

EXPLANATORY MEMORANDUM

DISALLOWABLE INSTRUMENT FOR THE PURPOSES OF 161(5)

LAND (PLANNING AND ENVIRONMENT) ACT 1991

DETERMINATION NO. 23 OF 1994

This disallowable instrument made under paragraph 161(5) of the Land (Planning and Environment) Act 1991 establishes criteria for the direct sale of land for rural purposes.

The disallowable instrument revokes the disallowable instrument Number 48 of 1992 signed by the Executive on 24 April 1992.

The second criterion of the instrument has been amended. Previously the criterion read:

must be the current occupant of the land the subject of the application, or the lessee or occupier of the land adjacent to the land the subject of the application;

The criterion will now read:

must be the current occupant holding a licence or other formal contract over the land the subject of the application, or the lessee or person holding a licence or other formal contract over the land adjacent to the land the subject of the application;

This amendment has been made to rule out the possibility of a person not holding a licence or other formal contract over a block of rural land from obtaining a direct grant of a lease.

The fifth criterion has also been amended to bring the disallowable instrument up to date with current terminology. A 'farm plan', as referred to in the earlier instrument is now known as a 'Property Management Agreement'.