

November 2022

Crown reserve management news

Council Crown land managers

Department of Planning and Environment



Tulip time at Corbett Gardens, Bowral - R530065, Wingecarribee Shire Council. Photo: Destination NSW



Message from the Group Deputy Secretary

We are now in the final quarter of the year, in what has been another challenging time for councils managing Crown reserves, with heavy rains and flooding across the state. Our Area Managers in the Regional offices are always there to support councils through these difficult times. Councils can also contact the Crown Lands Flood Recovery Program team at floodrecovery@crowmland.nsw.gov.au or phone

1300 886 235.

We've had an amazing number of draft Plans of Management submitted by councils this year, which is keeping our assessment team busy. The number of Plans of Management submitted by councils has tripled since January 2021, with 68% of all 128 councils now engaged in the preparation of Plans of Management, up by 44% since January last year.

Finalists have been announced for the NSW/ACT Community Achievement Awards, included are 3 councils in the NSW Department of Planning and Environment Council Crown Land Management Excellence Award. Read on to find out more about the councils who have been acknowledged for their commitment to managing Crown reserves in partnership with their community.

Melanie Hawyes, Group Deputy Secretary, Crown Lands and Local Government

Community Achievement Awards finalists



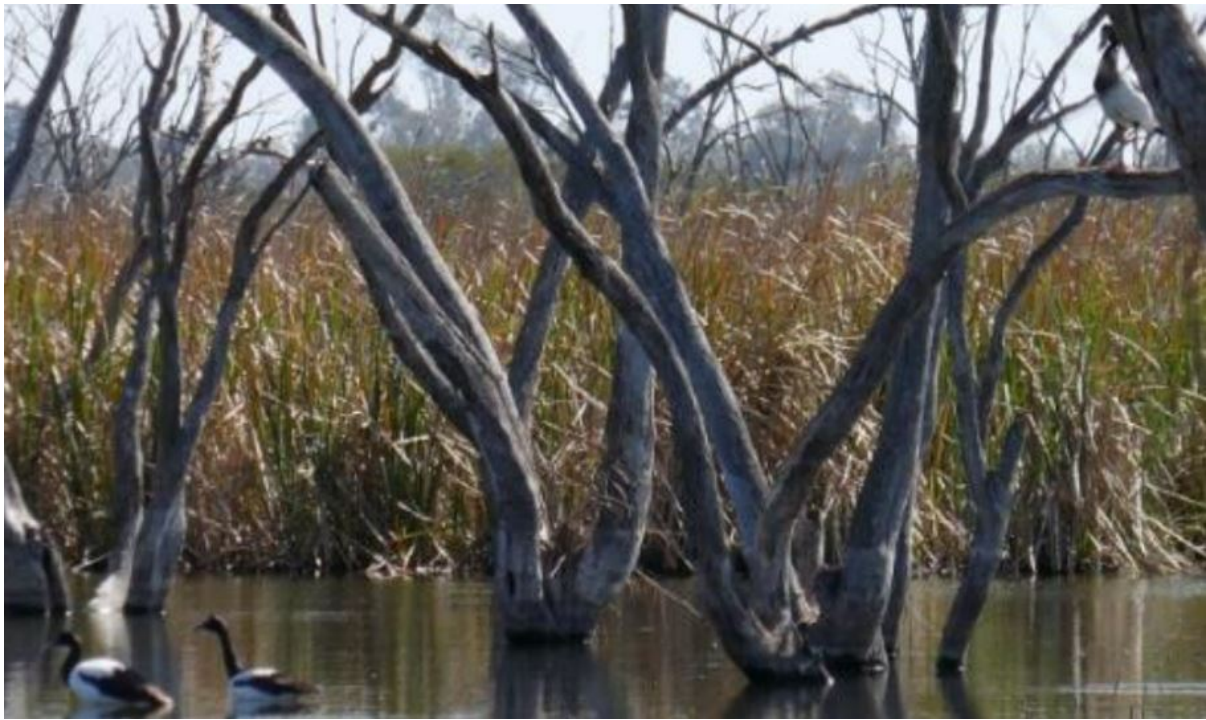
- **Blue Mountains City Council (BMCC)** is the Crown land manager (CLM) for 136 Crown reserves in the Greater Blue Mountains World Heritage Site. This includes the Wentworth Falls Lake Reserve, which is popular with locals and tourists and had up to 5 million visitors annually pre COVID-19. BMCC recognises traditional ownership in the use and management of Wentworth Falls Lake Reserve and has a well-planned and collaborative approach to managing this high-profile reserve.

- **Ku-ring-gai Council** is the CLM for 36 Crown reserves, including the St Ives Showground. Council has shown strong commitment to the principles of the Crown Land Management Act 2016 and encourage a variety of uses for this significant regional recreational reserve. Council actively promotes and supports activities on the reserve including sport, outdoor recreation, cultural and heritage community events, while considering environmental values. Council also implemented a new booking system, funded upgrades and opened new features such as the Treetops Adventure Park in November 2021.

- **Shellharbour City Council** is the CLM for 15 Crown reserves, including the Reddall Reserve, a waterfront reserve on the foreshore of Lake Illawarra and a significant regional destination. Council encourages community use by providing a range of features and facilities, including play space for all ages and abilities, inclusive and accessible amenities, bushland areas, trails and beach areas. The Aboriginal heritage of the area is respected in the management of the site. There is a dedicated 'Let's Chat' page on the council's website with details about the location, assets, and activities on the reserve.

The winners will be announced at a gala event on Friday, 25 November 2022. Further information about the awards is available on the [Reserve manager website](#).

Plans of Management update



Campbell's Wetland - R1002932, Griffith City Council. Photo: Melva Robb.

Now that councils have categorised over 90% of all Crown reserves across the state, the Council CLM team has been able to focus on the assessment of draft Plans of Management (PoM) received from councils. From October this year, 67% of all draft PoM received have been assessed, with 29 plans of management awaiting assessment and 76 draft plans under assessment. Many of the 76 draft PoM are on hold awaiting councils to provide further information or amendments. If this is your council, or you are unsure, please contact us at council.clm@crowland.nsw.gov.au.

Since 2019, over 355 draft Plans of Management (PoM) have been submitted by councils, and of these around 240 have been assessed and 130 finalised and adopted. The PoM for [Campbell's Wetland reserve](#) by [Griffith City Council](#), was adopted by Council on 13 September 2022 and is available on the council's website.

Reminders

1. **Final adopted PoM** - councils should email a copy of the final adopted PoM and advise the date adopted by council to council.clm@crowland.nsw.gov.au. Please ensure the adopted PoM is made available on the council website.
2. **Draft Plans of Management (PoM) to be submitted to Crown Lands for assessment prior to public exhibition** – if the PoM does not meet the requirements of section 39 of the Local Government Act 1993, there may be a requirement for further public exhibition and notification if the PoM needs substantial modifications.
3. **Before submitting a draft PoM check your document** – don't forget to review the document to ensure all legislation referenced is currently in force, departmental names are up to date and spelling, grammar and formatting is correct and consistent. To ensure minimum requirements have been detailed, use the [PoM checklist](#) which is on the council CLM [webpage](#) along with an updated [PoM Notice form](#).

Frequently Asked Questions

For queries about plans of management, check the [Frequently Asked Questions](#) on the Council Crown land manager webpage.

Caravan parks on Crown reserves



Halifax Holiday Park - R91621, Port Stephens Council. Photo from draft PoM.

In September, we sent letters to all councils managing caravan/holiday parks on Crown reserves to advise that these caravan parks can be effectively managed as 'community' land'. Caravan parks on reserves best fit into the category of 'General Community Use' (s361 of the Local Government Act 1993 (LG Act)). Reserves with caravan parks may also include surrounding areas such as beaches, rockpools and for other uses, such as carparks and playgrounds etc, and can be appropriately categorised under the LG Act. If the caravan park has existing residential tenancies or privately owned caravans, councils should identify in their plan of management the number of those occupations, the terms of those occupations and how council manages them.

[Site-specific plans of management](#) are recommended for caravan parks located on Crown reserves. If there are multiple caravan parks on Crown land managed by council within the LGA, these can be combined in one plan of management.

Native title update



It's important to remember that native title rights exist on Crown land managed by councils and native title is relevant for all councils, regardless of whether there has been a native title claim. The *Crown Land Management Act 2016* requires councils to employ or engage a native title manager to assist them in managing Crown land consistently with the *Native Title Act 1993*. To support this, a council's native title manager must provide a written report to the relevant council decision makers that an act complies with native title legislation prior to council undertaking activity on Crown land. The report should include appropriate notifications necessary to meet the requirements of the *Native Title Act 1993*.

We provide training to accredit council staff as native title managers. This initial training provides a foundational knowledge of native title and covers how to provide native title advice for activities on Crown reserves. Once you have completed training, we encourage you to connect and engage with other native title managers to share your local issues and find solutions together. Supporting our council native title manager network and promoting peer to peer information sharing is a priority in 2023.

Native title manager training is planned for April/May 2023, with dates to be confirmed. Please note that this training is targeted for nominated council staff overseeing Crown land management within their LGA.

Thank you to all councils who have notified Crown Lands of their native title manager for the 2022-23 reporting period. If there are any changes to these details, including if your native title manager leaves, please advise us at council.clm@crowmland.nsw.gov.au and we will then place your new nominee on the priority list for training.

Difference between native title and Aboriginal Land Rights

In NSW there are 2 key mechanisms by which Aboriginal peoples can have their rights in land formally recognised – [Land Rights](#) and [native title](#). Both systems formally recognise and provide for Aboriginal peoples' rights, but the 2 systems operate under different laws and differ in the rights they can provide.

The primary difference is the *Native Title Act 1993* is Federal law and the *Aboriginal Land Rights Act 1983* (ALRA) is NSW State law. The ALRA was principally established to return land in NSW to Aboriginal peoples through a process of lodging claims for certain Crown lands. ALRA usually comprise a grant of freehold or perpetual lease title to Aboriginal peoples. By contrast, Native title arises from recognition and protection, under Australian common law, of pre-existing Indigenous rights and interests according to traditional laws and customs. The Collaborate NSW website has a useful comparative table on [Understanding Land Rights and native title](#). Also refer to the [Quick reference guide for Councillors](#) and webinars on the [Council Crown Land Managers Training Portal](#) on the Council CLM [webpage](#).

Coastal Management Plans



Foreshore at Bennetts Beach, Hawks Nest - part of R77312, MidCoast Council. Photo: Jane Adam.

For coastal councils, don't forget to reference your Coastal Management Program (CMP) in the Strategic Objectives and Management Framework sections of the plan of management (PoM).

A PoM for reserves located in a coastal zone should:

- consider coastal hazard and climate change risks relevant to coastal Crown land
- include actions to appropriately manage or mitigate those risks
- be consistent with any relevant CMP, or in the absence of a CMP, the objects of the *Coastal Management Act 2016*.

Also, include any authorised coastal management development work in the permissible uses/future uses section of the PoM and any other relevant activities, including leases and licences, on coastal reserves. Refer to [section 22 of the Coastal Management Act 2016](#).

Floods on reserves in South West



Floods over reserves in the South West region in October. Photos: Grant Marsden and Shaun Flood.

These photos show some of the many Crown reserves affected by recent and ongoing floods in the South West region. If councils need support for the recovery of these reserves and other Crown land after these floods, please contact the Crown Lands Flood Recovery Program team at floodrecovery@crowland.nsw.gov.au or phone 1300 886 235.

Contact

Email: council.clm@crowland.nsw.gov.au

Further information and resources are available on the [Council CLM webpage](#).

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Department of Planning and Environment, Parramatta Square, 12 Darcy Street, Parramatta, NSW 2150,
Australia

[Unsubscribe](#) [Manage preferences](#)