

D16/39065

F738

2 September 2016

The Hon Paul Green MLC
Committee Chair
NSW Legislative Council General Purpose Standing Committee No 6
C/- www.parliament.nsw.gov.au/crownland

Dear Member Green

INQUIRY INTO CROWN LAND – FURTHER RESPONSES

Thank you for providing an opportunity for Orange City Council to make further submission into the Inquiry into Crown Land in NSW. Council is pleased to provide the attached:

- Responses to the questions taken on notice during the hearing of the Committee held in Dubbo on 2 August 2016.
- Responses to supplementary questions as circulated on 12 August 2016.

Thank you for the opportunity to make this further submission.

If further information is required, please contact Council's Manager Administration and Governance, Michelle Catlin

Yours faithfully

Garry Styles
GENERAL MANAGER

RESPONSES TO QUESTIONS TAKEN ON NOTICE

Question: Pockets of Crown Land in Orange and if any have Plans of Management approved by the Minister

The attached table identifies those parcels of Crown Land within the Orange Local Government Area. Many of these parcels are under the trusteeship of Orange City Council. Given that the Orange Local Government Area is predominantly urban, there is not significant parcels of un-used Crown Land within the area.

Many of the parcels of Crown Land for which Council is trustee are used as parks, gardens, sportsfields, Civic buildings and the like.

The attached table identifies four Crown Reserves that have a Plan of Management approved by the Minister in accordance with the Crown Lands Act. This land comprises the Orange Civic Precinct and the Plan of Management was required to allow Council to develop the Orange Regional Museum on that land.

Question: Net cost of managing Crown Land

Council's finance system is not able to easily extract net figures relating to the management of Crown Land under Council's control. As advised at the hearing, many of the parcels for which Council is trustee are actively used however the costs are incorporated into Council's operational budget.

Council invests heavily in the Crown Land for which it is trustee. As an example, Council will be investing over \$1 million into four Crown Reserves in Orange over the next year, being Cook Park, Robertson Park, Sir Jack Brabham Park and Wade Park. The income generated from the use of these facilities is minimal and does not cover the administration of these sites, let alone the active investment in maintenance and improvements that Council undertakes on an annual basis.

Question: Should there be a clear and unambiguous priority to say that as much as possible Crown Land should be returned to traditional owners?

Council has not formally resolved a position on this challenging question however it is considered that each parcel needs to be assessed on its merits, taking into account the current use and expectations of the community, including the indigenous community.

Sites that have a high level of significance to local indigenous communities should be identified and assessed in conjunction with those communities, and where justified, transferred to appropriate indigenous groups. This assessment should include broader community consultation, particularly if the parcel has been used by the community for recreational or other purposes.

RESPONSES TO SUPPLEMENTARY QUESTIONS

1 With regards to Plans of Management provide the following information:

A Do plans of management provide the best mechanism for the management of crown land?

One parcel of Crown Land for which Orange City Council is Trustee has a Plan of Management under the Crown Lands Act.

Plans of Management under the Local Government Act 1993 are reflective of community use and need for the land. It is considered however that a Masterplan developed in conjunction with the community and aligned to the Council's Integrated Planning and Reporting documents provides another mechanism for the long-term vision of a site. This type of approach has been used by Orange City Council for a number of Crown Land parcels, particularly those that Council has developed into premier recreational and sporting areas.

B What crown land is best served by the development of a plan of management?

Sites with ecological significance or archaeological significance (both indigenous and non-indigenous) could be managed through a Plan of Management under the Local Government Act.

C What crown land does not need a mechanism such as a plan of management?

It is considered that Crown Land already managed by Local Government and used for operational purposes does not require a plan of management. Similarly, for Crown Land already managed by Council that is used for recreational or sporting purposes, a Masterplan that links to the Council's Integrated Planning and Reporting documents would ensure the future of the land is aligned with the community's strategic vision.

D What is the best consultation period for developing plans of management?

A minimum period of 28 days is considered appropriate.

E What are the best consultation methods for developing plans of management?

Consultation through the Council's existing extensive community committee network. Liaison with indigenous and non-indigenous stakeholder groups, information forums, campaigns on social and traditional media, identifying and consulting directly with interested stakeholders.

F What are the best mechanisms to appeal a plan of management?

Currently the opportunity to appeal or oppose a plan of management is at the public consultation stage. Once a plan of management is in place, appeals in the first instance ought to remain at the Council level as a “request for review”. Beyond this, appeals could be considered by Joint Regional Planning Panels before escalating to the court system if need be.

G What are the best mechanisms to amend a plan of management?

Amendments to plans of management should follow the same path as a new plan of management, to maintain community confidence in the system, and allow for community consultation. Exceptions could be made for the correction of errors (eg wrong property descriptions, mapping corrections and the like), and such changes could be resolved by the Council.

H Do you have suggested improvements for the development of plans of management?

A suite of default management measures could expedite plan preparation and ensure consistency in the quality of plans. This material should not be mandatory but provide guidance in the content of plans of management.

I Is there a better way to manage the crown's asset?

Transferring the assets to the Council for management in accordance with the Local Government Act, subject to agreement by the Council.

J What community consultation should take place prior to the sale of any crown land parcel?

Consultation with key stakeholders, including neighbour notification, advertising in a locally circulating newspaper to a standard comparable to Advertised Development under the Environmental Planning and Assessment Act, as well as mandatory publication on Council's website.

2 How do you ensure local indigenous communities are consulted during the development of a plan of management?

Local indigenous communities should be identified as a key stakeholder in the consultation process for any plan of management. Having discussions with the Local Aboriginal Land Council and ensuring written notification is also provided to any locally identified indigenous group.

3 How do you identify and protect sites with indigenous importance on crown land?

Consultation with local indigenous groups to identify sites of indigenous significance. Once sites are identified as having some significance, appropriate management measures can be put in place for the site's protection, depending on the use and characteristics of the site.