

Crown Lands (Continued Tenures) Regulation 2006

As at 8 June 2017

1 Name of Regulation

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

2 Commencement

This Regulation commences on 1 September 2006.

This Regulation replaces the *Crown Lands (Continued Tenures) Regulation 2000* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.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

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 (Repealed)

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:

- (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), (3) (Repealed)

(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 (Repealed)

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.

Schedule 1 Fees and deposits

(Clause 4)

		\$
1	Application for the addition of land to a perpetual lease (clause 7)	338
2		
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		
9	Application by holder to purchase land comprised in a lease (clause 14)	398
10		

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Crown Lands (Continued Tenures) Regulation 2006* (507). GG No 111 of 1.9.2006, p 7107. Date of commencement, 1.9.2006, cl 2. This Regulation has been amended as follows:

200 7	No 82	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2007</i> . Assented to 7.12.2007. Date of commencement of Sch 1, assent, sec 2 (2).
201 3	No 95	<i>Civil and Administrative Legislation (Repeal and Amendment) Act 2013</i> . Assented to 20.11.2013. Date of commencement, 1.1.2014, sec 2.

Table of amendments

Cl 8	Rep 2013 No 95, Sch 8.7 [1].
Cl 13	Am 2013 No 95, Sch 8.7 [2].
Cl 15	Rep 2007 No 82, Sch 1.6 [1].
Sch 1	Am 2007 No 82, Sch 1.6 [2]; 2013 No 95, Sch 8.7 [3].