

Australian Capital Territory

Land (Planning and Environment) Criteria for Authorisation of Refund Determination 2003*

Disallowable instrument DI2003-192

made under the

Land (Planning and Environment) Act 1991 section 178 (3)

The ACT Executive REVOKES instrument No 17 of 1992 and DETERMINES criteria for the authorisation of a refund to a lessee upon the surrender or termination of a lease of Territory land. The criteria are:

The Crown lease:

- must be a lease of Territory land surrendered or terminated under the *Land (Planning and Environment) Act 1991*;
- must be a lease for residential purposes only; and
- must be a lease in respect of which the lease development covenants have not been satisfied.

The applicant:

- must be the grantee of the lease who paid the Territory an amount for the grant of the lease and must be the lessee under the lease at the time of surrender or termination of the lease;
- must have, paid all out-standing lease charges including rates, land tax, stamp duty and land rent associated with the lease;
- must pay any fees and charges notified by the Planning and Land Authority as being applicable for the time being;
- must pay all fees and charges incurred in connection with the surrender or termination of the lease; and
- must have satisfied the Planning and Land Authority that he or she has been unable to comply with the covenants of the lease for personal or financial reasons which, in the opinion of the Planning and Land Authority, warrant a refund.
- must consider that it is not appropriate to consent to a transfer of the lease under section 180 of the Act.

Mr Wood
Minister for Urban Services
8 July 2003

Mr Corbell
Minister for Planning
8 July 2003

*Name amended under Legislation Act 2001 s 60