SURF LIFE SAVING
NEW SOUTH WALES

Memorandum

To: All NSW Club and Branch Presidents
From: Steven Pearce AFSM, SLSNSW Chief Executive Officer
Date: 19/12/2019
Pages: 2
Subject: Change to the Crown Land Management Regulation 2018

I am pleased to advise that as a direct result of a lobbying partnership between Surf Life Saving NSW and Northern Beaches Council, we have been successful in influencing the Commissioner Crown Lands and Ministers Pavey and Stokes in approving a significant change to **the Crown Land Management Regulation 2018.** This has now come into effect as of 13 December 2019.

What does the change relate to?
This change is specific to clause 70 of the regulation and relates specifically to the requirement for the Council Crown Land Manager developing a Plan of Management (PoM) which is a statutory instrument that provides strategic planning and governance for the management and use of land and is a key component of changes to the Crown Lands Act in 2016.

What is the impact of the Crown Land Management Act 2016 (CLM Act) on our SLSCs?
The Crown Land Management Act 2016 (CLM Act) came into force on 1 July 2018. The Act authorises councils that are appointed to manage dedicated or reserved Crown land, to manage that land as if it were public land under the Local Government Act 1993 (LG Act).

- Generally council Crown Land Managers will manage land as if it were community land.
- Under the LG Act, a '**plan of management'** must be adopted for all community land.
- The plan categorizes the land and governs its use and management.
- Compliant plans of management must be in place within three years of the CLM Act commencing, to ensure that the Crown land is lawfully used and occupied. Ensuring lawful use and occupation is an essential part of councils' role as managers of Crown land. PoMs need to be in place by the 1 July 2021.

As a result of numerous local governments struggling with the concept, ability/capacity to implement PoMs, they were reticent in entering into any new long-term leases with our SLSCs. The only alternative was a licence ranging in 1-5 years. This in turn was an inhibitor for clubs to invest in their buildings as there was no assurance of a long-term tenure.

For those surf clubs with expired leases the approach adopted by Councils as land managers have been inconsistent;

- Continue without any formal agreement
- Require the club to agree to a one-year license – this has been the case where building works have occurred, and certificate of occupancy is required. Due to the significant body of work and consultation involved it

would be highly unlikely that a PoM could be completed by 30 June 2021 as required. Thus placing our clubs and members in limbo.

What is the benefit to clubs of this amendment we have achieved?
The amendment to clause 70 of the regulation increases the maximum term of a lease or license from councils to emergency services organizations, not-for-profit groups and community groups from 5 to 21 years.

This now allows clubs to negotiate and obtain from councils a long-term lease tenure for their surf club without the council first having to complete a PoM. It provides security to the club, enables continued investment in the building and ensures the future of each respective club once a long-term lease has been achieved. This amendment is now being communicated out to all councils by the Minister's office.

I would encourage those clubs that do not have a current lease, or have a lease expiring shortly, to commence discussions with their respective council to ensure they solidify their occupancy rights and position. If you require any further advice or assistance, please have no hesitation in contacting myself.

Steven Pearce AFSM
Chief Executive Officer
Surf Life Saving NSW