

# Crown Lands Regulation 2006

[2006-508]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**
  - [Weapons and Firearms Legislation Amendment Act 2010 No 40](#) (not commenced)
  - [Statute Law \(Miscellaneous Provisions\) Act 2010 No 59](#) (not commenced — to commence on 9.7.2010)

### Authorisation

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File last modified 15 June 2010

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New South Wales

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# Crown Lands Regulation 2006



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Crown Lands Regulation 2006*.

### 2 Commencement

This Regulation commences on 1 September 2006.

#### Note—

This Regulation replaces the *Crown Lands Regulation 2000* which is repealed on 1 September 2006 under section 10 (2) of the *Subordinate Legislation Act 1989*.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.

**Department** means the Department of Lands.

**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 Act 1989*.

(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.

## **5 Minerals in relation to land not in a special land district**

For the purposes of paragraph (a) of the definition of *mineral* in section 3 of the Act, the substances prescribed as minerals, in relation to land not in a special land district, are those specified in Schedule 2.

## **6 Divisions of the State—alteration or redefinition**

For the purposes of section 4 (4) (a) of the Act, a notice describing a proposal to alter or redefine the boundary between the Eastern and Central Division and the Western Division of the State is required to be published:

- (a) in a newspaper circulating in the locality in which the alteration or redefinition of the boundary is to be made, or
- (b) in a newspaper circulating generally in the State.

## **Part 2 Administration**

### **7 Custody of seal of Ministerial Corporation**

The seal of the Ministerial Corporation is to be kept in the custody of the Director-General.

### **8 Use of seal of Ministerial Corporation**

The seal of the Ministerial Corporation may be affixed to an instrument or document only:

- (a) in the presence of the Minister or a person authorised by the Ministerial Corporation for the purposes of this clause, and
- (b) with an attestation by the signature of the Minister or person of the fact of the affixing of the seal.

### **9 Records of Ministerial Corporation**

The Director-General is required to keep written records containing details of all acts, decisions and proceedings of the Ministerial Corporation.

### **10 Jurisdiction of local land boards**

- (1) For the purposes of section 22 (1) (b) of the Act, the Minister may refer any of the following matters to a local land board or a Chairperson sitting alone for inquiry and report:
  - (a) any matter arising out of the administration of any land, lease or licence that the Minister or the Ministerial Corporation administers under any arrangement entered into under section 18 of the Act,
  - (b) any matter arising out of the administration of any land, lease or licence that the Minister or the Ministerial Corporation administers on behalf of the Crown,

- (c) any matter arising out of the administration of any land dedicated or reserved under the Act,
- (d) any matter arising out of the administration of any common within the meaning of the *Commons Management Act 1989*,
- (e) any matter arising out of the administration of any land subject to the *Trustees of Schools of Arts Enabling Act 1902*.

(2) In this clause, a reference to the administration of any land or common includes a reference to the use and management of the land or common.

#### **11 Registrar of Local Land Boards**

- (1) The Director-General is required to appoint a Registrar of Local Land Boards for each land district.
- (2) One Registrar may be appointed for several land districts.

#### **12 Registrar to bring matters before board**

Subject to any direction by the Chairperson or the Senior Chairperson, the Registrar of Local Land Boards for a land district must bring all matters before the local land board or the Chairperson as soon as practicable after they are received.

#### **13 Notice of proceedings before board**

Notice of the time and place appointed for any proceedings before the local land board or Chairperson, and of the nature of the proceedings:

- (a) is to be in the approved form, and
- (b) is to be served on the parties to the proceedings not less than 14 days before the time appointed for the proceedings (or such lesser period as may be directed by the Chairperson).

#### **14 Substituted service of notice of proceedings**

- (1) If for any reason it is not practicable to effect service of a notice of proceedings before a local land board or the Chairperson, the Chairperson may give directions for service or for the substitution of the advertisement of the proceedings in a newspaper circulating in the locality or in the State.
- (2) If those directions are carried out, service of notice is to be taken to have been effected.

#### **15 Proceedings may be heard in absence of a party**

If the local land board or Chairperson is satisfied that notice of the time and place

appointed for any proceedings has been given to a party, the board or Chairperson may hear and determine in the absence of that party.

#### **16 Issue of summons**

- (1) Any summons to give evidence or for the production of deeds or other documents to the local land board:
  - (a) may be issued by the Chairperson or other member of the local land board on payment of the fee specified in Schedule 1, and
  - (b) is to be in the approved form.
- (2) A copy of a summons issued by the Chairperson or other member of the local land board that is sent by facsimile, email or other electronic communication may be dealt with as if it were the original summons if it is certified by a Registrar as having been issued by the Chairperson or member.

#### **17 Allowances payable to witnesses before local land boards**

For the purposes of clause 3 (e) of Schedule 2 to the Act, the allowances for attendance and travelling payable to witnesses before a local land board are the same as those payable from time to time to witnesses attending Local Courts.

#### **18 Form of warrant to apprehend witness**

For the purposes of clause 3 (f) of Schedule 2 to the Act, the prescribed form of warrant to bring a person before a local land board to give evidence is the form specified in Schedule 3.

### **Part 3 Land assessment**

#### **19 Land evaluation criteria**

For the purposes of section 32 (1) of the Act, the prescribed land evaluation criteria are as follows:

- (a) the susceptibility of the land to hazards, including fire, flood, landslip, subsidence, coastline and riverine hazards,
- (b) the susceptibility of the land and any catchment of which the land forms part to degradation, including soil erosion, salinity, waterlogging, soil structure decline, soil acidity, tree decline and weed invasion,
- (c) the significance of inherent natural, catchment, cultural and heritage values, including scenic, habitat, native vegetation, scientific and water body features,
- (d) the significance of ecological values, including the presence of threatened species, populations or ecological communities, communities of flora or fauna or wildlife



corridors,

- (e) the significance of natural resources, including minerals, extractive materials, timber resources, surfacewaters and groundwaters,
- (f) the ecological sustainability of potential land uses of the land and any catchment of which the land forms part.

## **20 Notification and public comment on land assessments**

- (1) This clause applies to draft land assessments that are part of the programme for the assessment of Crown land instituted by the Minister under Part 3 of the Act.
- (2) The Minister is required to cause notice of the preparation of any draft land assessment to be published in:
  - (a) the Gazette, and
  - (b) a newspaper circulating in the locality in which the land concerned is situated or in a newspaper circulating generally in the State.
- (3) Any such notice must:
  - (a) invite representations from the public concerning the draft land assessment, and
  - (b) specify the place and time at which the draft land assessment may be inspected by the public, and
  - (c) specify the period (being not less than 28 days) within which any representations may be made and the person to whom they are to be sent.

## **Part 4 Sale, lease or other disposal of Crown land**

### **21 Application for consent to transfer**

- (1) This clause applies to an application for consent to transfer land that is subject to a recording under one of the following provisions of the Act:
  - (a) section 36 (4) (a),
  - (b) section 37 (2) (a),
  - (c) section 38 (a),
  - (d) section 44 (1) (a).
- (2) Any such application to transfer land:
  - (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.

## **22 Activities prohibited on easements for public access**

- (1) For the purposes of section 57 (1) of the Act, the following activities may not be carried out on land the subject of an easement for public access:
- (a) camping,
  - (b) carrying or using firearms or any other weapon or thing used for hunting (other than a fishing rod, line or net),
  - (c) lighting fires (except as part of a hazard reduction exercise),
  - (d) taking any animal onto the land (unless the animal is a companion animal within the meaning of the [Companion Animals Act 1998](#)),
  - (e) damaging or injuring any fauna or flora,
  - (f) setting traps,
  - (g) driving any motor vehicle, trail bike or other vehicle propelled by mechanical power,
  - (h) depositing or leaving any rubbish, litter, dead animal or other similar matter.
- (2) Despite subclause (1), an activity referred to in subclause (1) (a), (b), (d) or (g) may be carried out on land the subject of an easement for public access if a sign is displayed with the authority of the Minister on the site of the easement authorising the activity or if the Minister has authorised the activity in writing.

## **23 Structures that may be erected on easements for public access**

For the purposes of section 58 (1) (b) of the Act, the following types of structure (in addition to fences and gates) may be erected, without the written consent of the Minister, on land the subject of an easement for public access by the owner or lessee of land affected by the easement, but only if the structure does not unduly hinder public entry to the land:

- (a) cattle ramps,
- (b) pipelines,
- (c) pumps.

## **24 Enclosure of roads or watercourses**

An application under section 61 (1) of the Act for a permit to enclose wholly or in part any road or watercourse:

- (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.

## **25 Enclosure of additional roads or watercourses**

An application under section 62 (1) of the Act by the holder of an enclosure permit to enclose any additional road or watercourse:

- (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.

## **26 Transfer of land for which enclosure permit held**

For the purposes of section 64 (2) of the Act:

- (a) the prescribed manner of notifying the Department of the transfer of land for which an enclosure permit is held is by a notice in writing lodged with an office of Crown Lands NSW together with the fee specified in Schedule 1, and
- (b) the prescribed time for giving that notice is within 28 days of the date of the transfer.

## **27 Amalgamation of enclosure permits**

An application under section 68 (1) of the Act by the holder of 2 or more enclosure permits to amalgamate the permits:

- (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.

## **28 Application for direction to provide gates or other access**

An application under section 69 (1) of the Act for a direction by a local land board under section 70 of the Act:

- (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 together with the fee specified in Schedule 1.

## **29 Cultivation of enclosed roads**

An application under section 72 (1) of the Act for a dispensation from a requirement to erect gates or provide other means of access to, or an authority to cultivate, an enclosed road:

- (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.

## **Part 5 Dedication and reservation of land**

### **30 Disclosure of pecuniary interests**

For the purposes of clause 1 (3) of Schedule 4 to the Act, the prescribed fee for inspection of the book containing particulars of disclosures of pecuniary interests of members of a trust board is the fee specified in Schedule 1.

### **31 Temporary licences**

- (1) For the purposes of section 108 (1) of the Act, in addition to grazing, the purposes for which a temporary licence may be granted are as follows:
  - (a) access through a reserve,
  - (b) advertising,
  - (c) camping using a tent, caravan or otherwise,
  - (d) catering,
  - (e) emergency occupation,
  - (f) entertainments,
  - (g) equestrian events,
  - (h) exhibitions,
  - (i) filming (within the meaning of the [Local Government Act 1993](#)),
  - (j) functions,
  - (k) hiring of equipment,
  - (l) holiday accommodation,
  - (m) markets,
  - (n) meetings,
  - (o) military exercises,
  - (p) mooring of boats to wharves or other structures,
  - (q) sales,

- (r) shows,
  - (s) sporting and organised recreational activities,
  - (t) stabling of horses,
  - (u) storage.
- (2) For the purposes of section 108 (2) of the Act, in addition to any other condition subject to which a temporary licence is granted, the licence is subject to the condition that the relationship of landlord and tenant is not created between the parties.
- (3) For the purposes of section 108 (4) of the Act, the prescribed period for the expiration of a temporary licence is one year following the date on which it is granted.

### **32 Reserve trust reports**

- (1) For the purposes of section 122 (1) (a) of the Act, a reserve trust must furnish to the Minister each year, within 3 months of the close of the trust's financial year, a report on its activities.
- (2) Any such report is to include, unless the Minister determines otherwise by notice in writing, the following in relation to the relevant reserve:
- (a) financial statements setting out details of income, expenditure, assets and liabilities,
  - (b) details of the value and condition of all assets (other than land) valued at \$5,000 or more,
  - (c) details of heritage items,
  - (d) details of the value of work and improvements undertaken costing more than \$5,000,
  - (e) details of any insurance arrangements in place,
  - (f) details of the fire prevention and occupational, health and safety measures in place,
  - (g) details of any plans of management in place,
  - (h) details of any environmental management initiatives undertaken,
  - (i) details of leases or licences that have been granted or are in force, including rent and fee levels,
  - (j) details of the purposes for which the reserve is used,
  - (k) any particulars of pecuniary interests recorded in the book referred to in clause 1

- (3) of Schedule 4 to the Act,
- (l) details of any grants or sponsorship received,
  - (m) details of employees and contractors, including details about any training provided to such persons,
  - (n) the number of trust board meetings held during the financial year and records of attendance at such meetings,
  - (o) any other matter required to be reported under section 96A of the Act.
- (3) If a reserve trust is appointed trustee of more than one reserve, a report prepared by the trust under this clause must permit dissection of the matters referred to in subclause (2) for each reserve of which the trust is appointed trustee, unless the Minister determines otherwise by notice in writing.
- (4) If directed by the Minister by notice in writing to do so, a reserve trust must arrange for a report prepared under this clause to be audited by a person approved by the Minister.
- (5) If more than one reserve trust manager is appointed to manage the affairs of a reserve trust, each manager must prepare a report in accordance with this clause to the extent to which the matters referred to in subclause (2) relate to the functions allocated to the manager under section 92 (6B) of the Act, except to the extent that the manager is not allocated the function of reporting those matters.

### **33 Reserve trust records**

- (1) For the purposes of section 122 (1) (b) of the Act, a reserve trust must keep the records specified in Schedule 4, unless the Minister determines otherwise by notice in writing.
- (2) If more than one reserve trust manager is appointed to manage the affairs of a reserve trust, each manager must keep records in accordance with this clause to the extent to which they relate to the functions allocated to the manager under section 92 (6B) of the Act.

### **34 Notification and public comment on draft plans of management**

- (1) This clause applies to a plan of management under Division 6 of Part 5 of the Act that is required (before its adoption by the Minister) to be placed on public display.
- (2) The Minister is required to cause notice of a plan of management to be published in:
- (a) the Gazette, and
  - (b) a newspaper circulating in the locality in which the land concerned is situated or in a newspaper circulating generally in the State.

(3) Any such notice must:

- (a) invite representations from the public concerning the plan, and
- (b) specify the place and time at which the plan may be inspected by the public, and
- (c) specify the period (being not less than 28 days) within which any representations may be made and the person to whom they are to be sent.

## **Part 6 Miscellaneous**

### **35 Compensation for land withdrawn from lease or licence**

For the purposes of section 136 (5) of the Act, a reference in the *Land Acquisition (Just Terms Compensation) Act 1991* to an acquisition notice is to be read as a reference to a withdrawal notification under section 136 (1) of the Act.

### **36 Surrender of land**

- (1) An application under section 137 of the Act for the Minister's consent to surrender any land or any lease from the Crown under the Act or the *Crown Lands (Continued Tenures) Act 1989*:
  - (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 surrender.
- (2) If the Minister consents to the surrender, the holder of the land or the lease must lodge an instrument in the approved form with an office of Crown Lands NSW together with:
  - (a) the balance, if any, of the cost of dealing with the surrender, and
  - (b) the Crown grant or certificate of title, if any, relating to the land the subject of the surrender.
- (3) If the deposit in Schedule 1 exceeds the cost of dealing with the surrender, the balance is to be refunded.
- (4) If a surrender is proposed to be made at the instance or for the benefit of the Crown, application for the Minister's consent is not required and no costs may be charged.

### **37 Change of conditions or purposes**

An application under section 139 (1) of the Act by the holder for the alteration, modification or revocation of, or addition to, any condition attaching to a holding or land or the purposes 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 fee specified in Schedule 1.

### **38 Exemption from conditions**

An application under section 139 (2) of the Act by the holder for exemption from complying with a condition attaching to a holding or land:

- (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.

### **39 Minimum rents—Western Division**

For the purposes of section 141F of the Act:

- (a) the minimum annual rent of a holding is \$70, and
- (b) the minimum annual rent of an enclosure permit authorising the cultivation of the land enclosed is \$70, and
- (c) the minimum annual rent of any other enclosure permit is \$50.

### **40 Objections to, and appeals against, determination or redetermination of rent**

- (1) An objection under section 142 of the Act to the Minister's determination or redetermination of the rent of a lease, licence or enclosure permit is to be lodged with an office of Crown Lands NSW within 28 days of service on the holder of the notice of the determination or redetermination of the rent.
- (2) Notice of an appeal under section 142 (5) of the Act to the local land board against the Minister's decision on any such objection:
  - (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 on the objection, together with the fee specified in Schedule 1.
- (3) The Registrar of Local Land Boards must, as soon as practicable after the 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) For the purposes of section 142 (5) (b) of the Act, an appeal to the Land and Environment Court against the Minister's decision on an objection referred to in section 142 (3) and (4) of the Act is to be made:
  - (a) by filing an application in accordance with the rules of the Land and Environment Court, and



- (b) by paying the appropriate fees in accordance with the regulations made under the *Land and Environment Court Act 1979*.

#### 41 Classes of holding—payment of arrears

For the purposes of section 144 of the Act, the following classes of holding are prescribed:

- (a) any lease or licence under the Act,
- (b) any incomplete purchase, perpetual lease, term lease, special lease or permissive occupancy under the *Crown Lands (Continued Tenures) Act 1989*.

#### 42 Interest on arrears

- (1) For the purposes of sections 148 (2) and 150 (2) (a) of the Act, the prescribed rate of interest is 8% per year 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*.

#### 43 Rebates of rent

For the purposes of section 151 of the Act, the following classes of holder and the purposes for which a holding may be used, are prescribed:

- (a) an eligible pensioner (as defined in the *Local Government Act 1993*) whose holding is occupied as his or her sole place of residence (or is an adjunct to that place of residence) and is not used for any commercial purpose,
- (b) a community service, sporting or recreational organisation:
  - (i) that is the holder of an authority under the *Charitable Fundraising Act 1991*, or
  - (ii) that is incorporated under the *Associations Incorporation Act 1984*, or
  - (iii) that the Minister is satisfied is a non-profit organisation,  
whose holding is used as a help or service facility of benefit to the general community or as an active sporting, passive recreational or youth advancement facility of general benefit to a local community,
- (c) an owner or occupier of residential property that is accessible only by water and whose holding contains a structure that is used for the purposes of obtaining access to the property and is not used for any commercial purpose,
- (d) a local council whose holding is used to provide facilities, without charge, for the benefit of the general community.

#### **44 Protection of public land—authorised persons**

- (1) For the purposes of paragraph (b) of the definition of **authorised person** in section 153 of the Act, the following offices, positions and ranks are prescribed (except for the purposes of section 159 of the Act):

**Department of Lands**

Director-General

**The part of the Department operating under the name of “Crown Lands NSW”**

General Manager

Director, Business Services

Director, Commercial Development

Director, Land Management

Regional Manager

Program Manager

Departmental Officer, District Office, Grade 5/6 and above

**Department of Natural Resources (Far West Region)**

Western Lands Commissioner

Manager, Access, Compliance and Land Administration (Assistant Western Lands Commissioner)

Manager, Land Administration

Manager, Resource Compliance

Natural Resource Officer, Compliance

Natural Resource Officer, Land Management

Lands Officer, Level 3 and above

- (2) For the purposes of paragraph (b) of the definition of **authorised person** in section 153 of the Act, the following offices, positions and ranks are prescribed (but only for the purposes of section 167 (2) of the Act and only in relation to the reserve for which the relevant reserve trust was established):

(a) a member of the trust board of a reserve trust,

(b) an administrator of the affairs of a reserve trust,

(c) a ranger or other person appointed in writing by a reserve trust for the purposes

of the definition of **authorised person** in clause 4 (1) of the *Crown Lands (General Reserves) By-law 2006*,

- (d) if a corporation other than the Ministerial Corporation has been appointed to manage the affairs of a reserve trust, any officer, employee of the corporation or other person appointed as an authorised person for the purposes of the definition of **authorised person** in clause 4 (1) of the *Crown Lands (General Reserves) By-law 2006* by the corporation,
- (e) if the Ministerial Corporation has been appointed to manage, or the Minister is managing, the affairs of a reserve trust, any person authorised by the Minister in writing for the purposes of the definition of **authorised person** in clause 4 (1) of the *Crown Lands (General Reserves) By-law 2006*.

#### **45 Dumping of materials**

For the purposes of section 155 (1) (i) (ii) of the Act, the following classes or descriptions of matter are prescribed:

- (a) vehicles or parts of them,
- (b) marine craft or aircraft or parts of them,
- (c) household effects, appliances, materials or waste,
- (d) clothing,
- (e) agriculture, building, commercial or industrial materials or waste,
- (f) machinery, plant or equipment or parts of them,
- (g) chemicals or metals,
- (h) vegetable matter,
- (i) stone, sand, shells, clay, earth or ash,
- (j) radioactive material,
- (k) hospital or biological waste,
- (l) abattoir waste,
- (m) toxic or hazardous waste.

#### **46 Unauthorised activities on public land**

- (1) For the purposes of section 156 (1) and (3) of the Act, the following activities are prescribed:

- (a) entering public land at a time when the public land is not open to the public,
- (b) entering any building, structure or enclosure or part of public land not open to the public,
- (c) holding a meeting or performance or conducting an entertainment for money or consideration of any kind, or in a manner likely to cause a nuisance to any person,
- (d) taking part in any gathering, meeting or assembly (except, in the case of a cemetery, for the purpose of a religious or other ceremony of burial or commemoration),
- (e) selling, offering or exposing for sale any article or thing, or conducting any commercial activity,
- (f) displaying or causing any sign or notice to be displayed,
- (g) distributing any circular, advertisement, paper or other printed, drawn, written or photographic matter,
- (h) having or operating television, cinematographic or photographic equipment for commercial purposes,
- (i) camping,
- (j) planting any tree, shrub, vine, flower or other plant,
- (k) damaging, picking or removing any tree, shrub, plant, vine, flower or other vegetation (whether dead or alive), except as permitted by paragraphs (l) and (m),
- (l) removing any dead timber, log or stump, whether standing or fallen, except for the purpose of cooking food on the public land,
- (m) damaging any lawn, playing field or green, except in the course of and as a normal incident of any recreational or sporting activity,
- (n) defacing or removing or disturbing any rock, soil, sand, stone or similar substance,
- (o) lighting a fire:
  - (i) at any time when the lighting of fires on the public land is prohibited under the [Rural Fires Act 1997](#), or
  - (ii) at any other time except in a properly constructed fire-place or in portable cooking equipment,
- (p) climbing any tree, building, fence, seat, table, enclosure or other structure,
- (q) destroying, capturing, injuring, annoying or interfering with, or interfering with the

habitat of, any animal, bird or other fauna, whether native or introduced,

- (r) having or keeping any dog or other animal, or allowing any animal under the person's control to depasture,
- (s) carrying, laying or setting any trap, snare or poison bait, or dropping from any aircraft any trap, snare or poison bait,
- (t) placing any beehive,
- (u) carrying, having or using a firearm within the meaning of the *Firearms Act 1996* or a prohibited weapon within the meaning of the *Weapons Prohibition Act 1998*, unless that person is a police officer acting in connection with the performance of that person's duties as such an officer,
- (v) discharging fireworks,
- (w) carrying or using any explosives,
- (x) having, selling, serving or consuming any intoxicants,
- (y) having or using any axe, saw or similar tool or implement,
- (z) assembling or using a hang-glider or landing a helicopter,
- (aa) flying a mechanically propelled model aircraft or similar thing,
- (ab) breaking any glass or throwing or projecting any stone, missile or other object,
- (ac) operating a television, radio, cassette, record player or electronic sound system at a volume likely to cause a nuisance to any person,
- (ad) conducting or taking part in any sporting activity that forms part of any organised competition or tournament,
- (ae) rock climbing, abseiling, base jumping or bungee jumping,
- (af) riding on or using a skateboard, roller skates, roller blades, scooter or similar apparatus,
- (ag) jetskiing or surfboarding,
- (ah) fishing,
- (ai) using any bow and arrow or throwing any stone or other dangerous missile,
- (aj) driving a vehicle or riding a horse or other animal.

(2) Nothing in this clause prohibits a person with a disability (within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth) from being accompanied by

an assistance animal (that is, an animal referred to in section 9 of that Act).

#### 47 Penalty notice offences

- (1) For the purposes of section 162 (1) of the Act, each offence created by a provision specified in Column 1 of Schedule 5 is prescribed as a penalty notice offence.
- (2) For the purposes of section 162 (2) of the Act, the prescribed penalty for such an offence is the amount specified in relation to the offence in Column 2 of Schedule 5.

#### 48 Removal of improvements from holdings

An application under section 174 (2) of the Act by the former holder for permission to remove improvements on forfeiture, surrender or other determination 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 fee specified in Schedule 1.

#### 49 Local land board hearings—fencing work

An application made to a local land board under section 12 of the *Dividing Fences Act 1991* is to be in an approved form and is to be accompanied by the fee specified in Schedule 1.

#### 49A Local land board hearings—rural lands protection appeals

An appeal made to a local land board under section 242 of the *Rural Lands Protection Act 1998* is to be in an approved form and is to be accompanied by the fee specified in Schedule 1.

#### 50 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Crown Lands Regulation 2000*, had effect under that Regulation, is taken to have effect under this Regulation.

### Schedule 1 Fees and deposits

(Clause 4)

		\$
1	Issue of summons (clause 16)	40
2	Application for consent to transfer land that is subject to a recording under section 36 (4) (a), 37 (2) (a), 38 (a) or 44 (1) (a) (clause 21)	151
3	Application for enclosure permit (clause 24)	151
4	Application for additional enclosure permit (clause 25)	151

5	Notice of transfer of land with which enclosure permit held (clause 26)	57
6	Application for amalgamation of enclosure permits (clause 27)	151
7	Application for direction to provide gates or other access (clause 28)	151
8	Application for authority to cultivate an enclosed road etc (clause 29)	151
9	Inspection of the book containing particulars of disclosures of pecuniary interests of members of trust board (clause 30)	25
10	Surrender of land (clause 36)	236
11	Application for alteration etc of conditions or purposes (clause 37)	151
12	Application for exemption from conditions (clause 38)	151
13	Notice of appeal to local land board against Minister's determination or redetermination of rent (clause 40 (2))	63
14	Application by former holder to remove improvements on forfeiture, surrender or other determination of a holding (clause 48)	151
15	Application to local land board under section 12 of the <i>Dividing Fences Act 1991</i> (clause 49)	61
16	Appeal to local land board under section 242 of the <i>Rural Lands Protection Act 1998</i> (clause 49A)	63

## Schedule 2 Substances defined as minerals in relation to land not in a special land district

(Clause 5)

Agate	Germanium	Platinoid Minerals
Alum	Gold	Platinum
Alumina	Graphite	Plumbago
Alunite	Gypsum	Pyrophyllites
Antimony	Halite	Quartz Crystal
Apatite	Iceland Spar	Radioactive Mineral
Arsenic	Ilmenite	Rare Earth Minerals
Arsenical Pyrites	Iron	Reef Quartz
Asbestos	Iron Ore	Rhodonite
Barytes	Ironstone	Rock Salt
Bauxite	Jade	Rubidium
Beryllium and its ores	Kerosene	Ruby

Bismuth	Laterite	Rutile
Borates	Lead	Sapphire
Cadmium	Limestone	Scheelite
Caesium	Lithium	Selenium
Calcite	Magnesite	Shale
Chalcedony	Manganese	Shale Ash
Chlorite	Marble	Silver
Chromite	Mercury	Steatite
Cinnabar	Mica	Sulphur
Coal	Mineral Oils	Talc
Cobalt	Mineral Pigments	Tantalum
Columbium	Mineral Water	Thorium
Copper	Molybdenite	Tin
Corundum	Monazite	Titanium
Cryolite	Natural Gas	Topaz
Diamond	Nephrite	Tourmaline
Diatomaceous Earth	Nickel	Tungsten and its ores
Dolomite	Opal	Turquoise
Emerald	Osmiridium	Vanadium
Emery	Oxide of Iron	Wolfram
Felspar	Peat	Wollastonite
Fluorspar	Perlite	Wulfenite
Fuller's Earth	Petroleum	Zinc
Galena	Phosphates	Zircon
Garnet	Pitchblende	Zirconia

### **Schedule 3 Form of warrant**

(Clause 18)

#### **Warrant to apprehend a witness**

*Crown Lands Act 1989*

To all police officers in the State of New South Wales:

WHEREAS ..... (the "witness") was served with a summons requiring appearance as a



witness before the Local Land Board on ..... in the matter of ..... and was paid or tendered reasonable expenses for attendance but did not obey the summons. The hearing of the proceedings for which the witness is required is now set down at the ..... at ..... on the ..... day of ..... 20..... at the hour of .....

You are ordered to apprehend the witness before that time and to take the witness before the Local Land Board to be dealt with according to law.

If this warrant is not executed before that time, you are ordered to return it to the Chairperson of the Local Land Board immediately.

Dated this ..... day of ..... 20.....

Chairperson

## **Schedule 4 Records to be kept by Reserve Trust**

(Clause 33)

### **1** *In the case of any reserve trust:*

- (a) Account books showing details of all income and expenditure.
- (b) Records of assets and liabilities and improvements affected.
- (c) Bank, building society or credit union deposit books or statements.
- (d) Records of other financial instruments or investments.
- (e) Plant and asset register.
- (f) Heritage register.
- (g) Records of leases and licences granted or in force.
- (h) Insurance policies and certificates.
- (i) Details of fire prevention and other occupational health and safety measures in place.
- (j) Such other records as may be necessary to prepare a report in accordance with clause 32.

### **2** *In the case of a reserve trust that is appointed trustee of more than one reserve:*

The records referred to in item 1 in such a manner that will permit dissection of the details of those records for each reserve of which the reserve trust is appointed trustee.

### **3** *In the case of a reserve trust that is managed by a council (as defined in the [Local Government Act 1993](#)) or by a corporation other than a council (as so defined):*

- (a) Such records as the council or corporation is required to keep under the legislation under which it is established and in such a manner that will permit dissection of those records in respect of the reserve separate from any other activity of the council or corporation.
- (b) The records referred to in item 1 in such a manner that those records are kept separate from the records of any other activity of the council or corporation.

(c) Records of any decisions of the council, or any committee of the council, made in its capacity as a reserve trust manager.

(d) Records of any decisions of the corporation made in its capacity as a reserve trust manager.

**4** *In the case of reserve trust that is managed by a trust board:*

Minutes of all meetings of the trust board, or any committee of the board.

## Schedule 5 Penalty notice offences

(Clause 47)

<b>Column 1</b>	<b>Column 2</b>
<b>Offences under the <i>Crown Lands Act 1989</i></b>	
Section 155 (1) (a), (b), (c), (d), (e), (f), (h), (i) or (2)	\$220
Section 156 (2) or (3)	\$220
Section 160 (6)	\$75
Section 160 (7)	\$220
Section 167 (4)	\$75
<b>Offences under the <i>Crown Lands (General Reserves) By-law 2006</i></b>	
Clause 19 (3) or (4)	\$220
Clause 20 (4)	\$75
Clause 20 (5)	\$220
Clause 21 (1) or (4)	\$220
Clause 22 (1) or (2)	\$220