

Local land for local communities

The NSW Government recognises the benefits that local ownership and management of Crown land can bring to local communities. To make this a real opportunity for local communities, the [Crown Land Management Act 2016](#) (the Act) provides for suitable Crown land of local significance to be transferred to local councils. The process to make this happen is the Land Negotiation Program (LNP).

About the Land Negotiation Program (LNP)

The LNP delivers on the NSW Government's commitment to ensuring Crown land is held by the most appropriate landholder to achieve positive social, economic, cultural and environmental benefits for the people of NSW. The LNP was established in response to recommendations from the [Crown Lands Management Review](#).

The LNP enables land that meets specified criteria to be transferred for local ownership to councils and appropriate land to be transferred to Local Aboriginal Land Councils (LALCs). The program involves voluntary negotiations between the NSW Government, the NSW Aboriginal Land Council (NSWALC), LALCs, and councils.

The LNP also identifies land that should not be transferred away from the NSW Government.

Features of the LNP include:

- local ownership of Crown land to advantage local communities
- reduced red tape and reduced regulatory burden on local government
- more efficient and streamlined land management
- safeguards to protect state significant land
- recognition of the importance of land to Aboriginal people.

Transferring Crown land to councils

The Crown Land Management Regulation 2018 includes criteria to identify land that is suitable for local use — local land criteria. Using these criteria, land classified as locally significant land can be transferred to councils under the Act.

Councils will then own and manage that land under the *Local Government Act 1993* (LG Act).

Where Crown land is subject to an Aboriginal Land Claim (ALC) under the *Aboriginal Land Rights Act 1983*, written consent for the transfer will be required from the claimant Aboriginal Land Council.

Any leases or licences on Crown land will remain in place when the land is transferred to council.

Crown land will only be transferred to councils where the Minister for Lands & Forestry is satisfied that the land is suitable for local use.

Council management of transferred land

The majority of Crown land transferred to councils will be classified as community land under the LG Act. This means that this land will continue to be available to the community for social, recreational, sporting, environmental, cultural and economic purposes.

Community land cannot be sold by local councils.

All community land requires council to develop and publish a plan of management that gives the community certainty about how the land will be used.

Limited exceptions will be provided for Crown land to transfer to councils as operational land under the LG Act. Land will only be transferred to councils as operational land in cases where the council can satisfy the Minister for Lands & Forestry that the land:

- does not fall within any of the categories for community land under the LG Act
- could not continue to be used and dealt with as it currently can if it were required to be used and dealt with as community land.

An example is land used for waste depots and recycling centres that can be transferred as operational land, while land that is used by the community as a sporting field will be transferred as community land.

Considering native title

Native title is how Australian law recognises the rights and interests that Aboriginal people and Torres Strait Islanders hold in land and waters under their traditional laws and custom. Native title rights and interests are recognised and protected in the Commonwealth *Native Title Act 1993* and the NSW *Native Title Act 1994*. The NSW Government recognises the fundamental importance of these rights and the need to ensure compliance with native title legislation.

The Act provides that the transferring of ownership of Crown land to councils will be subject to any existing native title rights and interests in the land prior to the transfer, as well as any stated reservations and exceptions.

Councils have the following obligations under the Act:

- the land cannot be sold
- to engage a qualified native title manager to oversee and provide written advice that any dealings that may affect native title are valid under native title legislation. The NSW Government has provided training and support to local councils to assist councils to comply with this obligation.

These obligations do not apply where the land is excluded land under the Act. Excluded land is where native title has been determined by the Federal Court to be extinguished, has been surrendered, or where the Minister for Lands & Forestry has issued a native title certificate.

Native title certificates are only issued where detailed investigations by the NSW Department of Industry show that native title rights and interests in relation to the land have been extinguished or do not exist, however, this does not constitute a determination by the Federal Court.

More information

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