



AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

DETERMINATION OF CRITERIA FOR THE AUTHORISATION OF A REFUND ON TERMINATION OR SURRENDER OF A LEASE GRANTED UNDER SECTION 163

INSTRUMENT NO.130 OF 2000

The Australian Capital Territory Executive under subsection 178(3) of the *Land (Planning and Environment) Act 1991* (ACT) ("the Act") specifies criteria for the authorisation of a refund to a lessee upon the surrender or termination of a lease of Territory land granted under section 163 of the Act. The criteria are:

The applicant must:

1. be the grantee of the lease who paid the Territory an amount for the grant of the lease and must be the lessee under the lease at the time of the surrender or termination of the lease;
2. have paid all outstanding lease charges including rates, land tax, stamp duty, land rent and any other statutory outgoings associated with the lease;
3. pay any fees and charges notified by the Minister as being applicable for the time being;
4. pay all fees, taxes and charges payable in respect of the lease at the time of the surrender or termination of the lease;
5. not have commenced any work or other improvement on the land, and which has not been completed and approved, prior to the surrender or termination of the lease;
6. have made application for refund before the expiry date of the development covenants contained within the lease; and

7. have satisfied the Minister that it, he or she has been unable to comply with the covenants of the lease for personal or financial reasons that, in the opinion of the Minister, warrant a refund.

The Minister must:

8. ensure that the refund is not greater than the amount paid for the lease, less costs to the Territory and including costs associated with restoring the land to enable its grant or resale.

Dated Monday 8 May 2000

Gary Humphries
Minister

Brendan Smyth
Minister