

# Grant of a Crown lease at Lightning Ridge Policy

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## Purpose of this policy

This policy sets out the NSW Department of Planning and Environment – Crown Lands’ (the department) approach to facilitate the granting of new term Crown leases for approximately 1,055 term Western Lands Leases (WLL) that are unique to the Lightning Ridge area and commence expiring from 2025.

These term WLL were formerly mineral claims granted under the *Mining Act 1992*. Claim holders, over time, started to reside on these mineral claims unlawfully and constructed permanent dwellings. A whole of government approach, known as the Camps on Claims project, facilitated the ongoing residential occupation which resulted in the grant of term WLL to claim holders. These are a discrete cohort of tenures that only exist in the Lightning Ridge area and there are no other groups of leases in Crown Lands that have been issued in this way.

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## Application of this policy

The policy only applies to those term WLL in Lightning Ridge that are expiring between 2025 and 2048 and which are commonly referred to as Camps on Claims, granted under the repealed *Western Lands Act 1901*.

The policy will not apply to the granting of any other Crown leases located outside of Lightning Ridge or for any Crown leases that may be granted by a Crown land manager under the *Crown Land Management Act 2016* and does not remove any requirement for a leaseholder to obtain approvals under other relevant legislation.

This policy applies to all employees, consultants and contractors of the department. It also applies to employees, consultants and contractors of all departmental entities that have people employed in or through the department.

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## Requirements

The following requirements must be satisfied before the department will grant a new term Crown lease for the purposes specified in this policy. The *Guideline – Grant of a Crown lease at Lightning Ridge* also sets out additional matters that Crown Lands will consider (including but not limited to native title interests and the existence of Aboriginal land claims).

### 1. Lease purpose

The existing term WLL must be used for the purpose for which it was granted.

### 2. Management of outstanding debt

The existing term WLL must not be subject to any outstanding debt owing to the department, unless an agreed departmental payment plan has been entered into in accordance with the Crown Land Debt Management Policy (IND-O-255).

### **3. Compliance and contamination**

The existing term WLL must not be subject to any unresolved Crown Lands compliance issues.

### **4. Application form/fee**

The leaseholder must apply for a new term Crown lease and pay any prescribed fees.

### **5. Rent**

A market-based rent must be applied and cannot be less than statutory minimum rent.

### **6. Access and Easements**

Practical access (ie access within the reserve, existing tracks in use or public roads) must be identified.

### **7. Community Engagement**

The Crown Lands Community Engagement Strategy will be considered as part of the application assessment process.

### **8. Direct Negotiation**

The leaseholder must meet the criteria set out in the Sale or Lease of Crown Land by Direct Negotiation Policy (IND-O-182).

### **9. Standardised lease conditions**

Each new term Crown lease must be subject to a standardised lease instrument with the same set of terms and conditions.

### **10. Costs and Fees**

The leaseholder must accept any costs and fees applicable to the grant of a new term Crown lease.

### **11. Term**

The new term Crown lease term must not exceed 50 years duration.

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## Failure to comply with this policy

A new term Crown lease will not be granted if the requirements in this policy are not satisfied.

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## Review timeframe

Crown Lands will review this policy no later than 5 years from the date the document is approved. The document may be reviewed earlier in response to post-implementation feedback, changes to legislation, or as necessary.

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## Related policies and relevant legislation

Other policy documents that should be read in conjunction with this policy:

- Compliance and Enforcement Policy (IND-O-248)
- Crown Land Financial Concession Policy (IND-O-254)
- Delegation of Authority for Crown Lands (IND-O-179)
- NSW Department of Industry Code of Ethics and Conduct (INT18/201086)
- Sale or Lease of Crown Land by Direct Negotiation Policy (IND-O-182)
- Crown Lands Community Engagement Strategy

Legislation that should be read in conjunction with this policy:

- Aboriginal Land Rights Act 1983
- Crown Land Management Act 2016
- Crown Land Management Regulation 2018
- Environmental Planning & Assessment Act 1979
- Independent Commission Against Corruption Act 1988
- Native Title Act 1993 (Cth)

## Policy metadata

Table 1. Policy metadata

Category	Description
Status	Approved
Date of approval	9 December 2022
Approver	Melanie Hawyes
Group	Land and Asset Management
Division	Crown Lands
Policy owner	Executive Director Land and Asset Management
Branch	West Region - Far West Area
Document location	DPE Intranet and Internet
Next review date	December 2025
Associated procedure	List any associated procedure or link to intranet content
Any additional applicability	Accountable Authorities – for financial policies- Appendix 1 Other entities employed though the Department – Appendix 1
Superseded document	N/A
Further information	cl.western.region@crowmland.nsw.gov.au
Document Reference	DOC22/150147

## Version control

Table 2. Version Control

Version	Date issued	Change
1	9 December 2022	New policy

## Appendices

Appendix 1 – Definitions

Appendix 2 - Roles and responsibilities

## Appendix 1 – Definitions

Table 3 - Definitions

Terms	Definitions
<b>Accountable Authority</b>	As defined in <a href="#">Section 2.7 Government Sector Finance Act 2018</a>
<b>Direct Negotiation</b>	Negotiating directly with one leaseholder in accordance with the criteria specified in the Sale or Lease of Crown Land by Direct Negotiation Policy
<b>Employee</b>	<p>Any individual employed, appointed, or otherwise attached to the department, whether on an ongoing, temporary, contractor, casual, or voluntary basis</p> <p>This includes all senior executives and secondees from other agencies and may include contractors and employees of any firm or company contracted to perform work on behalf of the department subject to the nature of the policy and its application.</p> <p>Employee also includes those employed by the department who provide services to other entities.</p>
<b>Head of Agency</b>	<p>Consistent with the <i>Government Sector Employment Act 2013 (NSW) (GSE Act)</i>, a Head of Agency is defined for the purpose of this policy framework as:</p> <ol style="list-style-type: none"> <li>a) In the case of DPE – the secretary of the department</li> <li>b) In any other case – the Head of Agency listed in Part 2 or Part 3 of Schedule 1 of the GSE Act, such as chief executive, commissioner or chairperson.</li> <li>c) In practice, this represents the key person responsible for directing the affairs of the agency.</li> </ol>

## Appendix 2 - Roles and responsibilities

Table 4: Roles and responsibilities

Roles	Responsibilities
<b>The department</b>	<ul style="list-style-type: none"> <li>a) Provide an application form that is accurate to the department's knowledge</li> <li>b) Review and respond to lease applications in accordance with this policy and associated procedural guidance</li> <li>c) Respond to leaseholders in a timely manner with accurate information</li> </ul>
<b>Leaseholders</b>	<ul style="list-style-type: none"> <li>a) Respond to the department in a timely manner with information that is truthful and accurate</li> </ul>