

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

LAND (PLANNING AND ENVIRONMENT) CRITERIA FOR DIRECT GRANT OF A
LEASE (CITY WEST PRECINCT) DETERMINATION 2005 (No 1)

DISALLOWABLE INSTRUMENT DI2005 - 44

EXPLANATORY STATEMENT

Outline

In accordance with subsection 161(7) of the *Land (Planning and Environment) Act 1991*, this Disallowable Instrument establishes the criteria in accordance with section 161(4) for the direct sale of land within the City West Precinct to the Australian National University.

The Blocks and Sections which may be subject to a direct grant under this Disallowable Instrument are identified in the definition of "City West Precinct".

Commencement

This Instrument commences on the day after its notification.

Interpretation

A number of words and phrases contained in the disallowable instrument are defined as follows:

"Act" means the *Land (Planning and Environment) Act 1991*;

"Authority" means the Planning and Land Authority, a body corporate established by section 7 of the *Planning and Land Act 2002*;

“City West Precinct” means that area of land contained in:

Block 6 Section 63 Acton (yet to be vested in the Authority)
Blocks 1 & 2 Section 21 City
Blocks 2, 4 and 5 Section 68 City
Blocks 2 and 7 Section 4 City
Block 3 Section 30 City
Blocks 5, 10 and 15 Section 28 City
Blocks 2 and 3 Section 20 City

As identified in Schedule 1 to the Disallowable Instrument.

“Development Deed” means a deed entered into between the Land Development Agency and the University in accordance with the terms of the Precinct Deed;

“Development Proposal” means a proposal for the development of the lease that has been endorsed by the Territory and the University in accordance with the terms of the Precinct Deed;

“land” means land situated within the City West Precinct;

“lease” includes the right to the grant of a lease of land under the Act;

“market value” means the value determined in accordance with the Precinct Deed;

“Precinct Deed” means the Precinct Deed entered into between the Territory and the University dated 21 December 2004 that governs the establishment and development of the City West Precinct; and

“University” means the Australian National University, an institution pursuant to the *Australian National University Act 1991* (Cth) of Acton, in the Australian Capital Territory.

Application

1. The University may apply for the direct grant of a lease within the City West Precinct.
2. The University must:
 - (1) complete and sign an application for the lease in the required form that
 - (a) provides full details of the land in respect of which a lease is sought, and
 - (b) demonstrates that each of the criteria has been or will be met before the grant of the lease;
 - (2) accompany the application with a Development Proposal;

- (3) pay any applicable fees and charges notified by the Authority.

Criteria

1. The University must pay the market value for the lease as notified by the Authority.
2. The University must enter into a Development Deed.
3. The University must demonstrate the financial capacity to undertake the servicing and construction program and to develop and manage the land.
4. The University must demonstrate the non-financial capacity, including expertise, experience and resources, to undertake the development and manage the land.

Application of this Instrument

1. This instrument does not affect the operation of any other instrument made under section 161(7) of the Act.
2. This instrument ceases to apply to land in the City West Precinct if, on an application under this instrument, the Authority does not grant a lease of the land within 6 months after the day of the application because of a default by the University.
3. Also, this instrument ceases to apply to land in the City West Precinct if, in the absence of any application by the University for the direct grant of a lease of the land the Territory gives the Authority written notice in accordance with the Precinct Deed that the land specified in the notice ceases to be land in the City West Precinct.

Expiry

This instrument expires 10 years after the day it commences.