

COMPREHENSIVE REVIEW OF NSW CROWN LANDS MANAGEMENT

Protecting our environmental, social and cultural heritage

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.

Strengthening the protection of environmental, social and cultural values of Crown land

Crown land is an important public asset that delivers widespread social, cultural, environmental and economic benefits to the people of NSW.

There was strong feedback to the white paper that any new legislation should provide protections for the environmental, heritage and social significance of Crown land.

There was also a broad desire to ensure that meaningful consultation occurred with the community as to how environmental, social, cultural heritage and economic matters should be taken into consideration for dealings with Crown land.

The white paper itself also outlined the need for an easier-to-use and stronger compliance and enforcement regime to help protect land against illegal activity that threatens its environmental values.

How the CLM Act deals with this issue

- The CLM Act explicitly requires environmental, social, cultural heritage and economic considerations be taken into account in decision making about Crown land. This is an important mechanism to ensure Crown land is managed for the benefit of the people of NSW now and into the future.
- The CLM Act will provide the Minister with powers to require Crown land managers to take environmental and heritage considerations into account. These powers will include direction powers and the ability to dictate appropriate protections in plans of management.
- Under the CLM Act the Minister will be required to have in place a community engagement strategy that sets out community engagement procedures and standards that must be complied with for certain Crown land management and dealings. This includes proposals to dispose of Crown lands, or change the reserve purpose of Crown lands.
- The strategy will focus on meaningful community consultation, including community meetings where appropriate, to ensure that the community has a say in decisions around Crown land that affect the community's use and enjoyment of Crown land.
- The CLM Act contains updated and expanded enforcement and compliance provisions for Crown land, providing broader powers and higher penalties to more effectively ensure Crown land is appropriately used, managed, and protected.
- This means it will be easier to investigate, halt and if necessary, apply appropriate penalties for illegal activities which are threatening the environmental values of the land.

- All Crown land will continue to be subject to the provisions of the state's land use legislation, planning instruments and other environmental legislation designed to preserve and enhance the environmental and cultural heritage values of all land in New South Wales.

Ensuring the continuation of the reservation and dedication system

The reservation and dedication of Crown land allows land to be set aside on behalf of the community to provide a wide range of public purposes such as recreation and open space, community venues, government services and environmental and heritage protection.

The review demonstrated that there is strong support for the continuation of the reservation and dedication system. In particular, the community supported the continuation of additional legislative protections for dedicated land.

The review found the Crown reserve framework should facilitate multiple use of land compatible with the reserve purpose.

How the CLM Act deals with this issue

- The CLM Act maintains the ability to dedicate or reserve Crown land for a purpose consistent with the objects of the legislation or in the public interest.
- The CLM Act continues to recognise the special significance of dedicated Crown land by retaining the current requirement that a dedication can only be revoked following notification of both houses of state parliament and neither house disallowing the proposed revocation.
- To provide more flexibility for the reserve framework, the CLM Act will enable the Minister to authorise for a reserve to be used for multiple purposes at once. In doing this, the Minister would need to be satisfied that each additional purpose is in the public interest and is not likely to materially harm any existing reserve purposes.

Ensuring a consistent approach to land use planning

Many provisions in the current Crown land legislation are duplicated across other legislation such as the *Local Government Act 1993*. Removing duplicative requirements can reduce red tape to streamline Crown land management systems.

The current Crown land legislation requires a land assessment before Crown land can be sold, leased, dedicated or reserved. The review found that parcel-by-parcel assessment is time consuming and inefficient meaning that in practice assessment is generally waived by the Minister, as is permitted under the legislation.

The review also found that site by site land assessment provisions in the current Crown land legislation can lead to inconsistencies with planning processes that implement a strategic approach across all land in NSW, including Crown land, at the local, regional or state level.

How the CLM Act deals with this issue

- To deliver a consistent whole-of-state approach, land use on Crown land will be governed by a combination of the environmental and planning framework and the reserve purpose. This will include:
 - Local Environmental Plans to provide a framework for how the land can be used through zoning and development controls
 - regional plans to set out the proposed use of land in regions
 - environmental and other land management legislation to provide consistent protections and restrictions across the state
 - reserve purpose that governs the use of the Crown reserve.

- The framework ensures that decisions about land are made at a strategic level, taking into account local and broader social, economic, cultural heritage and environmental considerations.
- As a result, a separate requirement for land assessment process has not been included in the CLM Act.

Ensuring protection of environmental, social and cultural heritage where Crown land is proposed for transfer or sale

There was detailed feedback during the review that any new legislation needed to provide a strong and robust framework for managing and making decisions about selling Crown land, including where this land had environmental, social and cultural heritage valued by the community.

How the CLM Act deals with this issue

- Since colonial times the NSW economy has developed through the release and sale of Crown land. This approach continues to be relevant, and where Crown land does not have state values, it may be divested or sold.
- The CLM Act requires that environmental, social, cultural heritage and economic considerations be taken into account before a decision is made to sell Crown land.
- Where Crown land is used and enjoyed by the community, the community engagement strategy will require a process of engagement with the community prior to sale.
- In addition, Crown land assessed as having state significance, such as iconic sites, biodiversity corridors, beaches and State heritage sites, will be retained by the state.
- In the Western Division, land capability criteria and other factors will be considered prior to the sale of vulnerable land, so that fragile ecosystems and soils in the Western Division continue to be protected.

More information

For more information contact the Department of Industry–Lands on 1300 886 235 or legislation@crowmland.nsw.gov.au

DOC17/080864

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