



Council's Reference:

Telephone Enquiries to:
Andrew Leach

1st September 2016

Samuel Griffith
Principal Council Officer
Upper House Committees
Legislative Council
Parliament of NSW
GPSC6.GPSC6@parliament.nsw.gov.au

Dear Mr Griffith

Re: Crown land enquiry – Transcript and questions on notice

Further to your email dated 12th August 2016 please find attached:

- A) Supplementary question response
- B) Question on notice response

Should you wish to discuss the matter further please contact me by telephoning 6660 0221 or email andrew.leach@richmondvalley.nsw.gov.au

Yours sincerely

Andrew Leach
Manager Asset Planning

SUPPLEMENTARY QUESTIONS – INQUIRY INTO CROWN LAND

QUESTIONS FOR LOCAL COUNCILS – RESPONSE FROM RICHMOND VALLEY COUNCIL

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

a. Do Plans of Management provide the best mechanism for the management of crown land?

Plan of Management documentation and the establishment process is a very good way to provide strategic and consistent direction for the use of crown land. These plans need not necessarily follow a specific template and extent of detail, but be prepared with the relevant land use in mind, and the scale of proposed operation. Plans of a larger scale do require significant resources in the preparation and operation stage which falls back on Council in most cases. The important element of the Plan of Management process is the inclusion of the stakeholders and the ability to manage their expectations of appropriate use of the land.

b. What Crown land is best served by the development of a Plan of Management?

Due to the varying nature of crown land parcels the necessity of a Plan of Management relates directly to the use of the land, and the associated stakeholders. Some may be site specific by nature, or others more generic. Scale and detail will vary but not necessarily need to be a plan as under the terms of the Crown Lands Act, as long as the planning and consultation process is in place.

c. What Crown land does not need a mechanism such as Plan of Management?

Council consider that all crown land should have some plan of management but this can vary in scope, and not necessarily be a formal plan under the terms of the Crowns Lands Act.

d. What is the best consultation period for developing Plans of Management?

The consultation period should be established on a case by case basis depending on the issues specific to the proposed land use. 21 or 28 days are usually the time allocated to local government planning procedures which is the basis of most periods of consultation.

e. What are the best consultation methods for developing Plans of Management?

Relative to the consultation period question, this too would be on a case by case basis taking into consideration the community stakeholders, the type of issues associated with the use, and intended and/or strategic use. Council currently use a variety of consultation processes, dependant on the situation, and compile information from these processes to prepare documentation.

f. What are the best mechanisms to appeal a Plan of Management?

Council does not have a suggested change to the current processes of preparing Plan of Management as this relates to appealing an outcome.

g. What are the best mechanisms to amend a Plan of Management?

Where amendment is suggested, there needs to be a process to prepare and amend plans as used by local government for other community land. (public exhibition, consultation and community meetings where deemed appropriate).

h. Do you have suggested improvements for the development of Plans of Management?

The current process undertaken by the State in its dealing with Plans of Management is historically slow and delayed. Any improvements which can be included in future working methodology to improve the time taken in dealing with any Plan of Management issues should be carried out. The time and effort taken by Councils as Reserve Trust Managers in the preparation of Plans of Management is significant and is a cost which is born by Council. Any recognition of this effort through financial or other resource availability would help in the process. Council believe that there also needs to be a mechanism allowing for works outside of the Plan of Management to be undertaken when necessary and justified.

i. Is there a better way to manage Crown assets?

From a Council view point, an increased level of interaction with all stakeholders, recognition of local knowledge and land use and management, and the assets which are encompassed on the land would establish a solid base for the management of Crown Land. The consideration of the transfer of some crown land assets to Council management is worthwhile seeing that Council already manage a many of these assets in its day to day business. While from a local knowledge and practical management point of view this would provide a better service to the community, it needs to be recognised that with this transfer there will be a need to resource Council to manage these important land assets.

j. What community consultation should take place prior to the sale of any Crown Land Parcel?

Any proposed sale of Crown Land should be subject to a community notification and response period, but the type and level of engagement will differ according to the site affected.

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

Councils' have a similar approach to this across the region. When planning for the future land use, either Plan of Management or other instrument, Council consider the level of community engagement and the vehicle of such engagement on a case by case basis. This includes consideration of the stakeholder involvement of the Aboriginal community. This usually occurs by way of contacting the Local Aboriginal Land Council, inviting feedback and participation in the planning process. This engagement can extend to native title holders or applicants for native title.

3. How do you identify and protect sites with indigenous importance on Crown Land?

Council seeks to consult with the local Aboriginal land council as well as other Aboriginal stakeholders where appropriate when the planning process occurs in relation to crown land holdings. Any protection required in relation to Aboriginal cultural heritage sites typically relate to existing State Government legislation through the NPWS Act and under terms of the EP&A Act relating to planning matters.

RESPONSE TO QUESTION ON NOTICE – RICHMOND VALLEY COUNCIL – INQUIRY INTO CROWN LAND

Question – Does Council believe that in any new Act that there should be a very clear primary objective of, as much as possible, retaining Crown Land to Aboriginal people, recognising their ownership, prior ownership, and in some way compensating them for dispossession?

Council Response:

There are currently a number of instruments in place which allow the consideration of the return of ownership to Aboriginal people to occur. If this was to change to be an overall allocation of Crown land returning to Aboriginal ownership, then this process should be on a case by case basis, with the provision that sufficient resources were provided to the Aboriginal community to ensure that the management and ongoing operation of any land is not a burden which they cannot carry out.