

Council Crown Land Management Newsletter

21 December 2018

Release of plan of management guidelines and templates

We are pleased to advise that the final Plan of Management guidelines, forms and templates are now available for download from the [OLG Crown lands resources webpage](#).

The guideline is designed to assist NSW councils to understand the requirements of the Crown Lands Management Act 2016 and Local Government Act 1993 with regard to the development and adoption of plans of management (POMs) for Crown reserves classified as community land, including the processes which councils should follow in developing and adopting such plans.

The guideline is accompanied by three documents:

1. *Notice of Plan of Management for Crown reserve – no alteration to categorisation or no new category* (form A)
2. *Notice of Plan of Management for Crown reserve – alteration of categorisation or additional/new categorisation* (form B)
3. *Crown Reserve Plans of Management – sample outlines* (this document provides generic and site specific POM templates for the use of councils).

We would like to take the opportunity thank councils for their comments on the interim guidelines during the POM training in August and September 2018. The final guidelines contain some key changes based on that consultation process, as summarised below:

<p>General changes</p>	<ul style="list-style-type: none"> • Clarification of terminology (eg: which Minister is being referenced in processes, streamlining of legislation/agency references). • The guideline now covers both initial (first) POMs and subsequent/further POMs (the interim guide focussed mainly on first POMs). • Further details about public hearing requirements (section 3.9) and Native title (section 4) included in response to council requests. • New section 5 - which reiterates the key points regarding initial categorisation in the POM development process (as covered in the 2018 POM training sessions delivered by OLG and DOI – Land and Water).
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<p>Key process change</p>	<p>Section 6 - the POM adoption process</p> <ul style="list-style-type: none"> • The POM adoption and approval process has been streamlined from a three-stream process (interim guideline) to a two-stream process (final guideline). Consequently, interim guideline forms B and C have been combined into one new form (<i>Alteration of categorisation or additional/new categorisation - form B</i>). • Under the new process, the key consideration for a council when submitting a draft POM to DOI for approval is whether the draft POM will change the initial assigned category or add another category (or categories). <ul style="list-style-type: none"> ○ If no – council uses form A (land owner notification only) ○ If yes – council uses form B (alteration of categorisation or additional/new categorisation). DOI will then determine whether or not the proposed category change/additional category will also require an additional purpose to be added to the Reserve, and therefore Ministerial consent. • The new approach requires council to submit all necessary information up front for any POM which changes or adds a category (including addressing material harm considerations). DOI will then assess the submitted information and automatically treat it as a Ministerial Consent application, if it is required. • It is acknowledged that the new approach will require councils to provide more information up-front in some circumstances. However, Ministerial Consent will be required in the majority of cases where a POM changes or adds a category. The new approach acts to streamline the approval process in cases where a council is unsure whether Ministerial Consent is required. Under the interim guideline approach, DOI would likely have referred such draft POMs back to councils with a direction to submit a Ministerial Consent application providing further information, therefore adding a step to the approval process.
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Plan of management funding agreements

We are pleased to advise that Plans of Management funding has been distributed to 105 councils. We are still waiting on some councils to return copies of the signed funding agreement by post, each of which has been contacted directly with further information.

Outstanding agreements will be executed in mid-January 2019.

Where to go for further information

For further information about the legislation, guidelines, support materials and details of training and events visit the OLG 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.

Further information on the CLM Act generally, including Native title issues and the Land Negotiation Program can be found on the Department of Industry – Lands & Water [website](#).