

Submission  
No 322

## INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

**Organisation:** Canberra Region Joint Organisation

**Date received:** 10 August 2016

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9 August 2016

The Director  
General Purpose Standing Committee No.6  
Legislative Council | Parliament House  
Macquarie Street  
SYDNEY NSW 2000  
E: [gpsc6@parliament.nsw.gov.au](mailto:gpsc6@parliament.nsw.gov.au)

Dear Sir

### General Purpose Standing Committee No. 6 – Inquiry into Crown Land

This submission has been prepared by the Canberra Region Joint Organisation (CBRJO) which comprises a membership of seven (7) Local Government Areas (LGA's) across the South East and Tablelands region of NSW. The ACT Government is also an associate member of the CBRJO.

The region represents a population of 600,000 and covers an area of 48,000 sq km in south east NSW. The region is a dichotomy of agricultural lands as well as coastal landscapes and National Parks. It is estimated that 40% of the region is Crown Land.

Amendment to the Crown Lands legislation will be critical for local government in how it as a collective manages and maintains key crown land assets into the future. There needs to be careful consideration given to the role of local government and recognise the stringent governance arrangements, legislation requirements and transparency required and how this needs to be reflected in the legislation.

Discussion amongst the Councils in our region indicates there needs to be far greater collaboration and engagement with State agencies and local government in relation to control and management of crown lands. We believe that through effective consultation and communication many of the current barriers and perceived ideals can be addressed and managed appropriately.

The CBRJO has provided a series of recommendations that reflect the general consensus of the member Councils and there are some specific recommendations in the submission from the Hilltops Council.

The CBRJO strongly encourages the NSW Government to consider how departmental boundaries can align with that of the footprint of Joint Organisations to reflect the alignment of effort with a shared purpose to minimise duplication and promote positive long term outcomes for the residents of NSW.

This submission is a whole-of-region response to the Legislative Council Inquiry into Crown Land, which sequentially address the items in the terms of reference (ToR).

Yours sincerely

Clr Rowena Abbey  
Chair | Canberra Regional Joint Organisation

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## TERMS OF REFERENCE

**Inquire into and report on Crown land in New South Wales, and in particular:**

**1(a) the extent of Crown land and the benefits of active use and management of that land to New South Wales**

The CBRJO agree that crown land is a valuable and important community asset. It provides each Council opportunity to establish open space and infrastructure that is both active (swimming pools, showgrounds etc..) and passive (bushland areas, wildlife refuges, nature reserves) that has significant benefits for our regions councils.

Each Council has a Community Strategy Plan and the use of these community spaces under the care of councils is clearly outlined; including ongoing management and maintenance of these areas.

Councils are the trustees of many of these community assets and would support, divesting ownership to Councils. If this was to precede this should be no cost to Councils of the CBRJO. There should be an arrangement with adequate financial contribution by the NSW Government to reflect the upgrades required, management and maintenance of these community assets.

The CBRJO also note that the Department of Lands is incredibly under resourced and consideration should be given to adequate staff and funding to work with local government on crown land not only those community assets, but roads and other infrastructure that impacts regional communities. A stronger and better financed partnership with local government would provide an improved service to the community from these assets.

It is also important to accurately record crown land in NSW. Many councils do not know the extent of Crown Land in their respective Local Government Areas. If the Department of Lands is properly resourced, it could work with local government have the land management expertise to accurately record Crown Land across the State. Local Government have the expertise and in some cases the capacity to assist in collating this data. For example, Goulburn Mulwaree Council has implemented an effective system to record areas of the LGA. For example Goulburn Mulwaree Council stated 322 300 is entire size of GMC LGA with:

- 9 970 hectares crown land parcels (3% of entire LGA)
- 3 233 hectares of crown road reserves (1% of entire LGA)
- 1 833 hectares crown waterways (0.6% of entire LGA)

**CBRJO RECOMMENDATION:**

- **Community infrastructure assets should be divested to Councils as no cost. A management fee is paid to Councils annually to maintain and manage the community asset.**
- **State Agencies are adequately resourced and funded to work with Local Councils.**
- **Ensure good governance and transparency underpins the Government's management plans.**

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

The CBRJO acknowledges the difficulty with acquiring crown land general prevents commercial use. As indicated in the Hilltops Council submission

*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 (an area which has a conservation site located on land that was sold for private development, the developer is experiencing frustration in being unable to realise the perceived development potential of the land).*

*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).*

It is also recognised the compounding issue of the State department being adequately resourced and funding to work with Local Councils on transparency and the process regarding disposal of crown land.

The CBRJO have concerns regarding the transparency and process regarding consultation and use of Crown Land for private endeavours. There should be a process to ensure good governance and accountability.

### **CBRJO RECOMMENDATION:**

- **Crown Land disposal areas should be clearly identified in the Council's property register and on zoning maps as crown land.**
- **Areas scheduled for sale should be notified to Council prior to any commercial advertising or sale proposal.**
- **State-wide Register of Crown Land is put in place that is accessible to the public.**

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

The CBRJO agree that most appropriate and effective mechanism to preserve crown land for beneficial use is to divest to Local Government. This should happen at no cost to Councils and an agreement with the State Government to provide a funding mechanism for the upgrading, management and maintenance of key community assets – both active and passive.

If crown land is transferred to Local Government, which are run by the community, the land will be used with maximum benefit.

It is recognised that many community infrastructure assets reside on crown land and to develop and enhance these areas with roadblocks for improvement under the current legislation.

Where there is no proper management process of crown lands, noxious weeds, feral animals and illegal dumping is rife. In order to address this significant environmental blight, there needs to be a process of responsibility and delegation to maintain and manage crown lands.

**CBRJO RECOMMENDATION:**

- **The Department of Lands prepare a strategic plan in consultation with Local Government to clearly articulate and identify how effective management and maintenance of Crown Land will be undertaken and resourced.**
- **A properly resourced department undertake extensive surveying and mapping of Crown Land across NSW (including social, cultural, economic and environmental values, existing infrastructure condition and intensity and type of use) and implement a recording methodology that will provide greater accuracy.**
- **This strategic plan would have a series of operational plans that highlight the process, role and responsibility of maintaining crown land into the future.**
- **Appoint a Crown Lands Commissioner to oversee the implementation of the strategic plan and legislation requirements.**
- **Divest Crown Land that has community assets to Local Government with appropriate funding to maintain, enhance and improve for future generations.**

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

It has been documented that in NSW there are 28,000 Aboriginal Land Claims that have been registered. Some of these land claims were made 30 years ago and have not been dealt with.

Yass Valley Council notes that there are approximately 154 Aboriginal Land Claims that have not been registered and not completed. Whilst in the former Young Shire Council area there are closer to 300 unresolved Aboriginal Land Claims.

It should be recognised that Aboriginal Land Claims are multilayered and under resourced and that Local Government is even more ill-suited and resourced to deal with the complexity of claims often taking many years to progress. The extent of claims is significant and requires immediate attention given the delay and lack of governance regarding the process, notification and action of these claims. In addition it is felt that any parcel of Crown land that is to be divested to Local Government should firstly have all interests extinguished.

The legislation needs to reflect the importance of Aboriginal Land Claims providing it the proper duty of care to ensure the process is transparent, cohesive and adequately resourced. Consideration should be given to establishing within the Department of Lands an advisory group of key stakeholders that can work with the Government to prepare a landuse management plan that will address all of the outstanding issues, claims and provide proper process to deal with the claim in a timely manner.

### **CBRJO RECOMMENDATION**

- **Any parcel of crown land that is to be divested to Local Government should firstly have all of its interests extinguished.**
- **A dedicated department to process Aboriginal Land Claims and referred back to the Local Aboriginal Lands Councils.**
- **Establish an Advisory group within the LALC, becoming a key partner in the development of a land management plan.**
- **Ensure a proper consultation process is undertaken to identify the most appropriate use of the land; outlining how it will be managed for future generations.**