

Land Negotiation Program—local & state land criteria

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 Land 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 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.

The local land and state land criteria must be considered when assessing land for transferring to or vesting in councils and LALCs.

Local land criteria

The NSW Government has worked with councils to develop criteria that identify Crown land of local significance—the local land criteria. Only land that meets the criteria can be considered for vesting in councils under the [Crown Land Management Act 2016](#) (the Act) and as part of the LNP.

The local land criteria for all Crown land are:

1. whether the land provides, or has demonstrated potential to provide, a public good predominantly for residents in the local government area (LGA) of the council concerned, or in adjacent LGAs, in a way that is consistent with local planning instruments
2. whether the land use is consistent with the functions of local government or could be used for activities consistent with those functions
3. whether the land is managed, or has identified potential to be managed, as a community asset by a council or some other body.

An additional criterion for racecourses on Crown land requires the Minister for Lands & Forestry to consider the opinion of the Minister for Racing as to whether the land is of significance to horse racing, harness racing or greyhound racing as a whole in the State.

In providing more detail around the above criteria, a good is not a public good if:

- residents can be prevented or excluded from using it or

- one resident's enjoyment of it will reduce another person's enjoyment of it. Potential to provide, consistent with local planning instruments, a public good* predominantly for people in the local government area or in adjacent local government areas.

*Public good is a good that is neither excludable nor rival, meaning that people cannot be prevented from using a public good, and one person's enjoyment of a public good does not reduce another person's enjoyment.

State land criteria

The NSW Government will retain ownership of land that is classified as state significant land for the continued benefit of all the people of NSW.

This includes Crown land that is required for the delivery of state services and infrastructure and land of great environmental, network and heritage significance.

The state land criteria are:

1. land within the Crown estate that currently provides, or is required for, planned core government services and infrastructure
2. land within the Crown estate that is part of a state or regionally significant system or network
3. land within the Crown estate that is of high environmental value at a state or regional scale and land within the Crown estate that is required for addition to the conservation network, including land identified for future reservation
4. iconic land within the Crown estate or land within the Crown estate that contains an iconic asset
5. land within the Crown estate that has or contains an item of state or heritage importance
6. land within the Crown estate that includes beaches, coasts, estuaries and adjoining, contiguous foreshore lands
7. land within the Crown estate that produces or has the identified and earmarked potential to produce a significant income for the state.

A parcel or collection of parcels of land may meet a number of the above criteria.

Applying the state land criteria

The state land criteria will guide the development of a state criteria map, identifying land that meets the state land criteria for areas that participate in the LNP.

Land that is of state significance and that has values that must remain in state ownership will be retained by the state.

The state criteria map is a starting point for land parcel assessments and investigations to ensure that those values are protected.

Land that is not identified by the state criteria map is not necessarily free from state or third-party interests and is not necessarily freely available for transfer under the LNP.

Each parcel and the interests with it will be considered on a case-by-case basis to ensure the land is placed with the most appropriate owner.

More information

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