

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

DETERMINATION NO. 200 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 land over land that is land identified in the Territory plan as Commercial D (Local Centres) Land Use Policies and land adjacent to Local Centres for the purpose of enabling the development of the land for subdivision and resale.

The intent of the instrument is to enable land identified as local centres in the Territory plan and land adjacent to the Local Centres for the purpose of enabling the development of the land for subdivision and resale.

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 and generate employment or contribute to the environmental, social or cultural features of the Territory;

The applicant must also:

- pay the market value for the lease as determined by the Territory; and
- have the support of the relevant Government agency or agencies.