

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

LAND (PLANNING AND ENVIRONMENT) CRITERIA FOR DIRECT LEASE GRANTS (AGED PERSONS ACCOMMODATION) DETERMINATION 2003

DISALLOWABLE INSTRUMENT DI2003-226

EXPLANATORY STATEMENT

This disallowable instrument is being redetermined as a result of the *Planning and Land (Consequential Amendments) Act 2002* which transfers certain powers from the Minister/Executive to the Planning and Land Authority.

The *Land (Planning and Environment) Act 1991* (the *Land Act*) establishes a regime which provides for planning, heritage, environmental and land matters in respect of Territory Land.

The Land Act enables Territory Land to be granted by auction, tender, ballot or direct grant. Where a lease is granted by way of direct grant, it cannot be granted otherwise than in accordance with criteria that are specified in a disallowable instrument.

This disallowable instrument made under subsection 161 (7) establishes criteria in accordance with subsection 161(4) for the direct sale of land for the purposes of aged persons accommodation.

The disallowable instrument provides that the applicant must:

- complete and sign an application in a form approved by the Planning and Land Authority;
- be an incorporated community organisation or be an incorporated entity associated with an incorporated community organisation;
- provide proof of incorporation and a copy of the Memorandum, Articles of Association, Rules or Constitution of the community organisation and (if different) the applicant;
- provide full company particulars of the community organisation and (if different) of the applicant;
- provide details of the development proposal;
- demonstrate financial and non-financial capacity and expertise to develop and manage the land;

- demonstrate the non-financial capacity to develop and manage the land, including details of expertise resources and experience to undertake the development;
- satisfy the Planning and Land Authority of the nature and extent of the association between the applicant and the community organisation;
- satisfy the Planning and Land Authority that title to the accommodation will be transferred to the community organisation and/or the Commissioner for Housing within twelve months after the date of completion of construction of that accommodation;
- demonstrate the long term economic viability of the proposed development;
- pay a charge of 50% of the current market value of the land where the organisation can demonstrate that:
 - the self contained units are part of an integrated development THAT ALSO provides hostel and/or nursing home facilities; and
 - an entry condition requires that at least one occupant of each self contained unit qualifies for hostel care as assessed by an independent aged care assessment team; OR
 - pay 100% of the current market value for the lease as a capital sum where the above conditions are not met
- provide any Bank undertaking required by the Planning and Land Authority;
- pay all applicable fees and charges.