

Submission
No 222

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: NSW Farmers' Association

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Legislative Council Inquiry into Crown Land

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NSW Farmers' Association Background

The NSW Farmers' Association (the Association) is Australia's largest State farmer organisation representing the interests of its farmer members – ranging from broad acre, Livestock, wool and grain producers, to more specialised producers in the horticulture, dairy, egg, poultry, pork, oyster and goat industries.

Executive Summary

Overall, the Association supports the streamlining of eight pieces of legislation into one Act in order to reduce red-tape and administrative burdens placed in particular on landholders. It is apparent that in streamlining this legislation there is also the need to ensure that outdated provisions are removed as they are no longer appropriate for Crown land management in the 21st Century.

The Association supports the management of Crown land at the community level, but questions whether all local governments will be willing to take on the responsibilities and be held accountable for financial burden. In this regard, the Association supports more streamlined management of reserves but remains concerned about the capacity of local governments to take on large amounts of new land.

To ensure risk management and ethical decision making within the management of Crown reserves, skills-based advisory committees should be established, with positions on these committees for and community members to be made mandatory in the rules governing their composition.

NSW Farmers' members believe that access arrangements for Travelling Stock Reserves (TSRs) should be maintained as many of these continue to be used for their original purpose. That is, those that act as insurance against drought and floods, as well as the heritage values associated, need to be effectively managed and equivalent access arrangements must be maintained.

Equally, the government must ensure the viability of the various reserves and continued access for the groups who use them before transferring them to local government. If Crown land is sold, it will be important that the Government establishes clear protocols governing land claims and other interested parties.

NSW Farmers' response

1. *The extent of Crown land and the benefits of active use and management of that land to New South Wales*

As the Association stated in its submission to the White Paper process, we are not philosophically opposed to changing the management arrangements in relation to Crown land, providing that Crown reserves continue to serve their originated purpose for the benefit of the community.

It makes more sense for Local Government to manage Crown reserves under one entity instead of treating adjacent parcels of land as separate. However, it must be reiterated that the transfer of management must be a net benefit to the community and not a deflection of responsibility by the Crown Lands Division.

Recommendation 1: *there should be a clear business case developed for each transfer of crown land to Local Government management and a clear strategy for effective governance into the future.*

It is imperative that the managing bodies are required to have proven financial and governance expertise if Crown reserves move to a two-tier level. To ensure risk management and ethical decision making within the Crown lands management, advisory committees should be established with positions on these committees for and community members to be made mandatory in the rules governing their composition.

2. *The adequacy of community input and consultation regarding the commercial use and disposal of Crown land*

The Association is of the firm belief that, not only should community members have a say in how Crown reserves are managed, but councils need to be given the right incentives to effectively manage these parcels of land. In the context of the NSW Government's 'Fit for the Future' agenda, there is quite a lot of change in store for Local Government and some councils may feel overwhelmed. If councils are not adequately supported during the transition, there is a risk is that Crown reserves will be poorly managed or community concerns will not be fully taken into account.

The Association would also be concerned if agricultural show societies were treated unfairly under any new arrangements, or if councils saw show grounds as a development potential. This is a particular concern in peri-urban areas.

The Association has previously raised the allocation of Public Reserves Management Funds (PRMF) which provides financial support for the development, maintenance and improvement of public reserves. Managers of any NSW Crown reserve, as well as freehold showgrounds and schools of arts, are eligible to apply for funding. Clearly incentives like this will need to be transferred to Local Councils to ensure that facilities can be upgraded and continually enjoyed.

Recommendation 2: *That an equivalent program to the PRMF is accessible even where ownership of Crown land is transferred to the Local Council*

There are many community halls, sporting fields, commons, tennis courts, reserves, showgrounds *etc.* that are currently under trust management by local appointed trustees. The government must ensure the viability of these venues and continued access for the groups who use them before transferring them to local government. It may be necessary for councils to establish a section 355 committee (comprising skills-based members) with oversight of reserves.

For example, the Trangie Showground is a Crown reserve, with the council as the legal manager (with a board of trustees comprised of a representative of all users e.g. race club, pony club, show society *etc.*). Recently there was a dispute about whether camping overnight at the picnic races was allowed. The liquor licensing sergeant attempted to stop overnight camping, however it transpired that camping at those sorts of events is a term of the original crown grant, and was therefore allowed. This underlines the importance of guaranteeing existing public rights and access when and if Crown land is transferred to other ownership. If the existing rights are transferred, this may result in less streamlined management than the government envisages.

Recommendation 3: *That where ownership of Crown land is transferred to the Local Council, a skills-based s355 committee is established to ensure proper management of these reserves and the viability of these venues and continued, equivalent access for the public.*

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

In rural and peri-urban areas, no matter what ownership arrangement is in place, there needs to be active management of invasive species, continued biosecurity monitoring and concerted hazard reduction. This is particularly important along Travelling Stock Reserves (TSRs). That is, those that act as insurance against drought and floods, as well as the heritage values associated, need to be effectively managed.

The Association's members believe that the current access arrangements for TSRs should continue as many of these continue to be used for their original purpose, especially in the Eastern and Central Divisions of the state.¹ The Association's members believe that these TSRs need to be retained for insurance against drought and floods, as well as the heritage values associated. NSW Farmers believes Local Land Services should continue to manage TSRs. Adequate funding needs to be provided to Local Land Services (LLS) for them to effectively manage TSRs.

Currently management of TSRs in the Eastern and Central Divisions are vested with LLS. The Association supports a user pays system of access, but also supports the LLS being appropriately funded by government to manage and maintain TSRs to a level where access or utility is not impaired.

Recommendation 4: *That equivalent access arrangements and management (including invasive species and hazard reduction) of TSRs must be retained, for insurance against drought and floods, as well as the heritage values associated.*

¹ In the Western Division, 96% of TSRs overlie Western Land leases as a 'reserve' over the top of the lease. Care, control and management rests with the landholder. Conditions on the lease specify that landholders must not impede bona fide rights of travelling stock. However, unlike TSRs in the east of the state, there is no public right to recreation between sunrise and sunset (and therefore there is no existing provision to use these areas recreationally). Whilst in the east TSRs largely run alongside road networks, in the Western Division they cut across properties and, by the nature of the soil profiles in the Western Division, these reserves do not provide the same insurance in drought that TSRs do in the east of the state.

4. The extent of Aboriginal Land Claims over Crown land and opportunities to increase Aboriginal involvement in the management of Crown land.

It makes sense to have Aboriginal involvement in managing areas of significance to them. We also recognise the need for the Government to deal with the significant number of land claims on their books. We therefore support the Government in dealing with these strategically via Aboriginal Land Agreements, enabling the aboriginal community to prioritise land claims.

However, if the Government is envisaging divesting itself of a large amount of Crown land, then it is likely that it will be dealing with a large number of these claims at once and will require additional resourcing to ensure a proper, efficient process, in accordance with the *NSW Land Rights Act 1983*.

A recent example is the controversy regarding the old Cootamundra District Hospital site which was listed for sale. The old hospital is regarded as a building of some value both historically and architecturally with reports that interested parties wanted to restore it to its former glory or renovate it sympathetically. In the course of the sale a land claim was placed on the site. We recognise that under s.36.1 of the *NSW Land Rights Act 1983*, such claims may well be made over a number of sites, interrupting the sale whilst the claim is being assessed and requiring considerable department staffing and resources.

Recommendation 5: Sufficiently resource the Department to deal with Land Claims strategically via Aboriginal Land Agreements, enabling the aboriginal community to prioritise land claims.

Conclusion

The Association supports the streamlining of eight pieces of legislation into one Act in order to reduce red-tape and administrative burdens placed in particular on landholders. We remain concerned about the capacity of local governments to take on large amounts of new land and we underline the need for invasive species to continue to be managed and for access arrangements to be consistent and reasonable.

To ensure risk management and ethical decision making within the management of Crown reserves, skills-based advisory committees should be established, with positions on these committees for and community members to be made mandatory in the rules governing their composition.

If the Government is intent upon divesting itself of Crown land, including to Lands Councils, the department will require sufficient resourcing to ensure a proper, efficient process (in accordance with existing legislation) which also maximises the financial and 'public good' return to the people of NSW.