

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

LAND (PLANNING AND ENVIRONMENT) CRITERIA FOR AUTHORISATION
OF REFUND DETERMINATION 2003

DISALLOWABLE INSTRUMENT DI2003-192

EXPLANATORY STATEMENT

This disallowable instrument is being redetermined as a result of the *Planning and Land (Consequential Amendments) Act 2002* which transfers certain powers from the Minister/Executive to the Planning and Land Authority.

This disallowable instrument made under subsection 178(3) of the *Land (Planning and Environment) Act 1991* establishes criteria in accordance with subsection 178(2) for the authorisation of a refund to a person upon the surrender or termination of a lease of Territory land. The disallowable instrument provides that the Crown lease must:

- be a lease of Territory land for residential purposes surrendered or terminated under the Act; and
- be a lease in which the lease development covenants have not been satisfied.

The disallowable instrument also provides that the applicant must:

- be the grantee of the lease and the lessee under the lease at the time of surrender or termination;
- have paid the Territory for the grant of the lease;
- pay all outstanding lease charges such as rates, land tax, stamp duty and land rent;
- pay all applicable fees and charges; and
- have satisfied the Planning and Land Authority that he or she has been unable to comply with the covenants of the lease.

The instrument further provides that the Planning and Land Authority must consider it is not appropriate to consent to a transfer under section 180 of the Act, which relates to the transfer of land subject to the building and development covenants of the lease.