

COMPREHENSIVE REVIEW OF NSW CROWN LANDS MANAGEMENT

Stronger and more effective community engagement

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.

Lack of community engagement in major decisions

Community engagement was closely examined during the review of NSW Crown land management.

The white paper identified that current engagement requirements were unnecessarily complex and inadequate. Submissions to the white paper, and community representations since this time, strongly agree with this viewpoint.

The *Crown Lands Act 1989* focuses on public notifications through advertisements in local newspapers and the Government Gazette. However, these are typically difficult to find and understand, replicate other notification requirements (such as through the land-use planning process) and do not distinguish between proposals relating to land in which the public has a genuine interest and proposals relating to other Crown land.

In addition, there is no requirement for more modern engagement processes, and the required level of engagement effort does not reflect the potential level of interest from the community in proposals which may affect Crown land.

How the CLM Act deals with this issue

- The CLM Act enhances community engagement and involvement in Crown land decisions by requiring the preparation of a community engagement strategy for proposals that could affect public use of Crown land.
- Both the NSW Government and Crown land managers who manage reserves under the new legislation will be required to comply with the strategy.
- Councils managing Crown reserves will need to follow detailed community engagement provisions under the *Local Government Act 1993*.
- Where a reserve is used and enjoyed by the public, engagement will always be required if a material change is proposed. Examples of proposals that would trigger the need for community engagement include sales, leases and licences that would affect public use, or changes to the reserve purpose that would affect public use.



Figure 1. The legislation will require the development of a community engagement strategy that will set out requirements for community consultation on decisions that affect public use of Crown land.

- The strategy will allow the form of community engagement to be tailored to specific situations to ensure that proposals that most affect the community are the subject of genuine engagement. For example, where a change in purpose is proposed for a reserve that is highly used by the community, the public could contribute to informing the decision making process through engagement processes such as focus groups, surveys or workshops. This will deliver more effective community engagement for decisions that affect the community than the current system of simply placing advertisements in local papers and notices in the Government Gazette.
- The Minister will be able to require Crown land managers to establish community advisory groups, to represent the interests of the local community and to ensure the community's needs and desires for the reserve are taken into account by the Crown land manager.
- Plans of management will be required for many reserves, particularly reserves that provide a number of facilities, support a number of uses and are used by different community sectors. Consultation and engagement on plans of management will also be covered in the strategy.
- A position paper has been prepared setting out the details of the community engagement strategy.
- This position paper outlines the principles that will guide the community engagement strategy for Crown land, the potential scope of its application and the proposed suite of engagement methods. It is not the strategy itself and does not specify the contents of the community engagement strategy.
- Importantly, the position paper demonstrates a commitment to the NSW community that a community engagement strategy will be developed as a requirement of the new Crown land legislation.
- The community engagement strategy will be finalised and in place when the new legislation commences.

More information

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

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