

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

**EXPLANATORY STATEMENT
DETERMINATION OF CRITERIA FOR THE DIRECT GRANT OF CROWN
LEASES FOR AGED PERSONS ACCOMMODATION**

INSTRUMENT NO. 220 OF 1998

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(5) 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 Minister;
- 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 Territory of the nature and extent of the association between the applicant and the community organisation;
 - satisfy the Territory 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 Territory;
 - pay all applicable fees and charges.