

**CROWN LANDS (SPECIAL LEASES) AMEND-
MENT ACT.**

Act No. 44, 1952.

An Act to provide for the extension of certain special leases to leases in perpetuity and for the leasing of lands for business and other purposes under lease in perpetuity tenure; for these purposes to amend the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 25th November, 1952.]

**Elizabeth II,
No. 44, 1952.**

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Crown Lands (Special Leases) Amendment Act, 1952." Short title.

2.

Crown Lands (Special Leases) Amendment Act.

No. 44, 1952. **2.** The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

Amendment
of Act No.
7, 1913.

Sec. 75.
(Special
leases—for
miscel-
laneous
purposes.)

(a) by inserting in section seventy-five after the word "hereof" where secondly occurring the following paragraph:—

"The term of any lease under this section for business purposes or for any purpose declared by the Minister by notification in the Gazette in pursuance of the provisions of section 75A hereof, may be extended as provided in the said section 75A irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof."

New secs.
75A and
75B.

Extension
of special
leases to
special
leases in
perpetuity
for mis-
cellaneous
purposes.

(b) by inserting next after section seventy-five the following new sections:—

75A. (1) The holder of a lease under section seventy-five hereof for business purposes or for any purpose declared by the Minister by notification in the Gazette to be a purpose within this section may apply to have such lease or any part thereof extended to a lease in perpetuity.

(2) Any such application may be made in respect of any such lease subsisting at the commencement of the Crown Lands (Special Leases) Amendment Act, 1952, as well as any such lease granted after such commencement.

(3) The application shall be made in the manner and in or to the effect of the form and shall be accompanied by the fee prescribed and shall be referred to the local land board for inquiry and report.

(4) If the land the subject of any such application is wholly or in part within a travelling stock reserve camping reserve or water reserve, particulars of the application and of the time and place appointed for the inquiry by the local land board shall be notified in the Gazette, and attention shall be invited thereto

by .

by advertisement in a local newspaper not less than fourteen days before the holding of the said inquiry. No. 44, 1952.

(5) The local land board shall report to the Minister as to whether there is any objection in the public interest or otherwise to the granting of the application either as to the whole or any part of the land the subject of the application and generally as to the merits thereof. If the local land board deems it expedient to recommend the granting of the application either as to the whole or any part of the land the subject of the application it shall also report as to what special conditions (if any) should attach to the lease in perpetuity and shall proceed to determine the rent of the land in respect of which it deems it expedient to recommend the granting of the application, and of the residue of any land comprised in the lease.

(6) After receipt of such report the Minister may if the local land board so recommends extend the lease as to the whole or part of the land comprised therein to a lease in perpetuity, or he may at his discretion refuse the application.

Any areas required for roadways or other public purposes may be excluded or the boundaries may be otherwise modified at the Minister's discretion.

No such lease in perpetuity shall be so granted in respect of any land—

- (a) reserved from sale for public recreation or from sale for future public requirements;
- (b) within a reserve for mining or for mining purposes or within an area exempted from alienation under the Mining Act, 1906, as amended by subsequent Acts, unless the Secretary for Mines so approves. (7)

(7) The Minister may annex to any such lease in perpetuity such conditions reservations and provisions as he may think fit. Any such condition reservation or provision annexed to such lease or the purpose for which the lease has been extended to a lease in perpetuity may on application by the lessee in the prescribed manner and on the recommendation of the local land board be varied modified or revoked by the Minister.

(8) The cost of any necessary survey or subdivision shall be paid by the applicant within one month after he has been called upon to do so; and upon default the application may be declared to have lapsed, and any moneys paid therewith shall thereupon become forfeited.

(9) The rent of the lease in perpetuity and of any residue of the lease not extended to a lease in perpetuity shall be as determined by the local land board having regard to the purpose thereof, and shall have effect as from the date of granting of the extension.

(10) The determination of the rent of the lease in perpetuity shall remain in force for a period of ten years. Subsequent determinations shall be made as at the date of expiration of the period of the last preceding determination and shall remain in force for a period of ten years from that date.

(11) If it should appear to the satisfaction of the Minister that the land comprised in a lease in perpetuity under this section is not used and occupied bona fide for the purpose of such lease such lease together with any moneys paid in respect thereof shall be liable to be forfeited.

(12) A lease in perpetuity under this section shall not be transferred except by way
of

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of mortgage or discharge of mortgage unless the consent of the Minister has been previously obtained. **No. 44, 1952.**

The Minister shall have discretion to grant or refuse his consent.

75B. (1) Subject to this section the Minister may lease Crown lands (not being in the Western Division) for business purposes or for any purpose declared by the Minister by notification in the Gazette to be a purpose within this section. **Special leases in perpetuity for miscellaneous purposes.**

(2) The title to a lease under this section shall be a lease in perpetuity.

(3) An application for a lease under this section shall be made in the manner and in or to the effect of the form and shall be accompanied by the fee prescribed.

(4) If the land the subject of any such application is wholly or in part within a travelling stock reserve camping reserve or water reserve, particulars of the application and of the time and place appointed for the inquiry by the local land board shall be notified in the Gazette, and attention shall be invited thereto by advertisement in a local newspaper not less than fourteen days before the holding of the said inquiry.

(5) Any such application shall be referred to the local land board for inquiry and report. The local land board shall report to the Minister as to whether there is any objection in the public interest or otherwise to the granting of the application either as to the whole or any part of the land the subject of the application and generally as to the merits thereof. If the local land board deems it expedient to recommend the granting of the application either as to the whole or any part

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of the land the subject of the application it shall also report as to what special conditions (if any) should attach to the lease and shall proceed to determine the rent of the land in respect of which it deems it expedient to recommend the granting of the application.

(6) After receipt of such report the Minister may, subject to this section, grant a lease either as to the whole or any part of the land the subject of the application if the local land board so recommends, or he may at his discretion refuse the application.

No such lease shall be granted in respect of any land—

- (a) reserved from sale for public recreation or from sale for future public requirements;
- (b) within a reserve for mining or for mining purposes or within an area exempted from alienation under the Mining Act, 1906, as amended by subsequent Acts, unless the Secretary for Mines so approves.

(7) The Minister may annex to any such lease such conditions reservations and provisions as he may think fit. Any such condition reservation or provision annexed to such lease or the purpose for which the lease has been granted may on application by the lessee in the prescribed manner and on the recommendation of the local land board be varied modified or revoked by the Minister.

(8) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the applicant within one month after he has been called upon to do so; and upon default the lease together with any moneys paid in respect thereof shall be liable to be forfeited.

(9)

(9) The rent of the lease shall be as No. 44, 1952. determined by the local land board having regard to the purpose thereof. The first such determination shall have effect as from the date of granting of the application, and shall remain in force for a period of ten years. Subsequent determinations shall be made at intervals of ten years and each such determination shall be made as at the date of expiration of the period of the last preceding determination and shall remain in force for a period of ten years from that date.

(10) If it should appear to the satisfaction of the Minister that the land comprised in a lease granted under this section is not used and occupied bona fide for the purpose for which the lease was granted, such lease together with any moneys paid in respect thereof shall be liable to be forfeited.

(11) A lease in perpetuity under this section shall not be transferred except by way of mortgage or discharge of mortgage unless the consent of the Minister has been previously obtained.

The Minister shall have discretion to grant or refuse his consent.

(12) In respect of the land described in the Seventh Schedule to this Act the Minister may, although the provisions of subsections three, four, five and six of this section have not been complied with, grant a lease under this section.

(c) (i) by omitting from subsection two of section two hundred and fifteen the words "or Crown-lease" and by inserting in lieu thereof the words "Crown-lease or special lease in perpetuity";

Sec. 215.
(Assessment of capital or rental value.)

(ii)

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- (ii) by inserting in the same subsection after the words "week-end lease" where secondly and thirdly occurring the words "special lease in perpetuity";

Sec. 216.
(Periods
allowed for
payment.)

- (d) (i) by omitting from subsection one of section two hundred and sixteen the words "or Crown-lease" and by inserting in lieu thereof the words "Crown-lease or special lease in perpetuity";
- (ii) by omitting from subsection two of the same section the words "or week-end lease" and by inserting in lieu thereof the words "week-end lease or special lease in perpetuity";

Sec. 217.
(Rental
value for
Crown
improvements.)

- (e) (i) by omitting from section two hundred and seventeen the words "week-end lease" and by inserting in lieu thereof the words "homestead farm suburban holding Crown-lease week-end lease special lease in perpetuity";
- (ii) by inserting at the end of the same section the following paragraph:—

"Where in pursuance of this section the holder of a special lease is paying the rental value of improvements for the use thereof and the lease is converted into a tenure being a conditional purchase, conditional lease, homestead selection, conditional purchase lease, settlement lease, homestead farm, or Crown-lease or is extended to a lease in perpetuity he shall become liable to pay the capital value of such improvements as an incoming tenant of the tenure into which the conversion is made or the lease in perpetuity to which the lease has been extended."

Sec. 222.
(Tenant-
right:
when it
arises.)

- (f) (i) by inserting in subsection two of section two hundred and twenty-two after the words "town lands" where firstly occurring the words "special lease in perpetuity";

(ii)

- (ii) by inserting in the same subsection after the words "town lands" where secondly occurring the words "or a special lease in perpetuity"; No. 44, 1952.
- (g) by inserting in section 222A after the words "special lease" the words "(not being in perpetuity)"; Sec. 222A.
(Tenant-right to holders of special leases.)
- (h) by inserting next after the Sixth Schedule the following new Schedule:— New Seventh Schedule.

SEVENTH SCHEDULE.

Sec. 75a.

ALL THOSE pieces or parcels of land containing by admeasurement 54 acres 12 perches be the same more or less situated in the County of Northumberland Parish of Newcastle City of Newcastle PART THEREOF being 45 acres 1 rood 11 perches portions 2953, 2956, 2957, 2958, 2959 and 2960. Commencing at the northernmost corner of the land comprised in Certificate of Title Volume 5985 folio 170 and bounded thence on the south west by the north eastern boundary of that land bearing 168 degrees 5 minutes 5 chains 15 6/10 links on the north west by the south eastern boundary of that land and a line in all bearing 197 degrees 43 minutes 20 seconds 4 chains 30 3/10 links and thence by lines dividing this land from the land comprised in Certificate of Title Volume 5930 folio 62 bearing 190 degrees 50 minutes 40 seconds 5 chains 83 55/100 links thence 197 degrees 45 minutes 40 seconds 4 chains 74 8/10 links on the south east and north east by a road of variable width thence 1 chain 21 21/100 links wide thence again of variable width and thence again 1 chain 21 21/100 links wide bearing 86 degrees 30 minutes 2 chains 17 6/100 links 65 degrees 50 minutes 4 chains 70 links thence 81 degrees 4 chains 54 2/10 links thence by that road being 2 chains 38 62/100 links of the arc of a circle of 4 chains radius the centre of which lies north westerly of a chord bearing 63 degrees 54 minutes 30 seconds 2 chains 35 1/10 links thence by that road bearing 46 degrees 49 minutes 10 seconds 16 chains 5 5/10 links thence by that road being 4 chains 89 89/100 links of the arc of a circle of 7 chains 78 78/100 links radius the centre of which lies north westerly of a chord bearing 28 degrees 48 minutes 4 chains 82 15/100 links thence by that road being 1 chain 15 73/100 links of the arc of a circle of 2 chains 27 27/100 links radius the centre of which lies westerly of a chord bearing 356 degrees 11 minutes 16 seconds 1 chain 14 5/10 links thence by that road bearing 341 degrees 35 minutes 50 seconds 3 chains 17 6/10 links thence by the end of that road bearing 71 degrees 36 minutes 1 chain 21 21/100 links and thence by lines bearing 341 degrees 35 minutes 50 seconds 3 chains 66 5/10 links thence 296 degrees 35 minutes 50 seconds 4 chains 28 5/10 links and on the north west by lines bearing 251 degrees 35 minutes 50 seconds 7 chains 97 links and thence 239 degrees 13 minutes

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No. 44, 1952. minutes 20 seconds 13 chains 74 $\frac{8}{10}$ links to the point of commencement AND ALSO OTHER PART THEREOF being 8 acres 3 roods 1 perch portion 2961 Commencing at the easternmost corner of an area of 5 acres 22 $\frac{3}{4}$ perches shown on plan catalogued Ms.5469 Md. at the Department of Lands Sydney being also a point bearing 161 degrees 35 minutes 50 seconds 8 chains 77 $\frac{1}{10}$ links from the easternmost corner of the firstly described part of the subject 54 acres 12 perches and bounded thence on the north west by part of a south-eastern boundary of that 5 acres 22 $\frac{3}{4}$ perches bearing 226 degrees 49 minutes 10 seconds 20 chains 94 $\frac{4}{10}$ links on the south east by a road of variable width bearing 86 degrees 30 minutes 86 $\frac{2}{10}$ links to Elizabeth Street Town of Carrington and thence by Elizabeth Street bearing 71 degrees 35 minutes 40 seconds 18 chains 18 $\frac{35}{100}$ links and on the north east by a line bearing 341 degrees 35 minutes 50 seconds 9 chains to the point of commencement.
