

**Submission
No 133**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: Orange City Council

Date received: 28 July 2016

D16/31371
F738

22 July 2016

The Hon Paul Green MLC
Committee Chair
NSW Legislative Council General Purpose Standing Committee No 6
C/- www.parliament.nsw.gov.au/crownland



Dear Member Green

INQUIRY INTO CROWN LAND

Thank you for providing an opportunity for Orange City Council to make a submission into the Inquiry into Crown land in NSW. Council is pleased to provide the following submission.

Orange City Council has a strong interest in the review of Crown land, and made a submission to the White Paper in 2014. The current Orange Local Government Area (LGA) includes a significant amount of Crown land – information from Land and Property Information would suggest this amount is upwards of 15% of the Local Government Area. A majority of these parcels are under the Trusteeship of Orange City Council.

Specific reference is made to the relevant Terms of Reference for the Inquiry, as set out below.

Extent of Crown land and the benefits of active use and management of that land in NSW

Crown land within the Orange LGA includes land used for parks, reserves, sportsfields community buildings, Council and other government administration, drainage, roads and road reserves.

The majority of Crown land, therefore is of significant importance to the Orange community. Orange City Council has submitted to the White Paper that the role of Local Government in managing these vital community assets is clear. For the majority of Crown land, Orange City Council is already the Trustee, so divesting the ownership of this land is logical. Orange City Council fully supports the proposal to manage Crown land under the Local Government Act 1993, provided councils have responsibility for, and legal ownership of, Crown land.

Council submits that the divesting of Crown land to Council should be at no cost to Council, given Council would be accepting full responsibility for liability, management and maintenance of the land.

Ownership of Crown land under the Trusteeship of Council should be transferred to Council, and Council should have the opportunity to classify the land as operational or community in accordance with the provisions of the Local Government Act, and in accordance with the existing use of each parcel. For example, Crown land currently used as parks, reserves, sportsfields etc could be classified community, while other land used for operational purposes such as drainage reserves, water services or road reserve should be classified operational. For land classified as community, Local Government should have the ability to enter into leases/licenses for the use/management of these parcels, where appropriate and in the community's interest.

The benefits of use of Crown land are significant in the Orange area, with many of Orange's premier parks, reserves and sportsfields being Crown in the Trusteeship of Council. These parcels providing substantial community benefit, with Council investing significant funds in these development of these parcels over many years. On that basis alone it makes sense for Council to be the legal owner of this land.

It is noted that the Government has indicated there will be no forced transfer of reserves to councils. Council believes it important that Local Government retain the right to decline acceptance of individual parcels of Crown land, particularly if issues such as contamination are identified. Local Government would need to assess parcels against community need and maintenance affordability requirements, and must retain the right to decline to take ownership over certain parcels.

In relation to roads, as councils are responsible for the planning, construction and maintenance of road infrastructure, it is recommended that all road reserves be transferred to local councils at no cost. Determinations of applications for the closing of old or unconstructed roads should also rest with Local Government for applications in their area, however transfer of this responsibility should only be undertaken following the finalisation of the current backlog of road closure requests it is understood is currently with Land and Property Information. It would be an unfair burden on Local Government for this backlog to be transferred.

Adequacy of community input and consultation regarding the commercial use and disposal of Crown land

Council has noted the opportunity provided in 2014 to make submission on the White Paper into the review of Crown land.

The Local Government Act 1993 sets out requirements in relation to the management, use and disposal of land owned by Council. There are particular restrictions over land classified as community land, and there is a robust process that includes community consultation in relation to any proposal to re-classify community land. It is considered the process set out in the Local Government Act provides sufficient community input and consultation.

The most appropriate and effective measures for protecting Crown land so that it is preserved and enhanced for future generations

It is considered that a full stocktake and land assessment of each parcel should be undertaken to firstly correctly identify all Crown land, and secondly to understand what factors may be impacting each parcel. These factors could include contamination, heritage factors, safety issues, Aboriginal Land Claims and more.

In undertaking a land assessment, it is submitted that Councils, and their local communities, should have a say in determining those parcels of Crown land that should be divested to the Council and further, that should be retained for future generations. This strategic level review ensures that the acquisition of Crown land, and ongoing management, aligns with the community's strategic plan and vision for the future for the LGA.

For those parcels that are accepted by the Council and the community, measures such as classifying the land as community, or registering some restriction on the title for these parcels could provide a mechanism for securing the use of the land. Plans of Management provide another mechanism for managing the use of this land.

Of critical concern is to ensure that the community have input into determining those parcels of Crown land that should be retained. It would be important that Local Government not be forced to retain and manage a parcel that is costly to maintain and not in the community's interests to retain.

Thank you for the opportunity to make this submission.

If further information is required, please contact

Yours faithfully

 Garry Styles
GENERAL MANAGER