

WESTERN LANDS ACT 1901—REGULATION

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Western Lands Act 1901, has been pleased to make the Regulation set forth hereunder.

GARRY WEST
Minister for Conservation and Land Management.

Commencement

1. This Regulation commences on 1 July 1991.

Amendments

2. The Western Lands Regulations are amended:
 - (a) by omitting from Regulation 50A (1) (a) the words “under the Crown Lands Consolidation Act 1913” and by inserting instead the words “continued in force under the Crown Lands (Continued Tenures) Act 1989”;
 - (b) by omitting from Regulation 50A (1) (b) the words “Part 3B of the Crown Lands Consolidation Act 1913” and by inserting instead the words “Part 5 of the Crown Lands Act 1989”;
 - (c) by omitting Regulation 50A (1) (d) and by inserting instead the following paragraphs:
 - (d) stock watering places within the meaning of the Rural Lands Protection Act 1989 having an area of more than 1/2 hectare; and
 - (e) land authorised to be used or occupied under a licence under Part 4 of the Crown Lands Act 1989;
 - (d) by inserting in Regulation 50B (1) (e) after the matter “30 metres” the matter “(or 100 metres where mallee species predominate on adjacent Land)”;

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- (e) by inserting in Regulation 50B (1) (f) after the word “road” the words “, the construction of tank drains for water diversion”;
- (f) by omitting from Regulation 50B (1) (h) the words “a pastures protection board” and by inserting instead the words “a rural lands protection board”;
- (g) by inserting in Regulation 50B (2) (c) after the word “Commissioner” the words “or the Commissioner’s delegate”;
- (h) by omitting from Regulation 50B (3) the matter “clause (1) (h)” and by inserting instead the matter “clause (1) (b), (e), (f) and (h)”;
- (i) by inserting in Regulation 50B (3) after the word “authorisation” the words “(which is subject to such conditions as are specified in the authorisation)”;
- (j) by inserting after Regulation 50B (3) the following clause:
 - (3A) Written notification and written authorisation as specified in clause (3) are required if rabbit ripping is to be undertaken without consent under the exemption provided by clause (1) (b):
 - (a) within 20 metres on the landward side of the bed or bank of a lake, or of an ancient lake; or
 - (b) within 20 metres of a river which has been prescribed for the purposes of section 21AB of the Soil Conservation Act 1938 (whether perennial or intermittent).
- (k) by inserting in Regulation 50B (4) after the word “Commissioner” wherever occurring the words “or the Commissioner’s delegate”;
- (l) by omitting from Regulation 50C (1) (a) the matter “15 metres” and by inserting instead the matter “20 metres”;
- (m) by omitting from Regulation 50C (1) (b) (v) the word “or”;
- (n) by inserting at the end of Regulation 50C (1) (b) the following word and subparagraph:
 - ; or
 - (vii) an irrigation channel,
- (o) by inserting after Regulation 50C (1) (b) the following paragraphs:
 - (b1) to clear land to a maximum width of 100 metres for the purpose of a firebreak where mallee species predominate;
 - (b2) to clear an area of land sufficient to meet civil aviation standards for the purpose of constructing an airstrip;

- (p) by omitting Regulation 50C (1) (c) and by inserting instead the following paragraph:
- (c) to clear land to a maximum width of 30 metres for the purpose of a drain to a water storage, a bore drain, a pipeline, a telephone cable or a power cable;
- (q) by omitting Regulation 50C (1) (e) and (f) and by inserting instead the following paragraphs:
- (e) to clear land where the land was cleared during the preceding 20 years under the provisions of the Act or the Forestry Act 1916 except where the tree cover predominantly comprises one or more of the following species:
 - Eucalyptus camaldulensis* (river red gum)
 - Casuarina cristata* (belah)
 - Callitris columellaris* (white cypress pine)
 - (f) to clear land of trees which are less than 3 metres in height where one or more of the following species predominates:
 - Eucalyptus largiflorens* (black box)
 - Eucalyptus camaldulensis* (river red gum)
 - Eucalyptus populnea* (bimble box)
 - Eucalyptus microtheca* (coolabah)
 - Callitris columellaris* (white cypress pine)
 - Casuarina cristata* (belah)
- (r) by inserting in Regulation 50C (1) (g) before the word “sandalwood” the word “false”;
- (s) by omitting from Regulation 50C (1) (i) the words “in times of drought”;
- (t) by omitting from Regulation 50C (1) (i) (iii) the words “Pastoral Inspector” and by inserting instead the words “Rangelands Management Inspector”;
- (u) by inserting after Regulation 50C (1) (k) the following paragraphs:
- (1) to clear land in connection with rabbit ripping being undertaken as part of a planned rabbit control program on land that is not protected land within the meaning of section 21AB of the Soil Conservation Act 1938 but only if the clearing is limited to trees which must be removed in order to destroy a rabbit warren;
 - (m) to clear land not exceeding 2 hectares to construct a ground tank or dam.

- (v) by inserting after Regulation 50C (1C) the following clause:
- (1D) Written notification and written authorisation as specified in clause (3) are required if it is intended to clear land of trees for the purpose of rabbit ripping without a clearing licence under the exemption provided by clause (1) (1), and the trees are:
- (a) within 20 metres of the landward side of the bed or bank of a lake, or of an ancient lake; or
- (b) within 20 metres of a river which has been prescribed for the purposes of section 21AB of the Soil Conservation Act 1938 (whether perennial or intermittent).
- (w) by inserting in Regulation 50C (2) (d) after the word “Commissioner” the words “or the Commissioner’s delegate”;
- (x) by omitting from Regulation 50C (3) the matter “clause (1) (h) and (i)” and by inserting instead the matter “clauses (1) (a), (b), (b1), (c), (d), (h), (k) (1) and (m) and (1C)”;
- (y) by inserting in Regulation 50C (3) after the word “authorisation” the words “(which is subject to such conditions as are specified in the authorisation)”;
- (z) by inserting in Regulation 50C (4) after the word “Commissioner” wherever occurring the words “or the Commissioner’s delegate”;
- (aa) by inserting at the end of Regulation 50E (1) (b) the following word and paragraph:
- ; and
- (c) a lessee of a lease for the purpose of agriculture, agriculture and grazing combined or mixed farming, or a purpose similar to any of those purposes (but excluding a lessee of a lease for grazing only or a similar purpose) the rent of which:
- (i) was or will be determined for the first time on or after 1 January 1988 but before 31 December 1991; or
- (ii) fell due or falls due for redetermination on or after 1 January 1988 but before 31 December 1991 and increased or would increase on redetermination by 130 per cent.
- (ab) by omitting from Regulation 89 the words “or licence”.
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EXPLANATORY NOTE

The object of this Regulation is to amend the Western Lands Regulations:

- (a) to exempt a person from the need to obtain a clearing licence to rip rabbit warrens when the removal of trees is also required; and
 - (b) to enable lessees of certain farming leases to clear land without a licence for a firebreak, for the construction of an airstrip or for the purpose of a drain to a water storage, a pipeline, a telephone cable or a power cable, subject to certain conditions; and
 - (c) to require clearing licences where not otherwise required if the clearing involves certain specified species of trees; and
 - (d) to make other minor modifications to the conditions applicable to the cultivating or clearing of land without the need for a consent or licence; and
 - (e) to make it clear that certain functions of the Western Lands Commissioner may be carried out by a delegate of the Commissioner; and
 - (f) to enable the Minister to grant a rent rebate to lessees of leases for the purposes of agriculture, agriculture and grazing combined or mixed farming or leases for similar purposes; and
 - (g) as a consequence of the enactment of the Crown Lands Act 1989, the Crown Lands (Continued Tenures) Act 1989 and the Rural Lands Protection Act 1989 and by way of law revision.
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