LOCAL GOVERNMENT NSW

Submission on *Crown Lands Legislation – White Paper*

June 2014

LOCAL GOVERNMENT NSW
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Opening:

Local Government NSW (LGNSW) is the peak body for councils in NSW. LGNSW represents all the 152 NSW general-purpose councils, the special-purpose county councils and the NSW Aboriginal Land Council.

LGNSW is a credible, professional organisation representing NSW councils and facilitating the development of an effective community-based system of Local Government. LGNSW represents the views of councils to NSW and Australian Governments; provides industrial relations and specialist services to councils; and promotes NSW councils to the community.

LGNSW welcomes the opportunity to make a submission in response to the *Crown Lands Legislation – White Paper.*

LGNSW recognises that the majority of councils welcome the overall thrust of examining how to transform Crown lands management, moving beyond colonial era thinking into the 21st century. Councils agree that the management of Crown land has become overly-complex, which makes it difficult for communities to manage their reserves and facilities operating on Crown land. With legislation dating as far back as 1890, it is time to introduce clearer, simpler and more contemporary legislation to better manage Crown land.

For greater detail on LGNSW's views about other elements of Crown Lands Management reform please refer to our Submission on *Crown Lands for the Future* June 2014.

Purpose:

The purpose of this submission is to detail LGNSW's position on the questions raised in the *Crown Lands Legislation – White Paper* that are relevant to Local Government.

LGNSW has framed these positions based on:

- feedback from councils in the Crown Lands Information Sessions held in May 2014;
- feedback from councils that have supplied LGNSW with copies of their submissions;
- feedback from councils directly to the LGNSW Board and/or staff; and
- interim *Policy Statements* and other positions adopted by the LGNSW Board derived from those of LGNSW's predecessors.

There were six Crown Lands Information Sessions hosted by LGNSW and delivered by the Crown Lands Management Review team held in May 2014. The sessions were held in Tamworth, Wagga Wagga, Dubbo, Queanbeyan, Sydney and Coffs Harbour. These sessions involved 181 representatives from 88 councils.

Before turning to the detail of LGNSW's position on the questions in the White Paper, it is important to capture the process comments that have been made by councils to LGNSW.

Firstly, it is important to note that councils are very concerned about the deadline involved. They are concerned that the NSW Government agencies could work for more than two years on a complex issue like a Crown Lands Management Review and then give councils barely 3 months to respond (28 March – 20 June).

Secondly, it is critical to recognise that the Bill resulting from the White Paper may be impacted by Land Pilot results and that needs to be kept in mind in the drafting process.

Thirdly, given that there are reviews of the *Local Government Act* and *Aboriginal Land Rights Act* underway, the interaction and impact of these reviews should be considered and explained by Trade & Investment and not left to councils to try to guess the results of.

Proposed legislation

LGNSW supports in principle the overall design of the Act covering objects, powers, land ownership, tenures, sale and disposal of land, Crown reserves, compliance and enforcement and administrative matters.

1. How would developing one new piece of legislation to manage the Crown land estate benefit the community?

Having one piece of legislation to cover the Crown estate would help facilitate the processes involved in Crown land tenure, provide a simpler framework for both legal practitioners and Crown land managers and may result in cheaper administrative costs to the wider public.

It will be important that any legislation takes into consideration the rights of Aboriginal people and is consistent with the *Aboriginal Land Rights Act 1983* (NSW), the *Native Title Act 1993* (Cth) and the *National Parks and Wildlife Act 1974* (NSW) under which Aboriginal sites are registered.

2. Are the objects and provisions proposed in the new legislation appropriate to support Crown land management in the 21st century?

The draft objects contained in the White Paper appear to be satisfactory to the majority of councils, simply because they set out the broad use and management criteria of Crown land.

However, it is unclear to LGNSW why there is a departure from the Principles of Crown land management contained in s11 of the *Crowns Land Act (NSW) 1989*.

For the purposes of that Act, the principles of Crown land management are:
a) that environmental protection principles be observed in relation to the management and administration of Crown land,
b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible,
c) that public use and enjoyment of appropriate Crown land be encouraged,
d) that, where appropriate, multiple use of Crown land be encouraged,
e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

The draft objects contained in the White Paper do not refer to these principles. The new Objects significantly reduce the emphasis on environmental protection and conservation and in so doing, reduce the scope of 'core service delivery'.

LGNSW strongly believes that the principles of Crown land management from the 1989 Act need to be carried forward.

LGNSW is aware that NSW Aboriginal Land Council's position on the objects of the legislation is as follows:

- As the original owners of all Crown land, and as claimants of Crown land that is unused and not needed (which is the only form of compensation afforded to Aboriginal peoples for

dispossession), Aboriginal Land Councils are more than merely stakeholders in the management of Crown land.

- New objects for Crown land legislation must recognise Aboriginal Land Council's preeminent interests in Crown land which includes, but is not limited to, the use and management of land for culture and heritage purposes as well as providing economic development opportunities and must include a clear object that recognises the dispossession experienced by Aboriginal peoples.
- NSWALC recommends that the object to 'encourage Aboriginal use, and where appropriate co-management, of Crown land' should be strengthened to include, as the principal mechanism, the transfer of Crown land to Aboriginal Land Councils through the *Aboriginal Land Rights Act* 1983 (ALRA).
- The proposed new objects that seek to 'preserve cultural heritage on Crown land' must appropriately recognise and preserve Aboriginal culture and heritage, and must not be solely reliant on the State Heritage Register to identify heritage of significance.

LGNSW commends consideration of this position in further work in drafting the forthcoming Bill.

Other issues relating to or flowing from the objects as outlined that may arise are as follows:

(i) Aboriginal use and co-management. It is unclear how this will occur if Crown land management is to be transferred to the *Local Government Act*.
(ii) What will take precedence in the social, economic and environmental considerations in decision making?
(iii) How will the local interest be taken into consideration when disposing of Crown land when the disposal of Crown land must be for the benefit of the people of NSW?

LGNSW is aware that NSW Aboriginal Land Council's position on the sale or other disposal of Crown land is as follows:

- NSWALC is concerned that the Government is preferencing the disposal of Crown land rather than transfer of land under the *Aboriginal Land Rights Act* 1983 (ALRA).
- In any processes regarding the disposal of Crown land, there must be provisions to ensure that when land becomes surplus to the Government's needs, that the land is first brought to the attention of Aboriginal Land Councils so that a claim can be made to support the objects and intent of the ALRA.
- NSWALC opposes any changes to land ownership that removes land from being claimable under the ALRA and opposes the sale of Crown land under Local Government legislation.

Firstly, LGNSW suggests the Government clarify whether the Government is preferencing the disposal of Crown land rather than transfer of land under the ALRA as both disposal and transfer under the ALRA appear to remain options to LGNSW.

More generally though, LGNSW recognises that this position diverges from the position of the greater majority of its other members. LGNSW suggests this is largely because councils are foremost seeking a contemporary way to manage those parts of the Crown estate that it has properly managed for decades (the 7,765 Crown reserves), while NSWALC is seeking to ensure land remains claimable when it is 'unused and not needed'. While councils are seeking the right to dispose of parts of that transferred estate over the very long-run, the primary objective is not land sales. LGNSW commends consideration of NSWALC's position in further work in drafting the forthcoming Bill.

Improved management arrangements for Crown reserves

LGNSW supports in principle the following measures:

- Removing duplication and red tape by allowing councils to manage Crown land under Local Government legislation;
- Simplifying the management structure for reserves by replacing reserve trusts and reserve trust managers with reserve managers;
- Allowing governance standards to be set for reserve managers; and
- Reducing the number of approvals and reporting requirements.

3. Do you have any comment on the proposal to allow local councils to manage Crown land under Local Government legislation rather than under the Crown Lands Act?

At the most general level, LGNSW supports the move to allow councils to manage reserves under the Local Government legislation. In response to both the *Crown Lands for the Future – Crown Lands Management Review Summary and Government Response* and the *Crown Lands Legislation – White Paper*, the majority of councils appear comfortable with managing reserves under the Local Government legislation.

It does need to be noted that LGNSW has and will continue to argue that managing land under the *Local Government Act 1993* especially Chapter 6 Part 2 needs reform to reduce the technicalities and enhance council autonomy and flexibility. As LGNSW noted in its response to the Local Government Acts Taskforce Stage II Discussion Paper:

> "Public Land Management is an emotive issue that generates significant community interest. It is vital that councils are provided with a framework to effectively, efficiently and transparently manage their depots, community buildings, parks and reserves and other areas of public land. The current provisions in Chapter 6 Part 2 relating to the classification and reclassification and management of public land have both strengths and weaknesses. The regime has positive aspects protecting both community assets and councils; however it has become mired in technicalities relating to Plans of Management that reduce councils' autonomy and flexibility. It should be retained subject to a thorough revision. Taking this into account, LGNSW strongly supports the Taskforce proposal to strategically manage council owned public land assets through the IPR framework. This will focus attention on the management of assets, including the relevant costs associated with the management, protection, enhancement and replacement of the asset. LGNSW would generally support a review of the prescribed uses of public land and the removal of the classification of land as either community or operational as long as it does not reduce the level of protection of land currently identified as community."

As we move from principle to practice, LGNSW is aware there are a number of issues where Crown Land is to be managed by councils. This includes providing adequate resources to councils to manage Crown lands properly in any changed regime.

Further, it is not clear whether any Crown land managed by councils will be a part of their land register or will need to be dealt with as a separate land register and whether this will require separate financial records. These points need proper examination.

It may be difficult for councils to reconcile their management of Crown land while adhering to the objects of the proposed legislation whereby the land must only be disposed of for the benefit of the people of NSW. This may in effect constrict the use of Crown land devolved to councils when the land cannot be used to the benefit of the local community but also may not be disposed of as it cannot be shown to be of benefit to the people of NSW. This needs clarifying.

4. What are your views about the proposed new management structure for Crown reserves?

LGNSW supports the need to remove reserve trusts and move to a two-tier reserve management structure. In response to both the *Crown Lands for the Future – Crown Lands Management Review Summary and Government Response* and the *Crown Lands Legislation – White Paper*, it is clear the majority of councils support this reform.

However, LGNSW notes that the requirement for reserve trusts was added to the Crown land legislation in 1989 as a way of providing some protection from liability for individuals administering Crown reserves. Any new management System for Crown reserves must contain the same protections.

It will need to be clarified what the impact of incorporating Crown reserve managers will have.

5. Do you have any further suggestions to improve the governance standards for Crown reserves?

LGNSW stresses it will need to be crystal clear in the legislation what will be expected of councils if they are to manage Crown land by way of Local Government legislation.

This is especially the case if Crown lands are to be managed by way of the current “Plan of Management” regime currently found in the *Local Government Act 1993*.

Other streamlining measures

LGNSW supports in principle the following streamlining measures:

- Simplifying land ownership options to reduce the number of ways in which Crown land can be held;
- Removing the existing land assessment requirements;
- Streamlining requirements for landowner's consent to enable a development application to be made under the planning legislation; and
- Abolishing land districts.

As councils have stressed land assessment requirements for amendment of a reserve purpose are outdated and cause unnecessary issues when dealing locally with Crown land. When reviewing the Local Environment Plan (LEP) all land use is assesses, with a lengthy public consultation process, seeking comments and discussion on the best possible use of each parcel of land. The land assessment requirements are a duplication of the LEP. The reserve purpose categories should be consistent with the gazetted zoning which would allow multiple uses of Crown land and not be restricted by a Crown land assessment and purpose.

6. Are there any additional activities that should be considered as "low impact" activities in order to streamline landowner's consent?

LGNSW suggests it is difficult to provide a list of activities that could be considered as "low impact" on Crown land due to the vast diversity of Crown land and is expected that a "low impact" activity will not require development approval or be complying development.

The low impact examples provided e.g. shade sails, pumps and rainwater tanks, are quite different to the example used of a jetty. Is it being put forward that jetties are low impact? If so, this would open a whole plethora of quite large structures, which currently require multi agency approval, to be considered as 'low impact'. For example feed lots.

It is therefore difficult to see how a list of low impact facilities could be devised taking into consideration the multitude of local and environmental differences in Crown land throughout the State.

There may be scope for aligning this with the Exempt Development provisions of the Exempt and Complying Development Policy. This would provide consistency, and help avoid confusion.

In addition, the proposal to abolish the land assessment requirements would appear to mean that before land can be sold, leased, dedicated or reserved it will be the council that will be required to go through the process of land assessment. This will be a clear shift of current Crown land provisions to the cost of councils as assessments will now need to be undertaken as a result of developed local plans which will also have to take into consideration the benefits to the all of the people of NSW.

7. Are there other ways to streamline arrangements between the State and Local Government?

The NSW Government could remove the need for Ministerial approval of minor amendments to tenancy agreements and the need for the Minister's delegated officers to sign development

applications where minor work is involved. While negotiation would be needed on the limits to 'minor', that would not be beyond the State and Local Government if the principle was agreed.

There will need to be the finances put in place for Local Government to be able to undertake the management of large areas of Crown land. Without financial assistance or access to revenue streams it may not be possible to undertake the appropriate management levels.

The proposed legislation will also need to be clear on the roles of both the State and Local Governments. This is especially important in relation to the long term control of Crown land which must eventually be the responsibility of the State.

A recent example of the need for clarity of ongoing roles and financial arrangements is the proposed dissolution of Chipping Norton Lake Authority. The land formerly owned by the Authority has been progressively declared as Crown land under the Crown Lands Act 1989, with Liverpool City Council acting as the reserve trust manager. As the original work of the Authority has been completed and the remainder of the authority's powers and functions now duplicate those of Council, the NSW Government has introduced legislation to dissolve the Authority and transfer its remaining funds to the Public Reserves Management Fund (PMRF). While it is sensible to minimise duplication in governance and have only one body responsible for management, if Council is the reserve manager then it should have unfettered access to the funds set aside for that task, rather than it having to be run through the PMRF.

8. In addition to the suggestions provided, are there any other ways to ensure that the public is notified of the proposed use or disposal of Crown land - and their views taken into account that would be appropriate to include in the new legislation?

There are a number of ways that public notification of the use or disposal of Crown land can be made, the majority of which will require a financial outlay. Public participation will be crucial in the process of using and disposing of Crown land at a local level.

LGNSW acknowledges that it will be important that both modern and traditional media are used for notification purposes. This is because the internet is not always utilised by all residents in an area nor for that matter it cannot be assumed that everyone listens to the radio or reads the local newspaper. Requiring only one notification in relation to a proposal, while helping to keep costs in check, may not reach its entire intended public target.

LGNSW notes that the White Paper contains a reference to a proposed internet portal. Due to the sheer number of parcels of Crown land it may need to carry a vast amount of information. In particular road matters could carry a significant amount of space on such a portal. It will need to be user friendly and have a well sorted search function or be set up into specific areas of interest or council areas.

It needs to be recognised that there may be scope to align these with DA notification provisions of the Planning regulations.

Finally it should be noted that if Local Government is to manage Crown lands under the *Local Government Act*, the public can be satisfied that consultation remains a major focus when decisions are to be made regarding the future use of those Crown lands.

Better provisions for tenures and rents

LGNSW supports in principle the following measures:

- Having consistent provisions for tenures, except where specific provisions are required for certain types of tenure;
- Treating large-scale commercial tenures like equivalent tenures in the private sector, on lease conditions, market rent and appeals;
- Adopting market rent as a default position and applying rebates and waivers where appropriate;
- Addressing rent arrears and breach of tenure conditions;
- Providing for sale of Crown land to lessees;
- Converting all permissive occupancies under the *Continued Tenures Act* to licences; and
- Allowing the Minister the right to grant or approve carbon rights.

LGNSW hesitates to support the proposal that allows the Minister to issue licences where Crown Land is being used without permission. While there may be compelling reasons for this, the case has not been made out sufficiently in the White Paper to judge.

9. Do you support the concept of a consistent, market based approach to rents, with rebates and waivers for hardship and public benefits for certain uses of Crown land applied where appropriate?

LGNSW supports the concept of applying a consistent market based approach to rents for Crown lands (or public lands generally. e.g. if Crown land is transferred to councils), where that land is to be used for commercial or exclusive private uses.

Where the land along with buildings and structures thereon are used for not-for-profit community purposes, LGNSW supports the options of rent waivers or the charging of subsidised rents. The latter provide for full or partial cost recovery.

It is preferable that where the land is managed by councils, that council pricing policies be applied as these better reflect local needs, priorities and circumstances. A simple system of discounted or subsidised pricing is preferred to a more complex system of rebates, although it effectively achieves the same result.

10. Is five years a reasonable amount of time to give tenure holders who currently pay below the statutory minimum rent to move to paying the minimum of rent as required by the proposed legislation?

LGNSW generally considers that 5 years is reasonable time period for tenure holders who currently pay less than the statutory minimum rent of $454 per annum to transition to the full minimum rent. However, provision should be made for hardship.

11. To avoid rent arrears issues to incoming tenure holders, should the new legislation automatically transfer any rental debt to a new tenure holder on settlement, or require any outstanding arrears to be paid prior to transfer or settlement?

LGNSW is convinced it would be reasonably expected that an incoming tenure holder would prefer that the property is unencumbered. Any outstanding arrears should be paid or written off prior to transfer or settlement.

There are of course questions such as:

- Who will keep the records relating to outstanding rents?
- Will an application for what rents are outstanding be made to the council or to Crown lands?
- Who will be required to chase outstanding rents and what mechanisms will be in place to deal with outstanding rents?

Civil action for the breach of tenure conditions such as non-payment of rent would be onerous and costly.

12. What kind of lease conditions should be considered "essential" for the purposes of providing for civil penalties?

If a Crown land lease is commercial it should be dealt with as would any other commercial lease. This would include making payment of rent an essential condition of the lease. It could also include payment of rates, maintenance of land, buildings and structures, and insurance etc.

13. Should Crown land be able to be used for all forms of carbon sequestration activities?

It would benefit councils managing Crown land to be able to access credits under the Carbon Farming Initiative, or other future initiatives which evolve. LGNSW would support initiatives which could deliver an additional income stream to councils, and while this may not be an option currently, it would be good to make an allowance for councils to utilise the land for carbon sequestration activities in the future.

Greater flexibility for Western Land leases

While LGNSW acknowledges that there may be an opportunity to introduce flexibility into land management in the semi-arid parts of the Western Division, without weakening the protections, we have little input from members on this issue. In the absence of such feedback from member councils and any input from bodies representing Western Land leaseholders, LGNSW will not respond on these questions.

14. What additional activities do you think should be permitted on Western Lands leases without the need for approval?

In the absence of feedback from member councils, LGNSW will not respond on this question.

15. Bearing in mind the fragile nature of much land in the Western Division, in what situations do you think it would be appropriate to allow Western Land leases to be converted to freehold?

In the absence of feedback from member councils, LGNSW will not respond on this question.

Stronger enforcement provisions

LGNSW supports in principle the legislation including:

- An auditing framework;
- Appropriate powers for departmental officers;
- Clear offences and penalty levels;
- Realistic limitation period in which to bring proceedings;
- Introduction of civil penalties; and
- Powers to order remediation and removal and to issue stop-work orders.

16. What are your views about the proposal to strengthen the compliance framework for Crown lands?

LGNSW agrees that strong enforcement provisions will need to be in place for any new regime relating to land management.

But it is not clear on a state-wide basis, where the current compliance regime is lacking. Work needs to be undertaken to map or audit the present system and any shortcoming to help build the new compliance system.

As one council pointed out a review of the compliance framework is long overdue and significant improvements are needed with officer training, officer commitment and better penalties. Council reports a noted reluctance of Crown lands officers to enforce laws under the *Crown Lands Act*, a lack of expertise in dealing with offenders and a failure to proceed to court in those matters which cannot be successfully negotiated or for repeat offenders. (On the other hand council has the expertise but not the financial capacity. This issue needs to be considered in further negotiations on roles and costs.)

It is also not clear which other NSW Government Agencies or other bodies are being considered to undertake enforcement on Crown land. Again this needs clarification before further discussion can occur or indeed before any drafting can occur.

17. Do you have any suggestions or comments about the proposals for the following:

- **Auditing**
- **Officer powers**
- **Offences and penalties**
- **Other provisions**

Auditing

Auditing of public assets is a prerequisite of good governance and transparency. The costs of auditing can be significant and there will need to some process whereby the costs of audits can be recovered.

Officer powers

The current provisions for Authorised Inspectors and persons by way of the *Crown Lands Act*, *Commons Act* and *Western Lands Act* are quite broad and where the wording of some offences is problematic this should be remedied immediately. The lessons from the resolution of the present problems should be carried forward in the proposed new legislation.

LGNSW understands that Council Officers can be appointed to undertake enforcement matters on Crown land. We agree that it is desirable to have consistent provisions and powers – both from the perspective of streamlining the compliance 'task' for authorised officers, and for transparency and consistency of approach across different land types. As such the proposal to mirror the *Protection of the Environment Operations (POEO) Act 1997* officer powers in the new legislation is logical, particularly as Local Government finds this legislation one of the easiest to work with.

Offences and penalties

Where it is appropriate, the penalties available in the different legislation should be brought into line with each other so that the penalties for the same breach but brought under different legislation should mirror each other.

Consistent with approaches under other legislation (such as POEO Act), revenue from regulatory activities should accrue to the body undertaking the enforcement.

Other provisions

LGNSW advocates that stop work orders, remediation notices and removal notices (and who has the authority to issue such notices) should be carefully considered.

Minor legislation

LGNSW supports the following proposals:

- Repealing the *Commons Act* and converting commons to Crown land;
- Developing transitional arrangements for the *Schools of Arts Act*;
- Repealing the Wagga Wagga and Hawkesbury Racecourse Acts because they have fulfilled their purposes; and
- Repealing the *Orange Showground Act* and administering the Showground under the new legislation.

LGNSW is not in a position to provide feedback on repealing the Irrigation Acts and including provisions in the new legislation to cover those tenures until conversion to freehold.

18. Do you support the repeal of the minor legislation listed?

LGNSW has no objection to the repeal of the minor legislation where it means better management of Crown land, elimination of duplication of processes, easier to understand and interpret the legislation and elimination of inconsistencies in the current legislation.

19. Do you see any disadvantages that need to be addressed?

LGNSW is not aware of any other disadvantages relating to minor legislation.

Other matters

There will always be concern for the need to ensure there is no cost shifting.

The shifting of significant tracts of land to Local Government, along with the processes involved in maintaining, recording, auditing, enforcing and disposing of the land will be resource intensive and come at great cost.

As councils have raised with LGNSW there is no discussion in the White Paper about the funding implications for councils. If a council's property portfolio is to be increased, demand for financial and human resources to administer legislative requirements and maintain assets will be heightened.

Even if the eventual transfer to council was limited to what is already in council management in any given LGA this brings with them costs relating to - developing Plans of Management, meeting weeds management and fire management responsibilities and title transfer costs (if or where applicable).

Concluding comment

LGNSW strongly agrees that Crown land delivers many social, environmental and economic benefits to the people of NSW and supports the Government taking the present action to ensure these benefits continue well into the future.

LGNSW acknowledges that councils have had a significant and very long term role in managing Crown lands.

LGNSW recognises that the majority of councils welcome the overall thrust of examining how to transform Crown lands management, moving beyond colonial era thinking into the 21st century.

The management of Crown land has become overly-complex. With legislation dating as far back as 1890, it is time to introduce clearer, simpler and more contemporary legislation to manage Crown land.

While the majority of councils would welcome the transfer of the Crown reserves they manage and have managed for many decades, there is a need to examine the issues closely to ensure there are no unintended disadvantages. On the other hand the suggestion of devolving other 'land of local interest to councils' needs to be approached very cautiously to ensure there is no cost shifting and to ensure councils can assess and accept or reject parcels of land individually. These points need to be acknowledged and accommodated in the design of the new single piece of legislation.

LGNSW supports:

- the overall design of the Act covering objects, powers, land ownership, tenures, sale and disposal of land, Crown reserves, compliance and enforcement and administrative matters;
- having one piece of legislation to cover the Crown estate to facilitate the processes involved in Crown land tenure, provide a simpler framework for both legal practitioners and Crown land managers and provide cheaper administrative costs to the wider public;
- the draft objects contained in the White Paper, but also suggests Principles of Crown land management contained in s11 of the *Crowns Land Act (NSW) 1989* also be carried forward
- Removing duplication and red tape by allowing councils to manage Crown land under Local Government legislation;
- the move to allow councils to manage reserves under the Local Government legislation, recognising that LGNSW will continue to argue that managing land under the *Local Government Act 1993* especially Chapter 6 needs reform to reduce technicalities and enhance council autonomy and flexibility;
- simplifying the management structure for reserves by replacing reserve trusts and reserve trust managers with reserve managers;
- Simplifying land ownership options to reduce the number of ways in which Crown land can be held;
- abolishing land districts;
- applying a consistent market based approach to rents for Crown lands (or public lands generally. e.g. if Crown land is transferred to councils), where that land is to be used for commercial or exclusive private uses;
- the legislation including the following - an auditing framework, appropriate powers for departmental officers, clear offences and penalty levels, civil penalties and powers to order remediation and removal and to issue stop-work orders;

- the repeal of the minor legislation where it means better management of Crown land, elimination of duplication of processes, easier to understand and interpret the legislation and elimination of inconsistencies in the current legislation.

The idea of amending the *Roads Act 1993* so that the Minister is no longer a roads authority needs to be tackled head-on as devolving Crown roads to councils would involve a massive shift of responsibilities and costs, which the majority of councils could not sustain.