achieved in the application of this policy are:

3. to limit secondary residence developments to blocks of a minimum size
4. to ensure animal care facilities are suitably located regarding potential emergency responses and noise impacts
5. Crown leases are only varied where relevant services are provided to the service providers satisfaction.

## 1.4 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:

## CONSULTATION DRAFT FOR COMMENT

Control	Assessment requirement	Reference
Circumstances for lease variation	<ol style="list-style-type: none"> <li>1. A lease is varied only where all of the following are achieved:</li> <li>2. The varied lease is consistent with the Territory Plan including all relevant policies (these consist of district policies and zone policies).</li> <li>3. The land to which the lease applies is suitable for the development or use authorised by the varied lease.</li> </ol>	
Additional rights	<ol style="list-style-type: none"> <li>4. A right under a lease is increased only when all of the following are achieved if the additional rights are granted and activated:</li> <li>5. sufficient car parking is provided on site or is available off site not inconsistent with the parking requirements of the relevant zone policy.</li> <li>6. any increase in traffic flow is within the capacity of the surrounding road network.</li> <li>7. adequate post occupancy waste management and disposal can be provided to the relevant Territory standard.</li> <li>8. no unreasonable increase in the level of noise for the occupants of dwellings on the block or on adjoining land.</li> <li>9. (Examples of rights are the maximum gross floor area, the maximum floor area allocated to a particular use, and building heights.)</li> </ol>	
Additional uses	<ol style="list-style-type: none"> <li>10. An additional use is authorised by a lease only when all of the following are achieved if the additional use is granted and activated:</li> <li>11. sufficient car parking is provided on site or is available off site is not inconsistent with the parking requirements of the relevant zone policy.</li> <li>12. any increase in traffic flow is within the capacity of the surrounding road network.</li> <li>13. adequate post occupancy waste management and disposal can be provided to the relevant Territory standard.</li> <li>14. no unreasonable increase in level of noise for the occupants of dwellings on the block or on adjoining land.</li> <li>15. no unreasonable risk to occupants of the block through any contamination of the block or on adjoining land.</li> <li>16. no unreasonable level of odour for the occupants of dwellings on the block or on adjoining land.</li> <li>17. no unreasonable level of light emission for the occupants of dwellings on the block or on adjoining land.</li> </ol>	
Number of dwellings and secondary residences	<ol style="list-style-type: none"> <li>18. This requirement applies to any of the following:               <ol style="list-style-type: none"> <li>a) Varying a lease to express the number of approved or lawfully erected dwellings or units.</li> <li>b) Varying a lease to change the number of approved or lawfully erected dwellings or units.</li> <li>c) Varying a lease to add a secondary residence where erection of a secondary residence has been approved.</li> </ol> <p>The variation to the <i>lease</i> is consistent with the following:</p> <ol style="list-style-type: none"> <li>i) all other requirements of the lease; and</li> <li>ii) the Territory Plan, including all relevant policies.</li> </ol> </li> </ol>	

## CONSULTATION DRAFT FOR COMMENT

Control	Assessment requirement	Reference
Secondary residences	19. A variation to a lease to authorise a secondary residence is approved only where the block affected by the lease is 500m <sup>2</sup> or larger.	
Easements	20. A proposal to vary a lease to remove, relocate or change easements is consistent with both of the following: 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.	
Variations to add a particular use	21. Community facilities or recreational facilities that are authorised must be consistent with the applicable district and zone policies including the policy outcomes.	
Animal care facilities	22. A variation to a lease to authorise an animal care facility in an industrial zone is approved only where an emergency management plan is provided and has been endorsed by the Emergency Services Authority (ESA). (The Territory Planning Authority may refer a development proposal to the ESA for consideration as part of this assessment outcome.)  23. A Noise Management Plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustic Society, is provided for an animal care facility. The Noise Management Plan details the design, siting and construction methods, which will be used to minimise the impact of noise on neighbouring uses and reduce the intrusion of noise from industrial uses into the facility.	

### 1.5 Assessment Outcomes

Development proposals involving a variation of a Crown lease will be assessed having regard to the following assessment outcomes:

1. The stated policy outcomes
2. Serviceability in terms of infrastructure and utility services
3. The suitability of the site for the intended purpose/use

### 1.6 Development Compliance Provisions

There are no development compliance provisions applicable for using this policy.