

Private trust land transitional provisions under the *Crown Land Management Act 2016*

This form is to be used to deal with Institutional private trust land under the transitional provisions of the *Crown Land Management Act 2016* for **ONE** of the following actions:

- A. adoption of a standard form trust instrument and appointment of new trustees
- B. replacement of trustees when the office has been vacated
- C. seek agreement to transfer the institutional private trust land to the Crown

Important information

Please refer to the accompanying notes section of this form for further information.

Contact us

For more information, please contact us at:

NSW Department of Planning, Industry & Environment—Crown Lands
PO Box 2155
DANGAR NSW 2309

Phone: 1300 886 235

Fax: 02 4925 3517

Email: soaproject.team@crowmland.nsw.gov.au

Web: industry.nsw.gov.au/lands

Lodgement

Mail to:

NSW Department of Planning, Industry & Environment—Crown Lands
Attn: Schools of Arts Transition Project
PO Box 2155
DANGAR NSW 2309

Applicant details

Applicant/s name:	
Residential address:	
Postal address	
Contact person name and position:	
Contact person email address:	
Contact person work number:	
Applicant/s status: (Please tick)	<input type="checkbox"/> Appointed trustee/s <input type="checkbox"/> Member of the institution <input type="checkbox"/> Other (provide details): <input type="checkbox"/> Local government representative <input type="checkbox"/> Member of the public

Requested action *Please indicate which action you are requesting Yes/No*

A. Adoption of a Standard Form Trust Instrument and appointment of new trustees	
B. Replacement of trustees when the office has been vacated	
	*Agreement to transfer the land to council
C. Seek agreement to transfer the Institutional private trust land to the Crown	

*Refer to Management Option 3 in Accompanying notes on page 4

Land/institution details

Institution name:	
Institution address:	
Town/locality:	
Local Government Area (LGA):	
Lot/s:	DP
Location diagram attached (yes/no)	<i>online resources: Google Earth, SIX Maps, NearMaps</i>
Photos attached (yes/no)	<i>please include dates of when each photo was taken</i>

Trustee/s – Personal contact details

Trustee name:	
Contact details:	Phone
	Email
Address:	
Trustee name:	

Contact details:	Phone	Email
Address:		
Trustee name:		
Contact details:	Phone	Email
Address:		
Trustee name:		
Contact details:	Phone	Email
Address:		

Trustee - Incorporated association/corporation details

Association/corporation name:		
Contact person name:		
Contact address:		
Contact details:	Phone	Email
Other contacts:		

Supporting documentation

Supporting documentation is required to verify the status of the trustees and the use and occupation of the institutional private trust land.

Insert Yes/No to indicate documents attached with this form.

Trustee/s appointment Gazette notification		Certificate of land title	
Crown grant		Membership/visitor register	
Trust deed		Lease/licence/hire agreements	
AGM minutes		Rates/utility/general notices	
Certificate of incorporation		Maintenance invoices/receipts	
Constitution		Community support letters	
Not-for-profit status		Insurance policy	

© State of New South Wales through Department of Planning, Industry & Environment 2019. The information contained in this publication is based on knowledge and understanding at the time of writing (July 2019). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Industry or the user's independent adviser.

Accompanying notes

Following the introduction of the *Crown Land Management Act 2016* and repeal of the *Trustees of Schools of Arts Enabling Act 1902* on 1 July 2018, three options exist for the management of Institutional Private Trust Lands:

1. Trustees continue to manage the Institutional Private Trust Land in accordance with the ***Trustees Act 1925***, and if applicable, any existing trust deed.
2. Trustees seek to enter into an agreement with the minister for the land to be transferred to the Crown to become Crown land under the provisions of the ***Crown Lands Management Act 2016***.
3. Trustees seek to enter into an agreement with the relevant local Council for the land to be transferred to the Council, to be used and managed by the Council under the provisions of the ***Local Government Act 1993***.

This application provides three actions (A, B, C below) for which the Department can assist transition Institutional Private Trust Lands to a preferred management option (1, 2, 3) outlined above.

- A. adoption of a standard form trust instrument and appointment of new trustees
- B. replacement of trustees when the office has been vacated
- C. seek agreement to transfer the institutional private trust land to the Crown

Examples: When an application is required

Management Option 1 – *Trustees Act 1925*:

Example: Lawfully appointed Trustees or qualifying members resolve to adopt the Standard Form Trust Instrument for improved operations and governance, and to appoint new trustees for continued management under the *Trustees Act 1925*.

- A. adoption of the standard form trust instrument and appointment of new trustees

Example: Trustees have vacated office, or are not appointed to lawfully manage the land under the *Trustees Act 1925*.

- B. replacement of trustees when the office has been vacated

Management Option 2 – *Crown Land Management Act 2016*:

Example: Lawfully appointed Trustees resolve to transfer the Institutional Private Trust Land to the Crown.

- C. seek agreement to transfer the institutional private trust land to the Crown

Note: Trustees must be lawfully appointed to deal in an agreement to transfer institutional private trust land to the Crown. If Trustees are not lawfully appointed, trigger application action **B and C**.

Management Option 3 – *Local Government Act 1993*:

Example: Trustees resolve to transfer the Institutional Private Trust Land to the local Council, however Trustees are not lawfully appointed to deal in an agreement with Council.

- B. replacement of trustees when the office has been vacated

Note: Please contact your local council for further information regarding agreements to transfer Institutional Private Trust Land under the provisions of the Local Government Act 1993.