

CROWN AND OTHER ROADS ACT 1990—REGULATION

(Crown and Other Roads Regulation 1992)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Crown and Other Roads Act 1990, has been pleased to make the Regulation set forth hereunder.

GARRY WEST
Minister for Conservation and Land Management.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Crown and Other Roads Regulation 1992.

Commencement

2. This Regulation commences on 1 April 1992.

Definitions

3. In this Regulation:

“**administrative district**” means an administrative district established under the Western Lands Act 1901;

“**approved form**” means a form approved by the Minister under clause 4 for the purposes of the provision of this Regulation in relation to which the expression is used;

“**cycle**” means a vehicle or machine having no more than 4 wheels, being a vehicle or machine propelled solely by human power;

“Lands Office” in relation to land, means the Lands Office notified under clause 11 of the Crown Lands Regulation 1990 for the land district in which the land is situated;

“land district” has the same meaning as it has in section 8 of the Crown Lands Act 1989;

“motor vehicle” has the same meaning as it has in section 2 of the Traffic Act 1909;

“non-motorised vehicle” means a vehicle or machine propelled solely by animal or human power, but does not include:

(a) a cycle; or

(b) a vehicle or machine used on a railway or tramway; or

(c) a wheelchair;

“Registrar of Local Land Boards” means the Registrar of Local Land Boards appointed under the Crown Lands Regulation 1990; and

“the Act” means the Crown and Other Roads Act 1990.

Forms

4. The Minister may approve forms for the purposes of this Regulation.

Fees

5. The fees specified in Schedule 1 are payable in respect of the matters referred to in that Schedule.

PART 2—ADMINISTRATION

Claim for compensation

6. For the purposes of section 14 (2) (a) of the Act, the prescribed particulars are:

(a) the full name and residential address of the claimant; and

(b) the address of the claimant for service of notices; and

(c) particulars of title of the land concerned.

Application to local land board

7. (1) For the purposes of section 19 (2) of the Act, the manner in which an application to the local land board to determine compensation must be made is as follows:

- (a) by lodging it with the Registrar of Local Land Boards for the land district within which the proposed road is situated, if the proposed road is wholly within the Eastern and Central Division and is wholly within one land district;
 - (b) by lodging it with the Registrar of Local Land Boards for any land district within which part of the proposed road is situated, if the proposed road is wholly within the Eastern and Central Division and is not wholly within one land district;
 - (c) by lodging it with the Registrar of Local Land Boards for the administrative district within which the proposed road is situated, if the proposed road is wholly within the Western Division and is wholly within one administrative district;
 - (d) by lodging it with the Registrar of Local Land Boards for any administrative district within which part of the proposed road is situated, if the proposed road is wholly within the Western Division and is not wholly within one administrative district;
 - (e) by lodging it with the Registrar of Local Land Boards for any land district within which part of the proposed road is situated, if the proposed road is partly within the Eastern and Central Division and partly within the Western Division.
- (2) An application to the local land board under section 32 (1) of the Act to determine compensation is to be made as follows:
- (a) by lodging it with the Registrar of Local Land Boards for the land district within which the proposed road is situated, if the proposed road is wholly within the Eastern and Central Division and is wholly within one land district;
 - (b) by lodging it with the Registrar of Local Land Boards for any land district within which part of the proposed road is situated, if the proposed road is wholly within the Eastern and Central Division and is not wholly within one land district;
 - (c) by lodging it with the Registrar of Local Land Boards for the administrative district within which the proposed road is situated, if the proposed road is wholly within the Western Division and is wholly within one administrative district;
 - (d) by lodging it with the Registrar of Local Land Boards for any administrative district within which part of the proposed road is situated, if the proposed road is wholly within the Western Division and is not wholly within one administrative district;
 - (e) by lodging it with the Registrar of Local Land Boards for any land district within which part of the proposed road is situated, if the proposed road is partly within the Eastern and Central Division and partly within the Western Division.

(3) An application referred to in this clause is to be made in an approved form and is to be accompanied by the fee (if any) specified in Schedule 1.

Payment of unclaimed Compensation to Treasurer

8. For the purposes of section 32 (2) of the Act, the prescribed period is 2 years from the date of acquisition of the interest in respect of which the compensation is payable.

Appeal to Land and Environment Court

9. (1) For the purposes of section 61 (2) of the Act, an appeal to the Land and Environment Court against a decision of the local land board or the relevant compensating authority is to be made as follows:

- (a) by lodging it at first instance with the Registrar of Local Land Boards for the land district within which the proposed road is situated, if the proposed road is wholly within the Eastern and Central Division and is wholly within one land district;
- (b) by lodging it at first instance with the Registrar of Local Land Boards for any land district within which part of the proposed road is situated, if the proposed road is wholly within the Eastern and Central Division and is not wholly within one land district;
- (c) by lodging it at first instance with the Registrar of Local Land Boards for the administrative district within which the proposed road is situated, if the proposed road is wholly within the Western Division and is wholly within one administrative district;
- (d) by lodging it at first instance with the Registrar of Local Land Boards for any administrative district within which part of the proposed road is situated, if the proposed road is wholly within the Western Division and is not wholly within one administrative district;
- (e) by lodging it at first instance with the Registrar of Local Land Boards for any land district within which part of the proposed road is situated, if the proposed road is partly within the Eastern and Central Division and partly within the Western Division.

(2) An appeal referred to in this clause is to be accompanied by the fee specified in Schedule 1.

(3) The Registrar of Local Land Boards must, as soon as practicable after the receipt of such an appeal:

- (a) give a copy of the appeal to the relevant compensating authority and to the claimant (and, if the proposed road is to be opened on the application of a person other than the relevant compensating authority, to that person), if the appeal is an appeal under section 17 of the Act: and
- (b) give a copy of the appeal to all parties to the proceedings in relation to which the appeal is made, if the appeal is an appeal under section 59 of the Act; and
- (c) forward the appeal and the relevant papers to the Registrar of the Land and Environment Court.

PART 3—CROWN ROADS

Controlled Crown Roads

10. (1) For the purposes of section 53 (1) (a) of the Act, the following kinds of traffic are prescribed:

- cycles generally or cycles of a particular class or kind;
- non-motorised vehicles generally or non-motorised vehicles of a particular class or kind;
- motor vehicles generally or motor vehicles of a particular class or kind.

(2) For the purposes of section 53 (1) (b) of the Act, the following kinds of animals are prescribed: asses, camels, cattle, deer, goats, horses, mules, sheep, swine.

SCHEDULE 1

(Cl. 5)

FEES	\$
Application to open a road (section 5 (2) (b) (i) of the Act)	1200
Application to close a road (section 43 (2) (b) of the Act)	120
Application to local land board to determine compensation (section 19 (2) of the Act).....	50
Appeal to Land and Environment Court against decision of local land board or compensating authority (section 61 (2) of the Act).....	50

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PART 3—CROWN ROADS

10. Controlled Crown Roads

SCHEDULE 1—FEES

EXPLANATORY NOTE

The object of this Regulation is to prescribe certain matters for the purposes of the Crown and Other Roads Act 1990.

The matters prescribed include:

- (a) the fees required to accompany applications to the Minister to open or to close a road, applications to the local land board to determine the compensation to be made in respect of an interest in land acquired by the Crown for the purposes of a road and appeals to the Land and Environment court;
 - (b) the form and manner of making applications to the local land board and appeals to the Land and Environment Court;
 - (c) the period for which unclaimed compensation money is to be held before being paid to the Treasurer; and
 - (d) the kinds of traffic and animals that may be prohibited from using a controlled Crown Road.
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