

Q. What is the Crown Land Management Regulation 2018?

The [Crown Land Management Regulation 2018](#) (the regulation) is a statutory document that prescribes principles and rules relating to the use and management of Crown land in NSW.

Q What are the benefits of the regulation?

The regulation provides clarity and certainty for Crown land managers, tenure holders, and users of Crown land. It provides information about how certain parts of the [Crown Land Management Act 2016](#) (the Act) will be implemented and protects the Crown land estate for future generations.

Q. Who does the regulation impact?

The regulation will impact people who use or manage Crown land, or have an interest in Crown land.

Q. How was the regulation developed?

A draft regulation was prepared in consultation with the Centre for International Economics and a Regulatory Impact Statement was prepared. The draft regulation was placed on public exhibition between 4 September and 15 October 2017 and submissions from the community and stakeholders were invited.

A total of 83 submissions were received at the conclusion of the exhibition period. All submissions received (excluding those where the respondent requested the submission remain private) are available from the [department's website](#). All submissions were considered in preparing the final regulation.

Q. Were all recommendations or suggestions made in the submissions adopted?

All submissions received were considered in finalising the regulations. Suggestions or recommendations were not adopted if it:

- fell outside the scope of the regulation
- was not appropriate or viable
- was already covered by existing NSW legislation
- related to the *Crown Land Management Act 2016* rather than the regulation.

Q. What changes were made to the draft regulation in response to submissions?

Changes were made to the draft regulation in response to submissions to:

- streamline administrative matters for Crown land managers
- ensure that there cannot be long term restrictions on public access to Crown land reserved for a public purpose
- limit where Minister's consent to lodge a development application is assumed to have been given
- ensure short term licences cannot be rolled over or extended.

Q. Why have fees increased?

Crown land fees have not been updated since the year 2000. The new regulation updates these fees to reflect inflation that has occurred since that time. The fees have been increased by the value of the Consumer Price Index (CPI). The new regulation will ensure fees are increased incrementally each year with CPI. To reduce any impact of the fee increase, the increase will be phased in over a two year period.

Q. Why can't community advisory groups be established without the Minister's discretion?

It is not practical to have a community advisory group advising Crown land managers on day to day decisions, where decisions that are made will not impact the community or where there are no alternative options. The community will be able to have a say in the management of Crown land through the provisions of the Community Engagement Strategy.

Q. Why can Crown land be vested to local councils?

A comprehensive review of [Crown land management](#) found that the NSW Government added marginal value in continuing to own locally-significant Crown land which is largely already managed by councils. It also found that council ownership of this land would make it easier for the council to manage its overall local land assets.

Vesting is not a new provision; the Crown has been able to vest land in councils under the *Crown Lands Act 1989*. Under the Act, vesting can only occur where the Minister is satisfied that Crown land is suitable for local use, having regard to the local land criteria in the regulations. Most Crown land will be vested to councils as community land. Community land cannot be sold by a council.

Q. What is the purpose of the local land criteria?

The local land criteria ensure that only land that is suitable for local use can be transferred to council. The criteria are based on a pilot program that was conducted with councils and the department to determine what land is truly of 'local significance' and will benefit from local ownership.

Q. Why are the principles of Ecologically Sustainable Development (ESD) not incorporated in the regulation?

The principles of environmental protection including ESD are covered in the state's environmental legislation, as well as the objects Act and the principles of the Act. The objects and principles of the Act must be considered by all decision makers including Crown land managers when making decisions about Crown land.

Q. How are Crown land managers accountable for the decisions they make?

Crown land managers have rigorous reporting requirements. The Minister can approve an appointment instrument that directs or limits the actions of a Crown land manager and can also remove a Crown land manager if they are not performing their duties appropriately.

Q. Where can I find the Crown Land Management Regulation 2018?

The regulation can be found on the [NSW legislation](#) website.

Q. When does the Crown Land Management Regulation 2018 commence?

The Crown Land Management Regulation 2018 will commence in two stages:

- from 19 March 2018 the sections of the regulation relating to the conversion of Western Land leases to freehold title and local land criteria commence
- later in 2018 the remainder of the regulation will commence with the remaining provisions of the Act.

More information

- Email: legislation@crowmland.nsw.gov.au
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