
Grant of holdings relating to communication infrastructure on Crown land

Rule no.: CLMR18/01

Gazette date:

Effective from: 1 July 2018

Applies to: All appointed Crown land managers

Granting leases and licences for communication infrastructure-related purposes on Crown land

The NSW Government provides access to Crown land to public and private organisations to install communications infrastructure and equipment. These facilities are part of the state's vast communications network providing essential telecommunication and data services to communities across NSW.

To ensure appropriate pricing for access, the NSW Independent Pricing and Regulatory Tribunal sets a pricing schedule for the occupation of Crown land by the communications industry.

Since 2008, NSW Department of Industry has been directly licensing the communications industry to occupy Crown land. This includes Crown land managed by third parties such as local government and community organisations. This approach has provided the industry with greater certainty and consistency in the access and use of Crown land.

This rule confirms the continuation of that policy under the *Crown Land Management Act 2016*.

The rule

Crown land managers cannot, under any act (including the *Local Government Act 1993*), grant any lease or licence authorising:

- the installation or construction of communication infrastructure on Crown land
- the placement of communication infrastructure on Crown land
- the use of communication infrastructure that is located on Crown land
- access to communication infrastructure that is located on Crown land.

However, the rule does not prevent the holder of a holding granted by the Minister for Lands & Forestry subletting of communication infrastructure located on Crown land in accordance with the conditions of a holding granted by the minister.

This rule has been made under s.3.15 of the *Crown Land Management Act 2016*.

Application of the rule

This rule applies to all appointed council and non-council Crown land managers.

About the rule

The department will consult with the Crown land manager prior to granting a lease or licence for communications infrastructure on Crown land.

The Crown land manager will not be a party to any communications lease or licence issued by the minister.

However, the Crown land manager can provide reasonable directions to the holder of such a lease or licence regarding access to the site, to ensure the appropriate care, control and management of the Crown land and its users.

Should Crown land managers have concerns relating to the conduct of communication operators, they should raise it with the onsite representative in the first instance. If the matter is not satisfactorily resolved, the Crown land manager should contact the department.

Rental from holdings

All rent received from communication licences granted by the minister over Crown land under the management of another Crown land manager (when the licence was granted) is directed to the Crown Reserves Improvement Fund. This includes holdings granted prior to 1 July 2018. The fund supports the development, maintenance and improvement of Crown reserves.

The annual funding program provides grants and low interest loans to eligible applicants through a competitive process. All Crown land managers are eligible to apply for funding.

More information

Contact the Department of Industry—Lands & Water:

- email: reserves@crowmland.nsw.gov.au
- web: industry.nsw.gov.au/lands
- phone: 1300 886 235

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