

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 13 December 2018

Item 28 Council Crown Land Funding Support Program

Division:	Development Services
Management Area:	Property and Risk
Author:	Acting Manager Property and Risk – Kelly Dewar
CSP Key Focus Area:	Recreation and Open Space
Priority:	RO2 – National parks and reserves in and around the Shire need to be well-maintained and accessible in the long term for recreational activities.

Reason for Report

To inform Council of the Crown Land Plans of Management Funding Support Program.

Background

The *Crown Lands Management Act 2016* (the Act) commenced on 1 July 2018, introducing a consolidated, modern piece of legislation to govern the management of Crown land in NSW.

The Act introduced significant changes to the management of Crown land by Councils. Councils will now be required to manage their dedicated or reserved land as if it were public land under the *Local Government Act 1993* (LG Act). Most of this land is expected to be classified as “community land” under the LG Act, meaning that Council will be required to have a plan of management in place for the land. A transition period of 3 years is provided for council to have these plans in place.

Issues

The change in legislation means the following:

- Council will be required to manage Crown land reserves as if they were Council-owned land under the LG Act.
- Council will not generally be required to seek the Minister for Lands approval for dealings; instead, in most cases council will manage these reserves as if they were community land.
- There will be the ability to manage land as operational land in appropriate circumstances.
- The requirement to have plans of management for each reserve that is classified as community land will be phased in over time and council will not have to go through the full LGA process for initial plans. To address initial cost, some financial assistance from the Government will be available.
- Council will continue to be eligible to apply for grants from the Public Reserve Management Fund Program to support the management and up-keep of Crown reserves.
- Council will need to appoint a trained native title manager to ensure compliance with obligations under the Commonwealth Native Title Act.

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Funding has been allocated to Council to help meet the costs in establishing a Plan of Management for Crown Reserves for which Council has been appointed Crown Reserve Manager.

The methodology for allocating the funding is based on both the number of reserves managed by Council and the resource capacity of Council. Council has received an offer of \$89,982 to assist develop our Plan of Management based on the methodology as outlined above..

Council has a total of 103 Crown Reserves that require a Plan of Management to ensure the use, licencing or leasing of this land is compliant under the Crown Lands Management Act.

If Council is of the opinion that Council no longer wishes to be Crown Reserve Manager of a reserve, Section 3.12(2) of the Crown Land Management Act 2016 states that “a Local Council cannot resign as a Crown Land Manager without the Ministers approval”. Council will need to make applications to the Minister for any Crown Reserves they no longer wish to be the Crown Reserve Manager of.

Options

Council can accept the funding agreement as is and make variations under section 12 of the agreement. This funding will enable Council to undertaken the planning and establishment of a Plan of Management for Crown Reserves as per requirements of the Crown Lands Management Act 2016. The Plan of Management is required to be completed by 30 June 2021.

Council can also decide not to pursue the funding at this time. If Council does not pursue the funding the cost of establishing the Plan of Management for Crown Reserves will need to be paid for by Council.

Financial Considerations

If accepted the Funding Support Program will allocate \$89,982 to Council to establish the Plan of Management for Crown Reserves.

RECOMMENDATION

That Council:

1. Receives and notes the report on the Council Crown Land Funding Support Program.
2. Accepts the Council Crown Land Funding Support Program and deal with any variations required under Section 12 of the agreement.