

The new Crown Land Management Act 2016 comes into force on 1 July 2018 and there are changes to the way council managers operate.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils that are appointed to manage dedicated or reserved Crown land (council managers), to manage that land as if it were public land under the *Local Government Act 1993* (LG Act).

Generally council managers will manage land as if it were community land. Under the LG Act, a 'plan of management' must be adopted for all community land. The plan categorises the land and governs its use and management.

What are the benefits of having a plan of management in place?

A plan of management is a useful tool to provide strategic planning and governance for the management and use of land. Plans of management set out objectives and performance targets for community land and provide for active land management and use, including the issuing of tenures over the land.

The LG Act requires community engagement activities be undertaken in the preparation of plans of management, including public exhibition of the plan and opportunities for the community to comment. This allows the community to be involved and represented in the contents of a plan.

The move to allow councils to manage Crown land as if it were council-owned public land under the LG Act, and implement plans of management, allows councils to manage their entire land portfolios under one streamlined regime, reducing duplication, red tape, administrative complexity and confusion.

Is there a deadline for plans of management under the new legislation?

Council Crown land managers must ensure that there is a compliant plan of management for all Crown land that they manage as community land within three years of the commencement of Part 3 of the CLM Act.

A compliant plan of management must be in place before the deadline to ensure that the Crown land is lawfully used and occupied. Ensuring lawful use and occupation is an essential part of councils' role as the manager of Crown land.

Can council managers amend existing plans of management?

Yes. Council managers are able to amend existing plans of management so that they apply to Crown reserves, where this is appropriate given the use of the Crown reserve. All applicable provisions of the CLM Act and the LG Act must be addressed for plans of management amended to cover Crown reserves.

Can one plan of management cover multiple reserves?

Yes. Councils can prepare one plan of management that includes multiple reserves, in accordance with the provisions of the LG Act.

What is being done to support council managers in preparing plans of management?

Measures put in place to support councils in preparing plans of managements include:

- allocation of \$7 million by NSW government to support councils managers in preparing compliant plans of management
- a partnership between NSW Office of Local Government and NSW Department of Industry to lead the delivery of guidance materials and training programs to support council Crown land managers
- a simplified process introduced under the CLM Act for council Crown land managers where a new plan of management is required
- development of training and resource material, including plan of management template webcasts, circulars, fact sheets, and other guidance material, downloadable from the Office of Local government website (olg.nsw.gov.au/content/council-crown-land-managers-resources)
- delivery of a council Crown land manager staff training program from July to September 2018.

How will funding be delivered to council managers?

Plan of management funding will be administered by the NSW Office of Local Government.

When will councils be notified of their funding allocation?

Councils will be informed of the plan of management funding allocation prior to commencement of the CLM Act on 1 July 2018, with funding expected to be allocated early in the 2018–19 financial year.

How will funding be allocated?

Funding will be allocated based on an apportionment model developed by the NSW Office of Local Government and the Department of Industry. The funding methodology aims to deliver an equitable, relative-needs apportionment of available funds based on the council's resourcing requirements and capacity to deliver plans of management.

Funding allocation is based on:

- the number of reserves each council will manage
- the resourcing capacity of each council based on the Local Government Grants Commission's 2017–18 distribution methodology for NSW Council Financial Assistance Grants. This methodology indicates the relative disadvantage each council faces (based on factors such as council size, land area, remoteness, demographic challenges, etc.).

Is there a minimum or maximum funding allocation?

Yes. To support equitable distribution of the funds, there is a base level of funding set at \$30,000 and a funding cap of \$100,000.

Can plans of management funding be used to employ or contract staff to prepare plans of management?

Yes, council may use funding to engage consultants or staff to prepare compliant plans of management. All funding must be appropriately acquitted to demonstrate its use towards meeting the requirements of the CLM Act

Can council managers apply reserve proceeds to the preparation of plans of management?

Yes, the CLM Act allows councils to apply proceeds generated by activities on reserves they manage to the preparation of plans of management.

Can council managers apply for funding under the Crown Reserves Improvement Fund?

Yes, council Crown land managers can apply to the department's Crown Reserves Improvement Fund program (previously the Public Reserves Management Fund) for grants to prepare plans of management, noting the scope of the Crown Reserves Improvement Fund and also noting that as this is a competitive process—funding is not guaranteed.

All funding administered under this program is assessed in accordance with prescribed criteria.

Can council managers grant leases or licences prior to a plan of management being in place?

Prior to the adoption of a plan of management over Crown land, councils will be able to issue short-term licences of up to one year for prescribed purposes under the CLM Act. Councils will also be able to renew existing leases, as long as the permitted uses do not change.

Councils will also be able to grant new leases if they only permit uses that are the same as leases over the land in force immediately prior to the commencement of the CLM Act.

More information

- Email: legislation@crowmland.nsw.gov.au
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