

Draft Crown Land Management Regulations 2024

Explanatory guide



What is Crown land?

Approximately one fifth of South Australia (26 million hectares) is classified as Crown land.

Crown land is managed by the Department for Environment and Water (DEW) on behalf of the State government for the benefit of the South Australian community.

Crown land may be:

- **Dedicated:** Some Crown land is allocated to a custodian for specific purposes, such as recreation or community. For instance, many regional areas have Crown land dedicated to local councils for these purposes.
- **Leased:** Certain parcels of Crown land are leased for exclusive use for specific purposes like holiday accommodation shack leases.
- **Licensed:** Other areas of Crown land are licensed for non-exclusive use for specific purposes such as pump and pipeline licences along the River Murray.
- **Unalienated:** Some Crown land remains unallocated, meaning there is neither a lease nor dedication over it. There may be licences over unalienated Crown land.
- **Sold:** Crown land may be sold if it's deemed surplus to government requirements.

Find out more about Crown land on the [DEW website](#).

About Crown land legislation

The Minister for Climate, Environment and Water is the minister responsible for Crown land legislation.

Crown land legislation was reformed and consolidated when the [Crown Land Management Act 2009](#) (CLMA) commenced.

A small number of regulations support the Act. The [Crown Land Management Regulations 2010](#) were due to expire on 1 September 2021. The expiry was postponed allowing for a review and development of new regulations to further support the administration and management of Crown land.

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The Government is inviting feedback on the proposed *Crown Land Management Regulations 2024*. This document provides more details about the proposed regulations and examples of how they may be applied.

Regulations to support the sale of Crown land

Prescribed amount

The sale of surplus Crown land is referred to as 'disposal'. Disposal must be via an open, competitive process such as an auction or real estate agent sale unless one of the exemptions in section 25(1) of the CLMA applies.

While open, competitive processes are crucial for maximising returns on high-demand Crown land, certain regional and remote areas may have low-value land with limited appeal. The associated costs, both in terms of staff resources and finances, can deter the sale of such land. Moreover, real estate agents may be hesitant to market these less valuable blocks.

Section 25(1)(d) of the CLMA provides an exemption to an open competitive process if the land is valued at less than an amount prescribed by regulation. A value was not prescribed in the 2010 Regulations. The Office of the Valuer-General has supported a prescribed value of \$25,000 for the proposed *Crown Land Management Regulations 2024*.

This will mean that DEW may accept an expression of an interest from an individual/business to directly purchase a Crown land block valued at \$25,000 or less.

All the usual Crown land disposal assessments will be undertaken and a licensed valuer will determine the market value of the land. If appropriate, approval for the sale at market value, will be sought from the Minister pursuant to section 25(1)(d) of the CLMA.

Schedule E of [Premier and Cabinet Circular 114 – Government Real Property Management](#) (PC114) relates to the disposal of Crown land. DEW is not required to undertake some PC114 assessments if land is considered “low value” under the CLMA. The prescribed value in the Regulations will also apply to Schedule E of PC114.

Prescribed circumstances

Section 25(1)(e) of the CLMA provides an exemption to an open competitive process if the land is disposed of in circumstances prescribed by regulation.

The 2010 Regulations include prescribed circumstances related to Crown land licensees and compliance with statutory obligations.

Additional prescribed circumstances are included in the proposed *Crown Land Management Regulations 2024*.

- Disposal of Crown land within a regional council area to that council
- Disposal of Crown land located in the outback to the Outback Communities Authority.

This will mean that a regional council or the Outback Communities Authority will be able to express an interest in directly purchasing Crown land within its jurisdiction at market value. Existing custodianship of the Crown land will not be required.

All the usual Crown land disposal assessments will be undertaken and a licensed valuer will determine the market value of the land. If appropriate, approval for the sale, at market value, will be sought from the Minister pursuant to section 25(1)(e) of the CLMA.

These proposed prescribed circumstances support regional development and align with [Schedule E of PC114](#).

- Disposal of Crown land which the Minister has determined is low demand due to limiting characteristics and it is unreasonable to incur the additional expenses associated with an open, competitive process.

This will mean that DEW may accept an expression of an interest from an individual/business to directly purchase a Crown land block that has limiting characteristics that would prevent its sale by an open, competitive process. This land is likely to be low value but may exceed the proposed prescribed value of \$25,000.

All the usual Crown land disposal assessments will be undertaken and a licensed valuer will determine the market value of the land. If appropriate, approval for the sale, at market value, will be sought from the Minister pursuant to section 25(1)(e) of the CLMA.

In many cases, the interest in land with limiting characteristics will be from an adjoining land owner. An exemption to an open, competitive process currently exists under section 25 of the CLMA if the Crown land is merged with the adjacent land. This requires the adjoining land owner to engage a surveyor and in some cases the costs associated with this will exceed the value of the purchased Crown land. Merging of land is not required for disposals pursuant to section 25(1)(e) of the CLMA and a separate Certificate of Title may be issued for the purchased Crown land.

Occupation of Crown land

Under the 2010 regulations, occupying unalienated Crown land for more than three consecutive weeks without lawful authority constitutes misuse of the land, as outlined in section 61(1)(a) of the CLMA.

The proposed *Crown Land Management Regulations 2024* allow for the Minister to determine that the time period for the occupation of some unalienated Crown land, without lawful authority, is longer or shorter than the standard 21 consecutive days. Signage will be placed on the Crown land and/or a notice will be published in the Government Gazette to advise of the time period.

The prescribed period for all other unalienated will be 21 consecutive days (or 3 weeks).

Service of notices or documents

Section 75 of the CLMA lists numerous ways by which a notice or document may be given to a person. The proposed *Crown Land Management Regulations 2024* suggest that notices or documents may be sent via email to an address provided by or known to be used by the recipient, with the delivery deemed to have taken place at the time the email is sent.

The electronic service of notices and documents is efficient and aligns the CLMA with other South Australian legislation.

Examples of notices and documents required or authorised by the CLMA which may be served via email are:

- variations of licence terms and conditions pursuant to section 48(4) of the CLMA
- written notice to persons with a registered interest or caveat over a lease prior to its cancellation pursuant to section 43 of the CLMA; and
- remediation notices pursuant to section 57 of the CLMA.

Original documents requiring execution, such as lease documents, will continue to be sent via post and will need to be returned via post or hand delivered to DEW.

Setting aside unalienated Crown land for specific activities

There is a draft regulation which will allow the Minister to make decisions about designated areas of unalienated Crown land and the activities that may occur there. The Minister may place conditions and restrictions on the land.

For instance, camping could be specified as an activity, with access to designated Crown land restricted to those who hold a permit issued by DEW. Additional conditions, such as limits on the duration of camping stays, may also be established by the Minister.

Failure to adhere to any conditions or restrictions set by the Minister for the designated land will be considered an offence.

Prohibition and restriction of specified activities on designated unalienated Crown land

Balancing the social, economic and environmental needs of the community is a key consideration in the CLMA. The high demand for some parcels of unalienated Crown land may have a negative impact and it may be appropriate to restrict or prohibit access to the land.

The proposed *Crown Land Management Regulations 2024* will allow the Minister to prohibit activities, for example camping on a designated area of unalienated Crown land for a period of time to allow the land to regenerate.

Restriction on access to unalienated Crown land for public health and safety

To ensure public safety, the Minister will have the authority to limit access to certain areas of unalienated Crown land during events like fires, floods, or storms. This measure aims to reduce risks to people's health and safety.

The draft regulation may also be applied in other situations where there are risks to public well-being. For instance, in April 2020 camping was prohibited on unalienated Crown land for a designated period due to the COVID-19 declarations that applied at the time under the *Emergency Management Act 2004*.

It will be considered an offence to disregard any prohibition, restriction, or condition imposed by the Minister on specific areas of unalienated Crown land to safeguard public health and safety.

Compliance with notices and signs

Following directions on signs or notices is required on Crown land. Not doing so will be considered an offence.