

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

EXPLANATORY STATEMENT

INSTRUMENT NO. 269 OF 1999

DETERMINATION OF CRITERIA

This disallowable instrument made under subsection 161(5) of the *Land (Planning and Environment) Act 1991* establishes criteria for the direct sale of land for rural purposes. This disallowable instrument revokes disallowable instrument No 23 of 1994 signed by the Executive on 2 May 1994.

The criterion has been amended to give effect to the Government's policy response to the Rural Policy Taskforce Report "*Toward a Sustainable Future*".

The criterion has been amended to require the applicant to sign an approved Land Management Agreement on or before the grant of the lease. A Schedule has been added to the disallowable instrument, which sets out the formulae by which the land rent for the lease is determined.

The previous criterion, which requires the applicant to complete and sign an application form providing certain details, remains the same.

The requirement at point 2 relating to occupancy on a licence or other contract has been amended to specify that the licence or other contract over the land has been held for a period of at least 15 years. The other circumstance where an application for a direct grant can be made is where the applicant has held a licence or other formal contract over land that adjoins the land subject to the application. The requirement has also been amended to specify that the land subject to the application cannot be Public Land.

New criterion have been included that specify how payment for a lease 21 years or greater will be determined, and the options available to the applicant for the payment of that amount.

For leases less than 21 years, the amount determined for the lease will be calculated using formulae that are specified in Schedule 1 of the Instrument. The amount determined for the lease can only be paid as land rent.

The requirement at point 6 relating to the payment of fees and charges is unchanged.