

Crown land licences

What is a Crown land licence?

A licence is an authority granted by the NSW Department of Industry—Lands & Water (the department) under the *Crown Land Management Act 2016*, which by law, gives permission to occupy and use Crown land for a specified purpose/s. If you are granted a licence it does not provide you with exclusive use and possession of the land.

The department issues licences to individuals, companies and community organisations for a number of purposes, including:

- waterfront structures, such as jetties, boat ramps and slipways
- grazing
- water supply and access
- short-term and temporary activities, such as events, environmental research or site investigations
- extractive Industry operations.

Where substantial development involving significant capital investment is involved, a lease may be more appropriate.

Due to their nature, the majority of licences can be granted under direct negotiation arrangements. If, however, the application does not meet the direct negotiation criteria, the licence may also be granted through public tender, public competition or by invitation for expressions of interest. The competitive process is used when the Crown land may be of interest and use to a number of parties.

What are my responsibilities as a licence holder?

Licences are subject to a number of conditions, which are set out in the licence agreement. Additional special conditions may be included that relate to the purpose of the licence to provide specific environmental protection. Licence conditions outline the duty and responsibilities of a licence holder and, as with any contract, the conditions also make clear the rights of both the licensee (You) and the landlord (the department).

What is a permissive occupancy?

A permissive occupancy is a type of tenure that was issued under former legislation; this type of tenure was subsequently replaced by licences. Under the *Crown Land Management Act 2016*, existing permissive occupancies are referred to as licences.

Are licences transferable?

If an existing licence provides a benefit to freehold or leasehold land, the licence will automatically transfer when the benefitting land is transferred. For example, a licence for a pump site and pipeline will automatically transfer at the time of settlement if the farm to which it supplies water is sold. Further information on determining whether licences automatically transfer can be found in the Automatic licence transfer—guidelines.

If a licence does not provide a benefit to freehold land, the licence cannot be transferred. Instead, you will need to submit a [Revocation of existing tenure and issue of a new licence application form](#) so that the existing licence can be terminated and a new licence granted to the incoming licensee.

How do I apply for a licence?

You may apply for a licence by submitting the relevant application form to the department. The department considers each application received on its merits, taking into account:

- related policies and guidelines
- land assessment requirements
- Aboriginal land claims
- Native title
- site inspection
- development consent
- valuation
- current land use and condition.

When you submit an application for a new licence, you must complete the application form in full and submit all required documentation and the associated fee.

How long does it take to assess licence applications?

The department receives a large volume of licence applications. The time taken to assess an application is dependent upon the complexity of the application and the total number of applications being assessed by the department. It is usual for licence applications to take several months to process.

How much does a licence cost?

An application fee is usually payable when applying for a licence. The requirement and amount of an application fee will be detailed on the relevant application form.

Most licences are also subject to payment of an annual rent, which is determined on a market value basis or by using a methodology approved by the Independent Pricing and Regulatory Tribunal. Licences issued for the extraction of materials for commercial purposes also attract royalty payments on the materials removed, in addition to an annual rent.

Please note local government rates may also be payable to your local council.

More information

For further information please contact:

Waterfront Tenures Team (for Domestic Waterfront Licences)

Phone: 1300 886 235 (Option 3, Option 1)

Email: waterfront.tenures@crowland.nsw.gov.au

Telecommunication Team (for Telecommunication Licences)

Phone: 02 4920 5057

Email: cl.telecommunications@crowland.nsw.gov.au

Licences Team (for all other licences)

Phone: 1300 886 235 (Option 3, Option 2)

Email: licences@crowland.nsw.gov.au

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