



## Application for Direct Sale or Transfer of Land Custodian

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## Territory, Territory Entity and Commonwealth Entity

**NAME OF APPLICANT:**

**DATE OF APPLICATION:**

Date Received (office use):

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### Disclaimer

This material is provided as guidance for applicants and no undertaking or representation is made that an applicant would be eligible for the grant of land by answering the questions in the attached forms or following the procedures herein. Applicants should consult the relevant legislation and where appropriate, obtain their own legal advice.

## Section A Instructions

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Complete and submit this Application to the Economic Development Directorate (EDD) for a direct sale or transfer of land custodian for Territory, Territory Entity or Commonwealth Entity use. Part of your application requires that you make a relevant business case for your proposal, to provide justification for a direct sale or transfer of land custodian rather than a sale by other means. It is essential that you fill in all sections of the Application as directed and attach all supporting evidence that is requested.

For more information on the direct sale of land process, go to the EDD website [www.economicdevelopment.act.gov.au](http://www.economicdevelopment.act.gov.au)

### Completing your Eligibility Application

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- READ** Read the Eligibility Application taking note of the symbols:
-  → Denotes supporting documentation that you are required to attach;
  -  → Denotes that you may need help from a property professional; and
  - H** → Denotes that you should go to the *Help Section* at Section H at the end of this document for information on relevant legislation and links.
- COMPLETE** Complete all sections of the eligibility application. Follow the questions in sequential order unless directed otherwise. *Note: If a section is 'not applicable' to your application this must be stated.*
- ATTACH** Attach all relevant documentation that is requested. Please note that if at any point you do not have enough room to list all that is required, please attach the information and mark this clearly on your application.
- SIGN** The Statutory Declaration must be completed by the person authorised to represent the applicant and that person's name, address and occupation must be stated.
- SUBMIT** Submit your completed application (**one hard copy and one disk copy** saved in PDF format) and your supporting documentation (one hard copy of each).

### Submitting Your Application

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**By mail** Director, Sustainable Land Strategy  
Economic Development Directorate  
GPO Box 158  
CANBERRA CITY ACT 2601

**In person** Director, Sustainable Land Strategy  
Economic Development Directorate  
Level 6, Transact Building  
470 Northbourne Avenue  
DICKSON ACT

### Enquiries

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Contact Direct Sales, Sustainable Land Strategy, Economic Development Directorate on:  
(02) 62051632

## Section B Your Details

### Applicant Details

- 1 Enter the applicant details- the name in which the lease/custodianship will be granted

<b>Agency name</b>	
<b>Commonwealth, Territory Entity, or the Territory?</b> <sup>H</sup>	<input type="checkbox"/> Commonwealth <input type="checkbox"/> Territory Entity <input type="checkbox"/> The Territory
<b>Address</b>	
<b>Phone number</b>	
<b>Email</b>	

### Management and Operation

- 2 If you are making an application as the Territory, describe whether your proposed use of the land requires an ACT Executive Lease or can be transferred for use by custodianship.

Note: If successful at the completion of this process a Property Asset Transfer form will need to be completed. Refer to Section H – Help Section “Other Important Links”

### Representatives

- 3 Enter the contact details for a primary and a secondary contact who will act as your representative during the direct sale or transfer of land custodian process.

#### PRIMARY REPRESENTATIVE

<b>Name</b>	
<b>Position</b>	
<b>Phone number</b>	
<b>Address</b>	
<b>Email</b>	

#### SECONDARY REPRESENTATIVE

<b>Name</b>	
<b>Position</b>	
<b>Phone number</b>	
<b>Address</b>	
<b>Email</b>	

## Section C Your Proposal

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### The Land

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- 4 Describe why you want the land and how you will use it. What types of business activities will you perform? What types of goods and services will you provide?

*Note: Under Section 106, 107 and 121 (relating to Territory Entities, Commonwealth and the Territory respectively) of the Planning and Development Regulation 2008, you are required to demonstrate that the site is the most suitable for the proposed use and is consistent with your operations.* <sup>H</sup>

*Note: Direct sales to Commonwealth or Territory Entities require Executive approval. Direct sales to the Territory require Minister approval except if the lease is to be granted over land the Territory already uses or occupies (in accordance with Section 130 (1) (f) of the Planning and Development Regulation 2008).* <sup>H</sup>

## Section C Your Proposal

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### Rationale and Alternatives

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In the following questions describe why your entity or agency needs to obtain the land through direct sale or transfer of land custodian and what other options you have considered:

- 5 Explain why you need to obtain land through a direct sale or transfer of land custodian, rather than another process:

- 6 If your agency has investigated alternatives to a direct sale or transfer of land custodian, describe the actions you have taken:

- 7 If you are making an application as the Territory are there any Territory assets that may be deemed surplus as a direct result of the new development once it is completed?

## Section D Proposal Specifics

### The Site

8 Do you have a preferred site?

Yes  → Go to 9

No  → Go to 19

9  If you have a preferred site, please provide details:

Block	
Section	
Division	
Size (m <sup>2</sup> )	
Current Territory Plan zoning <sup>H</sup>	
Why this site is preferred	

### The Land Use

10  Attach a sketch plan of the ideal site layout, including:

- Proposed buildings
- Car parking facilities
- Public access arrangements

You should also indicate the staging of the development

### Contiguous Land

11 Are you making an application for contiguous unleased land as described in Section 110 or Section 122 of the *Planning and Development Regulation 2008*? <sup>H</sup>

Yes  → Go to 12

No  → Go to 20

12 Is the land for the proposed lease adjoining land on which you hold a current lease?

Yes  → Go to 15

No  → Go to 13

13 Are you submitting this application to rectify an encroachment so the existing lease can be subdivided under the *Unit Titles Act 2001*? <sup>H</sup>

*(Examples of such encroachments include balconies or signs that cross a boundary into unleased land)*

Yes  → Go to 15

No  → Go to 14

## Section D Proposal Specifics

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- 14 Explain how your proposal would facilitate the achievement of a good planning outcome? <sup>H</sup>

- 15 Explain why the contiguous land would not be viable for separate lease because of its size, location or configuration:

- 16 Explain how your proposal maintains or enhances the amenity of the surrounding area:

- 17 Explain how your proposal will promote better land management, including how it will not unreasonably restrict public access to other land:

- 18 Does the *Territory Plan* identify this land as public land? <sup>H</sup>

Yes  → Go to 20

No  → Go to 20



## Section D Proposal Specifics

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### Car Parking Facilities

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- 22 Describe the proposed car parking facilities for your proposal:

### The Development Schedule

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- 23 Explain how you will schedule the development. If you will develop the land in stages, describe the stages and the estimated timeframe:

Stage	Development activities	Start and end dates (estimated)
1		
2		
3		
4		
5		

## Section E Your Financial Capacity

- 24 Direct sale criteria in the *Planning and Development Regulation 2008* or transfer of land custodian, you are required to demonstrate that you have an amount appropriated or otherwise available to develop and manage the land

 Attach evidence to demonstrate that an amount has been appropriated to develop the site for the proposed use <sup>H</sup>

### Costs

- 25 Itemise your cost estimates for the acquisition, development and maintenance of a parcel of land.

	ITEM	COST ESTIMATE
Land acquisition	Land (based on the area required)	
	Professional services and advice	
	Other	
	<b>Subtotal</b>	
Site preparation	Infrastructure	
	Servicing	
	<b>Subtotal</b>	
Land development	Approvals	
	Buildings	
	Fit-outs, plant and equipment	
	Landscaping	
	Car parking	
	Professional services and advice	
	Other	
	<b>Subtotal</b>	
	<b>Contingency</b> (15% of the land development subtotal)	
Land management	Professional services and advice	
	Annual maintenance	
	Other	
	<b>Subtotal</b>	
	<b>Total estimated costs</b> (sum of ALL subtotals plus contingency)	

## Section F Statutory Declaration

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### Statutory Declarations Act 1959 (Cwlth)

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I, *[name, address and occupation of person making the declaration]*

.....

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.....

Make the following declaration under the *Statutory Declarations Act 1959 (Cwlth)*:

That the answers to questions and the statements made in this application are true and correct in every particular.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959 (Cwlth)*, and I believe that the statements in this declaration are true in every particular.

*[Signature of person making declaration]*

.....

Declared at *[place]*..... on *[day]*..... of *[month]*..... *[year]*.....

Before me,

*[Signature of person before whom the declaration is made]*

.....

## Section G Checklists

### Overall Checklist

Before submitting this eligibility application form, please check that you have done all of the following:

General	<input type="checkbox"/>	You have followed the questions in sequential order, completed all that you were directed to answer and attached all documents requested
	<input type="checkbox"/>	Any questions that you were directed to fill in but were not applicable to you are clearly stated as "N/A"
Section B	<input type="checkbox"/>	The applicant listed is the name in which the lease/custodianship is to be granted. <i>Note: for contiguous land this must be the existing lessee</i>
Section C	<input type="checkbox"/>	You have clearly stated why you need to obtain the land through direct sale or transfer of land custodian rather than another process
Section D	<input type="checkbox"/>	If you have identified a site, you have provided all details requested
Section E	<input type="checkbox"/>	You have identified the cost of offsite works in your cost estimates and have used the correct contingency in your calculations
Section F	<input type="checkbox"/>	You have completed and signed the statutory declaration

### Attachment Checklist

Before submitting this eligibility application form, please check that you have attached all of the following documents:

REQUIRED FOR ALL APPLICATIONS	<input type="checkbox"/>	<b>(Question 9)</b>  Attach a sketch plan of the ideal site layout, including: <ul style="list-style-type: none"> <li>Proposed buildings</li> <li>Car parking facilities</li> <li>Public access arrangements</li> </ul>
	<input type="checkbox"/>	<b>(Question 23)</b>  Attach evidence to demonstrate that an amount has been appropriated to develop the site for the proposed use

## Section H Help Section

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The following list of legislation and links may be helpful in completing this form.

### Useful Legislation

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All ACT Legislation can be accessed at: [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

- [Planning and Development Act 2007](#)
  - **Section 238 (1)** specifies that a lease may be granted by direct sale
  - **Section 240** outlines the means by which a direct sale must be granted
  - **The Dictionary** defines the meaning of *Commonwealth entity* and *territory entity*
- [Planning and Development Regulation 2008](#)
  - **Section 106** specifies the direct sale criteria for Territory entities
  - **Section 107** specifies the direct sale criteria for Commonwealth entities
  - **Section 110** and **Section 122** relate to contiguous land
  - **Section 110 (1)** provides an example of a good planning outcome
  - **Section 121** outlines the criteria for a direct sale to the Territory for approval of the Minister
  - **Section 130 (f)** states that a lease of the land to the territory does not require approval if the land is used or occupied by the territory
- [Territory Plan](#)
- [Unit Titles Act 2001](#)

### Other Important Links

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- The ACT Economic Development Directorate (EDD) website [www.economicdevelopment.act.gov.au](http://www.economicdevelopment.act.gov.au)
  - For more information on the direct sale of land process visit [Direct Land Sales](#) on the EDD website
  - Property Asset Transfer applies only to ACT Government Directorates. For more information on the Property Asset Transfer form please see Transfer Procedure at [http://eddintranet.act.gov.au/policies\\_and\\_procedures](http://eddintranet.act.gov.au/policies_and_procedures).