

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 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.

The LNP commenced in 2016 in three local government areas of Tweed, Tamworth and Northern Beaches. In November 2017, the Minister for Lands & Forestry approved 16 new areas to participate in the program, with five commencing in 2017–18, five in 2018–19 and six in 2019–20.

Aboriginal land rights

The LNP recognises the rights of Aboriginal people and aligns with the objectives of the *Aboriginal Land Rights Act 1983* (NSW) (ALR Act). Using the new Aboriginal Land Agreement (ALA) mechanism under the ALR Act, the LNP is the process where agreement is reached between the NSW Government and Aboriginal Land Councils on how benefits can be achieved for Aboriginal people through the transfer of appropriate Crown land to LALCs.

Land for consideration for transfer to councils

The *Crown Lands Management Act 2016* (the Act) only allows land that the Minister considers suitable for local use to be vested in councils. The Crown Land Management Regulation 2018 includes criteria to identify this land —[local land criteria](#). Using these criteria, land classified as suitable for local use can be transferred to councils under the CLM Act. More information on the local land criteria is available at www.crownland.nsw.gov.au

State significant land

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 ensure transparent and consistent decision making. More information on the state land criteria is available at www.crownland.nsw.gov.au

How the program works

The four stages of the LNP are:

1. preliminary—agreement from all parties to participate. Includes scoping work and access to Crown land data and information.
2. assessment—each party undertakes a thorough assessment of the Crown land under consideration. Local land criteria (councils only) and state land criteria must be considered.
3. negotiation—negotiations between parties determine which party is best placed to own and manage land for optimal local and state benefits.
4. post-negotiation—the outcomes of the negotiations are processed as ‘ALAs’ or ‘Local land Agreements’ (LLAs).

Aboriginal Land Agreements (ALAs)

ALAs are a new mechanism based on negotiations.

ALAs give flexibility in providing the social, cultural and economic outcomes intended by ALR Act. ALAs also have the potential to allow for the settlement of multiple Aboriginal Land Claims (ALCs). Providing ALAs are an additional option to the existing ALC mechanism under ALR Act.

Local Land Agreements (LLAs)

Local land will be transferred to councils under the Act through LLAs. Councils will own and manage transferred land under the *Local Government Act 1993*.

The majority of Crown land transferred to local councils will be classified as community land and will continue to be available to the community for social, recreational, sporting, environmental, cultural and economic purposes. Exceptions will be provided for Crown land that clearly meets the definition of operational land, such as waste transfer stations.

Aboriginal Land Agreement Negotiation Framework

The NSW Government, in partnership with the NSW Aboriginal Land Council, developed the *Aboriginal Land Agreement Negotiation Framework* (2016) to ensure ALA negotiations are fair and likely to succeed in the shared objectives to:

- speed up the processing of ALCs
- provide more sustainable social, cultural and economic outcomes for LALCs and Aboriginal communities from the return of land
- provide greater certainty to all parties over Crown land.

The framework defines the scope of ALA negotiations, provides principles that will guide how negotiations are conducted, and prescribes procedural elements to ensure negotiations are fair and likely to succeed.

More information

Email: land.negotiation@industry.nsw.gov.au

Web: industry.nsw.gov.au/lands

Phone: 1300 886 235

© State of New South Wales through the NSW Department of Industry 2018. You may copy, distribute and otherwise freely deal with this publication for any purpose, provided that you attribute the NSW Department of Industry as the owner.

Disclaimer: The content of this publication does not constitute legal advice. You should seek legal or other professional advice before acting or relying on any of the content. The information contained in this publication is based on knowledge and understanding at the time of writing (March 2018). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Industry or the user's independent adviser.