

Circular Details	Circular No 18-15 / 1 June 2018 / A590823
Previous Circular	N/A
Who should read this	Councillors / General Managers / Crown Land Management staff
Contact	Mr Glen Colley / Policy Team - 1300 117 784 councilcrownland@olg.nsw.gov.au
Action required	Information and Implementation

Commencement of the *Crown Land Management Act 2016*

What is new or changing?

- The Minister for Lands and Forestry, the Hon. Paul Toole MP today announced that the *Crown Land Management Act 2016* (CLM Act) will commence on **1 July 2018**.

What this will mean for your council

- Local councils will commence management of Crown reserves under the *Local Government Act 1993* from 1 July, and must be ready to start the transition to the new requirements from that date.

Resources and support material are being provided to councils

- In recent months, the Office of Local Government (OLG) and Department of Industry have produced a range of materials to support councils in their preparations, including newsletters, webinars and FAQs.
- Two important resources were recently provided to councils:
 - An Interim Schedule of Crown Reserves was distributed to each council to help complete the preparatory work of classifying and categorising Crown Reserves; and
 - A webcast on the Classification and Categorisation of Crown Reserves by councils was hosted by OLG and the Department of Industry on 29 May 2018. A recording of the webcast is now available on OLG's Crown Lands page: www.olg.nsw.gov.au/content/council-crown-land-managers-resources. The Guidelines discussed in the webcast and a Question and Answer document will be uploaded in the near future.
- Further key support materials for councils will be rolled-out over the coming months, as set out in the table below:

June 2018	<ul style="list-style-type: none"> Release of Classification and Categorisation of Crown Reserves guidelines and webcast Q&As. Release of guidance material on plans of management (PoM) preparation under the <i>Local Government Act 1993</i>. Webinar on PoM framework, funding and transition preparation.
July 2018	<ul style="list-style-type: none"> Commencement of CLM Act (1 July) Release of Crown land reserve manager portal (phase 1) for councils for formal use in management of Crown reserves.

August 2018	<ul style="list-style-type: none"> • Distribution of PoM funding to councils. • OLG to host regional, face-to-face training sessions for council Crown land managers on PoM development.
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- It is very important that council staff engage with the materials provided, to ensure councils meet their legislative requirements. Details of upcoming resources will be made available on the OLG Crown land webpage (www.olg.nsw.gov.au/crownland) in the coming days and weeks.
- Until the CLM Act commences on 1 July, Crown reserves continue to be administered in accordance with existing legislation - *Crown Lands Act 1989* - with no changes for existing reserve trusts, lessees, licence holders or others with an interest in Crown land.

Native title manager training

- A key change to the way councils manage Crown land under the CLM Act will be the requirement for each council to employ or engage a trained native title manager who will be responsible for providing advice on certain dealings for land that may be affected by native title.
- An initial round of NSW Government-funded native title training was delivered by the Crown Solicitors Office in November 2017 and a further round of training was delivered in May 2018. Participants have been provided with a tailored training package and handbook to support compliance with the CLM Act and native title legislation.
- Following satisfactory completion of the training, those participants are now qualified as native title managers for the purposes of the CLM Act.
- Planning is underway to make further native title manager training available following commencement of the CLM Act. More details will be provided soon.

Plans of management (PoM) funding

- The NSW Government has allocated \$7 million in funding to support councils prepare PoMs for Crown land.
- Council Crown land managers must ensure that a compliant PoM is adopted for all Crown land that they manage as community land within three years of the commencement of Part 3 of the CLM Act on 1 July 2018.
- All councils are eligible for the funding, which will be distributed by OLG after the CLM Act commences.
- Funding will be delivered using an equitable and relative-needs-based apportionment methodology, developed in consultation with the Council Reference Group. The methodology will be based on each council's resourcing requirements and capacity to deliver PoMs.
- 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.
- The funding is intended to help councils fund preparation of legally compliant plans of management. Councils can also draw on other resources to fund the preparation of PoMs (e.g. through general revenue, Crown reserve proceeds and by applying for grants under the Crown Reserves Improvement Fund Program—formerly the Public Reserves Management Fund).
- From June 2018, OLG and Department of Industry will provide other resources to assist councils develop PoMs within the statutory period, including guidance, templates and training.
- Councils will be informed of the allocation prior to commencement of the CLM Act on 1 July 2018. Funding is expected to be allocated in August 2018.

New transitional arrangements announced

- The Government is providing an additional 12-month transition period for councils and corporate entities managing Crown reserves. This recognises that these organisations may need additional time to make the necessary operational changes, such as updating financial, banking, tax and insurance details associated with their reserve trusts.
- The existing reserve trust structure will therefore be kept in place until 1 July 2019.
- The transition period only applies to the reserve trust layer for council and corporate entities.
- The transition period does not delay the requirement to comply with all other provisions of the CLM Act, which will commence on 1 July 2018.
- To assist with monitoring and implementing the new framework for the management of Crown lands, the first Crown Land Commissioner (the Commissioner) will be appointed under the CLM Act.
- The Commissioner will play a key role in maintaining transparency and open communication regarding the management of Crown land.
- Once appointed, the Commissioner will work with the Government and stakeholders, providing independent advice to support the successful implementation and transition to the CLM Act.

Where to go for further information

- For further information about the impending legislation, including support materials and details of upcoming training and events visit OLG's Crown Land webpage www.olg.nsw.gov.au/crownland.
- General enquiries about OLG's Crown Land support project should be directed to 1300 117 784 or by email to councilcrownland@olg.nsw.gov.au.
- Council Crown land management staff are also strongly encouraged to sign-up to OLG's eNewsletter and closed Facebook group to keep up to date with the latest information regarding support and events. Council staff can sign up for these resources at <http://www.olg.nsw.gov.au/content/council-crown-land-managers-eneewsletter-and-facebook-page-registration>.



Tim Hurst
Acting Chief Executive