

Draft Crown Land Management Regulation 2017

Q. What is the Crown Land Management Regulation?

The Crown Land Management Regulation 2017 is a statutory document that prescribes principles and rules relating to the use and management of Crown land in NSW.

Q. Who is the regulation going to impact?

The regulation will impact anyone who uses or manages Crown land, or has an interest in Crown land.

Q. When is it going to come into effect?

The Crown Land Management Regulation will come into effect when the *Crown Land Management Act 2016* (CLM Act) commences in early 2018. There will be a public announcement when the CLM Act commences.

Q. What is happening now?

The draft Crown Land Management Regulation 2017 is now on public exhibition. The exhibition period has been extended. Submissions are invited on the draft regulation. Submission must be received by midnight on 1 October 2017.

Q. What are the benefits of the regulation?

The Crown Land Management Regulation provides clarity and certainty for Crown land managers, tenure holders, and users of Crown land. It provides information about how certain parts of the CLM Act are to be implemented and protects the Crown land estate for future generations.

Q. Why are some fees changing?

Some transactional fees associated with Crown land are increasing. These fees have not been increased for 17 years. They have not kept pace with inflation and do not reflect the cost of providing the service.

Q. Which fees are increasing?

There are 29 fees listed in the regulation which are all increasing. Most of these fees are for one-off transactions associated with a new activity on Crown land. The fee increases do not impact rents paid by existing tenure holders. For details of the fees increasing see page 35 of the Draft Crown Land Management Regulation 2017.

Q. How much will the fees increase?

Fees will increase by between 12% and 19% per annum.

Q. When will these increases be applied?

Fees will increase over a two year period to minimise the impact of the fee increase. The first fee increase will occur when the *Crown Land Management Act 2016* commences which is scheduled for early 2018. There will be a public announcement when the CLM Act commences.

Q. Why do we have local land criteria?

The local land criteria have been established to help to determine which land is best managed by local council or Local Aboriginal Land Councils. They will act as a guide only, and decisions will be made on a case by case basis through negotiations with local council and Local Aboriginal Land Councils. All transfers will be voluntary and by agreement - there will be no forced transfers.

Q. How does the regulation protect Crown land?

One of the ways we protect Crown land is by issuing penalty notices. Under the draft Crown Land Management Regulation the number of penalty notice offences has increased and some of the penalty notice amounts will also increase. This is to act as a deterrent to activities that could harm Crown land or users of Crown land.

Q. Why are some Crown land managers listed as Category 1 Crown land managers?

Category 1 Crown land managers are those managers that are not local council but are professional organisations. These are;

- NSW Crown Holiday Parks Land Manager,
- Northern Metropolitan Cemeteries Land Manager,
- Rookwood General Cemeteries Land Manager,
- Catholic Metropolitan Cemeteries Land Manager,
- Southern Metropolitan Cemeteries Land Manager, and
- Rookwood Necropolis Land Manager.

Category 1 Crown land managers have demonstrated higher standards of governance and reserve management capabilities. They have more autonomy and can grant leases or licences for up to 10 years without the approval of the Minister. They also have more rigorous reporting requirements and must indemnify the state against some decisions they make without the Minister's approval.

Q. Will there be a community advisory group for all parcels of Crown land?

No, there will not be a community advisory group for all parcels of Crown land. A community advisory group may be established by the Minister when there are opposing views around the management of Crown land.

Q. What is the purpose of the Standard Form Trust instrument?

The Standard Form Trust instrument is a pro forma instrument that can be used by trusts over institutional trust land such as Schools of Art. This will be of significant benefit to these trusts as it will save them considerable time and money when creating their own trust instrument.

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