

EXPLANATORY MEMORANDUM

**DISALLOWABLE INSTRUMENT FOR THE PURPOSES OF
SUBSECTION 161(5)**

LAND (PLANNING AND ENVIRONMENT) ACT 1991

DETERMINATION NO. (32) OF 1992

This disallowable instrument made under subsection 161(5) of the Land (Planning and Environment) Act 1991 establishes criteria in accordance with subsection 161(4) for the direct sale of land for commercial, industrial or tourism purposes.

Proposed leases under this subsection must involve manufacturing or high technology industries, tourist development, a unique or innovative activity, or recycling activities, or have building or development requirements of a specific or distinctive nature.

The disallowable instrument provides that the applicant must:

- . complete necessary application forms;
- . provide details of the development proposal;
- . demonstrate financial and non-financial capacity and expertise to develop and manage the land;
- . demonstrate the long term economic viability of the proposed development;
- . pay the current market value for the lease;
- . provide any Bank Undertaking required by the Territory; and
- . pay all applicable fees and charges.

The applicant must also demonstrate that the grant of the lease will:

- . generate employment;
 - . benefit the economy;
 - . contribute to the export earnings or import replacement;
 - . introduce new skills, technology or services; or
 - . contribute to the hospitality, accommodation and service based sectors of the economy,
- of the Territory or the region or -
- . if the proposal involves recycling activities, improve the recycling opportunities for the public or businesses within the local community; achieve a reduction in

current material being sent to landfill for disposal and be supported by the Territory agency managing waste disposal in the ACT.

A direct grant of land under this disallowable instrument is different from the direct grant of "Special Leases". Special Leases, which may be granted for less than market value, require the applicant to satisfy all criteria in point 5, paragraph 3 of the relevant instrument. Leases granted for commercial, industrial or tourism purposes must only satisfy one of the sub-criteria in the corresponding paragraph of this instrument.