



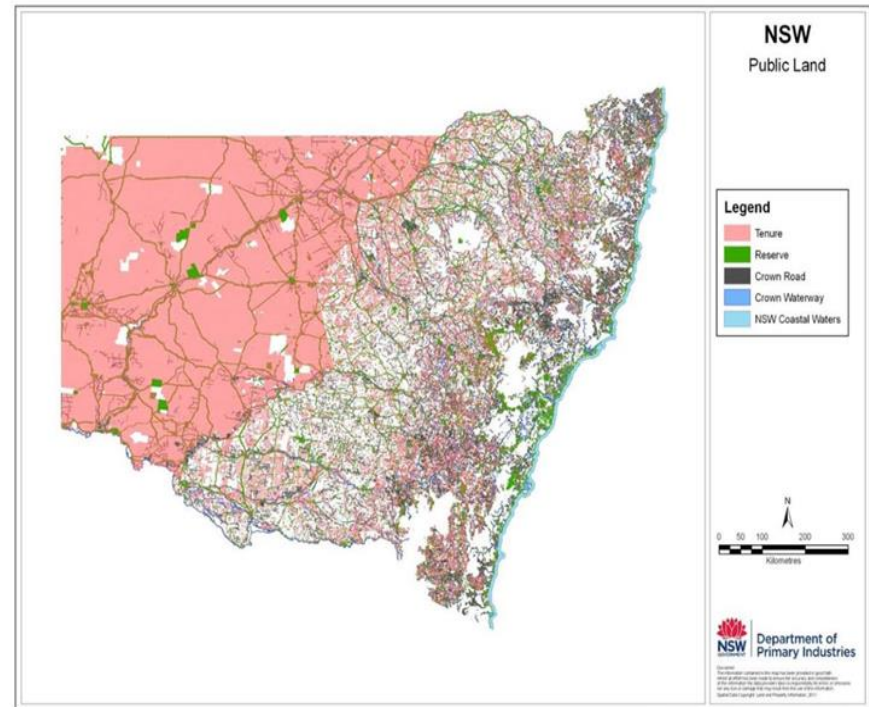
COUNCIL CROWN LAND MANAGEMENT

Briefing pack for councilors

April 2018

What is Crown Land?

- Essentially all land in the State except private property, State Forests and National Parks.
- Comprises about half of the NSW land area with a total value of approximately \$11 billion.
- A large portion of this is in the Western Division, where perpetual leases have generally been granted to farmers,
- This still leaves 3.5M hectares covered by reserves, roads and other tenures.



Who manages Crown Land?

- 580,000 individual parcels.
- 59,000 tenures (leases & licences)
- 34,000 reserves – managed by:
 - State Agencies/Departments
 - **Local Government (7,800)**
 - Community Trusts (700)
 - Local Land Services
 - Corporate Trusts
- 6,500 Western Lands Leases.

Key Assets on Crown Land

Asset	Trust Board	Council	Corporation	Administrator	Direct Management	Total
SLSC	0	76 (85%)	1 (1%)	3 (4%)	8 (9%) Tenure	89
Caravan Park	6 (3%) Community 34 (16%) NSWCHPT	130 (61%)	2 (1%)	2 (1%)	38 (18%) Tenure	213
Showground	65 (48%)	60 (44%)	10 (7%)	1 (1%)	-	136
Racecourse	41 (35%)	38 (33%)	29 (25%)	4 (3%)	4 (3%) No Trust	116
Showground & Racecourse	13 (38%)	21 (62%)	-	-	-	34
Community Centre	173 (15%)	520 (45%)	289 (25%)		92 (8%) Tenure	1,155
Aged Care Facilities	2 (3%)	14 (18%)	45 (57%)		17 Tenure (23%)	79
State parks	2 (11%) Community 7 (39%) NSWCHPT	6 (33%)	3 (17%)			18
Total	343 (19%)	865 (47%)	379 (21%)	10 (1%)	241 (12%)	1,840

Crown Land Review process

2012

Comprehensive review of Crown land management & future direction – first review in 25 years

2014

Legislation White Paper – over 600 submissions

2015

Government response to White Paper:

- the NSW Government would retain land that is required for the public
- land with mostly local values to be owned or managed by councils
- new, consolidated Crown lands legislation

2016

Parliamentary Inquiry into Crown land

Crown Land Management Act (November 2016)

What is changing?

Current system

Councils manage Crown reserves under Crown lands legislation, and manage council owned public land under the *Local Government Act 1993* (LG Act).



New system

Councils manage Crown reserves under the LG Act; Ownership of this land will remain with the State with the Minister for Lands and Forestry retaining certain oversight functions; Council managed Crown reserves will generally be classified as community land and categorised under the LG Act.

Appointment as Crown Land Managers

Current <i>Crown Lands Act 1989</i>	New <i>Crown Land Management Act 2016</i>
Councils appointed as reserve trust managers	<ul style="list-style-type: none">▪ A simplified two-tier reserve management structure, removing the three-tier model▪ Councils appointed as Crown land managers<ul style="list-style-type: none">• All current reserve trust managers (including Councils) will be automatically appointed as Crown land managers under the new Act• Appointment instruments for Crown Land Managers

Classification and Categorisation

Current <i>Crown Lands Act 1989</i>	New <i>Crown Land Management Act 2016</i>
Management of Crown land in accordance with the Crown Lands Act 1989.	<ul style="list-style-type: none">▪ Generally managed in accordance with Local Government Act 1993 as ‘community land’ – some additional provisions under CLM Act▪ In exceptional circumstances land may be managed as operational land, subject to Ministerial consent▪ Councils generally not required to seek the Minister’s approval for dealings on Crown reserves▪ Council must:<ul style="list-style-type: none">• assign a category related to the reserve purpose and• prepare a Local Government Act Plan of Management (POM) within 3 years

Plans of Management

Current <i>Crown Lands Act 1989</i>	New <i>Crown Land Management Act 2016</i>
Management of Crown land in accordance with the <i>Crown Lands Act 1989</i> .	<ul style="list-style-type: none">▪ Plans of Management (POMs) prepared and adopted in accordance with the provisions of Local Government Act 1993▪ POMs will be informed by reserve purpose (through categorisation)▪ Transitional relief:<ul style="list-style-type: none">• POMs to be phased over 3 years• Councils can amend existing POMs to include Crown reserves• OLG to distribute financial assistance to prepare POMs (further details soon)▪ Councils remain eligible for Public Reserve Management Fund grants

Ministerial PoM Oversights

- The category applied to community land must be that which council considers most closely relates to the reserve purpose.
- A Council Crown Land Manager (CCLM) must also:
 - Notify the Minister of the proposed categorisation of the land as soon as practical; and
 - Obtain the Minister's consent for any POM that would alter the categorisation of the land to that which would constitute an additional purpose.
- The Minister cannot give consent to altering the category of land if it is considered that would be likely to materially harm the use of the land for its reserve purpose.
- CCLM's must undertake community engagement activities prescribed by the LG Act in preparation of the POM. However no public hearing is required for the first POM for Crown land (unless the category changes).

Tenure (leases, licences etc)

Current <i>Crown Lands Act 1989</i>	New <i>Crown Land Management Act 2016</i>
<p>Council reserve trust managers may licence up to 1 year.</p> <p>Any lease or licence over 1 year requires Ministerial consent, under the provisions of the <i>Crown Lands Act 1989</i></p>	<ul style="list-style-type: none">▪ Councils may issue leases, licence and other estates under provisions of the <i>Local Government Act 1993</i>▪ No requirement for Minister for Lands consent▪ However, Minister for Local Government consent is required in certain circumstances (eg: leases > 21 years)▪ Transitional provisions to be included in Regulations (ie: to allow carry over existing leases and licences until new POMs are in place)

Native title

Current <i>Crown Lands Act 1989</i>	New <i>Crown Land Management Act 2016</i>
Native title obligations responsibility of trust manager	<ul style="list-style-type: none">▪ Native title obligations responsibility of council▪ Councils must engage a qualified native title manager to oversee dealings and ensure compliance with native title obligations▪ Qualified = having completed the prescribed training delivered by Crown Solicitors Office and DOI – Crown Lands in 2017▪ Further training planned for 2018

When does the Act commence?

- There are no immediate changes for reserve trusts, lessees or licence holders
- The Act commencement is being staged with the recent 'in force' commencement of the parts for Western Land lease conversion, and the Crown Land Management Regulation having been made.
- Anticipated that the majority of the new legislation will commence in mid-2018

Transitional Arrangements

- **Schedule 7 (Cl. 5)** - provides that any existing tenure for council managed Crown land continues in force for the term of its original grant
- **CLM Regulation (in force but only commences when Act does)** – will enable council Crown land managers to:
 - grant short term licences under s.2.20;
 - renew existing leases should their be no additional permitted use; and
 - grant new leases if there was a lease in force over the land immediately before the CL Act 89 repeal and there are no additional permitted uses for the land under the lease.
- Crown Land Act PoMs for council managed Crown land will continue in effect until either:
 - a LG Act PoM is prepared in accordance with s.3.23;
 - the land classified as operational (with Ministers consent); or
 - the initial period (3 years) concludes

Other Reforms

1. Vesting of Crown Land in local councils

- Land that meets local land criteria will be available for transfer to local council ownership
- No forced transfers
- These provisions will be used to support the Land Negotiation Program - staged three way negotiations between the State, councils and local Aboriginal land councils

2. Council roads

- Crown Land Legislation Amendment Act 2017 passed Parliament in May 2017
- Includes changes to Roads Act 1993
- Councils able to close council roads without approval of Minister for Lands
- Stringent safeguards included to ensure a closure is appropriate and does not deny access to a property

Support provided to date

- **DOI – Crown Land: Council updates** - June, September and December 2017
- **OLG Circular to Councils** – December 2017
- **OLG Crown Lands webpage** – December 2017
- **OLG and Crown Lands at LGNSW Conference** 2017
- **Crown Lands ROC briefings** – 2017 and regular newsletters
- **FAQs on OLG webpage** – February 2018
- **Council Reference Group** – Meeting from February to December 2018
- **General Manager / Senior staff webinar** – March 2018

Upcoming support




- **Webinars and FAQs** - on OLG webpage from late March
- **New tools for council staff** – eNewsletter and Facebook group
- **Guidance and training** - from April
 - Staged release to support councils through process
 - Webinars before Act commencement / face to face training for council staff afterwards
 - Materials developed in consultation with a Council Reference Group
- **Plans of Management Funding**
 - Further details coming soon from OLG.

What are the next steps for Councils?






- Ensure relevant officers who have attended Native Title training understand their role and seek clarification from DoI – Crown Lands as required and review their handbook and training materials.
- Review Council trust managed Crown reserves to identify where PoMs are in place.
- PoMs can then be amended or replaced.
- Consider the classification, community land categories and reserve purpose(s) of the Crown reserves in preparation for the Act commencement.
- Review guidance and advice, attend relevant training, confirm classification and categorisation and commence preparation of PoMs.

Key questions for councils

-  Does your council have appropriate land management IT systems in place?
-  Does your council have a clear understanding of any existing POMs it has place for Crown land?
-  Does your council have a clear understanding of its Reserve management (Trust) governance and financial arrangements and responsibilities?

Key questions for councils

-  Has your council considered formation of a cross-team working groups to oversee implementation and operations?
-  Has your council made provision in budgets with respect to the above issues (ie: staffing, IT systems, POMs for community Crown Land)?
-  Does your council have an appropriately qualified Native title manager(s) in place?

Further information: www.olg.nsw.gov.au/crownland