

Q What is Crown land?

A Crown land is land that is owned and managed by the NSW Government. The NSW Crown land estate is a vast and complex network of more than 580,000 parcels of land covering around 34 million hectares.

Crown land is both valued and valuable and contributes vital social, cultural, economic and environmental benefits to growing and changing communities around NSW.

Q Who uses Crown land?

A Many thousands of people from communities large and small across NSW enjoy using Crown land for everything from socialising, playing, competing, walking, keeping fit or simply relaxing at any number of local parks and reserves.

Some Crown land is set aside for public use such as schools, hospitals, sporting and camping grounds, and recreation areas. Other Crown land is managed and protected for its environmental or heritage value and importance.

Q Who manages Crown land?

A In NSW, Crown land is managed by the [Department of Industry, Crown Land & Water](#) for the benefit of the whole community.

The department uses many mechanisms to manage Crown land, from issuing licences, permits or long-term leases to delegating care, control and management to local council Crown land managers and non-council Crown land managers (also referred to as reserve trust managers).

It also manages development, marketing and sale of Crown land that is not needed for public purposes.

Q How has Crown land management changed recently?

A In 2012, the NSW Government began the first [major review of Crown land](#) in 25 years, prompting a comprehensive consultation process with community and other interested parties about the future management of Crown land.

This exhaustive review process culminated in the NSW Parliament passing the new [Crown Land Management Act](#) (the Act) in November 2016 and the [Crown Land Legislation Amendment Act](#) in May 2017.

This new legislation will take effect in 2018 and will ensure the Crown estate is managed efficiently and effectively and continues to support and generate social, environmental and cultural benefits for the people of NSW.

Q What benefits will the new Act bring?

A Previous Crown land legislation was complex and included eight different pieces of legislation.

There was little opportunity for the community to be involved in meaningful discussions about how Crown land is managed and used.

The new *Crown Land Management Act 2016* will:

- reduce red tape and duplication in managing Crown land
- improve certainty and clarity about legal requirements
- support greater community involvement in local decisions made about Crown land
- formalise opportunities and processes for community involvement and engagement
- recognise and support Aboriginal involvement in the management of Crown land.

Q What won't the new Act do?

A The new *Crown Land Management Act 2016* will not:

- automatically transfer Crown land to third parties
- change the *Aboriginal Land Rights Act 1983* or Commonwealth native title legislation
- change the manager of any reserved Crown land
- allow the widespread sale of Crown land.

Q What is a non-council Crown land manager?

A Non-council Crown land managers are currently called “reserve trust managers”—those people and organisations other than local councils appointed to carry out the care, control and management of Crown land.

Non-council Crown land managers will be required to comply with the engagement requirements of the Community Engagement Strategy, including the mandatory engagement requirements.

Failure to comply with these mandatory requirements may result in a decision about a proposed dealing or activity made by a non-council Crown land manager being refused, challenged or overturned.

Q What type of decisions can non-council Crown land managers make about Crown land?

A Non-council Crown land managers can:

- issue licences and leases over lands they manage
- issue short-term leases and licences (i.e. less than one year) without the Minister's consent
- issue longer term leases and licences (i.e. up to 10 years) only with the consent of the Minister if they are Category 2 Crown land managers (usually non-professional managers)
- issue longer term leases and licences (i.e. up to 10 years) without the consent of the Minister if they are Category 1 Crown land managers (professional managers such as cemetery or holiday park managers)
- prepare plans of management over land they manage, with the approval of the Minister.

Non-council Crown land managers cannot:

- sell land
- vest land
- revoke reserves or dedications or make changes to purposes for reserves or dedications.

Q Will local councils still manage Crown land under the new Act?

A Yes, but they will do so under the provisions of the local government legislation.

Under the new Crown land legislation, local councils will continue to manage certain land that is dedicated or reserved as Crown land. However, they will do so under the *Local Government Act 1993* rather than under the new *Crown Land Management Act 2016*.

This will significantly cut red tape for local councils as they will be able to manage community land and Crown reserves under one legislative framework rather than two.

The Community Engagement Strategy for Crown land therefore does not apply to local council Crown land managers. They must abide by the rigorous community engagement requirements of the *Local Government Act 1993*.

Q Will community members and reserve trust managers still manage Crown land under the new Act?

A Yes, they will. The Crown land review found strong support for keeping management of Crown reserves by local communities, recognising the valuable role many community members play in volunteering to look after local reserves.

Community involvement is an essential principle of Crown land management and remains so under the new legislation.

The previously complicated three-tier structure of reserves, reserve trusts and reserve trust managers has been replaced with a simple two-tier system of reserves and Crown land managers. Community members and groups will continue to manage Crown land, but will do so as 'non-council Crown land managers' under a more streamlined approach to managing reserves.

Q Does the new Act acknowledge the important connection between Aboriginal people and Crown land?

A Yes, Aboriginal people are important Crown land stakeholders with special rights and interests.

For the first time, Crown land legislation explicitly recognises and supports Aboriginal land rights, native title rights and interests, and Aboriginal people's involvement in the management of Crown land.

One of the objects of the new *Crown Land Management Act 2016* is to facilitate the use of Crown land by Aboriginal people and, where appropriate, to enable the co-management of reserved Crown land. The objects also acknowledge the spiritual, social, cultural and economic importance of Crown land to Aboriginal people.

In addition to the mandatory requirements of the Community Engagement Strategy, Department of Industry – Lands & Forestry staff and non-council Crown land managers must comply with the significant notification and community engagement obligations under the [Native Title Act 1993](#) when dealing with Crown land.