

**AUSTRALIAN CAPITAL TERRITORY  
LAND (PLANNING AND ENVIRONMENT) ACT 1991**

**EXPLANATORY MEMORANDUM  
DISALLOWABLE INSTRUMENT FOR THE PURPOSES OF SUBSECTION  
163 (4)**

**INSTRUMENT NO. 131 OF 2000**

The *Land (Planning and Environment) Act 1991* (ACT) ("the Act") provides for planning, heritage, environmental and leasing matters in respect of Territory Land.

The Act enables Territory Land to be granted by auction, tender, ballot or direct grant. A direct grant must be in accordance with criteria that are specified in a disallowable instrument.

The Disallowable Instrument made under subsection 163(4) of the Act establishes criteria in accordance with subsection 163(3) for the direct grant of leases to an incorporated community organisation. Subsection 163(2) provides that leases to community organisations may be granted without charge or for a charge at less than the market value.

The Disallowable Instrument provides, inter alia, that the applicant must:

- be an incorporated, non-profit organisation and not hold a Club Licence under the Liquor Act 1975;
- complete an application for the lease and pay the determined fees and charges;
- be the proposed lessee or demonstrate a legal nexus with the proposed lessee;
- demonstrate financial and non-financial capacity to develop and manage the land except where occupying Territory-owned improvements;
- where occupying Territory-owned improvements, demonstrate financial and non-financial capacity to manage and maintain the land;
- have the support of the relevant government agencies and the governing body of the applicant;
- where proposing to establish aged person's accommodation, be an approved benevolent organisation by the relevant government agencies and provide details of the type of aged care proposed.