



ACT GOVERNMENT

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

DETERMINATION OF CRITERIA FOR THE DIRECT GRANT OF CROWN LEASES FOR AGED PERSONS ACCOMMODATION

INSTRUMENT NO. 220 OF 1998

Pursuant to subsection 161(5) of the *Land (Planning and Environment) Act 1991*, the Australian Capital Territory Executive revokes instrument No. 10 of 1993 published in Gazette No. 6 of 10 February 1993 and specifies that the criteria for the direct grant of a Crown lease for the purposes of self care units for aged persons accommodation are as follows:

1. The proposed lease must provide for the development of accommodation for the purposes of aged care units for aged persons.
2. The applicant must be an incorporated community association unless there is in existence a contract, agreed to in writing by the Minister, that satisfies the requirements of paragraph 5 in this Instrument.
3. The applicant must:
 - a) complete and sign an application form provided by the Minister; and
 - b) If the applicant is an incorporated community organisation;
 - (i) provide proof of incorporation and a copy of the Memorandum and Articles of Association, Rules or Constitution;
 - (ii) provide full company particulars;
 - (iii) provide details of the development proposal;
 - (iv) provide evidence of a financial capacity to develop and manage the land;

(v) provide evidence of a non-financial capacity to develop and manage the land, including detail of expertise, resources and experience to undertake the development;

(vi) pay either:

(A) 50% of the current market value of the land if:

- the self care units are part of a retirement complex which is an integrated development THAT ALSO provides hostel and/or nursing home facilities; and
- there is an entry condition that requires at least one occupant of each self care unit qualifies for hostel care as assessed by an independent aged care assessment team; OR

(B) 100% of the current market value for the lease as a capital sum.

c) provide any bank undertaking required by the Territory; and

d) pay the determined fees and such charges as may be specified by the Minister.

4. If the applicant is not an incorporated community organisation, then the applicant must provide:

(a) a copy of a contract that satisfies the requirements of paragraph 5;

(b) the documentation and information specified in subparagraphs 3(b)(i) and (ii) of this Instrument in respect of the incorporated community organisation to whom the title is to be transferred;

(c) the evidence specified in subparagraph 3(b)(iv) and (v); and

(d) pay either:

(i) 50% of the current market value of the land if:

- the self care units are part of a retirement complex which is an integrated development THAT ALSO provides hostel and/or nursing home facilities; and
- there is an entry condition that requires at least one occupant of each self care unit qualifies for hostel care as assessed by an independent aged care assessment team; OR

(ii) 100% of the current market value of the lease as a capital sum.

5. If the incorporated community organisation is not the applicant, the applicant must provide a copy of a contract that provides for the transfer of the title of the self care units to an incorporated community organisation or the Commissioner for Housing within twelve months after the date of completion of construction of that accommodation.

In this Instrument:

“community organisation” has the same meaning as in section 163(1) of the *Land (Planning and Environment) Act 1991*;

“applicant” means the person who is applying for the direct grant of the lease;

“the Commissioner for Housing” has the same meaning as in the *Housing Assistance Act 1987*.

Dated this fourteenth day of September 1998

Gary Humphries
Minister

Brendan Smyth
Minister