

Submission  
No 82

## INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

**Organisation:** Port Macquarie-Hastings Council

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**Port Macquarie-Hastings Council  
Submission on the Crown Lands Legislation White Paper**

**Inquiry into Crown Land**

Question	Council Comment
<p>1. That, notwithstanding the allocation of portfolios to the General Purpose Standing Committees, General Purpose Standing Committee No.6 inquire into and report on Crown land in New South Wales, and in particular:</p>	
<p>(a) The extent of Crown land and the benefits of active use and management of that land to New South Wales</p>	<p>There are obvious benefits (social, recreational, economic, environmental, cultural etc) associated with the active use and management of crown land.</p> <p>Given these benefits, a clear and funded framework for the management of Crown land is required. The inquiry should look at whether the framework in the current Crown Lands Act is fit-for-purpose. Reducing red tape and the current time consuming tasks of trust managers would free up resources which could be better utilised as time spent actively managing the land as distinct from administrative tasks. It should be noted that these administrative tasks are placing increasing burdens on councils.</p> <p>Any proposal to allow Crown land to be managed under local government legislation rather than the Crown Lands Act should not be an exercise in cost shifting and there should be some recompense to councils if as a result of the transfer, costs (in terms of time and money) are incurred as a result of a legislative requirement to prepare management plans where no plan had previously existed when the land was managed by the Crown.</p> <p>There continues to be concern amongst Councils about any future forced transfer of Crown roads to councils - particularly if this handled by way of a bulk transfer and the financial and resourcing impact on councils of such a transfer.</p>
<p>(b) The adequacy of community input and consultation regarding the commercial use and disposal of Crown land</p>	<p>Any disposal of Crown land needs to be considered within a framework that looks at the value of the land to current and future generations, i.e. the public interest test, and should include community consultation to ensure any proposals are considered in an open and transparent way.</p> <p>Council's experience with the Crown's intended sale of a major area of waterfront, CBD Crown Reserve to a private enterprise highlighted the inadequacy of the disposal of crown land by direct negotiation. Although Council is Trust Manager of the Reserve, Council was not involved as a party to the direct negotiations. There was a huge community protest at the intended sale which eventually did not proceed.</p>

	<p>The commercial use and/or disposal of Crown land needs to be facilitated by a consistent and transparent process that the community understands. Processes such as land assessments and a public interest test remain appropriate to any decision making on commercial use of disposal of Crown land. The community expects that the proceeds from rents and any sales should be invested back into crown land management.</p> <p>In terms of commercial use of Crown Land, there may be potential problems with legislative change that permits activities on Crown Land inconsistent with the Plan of management for that Crown reserve. In addition, the increasing demands of managing commercial use on Crown Land is becoming an increasing burden on Councils.</p>
<p>(c) The most appropriate and effective measures for protecting Crown land so that it is preserved and enhanced for future generations</p>	<p>The process of reservation itself provides a key step in protection of crown land. Reviewing the categories of Crown land to clarify the purpose of a reservation may enhance this process. Local councils can zone Crown land through LEPs to protect certain values (e.g. recreational and environmental protection zones).</p> <p>Adequate funding for the physical management of Crown land is also essential for protecting and enhancing crown land across the broad range of uses it provides for.</p>
<p>(d) The extent of Aboriginal Land Claims over Crown land and opportunities to increase Aboriginal involvement in the management of Crown Land.</p>	<p>The inquiry should talk with local aboriginal communities to better understand their needs and cultural links with crown land in order to inform this discussion.</p> <p>Should Crown Land be transferred to Councils, and resulting resourcing impact on Councils should also be considered.</p>