

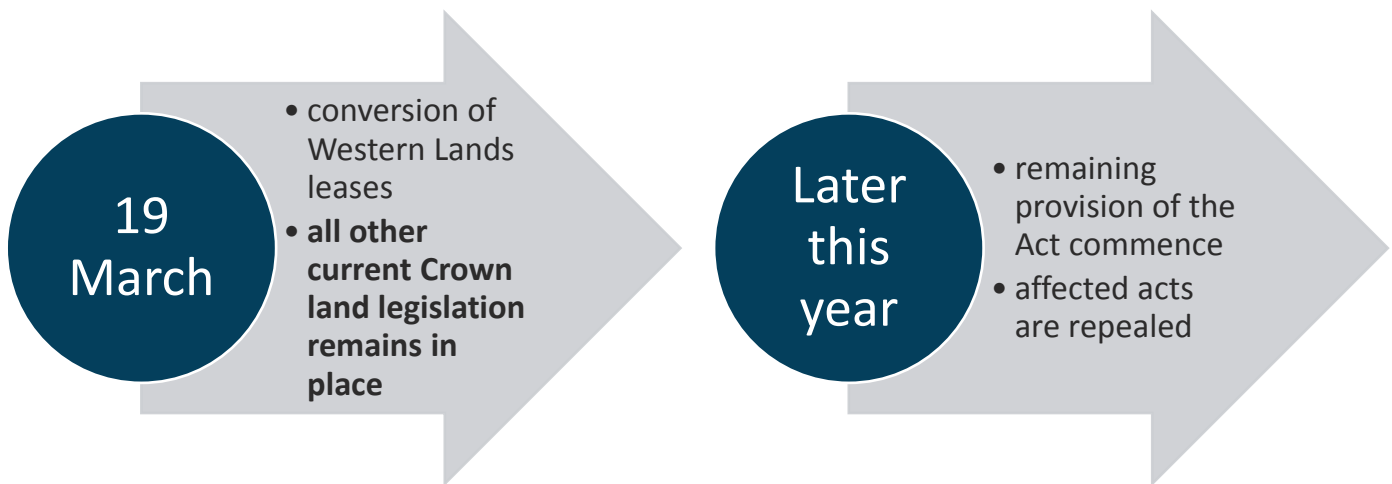
MANAGING CROWN LAND

An update for local councils

April 2018

With parts of the *Crown Land Management Act 2016* (the Act) commencing from 19 March 2018 and the remaining provisions set to come into force later this year, this update provides information for councils on key features of the Act. Please share this newsletter with your staff and council networks.

New legislation commences



From 19 March 2018

- Parts of the Act that enable eligible Western Land leaseholders to convert their lease to freehold come into force.
- Regulations that support these legislative provisions also commence.
- **All current Crown land legislation** remains in place until the rest of the Act commences later this year.

Later this year

- The remaining provisions of the Act and regulations will commence, which will:
 - ensure decisions consider environmental, social, cultural heritage and economic values
 - enhance community engagement
 - recognise Aboriginal involvement in the management of Crown land
 - boost compliance and enforcement powers
 - improve equity by standardising lease and licence arrangements
 - support social and community use by giving access to rent rebates and waivers.
- The affected existing acts will be repealed.

What doesn't change

Although the Act includes significant changes, it is important to understand what does not change.

Under the new legislation the Minister will still be able to:

- dedicate or reserve land
- grant leases, licences, permits, easements or rights of way
- appoint managers for dedicated or reserved Crown land
- sell or dispose of Crown land, subject to appropriate safeguards.

All lease and licences issued under the existing legislation will continue until the lease or licence term expires.

Regulations

The regulations for the Act have been finalised, following public consultation in 2017. The [Crown Land Management Regulation 2018](#) (the Regulation) is a statutory document that sets out the principles and rules relating to the use and management of Crown land in NSW. Only the provisions of the Regulation that relate to the parts of the legislation enabling Western Land leases to be converted into freehold title commenced on the 19 March 2018.

The remainder of the Regulation, including provisions regarding council management of Crown land, will come into force when the rest of the Act commences later in 2018. These provisions are explained below to help councils to familiarise with the new arrangements prior to their commencement.

Existing plans of management

The Act authorises councils to manage Crown land as if it were public land under the *Local Government Act 1993* (LG Act) with the default classification of community land. Council Crown land managers are required to create a new plan of management for this land under the provisions of the LG Act within three years of Division 3.2 of the Act commencing (the initial period). As above, the Act commences later in 2018—the three years will apply from that date, i.e. it has not yet commenced.

Where a plan of management is already in place under the *Crown Lands Act 1989* (CL Act), the Regulation provides that this plan will remain in force either:

- a new plan of management under the provisions of the LG Act is adopted
- the land is classified as operational land under the LG Act (with the Minister's written consent)
- the conclusion of the initial period, by which time councils are required to have adopted a new plan of management.

Crown land managers must continue to comply with CL Act plans of management while ever they remain in force.

The Minister for Lands and Forestry may cancel an existing CL Act plan of management but cannot alter it. Any proposed management activity for land that is not provided for in an existing plan of management should be implemented via adoption of a LG Act plan of management for the purposes of the Act.

Issuing leases and licences

The Regulation provides certain exemptions to the operation of the Act and LG Act during the initial period. As above, the Act commences later in 2018—these exemptions will apply from that date, i.e. they have not yet commenced.

The Act provides that, unless Ministerial consent has been issued to classify and manage the land as if it were operational land, a council Crown land manager must manage Crown land as if it were community land under the LG Act. Under the LG Act, community land may not be leased or licenced until a plan of management is adopted that authorises the grant of the tenure.

The Regulation introduces transitional arrangements that will enable councils to continue current authorised uses and short-term uses of Crown land whilst developing plans of management.

During the initial period, and until council adopts a first plan of management for council managed Crown land, the Regulation allows councils to:

- issue short-term licences over council-managed Crown land for a range prescribed purposes, such as holding sports and recreational activities, camping and events
- renew existing leases over council-managed Crown land if the renewal does not authorise any additional use for the land
- grant new leases over council managed Crown land, if there was a pre-existing lease immediately prior to the repeal of the CL Act and the new lease does not authorise any additional use of the land.

When exercising powers provided by these transitional arrangements, council Crown land managers must obtain written advice from a qualified native title manager that any leases or licences comply with native title legislation. Councils are required to engage or employ a native title manager under the Act.

More information on managing native title rights and interests and the role of native title managers is available from the department website.

Council Crown land management webinars

The Office of Local Government (OLG) and the department will be hosting a series of webinars for council general managers and senior staff. The purpose of the webinar series is to provide information about:

- key issues for councils to consider in preparing for the commencement of the Act later in 2018
- new tools and resources available for council staff.

The first webinar was held on 21 March. A recording of the webinar will be made available on the OLG [website](#).

More information

We understand you may have questions about the management of Crown land and changes under the Act. The department in partnership with OLG will provide updates on key features of the Act and the activities to support the transition to the new legislation.

For more information contact the Department of Industry—Lands & Water on 1300 886 235 or email legislation@crowmland.nsw.gov.au.