



New South Wales

Crown Land Management Amendment (Holdings) Regulation 2019

under the

Crown Land Management Act 2016

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crown Land Management Act 2016*.

PAUL TOOLE, MP
Minister for Lands and Forestry

Explanatory note

The objects of this Regulation are:

- (a) to further provide for the granting of licences and leases of dedicated or reserved Crown land by a local council in the period before a plan of management for the land is adopted by the local council, and
- (b) to enable the Minister for Lands and Forestry to require a security deposit to be paid by a person to whom a licence benefiting other land is transferred (such as a licence allowing access to a waterfront).

This Regulation is made under the *Crown Land Management Act 2016*, including sections 5.2 (2) and (4) (g), 12.15 (4) and 13.5 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Crown Land Management Amendment (Holdings) Regulation 2019*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Crown Land Management Regulation 2018

[1] Clause 29 Terms and conditions in holdings that are enforceable despite Act and regulations

Insert after clause 29 (e):

- (f) a requirement that a person to whom a licence is transferred under section 5.27 (4) of the Act pay a security deposit to the Minister.

[2] Clause 29 (2)

Insert at the end of the clause:

- (2) A condition of a licence that requires a person to whom a licence is transferred under section 5.27 (4) of the Act to pay a security deposit to the Minister is a mandatory matter for the purposes of section 5.2 of the Act.

[3] Clause 70 Exemption from operation of section 3.22 of Act for granting licences and leases during initial period

Omit clause 70 (2). Insert instead:

- (2) The council manager is exempt from the operation of section 3.22 of the Act in respect of the following:
 - (a) the granting of a short-term licence over pre-POM Crown land of a kind that can be granted by a Crown land manager under section 2.20 of the Act,
 - (b) the renewal of an existing lease or licence over pre-POM Crown land for a term not exceeding the maximum term if there are no additional permitted uses of the land,
 - (c) the granting of a new lease or licence over pre-POM Crown land for a term not exceeding the maximum term if:
 - (i) there was a lease or licence in force over the land immediately before 1 July 2018, and
 - (ii) there are no additional permitted uses of the land,
 - (d) the granting of a new lease or licence over pre-POM Crown land for a term not exceeding the maximum term if:
 - (i) the lessee or licensee is an emergency services organisation (within the meaning of the *State Emergency and Rescue Management Act 1989*), a not-for-profit organisation or a community group, and
 - (ii) the Minister consents to the granting of the lease or licence,
 - (e) the granting of a new lease over pre-POM Crown land for a term not exceeding the maximum term if:
 - (i) the negotiations between the council and the lessee in relation to the granting of the lease were commenced and, in the opinion of the Minister, substantially completed before 1 July 2018, and
 - (ii) the Minister consents to the granting of the lease,
 - (f) the granting of a new lease or licence over pre-POM Crown land for a term not exceeding the maximum term if the lease or licence could, in the opinion of the Minister, have been granted immediately before 1 July 2018 under a plan of management in force immediately before that date.

- (3) In this clause:
- existing lease or licence** means a lease or licence in force immediately before 1 July 2018.
- maximum term** of a lease or licence means a term (including any option for the grant of a further term) of:
- (a) 21 years in the case of the following:
 - (i) the renewal of an existing lease as referred to in subclause (2) (b),
 - (ii) the granting of a new lease as referred to in subclause (2) (c),
 - (iii) the granting of a new lease or licence as referred to in subclause (2) (f), or
 - (b) 5 years in any other case.

[4] Clause 73

Insert after clause 72:

73 Transitional provision—security deposits for existing licences

- (1) For the purposes of section 5.2 (4) (f) (ii) of the Act, an existing licence is, on the transfer of the licence under section 5.27 (4) of the Act, taken to include a condition that the licence is granted to the transferee subject to payment by the transferee of any security deposit that the Minister may determine in respect of the licence.
- Note.** Under section 12.15 of the Act, the Minister may remit any security deposit paid by the transferor at the time the licence was granted to the transferor.
- (2) In this clause:
- existing licence** means a licence that includes a condition requiring a security deposit to be paid by the licence holder that was in force immediately before the commencement of this clause.