

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

**EXPLANATORY MEMORANDUM
DISALLOWABLE INSTRUMENT FOR THE PURPOSES OF
SUBSECTION 161(5)**

INSTRUMENT NO. 228 OF 1997

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 grant of a Crown lease for any or all of commercial, industrial, residential and tourism purposes.

The applicant must be able to demonstrate, amongst other things:

- their financial and non-financial capacity to develop and manage the project;
- that the grant of the lease will benefit the economy of the Territory, contribute to the environmental, social or cultural features in the Territory, introduce new skills, technology or services into the Territory or contribute to the export earnings and import replacement of the Territory or region.

The applicant must also:

- pay the agreed value of the lease as either a capital sum or land rent; and
- have the support of the relevant Government agency or agencies.

The Executive must be satisfied that it is in the public interest to grant the lease.