

Objects and principles of the *Crown Land Management Act 2016*

The objects describe the underlying purpose of the *Crown Land Management Act 2016* (CLM Act). This is to make sure that Crown land is managed and used for the benefit of the people of New South Wales (NSW).

The objects apply to all aspects of decision-making around the management and use of Crown land, including every dealing and activity. The CLM Act requires that all decision-makers use and apply the objects. Decision-makers include the Minister for Lands and Forestry; the NSW Department of Industry and Crown land managers.

The principles of Crown land management are key values that guide the management of Crown land to benefit the people of NSW, and to ensure that Crown land is managed for sustainable, multiple uses. The principles are one of the objects, and need to be considered alongside and balanced against the other objects.

For further information, please refer to the Objects of *Crown Land Management Act 2016* Fact Sheet.

Purpose of this guide

This guide provides examples and helpful hints on applying the objects and principles when making decisions about Crown land. Each decision on Crown land is unique, and the examples and hints are a guide only—it is important the facts of each decision are considered in applying the objects and principles, rather than simply following any example.

As set out above, this guide should be referenced whenever a decision is made under the CLM Act. This includes (but is not limited to) decisions relating to:

- the sale or vesting of Crown land – this is understandably a key focus for the community and it is vital that decisions to remove Crown land from the Crown Estate meet the objects of the CLM Act
- the lease of Crown land – leases generally allow the tenant to exclude the public from the subject land. Ensuring a decision to lease is consistent with the objects guarantees that leases over Crown land are granted in appropriate circumstances
- the granting of licences over Crown land – decisions to grant licences are some of the most frequently made decisions under the CLM Act for both Departmental staff and Crown land managers. Every time a licence is issued, the person granting the licence must be comfortable that they have properly considered the objects
- the reservation and dedication of Crown land – as reservation and dedication governs the purpose for which Crown land is used, considering the objects guarantees that the land use reflects the intent of the CLM Act and is in the best interest of the people of NSW.

Table 1 below provides guidance, hints and examples of how to apply the objects. Table 2 does the same for the principles.

Table 1. Objects guidance

Object	Guidance for decision-makers	Hints and examples
Provide for the ownership, use and management of the Crown land of NSW	No additional considerations required as this object is applied throughout the legislation.	Refer to Crown land website for helpful resources including fact sheets and contact details.

Object	Guidance for decision-makers	Hints and examples
<p>Provide clarity concerning the law applicable to Crown land</p>	<p>No additional considerations required as this object is applied throughout the legislation.</p>	<p>The CLM Act has streamlined and clarified seven Acts into the one.</p> <p>The Community Engagement Strategy (CES) that is required under Division 5.3 of the CLM Act is a useful tool in communicating changes and the new approach to Crown land management.</p>
<p>Require environmental, social, cultural heritage and economic considerations to be taken into account in decision-making about Crown land</p>	<ul style="list-style-type: none"> • Each decision is unique, with individual variables and circumstances. <p>Decision makers need to turn their minds to each consideration and consider if it is relevant.</p> <ul style="list-style-type: none"> • Environmental: Does the parcel have environmental value? <i>If so, the decision must take the value into account and, if relevant ensure appropriate protections are in place.</i> • Social: What value does the community place on the land and its current uses? <i>If the community values the land and current uses, this needs to be reflected in the decision and, if relevant appropriate protections should be put in place.</i> • Cultural heritage: Is there Indigenous or non-Indigenous heritage value associated with the land? <i>If so, the decision must take the value into account and, if relevant ensure appropriate protections are in place.</i> • Economic: What is the economic value from the proposed activity or dealing? What is the impact of this to the local, regional or state community? Who will gain? <i>Any economic benefits can support a decision, and must be considered in light of the other considerations.</i> 	<p>Example: Remediation of Urunga Wetlands</p> <p>Decision: grant of licences</p> <p>To enable the grant of the licences required for the remediation works and to make sure that the works were appropriate more generally, a detailed environmental impact assessment was carried out to determine the environmental values of the site, including potential habitat for threatened species and a review of any cultural heritage values.</p> <p>Positive benefits to the community included a wheel-chair accessible boardwalk and walking track, providing social improvements alongside the mitigation of risks to human health.</p> <p>The remediation process involved numerous local contractors and suppliers and employment of staff, with a flow-on benefit of improved tourism in the region. This project resulted in ongoing economic boost to the regional economy.</p>

Object	Guidance for decision-makers	Hints and examples
<p>Provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of NSW</p>	<ul style="list-style-type: none"> No additional considerations required as this object is applied throughout the legislation. All decisions must apply the principles of administrative law and strive for consistency and efficiency. 	<p>In addition to the CLM Act, the new Community Engagement Strategy required by the CLM Act provides a clear, accountable and transparent engagement framework to provide the community with opportunities to be involved in decisions where there may be an impact on the community's current use and enjoyment of Crown land. The CES sets out appropriate methods for engaging with local communities for a number of dealings and activities on Crown land.</p>
<p>Facilitate the use of Crown land by the Aboriginal people of NSW 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</p>	<p>Decision makers should try to encourage Aboriginal use and co-management of land. Decision makers should consider:</p> <ul style="list-style-type: none"> Does the proposed activity/dealing allow for Aboriginal use of the land? Use should be encouraged. Is there an opportunity to engage with the local Aboriginal community to be involved with the activity? Engagement opportunities should be explored. Could members of the Aboriginal community be involved in management of the reserve? This is particularly relevant for decisions about the identity of Crown land managers for reserves. If the Aboriginal community is supportive, decision about managers should enable and encourage Aboriginal management or co-management. <p>Keep in mind:</p> <ul style="list-style-type: none"> Aboriginal land rights under the <i>Aboriginal Land Rights Act 1983</i>, including the right of Aboriginal Land Councils under that act to claim Crown land; native title rights and interest under the Commonwealth and State native title legislation, which will often exist on Crown land. 	<p>Example: The use of the Belmont Wetlands</p> <p>Decision: adoption of plan of management</p> <p>The Belmont Wetlands State Park Crown land manager worked with a Local Aboriginal Land Council in undertaking numerous environmental restoration projects authorised under a plan of management.</p> <p>The Crown land manager hosts a Dance for Children, monthly Full Moon and other events for the local and regional Indigenous community, employs an Indigenous ranger for compliance and conservation works, works with the local TAFE to host cultural and educational activities, and advocates ongoing engagement with the Indigenous community.</p> <p>Hint: Local Aboriginal Land Councils and registered native title groups will often be the best point of contact in accessing the local Aboriginal community in an area.</p>

Object	Guidance for decision-makers	Hints and examples
<p>Provide for the management of Crown land having regard to the principles of Crown land management</p>	<p>Consider the principles of Crown land management—see table 2.</p>	<p>Example: NSW Ports Strategy</p> <p>Decision: adoption of plans of management</p> <p>As part of the environment and heritage study undertaken on 25 Crown land ports, the principles of Crown land management and associated opportunities and constrains were identified for each port. For example, at Coffs Harbour, the Plan of Management includes scope for public use and recreation including dive site access, commercial activities, environmental protection through the Marine Protected Area, and heritage protection of known Aboriginal and cultural sites.</p>

Table 2. Principle guidance

Principle	Guidance for decision-makers	Hints and examples
<p>That environmental protection principles be observed in relation to the management and administration of Crown land</p>	<p>Environmental legislation includes but is not limited to:</p> <p><i>Environmental Planning and Assessment Act 1979</i></p> <p><i>Protection of the Environment Operations Act 1997</i></p> <p><i>Biodiversity Conservation Act 2016</i></p> <p>The NSW Government refers to the principle of ecologically sustainable development in its environmental legislation, and this should be considered as part of the environmental protection principles.</p> <p>In some instances, the activity or dealing will be regulated by an environmental protection licence, development consent conditions or other approval conditions that must be complied with when undertaking that activity.</p>	<p>Example: Beach access licence</p> <p>Decision: grant of licence</p> <p>In determining a beach access licence, the department included strong environmental protection principles in the licence conditions. A Part 5 Review of Environmental Factors was carried out to consider the potential for environmental impact from the licence. Due to the dynamic nature of the coastal environment, the licence term was made for only five years.</p> <p>Best-practice coastal dune management principles were used to inform the construction and maintenance approval conditions, including nil damage to native vegetation, avoidance of works on the dune crest and incipient dunes, nil plastics allowed in the construction, and no net dune height loss.</p> <p>This process has allowed beach access to be granted, improving public use and enjoyment, while protecting the coastal environment.</p>
<p>That the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible</p>	<ul style="list-style-type: none"> • Refer to the Office of Environment and Heritage for additional information. • Consider whether the Crown land has any environmental value. Think about what the environmental values are, how to conserve them or how to manage them and how this affects the decision about the activity/dealing on the land. • Think about the future, long term impacts of any activity or decision and how this would affect community use into the future. 	<p>Example: Nowra reserve access</p> <p>Decisions: compliance and enforcement actions</p> <p>The department found there had been significant increase in unauthorised motorcycle and off-road vehicles using a reserve of significant environmental value.</p> <p>New tracks had been cut into the vegetation, damaging an endangered species, and erosion impacts on the creek lines. The site also provides habitat for the endangered Brush-tailed Rock Wallaby.</p> <p>To better conserve these natural resources, and reduce the damage to endangered species, access gates and signage have been installed to prevent camping on the site. This has successfully limited further impacts to the natural resources of the reserve.</p>

Principle	Guidance for decision-makers	Hints and examples
<p>That public use and enjoyment of appropriate Crown land be encouraged</p>	<ul style="list-style-type: none"> If the parcel of Crown land is not suitable for public use, this principle may not apply. Consider how the activity or dealing affects public use. Does it limit/reduce the public use or improve it? If public use is removed from the land, is this justified through other benefits (such as economic or environmental ones) and was this considered in object C? 	<p>Example: Howlong Public Hall</p> <p>Decision: appointment of Crown land manager</p> <p>Formerly a Mechanics Institute, the local Lions Club was appointed manager to improve the condition of the hall, through grant funding, and increased public use of the historic building. The hall is used by the local community as a public hall, meeting rooms, and function area as well as an opportunity shop, with proceeds of sales supporting the ongoing maintenance and upgrades of the hall.</p>
<p>That, where appropriate, multiple uses of Crown land be encouraged</p>	<ul style="list-style-type: none"> If multiple uses are not appropriate for this land, this principle may not apply. If yes, consider if there are opportunities for more than one activity or use of the land through the decision. Look at ways that the object C considerations may be balanced through multiple uses (for example, social, environmental, heritage). Consider referring to the Community Engagement Strategy for suggestions on how to better engage with the local community and negotiate compromises and balanced outcomes if there are multiple conflicting uses. 	<p>Example: Newcastle City Council management of Crown reserve</p> <p>Decisions: appointment of Crown land manager, grant of licences</p> <p>Newcastle City Council manages a beachfront Crown reserve with several community facilities and commercial operations functioning under tenure. The site includes a surf lifesaving club, a holiday park, recreation field, café, swimming pool and open space. There is public access to the beach at many points of the reserve. The local Port Authority also holds a licence for navigational aids. This multiple use of the land supports social, economic, and environmental outcomes, with beach restoration works having been undertaken following severe storm damage.</p>

Principle	Guidance for decision-makers	Hints and examples
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	The NSW Government refers to the principle of ecologically sustainable development in its environmental legislation, and this should be considered as part of this principle. In making a decision, Crown land managers should think about this concept: ‘the present generation should ensure the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations’. There are numerous management tools that can be applied, such as Plans of Management, which help to identify the values of the land and how to best manage these into the future.	<p>Example: Blue Mountains Crown reserve</p> <p>Decision: adoption of plan of management</p> <p>There is a large Crown reserve within the Blue Mountains that forms a biodiversity corridor between north and south Greater Blue Mountains World Heritage Area. The Plan of Management recommends management actions to conserve the significant natural resources of the site, including addition of environmental protection to the reserve purpose to preserve and sustain the site in perpetuity.</p>
That Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interest of the state, consistent with the above principles	Confirm that you have applied the Principles of Crown land management in your decision about the activity or dealing and are satisfied that the activity or dealing is in the best interest of the state.	

More information

For more information on the CLM Act, visit www.industry.nsw.gov.au/lands and search ‘changes to Crown land legislation’.

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