

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

LAND (PLANNING AND ENVIRONMENT) CRITERIA FOR DIRECT LEASE GRANTS AFTER A BALLOT DETERMINATION 2003

DISALLOWABLE INSTRUMENT DI2003-236

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.

The *Land (Planning and Environment) Act 1991* (ACT) (the Act) provides for planning, heritage, environmental and leasing matters in respect of Territory Land. The Act enables Territory Land to be granted by auction, tender, ballot or direct grant. A direct grant must be in accordance with criteria that are specified in a disallowable instrument.

The Disallowable Instrument made under subsection 161(7) establishes criteria in accordance with subsection 161(6) for the direct grant of a Crown lease for residential purposes after a ballot. For the purpose of the Instrument 'ballot' means a ballot conducted pursuant to the provisions of subsection 161(1) of the Act.

The Disallowable Instrument provides for the following criteria:

1. The lease is not sold at the ballot or, having been sold, any contract entered into is rescinded or otherwise terminated prior to completion.
2. The applicant must:
 - (a) complete and sign an application for the lease in the required form giving details of:
 - full name of proposed lessee(s);
 - type of co-ownership (if applicable), stating shares to be held by each proposed lessee (if applicable);
 - address for the services of notices;
 - block, section and division details of the relevant land; and
 - proof of company particulars (ie details of directors, share etc., if applicable);
 - (b) pay the market value for the lease as specified in the conditions of ballot;
 - (c) agree to any Conditions of Sale required by the Planning and Land Authority and relating to the development of the lease;
 - (d) pay any applicable fees and charges notified by the Planning and Land Authority;
3. The lease may only be granted to the first applicant able to satisfy the criteria in this Instrument.