

**Submission
No 111**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: Parkes Shire Council

Date received: 22 July 2016

Dear Sir, Please find following Parkes Shire Council submission in relation to the Legislative Council Inquiry into Crown Land, which sequentially address the items in the terms of reference (ToR).

1(a) the extent of Crown land and the benefits of active use and management of that land to New South Wales,

Traditionally crown land has been a valuable community assets providing opportunity to establish infrastructure or open space to benefit the surrounding locality. It is our opinion that this is no longer the case, or at best has been extensively diminished.

Crown land currently appears to be managed to maximise revenue to the State Government with scant regard for the need of the locality in which it is situated. Clause 1(a) in the ToR epitomises the issue, which is about the "benefit to the State" rather than for example, the benefit to the locality, the benefit to the people of the locality, or the benefit to future people of the locality. These items should be a key component in crown land management decisions. That is, the management philosophy for crown land needs to be decided.

Under the current arrangements, acquisition of crown land can take years! Additionally, requests are scrutinised by the Crown lands department as to the exact extent etc of the acquisition. This then forces the need to subdivide adding considerable additional cost and complexity to the process. Residual land then can remain unmanaged and unused.

The inactive management of Crown land has resulted in the prolific lodgment of Aboriginal Land Claims.

Crown lands will assess and if a valid case to overturn the Claim, crown lands will tenaciously fight to defend their position. This is a very adversarial process and serves only to build ill-will between the aboriginal community and the crown. A better approach is required which may for example mandate negotiated outcomes. Crown Land management is severely hampered by under resourcing. If the system is to be repaired more resourcing for the crown lands department is required.

1(b) the adequacy of community input and consultation regarding the commercial use and disposal of Crown land,

The difficulties with acquiring crown land has largely prevented commercial use. Because the Crown Lands Departments are under resourced they have not been able to efficiently process land dealings.

We are not aware of community consultation which has influenced to outcome of land dealings.

1(c) the most appropriate and effective measures for protecting Crown land so that it is preserved and enhanced for future generations, and

The best mechanism to preserve crown land for beneficial future use is to facilitate the transfer to Local Government. Crown Land is currently unmanaged and often of little use to anyone. If it was transferred to Councils, which are run by the community, the land will be used to best effect.

Many Council assets currently reside on crown land and development is hampered as a consequence.

1(d) the extent of Aboriginal Land Claims over Crown land and opportunities to increase Aboriginal involvement in the management of Crown land.

Aboriginal Land Claims are extensive, mostly due to the lack of land management of crown land parcels. As stated above the process of determining land claims creates long adversarial processes. A method to negotiate outcomes would be a far better process than working through the court system, which is where many end up.

Arguable the process is currently neither helpful nor respectful to the aboriginal community and much improved processes could be implemented.