

QUESTIONS ON NOTICE- INQUIRY INTO CROWN LAND

1. The Hon Mick Veitch asked if Councils had a net cost figure for managing Crown Land?

Response:

Kyogle Council has been appointed by the Minister for Lands and Water as the reserve trust manager for the Gateway to the Rainforest Reserves Trust (GTTRRT)

Net cost of the GTTRRT for 2015/16 was \$134,176. This includes all caravan park income and expenses.

2. The Hon Lou Amato asked if Councils were aware of how many Aboriginal land claims are with each Council?

Response:

Kyogle Council has been informed by the Manager for Aboriginal Land Claims NSW Department for Industry, Lands, that there are just over 300 Aboriginal Land Claims in the Kyogle LGA. The claims have been lodged by the NSW Aboriginal Land Council either in its own right or on behalf of a local land council.

The Committee should note the following disclaimer from the Department for Industry;

“The information has been provided in good faith. Whilst all effort has been made to ensure the accuracy and completeness of the information the data providers take no responsibility for errors or omissions nor any loss or damage that may result from the use of this information.”

SUPPLEMENTARY QUESTIONS - INQUIRY INTO CROWN LAND QUESTIONS FOR ALL LOCAL COUNCILS

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?
- (b) What crown land is best served by the development of a Plan of Management?
- (c) What crown land does not need a mechanism such as a Plan of Management?
- (d) What is the best consultation period for developing Plans of Management?
- (e) What are the best consultation methods for developing Plans of Management?

- (f) What are the best mechanisms to appeal a Plan of Management?
- (g) What are the best mechanisms to amend a Plan of Management?
- (h) Do you have suggested improvements for the development of Plans of Management?
- (i) Is there a better way to manage the crown's asset?
- (j) What community consultation should take place prior to the sale of any crown land parcel?

Response to question 1. A to J inclusive.

Kyogle Council acknowledges the NSW Government's efforts in the review of Crown Lands Management across the state, as detailed in the document titled *Crown Lands Management Review*, and the subsequent release of a paper entitled *Crown Lands for the Future – Crown Lands Management Review Summary and Government Response* and the *Crown Lands Legislation - White Paper* detailing proposed legislative amendments.

An appropriate plan of management for the future of Crown Lands must be underpinned by the following.

Council strongly supported the need for a review of the current arrangements for the management of Crown Lands, and also supports the recommendations contained in the document *Crown Lands Management Review*, and the government responses contained in the document *Crown Lands for the Future – Crown Lands Management Review Summary and Government Response*.

Council acknowledges the need for the various State Government agencies to be given the first priority in the process to determine which Crown Land is required for core service delivery or has state or regional values.

Council undertook a process in 2009, which led to the adoption of the *Kyogle Council Crown Reserves Strategic Plan 2009-2013*. This process included a review of all Crown Reserves within the Kyogle Local Government Area, and allocated a series of priorities for the future management of these reserves, including specific recommendations on the actions required for each of the higher priority reserves. A copy of the document was provided with Council's submission in June 2014 for information and consideration in the proposed pilot programs. Whilst this process focussed on Council's priorities, it offered a valuable example of the process that will need to be followed for each LGA in the review of State and Local Land.

Council strongly supports the concept of the transfer of Crown Reserves of local interest to Council, so that this land can be managed by Council under the provisions of the Local Government Act. This concept is supported on the basis that this is done in such a way as to;

- include consideration of all Crown Reserves currently occupied where not identified as State Land,
- allow for the inclusion of currently vacant Crown Reserves where a future local need is identified,
- remove the Crown Reserve status of the land so that the land would then be held by Councils as freehold without restriction,
- transfers are made to Council at the cost of the transfer process only, ie no additional purchase price and
- land transferred to Councils is classified as Operational Land under the Local Government Act
- Council will subsequently be able to make decisions on the future uses of these reserves in consultation with the local communities, without oversight from the NSW Government
- that where disposal of these areas is the preferred option, the proceeds are directed to local councils

Council supports the devolution of land of local interest to local councils to meet local needs and allowing council to manage reserves under the Local Government Act, as it is seen as a way of limiting the possibility of costs shifting to councils. Specific consideration should be given for flora and fauna reserves to be devolved to National Parks and Wildlife Services, including possible declarations as National Parks where conservation values are significant.

Issues with contaminated lands and the remediation expenses need to be considered to ensure that a NSW Government agency is charged with the responsibility for remediation and/or ongoing management of these sites, and Councils are not burdened with this responsibility by default.

Amending the Roads Act 1993 so that the Minister is no longer a roads authority is an important element of getting management issues right. There are a number of issues with the existing arrangements with respect to the opening, closing, transfer and leasing of road reserves which are a result of the Crown taking a position whereby they are acting as a Road Authority for road related land matters, but not meeting their obligations as a Road Authority with respect to the construction and maintenance of roads.

These include;

- Extensive delays in processing applications for road closures and transfers
- Allowing closures of roads where individual parcels are left land locked where they are in the same ownership at the time of closure
- Refusing to approve construction works, and insisting on the transfer of roads to the local council where construction works are required

- Onerous administrative requirements for road realignments involving closings and openings

Council supports the removal of the Minister from the Roads Act on the basis that there is no involvement of any NSW Government agency in the subsequent closure, lease, or opening of public roads, with the exception of the Roads and Maritime Services in the case of Classified Roads. These processes must be able to be undertaken by the Road Authority autonomously, and without reference to any other NSW government agency. The anticipated outcome would be the automatic transfer of all Crown Roads to local councils as the relevant Road Authority. This would also require that all existing Crown Road lease agreements and the associated revenue streams are transferred to councils as the relevant Road Authority.

Council strongly agrees with the removal of reserve trusts and a move to a two-tier reserve management structure.

The formation of Trusts and the duplication of administrative requirements, for councils in particular, is onerous and a waste of resources. Where an existing Trust (other than the Council) exists on a Crown Reserve of local interest, the transfer of the land to the local council and the subsequent lease back to community groups with no requirement for market rents is the most effective way to transition from the current arrangements, and to ensure that these reserves are adequately managed into the future. There will of course be ongoing reviews by councils and their local communities on the long term future of such reserves and the associated structures, but the proposed changes mean that the options and opportunities presented by these reserves can be assessed by the local community as a whole. This will include the possibility of disposal of some land and buildings, as well as possible changes in use that may present social or economic opportunities that could not be realised under the restrictive nature of Crown Reserve management which exists today.

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

Councils Community Engagement Strategy guides the process of consultation with its various communities and sets the principals to be followed, including targeting some groups within the community, such as indigenous groups. This strategy is applied to the adoption of formal plans of management for community land, as it is in all business of Council. Indigenous groups such as Local Aboriginal Land Councils are specifically identified for consultation in many cases. In some cases, depending on the nature of the proposed use for the site, there are already statutory requirements to seek input and

consult with aboriginal groups that are active in the area, without the need for any Crown Land designation.

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

Council has a number of parcels of land under its control on both freehold and Crown Land. The process of identification of sites or areas of indigenous significance is a mix between local indigenous knowledge, voluntarily shared with Council over many years, and broader targeted consultation on significant site specific changes, such as large scale construction projects or changes of use.

Protection is very much site specific. Depending on the nature of the significance, the protection method could vary from identification and awareness, through to limits to land use. Council also uses passive methods to restrict access to the significant areas, such as not providing pathways or not promoting the sites significance thus keeping traffic to a minimum.

Where a site needs active ongoing maintenance, or presents a highly important cultural value, Council supports direct care and management by National Parks, the local aboriginal land councils, or other suitable indigenous organisations.