

2001

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**LAND (PLANNING AND ENVIRONMENT) AMENDMENT
BILL 2001 (No 3)**

EXPLANATORY MEMORANDUM

**Circulated by authority of
Brendan Smyth MLA
Minister for Urban Services**

Land (Planning and Environment) Amendment Bill 2001 (No 3)

Outline

This Bill amends the *Land (Planning and Environment) Act 1991* (the Land Act). The amendments facilitate the implementation of the Government's policy providing for further rural leases to be granted at a concessional rate.

The Bill allows for the period for making an application for a new rural lease to be specified in relation to specific areas.

All rural lessees will have a minimum of 18 months to apply for a new lease at the concessional price.

Lessees will have a maximum of 3 months after an offer is made to accept a new lease at the concessional price.

The Bill also amends section 186D, which requires payment of a 'discharge amount' before dealings in certain rural leases may be consented to by the Executive. Rather than ceasing to have effect on 15 June 2001, as it is linked to the current concessional payment provisions, section 186D now refers to the discharge amount being payable for leases issued at a less than market value.

Revenue/Cost Implications

Nil.

Clause Notes

Clauses 1 and 2 – Name of Act and commencement – are machinery provisions that specify the name of the amending Act and provide for the commencement of its provisions.

Clauses 3 – Act amended – provides that the Act being amended is the *Land (Planning and Environment) Act 1991*.

Clause 4 – Grant of further rural leases – Section 171A(2A) to(2D) – substitutes a new subsection 171A(2A) and (2B). Subsection 171A(2A) provides that a determination, of conditions upon which a further rural lease may be issued, may include a condition that an amount be paid – an “amount condition”.

A determination may also provide that an amount condition ceases to apply if the lessee has not applied for, or accepted, a further lease within periods specified in the determination.

Subsection 171A(2B) makes it clear that a provision made under subsection (2A) may apply to an “amount condition” of a determination made before or after the new subsection (2A) commences. However, a condition requiring the payment of the market value of the lease will not be an “amount condition”.

Subsection 171A(2C) requires a determination under subsection (2), setting the term for a rural lease, to be consistent with any maximum term that has been set by the National Capital Authority for a rural lease within a designated area.

Clause 5 – Section 171A(3) – omits the reference to “paragraph 1(c)” and inserts “subsection 1(ca)”.

Clause 6 – Section 171A – requires the renumbering of subsections in section 171A when the Act is next republished.

Clause 7 – Dealings with rural leases – Section 186D(1) – substitutes a new subsection 186D(1), which provides that the section applies to:

- (a) rural leases granted under section 161 of the Act, after 15 December 1999, for less than the market value of the lease; and
- (b) a further rural lease granted under section 171A, after 15 December 1999, following payment of an “amount condition”.

If section 186D applies to a lease, dealings in that lease must be consented to by the Executive.

However, a new subsection (1A) provides that the section will not apply to a lease granted upon the surrender of a lease for which a discharge amount has already been paid.

Clause 8 – Section 186D – requires the renumbering of subsections in section 186D when the Act is next republished.