

COMPREHENSIVE REVIEW OF NSW CROWN LAND MANAGEMENT

Crown land for the future—fit for purpose legislation for Crown land and roads

MAY 2017

To deliver modern, streamlined and transparent management of the state's vast Crown land the NSW Parliament has passed the Crown Land Management Act 2016 and the Crown Land Legislation Amendment Act 2017. This implements the reforms identified in the Crown Land Management Review. It is anticipated the majority of the legislative changes will commence in early 2018. This fact sheet describes some of the issues found during the review and how the legislation addresses them.

The second and final step in the Crown land legislation reform process

Management of the state's vast Crown land estate has been an important responsibility of the NSW Government since the earliest days of the colony. Across NSW, there are 580,000 individual Crown land parcels, covering some 33.5 million hectares.

It became clear several years ago that there needed to be a substantial rethink of the way the government oversaw the management of Crown land. For this reason, the NSW Government in 2012 initiated a comprehensive review of Crown land management—the first such review in 25 years. The review included extensive consultation with the community and key stakeholders over a number of years.

The *Crown Land Management Act 2016* (CLMA) was a key outcome of the review process—new and comprehensive Crown land legislation, consolidating and updating six different pieces of legislation, some of which date back to the late 19th century.

When the Act passed through Parliament in November 2016, the NSW Government made it clear that it was the first step in a two-stage process to reform the legislation governing Crown land. The second stage is now complete, with the passing of the *Crown Land Legislation Amendment Act 2017*. For the first time in more than a century NSW now has a consolidated piece of legislation to manage our vast Crown land estate.

The Crown Land Legislation Amendment Act 2017

- The *Crown Land Legislation Amendment Act 2017* (the Act) was passed by NSW Parliament on 10 May 2017.
- The Act completes the consolidation process initiated by the CLMA by incorporating the provisions of the *Public Reserves Management Fund Act 1987* (the PRMF Act), and allow its repeal.
- Funding for Crown Land managers to improve Crown reserves across the state will continue through a new, more appropriate Crown Reserves Improvement Fund. Grants and loans to Crown reserves across the state are now even more flexible, providing grants and loans for the wide range of activities undertaken by reserve managers to improve and develop their land.
- The Act makes flow-on changes to all other acts that are a necessary outcome of amending the Crown land legislation. This will ensure that all legislation is consistent and correctly references the new Crown land legislation.
- The Act does not change the *Aboriginal Land Rights Act 1983* or the application of the *Commonwealth Native Title Act 1993* to state laws.

- The Act does not fundamentally change the CLMA or any other legislation, with the exception of the repeal of the PRMF Act.
- The Act does not affect the existing arrangements for reserve managers or Crown reserves that are primarily governed under other acts (such as cemeteries on Crown land, Luna Park and the Sydney Cricket Ground), but will streamline and update them in line with the CLMA.

A more efficient approach to Crown roads

Crown roads are generally unconstructed and unformed roads. They represent land that was historically set aside in anticipation of the state's future road needs. Crown roads provide lawful access to many privately owned and leasehold lands, where little or no subdivision has occurred since the early nineteenth century. They are part of the state's public road network.

Crown roads are regulated under the *Roads Act 1993* and associated regulations. This means the framework governing Crown roads was not changed by the Act. As recognised in the Crown Lands Management Review, the time has come to review and modernise the framework.

In addition to overseeing Crown roads, the Minister for Lands and Forestry is also responsible for the opening and closing of most roads, even where council is the relevant authority for the road. This has created inefficiencies that have been problematic for local councils.

How the Act deals with this issue

- Crown roads will remain the responsibility of the Minister for Lands and Forestry.
- Local councils will be given the power to close those public roads for which they are the roads authority in their local area, without requiring the Minister for Land and Forestry's approval. This will reduce red tape and double handling by government agencies. Stringent safeguards are included in the Act to ensure a closure is appropriate and does not deny access to a property.
- The process for selling Crown roads under the *Roads Act 1993* has been simplified. This could speed up the time taken to process road closure applications and allow for more strategic Crown road closures.
- Where a Crown road is not accessible to the general public, for example if it only provides access and is of benefit to a single private property, the Minister will be able to direct the users of the road to repair and maintain the road, or pay the NSW Department of Industry's costs to do this. This helps prioritise public funds for roads that benefit the general public.
- More details can be found in the *A more efficient approach to Crown roads* fact sheet available on the Lands website (crownland.nsw.gov.au).

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