

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

LAND (PLANNING AND ENVIRONMENT) CRITERIA FOR DIRECT GRANT OF LEASES (SMALL PARCELS OF CONTIGUOUS LAND) DETERMINATION 2005

DISALLOWABLE INSTRUMENT DI2005 – 67

EXPLANATORY STATEMENT

Outline

In accordance with subsection 161(7) of the *Land (Planning and Environment) Act 1991*, this Disallowable Instrument establishes criteria in accordance with subsection 161(7) for the direct grant of a Crown lease over small parcels of land for consolidation with an existing adjoining Crown lease.

Application

1. The applicant must demonstrate that:
 1. the proposed lease shares a common boundary with an existing Crown lease held by the applicant;
 2. the grant of the proposed lease will either:
 - (a) rectify existing encroachments by structures on the existing Crown lease onto the land the subject of the proposed lease to enable the consolidation of the land the subject of the proposed lease and the applicant's existing Crown lease and the subdivision of that consolidated land under the *Unit Titles Act 2001*; or
 - (b) facilitate the achievement of an optimal planning outcome that has been endorsed by the Territory;
 3. the land the subject of the proposed lease is of such size, location and configuration that it is not reasonable to grant the proposed lease as a separate independent Crown lease;
 4. the land the subject of the proposed lease is not public land as defined under the *Land (Planning and Environment) Act 1991*;

5. the grant of the proposed lease would not detract from the amenity of the area and would promote better land management; and
 6. the proposed lease would not unreasonably restrict public access, including access to other leased land or public car parking, where the land the subject of the proposed lease is part of a public car park, walkway, cycle path or road.
2. The grant of the proposed lease will be subject to:
- (1) the approval of a development application for the consolidation of the land the subject of the proposed lease with the land held under the applicant's existing Crown lease; and
 - (2) the payment of:
 - (a) full market value for the proposed lease; and
 - (b) the fees and charges for the time being notified by the Planning and Land Authority as being applicable.