

**AUSTRALIAN CAPITAL TERRITORY
LAND (PLANNING AND ENVIRONMENT) ACT 1991**

**EXPLANATORY STATEMENT
DISALLOWABLE INSTRUMENT FOR THE PURPOSES OF
SECTION 171A**

INSTRUMENT NO. 224 OF 2001

The ACT Government's rural policy is set out in *'Farming in the ACT – Implementation of the ACT Government's Rural Policy'* (February 2000) and Disallowable Instrument No. 87 of 2001. The aforementioned Disallowable Instrument specifies maximum rural lease terms for the ACT.

This Disallowable Instrument revokes Disallowable Instrument No. 87 of 2001.

The Disallowable Instrument No. 87 of 2001 identifies the maximum lease terms of rural land in the ACT. This Disallowable Instrument replaces the current Rural Lease Term Plan (Schedule 1 of Disallowable Instrument No. 87 of 2001) with a revised Rural Lease Term Plan (new Schedule 1). It adds a specification of maximum lease terms for an area of the district of Gungahlin that was not covered by the previous Rural Lease Term Plan. The area is bounded by the Federal Highway, Wells Station Road and the future eastern extension of Sandford Street. It stipulates a maximum lease term of 20 years.

The Disallowable Instrument adds a new Schedule 2. This Schedule has been added as a consequence of the *Land (Planning and Environment) Amendment Act 2001 (No. 3)*.

Schedule 2 determines the period in which a lessee is eligible to pay an amount condition for a further rural lease. The period is specified by reference to the latest date that a lessee may make application for a further lease, and the latest day on which a lessee may accept an offer of a further lease made consequent to an application.

Other Schedules to the Disallowable Instrument are renumbered as a consequence of the new Schedule 2.

The Disallowable Instrument stipulates that lessees, who are required to consolidate land from existing leases, are not required to pay a greater amount for any rights to residences than that payable if leases for the land had been granted without the requirement for consolidation. This only applies to leases to be granted under an amount condition, and also does not extend to Pialligo, where no consolidation is expected.

The Disallowable Instrument and the Schedules have been edited for consistency. They have also been revised to allow for subsequent further lease grant processing to recognise any previous premiums and discharge amounts paid, and to recognise the original holding period commencement date. This eliminates potential unintended consequences of the Disallowable Instrument, which may have disadvantaged a lessee in the future.