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**From:** sue chidgey  
**Sent:** Tuesday, 6 September 2016 11:19 PM  
**To:** GPSC6 GPSC6  
**Subject:** Fw: Crown land inquiry — Transcript and questions on notice - 8 August 2016  
**Attachments:** Cover Letter for Final Determination David Shoebridge - NSW Parliament House.pdf; GIPA RESPONSE RE CROWN LAND DETERMINATION.pdf; Answer to Question on Notice from Page 37.docx; Crown Land - Answer to question on notice on Page 40.docx; Crown Lands - Highlighted transcript - 8 August 2016 \_Chidgey.pdf

**Categories:** Answer to QoN, Transcript correction

Dear Mr Griffith

Please note that I have made one small change to the transcript on Page 38 (see transcript attached). I'm sorry but I couldn't highlight the word 'and' so just added it in a larger font.

Please find attached my answers to Questions on Notice taken during the Inquiry into Crown Land hearing on August 8, 2016.

Mr Shoebridge put in a formal GIPA request to Central Coast Council for a determination on the Crown Land status of the 24 sites on Council's Land Sale Strategy. As requested I have attached the response letter and determination received from Council. I may decide to apply for a review of the Council's response as there may be a question as to whether the determination the Council provided, using the Council's current Land Register, is correct or not. This Land Register may not contain accurate details of which sites are Crown Land. It may be prudent to apply to a Government department that has up to date details of whether these sites are Crown Land. In the Council's current Land Register (2016) contains over 2,800 sites and of those only 27 are listed as being Crown Land.

The Council gives its resource for the search as.....

*"Outline of research: • A search of Council's internal property information program for each parcel identified. Consultation with relevant Council Officers who specialise in relevant area"*

I hope that my answers assist the Inquiry into Crown Lands. If you require further input please email the undersigned or phone 0

Yours faithfully  
Sue Chidgey  
Save Central Coast Reserves

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1 August 2016

Mr David Shoebridge MP  
NSW Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Email: [david.shoebridge@parliament.nsw.gov.au](mailto:david.shoebridge@parliament.nsw.gov.au)

Dear Mr Shoebridge,

**Subject: Final Determination of Formal GIPA Application**

In response to your formal GIPA Application relating to various properties within the Central Coast Council Local Government area, the attached formal determination is provided.

Please do not hesitate to contact me should you have any questions regarding this determination.

Yours faithfully

A handwritten signature in blue ink, appearing to read "J Gurr".

Justine Gurr

**Access Information Officer**  
**Governance & Business Services**

Internal Reference: 22928232



**Wyong Office:** 2 Hely St / PO Box 20 Wyong NSW 2259 | **P** 02 4350 5555  
**Gosford Office:** 49 Mann St / PO Box 21 Gosford NSW 2250 | **P** 02 4325 8222  
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## Answer to Question on Notice – Crown Land Inquiry Sue Chidgey, Save Central Coast Reserves

Excerpt from page 37 of the uncorrected proof which includes question on notice.....

Ms CHIDGEY: I found out today that we have been advised by council that our sites are not Crown land but up until this date we were not given very much information as to whether they were. The only document that we could find was the lands register of 2014 which had some 3,000 sites written on it with very few of them marked Crown land. For a fact we know that some of them must be Crown land. So I intend to use the review rights of this Government Information (Public Access) Act [GIPA] form to find out where they got that information. If it was off the land register in 2014, it is a very holey and inaccurate register of land. I am not taking their complete advice on this as yet.

Mr DAVID SHOEBRIDGE: The Committee might be assisted if you agreed to provide it your GIPA application and the materials that were provided. I appreciate it if you could provide us that on notice.

Ms CHIDGEY: Yes.

### Answer to Question on Notice.....

Please note that I may look into a review on the GIPA response received from Central Coast Council as there is a question as to whether the determination the Council provided, using the Council's current Land Register, is correct. Mr Shoebridge put in the GIPA request to Central Coast Council for a determination on the Crown Land status on the 24 sites on Council's Land Sale Strategy. As requested I have attached the response letter and determination received from Council (see attachments). This Land Register may not contain accurate details of which sites are Crown Land. It may be prudent to apply to a Government department that has up to date details of whether these sites are Crown Land. In the Council's current Land Register (2016) over 2,800 sites are listed and only 27 are listed as being Crown Land.

The Council gives its resource for the search as.....

*"Outline of research: •A search of Council's internal property information program for each parcel identified. Consultation with relevant Council Officers who specialise in relevant area"*

I think one of the most difficult issues relating to Crown Lands is that it is difficult to find out whether land is designated Crown land or not. There needs to be an accurate database which can be accessed easily.



## Answer to Question on Notice – Crown Land Inquiry Sue Chidgey, Save Central Coast Reserves

Excerpt from page 40 of the uncorrected proof which includes question on notice.....

The CHAIR: I am very happy with that. Across New South Wales a lot of councils had to identify every particular parcel of land for the local environment plan in 2009. Were the Crown lands not identified in that local environment plan?

Ms CHIDGEY: In the case of my blessed reserve, East Gosford Reserve, we put in a request to the Office of Environment and Heritage and we got a reply back that that there was no plan of management for that reserve, which is two hectares. Since then apparently it is under a blanket plan of management. I have never been into the legal regulations and all that. I do have people who can answer those questions so if you have a particular thing I can take a question on notice.

### Answer to Question on Notice.....

As stated in my testimony I have now obtained input from one of the members from Save Central Coast Reserves to try to answer, as best we can, this question on notice.....

The current Land Register held by Council may have been an attempt to identify every parcel of land for the LEP; however the information in that document may not be reliable - especially in relation to Crown Land.

Council has adopted its own numbering system using R numbers and appears not to be able to provide cross references to the Crown Lands referenced. As an example, a local heritage activist spent hours with Council officers trying to identify various parcels of land on the waterfront.

The problem of people not being able to identify ownership of public land (and therefore what legislation applies to its use and management) is exacerbated by Land and Property Information Dept (the former Lands Department) now charging fees for any information.

The fundamental proposition of open and transparent governance is that the public ought to be able to access information about public land without 4-5 emails to / from government departments and having to pay a ~ \$30 fee for each parcel of land.

Gosford City Council does not appear to have proper plans of management for land under its care and control. Reference to their generic Plans of Management (eg for active open space (sports grounds), passive open space (informal reserves) and maybe parks / playgrounds (where playground equipment is installed) ought to be recorded on the land register and a schedule ought to be attached to each generic Plan of Management showing which land is covered by that Plan of Management.

Gosford City Council appears not to have any such records ... having a Plan of Management is actually required under the Local Government Act for council-owned (public) land.

Another issue is that a Council having management control of Crown Land is required to apply income from that land to management / improvement of that Crown Land. Gosford City Council did not seem to do this: the last financial reports for Gosford City Council sighted by one of our community members showed zero income from Crown Lands, despite Gosford City Council receiving substantial income each year from circus events on the waterfront Crown Land.

The current Land Register (2016) held by Council lists over 2,800 sites and of those only 27 are listed as being Crown Land.

## NOTICE OF DETERMINATION

### 1. Summary

Applicant:	<b>David Martin Shoebridge</b>
File Ref:	<b>107.244</b>
Decision maker:	<b>Justine Gurr – Access Information Officer</b>
Date GIPA Application Received:	<b>7 July 2016</b>
Date of decision:	<b>29 July 2016</b>
Information requested:	<p><i>Can Gosford City Council advise which of the following pieces of land are classified as Crown Land, and if classified what the dedicated purpose of the land is.</i></p> <p><i>Various parcels identified and listed a – z. Identified in response provided below.</i></p>
Outline of research:	<ul style="list-style-type: none"> <li>• A search of Council's internal property information program for each parcel identified</li> <li>• Consultation with relevant Council Officers who specialise in relevant area</li> </ul>
Records Located:	Under section 75 of the <i>GIPA Act</i> , a new record was created to tabulate a response to the requested information.
Consultation with third parties:	N/A
Decision on form of access:	Access is granted in accordance with section 72(1)(b) of the <i>GIPA Act</i> by providing a copy of the document created to answer the request.
Decision on deferral of access under section 78 of the <i>GIPA Act</i> :	N/A
Decision as to processing charges:	N/A

### 2. Reasons for decision

In making the decisions noted in the summary table above, I have considered the following:



**Wyong Office:** 2 Hely St / PO Box 20 Wyong NSW 2259 | **P** 02 4350 5555  
**Gosford Office:** 49 Mann St / PO Box 21 Gosford NSW 2250 | **P** 02 4325 8222

**E** [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au) | **W** [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au) | ABN 73 149 644 003

***Public interest considerations in favour of disclosure:***

1. There is a public interest in favour of disclosing information under section 5 of the *GIPA Act*.
2. There is a general public interest in favour of the disclosure of Government Information under section 12(1) of the *GIPA Act*.
3. It is in the public interest to know which land in the local government area is classified as Crown Land and its dedicated purpose.

***Public interest considerations against disclosure:***

It is considered that there are no public interest considerations against disclosure for this application.

***Balancing the public interests***

As there are no public interest considerations against the request that has been made, it is therefore in the public interest to release the information that has been requested.

Due to the nature of the information that has been requested, a tabulated response has been provided to answer the request of the applicant.

***Review rights***

If you disagree with any of the decisions in this notice that are reviewable, you may seek a review under Part 5 of the *GIPA Act*. Before you do so, I encourage you to contact me to discuss your concerns.

You have three review options:

- internal review by another officer of this agency, who is no less senior than me;
- external review by the Information Commissioner; or
- external review by the NSW Civil and Administrative Tribunal (NCAT).

You have 20 working days from the date of this Notice to apply for an internal review. If you would prefer to have the decision reviewed externally, you have 40 working days from the date of this Notice to apply for a review by the Information Commissioner or NCAT.

To assist you, I have enclosed a fact sheet published by the Information and Privacy Commission NSW (IPC), entitled *Your review rights under the GIPA Act*. You will also find some useful information and frequently asked questions on the IPC's website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).

You can also contact the IPC on freecall 1800 IPC NSW (1800 472 679).

**Response to request**

	<b>Address</b>	<b>Suburb</b>	<b>Lot</b>	<b>DP</b>	<b>Is the land Crown Land? Y/N</b>	<b>Dedicated purpose</b>
a	79A Kalakau Ave	Forresters Beach	318	225178	N	Reserve
b	79B Kalakau Avenue	Forresters Beach	319	225178	N	Reserve
c	83 Brisbane Avenue	Umina Beach	195	9894	N	Vacant Land
d	85 Brisbane Avenue	Umina Beach	196	9894	N	Vacant Land
e	22A Delaware Road	Niagara Park	22	29443	N	Playground
f	32A Dover Road	Wamberal	25	26468	N	Reserve
g	1 Hely Street	West Gosford	1	17393	N	Playground
h	6 Isis Street	Wyoming	46	231546	N	Reserve
i	12 Jerribin Street	Wyoming	8	246234	N	Reserve
j	2 Kateena Avenue	Tascott	192	237499	N	Reserve
k	50 Wells Street	East Gosford	6	Sec23 DP56797	N	Reserve
l	40A George Street	East Gosford	1	996535	N	Vacant Land
m	40-46 Pozieres Avenue	Umina	184, 185, 186 & 187	10186	N	Reserve
n	9-11 Mackenzie Avenue	Woy Woy	47 & 48	SecB DP10242	N	Reserve
o	10-12 Jumbuck Close	Woy Woy	1 & 372	247520 & 612274	N	Reserve
p	37 -39 Warren Avenue	Avoca Beach	35 & 51	26603	N	Reserve
q	1B Perratt Close	Lisarow	59	713715	N	Reserve
r	2 Eagle Close	Lisarow	23	605640	N	Reserve
s	Winter Close Reserve	Lisarow	20	258815	N	Reserve
t	Reserve Corner of Coburg Street & Wells Street	East Gosford	2, 18, 17, 16, 12, 9, & 8*	1027281 & 135253	N	Reserve
u	Yarrum Road	Bensville	17-21	SecE	N	Playground



	Playground		& 68-73	DP6113		
v	40-42 Albion Street	Umina	55 & 56	9263	N	Reserve
w	93A Rivera Avenue	Terrigal	32	248806	N	Reserve
x	38 James Street	Green Point	401 & 402	818160	N	Reserve
y	71 Alan Street	Niagara Park	27	778345	N	Reserve
z	83 Kincumber Street	Davistown	17	Sec2 DP12702	N	Reserve

\* Please note that Lot 14 DP135256 referred to does not correlate with any property listed in Council's records.

**Additional Information**

Council can advise that the properties listed above are owned by Central Coast Council (comprised of former Gosford City & Wyong Shire Councils).

Details about properties owned by Council are included in the Land Register published on Council's website: <http://search.gosford.nsw.gov.au/documents/00/18/27/06/0018270692.pdf>



information  
and privacy  
commission  
new south wales

## Your review rights under the GIPA Act

## Fact sheet

June 2014

The right to information system in NSW aims to foster responsible and representative government that is open, fair and effective.

You have the right to request a review of certain decisions made by government agencies about the release of information under the *Government Information (Public Access) Act 2009* (GIPA Act):

- a) a decision that an application is not a valid access application
- b) a decision to transfer an access application to another agency, as an agency-initiated transfer
- c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made)
- d) a decision to provide access or to refuse to provide access to information in response to an access application
- e) a decision that government information is not held by the agency
- f) a decision that information applied for is already available to the applicant
- g) a decision to refuse to confirm or deny that information is held by the agency
- h) a decision to defer the provision of access to information in response to an access application
- i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant)
- j) a decision to impose a processing charge or to require an advance deposit,
- k) a decision to refuse a reduction in a processing charge
- l) a decision to refuse to deal further with an access application because an applicant has failed to pay an advance deposit within the time required for payment
- m) a decision to include information in a disclosure log despite an objection by the authorised objector (or a decision that the authorised objector was not entitled to object).

You generally have three review options.

### 1. Internal review

You have **20 working days** after the notice of a decision has been posted to you to ask for an internal review by the agency that made the decision.

If a Minister or their personal staff, or the principal officer of an agency made the decision, you cannot ask for an internal review, but you can ask for an external review (see below).

The review must be carried out by an officer who is no less senior than the person who made the original decision. The review decision must be made as if it was a fresh application.

There is a \$40 fee for an internal review application. No fee applies for an internal review if the decision is a 'deemed refusal' because the agency did not process your application in time or the internal review is conducted because the Information Commissioner has recommended the agency reconsider its decision under section 93 of the GIPA Act. In this case, you cannot be charged any review fee.

The agency must acknowledge your application within **five** working days of receiving it. The agency must decide the internal review within **15** working days (this can be extended by **10** working days if the agency has to consult with a third party, or by agreement with you).

### 2. External review by the Information Commissioner

If you disagree with any of the decisions listed above, you can ask for a review by the Information Commissioner.

If you are the person applying for access to information, you **do not** have to have an internal review of the decision before asking the Information Commissioner to review it.

If you are not the access applicant, you must seek an internal review before applying for review by the Information Commissioner. However, if an internal review cannot be sought (if a Minister or their personal staff, or the principal officer of an agency made the decision), you can seek a review by the Information Commissioner.

## Your review rights under the GIPA Act

## Fact sheet

You have **40 working days** from being notified of the decision to ask for a review by the Information Commissioner.

On reviewing the decision, the Information Commissioner can make recommendations about the decision to the agency.

**Note:** You cannot ask the Information Commissioner to review a decision that has already been reviewed by the NSW Civil and Administrative Tribunal (NCAT).

### 3. External review by the NSW Civil and Administrative Tribunal (NCAT)

If you disagree with any of the decisions listed above, you can ask for a review by NCAT. You do not have to have the decision reviewed internally, or by the Information Commissioner before applying for review by NCAT.

You have **40 working days** from being notified of the decision to apply to NCAT for review. However, if you have applied for review by the Information Commissioner, you have **20 working days** from being notified of the Information Commissioner's review outcome to apply to NCAT.

### For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679  
 Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
 Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)