

Submission  
No 226

## INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

**Organisation:** Snowy Monaro Regional Council

**Date received:** 29 July 2016

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25<sup>th</sup> July,

The Director,  
General Purpose Standing Committee No. 6  
Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Sir,

**Re: General Purpose Standing Committee No.6 - Inquiry into Crown Land**

In response to the invitation to make a submission to the Inquiry into Crown Land, Council requests that consideration be given to the following:

**(a) The extent of Crown land and the benefits of active use and management of that land to NSW**

- Regional Local Government areas in NSW benefit substantially from the use/care and control or Trusteeship of Crown Land which is used for community facilities such as showgrounds, community halls, swimming pools, schools of arts, rural fire sheds, parks and recreation areas (open space).
- The option to use Crown land for commercial use by local small businesses such as horse riding schools offers a valuable, affordable option, particularly in regional areas. One of the benefits of the lease of Crown land for commercial use is that the rental income (generally higher) can be used to maintain and improve the facility .
- Caravan Parks located on Crown land and leased to private operators affords regional councils the opportunity to promote tourism which, in turn, stimulates the local economy.
- Trust managers such as Councils need more freedom to be able to licence activities and minor developments on Crown land for which plans of management are in place. The current system of requiring the owner's signature on applications for minor development applications causes unnecessary delays to the facilitating of community events and facilities.

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

- In order to ensure an open and transparent process, when Council receives a request for a commercial lease over Crown land a similar protocol should be followed in accordance with the legislation governing the leasing of community land. The advertising period of 28 days following a Council resolution and possible limitations placed on the period of lease (say, 3 X 3 years consecutive leases with the ongoing term needing to be approved by Council based on performance of the lessee) affords the community an opportunity to have input into the management and lease arrangements.
- The method used by the Crown to dispose of Crown roads leaves a lot to be desired and needs to be more streamlined so as to ensure that it is completed within a 6 month period from the date of receiving the request to close the road and the completion of the sale. The current delay (often 9 years) from receiving an application from a landowner to close and purchase a section of Crown Road to completion of the process is unacceptable. Moreover, frequently landowners are not notified or land changes hands during the process and landowners then end up without any legal access.
- The process also needs to be investigated with respect to the application to purchase a Crown reserve road where one adjoining neighbour objects. Any and all objections should have to be proven to be reasonable by the complainant and not just an objection to obstruct the acquisition because of a personal dispute. If the Crown road is the only access to a block and the neighbours already enjoy legal access via a Council public road then it would seem to be reasonable to ensure the legal access through the sale of a Crown reserve road which may need construction works to ensure all weather two wheel drive access.
- With respect to the disposal of Crown land generally, the process of an open auction appears to be a fair and equitable method of disposing of Crown land. However, auctions should be advertised properly with signage on the boundary of the land and in local newspapers. Auctions should also be carried out by an independent auctioneer on site or at least locally.
- In the event that the Crown requests that Council take over the care and control of Crown reserve roads as Council public roads the Crown should consider assisting financially by dedicating vacant Crown land within the shire to Council in order for Council to sell the land and fund the construction and maintenance of the relevant roads. This process could be facilitated by the creation of a reserve fund for the specific purpose to ensure the income is spent on the relevant works.
- Where the Crown is able to derive an income directly from a Crown Reserve such as from communication tower leases, the total maintenance costs of providing the necessary infrastructure (such as access roads and fencing) to service that lease should be funded by the Crown.

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

- To effectively protect and enhance Crown assets for future generations a model management plan should be created by the Crown for each local government area. The Crown should, in consultation with local government entities, earmark particular parcels for future community development. Councils could evaluate the model with regard to its perceived growth pattern, expected future expansion and its Strategic Plan and submit an amended plan of management to the Crown for approval.
- Those parcels of Crown land which are identified as surplus to the needs of the local area should then be transferred to Council so that they may be sold to fund future development of the land retained and/or to facilitate the construction of Crown roads transferred to Council.
- Environmental management on Crown Land must be properly funded on an ongoing basis to ensure its sustainability. This particularly applies to the transfer of any future Crown Land to trust managers.
- Adequate funding must be provided by the State to ensure Noxious Weeds are controlled in accordance with the relevant legislation. Where Crown land is leased to a private entity, the lease should include an enforceable condition requiring ongoing control of noxious weeds to the satisfaction of the Local Weed Control Authority.
- More support must be provided by Crown Lands to resolving issues raised by both trust managers and adjoining land owners. Currently Council often becomes involved in resolving these issues on the community's behalf due to the distance from site, lack of staff or lack of funding from Crown Lands.

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


- Judging by the number of claims that have been made, the New South Wales Aboriginal Land Rights Act is a victim of its own success.
- In the past year it is purported that the number of undetermined land claims has increased to over 29,000. It is anticipated that this "land bank" will take 90 years or more to determine.
- There have been around 40,000 claims lodged since the Act was introduced in 1983 to compensate Aboriginal people for dispossession of their land.
- The courts have been very clear in saying once a land claim is lodged the Land Council's right is to have the claim determined before any other interest in the land is dealt with.
- Despite the progress, up until April 2016 not one claim had been settled under new rules for dispute resolution put in place in July 2015 as a result of a review of the Act.
- Opportunities for collaboration between the Aboriginal Land Council and local government bodies with respect to the management of Crown land, including land awaiting determination of a claim, may encourage the Aboriginal Land Council to participate in the creation of management plans having regard to the extent and the

nature of the pending claim. This would facilitate agreed works on the land progressing whilst the claim remains pending.

- The blanket approach to lodging Aboriginal Land Claims is causing massive roadblocks to development of community facilities. In particular due to the large backlog of Land Claims many that do not have any substance to them still present an impediment to development of community facilities.

Council looks forward to receiving the Standing Committee's report and recommendations with respect to the issues raised.

Yours sincerely,

 **Joseph G Vescio**  
General Manager