

MANAGING CROWN LAND

An update for stakeholders – new legislation commences

March 2018

The provisions of the [Crown Land Management Act 2016](#) (the Act) which enable eligible Western land lease holders to convert their lease into freehold title commenced on Monday 19 March 2018.

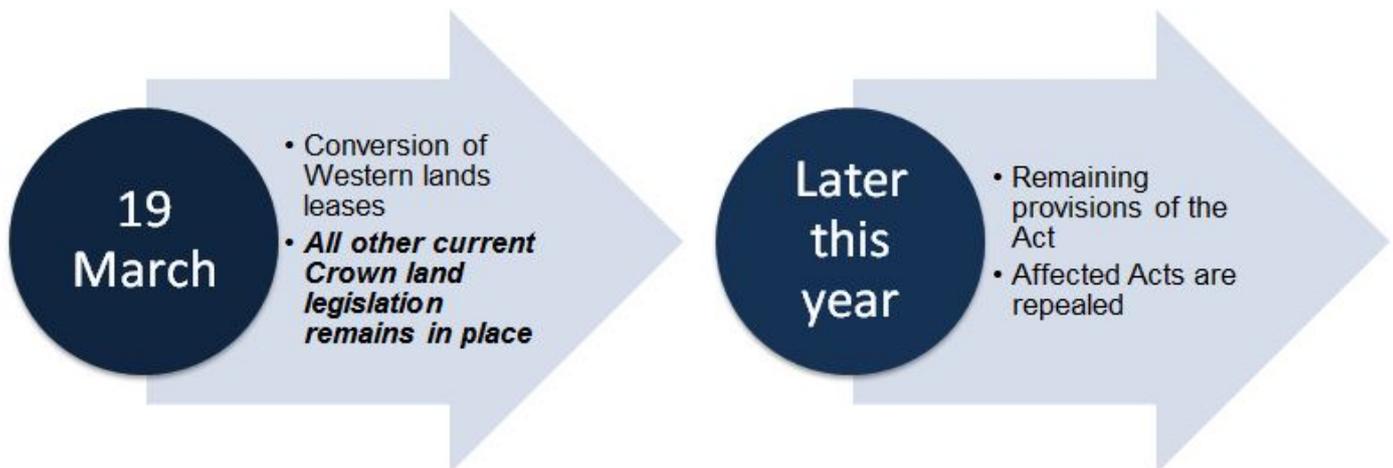
The remaining provisions of the Act will commence later this year. Until the rest of the Act commences all existing Crown land legislation remains in place.

The new Act implements the comprehensive review of Crown land management and follows more than four years of engaging the community on the future management of Crown land.

The new legislation will ensure that the Crown Estate continues to support and generate significant social, environmental and cultural benefits to the people of NSW. Complexity and duplication will be reduced and community involvement in Crown land improved.

Please share this update with your members and stakeholders

Timing of the legislation



The staged implementation of the Act provides an opportunity for our customers and stakeholders to prepare for the changes. The extended time frame for commencing the new legislation has allowed further public consultation on the draft regulations and the draft Community Engagement Strategy - key features of the new Act.

From today

- Parts of the new Act which enable eligible Western land leaseholders to convert their lease to freehold come into force
- Regulations which support these legislative provisions also commence
- **All current Crown land legislation** remains in place until the rest of the Act commences later this year.

Later this year

- The remaining provisions of the Act and Regulations will commence:
 - ensuring decisions consider environmental, social, cultural heritage and economic values
 - enhancing community engagement
 - recognising Aboriginal involvement in the management of Crown land
 - boosting compliance and enforcement powers
 - improving equity by standardising lease and licence arrangements
 - supporting social and community use by access to rent rebates and waivers
- The affected existing Acts will be repealed.

What doesn't change?

Although the Act includes significant changes, it is important to understand what does not change.

Under the new legislation the Minister will still be able to:

- Dedicate or reserve land
- Grant leases, licenses, permits, easements or right of way
- Appoint managers for dedicated or reserved Crown land
- Sell or dispose of Crown land, subject to appropriate safeguards.

For lease and licence holders

All lease and licences issued under the existing legislation will continue until the lease or licence term expires.

For reserve managers

All existing reserve managers will continue to manage their reserves when the new Act comes into force later in 2018. There will be some changes to update and streamline reserve management. The department is communicating directly with reserve managers to support them through the transition.

New opportunity for Western Lands leaseholders

To support economic growth and investment, the new Act allows eligible Western Lands Leases to be purchased, which will convert the title to freehold.

The changes

Some leaseholders in the Western Division have been able to purchase their Western Lands Lease for some time; these include urban leases for business and residential purposes and a number of agricultural leases.

The new Act provides a new opportunity for grazing leaseholders in the Western Division to make an application to convert their lease into freehold. These provisions commenced on 19 March 2018.

Commencement of these provisions will afford the same rights to Western grazing lessees as currently provided to other similar Crown land tenures in the Eastern and Central Division.

Leaseholders who currently hold purchase rights continue to be able to apply to purchase their lease under the Act.

The safeguards

It is important to note that not all Western Land leases will be available to be converted to freehold.

Specific factors will be considered before a decision is made on whether land in the Western Division will be able to be purchased, and whether any conditions should be placed on a sale.

These factors include matters relating to the environment, as well as factors relating to the current use of the land, access and future public need for the land.

Applications to convert leases will be assessed against eligibility criteria including land capability to ensure that environmentally sensitive land in the Western Division continues to be protected.

Information session

A series of information sessions were held in the Western Division to provide more information to leaseholders, such as the eligibility criteria, application and assessment process, plus price and payment options. Sessions were held at Lightning Ridge, Coomealla, Balranald, Hillston and Cobar during February and March.

The next information sessions are:

Brewarrina- Brewarrina RSL

Monday 26 March, 6.30pm

Broken Hill - Broken Hill Racecourse

Thursday 5 April, 6.30pm

For more information on eligibility criteria go to the [department's website](#).

Regulations - supporting the Act

The Regulations for the Act have been finalised, following public consultation in 2017. The [Crown Land Management Regulation 2018](#) is a statutory document that sets out the principles and rules relating to the use and management of Crown land in NSW.

The Regulation provides clarity and certainty for Crown land managers, tenure holders, and users of Crown land and includes details on a state strategic plan for Crown land; the calculation of rent in the Western Division and stronger protection activities including penalty notice just to name a few.

Only the provisions of the Regulation which relate to the parts of the legislation enabling the Western Land leases to be converted into freehold commence on the 19 March 2018. The remainder of the Regulation will come into force when the rest of the Act commences later in 2018.

Further information on the Regulation is available at the [department's website](#).

The next steps - getting ready for later this year

Community Engagement Strategy

Last year, the draft Community Engagement Strategy and supporting documents were on public exhibition for community feedback from 16 October to 10 December 2017.

The submissions received during this period are currently being considered in preparing the final Strategy which will be endorsed by the Minister for Lands and Forestry.

Once it is approved by the Minister and the new legislation comes into force, the Community Engagement Strategy will ensure decisions about the Crown land you use and enjoy are made in an open and transparent way by setting out engagement requirements for certain dealings under the Act.

It acknowledges that communities' needs vary and a range of engagement approaches are required to ensure community views are understood before important decisions are made. The Community Engagement Strategy will be used by the department and non-council Crown land managers. It will commence operation once the full Act is turned on later this year.

Workshops on managing Crown land

To help Crown land managers understand the change in the new Act and prepare for the transition to new legislation the department will be running a series of workshops around the state.

The sessions will provide practical information for Crown land managers on managing the changes as well as having staff on hand to answer questions you may have about reserve management.

We are also developing resources and support materials to help Crown land managers through the change process.

Keep an eye on our website for the announcement of information session dates and locations as well as the release of transition resources.

Please help us keep up to date by contacting us with any changes to your reserve management membership or contact details.

More information

We understand you may have questions about the management of Crown land and changes under the Act. We will continue to provide updates on key features of the Act and the activities to support the transition to the new legislation.

For more information contact the Department of Industry—Lands and Water on 1300 886 235 or email legislation@crowmland.nsw.gov.au.

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DOC18/043186