

## COMPREHENSIVE REVIEW OF NSW CROWN LANDS MANAGEMENT

# Best owners for the land: local interests to be managed locally

APRIL 2017

*To deliver modern, streamlined and transparent management of the state's vast Crown land, the NSW Parliament passed the Crown Land Management Act 2016 (CLM Act). It is anticipated the majority of the CLM Act will commence in early 2018, implementing reforms identified in the white paper and comprehensive review of Crown land management. This fact sheet describes some of the issues found and how the CLM Act addresses them.*

### Realising the benefits of Crown land through appropriate ownership

The Crown reserve estate is diverse and its care and management is undertaken by a range of bodies including local councils, corporations and community volunteers.

The underlying principle is to manage Crown land in such a way that it continues to provide significant benefits to the people of NSW. In some cases these benefits are realised at a local level and in other cases the benefits are broader. A key objective of the review was to identify who is best placed to manage Crown land, and identify and protect Crown land that is important to the state and local communities. In 2015 the Local Land Pilot was conducted to explore the concept that local land should be transferred to local councils to enable better decisions about the land to be made by local communities.

### How the CLMA deals with this issue

- The NSW Government will retain Crown land that is of state significance.
- Criteria has been developed to guide decisions on what Crown land is of state significance. The criteria for state significance is land within the Crown Estate that:
  - currently provides, or is required for, planned core government services and infrastructure
  - is part of a state or regionally significant system or network
  - is of high environmental value at a state or regional scale and is required for addition to the conservation network, including land identified for future reservation
  - is iconic or contains an iconic asset
  - has or contains an item of state or heritage importance
  - includes beaches, coasts, estuaries and adjoining, contiguous foreshore lands
  - produces or has the identified and earmarked potential to produce significant income for the state.
- The CLMA continues to provide for transferring local land to local councils to allow local interests and needs to be managed locally.
- Land of primarily local community value, for example parks and local sporting grounds, will be made available, through voluntary negotiations, to local councils.

- Building on the findings of the Local Land Pilot, criteria specified in the regulations will guide identification of land which may be more suitable for local ownership. The criteria for defining local land are:
  - land that provides, or has the demonstrated potential to provide, consistent with local planning instruments, a public good<sup>1</sup> predominantly for people in the local government area or in adjacent local government areas
  - land use that is consistent with the functions of local government, or land that has identified potential to be used for activities consistent with local government functions;
  - land that is managed, or has the identified potential to be managed, as a community asset by local government or some other body
- Any Crown land identified as local land will generally be transferred to local councils as “community land”. Crown land will only be able to be transferred to councils as “operational land” if local councils can demonstrate that the land does not fall within one of the categories of community land that is set out in the Local Government Act 1993 (for example land being used as a waste or night soil depot) or the current use of the land would be restricted by the community land classification (for example long term caravan park residences).
- All land transferred out of the Crown Estate will continue to be subject to the restrictions on use contained in the state’s land use legislation, planning instruments and other environmental legislation.
- The government will involve Aboriginal Land Councils in the voluntary negotiations, utilising the new Aboriginal Land Agreement (ALA) provisions of the *Aboriginal Land Rights Act 1983*. This will encourage the settlement of multiple land claims, enabling opportunities for sustainable social, cultural and economic benefits for Aboriginal people and greater certainty for all parties over Crown land.
- The government and the NSW Aboriginal Land Council has jointly developed the ALA Negotiation Framework which defines the scope of ALA negotiations, provides principles that will guide how negotiations are conducted, and prescribes procedural elements to ensure negotiations are fair and likely to succeed.
- Land which is currently the subject of an undetermined land claim will not be transferred to local councils, without the consent of the Local Aboriginal Land Council.
- The new land negotiation program will allow local decisions to be made at a local level and enable Aboriginal economic, social and cultural opportunities, whilst retaining land of state significance. It will also build sustainable relationships between multiple levels of government and Aboriginal communities, acknowledging the spiritual, social, cultural and economic importance of land to Aboriginal people.

## More information

For more information contact the Department of Industry–Lands on 1300 886 235 or [legislation@crowmland.nsw.gov.au](mailto:legislation@crowmland.nsw.gov.au)

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