

Submission

No 103

**CONSULTATION ON THE MODERN
MANAGEMENT OF COMMONS**

Name: Hawkesbury City Council

Date received: 21/02/2017

Hawkesbury City Council

Date: Tue, Feb 21, 2017 at 3:40 PM

Subject: Proposed Changes to Commons Management Act 1989 - Submission from Hawkesbury City Council

Please find attached a submission regarding the Proposed Changes to Commons Management Act 1989 from Hawkesbury City Council.

Yours faithfully

Jeff Organ

Hawkesbury City Council welcomes the opportunity to make comment on the proposed amendments to the Commons Management Act, and in doing so expresses its view that such changes as they relate to the St Albans Common are not supported.

Council resolved to support the retention of the Common in Fee Simple title and under its continued management by the Commons Management Act.

This position is based on the fact that the current legislation is operating successfully for the St Albans Common, and that no sound arguments have been put forward to necessitate change.

The proposed amendments seek to use a "one-size-fits-all" approach for NSW Commons, when in reality this will destroy the historical connection of the St Albans Common with its community, and jeopardise the relationship and responsible management of the Common.

Council also raises strong concern with the amendments permitting any person being appointed by the Minister to a trust. This dilutes the protection of the local community's interests, currently afforded by the process of election by enrolled commoners only. No process is identified for Ministerial appointment.

Adequate executive protections already exist under the current legislation to ensure effective management and appropriate use of the St Albans Common, however these existing controls are limited, and ownership of the Common is retained in perpetuity by eligible commoners, rather than an executive arm of government.

There are no substantive changes proposed to the previously notified Bill, which was subsequently amended to withdraw the changes relating to Commons.

It is considered that any further consideration of the management of Commons and in particular the St Albans Common should be comprehensively outlined by way of issue, options and response and involve an appropriate consultation process.

As part of consideration of any options, the issue of amending the existing Commons Management Act should be addressed, as opposed to the current englobo transfer to the ownership of the Crown and the legislative controls of the Crown Lands Management Act.

Hawkesbury City Council is highly supportive of the position by the Trustees of the St Albans Common Trust in opposing the proposed legislative changes and would welcome the opportunity to expand on the reasons outlined in supporting retention of the existing arrangements for the St Albans Common.

If you have any enquiries regarding this matter, please contact Council's Director Infrastructure Services, Jeff Organ on telephone [deleted].

Yours faithfully

Laurie Mifsud

Acting General Manager