

Planning and Development (Amount payable for and period of, further rural lease) Determination 2009 (No 1)

Disallowable Instrument DI 2008 -38

made under the

Planning and Development Act 2007, section 280 (Amount payable for further rural lease) and section 281 (Period of further rural lease)

EXPLANATORY STATEMENT

Outline

In accordance with sections 280 and 281 of the *Planning and Development Act 2007*, Disallowable Instrument (No 1) DI 2008 – determines the amount payable for a further rural lease and the period of a further rural lease. Amongst other things, the aforementioned disallowable instrument determines the maximum rural lease terms for the ACT and that the amount payable for a further rural lease can be paid by a lump sum or instalments or as rent.

This disallowable instrument is transitional in character because it is being made as a result of the repeal under subsection 428(2) of the *Planning and Development Act 2007* (the Act) of Disallowable Instrument (DI) 2007-69 which previously determined the amount payable, and the period of, further rural leases under the *Land (Planning and Environment) Act 1991*. Whilst the instrument has been re-worded to reflect the terminology of the Act, the substance of the instrument as to amount payable and the period of further rural leases remains substantially the same as the previous DI 2007-69. One change has been to exclude certain conditions previously included in DI 2007-69 (such as limiting the number of dwellings on the land). These conditions have been deleted because the power to set conditions in the disallowable instrument no longer exists under the Act.

Attachment A

The Attachment determines the amount payable for a further rural lease depending on the length of the term of the further lease. It also specifies that a lessee for a further rural lease for a period greater than 20 years must nominate whether they will pay the amount determined for the lease by a lump sum or by instalments. The Attachment also specifies the circumstances where a lessee will not be required to make any payment of an amount under section 254(2)(e)(ii).

Schedule 1

This schedule determines the current Maximum Rural Lease Term Map.

The changes made to the Map from the previous Disallowable Instrument are:

- (1) The addition of Region 5 - Block 12, Section 5, Harrison. This is because the block has been Heritage listed; and
- (2) the addition of the word “Legend” for clarification purposes.

Schedule 2

This Schedule determines the relevant dates for paragraphs 1 and 4 of Attachment A of the Determination. The dates determine whether the lessee has to pay market value for the land or an amount in accordance with the formulae in the determination.

The substance of the Schedule remains unchanged from the previous disallowable instrument except for the addition of Region 5. This block in Harrison has been included as a result of the land being Heritage listed. The heritage listing means further development is not allowed and so the lease period must be for 99 years rather than the previous 20 years.

The schedule has also been changed to include the relevant date for Region 5 land (30 June 2009) to permit those rural lessees who have not already applied to benefit from the provisions of this Determination.

Schedule 3

This Schedule is the determination of formulae for further rural leases with terms greater than 20 years.

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 formulae for further rural leases in Pialligo.

The Schedule remains unchanged from the previous Disallowable Instrument except for the deletion of a discount for those who enter into a Land Management Agreement. This has been deleted because it is a requirement under section 283 of the *Planning and Development Act 2007* for all rural lessees to enter into a Land Management Agreement.

Schedule 6

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

The Schedule remains unchanged from the previous disallowable instrument.

Schedule 7 (deleted)

Schedule 7 was a map of Pialligo indicating blocks exempt from the preparation of a Land Management Agreement. It has been deleted because all rural leases require the preparation of a Land Management Agreement under section 283 of the *Planning and Development Act 2007*.