

# Grant of a Crown lease at Lightning Ridge

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This document answers frequently asked questions about term leases at Lightning Ridge expiring from 2025.

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## What is going to happen to my expiring term lease?

The department will write to you on or about 2 years prior to your lease expiry date inviting you to make an application for a new term Crown lease. This lease will be for a term of up to 50 years and will require you to pay an application fee and costs associated with the grant of a new lease.

## When will my new lease start?

The new term Crown lease will start the day after expiry of your term Western Lands Lease (WLL).

## How do I apply for a new lease?

Once you receive your invitation from the department you will be required to complete the application form and send to the department by email or mail.

## Will I suddenly be evicted from my lease?

No, the department is not intending to evict any leaseholders who meet the Grant of a Crown lease at Lightning Ridge policy (**Policy**) and will work with you to meet the application requirements.

## Do I have to accept the offer for a new term Crown lease?

Yes, if you want to continue to reside and use the area of your existing lease.

## What if I don't accept the lease offer?

You will no longer be authorised to occupy the land and will be required to remove all your belongings and vacate the lease area at the expiry of your existing term WLL.

## What if I do not want my lease anymore?

You may sell the existing lease on the open market, in accordance with the terms of your existing term WLL including consent of the department, or you may apply to surrender the lease back to the department prior to expiry.

## Is the amount of rent I pay negotiable?

No, the *Crown Land Management Act 2016* sets the minimum rent that is payable for a lease. The department does not have the ability to enter in to or maintain lease agreements where the rent is less than the statutory minimum. If you are experiencing financial hardship, alternate payment frequency or provisions may be available where you meet the criteria set out in the Crown land financial concession policy (IND-O-254).

### What happens if I do not meet the requirements for a new term Crown lease?

You will not be able to be granted a new lease. At the expiry of your existing term WLL you will no longer be authorised to occupy the land and will be required to remove all your belongings and vacate the lease area. If you are unsure about what the requirements for a new Crown Lease are refer to the Policy and the Guideline – Grant of a Crown lease at Lightning Ridge. You can also contact the department to discuss this further.

### Can I sell my lease when a new lease is being offered?

Yes, you can sell your expiring lease at any time before it expires, in accordance with the terms of your existing term WLL including consent of the department, however a new term Crown lease can only be offered to the registered holder as shown on the Certificate of Title. You will need to ensure your Certificate of Title is updated accordingly. You are encouraged to seek advice from a conveyancer or solicitor.

### Can I purchase an expiring term lease when a new lease is being offered?

Yes, you can purchase an expiring term lease at any time before it expires however a new term Crown lease can only be offered to the registered holder as shown on the Certificate of Title. You are encouraged to seek advice from a conveyancer or solicitor.

### Are there any costs involved?

Yes, any costs and fees associated with the application and acceptance of a new term Crown lease must be paid by the lease holder prior to the issue of a new lease. These include:

- An application fee as prescribed by the *Crown Land Management Regulation 2018*.
- Costs and fees related to but not limited to:
  - any required survey, subdivision, easement or plan registration
  - any independent valuation
  - fees associated with registering the lease dealings with NSW Land Registry Services
  - costs associated with rectification of any compliance or contamination issues

### What if I have not been paying my rent?

A new term Crown lease will not be offered until your rent payments are up to date or a department approved payment plan is in place.

### Can I convert my lease to freehold?

You may contact the department to check your eligibility. There are certain criteria that must be met when the Minister considers an application to convert, and such considerations are in the Minister's absolute discretion.

### If someone doesn't accept their lease offer will their lease to be available to others?

No, in these situations, the lease will expire and will not be offered as a new term Crown lease to other interested parties.

### How long do I have to make an application?

It is preferable that you make an application as soon as possible after receiving the invitation to apply. At a minimum the department will require an application 6 months prior to the expiry of your lease.

### How long do I have to accept my lease offer?

Once an offer is provided by the department you will have 28 days to accept.

### I hold several leases, can I combine them into one new term Crown lease?

Yes, where it is identified that a leaseholder holds multiple term WLL with adjoining boundaries, consolidation of these holdings may be allowed in accordance with relevant departmental procedures and in accordance with the *Walgett Local Environmental Plan 2013*.

### Can I get an application for a new Crown lease now?

No, existing leaseholders will only be contacted by the department 2 years prior to their expiry date to commence the process of granting a new Crown lease.

### How long will my new lease be for?

If eligible, an offer for a new term Crown lease will be made for a term of up to 50 years.

### Can I continue to mine on my new Crown lease?

This will depend on whether you have a valid mineral claim over the land. Any mining related queries are to be directed to the Department of Regional NSW - Mining, Exploration and Geoscience unit. Contact phone (02) 6820 5200 or email: [Lightningridge.office@planning.nsw.gov.au](mailto:Lightningridge.office@planning.nsw.gov.au)

### Can I sub-lease my new lease?

Yes, however consent will be required from the department prior to doing so. This includes all short term and longer term renting arrangements.

### What can I do to assist my application?

You can:

1. Update your contact details (eg address, telephone or email) with the department;
2. Ensure your lease rent is up to date with no monies owing;
3. Ensure all your personal belongings (eg vehicles, machinery equipment, materials) are within the boundary of your lease;
4. Make sure you are the registered leaseholder on Title.

### What can I do if I am not the registered holder on Title?

If your existing lease is not held in your name you will need to seek advice from a conveyancer or solicitor to ensure the correct ownership is updated.

### Will the community be consulted?

Yes, all applications must satisfy the requirements of the Crown Lands Community Engagement Strategy.

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## Further information

Email: [cl.western.region@crowmland.nsw.gov.au](mailto:cl.western.region@crowmland.nsw.gov.au)

Web: [www.crowmland.nsw.gov.au](http://www.crowmland.nsw.gov.au)

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