

Crown land 2031

State Strategic Plan for Crown land

June 2021



Acknowledgement of country

The Department of Planning, Industry and Environment acknowledges the traditional custodians of the land and pays respect to Elders past, present and future.

We recognise Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

Find out more:

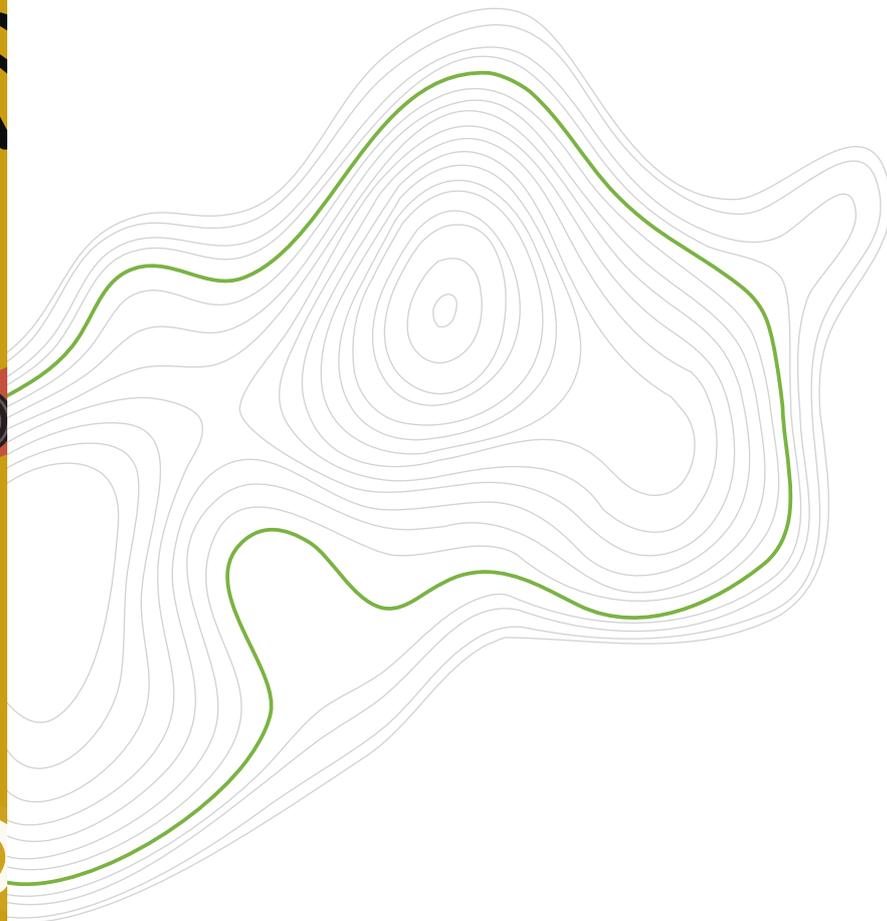
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Crown land 2031 – State Strategic Plan for Crown lands

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Pathways artwork by Nikita Ridgeway

Cover image: Kayaking on the Pittwater – Destination NSW

Contents

Introductions from the ministers and the Crown Land Commissioner	4
The Honourable Rob Stokes	4
The Honourable Melinda Pavey	5
Professor Richard Bush	6
Executive summary	7
A 10-year vision for Crown land	7
Priorities	7
Vision	7
What is Crown land?	8
<i>Crown Land Management Act 2016</i> and framework	10
Aboriginal land rights and native title in NSW	10
Management of Crown land	11
Developing Crown land 2031	12
What stakeholders said about Crown land	12
Crown land 2031 priorities	13
Strengthen community connections with Crown land	13
Accelerate economic progress in regional and rural NSW	13
Accelerate the realisation of Aboriginal land rights and native title in partnership with Aboriginal people	13
Protect cultural heritage on Crown land	14
Protect environmental assets, improve and expand green space and build climate change resilience	14
Delivering public value from Crown land	16
Opportunities for change	17
<i>Crown land 2031</i> outcomes	18
Supporting the delivery of <i>Crown land 2031</i>	18
Implementing Crown land 2031	20
Delivery and approach	20
Crown land 2031 - Action Plan 2021-23	22
Focus area 1: Public value framework	22
Focus area 2: Aboriginal land rights, land ownership and native title	22
Focus area 3: Data and information availability	22
Focus area 4: Comprehensive, strategic reform of asset management and land allocation, including leasing, licensing and other forms of tenure	22
Focus area 5: Customer experience	22
Appendix A	23
Appendix B	25

Introductions from the ministers and the Crown Land Commissioner



The Honourable Rob Stokes

Minister for Planning and Public Spaces

A key priority for our government, particularly for me as the state's first Public Spaces Minister,

is to provide better access to quality, green, open public space for people right across NSW. Crown land - the public's land, which makes up over 40% of the state - will play a significant role in achieving that goal.

Some of the state's most iconic and beautiful public land is Crown land. In Sydney, Crown land contributes significantly to open space provision. From pocket parks to regional open spaces and bushland, urban Crown land can support quality of life for residents, attract visitors and provide habitats for local wildlife. Our goal is to link these

parks and other green spaces to form a 'green grid' that will stretch right across Greater Sydney and make our city an even better place to live.

A strategic approach to managing Crown land gives us the opportunity to do things better than we have in the past, and that is especially pertinent when it comes to the resolution of Aboriginal land claims and ensuring recognition of native title rights.

Crown land 2031 is an important step for NSW as it lays out our strategy to manage Crown land better than ever before, with a clear eye on generating benefit for the people of NSW.

A handwritten signature in black ink that reads "Rob Stokes". The signature is fluid and cursive.

Rob Stokes

Minister for Planning and Public Spaces



The Honourable Melinda Pavey

Minister for Water, Property and Housing

Crown land is the public's land. In creating

Crown land 2031 we have considered every opportunity to manage Crown land to achieve the best possible benefits in the public interest.

One of our key priorities has been identifying job creation and economic opportunities for our regional communities while continuing to protect public ownership.

Crown land 2031 identifies our priorities for the Crown Lands branch of the Department of Planning, Industry and Environment for the next 10 years. A series of action plans will be developed to guide the implementation of each of these priorities. Our aim is to diversify our use of Crown land and expand its public value. For example, by providing housing and employment, supporting growing populations in regional towns, and taking some of the pressure

off our populated urban areas. We will be actively seeking to attract investment and create jobs in export-oriented manufacturing, energy generation, and new and emerging industries, supporting reinvestment in the Crown estate.

A key to delivering on the plan will be to better support our community users, such as showgrounds, racecourses, boating and marine assets, youth groups and clubs.

Our priority is to attract investment by improving security and duration of tenure over Crown land, so that the organisations that add so much to our communities have a stable base from which to grow and thrive.

I want to thank the community for such active engagement, feedback and advice to guide the development of *Crown land 2031*. I am confident that we have achieved a healthy balance of all the different viewpoints and established a sound framework for the management of Crown land over the next decade.

Melinda Pavey

Minister for Water, Property and Housing



Professor Richard Bush

Crown Land Commissioner

Our Crown land estate is remarkable in terms of scale, diversity and utility. The governing legislation enables it

to be used for an array of purposes to deliver economic, social and environmental benefits. As we experience changes in our economy, lifestyles and in our climate, the uses of Crown land will continue to evolve.

I am excited by the way in which this plan has evolved to become a visionary and aspirational document. It presents a generational opportunity to position Crown land as a major contributor to the prosperity, sustainability and wellbeing of our community.

In an independent role as Commissioner, I have the privilege to talk with a wide range of people across the community, in industry and those

involved in the management of Crown land. The valuable input, advice and feedback provided throughout the formulation of this plan has guided its development.

The plan aligns Crown land management and priorities of government with the aspirations of the community.

People are passionate about Crown land; they recognise its significant potential, and are enthusiastic about the future of the estate. I encourage the community and Crown Land managers to work closely together with the department to implement this plan. It will deliver multiple benefits for NSW that are fit for the future.

A stylized, handwritten signature in black ink, consisting of a large, flowing 'R' followed by a few smaller, connected strokes.

Professor Richard Bush

Crown Land Commissioner

Executive summary

A 10-year vision for Crown land

Crown land 2031 represents the 10-year vision for Crown land in New South Wales. It is the first State Strategic Plan for Crown land. It reflects government and community aspirations to deliver social, environmental and economic benefits from Crown land. *Crown land 2031* has been developed with input from community and stakeholders to set a foundation for a new and more flexible approach to the use and management of Crown land.

Crown land is held by the NSW Government on behalf of the public. It includes land, coastal areas, waterways, built assets, and community infrastructure. It is a unique and complex estate comprising rangelands in the west, forests, grasslands and mountain terrain through to waterways across NSW, expansive stretches of coastline and the marine estate beyond our shores.

Crown land contributes to the economy, productivity, prosperity, and social fabric of NSW. The use of Crown land supports agricultural productivity, regional economies, environmental values, amenity and community cohesion.

Crown land has never been more important to the communities of NSW. As the needs and aspirations of communities evolve, the use and management of Crown land also needs to be reimagined. A key shift in the last 30 years has been the recognition of the land rights of First Nations people in NSW.

Crown land 2031 sets a new direction for restoring Aboriginal land rights and unlocking social and economic benefits from land to support Aboriginal economic development. A more flexible approach is needed to enable multiple uses and benefits from Crown land through partnership with Aboriginal landowners.

The NSW Government has developed *Crown land 2031* as a statewide, 10-year strategy to guide opportunity, activation, public value and benefits to all communities across NSW.

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

What is Crown land?

Crown land is land held by the NSW Government on behalf of the public. It includes lands, coastal areas, waterways, built assets, and community infrastructure. A more detailed description of Crown land and its history is provided in **Appendix A.**

There is around 34 million hectares of Crown land in NSW, making up approximately 42% of the state. Crown land contributes to the economy, prosperity, and social fabric of NSW. The use of Crown land supports agriculture, regional economies and commerce, environmental protection, amenity and community cohesion.

Crown land 2031 looks at ways to promote greater diversity of contemporary and concurrent uses, including Aboriginal land ownership, use and enterprise, economic development, regional tourism, biodiversity and renewable energies.

Figure 2: Distribution of Crown land in metropolitan Sydney

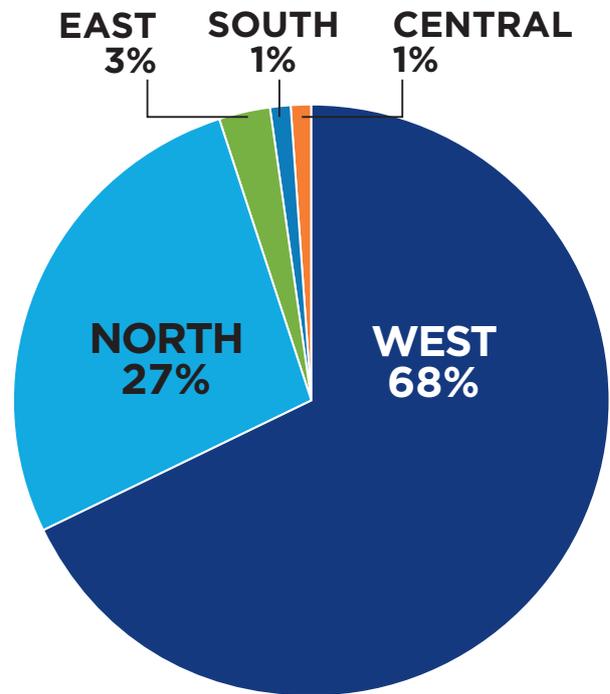
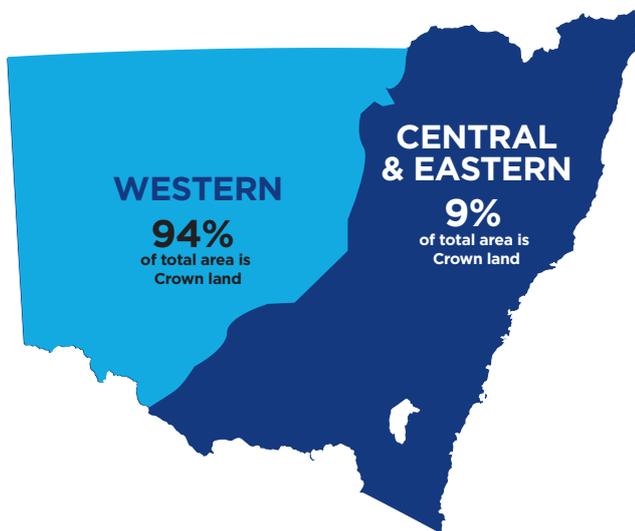


Figure 1: Composition of Crown land across NSW



Crown land plays a central role in a changing and thriving NSW, by helping to create and support prosperous and resilient communities.

It is essential to community life and wellbeing in providing public open space and green space, particularly in built-up metropolitan areas. In metropolitan centres, the revitalisation of urban areas and improvement and expansion of accessible, green and open, public space is more important than ever.

There is scope to expand and extend the use of Crown land to create more open, public space, particularly in metropolitan areas, delivering community amenity and new opportunities for sustainable enterprise.



Photography credit: Dr Malcolm Ridges

Crown Land Management Act 2016 and framework

The *Crown Land Management Act 2016* (the Act) governs the management of, and access to, Crown land, ensuring both happen in the best interests of the state and community. The Act outlines certain objects and principles.

Objects of the Act

- clear ownership, use and management of Crown land
- use of Crown land by Aboriginal people
- environmental, social, cultural heritage and economic benefit.

Principles of Crown land management

- observation of environmental protection principles
- encouragement of public use and enjoyment
- encouragement of multiple use of Crown land
- occupation, use, sale, lease or license in the best interest of the state
- conservation of natural resources
- sustainable use and management of the land and its resources.

Aboriginal land rights and native title in NSW

Aboriginal land rights in NSW are governed by a combination of Commonwealth and State law. Consequently, Crown land is subject to a complex interplay of land rights, land uses, tenures and entitlements. This is depicted in Figure 5 and described in greater detail in **Appendix B**. A key focus of *Crown land 2031* is to support reconciliation with Aboriginal people in NSW by brokering a greater diversity of access and use with Aboriginal landowners. *Crown land 2031* recognises the importance of Aboriginal land rights and native title interests, and supports a partnership approach with Aboriginal land holders to promote enterprise and economic development.

Native title

Native title rights prevail unless extinguished wholly or in part.

- Native title rights include customary rights such as the right to hunt, fish and hold ceremonies and may include rights to occupy land
- rights exist regardless of whether they are claimed but can be confirmed by a successful claim in the Federal Court
- actions that infringe native title rights may generate compensation (even if the rights are not yet confirmed by the Court).

Aboriginal land rights

NSW has legislated to compensate Aboriginal communities for the impacts of dispossession by returning to Aboriginal land councils available Crown land. Transfers occur in response to claims from land councils. Where land is subject to an Aboriginal land claim, it cannot be sold until the claim is determined and cannot be leased or licensed without the consent of the claimant Aboriginal land council. Land that is successfully claimed is transferred to the Aboriginal land council in freehold.

Management of Crown land

Crown land is held and managed by the NSW Government on behalf of the community and can be used in many different ways to deliver public value.

Crown lands

The Department of Planning, Industry and Environment – Crown Lands has primary responsibility for Crown land through direct management of land, assets and infrastructure, property management services and the oversight of a network of professional and volunteer managers.

The public land management responsibilities of Crown Lands are diverse and extensive, and include:

- pest and weed programs to protect natural and environmental values
- cultural heritage and Aboriginal cultural heritage protection
- bushfire trail management and hazard reduction
- mitigating risks to human health and the environment by remediating contamination from past use
- public health and safety
- capital asset and tenant management
- utilisation including commercial leasing and licensing
- providing advisory and support services for Crown land managers
- community engagement.

Crown land managers

Crown land managers are appointed to undertake the care, control and management of Crown reserves, enabling Government to access a wider network of skilled, experienced and committed people to manage Crown lands and assets in local communities.

Local councils often manage Crown land within their council areas. Community-based groups, corporations, incorporated associations, native title body corporates and Aboriginal land councils may also be appointed as Crown land managers.

As a range of organisations can be appointed as a Crown land manager, communities can have a direct role in managing land to provide services that best meet local community needs. Many Crown land managers are community-based groups, staffed by volunteers who provide their time and skills free of charge in order to benefit their community.

The contribution volunteers make to social, cultural, economic and environmental outcomes across NSW cannot be overstated. Under these arrangements, Crown land can be accessed and enjoyed by an expansive network of businesses, communities and individuals throughout the state for a wide variety of purposes from farms, parks, reserves, roads and cemeteries, to showgrounds, campgrounds, tourism, recreation and biodiversity.

The success of *Crown land 2031* will only be possible with the continued support and participation of communities and Crown land managers – and through the strength of partnerships with other NSW Government agencies including Regional NSW, National Parks and Wildlife Service, Local Land Services, local councils, the Energy Corporation of NSW, Destination NSW and Transport for NSW.

Volunteers who provide their time and skills in order to benefit their local communities remain critical to the management of Crown land. The benefits to communities from using Crown land could not be realised without the dedication and service of these volunteer Crown land managers.

Figure 3: Who can be Crown land managers

The Crown land ministers	
Department of Planning, Industry & Environment - Crown lands	
Crown land managers	
Local councils	Local Aboriginal land councils
Body corporate under <i>the Native Title Act 1993</i>	Ministerial corporations
Associations	Companies or corporations
Statutory land managers	Head of a government sector agencies

Developing *Crown land 2031*

Crown land 2031 reflects the coordinated input, aspirations and advice from a large number of stakeholders.

Starting in 2019, the department consulted with stakeholders, Crown land managers, Aboriginal community representatives, community groups and other government agencies. The critical importance of Crown land to local communities was a key insight that emerged throughout the consultation process.

What stakeholders said about Crown land

Community connections are important

Crown land plays a critical role in the social fabric and life of metropolitan and regional communities, including in responding to natural disasters. Its ongoing use should be strengthened and supported.

Crown land has a role to play in sustainable economic progress

Crown land supports economic activity, particularly in regional and rural NSW – this should continue to grow and contribute to sustainable local activation and enterprise to provide long-term community benefit.

Aboriginal communities should be supported to realise land rights and economic prosperity

Crown land has a role to play in recognising the land rights of Aboriginal people, transferring land into Aboriginal ownership and partnering with Aboriginal landowners and communities to unlock economic and social benefits.

Green space, open space and building climate change resilience are important to our quality of life

Crown land makes a significant contribution to the environment of the state through green space, healthy waterways, biodiversity, habitat, connectivity and wildlife corridors. These environmental values should be identified, mapped, managed and protected for the benefit of future generations.

Business improvements are needed

In addition to the strategic themes and outcomes, stakeholders also said that the way Crown land is managed, accessed and administered needs to improve. These improvements will be integrated into the implementation of *Crown land 2031* so that customer service, efficiency and effectiveness are improved.



***Crown land 2031* priorities**

The NSW Government and community have high aspirations to derive better value from public land to support resilient and prosperous communities. In implementing *Crown land 2031*, the following overarching priorities will be core to all decision making:

Strengthen community connections with Crown land

The diversity and extent of the Crown estate mean it will continue to play a role in bringing communities together. The Crown estate already benefits from contributions by many different stakeholders, including local government, community and not-for-profit organisations, and individual volunteers. Determining public value locally and the ongoing delivery of local community benefit are a key focus in implementing *Crown land 2031*, and strong community connections will remain essential.

Accelerate economic progress in regional and rural NSW

Crown land can be used in many different ways to facilitate investment and economic growth. *Crown land 2031* establishes a strategic framework to encourage investment, facilitate innovative new uses and rethink the way in which Crown land contributes to the economy.

Accelerate the realisation of Aboriginal land rights and native title in partnership with Aboriginal people

Aboriginal land rights and native title interests are key to reconciliation and achieving economic, social, cultural and environmental outcomes in NSW. *Crown land 2031* provides a commitment to uphold and progress land rights and native title interests in NSW.

In addition to supporting these existing processes, it provides for working with Aboriginal landowners and native title holders in the co-design and adoption of co-management strategies to unlock multiple benefits from land.

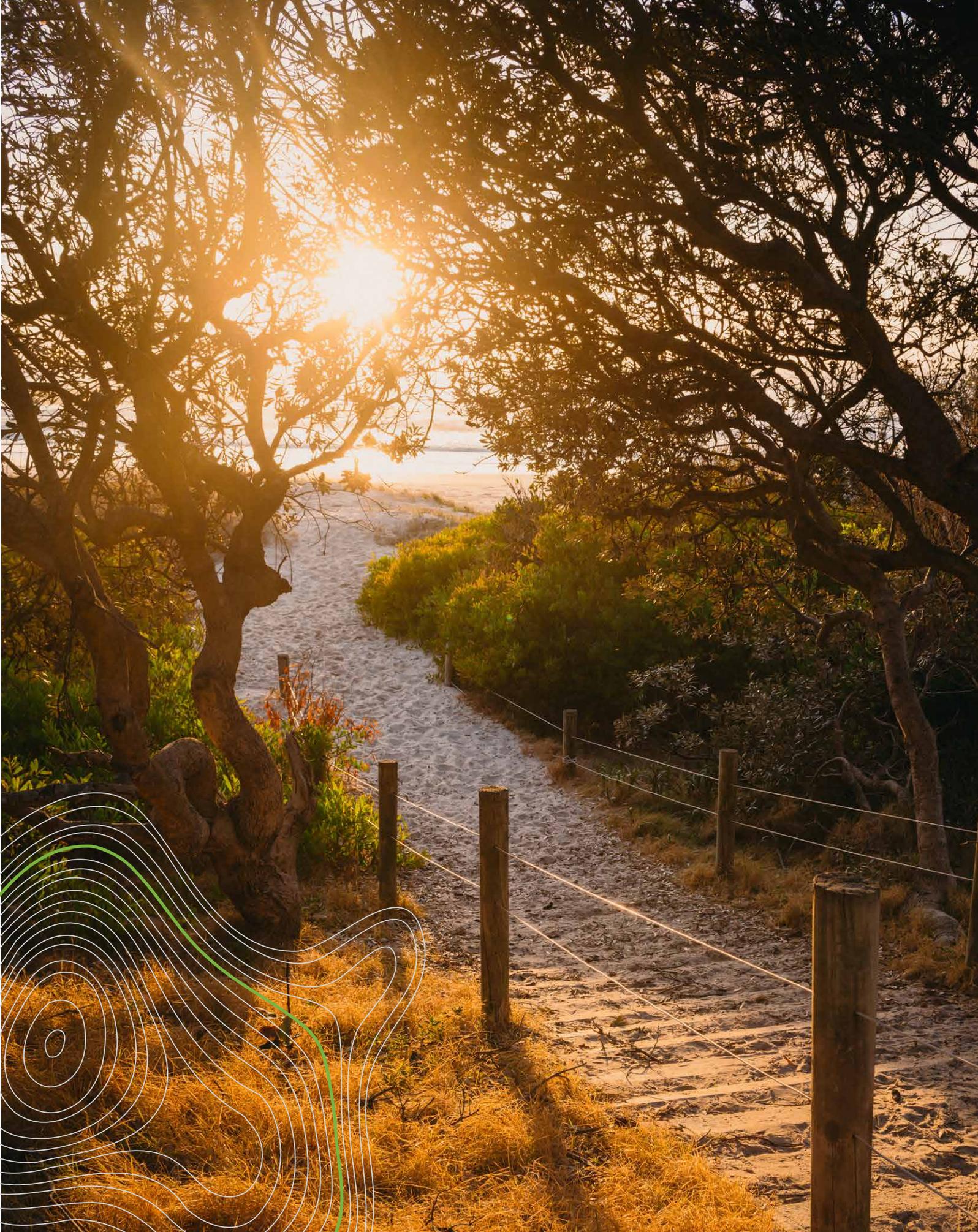
Protect cultural heritage on Crown land

Crown land encompasses important cultural heritage including Aboriginal heritage assets, both built and natural. As part of a whole-of-government approach, Crown land has an ongoing role in the protection of cultural heritage and Aboriginal heritage in NSW.

Protect environmental assets, improve and expand green space and build climate change resilience

Crown land 2031 will prioritise the identification, protection and expansion of environmental assets on Crown land, expand green and open space and promote activities that build climate resilience.





Delivering public value from Crown land

Crown land 2031 will change the way land, assets and infrastructure are managed over the next ten years to deliver social, environmental and economic benefits for the people of NSW.

The priorities contained in *Crown land 2031* have been developed based on stakeholder feedback to generate public value, targeted toward triple bottom line (social, economic and environmental) outcomes.

Implementation will occur progressively over the 10 years of *Crown land 2031* through successive three-year Action Plans which will be made public.

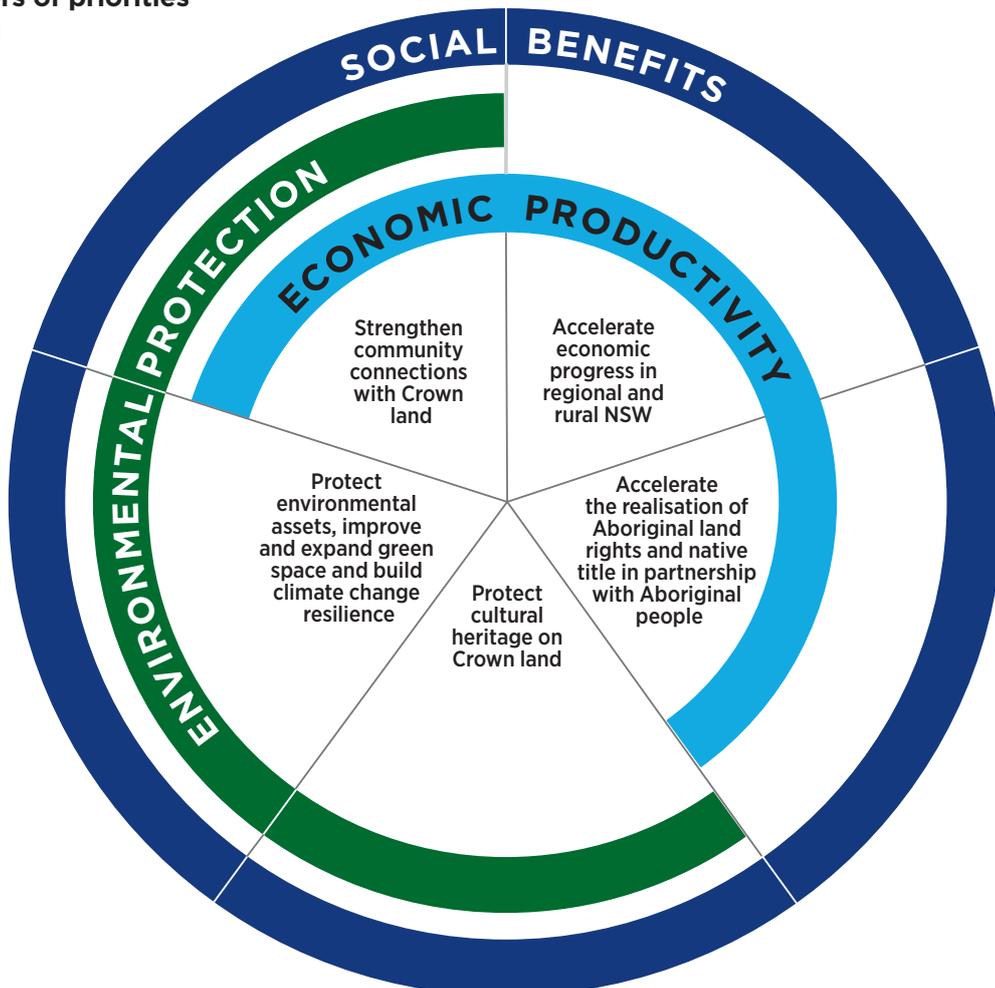
We will develop a series of performance indicators against social, environmental and economic outcomes. We will publish these so that it is clear what success will look like and how we will measure performance.

Under *Crown land 2031*, land, assets and infrastructure will be sustained in public ownership and used in innovative ways, with decisions about the best use and management of Crown assets driven by local communities.

Crown land 2031 supports NSW Government priorities, including:

- a strong economy
- well-connected communities with quality local environments
- putting the customer at the centre of everything we do
- breaking the cycle of disadvantage.

Figure 4: Drivers of priorities for Crown land





Opportunities for change

Delivering *Crown land 2031* to support resilient, sustainable and prosperous communities will progressively reset the way Crown land is managed, used, accessed and allocated in NSW.

Through better alignment with contemporary priorities, there will be more opportunities to deliver public value and benefits to communities across NSW.

Determinations about what provides public value and the 'best' outcome will always vary from place to place - and *Crown land 2031* provides the framework in which these decisions can be made. By setting a clear strategic direction, people will be able to understand the different ways that Crown land might be used in their communities.

The way in which tenure, allocation, use and management of Crown land are approached will be modernised and aligned with the achievement of public value against social, environmental and economic outcomes.

Access needs to be flexible and support both traditional and innovative uses. Some of the opportunities that will be realised through the implementation of *Crown land 2031* include:

- substantial reform to the way in which decisions about the best use of Crown land are made
- greater diversity of use to deliver public value from the Crown land estate
- improved customer experience
- making data and information transparent, available and readily accessible
- collaborating with communities and other agencies in the management of Crown land
- managing the assets and infrastructure to generate new opportunities for a greater variety of use
- using whole-of-government approaches and mechanisms to manage public land across tenures
- working more effectively with Aboriginal communities to acknowledge and secure the rights and interest of Aboriginal people in land in NSW.

Crown land 2031 outcomes

Crown land 2031 has a strong focus on delivering tangible benefits for the people of NSW. A series of outcomes have been identified to ensure that real, measurable and concrete steps are taken to realise the vision over the next 10 years. These outcomes are depicted below, as they relate to each priority.

Achievement of these ambitious outcomes will only be possible if the administration of Crown land is also improved through the implementation of *Crown land 2031*. We will take early action in the first three years to address issues stakeholders have identified during the development of *Crown land 2031*.

Supporting the delivery of *Crown land 2031*

The NSW Government has established a Crown Land Taskforce, to add value to the early stages of *Crown land 2031* by providing thought leadership, guidance and oversight on its implementation.

The remit of the taskforce is to ensure that *Crown land 2031* delivers on its priorities and outcomes to maximise public value for all Crown land stakeholders, with a particular focus on the design phase. Membership of the taskforce comprises department executives and external independent members and is chaired by the Crown Land Commissioner.

Proactively partnering with other agencies will be an integral part of implementation. Engaging upfront and understanding the multiple touchpoints with the department's Planning and Environment, Energy and Science branches and the Department of Regional NSW will be critical in ensuring Crown land is positioned to be a contributor to the overall benefit of NSW.



Figure 5: Crown land 2031 Priorities and Outcomes

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 ¹	Aboriginal people lead the management of Aboriginal culture and heritage on Crown land	Crown land contributes to climate resilience

¹ Closing the Gap' targets refer to the Australian Government's 16 national socio-economic targets designed to impact life outcomes for Aboriginal and Torres Strait Islander people. The measurable contribution noted above focuses on outcomes 8, 9 and 15.

Implementing *Crown land 2031*

We will group the actions for implementing *Crown land 2031* into short-term (1 to 3-year), medium-term (3 to 6-year) or long-term (6 to 10-year) timeframes. The long-term objectives will inform the planning and execution of all strategies, irrespective of the timing of their implementation.

Delivery and approach

Delivering and implementing *Crown land 2031* requires input from multiple stakeholders.

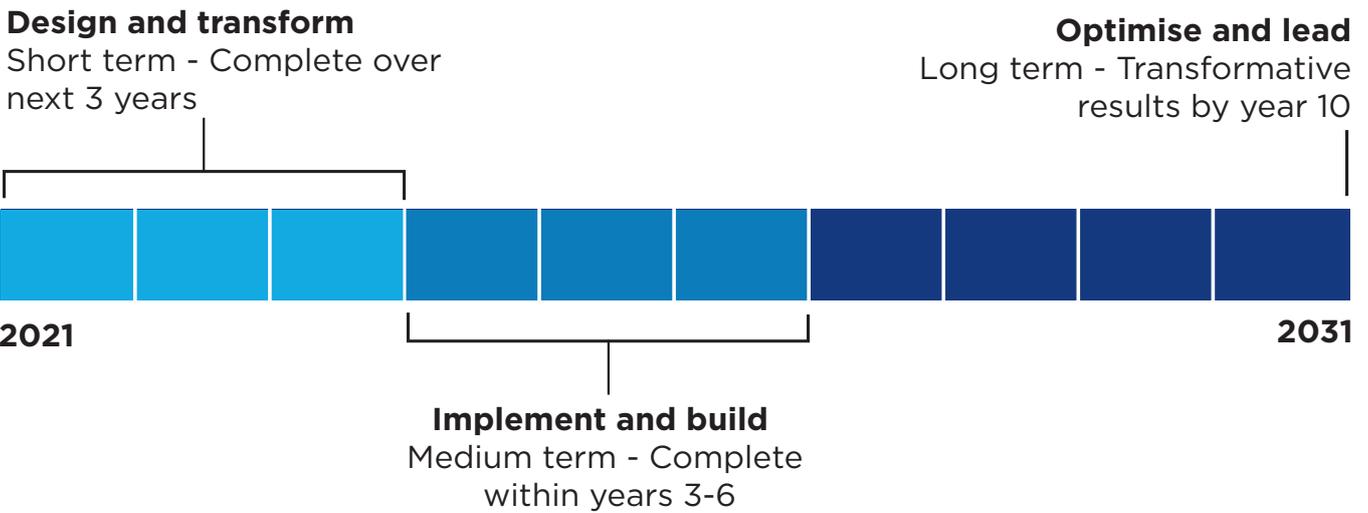
The Department of Planning, Industry and Environment - Crown Lands will lead the implementation of the strategy and report to the Minister for Planning and Public Spaces and the Minister for Water, Property and Housing.

3-year action plans will set out how the outcomes will be achieved, detailing the programs, initiatives, projects, and accountabilities within the 3-year timeframe.

We will make the first of these plans available to the public and our stakeholders within three months of publishing.

We will report on progress annually, describing what has been achieved in the reporting year and overall progress. Progress reporting will be contained within the department's annual report and on the department's website.

Figure 6: Outcomes will be achieved in short-term (1-3 year), medium-term (3-6 year) or long-term 6 to 10-year timeframes





Crown land 2031 - Action Plan 2021-23

The first Action Plan will be primarily targeted toward designing and implementing initiatives to address and respond to existing challenges and shape the foundations for future reforms. This will include developing pilot programs to trial new solutions and approaches.

Beyond 2023, the Action Plans will reflect improvements in these early stages and establish future work to be undertaken to deliver on *Crown land 2031* and achieve the vision. The first areas of focus to be addressed in Action Plan 2021-23 are:

Focus area 1: Public value framework

Promoting a shared understanding of how decisions in relation to land are made.

Focus area 2: Aboriginal land rights, land ownership and native title

Realising Aboriginal land rights and interests, and working with Aboriginal communities and stakeholders to achieve benefits realisation from access to land.

Focus area 3: Data and information availability

Improving information visibility, transparency and enabling access to information to support decision making.

Focus area 4: Comprehensive, strategic reform of asset management and land allocation, including leasing, licensing and other forms of tenure

Improving flexibility and fit-for-purpose in a contemporary service environment.

Focus area 5: Customer experience

Transform customer experience and systems to provide a contemporary customer service.



Appendix A

What is Crown land?

As part of establishing a new colony on what was and always will be Aboriginal land, the government of Great Britain asserted legal ownership of all of the land in NSW. The land was vested in the Crown, hence 'Crown land'. From this base, the colonial and successive state governments surveyed and allocated land for productive purposes, and to record and guarantee tenures.

Land allocations and sales created freehold property rights for settlers who became landowners. The remainder was held, and remains, as Crown land with provisions in place that allow for its use, reservation, management and occupation in the public interest.

Crown land as it exists today is a unique and complex estate comprising rangelands in the west, forests, grasslands and mountainous terrain, through to waterways across NSW, expansive stretches of coastline, and the marine estate beyond our shores. Crown land – land, assets and infrastructure – can be used in many different ways.

This highly valued estate is used, accessed and enjoyed by communities and individuals across NSW. It is used for a wide variety of purposes from farms, parks, reserves, roads and cemeteries, to showgrounds, campgrounds, commercial and industrial sites. Crown land provides essential space for business, tourism, recreation and biodiversity. It can only be sold in specific circumstances.

Not all NSW Government land is Crown land, for example national parks and state forests occupy large areas of land across the state. Other NSW Government departments also control or own land for special purposes such as roads, schools, hospitals and prisons.

There is around 34 million hectares of Crown land in NSW, comprising approximately 42% of the state. Most Crown land (approximately 85%) is in the Western Division. Crown land contributes to economic prosperity and agricultural productivity in regional and remote areas and is currently used for grazing, cropping and mining.

Crown land in Greater Sydney is located mainly in the north and west. This land is highly diverse and fragmented, but it is essential to community life and to provide open space in a built-up city.

In Greater Sydney, the revitalisation of urban areas and expansion of accessible public space is more important than ever, so this land will be a focus for activation through *Crown land 2031* as more green and open public space is generated for community use.

In planning for a changing and thriving NSW, Crown land can and should contribute to creating strong, prosperous and resilient communities.

As part of the modernisation and reimagining of the role Crown land will play into the future, the focus of *Crown land 2031* is on opening up the estate to a greater diversity of contemporary uses, including greater access for regional tourism, Aboriginal enterprise and economic development, biodiversity and renewable energy generation.





Appendix B

Crown land now includes a complex interplay of land rights, land uses, tenures and entitlements. A key focus of *Crown Land 2031* is to broker greater diversity of access for those with unique land rights through promotion of multiple uses that generate cultural, environmental and economic benefits from the land and assets.

Aboriginal land rights in NSW

NSW is Aboriginal land. Following European settlement, colonial and then successive state governments asserted ownership over the land and proceeded to survey and allocate land, and to record and guarantee tenures. This created freehold property rights for settlers.

The remainder of the land became Crown land, held in public trust. At the same time, infrastructure was progressively installed on Crown land, including community halls, Crown roads, showgrounds, sports fields and parks which remain integral to community life in NSW.

In 1983, the NSW Government introduced the *Aboriginal Lands Rights Act* in recognition of the impacts of past government decisions. As the amount of land set aside for Aboriginal people had been progressively reduced without compensation. The Parliament of NSW created a system of Aboriginal land rights to compensate Aboriginal communities for the loss of their land by providing for the return of some Crown land to Aboriginal ownership.

This system continues to the present day, and the role of the Crown Lands branch of the Department of Planning, Industry and Environment is evolving to facilitate the return of land to Aboriginal owners and to partner with Aboriginal landowners in achieving a realisation of benefits from this land.

Recognition of native title

Native title recognises a set of rights and interests over land or waters where Aboriginal and Torres Strait Islander groups have practised and continue to practise, traditional laws and customs prior to sovereignty (British settlement).

In 1992, the High Court of Australia found that traditional Aboriginal rights to land – native title rights – continue to exist in cases where they have not been extinguished by subsequent government legislation or actions. Some Aboriginal people in NSW have native title rights to Crown land when they can establish an ongoing customary law connection to land.

Native title rights typically include the right to access land, hunt, gather, take resources for bush medicine and other traditional uses. Native title rights have existed for tens of thousands of years and will continue to exist over Crown land for all future generations. As such, any activities affecting these rights must be carried out in accordance with the *Native Title Act 1993*.

Aboriginal people in NSW have native title rights to Crown land when they can establish an ongoing customary law connection to land. There are also some cases where native title rights have been extinguished by specific government actions, such as conversion of land to freehold, or by the granting of perpetual leases (for example in the Western Division). Each claim is assessed by the Federal Court and in many cases the status of native title rights on the land has not yet been determined.

Australia's First Peoples need access to Crown land in order to exercise their native title rights and also more broadly to care for Country and undertake cultural practices. Removing barriers to access is of great importance.

The native title and Aboriginal land rights systems establish the mechanisms to return land to Aboriginal communities, but there is a transformative opportunity to work differently with Aboriginal communities to accelerate and unlock economic, social, cultural and environmental benefits from land.

Aboriginal land agreements (ALAs) and Indigenous land use agreements (ILUAs) provide practical mechanisms to negotiate opportunities and outcomes on land where there are coexisting rights, entitlements and interests.

ALAs are voluntary, legally binding agreements to resolve land claims, reducing the need for costly and lengthy land claim determinations.

ILUAs are agreements between a native title group and others about the use of land and waters. These agreements allow people to negotiate flexible, pragmatic agreements to suit their particular circumstances.

There is a clear and compelling need to work with the Aboriginal community to utilise both ALAs and ILUAs more strategically to resolve greater volumes of land claims and generate greater benefit more rapidly.

Crown land 2031 will specifically target initiatives to better define and utilise these agreements to enable co-management and generate greater mutual benefits.







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