



Crown Lands/Office of Local Government

Councillor induction

Saturday 9 April, 2022

Department of Planning and Environment

Acknowledgement of Country

We acknowledge that today we meet on many Aboriginal lands.

We acknowledge the traditional custodians of the lands and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work.

Image: Destination NSW



Session overview – council Crown land management

- Message from the Minister
- Overview of Crown land and estate
- Strategic context for Crown land
- Aboriginal Land Rights
- Native title
- Councils as Crown land managers - roles and responsibilities
- Resources

Message from the Minister

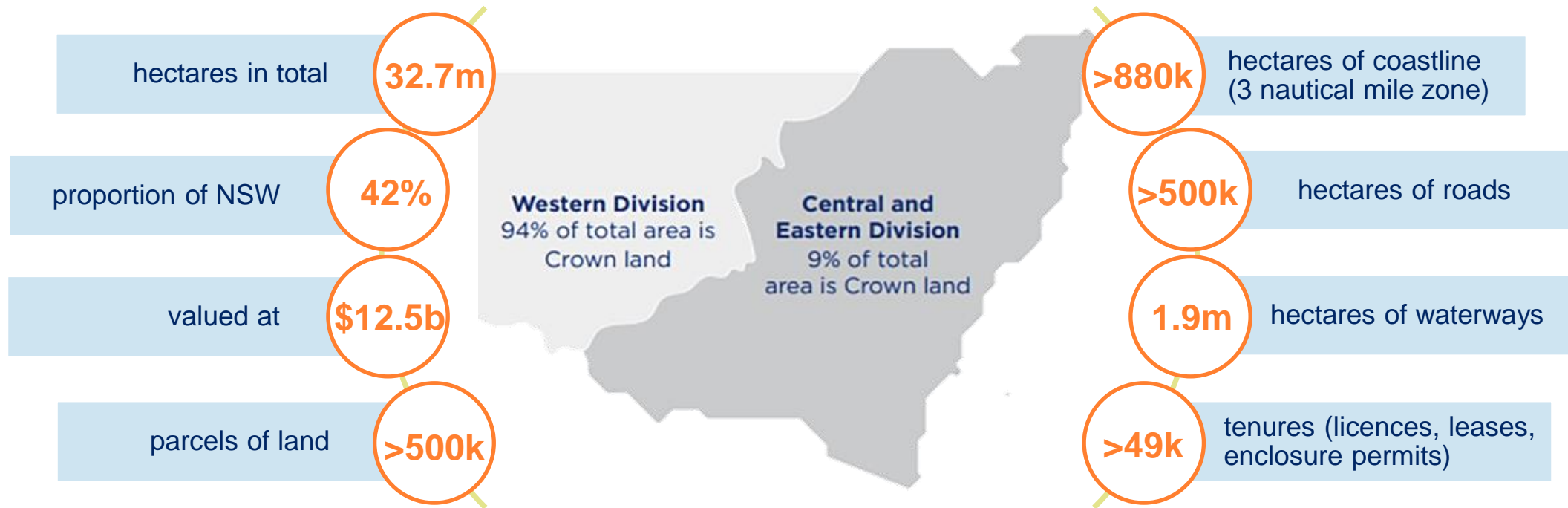


Overview of the Crown land estate

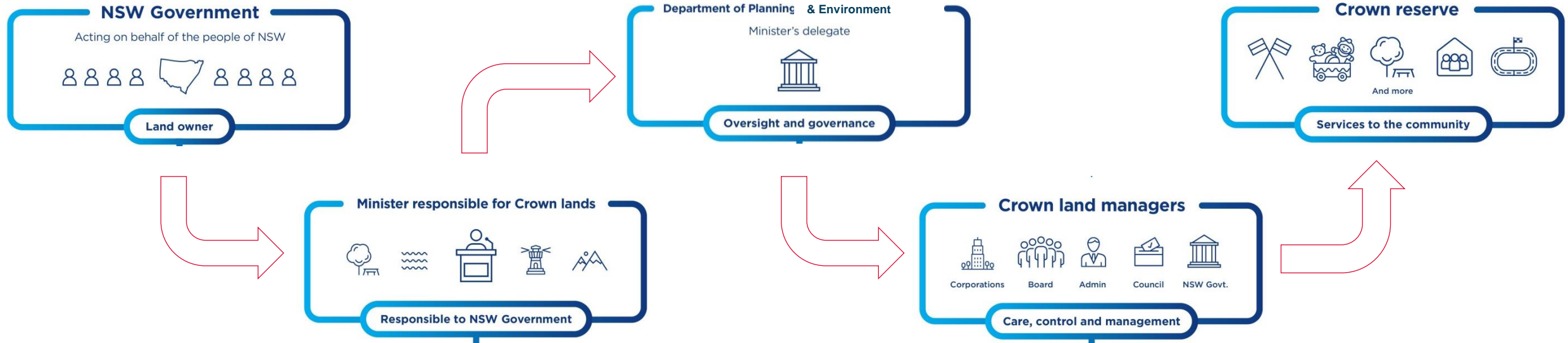


Crown land overview

The Crown estate is large, diverse, complex and unique



Crown land for the people of NSW



Crown land overview



Childcare facilities

140



Scout and guide halls

230



Caravan parks

213



Community halls

530+



Surf clubs

88



Rural Fire Service sites

230+



Aged care facilities

70

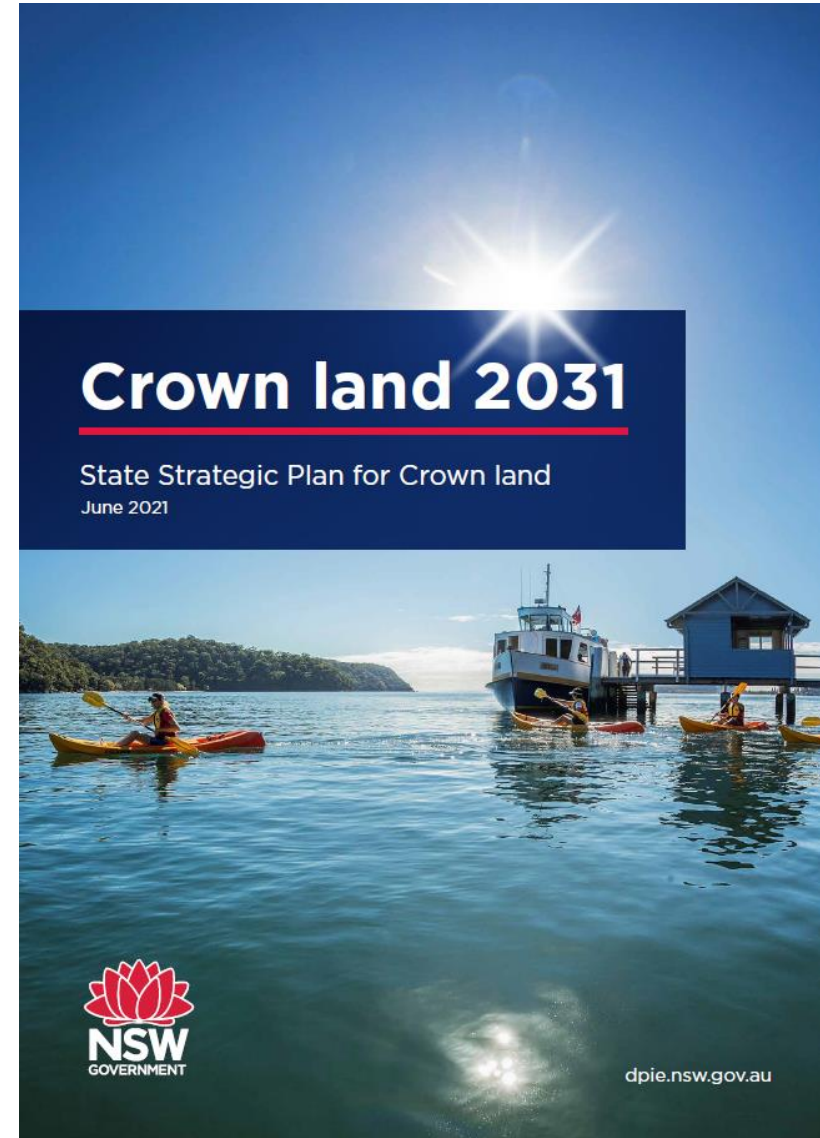


Showgrounds and racecourses

230+

Our first state strategic plan for Crown land

- Launched June 2021
- Sets the vision, priorities and overarching strategy for the management of Crown land for the next ten years
- Councils are a key partner in achieving outcomes within *Crown Land 2031*.



Priorities and outcomes

Vision				
Crown land supports resilient, sustainable and prosperous communities across NSW				
Priorities				
Strengthen community connections with Crown land	Accelerate economic progress in regional and rural NSW	Accelerate the realisation of Aboriginal land rights and native title in partnership with Aboriginal people	Protect cultural heritage on Crown land	Protect environmental assets, improve and expand green space and build climate change resilience
Outcomes				
Crown land manager network grows in size and capability	Increase in community benefit from investment on Crown land	Land returned to Aboriginal communities	Cultural heritage sites on Crown land are identified and protected	Green spaces in urban areas are increased
Crown land assets are accessed, activated and sustained	Regional tourism diversifies through activation of Crown land	Multiple co-management initiatives are established	Aboriginal sites on Crown land are identified and protected in partnership with local communities	Environmental values on Crown land are identified, enhanced and protected
New opportunities for community hubs are identified and enhanced	Innovative industries prosper in the regions	Measurable contribution to national 'Closing the Gap' targets	Aboriginal people lead the management of Aboriginal culture and heritage on Crown land	Crown land contributes to climate resilience



Delivery and approach

Successive three-year Action Plans will set out how *Crown land 2031* outcomes will be achieved, detailing the programs, initiatives, projects, and accountabilities.

Crown land 2031 State Strategic Plan: June 2021 – June 2031

First action plan

2022 2023 2024

Design and transform

Second action plan

2025 2026 2027

Implement and build

Third action plan

2028 2029 2030

Optimise and lead

Five focus areas

Public value framework

Aboriginal land rights,
land ownership and
native title

Data and information
availability

Comprehensive,
strategic reform of asset
management and land
allocation

Customer experience

Initial pilots will:

- Provide a means of trying new ways of working.
- Capture lessons and evidence for longer-term change, with monitoring and evaluation embedded in the design.
- Build trust with stakeholders and contribute to the larger project of transforming Crown Lands.



Questions?



Aboriginal Land Strategy overview

Aboriginal Land Strategy team

- focused on reforming land services with Aboriginal stakeholders to align with the intent of the *Aboriginal Land Rights Act 1983 (NSW) (ALRA)* & the *Native Title Act 1993 (Cth) (NT Act)*

Our mission is

- to transform Crown Lands' relationship with Local Aboriginal Land Councils (LALCs) and traditional owners by developing a customer service model that is culturally attuned, has Aboriginal stakeholders at the centre, is founded in partnership and respect for self-determination, and will result in improved local outcomes with communities



Image: Destination NSW

Aboriginal Land Rights Act

- NSW Government grants freehold land to LALCs who lodge claims for Crown land under the ALRA
- LALCs aim to protect the interests and further the aspirations of their members and the broader Aboriginal community
- NSW Aboriginal Land Council (NSWALC) is the state's peak representative body for LALCs
- The Crown Lands Minister and LALCs can also negotiate Aboriginal Land Agreements under the ALRA for the transfer, lease or exchange of Crown land



Native title

- Native title is the traditional rights and interests which Aboriginal people have in land and water
- Native title is recognised and protected by the *Native Title Act 1993* (NT Act)
- Traditional owners are a group of Aboriginal people who hold native title rights
- The Federal Court may formally recognise the rights of traditional owners through a native title determination
- Native title is relevant for all councils, regardless of if there has been a native title determination

Aboriginal Land Strategy's core work

Aboriginal land claims (ALCs)

- Assess claims – whether land is ‘claimable Crown land’
- Minister/delegate grants or refuses claims
- Conduct surveys where necessary
- Transfer land
- Instruct on court appeals

Aboriginal Land Agreements (ALAs)

- Negotiate ALAs on the Minister’s behalf
- Engage stakeholders
- Implement agreements
- Reform ALA framework and processes

Native title

- Negotiate Indigenous Land Use Agreements (ILUAs)
- Implement ILUAs
- Assist with consent determinations

Council responsibilities – ALCs

- Councils assist with providing information to the department to help with assessment of ALCs
- When the department assesses a land claim, the local council must advise if the land was under lawful use and occupation or required for an essential public purpose **at the time of claim**
- If the answer is yes, the council must provide evidence

Council responsibilities – native title

- Councils are responsible for ensuring that all their activities on Crown land are carried out consistently with the *Crown Land Management Act 2016* (CLM Act) and the NT Act.
- Under the CLM Act, councils are required to:
 - Comply with all requirements of native title legislation in relation to land for which it is the Crown land manager (s 8.10)
 - Engage or employ at least one native title manager to ensure compliance with native title legislation (s 8.6(1))
 - Obtain the written advice from their native title manager that the council complies with native title legislation when undertaking certain activities (s 8.7)
 - Advise the Minister annually of the name/s of the council's native title manager/s (s 8.8)
 - Pay compensation or indemnify the State against compensation liabilities for acts undertaken by councils that affect native title (ss 8.12, 8.13)

Native title tips for Councillors

Councillors should seek answers to the following questions:

- Has native title been considered in developing this plan or recommending this activity on Crown land? Is native title affected by this act on Crown land?
- How is the activity complying with the NT Act requirements?
- What notification procedures are required under the NT Act?

How can you support your native title manager?

Keep native title considerations at the forefront of decision-making.

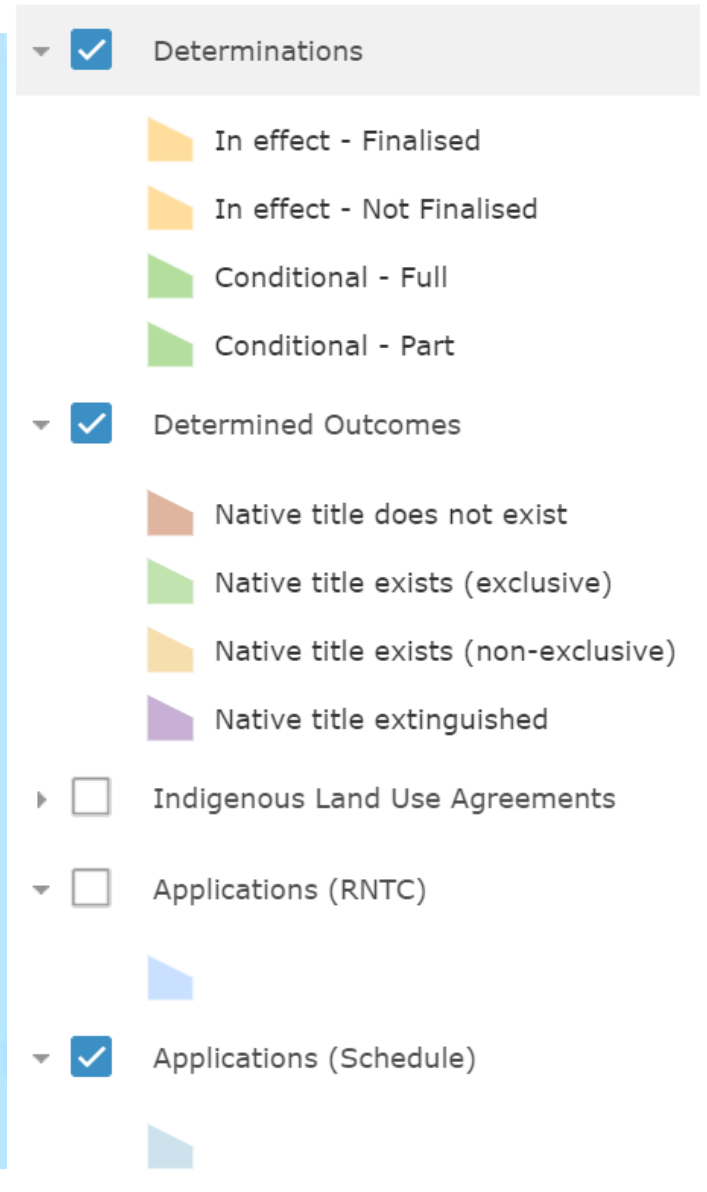
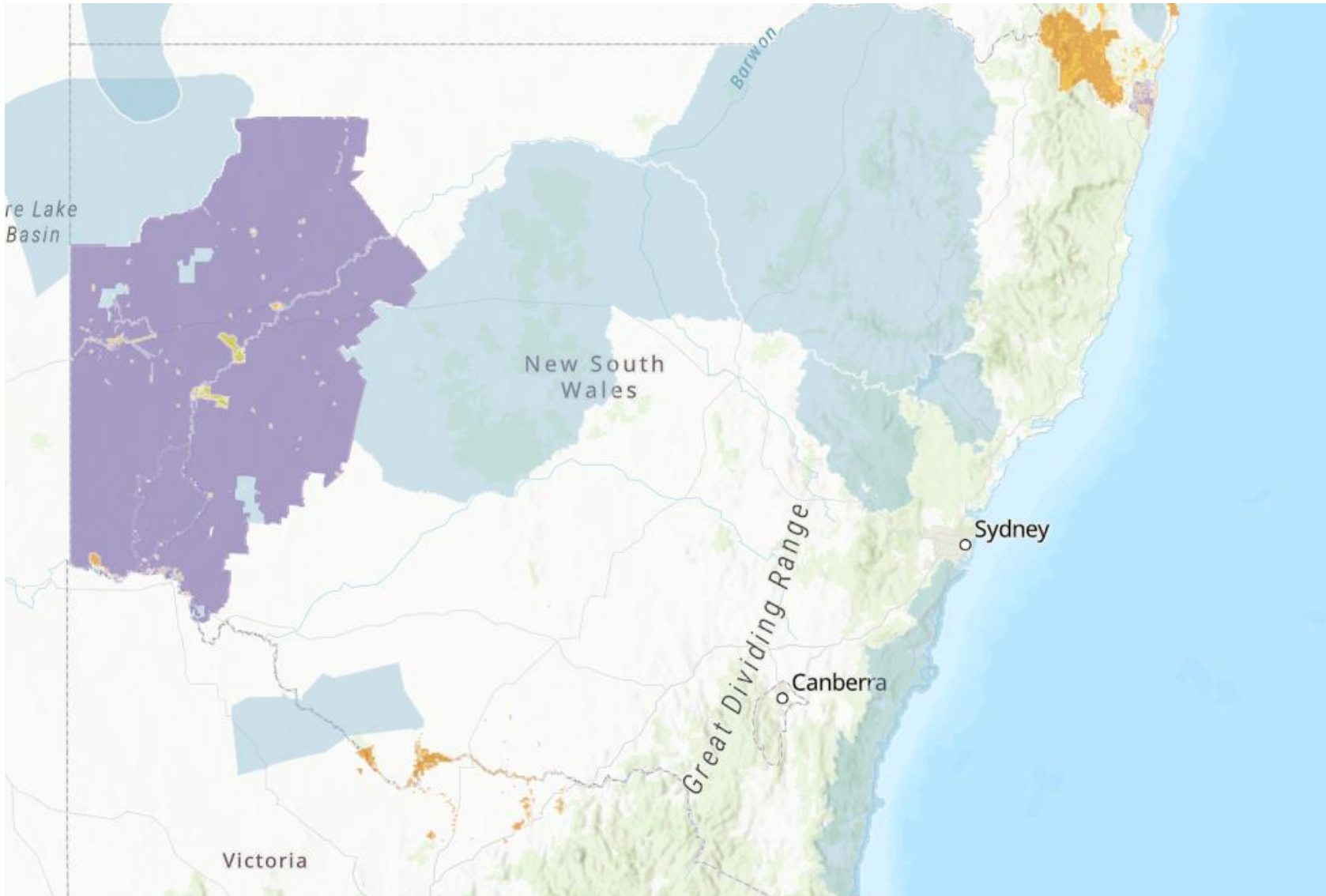
Poll – Menti

- Do you know who the traditional owners are in your LGA?
- Do you have any native title holders or claimants in your LGA?

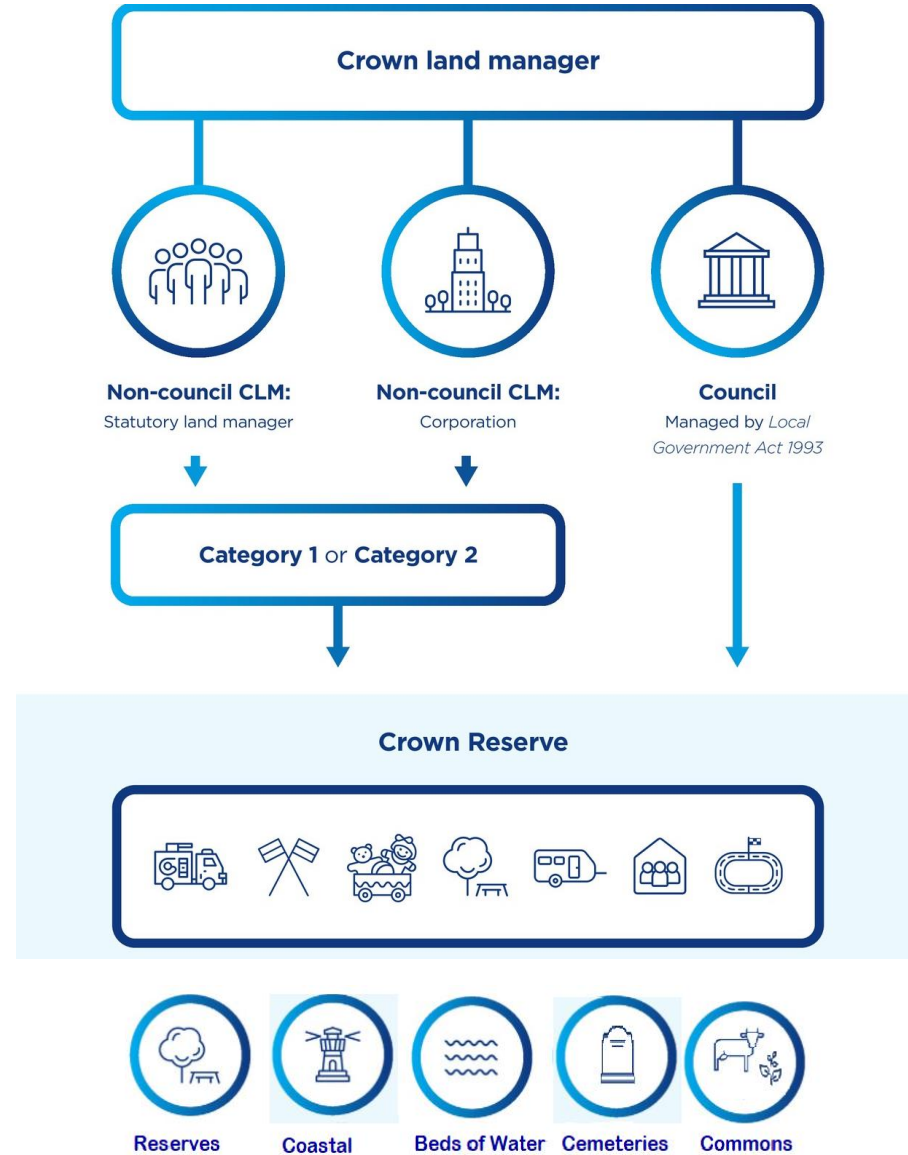
Opportunity for questions and discussion.

Image: Destination NSW

Native title in NSW



Councils as Crown land managers



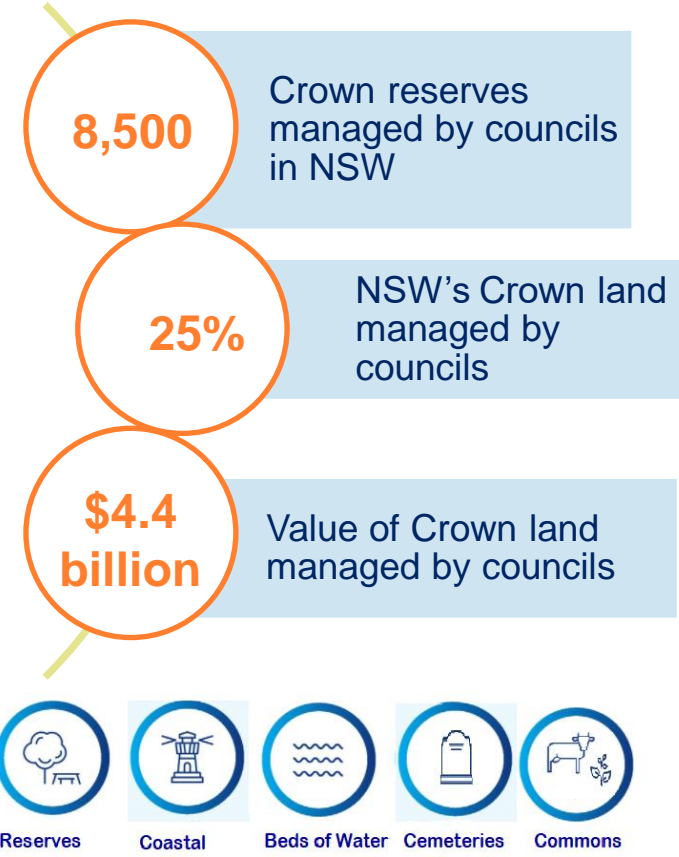
Councils and Crown cemeteries

- There are around 1,240 Crown reserves for cemetery related purposes across NSW
- About 140 are managed by councils as the appointed Crown land manager and Crown cemetery operator
- Approximately 1,020 additional reserves for cemetery purposes default to the responsibility of a council via s.48 of the LG Act
- For the 2019-20 year local government conducted 44.6% of the total interments that occurred in NSW that year and was the cemetery operator of 71% of cemeteries and 9% of crematoria.



Image: Destination NSW

Councils as Crown land managers



What type of Crown land does your Council manage?

Parks, harbours, breakwalls, lighthouses, jetties, wharves, slipways, marinas, areas of natural, cultural and heritage significance, halls, tracks, showgrounds, communication towers, bush fire trails, electricity networks, pipelines, flood mitigation works, depots etc.



Council responsibilities as Crown land managers

- Must ensure that all activities on Crown reserves and other Crown land are carried out consistently with the NT Act and the CLM Act
- The CLM Act authorises local council Crown land managers to manage Crown land as if it were public land under the *Local Government Act 1993* (LG Act)
- Under the LG Act, public land must be classified as either operational land or community land. A plan of management (PoM) must be adopted by council for all community land
- Prior to developing PoMs, councils must first confirm community land classification of Crown reserves or seek operational classification if appropriate, and Categorise the land
- PoMs must be publicly exhibited under section 38 of the LG Act
- Plans of Management ensure that Crown land is lawfully used and occupied

Council management overview

Top 10 Crown Land Managers by No. Reserves

Reserve Manager	Manager Type	No. Reserves	No. Reserves (% Total)
1. Lands Administration Ministerial Corporation ¹	Corporation	228	3.0%
2. Mid-Coast Council	Council	191	2.5%
3. Northern Beaches Council	Council	166	2.2%
4. The Scout Association Of Australia, NSW Branch	Corporation	146	1.9%
5. Central Coast Council	Council	145	1.9%
6. Blue Mountains City Council	Council	132	1.8%
7. Clarence Valley Council	Council	128	1.7%
8. Mid-Western Regional Council	Council	125	1.7%
9. Dubbo Regional Council	Council	119	1.6%
10. Shoalhaven City Council	Council	113	1.5%
Sub-Total (Top 10 Managers)		1,493	19.9%
Other – Councils	Council	4,681	62.5%
Other – Corporations	Corporation	557	7.4%
Other – Boards	Trust Board	753	10.0%
Other – Administrators	Administrator	10	0.1%
Total Portfolio		7,494	100.0%

Top 10 Crown Land Managers by Land Value

Reserve Manager	Manager Type	Total Land Value (\$m)	Land Value (% Total)
1. Northern Beaches Council	Council	\$812.1m	22.0%
2. Lands Administration Ministerial Corporation ¹	Corporation	\$152.4m	4.1%
3. Blue Mountains City Council	Council	\$118.0m	3.2%
4. Shoalhaven City Council	Council	\$94.2m	2.5%
5. Randwick City Council	Council	\$81.3m	2.2%
6. The Hills Shire Council	Council	\$79.9m	2.2%
7. Bayside Council	Council	\$72.7m	2.0%
8. Canterbury-Bankstown Council	Council	\$69.6m	1.9%
9. Hornsby Shire Council	Council	\$68.2m	1.8%
10. City Of Canada Bay Council	Council	\$61.1m	1.7%
Sub-Total (Top 10 Managers)		\$1,609.5m	43.6%
Other – Councils	Council	\$1,552.6m	42.0%
Other – Corporations	Corporation	\$250.6m	6.8%
Other – Boards	Trust Board	\$235.1m	6.4%
Other – Administrators	Administrator	\$47.8m	1.3%
Total Portfolio		\$3,695.6m	100.0%



Poll - Menti

- Do you know what type of Crown land your council manages?
- Do you know where the Crown land in your LGA is?

Opportunity for questions and discussion.

Image: Destination NSW

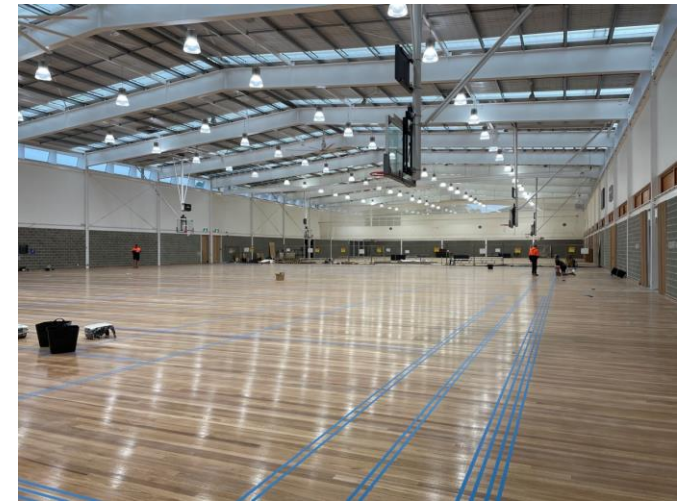
Crown Reserves Improvement Fund (CRIF)

- Crown Lands' flagship grants program is open to all Crown land managers and supports reinvestment in the Crown estate
- Provides financial support for the development, maintenance and improvement of Crown reserves
- More than \$15 million has been allocated to 256 projects for 2021-2022
- This includes \$6 million for councils, funding 101 projects



Perry Park upgrades – City of Sydney

- Works at Perry Park Recreation Centre were supported with \$400,000 in CRIF funding (2021/2021 FY)
- Developed multi-use facility which included the enclosure of two outdoor multipurpose courts to create a total of four internal multipurpose courts, change rooms and an office space, external services, landscape and fitout works including sports equipment, retractable and non-tractable spectator seating
- Has enabled increased use of the Perry Park Recreation Centre for a range of activities, and caters for local and regional user groups



Cooma Housing Project

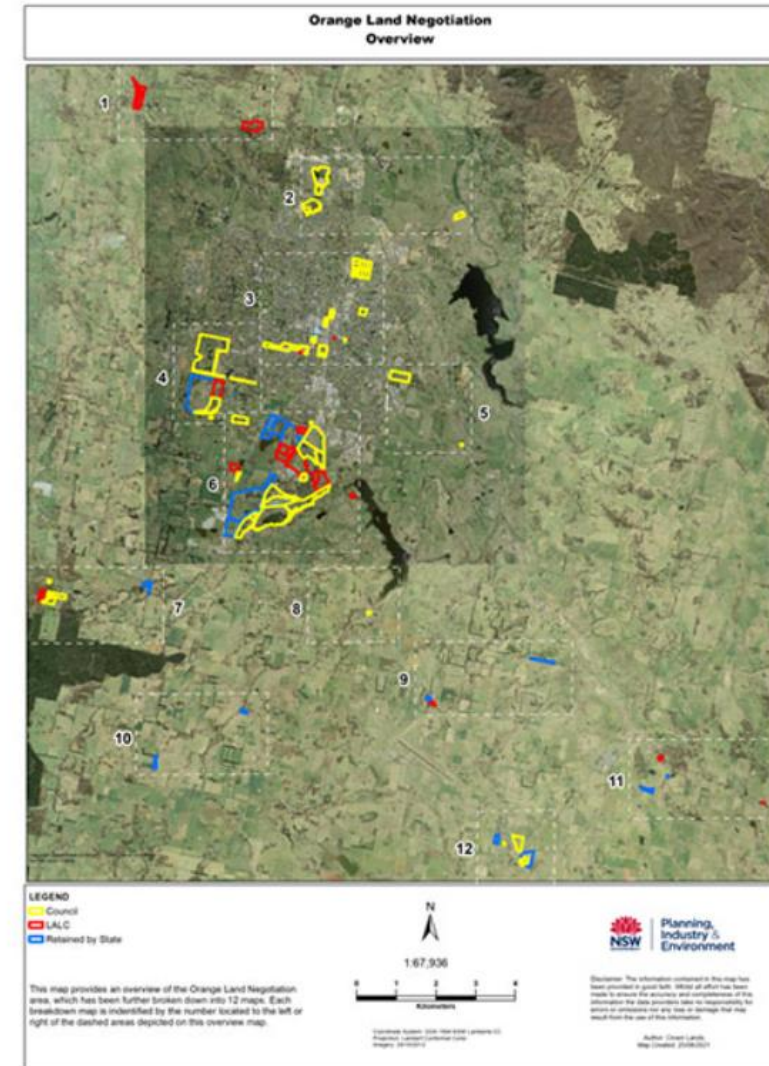
- Crown Lands and Land and Housing Corporation (LAHC) signed a historic MOU to identify Crown land for housing where it is needed most in regional areas
- Cooma area experiencing a housing shortage
- Partnership between the NSW Government, Merrimans LALC, NSWALC & LAHC will see Crown land repurposed with the capacity to deliver more than 200 homes.
- ALA between Minister, Merrimans LALC, NSWALC & LAHC
- Will include transfer 12ha of Crown land to LAHC to accommodate 120-140 housing lots in stage one



Aboriginal Land Council Chair Danny Chapman, Minister for Lands and Water Kevin Anderson, Deputy Premier Paul Toole and Merrimans LALC CEO Dianne McVeity

Orange Land Transfers

- Orange will be the first region to have Crown land transferred from the State to the Orange City Council (OCC) and the Orange LALC
- Crown Lands will transfer about 86 hectares of Crown land to the Orange LALC and around 312 hectares to the OCC
- Part of a negotiated agreement that aims to ensure public land is managed and owned locally
- The transfer of land parcels is the largest land transfer of this type in the state's history



Heffron Park PoM

- The department worked with Randwick City Council on their PoM for Heffron Park
- The PoM includes the development of the Heffron Centre and a 21-year lease for its use as the South Sydney Rabbitohs Community and High-Performance Centre.
- The football team will operate its not-for-profit arm, South Cares Program at the centre, which runs programs for disadvantaged Indigenous youth.
- The \$58 million Heffron Centre will include new gymnastics and multi-purpose sports centres, and an NRL standard playing field.

Questions and discussion

Image: Destination NSW



Department of Planning and Environment

For more information

Crown land State Strategic Plan: www.industry.nsw.gov.au/lands/crown-land-2031-state-strategic-plan-for-crown-land/state-strategic-plan-for-crown-land

Council Crown land manager web page:
reservemanager.crownland.nsw.gov.au/who-we-are/who-manages-crownland/council-crown-land-manager

Native title resources have been provided on the Councillor Portal:

- Native Title for Councillors Quick Reference Guide (this contains links to native title resources)
- Ten-minute “*Introduction to Native Title*” video for Councillors



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Department of Planning and Environment