

**Submission  
No 168**

## **INQUIRY INTO CROWN LAND IN NEW SOUTH WALES**

**Organisation:** Tweed Shire Council

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Dear Sir/Madam

### **Inquiry into Crown Land**

Tweed Shire Council, as a participant of the Local Land Pilot held in 2015, was granted the opportunity to review the Crown Land within our local government area. Some of the issues considered included the management of Crown Land, community involvement and engagement with Crown Land, measures for the protection of natural areas as well as contemplation of the Aboriginal Land Claim regime currently in place.

Council also lodged a submission to the Crown Lands Legislation White Paper, as well as reporting the "*Response to Crown Lands Legislation White Paper - Summary of Issues and Government Response*" to our councillors.

In this regard, Council has contemplated the issues arising from the White Paper as well as the Government's response to the White Paper, and note that the Terms of Reference are a natural extension of this process.

Tweed Shire Council makes the following submissions to the Terms of Reference:

#### **1(a) Extent of Crown land and benefits of active use and management of that land to NSW**

It was identified through the Local Land Pilot ("LLP") that there are 698 crown reserves within the Tweed local government area, comprising approximately less than 5% of the total Council area. The Tweed local government area has a total of 132,000 hectares, so Crown land extends over an area of approximately 6,500 hectares.

Council is not the Trust Manager of all reserves, some reserves have never had a Trust Manager established, and a handful of reserves are managed by community trusts.

The greater part of the Crown land estate in the Tweed sits along the 37 kilometre coastal strip, which contains several holiday parks managed by specific holiday park trusts. These holiday parks generate an income that benefits other non-active reserves by funding maintenance costs, and in some cases, provision of infrastructure.

The residue of reserves in the coastal strip is comprised mainly of public recreation reserves situated within Tweed Heads, and other coastal towns and villages. These incorporate the beachfront, parks alongside the beachfront and within the urban landscape. Investment in infrastructure and increasing population over time has manifested into growing public usage of these reserves.

Natural bushland areas are generally spread through the rural areas outside of the country villages within the shire, though over time, their numbers have diminished due to their inclusion into nature reserves and national parks.

Small fragmented natural parcels are located alongside waterways and are being improved by Council with community groups and landowners undertaking environmental planting and bushland management practices.

In general, Council manages passive and active Crown Land reserves, has engaged with the community in doing so, which generates active community participation and awareness.

The benefits of Crown land in the Tweed to New South Wales is the provision of visitor destinations that attracts both Australian and overseas visitors, particularly as it is located adjacent to the Gold Coast. Further, the existence of significant areas of natural bushland contributes to the wellbeing of the community.

### **1(b) Adequacy of community input and consultation regarding the commercial use and disposal of Crown land**

Tweed Shire Council, as manager of Crown land, does not generally contemplate its disposal, rather its perspective is of a land manager, where it is accepted that decisions relating to the disposal of Crown land for commercial purposes remains with the Crown.

However, in addressing the primary inquiry, Council suggests that community input and consultation follow a course of both traditional (newspaper notices) and contemporary (social media, electronic notifications) methods.

Currently, notifications of commercial disposal of Crown land by the Crown are non-existent, excepting where Crown land is to be leased or licensed for longer terms, eg, for over 5 years.

Probity considerations for disposal of property call for transparency, that is, public notifications and adequate submission periods. These are utilised by Tweed Shire Council when it is considering the disposal of Council land, so that public views are reported to the Councillors prior to a final decision to dispose is resolved by them. This ensures that the decision ultimately takes into account public views, and where objections have been raised, a response to those objections is included in the report.

Commercial use of Crown land can be viewed as contributing to the activation of Crown land, and considerations of the public view should form part of any decision to dispose, together with consideration of the benefits of deriving income to manage the Crown land estate.

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

At a State Government level, appropriate reservations will preserve the inherent nature of Crown land, eg, natural bushland, waterways and open space. This can be supported at a local government level by appropriate zoning, which of itself will set down constraints to usage.

Further measures that can be implemented are the registration of covenants over certain reservations.

One other issue that will support and protect Crown land are firm and clear reservation descriptors which will assist in determining appropriate activities within those descriptors. This will provide Trust Managers with certainty as to how reserves are to be managed, which

are currently limited to a 'man in the street' understanding of the reservation purposes, there are currently no definitions attached to reservation purposes.

Enhancement of Crown land will require funding, so this raises the question as to the level of income that can be derived from Crown land, this naturally supports consideration of commercial uses to attract income that can be applied to non-active Crown land parcels.

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

The current backlog of Aboriginal Land Claims, understood to be in the tens of thousands, demonstrates that such claims are extensive within New South Wales.

This establishes that there is an interest from the Aboriginal community to engage with the management of Crown land, or alternatively, indicates that there is an interest to own it.

As in all management practices, the element of funding to adequately manage any asset remains of high significance, together with the required knowledge and capacity to do so. When any group, be it a broad community group, a Local Aboriginal Land Council or a community reserves trust, accepts the responsibility to manage Crown land, it is incumbent on the Crown to ensure that there is a long term capacity by that group to meet those obligations.

Tweed Shire Council supports a greater involvement by Aboriginal groups in the management of Crown land, however, recommends that such involvement comes with financial support, education and governance awareness coupled with reporting responsibilities that ensures that these groups are meeting the objectives of Crown land management. Further, succession planning for such groups is vital and if necessary, the capacity for the Crown to step back in where any group, in time, does not, or cannot continue to meet its management obligations.

It is strongly noted that such obligations should be imposed on any community group which is involved in the management of Crown land.

Council wishes to express its appreciation for the opportunity to contribute to this inquiry.

Yours faithfully

**Troy Green**  
**GENERAL MANAGER**