

**AUSTRALIAN CAPITAL TERRITORY**  
**LAND (PLANNING AND ENVIRONMENT) ACT 1991**

**EXPLANATORY STATEMENT**

**DETERMINATION OF FEES FOR THE GRANT OF A FURTHER  
RESIDENTIAL LEASE**

**INSTRUMENT NO. 255 OF 1997**

As a result of the recent amendments to the Land (Planning and Environment) Act 1991 (the Land Act), a further residential lease may be granted under section 171.

Sub-section 171(3) provides that if the further lease term does not exceed the term of the existing lease, the fee may not exceed the cost of granting the lease

However, if the new lease is for a longer term than the existing lease, the Minister is able to make a determination of the fees. The majority of residential leases were originally issued for 99 years

The grant of a lease for the same term as the original lease attracts a \$200 00 fee only. It is proposed that the grant of a further lease for residential purposes for an additional term when the existing or 'original' lease was less than 99 years, shall not attract any additional fees

Under sub-section 171(2) of the Land Act the Minister may prescribe by instrument the fee which will apply to the grant of a further lease for an extended term. The instrument details the determination of the fees as follows:

- applications for a further lease for the same term as the existing lease;
- applications for a further lease for an extended term