Australian Capital Territory

Land (Planning and Environment) Criteria for the direct grant of Rural Crown Leases (No 2) 2003

Disallowable Instrument DI2003-246

made under the

Land (Planning and Environment) Act 1991, section 161 (7)

I REVOKE instrument No 88 of 2003 made under that subsection and DETERMINE that the following matters are to be taken into consideration in deciding whether to consent to the direct grant of a Crown Lease for RURAL PURPOSES.

Interpretation

In this Instrument:

“Conservator” means the Conservator of Flora and Fauna.

“lease” includes the right to the grant of a lease of land under the Land Act.

Criteria

1. Where the land is public land the Planning and Land Authority, on behalf of the Executive may, subject to the written recommendation of the Conservator, grant a lease of an area or part of an area of public land, except where that area is reserved under the Territory Plan as a wilderness area;

2. The applicant must:

   (a) complete and sign an application for the lease in the required form giving details of:

      i) full name(s) of proposed lessee;
      ii) type of co-ownership or tenancy(if applicable), stating shares to be held by each proposed person/company (if applicable);
      iii) address for the services of notices; and
      iv) proof of company particulars (ie details of directors, shares etc., if applicable);

(b) Be the current occupant holding a licence or other formal contract over the land the subject of the application for a period of at least 15 years, or the lessee or person holding a licence or other formal contract over the land adjoining the land the subject of the application;

(c) Demonstrate the capacity to manage land in accordance with the proposed terms of the lease and in accordance with the proposed Land Management Agreement referred to in paragraph (d);

(d) On or before the grant of the lease, sign an approved Land Management Agreement under section 186C of the Land Act;

(e) Where the grant of the lease is for a term of 21 years or more, pay the amount determined for the lease (including Territory owned improvements) as a capital sum. The applicant must nominate how the amount will be paid. The amount may be paid out as either:
(i) a lump sum; or
(ii) in quarterly instalments in advance over a period of 30 years at a fixed interest rate of 8% per annum on reducing balances; or
(iii) a partial lump sum payment of the value determined, together with quarterly instalments on the remaining balance over 30 years at a fixed interest rate of 8% per annum on reducing balances;

(f) where the grant of the lease is for a term less than 21 years, pay the amount determined for the lease in accordance with the relevant formulae in **Schedule 1**, as land rent; and

(g) pay the fees and charges determined by the Minister.

Simon Corbell MLA
Minister for Planning

14 August 2003

LAND RENT FORMULAE FOR RURAL LEASES

Definitions

"DSE" means Dry Sheep Equivalent
"**ha**" means hectares
"**value**" means a value determined by the Planning and Land Authority

Formula 1

For rural leases greater in area than 16 ha inclusive of the right for a principal residence:

more than 16 ha but no more than 80 ha	\$190 per DSE less 15% for ACT factors = \$162/DSE
more than 80 ha but no more than 600 ha	\$160 per DSE less 15% for ACT factors = \$136/DSE
more than 600 ha but no more than 1000 ha	\$150 per DSE less 15% for ACT factors = \$128/DSE
more than 1000 ha	\$130 per DSE less 15% for ACT factors = \$110/DSE

Where the lease does not contain the right to a residence, the scheduled values are reduced by 7.5%;

Formula 2

For a lease greater than 16 hectares in size with any Territory owned farm buildings and residences on the lease (exclusive of fencing, water and pasture improvements):

3 percent of the land values derived from the scheduled DSE values in Formula 1 plus 3 percent of the value of any Territory owned farm buildings and residences on the lease (exclusive of fencing, water and pasture improvements);

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Formula 3

For leases of 16 hectares or less without the right for a residence, excluding leases in Pialligo and all other leases in areas other than those within a “broadacre” or “rural” designation under the Territory Plan:

$235/DSE less 15% for ACT factors = $200/DSE

Formula 4

For leases of 16 hectares or less with a right to one residence (adjusted for ACT factors), excluding leases in Pialligo and all other leases in areas other than those within a “broadacre” or “rural” designation under the Territory Plan:

(i) up to 8 ha $2,500 per annum capitalised at 6% over 99 years less 15% = $37,400;

(ii) greater than 8 ha up to 16 ha $3,000 per annum capitalised at 6% over 99 years less 15% = $42,400;

(iii) for the second and each additional dwelling, an additional amount of $16,615 per dwelling;

Formula 5

For leases of 16 hectares or less where there are any Territory owned farm buildings and residences (exclusive of fencing, water and pasture improvements):

i) 3 percent of the land value derived from application of the scheduled DSE value in Formula 3, where there is no right to a residence;
ii) 3 percent of the capitalised residential site values in Formula 4 where there is a right to a residence; and
iii) an additional 3 percent of the value of any Territory owned farm buildings and residences (exclusive of fencing, water and pasture improvements);

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Formula 6

The added land value for horse agistment and related activities is a sliding scale based on the percentage of a property's carrying capacity used for horses as follows:

- If 0% to 20% of total equivalent carrying capacity are horses
  – add 10% to primary production value
- If more than 20% but not more than 50% of total equivalent carrying capacity are horses
  – add 20% to primary production value; and
- If more than 50% of total equivalent carrying capacity are horses
  – add 30% to primary production value;

(i) For all leases of 16 ha or less, the addition of 30% to the DSE rate, or capitalised site value, as appropriate; and

(ii) The portion of the property used for primary production purposes will be calculated by applying the scheduled dry sheep area value.