

LICENCES

# Short-term Licence—guidelines

Published by NSW Department of Industry

**Short-term Licence —guidelines**

First published November 2018.

**More information**

NSW Department of Industry—Lands & Water

[industry.nsw.gov.au/lands](http://industry.nsw.gov.au/lands)

DOC19/029735

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# Introduction

A licence is an authority granted by the department under the *Crown Land Management Act 2016*, which gives permission to occupy and use Crown land for a specified purpose and term. In particular circumstances, the department may issue short-term licences.

These guidelines support the Licensing of Crown Land Policy, detail the situations in which short-term licences are granted and explain the process to apply for a short-term licence.

# Overview

These guidelines establish the criteria and requirements of the NSW Department of Industry (the department) when considering an application for a short-term licence to use and/or occupy Crown land, and provides information and guidance pertaining to the administration of short-term licences under the CLMA.

These guidelines do not apply to the grant of short-term licences by Crown land managers.

# Assistance

For further information or assistance in relation to short-term licences, please contact:

Licences Team, Business Centre – Dubbo

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

Email: [licences@crowmland.nsw.gov.au](mailto:licences@crowmland.nsw.gov.au)

# Applying for a short-term licence

Short-term licences may be granted for the temporary use and/or occupation of Crown land.

To apply for a short-term licence over Crown land, please complete the *Licence: Short-term Licence Application* form, available from the [department's website](#). On application you must specify the requested term of the proposed short-term licence, ensuring that adequate time for set up and clean up has been allowed for (if applicable).

The application form must be submitted with relevant supporting documentation which may include the following:

- A locational image/diagram of the proposed licence area
- Detailed description of proposed works/activities/events or use of Crown land
- Proposed date(s) of occupation/use of Crown land
- A Certificate of Currency for public liability insurance of the value of \$20 million

After receiving your application, the department may also request you to provide the following:

- Evidence that supports environmental or community benefit/s
- Approval from Council or other approval agencies
- Other assessment of activity/works documents

The department requests that you submit your completed application at least **two months** prior to your proposed start date to PO Box 2155, Dangar NSW 2309.

A short-term licence does not grant the licence holder exclusive possession and use of the Crown land. The Crown retains exclusive possession and may grant more than one licence over the same parcel of land, depending on the purpose and/or term of the licences.

## Short-term licence criteria

Short-term licences are granted for a **maximum term of 12 months** for one or more of the following purposes:

- Access through a reserve (or other Crown land)
- Advertising
- Camping using a tent, caravan or otherwise
- Catering Community, training or education
- Emergency occupation
- Entertainment
- Environmental protection, conservation or restoration or environmental studies
- Equestrian events
- Exhibitions
- Filming
- Function
- Hiring of equipment
- Holiday accommodation
- Markets
- Meetings
- Military exercises
- Mooring of boats to wharves or other structures
- Sales
- Shows
- Site investigations
- Sporting and organised recreational activities
- Stabling of horses
- Storage

Any licence application for a purpose not listed above or for a term greater than 12 months will be processed as a general licence. Please refer to the Licensing Crown Land Guidelines for more information.

The department does not issue short-term licences for the purpose of grazing, these applications will also be processed as a general licence.

# Application classification

## 1A short-term licences

1A short-term licences are generally issued to volunteer or community groups, individuals or emergency service organisations, seeking temporary use and/or occupation of Crown land to carry out or facilitate environmental, community or training activities. These are generally voluntary or non-profit organisations or individuals who receive specific funding for the proposed activities.

In most instances a short-term licence will not be classified as a 1A type where the use and/or occupation of Crown land is commercially beneficial or motivated, or where structures are to be constructed that require ongoing maintenance.

1A short-term licences will be most appropriate where community, environmental and/or health or safety benefits exist and the activity meets the following criteria:

- Temporary/short-term occupation
- Minimal impact on existing public access
- Non-commercial / non-profit
- Minimal liability costs
- Does not require a Development Application
- No on-going liability risks
- Aligns with the Principles of Crown land management
- Does not compromise identified future use of Crown land
- Minimal physical impact to Crown land
- No significant detrimental change to surface
- Will not exist in perpetuity and require ongoing maintenance

The following examples may be considered to be 1A short-term licences:

- Eradication of invasive weed species
- Riparian planting
- River snagging
- “soft” riverbank works, such as landscaping, bank contouring, revegetation, temporary erosion control or rock protection
- Emergency services training
- Research driven flora and fauna studies
- School field trips

## 1B short-term licences

Any short-term licence which fails to meet the 1A criteria and requirements will be recognised as a 1B short-term licence. 1B short-term licences may be issued to individuals, registered companies, community organisations and other entities and are commonly granted to authorise events or filming on Crown land.

The department supports the creative industries in NSW by making our diverse and scenic Crown land available to filmmakers and photographers wherever possible.

If you are planning to undertake any filming or still photography on Crown land you will need a 1B short-term licence. Filmmakers and photographers should submit an application for short-term licence with as much notice as possible prior to your proposed filming schedule.

The department regulates film production to make sure these activities are carried out in a safe manner. The department also ensures there is minimal disruption to local residents, businesses and other Crown land users.

## Licence assessment

### Development or activity consent

The department may request a copy of relevant consent or approvals prior to the grant of a short-term licence. This may include confirmation of consent to carry out proposed development/activity which requires by the relevant local Council, event permits and or detail of compliance with the *Environmental Planning and Assessment Act 1979*.

### Native title

Native title is the name given to the traditional ownership of land and waters that have always belonged to Aboriginal people according to their traditions, laws and customs. The *Native Title Act 1993* sets out how native title rights are recognised and protected.

When assessing short-term licence applications, the department considers whether the proposed activity affects native title, where it exists. Where native title is affected and the proposed use and/or occupation cannot be validated under the *Native Title Act 1993*, a licence application will be refused. In some instances additional fees may apply where further native title searching is required. The department will advise the applicant if additional fees apply.

### Aboriginal land claims

The *Aboriginal Land Rights Act 1983* recognises that land in New South Wales was traditionally owned and occupied by Aboriginal people, and is of spiritual, social, cultural and economic importance to the Aboriginal people. Under the *Aboriginal Land Rights Act 1983*, Aboriginal Land Councils may lodge a claim over Crown land. If a short-term licence application is received for land that is the subject of an undetermined Aboriginal land claim, the department will generally refuse the licence application if the proposed purpose of the licence:

- prevents the land being transferred to an Aboriginal Land Council in the event the claim is granted
- impacts or changes the physical condition of the land.

Where the proposed purpose of a licence will impact or change the physical condition of the land, the application would only be considered if the applicant has obtained a letter of consent from the claimant Aboriginal Land Council or the Aboriginal Land Council has withdrawn or amended the claim. While a request to a claimant Aboriginal Land Council can be made, the claimant Aboriginal Land Council is under no obligation to grant such a request and may prefer to have the claim fully investigated.

### Direct negotiations and competitive process

The department promotes equitable access to and allocation of Crown land. In most cases, short-term licences are dealt with as a direct negotiation due to their limited duration and where it meets one of the following categories from the Licensing of Crown land Policy:

- Where a delay in granting the licence would threaten public health, safety, or the environment or create a serious financial or other risk to the department

- The licence provides an essential service to the proponent or benefit to the community of New South Wales
- The licence is of a unique nature and the proponent is the only person who can feasibly use the Crown land for the purpose of the proposed licence
- The licence is of low value and would not provide a value for money return if granted via a competitive process

The department may decide not to proceed through direct negotiation even though direct negotiation may be allowable under one or more of the above categories. Such a decision will only be made where an overriding, exceptional circumstance is determined to exist.

## Fees and rent

No application fee is required at the time of submitting a short-term licence application. The department will assess the application to determine whether the short-term application will be classified as a 1A or 1B short-term licence.

1A short-term licences do not require an application fee. 1B short-term licences do however require an application fee and an invoice will be issued for payment. Please refer to the department's website for the current application fee for a short-term licence.

1B short-term licences are subject to the payment of a one off market rent for the use and occupation of Crown land. 1A short-term licences are not subject to rent.

In instances where lengthy status searches are required, additional fees for searches may be payable. When this is identified, a quote for payment will be issued and the application will not be progressed until payment is received.

## Terms and conditions

All licences issued by the department are subject to terms and conditions which outline the licensee's duties and responsibilities in respect to the land and the proposed use and/or occupation. All short-term licences will be issued with a standard set of terms and conditions. The short-term licence may also contain special conditions which relate to the specific purpose of the licence. All licensees are expected to comply with their terms and conditions. Compliance action will be undertaken if the licensee does not comply with the licence conditions.

## Termination

A short-term licence may only be granted for a maximum term of 12 months and will terminate as at the date specified in the licence document. Where a licensee requests consent to remain on the land after the expiry date, they are required to submit a new application for a subsequent licence to the department for consideration.

A licence may be terminated at any time by the Minister and no compensation is payable. Similarly, a request to terminate a licence may be submitted at any time by the licensee to the Department for consideration. Termination is subject to the area being deemed to be in a satisfactory condition.

## Definitions

Please refer to the Licensing of Crown Land Policy for definitions of key words used within these guidelines. Key words in these guidelines (not referenced within the Policy) are defined as follows:

Word	Meaning
Act	The <i>Crown Land Management Act 2016</i>
Dedication	Crown land which has been dedicated for one or more public purpose, has been tabled in Parliament and notified in the Government gazette
Department	The NSW Department of Industry (including its Lands and Water Division and the Crown Lands Branch)
Licensee	The person/s or entity referred to and identified as the holder of a Crown tenure, in particular a Crown licence
Regulations	The <i>Crown Land Management Regulation 2018</i>
Reservation	Crown land which has been established as a reserve for one or more public purposes by a Government gazette notice.

## Related Documents

- *Crown Land Management Act 2016*
- *Aboriginal Land Rights Act 1983*
- *Native Title Act 1993*
- *Environmental Planning and Assessment Act 1979*
- Licensing of Crown land Policy
- Crown Land Financial Concessions Policy
- Licensing of Crown land - guidelines