

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

LAND (PLANNING AND ENVIRONMENT) DETERMINATION OF MATTERS TO BE
TAKEN INTO CONSIDERATION – GRANT OF A FURTHER RURAL LEASE
(No 2) – 2003

DISALLOWABLE INSTRUMENT DI2003-254

EXPLANATORY STATEMENT

This disallowable instrument is being redetermined as a result of the *Planning and Land (Consequential Amendments) Act 2002* which transfers certain powers from the Minister/Executive to the Planning and Land Authority.

Outline

In accordance with subsection 171A(1) of the *Land (Planning and Environment) Act 1991*, Disallowable Instrument DI 2003 - 85 determines the conditions subject to which the Executive may grant a further rural lease. Amongst other issues, the aforementioned Disallowable Instrument specifies maximum rural lease terms for the ACT, the conditions for payment of further rural leases and periods relevant to the payment of an *amount condition*.

This disallowable instrument revokes DI 2003 - 85.

Attachment A

Paragraphs 12 and 13 in Attachment A of the Disallowable Instrument have been amended with respect to the requirement for withdrawal provisions in further rural leases associated with areas where all or part of the lease falls within the Lanyon Bowl and is identified in the Territory Plan as Public Land (Special Purpose Reserve). The Conservator of Flora and Fauna has advised that there is no objection to the amendment of Paragraphs 12 and 13 of the DI providing that the existing legislative processes explicitly deal with the protection of riparian areas.

The rural leases in the Lanyon Bowl area are within Public Land (Special Purpose Reserve) in order to protect the pastoral landscape. Environmental management issues (including heritage) associated with Public Land can be addressed in the Land Management Agreements. Consequently, a withdrawal provision may not be required once a LMA is approved prior to the issue of a further rural lease. However, riparian zones in the Lanyon Bowl area (and all other public areas outside the Lanyon Bowl) will continue to require land withdrawal provisions in leases.

Schedule 1

This disallowable instrument replaces the current Maximum Rural Lease Term Plan (Schedule 1 of DI 2003 - 85) with a revised plan (new Schedule 1).

It includes or changes lease term category specifications for a number of blocks in Belconnen, Chapman, Gungahlin, Hall, Paddys River, Tennent and Stromlo. A detailed list of the blocks and the categories is at **Attachment A**. Some of these blocks are areas of additional land suitable for agricultural purposes for which maximum lease terms have now been determined. Where possible, the areas of additional land will be offered for lease and incorporated into further rural leases being offered to existing rural lessees. The previous Maximum Rural Lease Term Map did not provide lease terms for these areas. In other cases the lease term category has changed following planning assessments of the capacity of these blocks for either future urban development or other public uses.

Schedule 2

The disallowable instrument replaces Schedule 2 with a new Schedule 2.

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. The period of eligibility for the *amount condition* provision for those rural lessees who have not already applied for further rural leases has been extended by 3 months. This is one of the measures to assist rural lessees who have been affected by the drought and bush fires.

Schedule 3

This Schedule is the determination of Land Value Payment Formulae for rural leases

The Schedule remains unchanged from the previous disallowable instrument.

Schedule 4

This Schedule is a map of Pialligo indicating payout categories for blocks.

The Schedule remains unchanged from the previous disallowable instrument.

Schedule 5

This Schedule is the determination of specific Land Value Payment Formulae for rural leases in Pialligo.

The Schedule remains unchanged from the previous disallowable instrument.

Schedule 6

This Schedule is the determination of land rent formulae for rural leases with terms less than 21 years.

The Schedule remains unchanged from the previous disallowable instrument.

Schedule 7

This Schedule is a map of Pialligo indicating blocks exempt from the preparation of a Land Management Agreement.

The Schedule is unchanged from the previous disallowable instrument.