

Attachment A



Reference: LBN19/296

Mr Ashley Lindsay  
General Manager  
Clarence Valley Shire Council  
Locked Bag 23  
GRAFTON NSW 2460

Attention: Dr Danny Parkin (Reserves Planner)

Dear Mr Lindsay

**Clarence Valley Shire Council's request for consent to manage Crown land as operational land**

I am writing in response to Clarence Valley Council's request for Minister's consent to classify 52 Crown reserves as 'operational land' under section 3.22 of the *Crown Land Management Act 2016*.

As a delegate of the Minister for Water, Property and Housing, I have approved Council to manage 14 whole and three-part Crown reserves as operational land (see – Attachment 1).

In making this decision, I have considered justification provided by Council so as to satisfy the Minister that the land:

- a) *does not fall within any of the categories for community land under the Local Government Act 1993 (LG Act), or*
- b) *could not continue to be used and dealt with as it currently can if it were required to be used and dealt with as community land.*

Council as the Crown land manager will be able to manage the land as operational land under the LG Act, except for any appointment conditions and land management rules and Council will be unable to sell the land without further consent of the Minister.

This written consent requests Council make clear in its communications that the classification of the land is to facilitate management in accordance with the legislation and consent from the Minister, and that the land cannot be sold without any further consideration by, or consent from, the Minister.

It is noted that Council requested 24 Crown reserves to be classified as operational. As the delegate of the Minister, this request has not been supported and the land is to be dealt with as community land.

It is noted that Council sought to re-classify of the following Crown reserves [R72797, R89830, R95566, R65975, and R81523] as operational land. The classification of

these reserves has been placed on hold pending a departmental policy position on the future management of caravan and tourist parks. Council will be notified of the outcome in due course.

It is noted that six Crown reserves are 'defaulted to the Minister' or Council is not the Crown land Manager, therefore Council is not able to manage these reserves as if they were public land (see - Attachment 2).

Please don't hesitate to contact me if you have any further questions. I can be contacted on 4920 5128 or by email [council.clm@crowmland.nsw.gov.au](mailto:council.clm@crowmland.nsw.gov.au).

Yours sincerely



**Lee McCourt**  
**A/Principal Policy and Project Manager – Governance & Finance**  
**Department of Planning, Industry and Environment – Crown Lands**

9 July 2019

**Attachments:**

1. *Schedule of Crown reserves to be managed as operational land*
2. *Schedule of Crown reserves not managed by Council as the Crown land manager Council (s48 of the LG Act)*

**Attachment 1:** *Schedule of Crown reserves to be managed as Operational land*

<b>Reserve No.</b>	<b>Purpose(s)</b>	<b>Lot(s)/DP subject of approval</b>
R57067	Sanitary Depot	Lot 79 DP 752843
R63066	Public Recreation	Lot 7001 DP 92599 (part) (see Figure 1)
R70652	Sanitary Purposes	Lot 18 DP 751360
R86774	Rubbish Depot	Lot 19 DP 751384
R88374	Bush Fire Brigade Purposes	Lot 6 Sec 1 DP 758452
R88773	Water Brigade Station Site	Lot 456 DP 822868
R89971	Bush Fire Brigade Purposes	Lot 114 DP 751374
R95611	State Emergency Services	Lot 1 Sec 16 DP 758290
R95748	Public Recreation Bush Fire Brigade Purposes	Lot 7077 DP 1115002 (part) (see Figure 2)
R97159	Bush Fire Brigade	Lot 110 DP 751356
R98122	Bush Fire Brigade Purposes	Lot 7005 DP 1054208
R98172	Bush Fire Brigade Public Hall	Lot 116 DP 721133 (part) (see Figure 3)
R140008	Bush Fire Brigade Purposes	Lot 701 DP 92569
R140009	Bush Fire Brigade Purposes	Lot 9 Sec 21 DP 758604
R140030	Bush Fire Brigade Purposes	Lot 280 DP 47837
R140056	Bush Fire Brigade Purposes	Lot 195 DP 728249
R140065	Bush Fire Brigade Community Centre	Lot 77 DP 752844

Figure 1: R63066

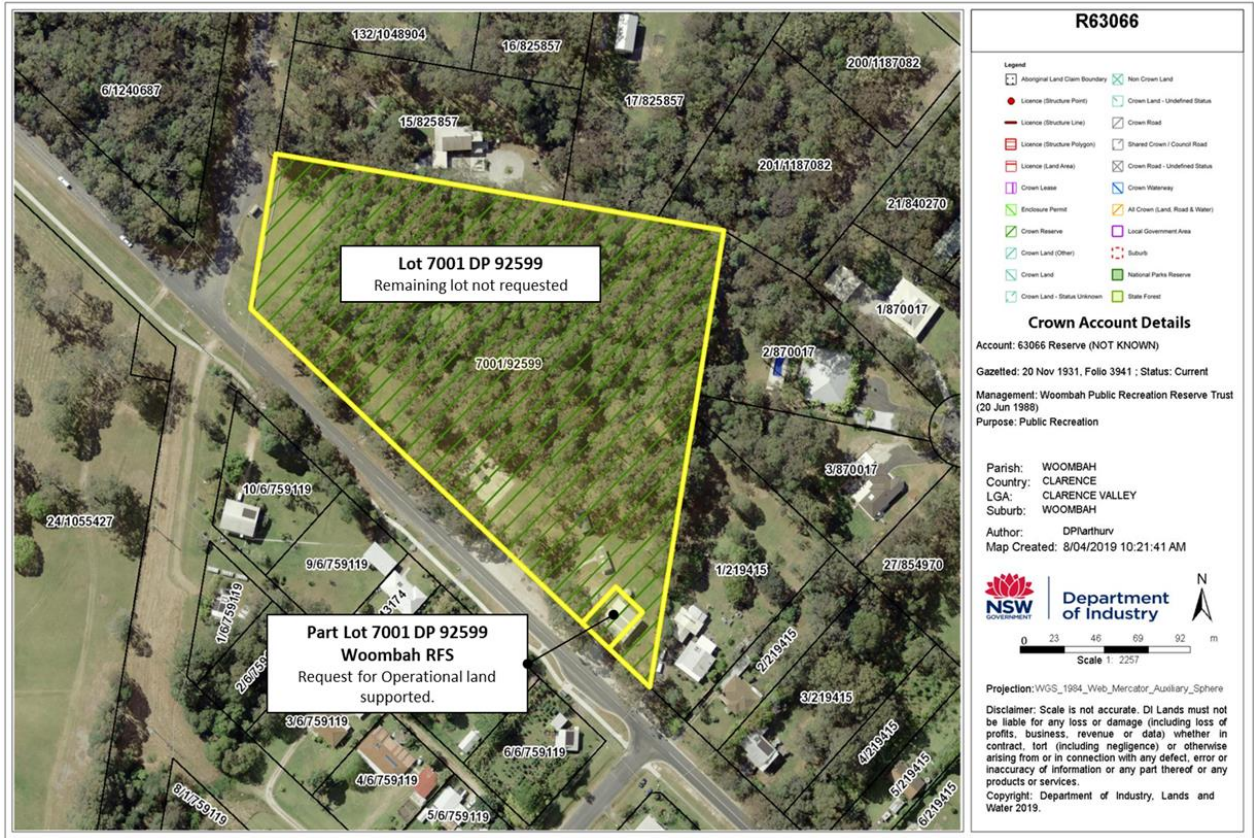


Figure 2: R95748

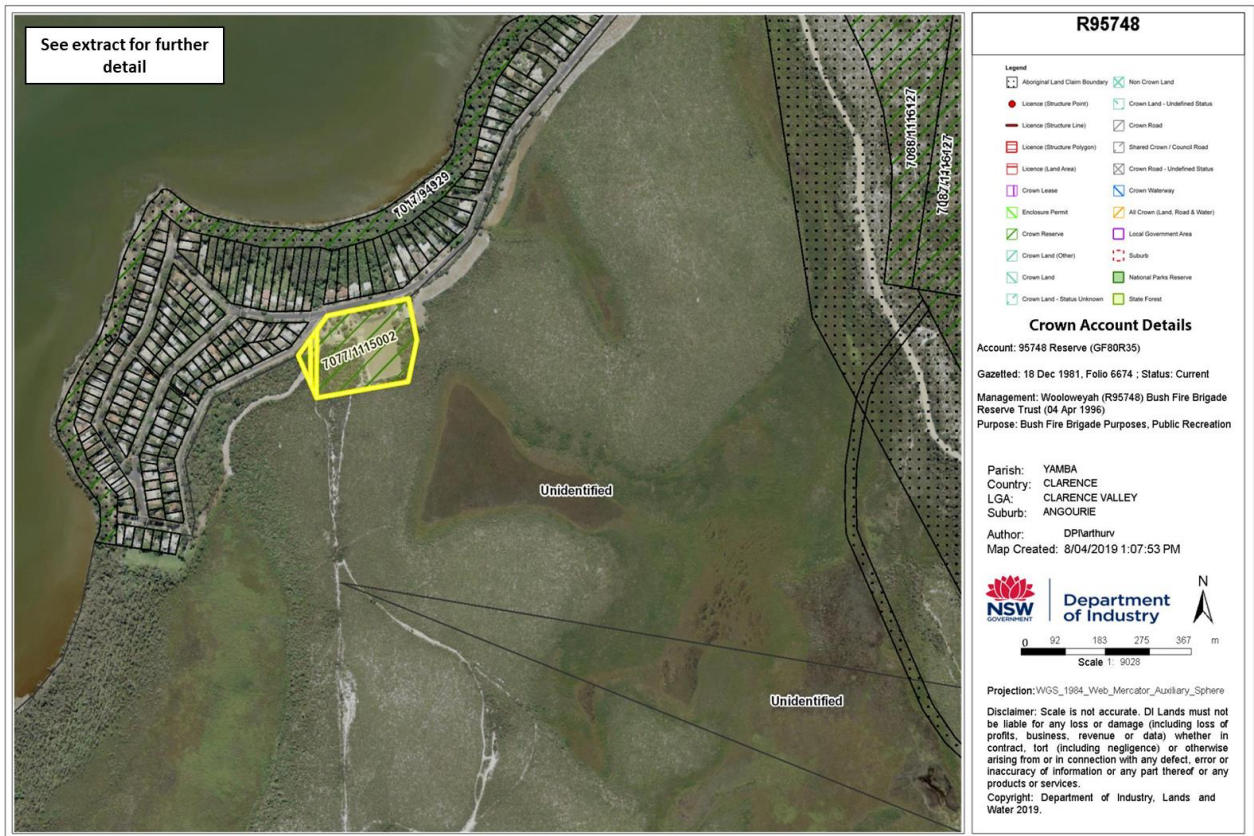
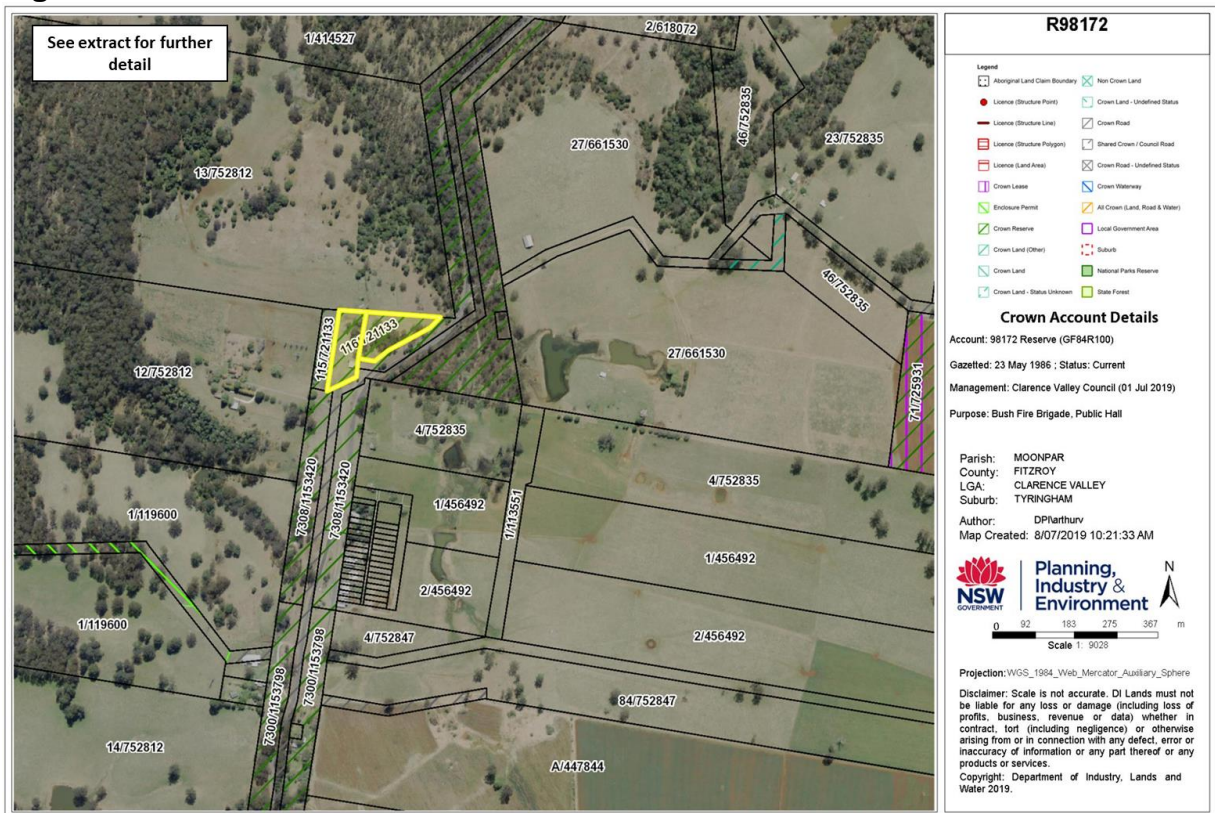


Figure 2 extract: R95748



Figure 3: R98172



**Figure 3: R98172 extract**



**Attachment 2:** Schedule of Crown reserves not managed by Council as the Crown land Manager

<b>Reserve No.</b>	<b>Purpose(s)</b>	<b>Lot(s)/DP</b>	<b>Management Type</b>
R1093	Water Supply	Lot 7003 DP 92582	Defaulted to the Minister
R1094	Other public Purposes Water Supply	Lot 7003 DP 92582 Lot 7002 DP 92581	Defaulted to the Minister
R88402	Rubbish Depot	Lot 7301 DP 1148767	Defaulted to the Minister
R92112	Rubbish Depot	Lot 7001 DP 94747 Lot 67 DP 752385	Defaulted to the Minister
R88545	Rubbish Depot	Part Lot 374 DP 751366	Defaulted to the Minister
D1000641	Town Hall Site	Lot 2 Sec 4 DP 758470	Statutory Land Manager



## **Categorisation & classification of caravan parks on Crown reserves (managed by Council Crown land managers)**

26 August 2021

Department of Planning, Industry and Environment

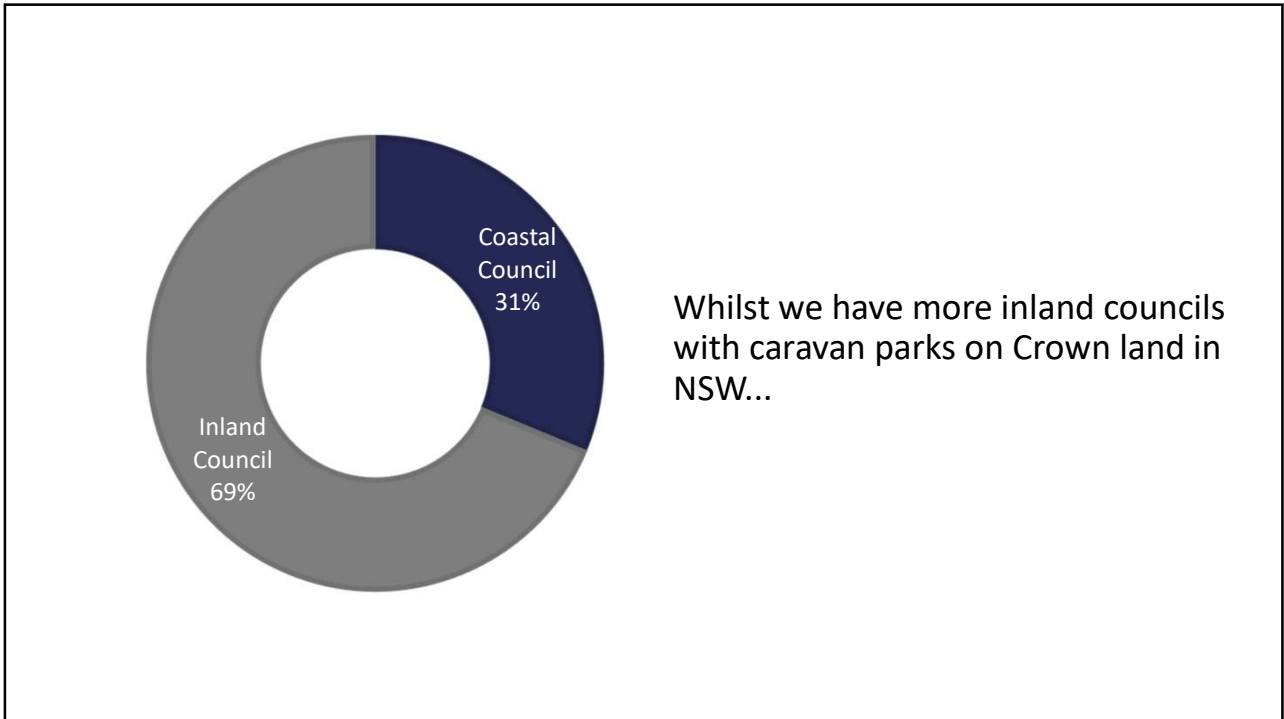
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<b>CL Manager</b>	<b>No. CPs</b>
<b>Council</b>	<b>133</b>
Corporation	2
Board	40
Direct Management	38
Administrator	2
<b>Total</b>	<b>213</b>

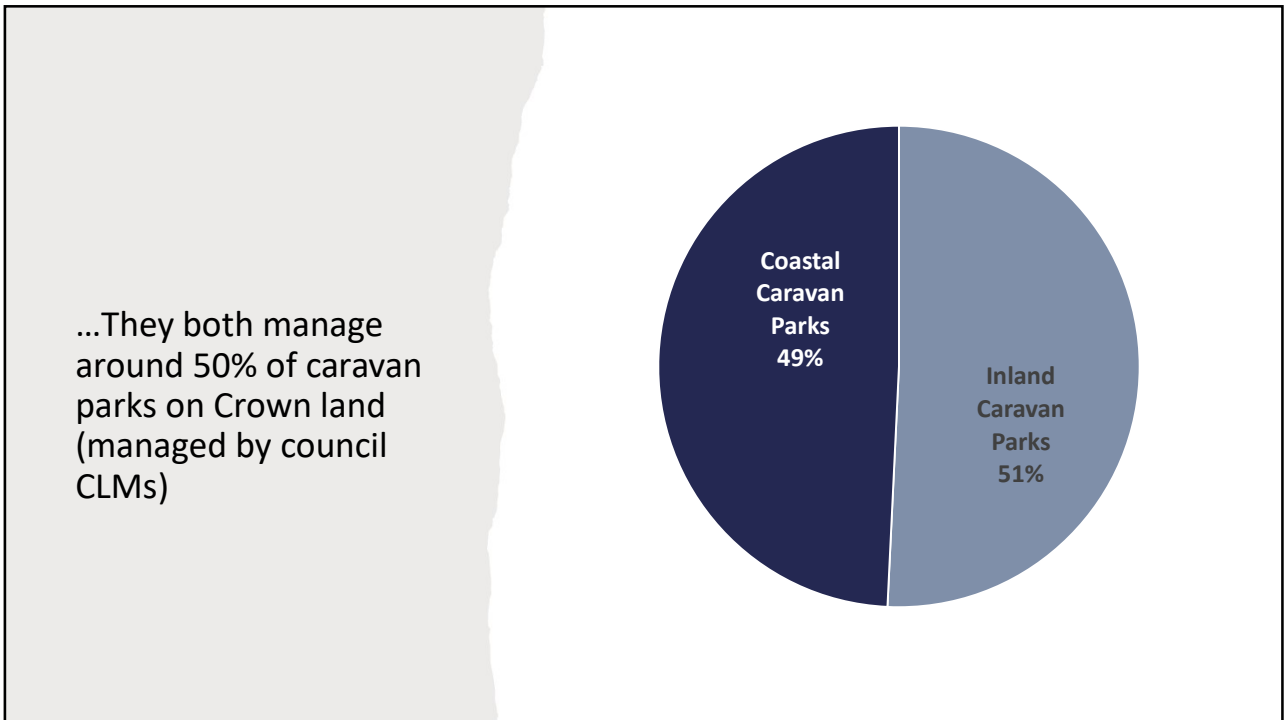
- 213 caravan parks on Crown land in total
- Around 60% of caravan parks on Crown land are managed by council CLMs
- Over half of councils in NSW managing caravan parks on Crown land
- As of February 2021, close to 75% of those Crown reserves had been submitted for classification and/or categorisation

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## Why is a policy needed?

- The intention of the policy is to provide clarity to councils and the community
- It will ensure a transparent and consistent approach is applied to caravan parks
- Also ensure that caravan parks and Crown land are managed lawfully and properly moving forward

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## Existing Management Issues

- Some caravan parks are located on Crown land for that specific reserve purpose
- There are caravan parks on Crown land reserved for purposes inconsistent with that use
- We are seeing different management approaches through the PoM process:
  - Several Council CLMs requested approval to apply an operational land classification
  - But many also requested to assign a General Community Use category

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## Targeted Survey



WHO WE SURVEYED



WHAT WE FOUND

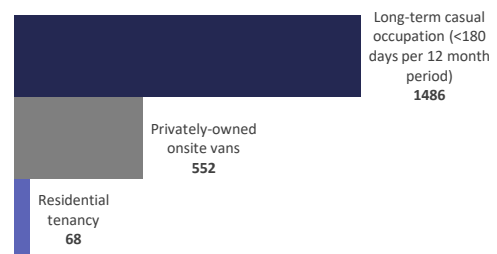


WHAT WE STILL DON'T  
KNOW

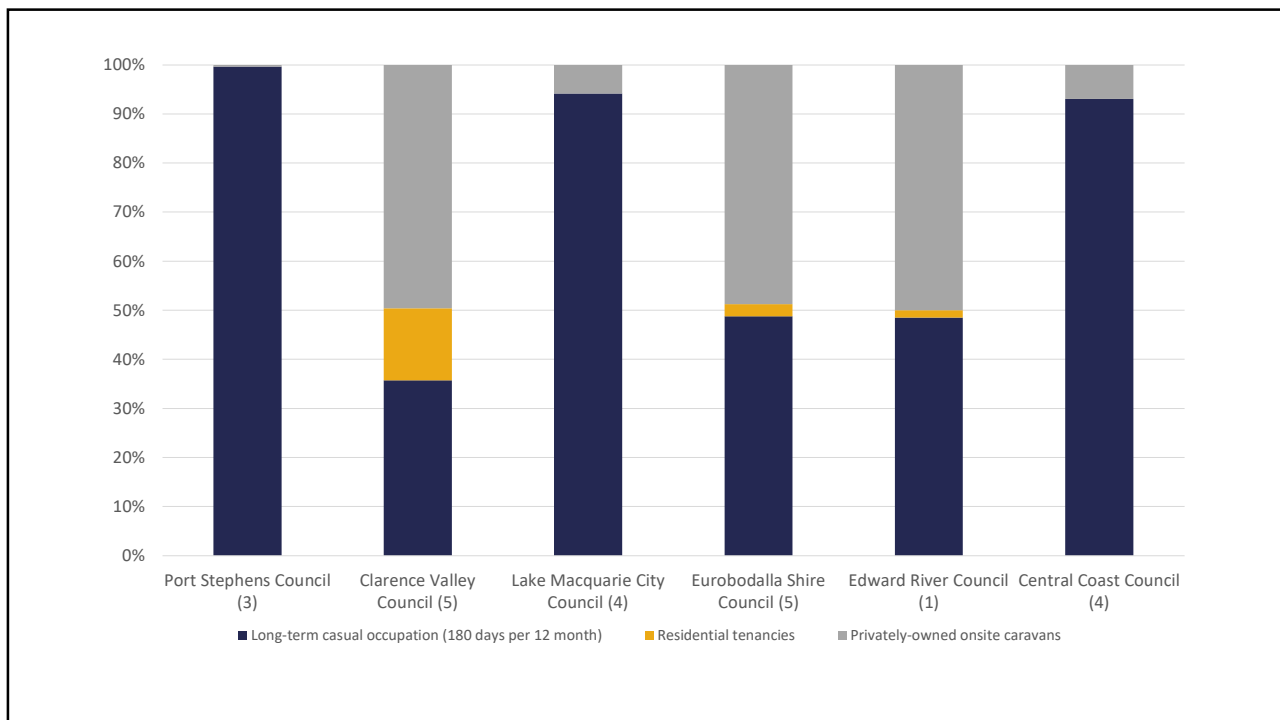
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## Survey Data

- 8 councils have 24 caravan parks on Crown land where council is the CLM
- 6 councils have long-term casual occupants
- 6 councils have privately-owned onsite vans
- 3 councils have residential tenancies



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## Survey Feedback

- Some councils permit the sale of residential sites, but only for use as holiday occupation
- Dual classifications can reduce flexibility
- Caravan parks currently provide low-cost housing and emergency accommodation
- Community land cannot be sold, leased or licenced for more than 21 years (without the Minister's consent) or alienated for personal use
- Long-term and permanent residents have rights under the *Residential Tenancies Act 2010*, some of which could be inconsistent with the objectives of community land
- Concerns regarding issuing of short-term casual licences and the requirements

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## Discussion Points

- How do councils manage the residents and long-term casual occupants? Benefits, challenges, and compliance?
- What programs are in place to keep track of residents/long-term casual occupants/private-owned onsite vans?
- What are the main barriers to reducing these? What are the options?
- In the survey feedback we noted that some residential sites can be sold but are then reverted to holiday status. How?



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## What's next?

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- Continue to have discussions with other business areas within the department to be incorporated into the policy
- Detailed survey at the end of September – this information will be feeding into our broader Crown Lands tourism space
- Continue to consider the options and communicating with Councils



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