

Australian Capital Territory

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

Disallowable Instrument DI 2004-187

made under the

***Land (Planning and Environment) Act 1991*, Section 178 – Refund on lease surrender or termination**

### Explanatory Statement

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This disallowable instrument revokes DI2003-192, and commences on 1 November 2004.

This disallowable instrument made under subsection 178(4) of the *Land (Planning and Environment) Act 1991* establishes criteria in accordance with subsection 178(2) for the authorisation of a refund to a person upon the surrender or termination of a lease of Territory land. The disallowable instrument provides that the lease must:

- be a lease of Territory land for residential purposes of not more than three residential dwellings; and
- be a lease in which the lease development covenants have not been satisfied.

The disallowable instrument also requires that:

- all outstanding lease charges associated with the lease have been paid (e.g. rates, land tax, stamp duty and land rent); and
- all applicable fees and charges have been paid;

The instrument further provides that the Planning and Land Authority must consider it is not appropriate to consent to a transfer under section 180 of the Act, which relates to the transfer of land subject to the building and development covenants of the lease.

The criteria in the disallowable instrument must be met for the Planning and Land Authority to be able to authorise a payment in accordance with the regulations.