

# Land (Planning and Environment) Refund Authorisation Criteria Determination 2004

## Disallowable instrument DI2004-187

made under the

**Land (Planning and Environment) Act 1991 s 178 (4) Refund on lease surrender or termination**

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### 1 Name of instrument

This instrument is the *Land (Planning and Environment) Refund Authorisation Criteria Determination 2004*.

### 2 Commencement

This instrument commences on 1 November 2004.

### 3 Instrument Revoked

This instrument revokes the *Land (Planning and Environment) Criteria for Authorisation of Refund Determination 2003* DI2003-192.

### 4 Determination

The planning and land authority may authorise a refund for a lease only if:

- a) the lease is for residential purposes only of not more than three residential dwellings; and
- b) the lease building and development provisions have not been satisfied; and
- c) all out-standing lease charges associated with the lease ( for example, rates, land tax, stamp duty and land rent) have been paid; and
- d) any application fee determined under the Act, section 287, for the Act, section 178, has been paid; and
- e) the planning and land authority is satisfied that it is not appropriate to consent to a transfer of the lease under the Act, section 180; and
- f) the lessee has paid all fees and charges incurred in relation to the surrender or termination of the lease.

Simon Corbell MLA  
Minister for Planning  
25 August 2004