

Planning (Further Rural Leases) Determination 2025

Disallowable instrument DI2025–35

made under the

Planning Act 2023, s 347 (Amount payable for further leases—rural land) and s 348 (Term of further leases—rural land)

EXPLANATORY STATEMENT

This explanatory statement relates to the Planning (Further Rural Leases) Determination 2025 as presented to the Legislative Assembly. It has been prepared to assist the reader of the determination. It does not form part of the instrument and has not been endorsed by the Legislative Assembly.

The statement must be read in conjunction with the determination. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

In accordance with sections 347 and 348 of the *Planning Act 2023* (the *Act*), this instrument determines the amount payable for a further lease of rural land, and the term of a further lease for rural land.

This instrument revokes the previous determination made under the same section of the Act (*Planning (Amount payable for, and term of, further rural lease) Determination 2023* (DI2023-267)). This current instrument differs from the previous instrument as it provides for the grant of 25-year leases for Blocks 52, 715, 716, 717 and 718 District of Majura and Block 2 Section 8 Division of Pialligo (the Blocks).

The reason for this change is to provide tenure for the historical occupants of the Blocks according to the terms agreed to by the Minister during negotiations with the tenants. The Blocks were ‘split’ by the Commonwealth in 1989 because of the Commonwealth declaration of National land over a portion of each Block. This resulted in the Blocks becoming a split of Territory land and National land, preventing the Territory from being able to consent to any dealing in relation to the Blocks, including the grant of further leases over the Blocks.

The Commonwealth degazetted the Blocks in December 2024, resulting in the Blocks becoming unleased Territory land, allowing the Territory to grant leases to the occupants of each Block in accordance with the Act.

The substantive elements of the schedules in the current instrument remain unchanged.

There are no human rights impacts associated with this instrument. It simply details the amounts and terms for the grant of further rural leases, and permits the Territory to grant leases to the historical occupants of the Blocks.

Schedule 1

Schedule 1 determines the amount payable for the term of a further lease if greater than 25 years.

Schedule 2

Schedule 2 determines the current Maximum Rural Lease Term.

Schedule 3

Schedule 3 determines the relevant dates for paragraphs 1 and 4 of schedule 1 of the instrument. The dates determine whether the lessee will be required to pay market value for the land or an amount in accordance with the relevant formulae specified in the instrument.

Schedule 4

Schedule 4 is the determination of formulae for further rural leases for a period greater than 20 years.

Schedule 5

Schedule 5 is the determination of formulae for further rural leases in Pialligo.

Schedule 6

Schedule 6 is the determination of land rent formulae for further rural leases for 20 years or less.