

Supplementary Questions Inquiry into Crown Land

September 2016



CENTRAL NSW
COUNCILS



Centroc's Mission is to be recognised as the lead organisation advocating on agreed regional positions and priorities for Central NSW whilst providing a forum for facilitating regional co-operation and sharing of knowledge, expertise and resources; effectively nurturing sustainable investment and infrastructure development.

www.centroc.com.au

9 September 2016

Reference bw:vp 091609
Enquiries: Ms J Bennett: 0428 690 935

The Hon. Paul Green
Chair
GPSC 6
Macquarie Street
Sydney NSW 2000

Dear Mr Green,

Re: Crown Land Inquiry - Supplementary Questions

Central NSW Councils (Centroc) represents over 243,000 people covering an area of more than 72,500sq kms comprising the Local Government Areas of Bathurst, Blayney, Cabonne, Cowra, Forbes, Hilltops, Lachlan, Lithgow, Mid-Western, Oberon, Orange, Parkes, Upper Lachlan, Weddin, and Central Tablelands Water.

It is about the same size as Tasmania with half the population and a similar GDP.

Centroc's vision is to be recognised as vital to the sustainable future of NSW and Australia.

Its mission is to be recognised as the lead organisation advocating on agreed regional positions and priorities for Central NSW whilst providing a forum for facilitating regional cooperation and sharing of knowledge, expertise and resources.

Centroc has two core objectives:

1. Regional Sustainability - Encourage and nurture suitable investment and infrastructure development throughout the region and support members in their action to seek from Governments financial assistance, legislative and/or policy changes and additional resources required by the Region.
2. Regional Cooperation and Resource Sharing – Contribute to measurable improvement in the operational efficiency and effectiveness of Member Councils through facilitation of the sharing of knowledge, expertise and resources and, where appropriate, the aggregation of demand and buying power.

The Centroc Board is made up of the 30 Mayors and General Managers of its member Councils who determine priority for the region. These priorities are then progressed via sponsoring Councils. For more advice on Centroc programming and priorities, please go to our website

<http://www.centroc.com.au>



As a Pilot Joint Organisation Centroc has for the past twelve months, had the task of regional planning and prioritisation. We base our comments on this work, and feedback from members.

Thank you for the opportunity to provide further feedback to the Inquiry into Crown land.

Please find attached some responses from the region on the specific second round questions raised.

Unfortunately it is a very challenging time to be getting information from member Councils.

Please find advice below from Lithgow, Oberon and Bathurst. This advice has not been provided to the Board but rather represents feedback from individual Councils. It may not therefore represent the views distilled from a regional approach.

Feedback from Oberon:

There are substantial constraints Reserve Trust Managers are having given the requirements of the Crown (as the landowner) to sign off on any activity proposed. This has substantial delaying capacity when things such as grants are approved and DA's need to be approved. Any Management Plan (when being developed for a public authority ie Council) needs to recognise that the Reserve Trust Manager has the ability to act in the Crowns interest as owner. This in turn removes substantial red tape in moving projects and programs forward without the Crown being involved. It is especially frustrating when the activity is consistent with the use being undertaken on the land. ie Golf Courses, Swimming Pools and the like.

Feedback from Bathurst:

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

It is a requirement of the Local Government Act (1993) that plans of management be developed for all community lands within local government areas. Is this any different to Crown Lands and does Council want to have responsibility to manage Crown Lands? Perhaps POM for Crown Lands would enable such lands within the LGA to be prioritised and identified for particular use as well as detailing the intended land management aspects of each site.

(b) What crown land is best served by the development of a Plan of Management?

I do not believe that specific POM be prepared for each site. Generic POM for Crown Lands would be preferred. Crown Lands could then be categorised into various land use elements such as parklands, sports grounds, common areas, drainage lands, native open space etc.

(c) What crown land does not need a mechanism such as a Plan of Management?

Perhaps areas that have site specific plans in place such as Mt Panorama Precinct areas or Old Tafe Building that is included in a Conservation Management Plan etc.

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

In relation to POM for Community Lands, the following is required.

In relation to public comment and consultation section 38 of the Local Government Act (1993) requires that:

- (1) A council must give public notice of a draft plan of management.*
- (2) The period of public exhibition of the draft plan must be not less than 28 days.*
- (3) The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council.*
- (4) The council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.*

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

- Develop draft POM
- Public advertising period for draft POM
- Public Discussion Forum
- Adoption of POM

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

Written submissions during the public consultation period.

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

Under Community POM requirements:-

If the council decides to amend the draft plan it must either:

- (a) publicly exhibit the amended draft plan in accordance with the provisions of this Division relating to the public exhibition of draft plans, or*
 - (b) if it is of the opinion that the amendments are not substantial, adopt the amended draft plan without public exhibition as the plan of management for the community land concerned.*
- (2A) If a council adopts an amended plan without public exhibition of the amended draft plan, it must give public notice of that adoption, and of the terms of the amended plan of management, as soon as practicable after the adoption.*
- (3) The council may not, however, proceed to adopt the plan until any public hearing required under section 40A has been held in accordance with section 40A.*

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

No

(i) Is there a better way to manage the crown's asset?

- *Keep areas that do not have any interest with Council in the hands of the Crown.*
- *Have the Crown provide the necessary funding to manage Crown Lands if the Crown wishes the Local Government to take responsibility.*

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

- *Public notice only.*

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

BRC is developing an Aboriginal and Torres Strait Islander Protocol for relationships. Part of the Policy deals with methods and means for establishing protocols for communication and engagement. POM consultation process could be undertaken in accordance with this policy.

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

Council has completed an Aboriginal Heritage Study of the Bathurst LGA. It could be proposed that review of the Aboriginal Heritage Study be undertaken when considering projects on Crown Lands or any other land owned or controlled by Council.

4. Are there any specific issues with regards to TSRs? and

Most TSA's located within urban areas of Bathurst have been transferred to Council. Where TSR's are to remain, not sure if separate land management plans would need to be developed.

5. Are there any specific issues with regards to Commons?

Some commons (Peel Common for example) have had Management Plans developed by interest groups that focus on the protection of the natural environment.

Feedback from Lithgow:

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

In terms of management of Crown Lands, Plans of Management adopted in accordance with s 114 of the Crown Lands Act, are very restrictive in terms of implementation, adaptation and review. Ministerial consent and gazettal is required for adoption and amendment. The plan needs to be implemented in terms of recommendations and actions.

(b) What crown land is best served by the development of a Plan of Management?

Plan of Management would be best applied to lands with high public use and accessibility or with natural/cultural values of state significance. The land manager would have to be well resourced to implement the POM.

(c) What crown land does not need a mechanism such as a Plan of Management?

All other crown land could be managed under a secondary management process ie management plan or master plan.

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

28 day minimum.

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

- *Community Consultation – Values and visions*
- *Issues and Discussion Paper*
- *Draft POM for exhibition*
- *Community forums (if interest warrants)*

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

Unsure

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

Depends on the amendment. Public exhibition and notification of stakeholders at a minimum.

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

Identifying those site that are of local significance and could be relieved of requiring Ministers consent.

(i) Is there a better way to manage the crown's asset?

In terms of Council's management of crown assets, to allow Council to classify the asset in terms of its role within Council's public land portfolio and to allow subsequent use of that site having regard to changing community needs and requirements.

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

A similar process would need to occur as with Council's public land assets. Undertake a preliminary audit and needs analysis of the crown asset portfolio; identify highest and best use of the land in terms of its community values, reservation etc. As some crown land was reserved for a particular purpose many years ago (100yrs), have the circumstances that led to that reservation changed? Is the reserve still required? Is it required but for another purpose? Etc

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

Ensure a standard consultation policy with indigenous communities is adopted for development of all POMs.

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

Include legislation that requires Crown Lands that contains site of significant indigenous importance to be managed by National Parks.

4. Are there any specific issues with regards to TSRs?

No comment

5. Are there any specific issues with regards to Commons?

No comment

Feedback from Orange:

(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.

Again we thank you for the opportunity to provide further feedback.

Yours sincerely,



Cr Bill West

Chair

Central NSW Councils (Centroc)