

Terms of Reference

Statutory five-year review of the *Crown Land Management Act 2016*

Background

In 2014, the NSW Government conducted the first major review of Crown land in more than 25 years - the Crown Lands Management Review. One of its key recommendations was the establishment of a new consolidated piece of legislation for Crown land management. This recommendation was upheld in the subsequent 2014 White Paper on proposed legislative reform as well as the 2016 report of the Parliamentary Inquiry into Crown Land in NSW.

As a result, the *Crown Land Management Act 2016* (CLM Act) was made, which amalgamated 8 separate pieces of legislation.

Commencing on 1 July 2018, the CLM Act aimed to deliver a modern, streamlined and transparent legislative framework to manage Crown land. Its key focus was to reduce red tape, complexity and duplication while supporting greater local decision-making and enhancing Aboriginal involvement in the management of Crown land.

The CLM Act also mandated the preparation of a State strategic plan for Crown land. *Crown land 2031* was finalised and released in June 2021 and sets the vision, priorities and strategic approach for the management of Crown land in NSW over the next 10 years. Aligning Crown land management and the priorities of government with the aspirations of the community, *Crown land 2031* is being implemented through 3-year action plans, with the first plan released in April 2022.

The CLM Act is supported by the Crown Land Management Regulation 2018, which also commenced on 1 July 2018.

Review scope and requirements

Under section 13.6 of the CLM Act, the Minister administering the CLM Act (the Minister for Lands and Property) is required to begin a review of the CLM Act as soon as possible after 1 July 2023.

The review is to determine:

- whether the policy objectives of the Act remain valid
- whether the terms of the Act remain appropriate for securing those objectives.

The 6 'objects' of the CLM Act are as follows (section 1.3):

- (a) to provide for the ownership, use and management of the Crown land of New South Wales, and
- (b) to provide clarity concerning the law applicable to Crown land, and
- (c) to require environmental, social, cultural heritage and economic considerations to be taken into account in decision-making about Crown land, and
- (d) to provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of New South Wales, and
- (e) to facilitate the use of Crown land by the Aboriginal people of New South Wales because of the spiritual, social, cultural and economic importance of land to Aboriginal people and, where appropriate, to enable the co-management of dedicated or reserved Crown land, and
- (f) to provide for the management of Crown land having regard to the principles of Crown land management.

Object (f) refers to the principles of Crown land management, which are as follows (section 1.4):

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land, and
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and
- (c) that public use and enjoyment of appropriate Crown land be encouraged, and
- (d) that, where appropriate, multiple use of Crown land be encouraged, and
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

Process

The Minister has requested that Crown Lands & Public Spaces within the Department of Planning and Environment undertake the review of the CLM Act on his behalf.

The review of the CLM Act will involve Crown Lands & Public Spaces:

1. preparing and releasing a discussion paper to support public consultation
2. analysing submissions received
3. preparing a final report on the review findings and recommendations.

Final report

As required under section 13.6 of the CLM Act, the Minister will table a final report on the outcome of the review in each House of Parliament. The review report will be tabled in Parliament once it has been completed and considered by the Government.

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