

EXPLANATORY MEMORANDUM

DISALLOWABLE INSTRUMENT FOR THE PURPOSES OF  
SUBSECTION 161(5)

AUSTRALIAN CAPITAL TERRITORY  
LAND (PLANNING AND ENVIRONMENT) ACT 1991

INSTRUMENT NO. 115 OF 1999

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 leases to Statutory Authorities and Territory Owned Corporations for land which is to be or is already occupied by the authority or corporation.

The disallowable instrument revokes the disallowable instrument Number 78 of 1996 signed by the Executive on 23 May 1996.

The criteria under the revoked instrument have been amended to include further Statutory Authorities and Territory Owned Corporations that came into possession of land under similar circumstances to the ACTEW Corporation Limited for the purposes connected with the functions of those bodies.

The disallowable instrument provides that the applicant must:

1. be a Statutory Authority or a Territory Owned Corporation;
2. complete an application for the lease in the required form giving details of:
  - its full name and address;
  - site particulars (if applicable);
  - the size of the proposed development;
  - the purpose of the development;
  - evidence of its status as a Statutory Authority or Territory Owned Corporation;
3. pay the current market value for the lease if the land is first occupied by the applicant on or after 21 November 1979, with the following exceptions:
  - (a) land occupied in connection with water supply and sewerage service facilities and transferred to the ACTEW Corporation Limited (ACTEW)

by notice in Commonwealth Government Notices Gazette number NG6 of 15 February 1989 in which case no charge will apply. The current market value for the lease is to be paid for land first occupied by ACTEW on or after 15 February 1989; or

- (b) land is transferred to the Applicant pursuant to an agreement in writing made prior to the date of this instrument with the Commonwealth or the Australian Capital Territory.