

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

LAND (PLANNING AND ENVIRONMENT) CRITERIA FOR DIRECT LEASE
GRANTS (COMMERCIAL, INDUSTRIAL AND TOURISM) DETERMINATION
2003

DISALLOWABLE INSTRUMENT DI2003 - 202

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 161(7) of the *Land (Planning and Environment) Act 1991* establishes criteria in accordance with subsection 161(4) for the direct sale of land for commercial, industrial or tourism purposes.

Proposed leases under this subsection must involve manufacturing or high technology industries, tourist development, or have building or development requirements of a specific or distinctive nature.

The disallowable instrument provides that the applicant must:

- Complete necessary application forms;
- Provide details of the development proposal;
- Demonstrate financial and non-financial capacity and expertise to develop and manage the land;
- Demonstrate the long term economic viability of the proposed development;
- Pay the current market value for the lease;
- Provide any Bank Undertaking required by the Planning and Land Authority; and
- Pay all applicable fees and charges.

The applicant must also demonstrate that the grant of the lease will:

- Generate employment;
- Benefit the economy;

- Contribute to the export earnings or import replacement;
 - Introduce new skills, technology or services; or
 - Contribute to the hospitality, accommodation and service based sectors of the economy;
- of the Territory or the region or –
- If the proposal involves recycling activities, improve the recycling opportunities for the public or business within the local community; achieve a reduction in current material being sent to landfill for disposal and be supported by the Territory agency managing waste disposal in the ACT.

A direct grant of land under this disallowable instrument is different from the direct grant of “Special Leases” Special Leases, which may be granted for less than market value, require the applicant to satisfy all criteria in point 5, paragraph 3 of the relevant instrument. Leases granted for commercial, industrial or tourism purposes must only satisfy one of the sub-criteria in the corresponding paragraph of this instrument.