



AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

SPECIFICATION OF CRITERIA FOR GRANTING CERTAIN CLASSES OF LEASES

INSTRUMENT NO. 269 OF 1999

The ACT Executive under subsection 161(5) of the *Land (Planning and Environment) Act 1991* (the Land Act) REVOKES the instrument made under that subsection dated 2 May 1994 AND SPECIFIES the criteria for the direct grant of a Crown lease for RURAL purposes as follows:

The applicant must:

- 1) Complete and sign an application for the lease in the required form giving details of:
 - name of the proposed lessee;
 - form of tenancy, stating shares if relevant;
 - address for service of notices;
 - proof of company particulars (i.e. directors, shares etc) if applicable
- 2) be the current occupant holding a licence or other formal contract over the land the subject of the application for a period of at least 15 years, or the lessee or person holding a licence or other formal contract over the land adjoining the land the subject of the application, and the land the subject of the application is not designated as Public Land;
- 3) demonstrate the capacity to manage the land in accordance with the proposed terms of the lease and in accordance with the proposed Land Management Agreement referred to in paragraph 4;
- 4) on or before the grant of the lease, sign an approved Land Management Agreement under section 186C of the Land Act;

- 5) where the grant of the lease is for a term of 21 years or more, pay the amount determined for the lease (including Territory owned improvements) as a capital sum. The applicant must nominate how the amount will be paid. The amount may be paid out as either:
- (a) a lump sum; or
 - (b) in quarterly instalments in advance over a period of 30 years at a fixed interest rate of 8% per annum on reducing balances; or
 - (c) a partial lump sum discharge of the value determined, together with quarterly instalments on the remaining balance over 30 years at a fixed interest rate of 8% per annum on reducing balances.
- 6) where the grant of the lease is for a term less than 21 years, pay the amount determined for the lease in accordance with the relevant formulae in Schedule 1, as land rent;
- 7) pay the fees and charges determined by the Minister.

Dated this 7th day of December 1999

Gary Humphries
Minister

Brendan Smyth
Minister

SCHEDULE 1 TO DISALLOWABLE INSTRUMENT NO. 269 OF 1999

LAND RENT FORMULAE FOR RURAL LEASES

Definitions

“DSE” means Dry Sheep Equivalent

“ha” means hectares

“Value” means a value determined by the Territory

Formula 1

For rural leases greater in area than 16 hectares inclusive of the right for a principal residence:

>16 ha to 80 ha	\$190 per DSE less 15% for ACT factors = \$162/DSE
> 80 to 600 ha	\$160 per DSE less 15% for ACT factors = \$136/DSE
> 600 To 1000 ha	\$150 per DSE less 15% for ACT factors = \$128/DSE
>1000 ha	\$130 per DSE less 15% for ACT factors = \$110/DSE

i) where there is no right to a residence, the scheduled values are reduced by 7.5%

Formula 2

For a lease greater than 16 hectares in size:

3 percent of the land values derived from the scheduled DSE values in Formula 1 plus
3 percent of the value of any government owned farm buildings and residences on the
lease (exclusive of fencing, water and pasture improvements).

Formula 3

For leases of 16 hectares or less without the right for a residence, exclusive of Pialligo and other ‘urban related’ leases in land use categories other than “broadacre” and “rural”:

\$235/DSE less 15 % for ACT factors = \$200/DSE

Formula 4

For leases of 16 hectares or less with a right to one residence (adjusted for ACT factors), exclusive of Pialligo and other ‘urban related’ leases in land use categories other than “broadacre” and “rural”:

- 1) up to 8 ha \$2,500 pa capitalised at 6% over 99 yrs less 15% \$37,400
- 2) > 8 to 16 ha \$3,000 pa capitalised at 6% over 99 yrs less 15% \$42,400

- i) for the second and each additional dwelling, an amount of \$16,615 per site.

Formula 5

For leases of 16 hectares:

- i) 3 percent of the land value derived from application of the scheduled DSE value in Formula 3, where there is no right to a residence;
- ii) 3 percent of the capitalised residential site values in Formula 4 where there is a right to a residence; and

an additional 3% of the value of any government owned farm buildings and residences (exclusive of fencing, water and pasture improvements).

Formula 6

The added land value for horse agistment and related activities is a sliding scale based on the percentage of a property's carrying capacity used for horses as follows:

- If 0 to 20% of total equivalent carrying capacity are horses - apply +10% to primary production value
 - 20 to 50% of total equivalent carrying capacity are horses - apply +20% to primary production value
 - 50 to 100% of total equivalent carrying capacity are horses - apply +30% to primary production value
- i) for those leases of 16 hectares or less, with or without the right to a residence, the application of 30% to the DSE rate or capitalised site value as appropriate.
- ii) the portion of the property used for primary production purposes will be calculated by applying the scheduled dry sheep area value.