

Crown Lands Act, the MOU with AMSA & NSW Men's Sheds

Introduction

The State Government Department responsible for Crown reserves is the Dept of Primary Industries.

Reserves are created to protect and manage important community resources and are administered under the *Crown Lands Act 1989*.

Crown Reserves are land set aside on behalf of the community for a wide range of public purposes including:

- environmental and heritage protection
- recreation and sport
- open space
- community halls
- special events and
- government services.

This results in a diversity of reserve types, ranging from

- state parks
- beaches and national surfing reserves
- caravan and camping grounds
- cemeteries
- racecourses
- showgrounds
- community halls
- sporting fields and parks
- walking tracks
- canoe and kayak trails
- smaller ports and harbours to wharfs.

Many popular recreation areas are Crown reserves such as Sydney's Hyde Park and Bondi Beach. Underwater areas such as river beds, lakes, ports and up to three nautical miles out to sea are also classified Crown reserves.

There are about 33,000 Crown reserves with a total area of 2.5 million hectares across NSW - about three percent of the land area of the State.

Accessing Crown Reserves

- Local Councils are often the Trustees of parcels of Crown reserve and are probably not the best start for initial contact.
- One of the main reasons for DPI initiating the MoU with AMSA was to commence enforcement with Trustees who, according to DPI, may have a perception that they actually '*own*' the land.

- Often Trustees will resist allocating Crown land to anyone. Under the ACT and the AMSA/DPI MoU, the Minister, through DPI advice, can override any Trustee.
- DPI, through their local offices, will usually not be of much assistance to Sheds in identifying appropriate land.
- It is best for the Shed to research and identify land that **MAY** be Crown land (85% of Australia is) such as sporting fields, disused government buildings (State), recreational reserves etc- basically anything without a fence around it.
- Sheds have to be reasonable in their thinking as well.
- DPI (Crown reserves) will not subdivide land
- DPI (Crown reserves) will not permit usage for purposes not consistent with its zoning or dedicated use and purposes.
- Sheds also need to be careful of their choice of language/terms such as *subdivide, leasing and ownership* i.e. freehold title is taken on literal meaning and is not possible.
- Sheds need to make a request for a *User Licence* as mentioned in the AMSA/DPI MoU that will give them long term tenure.
- The AMSA/DPI MoU had original references to the Sheds working through AMSA to secure land and the need for a direct line of communication between AMSA and the DPI.
However no longer applies due to changes in DPI administration, staff and processes.

The best course of action for a Shed to secure Crown reserve (Land) would be:

1. **Identify** some potential sites in the area (as referred to above)
2. **Approach their local DPI** as to whether it is actually Crown reserve (Land)
3. Discuss options with their local **State Member** who should assist in the process
4. Ensure that reference is made to the **AMSA/DPI MoU**
5. Compose a **Business Case** as per the AMSA/DPI MoU and submit with the local DPI
6. Involving Council is a decision that the Shed must make. In many cases the local Council may be the driving force behind the establishment of the Shed and will not be 'defensive'.
7. AMSA is of the view that in rural and some regional areas Showgrounds are a great option –there are lots of examples across NSW.
Show Societies are well aware of Men's Sheds now and they are also aware that they do have to have a more diverse approach on maximising the use of occupied grounds.

However please be aware that occupying an existing building on a Showground can have issues as well. i.e. the Show Society may need the space for the Show once a year and the Shed may have to move and store equipment (e.g. such was the case with Narrabri).

If the Show Society can offer a site, the Showground may be an ideal place to build. Please note that many Showgrounds are located in flood areas –(Moree Men’s Shed has flooded twice).

Government will prefer to fund buildings that are on Crown reserve (Land) over privately owned sites as they will always retain the asset.

Good examples include Boy Scout/Girl Guide Halls even Council Chambers and other assets such as Libraries

The Process

DPI will provide applicant Men’s Sheds with a standard Licence Application Form and the Guideline to prepare a Business Case in support of their application.

- a) The completed Business Case, suitably endorsed, is to be forwarded to the Regional Contact Officer.
- b) A local Men’s Shed **may** nominate specific Crown land/s it wishes to occupy. To the extent possible, DPI will issue a written reply to such application within four (4) weeks of its receipt, **EXCEPT** where any site/s nominated by the applicant require one or more days to be set aside for inspection, in which case, the four (4) week assessment and notification period is extended by one (1) week for each site requiring a separate day for inspection.
- c) Any approval of an Application for Licence will be accompanied by a Draft Licence.
- d) The approval letter issued by DPI will indicate whether the proposed Licence is to be granted by a Reserve Trust (under section 102 of the CLA) or by the Minister (under section 34A of the CLA), and will reflect the outcome of consultation by DPI with any appointed Trust Manager.
- e) Matters to be addressed prior to a Licence taking Effect:
 - DPI will obtain from the Minister or relevant delegate approval to enter into the Licence contemplated
 - The Men’s Shed will notify DPI of its response to the Draft Licence within one (1) calendar month of the date upon which it is issued on behalf of the Licensor
 - The initial Licence for Investigation will take effect when it has been signed by the Licensor and the Men’s Shed.

ASSESSMENT CRITERIA

- a) Business Case information provided by the applicant Men’s Shed
- b) Size, topography, natural resource and other environmental attributes

- c) Consistency with the purpose for which the subject land is dedicated or reserved
- d) Whether the Crown land is the subject of any outstanding Aboriginal Land Claim or Native Title application
- e) Compatibility of a Men's Shed with existing uses and facilities, and with any Plan of Management adopted for the land concerned
- f) The capacity of any nominated Crown land to accommodate "standard" or modular shed facilities, where applicable, together with any conditions of such occupation that DPI considers desirable to safeguard existing users and/or the scenic, landscape or other features of the land concerned
- g) Availability of water, electricity and other utility services
- h) The views expressed, if any, by the appointed Trust Manager of the nominated Crown reserve and
- i) The location and suitability of any alternative sites, whether Crown lands or otherwise.

Preparing a Business Case

The Business Case outlines the **why, what, how** and **who** necessary to decide if it is worthwhile project.

It should only contain enough information to help in the decision making. When writing a Business Case, keep the following in mind:

- the document should be brief and convey the bare essentials
- make it interesting, clear and concise
- eliminate 'guesses' and minimise jargon
- describe your vision of the future
- demonstrate the value and benefits the project brings to the community

THE BUSINESS CASE TEMPLATE

The 4 steps to preparing a Business Case:

1. Executive Summary

It is a short summary of the entire Business Case. It succinctly conveys vital information about the project and communicates the entire story to the reader. First impressions are important. Get this right!

2. Finance

- identify the financial implications for the Men's Shed
- provide some project costs
- ensure the project is affordable
- ensure every cost associated with the project is considered
- assess value for money
- explain how you will fund the project.

3. Project Definition

This section answers most of the **why**, **what** and **how** questions.

Background Information

- provide a clear introduction to the Business Case and project
- Provide a brief overview of the reasons why the project has come about
- Refer to the broader Men's Shed Movement and other projects.

Objective

This section describes **why** you are doing the project.

- What is your goal?
- What is needed to overcome the problem?

Benefits

This section describes the benefits. The purpose is to explain **why** you need a project.

Scope

This section of the Business Case describes the work needed to deliver the project, its scope and boundaries.

Outline Plan

The outline plan provides a summary of the main activities and overall timescale – project schedule – for the project.

- **What** is required?
- **How** it is done?
- **Who** does what?
- **When** things will happen?

4. The Project Organisation

This section describes how the project is set up and who responsible for delivering work to the project.

Project Governance

This section shows the reader how the project is structured and the different levels of decision-making.

Summary

- A Business Case should be concise and to the point
- Be sure to keep the intended audience in mind when preparing each section and include supporting information in an appendix
- The purpose of a Business Case is to outline the rationale for undertaking a project.