



New South Wales

# Crown Lands (Continued Tenures) Regulation 2006

under the

Crown Lands (Continued Tenures) Act 1989

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

ANTHONY KELLY, M.L.C.,  
Minister for Lands

## Explanatory note

This Regulation remakes, without any major changes in substance, the *Crown Lands (Continued Tenures) Regulation 2000*. That Regulation will be repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This 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*,
- (b) the forms of application and the manner of lodgment of applications for the purposes of that Act,
- (c) other minor, consequential or ancillary matters.

This Regulation is made under the *Crown Lands (Continued Tenures) Act 1989*, including section 18 (the general regulation-making power).

---

## Contents

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

## Crown Lands (Continued Tenures) Regulation 2006

under the

Crown Lands (Continued Tenures) Act 1989

### 1 Name of Regulation

This Regulation is the *Crown Lands (Continued Tenures) Regulation 2006*.

### 2 Commencement

This Regulation commences on 1 September 2006.

**Note.** This Regulation replaces the *Crown Lands (Continued Tenures) Regulation 2000* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.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 Crown Lands NSW** means:

- (a) a district office of the part of the Department operating under the name of "Crown Lands NSW", or
- (b) the Far West regional office of the Department of Natural Resources.

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

**the Principal Regulation** means the *Crown Lands Regulation 2006*.

- (2) The Minister may approve forms for the purposes of this Regulation.
- (3) Notes in 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.

## 2006 No 507

Clause 5                      Crown Lands (Continued Tenures) Regulation 2006

---

### **5 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.

### **6 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 Bank Accepted Bill rate rounded to the second decimal place (rounding 0.005 upwards).
- (2) In this clause, *Bank Accepted Bill rate* has the same meaning as in section 22 (4) of the *Taxation Administration Act 1996*.

### **7 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 Crown Lands 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.

### **8 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.

#### **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 Crown Lands NSW together with the fee specified in Schedule 1.
- (2) If it is necessary to make an inspection of the lands concerned, the inspection fee specified in Schedule 1 must also be paid on demand.

#### **10 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 Crown Lands NSW together with the fee (if any) specified in Schedule 1.

#### **11 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 Crown Lands 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.

#### **12 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:

## 2006 No 507

Clause 13 Crown Lands (Continued Tenures) Regulation 2006

---

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

### 13 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 Crown Lands 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 2005*.

### 14 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 Crown Lands NSW together with the fee specified in Schedule 1.

**15 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.

**16 Savings provision**

Any act, matter or thing that, immediately before the repeal of the *Crown Lands (Continued Tenures) Regulation 2000*, had effect under that Regulation continues to have effect under this Regulation.

**2006 No 507**

Crown Lands (Continued Tenures) Regulation 2006

Schedule 1 Fees and deposits

---

**Schedule 1 Fees and deposits**

(Clause 4)

		<b>\$</b>
1	Application for the addition of land to a perpetual lease (clause 7)	338
2	Appeal to local land board against Minister's determination under condition of special lease or permissive occupancy (clause 8)	63
3	Application for the Minister's consent to transfer (clause 9 (1))	151
4	Inspection fee in respect of land involved in item 3 (clause 9 (2))	416
5	Application for issue of certificate that land may be transferred or otherwise dealt with without the Minister's consent (clause 10)	151
6	Application for the Minister's approval to the subdivision of a holding (clause 11 (1))	338
7	Application for redetermination of rent of lease (clause 12)	230
8	Notice of appeal to local land board (clause 13 (2))	63
9	Application by holder to purchase land comprised in a lease (clause 14)	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 15)	506

---

BY AUTHORITY