

Australian Capital Territory

Land (Planning and Environment) Lease Transfer Consent Determination 2004

Disallowable instrument DI2004-188

made under the

Land (Planning and Environment) Act 1991, s 180 Transfer of land subject to building and development provision

1 Name of instrument

This instrument is the *Land (Planning and Environment) Lease Transfer Consent Determination 2004*.

2 Commencement

This instrument commences on 1 November 2004.

3 Instrument revoked

This instrument revokes the *Land (Planning and Environment) Consent to Transfer Land 2003* DI2003-249.

4 Determination

The following matters must be taken into consideration by the planning and land authority in deciding whether to consent under the Act, Section 180(2), to a transfer or assignment of a lease (the lease):

- (a) any expression of intention (including an expression of intention in a statutory declaration) by the proposed transferee or assignee relevant to their future compliance with the building and development provision of the lease;
- (b) the financial circumstances of the proposed transferee or assignee that are relevant to the capacity and ability of the proposed transferee or

assignee to comply with the building and development provision of the lease;

- (c) any formal approval of a loan to allow, or help allow, the proposed transferee or assignee to comply with the building and development provision of the lease;
- (d) any contract entered into between the lessee and the proposed transferee or assignee for, or in relation to, the construction of a building in compliance with the building and development provision of the lease;
- (e) any previous transfer of a lease to the proposed transferee or assignee with consent under the Act, section 180(2);
- (f) any previous transfer of a lease by the proposed transferee or assignee with consent under the Act, section 180(2);
- (g) the history of compliance, by the proposed transferee or assignee, with the building and development covenants of any lease where they have been the lessee;
- (h) the date of the application for consent to transfer the lease and the times within which the building and development provision of the lease are to be satisfied;
- (i) any previous transfer by the lessee of the land with consent under the Act, subsection 180(2);
- (j) any previous transfer to the lessee of the land with consent under the Act, subsection 180(2);
- (k) the financial or personal circumstances of the lessee of the land that are relevant to the lessee's inability to comply with the building and development provision of the lease.

Simon Corbell
Minister for Planning
25 August 2004