



New South Wales

Crown Lands (Continued Tenures) Regulation 2000

under the

Crown Lands (Continued Tenures) Act 1989

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crown Lands (Continued Tenures) Act 1989*.

RICHARD AMERY, M.P.,

Minister for Land and Water Conservation

Explanatory note

This Regulation replaces, without any major changes in substance, the provisions of the *Crown Lands (Continued Tenures) Regulation 1995* that are still required. That Regulation will be repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

The new Regulation makes provision with respect to the following matters:

- (a) the fees and deposits payable in respect of applications and other matters under the *Crown Lands (Continued Tenures) Act 1989* (clauses 4 and 16 and Schedule 1),
- (b) the forms of application and the manner of lodgment of applications for the purposes of the Act (clauses 8, 9, 11, 12, 13 and 15),
- (c) other minor, consequential or ancillary matters (clauses 1–3, 5–7, 10, 14 and 17).

The Regulation is made under the *Crown Lands (Continued Tenures) Act 1989*, including section 18 (the general regulation-making power) and various other provisions referred to in the Regulation.

2000 No 516

Crown Lands (Continued Tenures) Regulation 2000

Contents

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Fees and deposits	3
5 Application of provisions relating to local land boards	4
6 Supplementary provisions applicable to payments on land in special land districts	4
7 Interest on arrears	4
8 Addition of land to perpetual leases	4
9 Minister's consent to transfer	5
10 Appeals against Minister's determination under condition of special lease or permissive occupancy	5
11 Removal of transfer restrictions	5
12 Subdivision of holdings	6
13 Redetermination of rent of certain leases	6
14 Objections to, and appeals against, determinations or redeterminations	6
15 Purchase of land held under lease	7
16 Survey fee	7
17 Savings provision	7
Schedule 1 Fees and deposits	8

Crown Lands (Continued Tenures) Regulation 2000

1 Name of Regulation

This Regulation is the *Crown Lands (Continued Tenures) Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

Note. This Regulation replaces the *Crown Lands (Continued Tenures) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

approved form means a form approved by the Minister under subclause (2) for the purposes of the provision of this Regulation in relation to which the expression is used.

office of Land NSW means:

- (a) a district office of the part of the Department of Land and Water Conservation operating under the name of “Land NSW”, or
- (b) the Sydney office of the Department of Land and Water Conservation.

the Act means the *Crown Lands (Continued Tenures) Act 1989*.

the Principal Regulation means the *Crown Lands Regulation 2000*.

- (2) The Minister may approve forms for the purposes of this Regulation.
- (3) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

4 Fees and deposits

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

2000 No 516

Clause 5 Crown Lands (Continued Tenures) Regulation 2000

5 Application of provisions relating to local land boards

Clauses 12–19 of the Principal Regulation apply to matters arising under this Regulation in the same way as they apply to matters arising under the Principal Regulation.

6 Supplementary provisions applicable to payments on land in special land districts

For the purposes of clause 4 (4) and (5) of Part 1 of Schedule 2 and clause 3 (4) and (5) of Schedule 5 to the Act, the Minister is prescribed instead of the State Bank.

7 Interest on arrears

- (1) For the purposes of clause 5 (4) (b) of Part 1 of Schedule 2 to the Act, the prescribed rate of interest is 8 per cent per annum plus the Treasury Note yield rate rounded to the second decimal place (rounding 0.005 upwards).
- (2) In this clause, *Treasury Note yield rate* has the same meaning as in section 22 (4) of the *Taxation Administration Act 1996*.

8 Addition of land to perpetual leases

- (1) For the purposes of clause 5 of Part 2 of Schedule 2 to the Act, an application by the holder of a perpetual lease for the addition of vacant Crown land to the lease:
 - (a) is to be in the approved form, and
 - (b) is to be lodged with an office of Land NSW together with the deposit specified in Schedule 1 towards the cost of dealing with the application.
- (2) If the deposit:
 - (a) is insufficient to cover the cost of dealing with the application, the balance must be paid by the applicant on demand, or
 - (b) is in excess of that cost, the balance must be refunded.

9 Minister's consent to transfer

- (1) For the purposes of clause 4 of Part 1 and clause 4 of Part 2 of Schedule 3 to the Act, application for the Minister's consent to transfer:
 - (a) is to be in the approved form, and
 - (b) is to be lodged with an office of Land NSW together with the fee specified in Schedule 1.
- (2) If it is necessary to make an inspection of the lands to be taken into account, the inspection fee specified in Schedule 1 must also be paid on demand.

10 Appeals against Minister's determination under condition of special lease or permissive occupancy

- (1) This clause is made for the purposes of clause 3 (5) of Part 5 of Schedule 2 (special lease) and clause 4 (3) of Part 6 of Schedule 2 (permissive occupancy) to the Act.
- (2) An appeal against the Minister's determination of a matter under a condition of a special lease or permissive occupancy may be made by lodging a notice of appeal in the approved form with the Registrar of Local Land Boards for the land district in which the lease or occupancy is situated.
- (3) The notice of appeal must be lodged within 28 days of service on the holder of the Minister's determination.
- (4) The notice of appeal must be accompanied by the fee specified in Schedule 1.
- (5) The Registrar of Local Land Boards must, as soon as practicable after receipt of the notice of appeal, send it and the relevant papers to the person or body authorised to determine the appeal.

11 Removal of transfer restrictions

For the purposes of clause 8 of Part 1 and clause 6 of Part 2 of Schedule 3 to the Act, an application to the Minister for the issue of a certificate that the land may be transferred or otherwise dealt with without the consent of the Minister:

- (a) is to be in the approved form, and
 - (b) is to be lodged with an office of Land NSW together with the fee (if any) specified in Schedule 1.
-

2000 No 516

Clause 12 Crown Lands (Continued Tenures) Regulation 2000

12 Subdivision of holdings

- (1) For the purposes of clause 2 (2) of Schedule 4 to the Act, an application for the Minister's approval to the subdivision of a holding:
 - (a) is to be in the approved form, and
 - (b) is to be lodged with an office of Land NSW together with the deposit specified in Schedule 1 towards the costs of dealing with the application.
- (2) If the deposit:
 - (a) is insufficient to cover the costs of dealing with the application, the balance must be paid by the applicant on demand, or
 - (b) is in excess of those costs, the balance must be refunded.

13 Redetermination of rent of certain leases

For the purposes of clause 10 of Schedule 5 to the Act, an application by the holder of a lease to which that clause applies for redetermination of the rent of the lease:

- (a) is to be in the approved form, and
- (b) is to be lodged with an office of Land NSW together with the fee specified in Schedule 1.

14 Objections to, and appeals against, determinations or redeterminations

- (1) For the purposes of clause 11 (1) of Schedule 5 and clause 10 (2) of Part 1 and clause 10 (2) of Part 2 of Schedule 7 to the Act, an objection to the Minister's redetermination of the rent of a lease or determination of the purchase price for land comprised in a lease:
 - (a) is to be in the approved form, and
 - (b) is to be lodged with an office of Land NSW within 28 days of service on the holder of the redetermination or determination.
- (2) For the purposes of clause 11 (3) of Schedule 5 (redetermination of the rent of a lease), clause 3 (3) of Part 1 of Schedule 7 (exclusion for roadways, etc on purchase of land under lease), clause 10 (4) of Part 1 of Schedule 7 (determination of purchase price of land under lease not in a special land district) and clause 10 (4) of Part 2 of

Schedule 7 (determination of purchase price of land under lease in a special land district) to the Act, notice of an appeal to the local land board:

- (a) is to be in the approved form, and
 - (b) is to be lodged with the Registrar of Local Land Boards for the land district in which the land is situated within 28 days of service on the objector of the Minister's decision together with the fee specified in Schedule 1.
- (3) The Registrar of Local Land Boards must, as soon as practicable after receipt of the notice of appeal, give notice of the appeal to all persons directly affected by the Minister's decision on the objection.
- (4) An appeal under a provision referred to in subclause (2) that may be made to the Land and Environment Court is to be made:
- (a) by filing an application in accordance with the *Land and Environment Court Rules 1996*, and
 - (b) by paying the appropriate fees in accordance with the *Land and Environment Court Regulation 2000*.

15 Purchase of land held under lease

For the purposes of clause 1 (1) of Part 1 and clause 1 (1) of Part 2 of Schedule 7 to the Act, an application by the holder of a lease to purchase the whole or part of the land comprised in the lease:

- (a) is to be in the approved form, and
- (b) is to be lodged with an office of Land NSW together with the fee specified in Schedule 1.

16 Survey fee

For the purposes of clause 14 (1) (a) of Part 1 of Schedule 7 to the Act, the prescribed survey fee in respect of the purchase of a conditional lease is the fee (if any) specified in Schedule 1.

17 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Crown Lands (Continued Tenures) Regulation 1995*, had effect under that Regulation is taken to have effect under this Regulation.

2000 No 516

Crown Lands (Continued Tenures) Regulation 2000

Schedule 1 Fees and deposits

Schedule 1 Fees and deposits

		(Clause 4)
		\$
1	Application for the addition of land to a perpetual lease (clause 8)	338
2	Application for the Minister's consent to transfer (clause 9 (1))	151
3	Inspection fee in respect of land involved in item 2 (clause 9 (2))	416
4	Appeal to local land board against Minister's determination under condition of special lease or permissive occupancy (clause 10)	63
5	Application for issue of certificate that land may be transferred or otherwise dealt with without the Minister's consent (clause 11)	151
6	Application for the Minister's approval to the subdivision of a holding (clause 12 (1))	338
7	Application for redetermination of rent of lease (clause 13)	230
8	Notice of appeal to local land board (clause 14 (2))	63
9	Application by holder to purchase land comprised in a lease (clause 15)	398
10	Survey fee in respect of purchase of a conditional lease (not being a conditional lease created from the subdivision of such a lease) applied for before 1 December 1889 (clause 16)	506

BY AUTHORITY
