

**Submission
No 160**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: Hilltops Council

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The Hilltops Council generally supports reform that streamlines legislation in relation to the management of Crown Lands. However, it is imperative that the full impacts of any changes to existing users is disclosed and honest, open consultation is undertaken with local communities.

For consultation where a community use has been identified, a local consultation forum is recommended. If it is an Aboriginal heritage issue, consultation with the Aboriginal Land Council and other key Aboriginal representative organisations along with Councils. If it is a local community use issue, then consultation with the local group involved in managing the area along with the Council.

It is recommended that ownership of infrastructure/community assets which have a strong local community of interest like showgrounds, commons, cemeteries, caravan parks etc., be transferred directly to the local Council as owners.

The extent of Crown Land and the Benefits of active Use and Management

Councils manage Crown Lands for a variety of functional areas including a wide range of sporting and recreational activities, both passive and active, used and disused, such as swimming pools, caravan parks, racecourses, showgrounds, landfills and cemeteries. The active use and community support and desire to retain these spaces is demonstrated in the Community Strategic Plans of Councils, with many of these documents containing plans for the continued improvement, active use and management of these areas. However, in managing these areas Councils bear the responsibility for maintenance of grounds and the infrastructure contained thereon, any lease arrangements such as telecommunications towers are made directly with the Crown and no substantial funds are returned to Council. Additionally, Councils experience problems where the tenure and/or care and control of the land is unclear which gives rise to community expectations that Council will manage these lands when they are not being maintained by the state government.

Much of the Crown Land that is not actively managed contains areas of Endangered Ecological Community (EEC), sometimes intact (eg TSR Wombat, Monteagle Cemetery), but more commonly in a heavily modified state, such examples are crown roads, travelling stock routes and disjointed crown reserves. Whilst some of these areas contain substantial ecological values, they are also subject to noxious weed and pest invasion and as a result of this their condition can be very poor. The authority responsible for the management of these areas can be unclear and consequently the expectation falls to the Council to follow through on the control and management with the relevant authority to negotiate improvement to the reserves condition.

Similarly, where the Local Land Services (LLS) is involved in managing TSR areas, the lack of consultation with Council in relation to leasing, fencing and stock movement can lead to damage to Council infrastructure or create road safety issues which the Council must correct. In instances where a fee is paid to LLS for the use of this land, no fee is provided to Council to make good any damage or public safety issues, particularly when local roads are being used to gain access to the TSR. Council has invested considerable funds on roadside vegetation surveys for roads located within TSR's and within Crown Road reserves and development of management plans for these corridors. The movement of stock in these areas can significantly undo the valuable ecological restoration work being undertaken.

The LLS policy of leasing TSRs to neighbouring land owners through 'Active Use and Management' raises significant concerns due to inadequate staff resources to instigate an effective management plan or undertake periodic monitoring of the site to ensure native plants are rested to enable seed set throughout the year. A management plan and periodic monitoring is imperative to address the risk of overstocking, either through poor land management or used as a strategy to prevent travelling

stock from using the site. In the past 12 months one Boorowa site has been observed that has been regularly overstocked and had minimal rest - often being used as a thoroughfare between paddocks creating erosion tracks with over 3000 sheep traversing the block. This has caused degradation to the site and increasing the weed problems.

Numerous complaints have fallen on deaf ears! The council is concerned that staff levels are about to be reduced at the Boorowa Office through relocation to Yass part time. Since the loss of LHPA rangers, there is a clear lack of LLS staff resources allocated to monitor the reserves to ensure they are not further degraded. The local opinion of many neighbours to Crown Land and TSR's is that it will only be a matter of time before the EEC and their associated values are destroyed.

Unfortunately, these issues have been around for years without resolution and any changes recommended, must address this problem.

The Adequacy of Community Input and Consultation Regarding the Commercial Use and Disposal of Crown Land

In the recent past there have been instances where significant parcels of Crown Land that contain items of Aboriginal, cultural or ecological significance have been sold privately without any consultation with Council. This raises conflict when an incoming purchaser has visions for the ultimate use of the property only to come up against "problems with Council" during the development application process (eg Parris at Bendick Murrell which has a conservation site located on land that was sold for private development).

Similarly, when Crown Roads are proposed to be closed, inadequate time is given to permit Council to consult locally about future development plans of adjoining owners about their need to maintain legal and practical access to the site, which may be dependent upon access from the Crown Roads that are proposed to be closed. Once again this slows or creates problems with property owners wishing to develop their land (eg Lesberg Jugiong).

In many locations Crown Land is not actively managed as it is unclear as to its tenure or management arrangements, these areas becoming dumping grounds for rubbish or fenced without consultation and assumed to be private land and taken over by residents. There does not appear to be a clear, publically accessible register for Crown Land that is managed privately or by Councils and this gives rise to unlawful and inappropriate use or total lack of management. It is recommended that these areas be clearly identified in the Council's property register and on zoning maps as crown land.

The Most Appropriate and Effective Measures for Protecting Crown Land so that it is Preserved and Enhanced for Future Generations

Where Crown Land is not actively managed it can give rise to noxious weeds, feral pests, dumping of rubbish and habitat destruction. The management of Crown Lands cannot be undertaken as a State-wide blanket arrangements and there needs to be more local input into the management of these lands. A variety of options are put forward for consideration:

- Where Crown Lands contain areas of Aboriginal and ecological significance, the NSW Office of Environment and Heritage are best placed to record, map and manage such lands as knowledge banks for future generations.

- Where Crown Lands are used for active and passive recreation or other community benefits as managed by Councils such as those indicated above or contain areas of cultural significance, these lands should be transferred to Council with any lease arrangements in place also transferred.
- Where Crown Lands are not actively managed and do not fall into either of the above, wide ranging community consultation should be undertaken to ascertain the most appropriate use of the land and who is best placed to manage the land for that use.

Land of local significance needs local input into its management and ultimate ownership, however in doing determining the ultimate ownership it is important that this is not just another cost shifting exercise from the State Government to Councils and a genuine partnership is created. Genuine, honest consultation and disclosure is required to reform the system effectively.

The suggestion that a Crown Reserve manager be appointed, without the support of a strategic plan, is not supported. There are many instances where a reserve trust has become dysfunctional and the asset being protected has fallen to disrepair as a result. There is a need for a plan of management for each site and periodic monitoring against the plans objectives. As for all private land active intervention is required to ensure that the land is not subject to degradation of its condition.

The extent of Aboriginal Land Claims over Crown Land and Opportunities to Increase Aboriginal Involvement in the Management of Crown Land

It is acknowledged that a faster process is required for the resolution of Crown Land claims. The most recent advice is there are over 28,000 claims outstanding with barely enough staff to process the worst/oldest 1000 claims and any that are deemed as high priority awaiting the Ministers decision, let alone to have any capacity to deal with any backlog! It is imperative that these decisions be returned to the local Aboriginal Community who are best placed to have knowledge and attachment to the area and resolved quickly. Perhaps the LALC can become active partners to develop and manage the land, in consultation with all stakeholders, to realise the most appropriate use for the land and its full value and potential.

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