

GENERAL PURPOSE STANDING COMMITTEE NO. 6

Wednesday, 3 August 2016

INQUIRY INTO CROWN LAND

The committee met at Ballina at 10:05 am

MEMBERS

The Hon. P Green (Chair)

The Hon. L Amato

The Hon. C Cusack

The Hon S Farlow

Mr D Shoebridge

The Hon. M Veitch

The CHAIR: Good morning, and welcome to the Crown land inquiry. I apologise for our plane's late arrival. This is the fourth hearing of General Purpose Standing Committee No. 6 inquiring into Crown land. The inquiry was established to examine the adequacy of community input and consultation regarding the commercial use and disposal of Crown land. We will be looking at the benefits of active use and management of Crown land as well as the most appropriate and effective measures for protecting it. The Crown land inquiry also will consider the extent of Aboriginal land claims over Crown land and opportunities to increase Aboriginal involvement in its management.

Before I commence the formal hearing, I wish to acknowledge the people of the Bundjalung Nation, who are the traditional owners and custodians of the land on which we meet. I also pay my respects to the elders, past and present, and extend that respect to other Aboriginal people who may be present at the hearing. Today's hearing is the fourth of seven hearings we plan to hold for this inquiry. Today we will hear from the Northern Rivers Regional Organisation of Councils, which is known as NOROC; the Tweed Byron Local Aboriginal Land Council; the Jali Aboriginal Land Council, and the Brunswick Heads Progress Association. Later in the day we will hear from the Ballina Environment Society; the Ballina Chamber of Commerce and the Port Ballina Taskforce; the Crown Holiday Parks Trust; and Friends of the Koala Inc.

I also wish to make some observations about today's hearing. In accordance with broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of filming or photography. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside their evidence at the hearing. I urge witnesses to be careful about any comments they make to the media or to others after they complete their evidence as such comments would not be protected by parliamentary privilege, if another person decided to take action for defamation. The guidelines are available through the Committee's secretariat.

In relation to questions on notice, there may be some questions that witnesses could answer if only they had the right paperwork or if they had more time. In those circumstances, witnesses can take the question on notice and will have 21 days within which to provide those answers to questions on notice. I remind everyone at the hearing today that the Committee's hearings are not intended to provide a public forum from which people make adverse reflections about others under the protection of parliamentary privilege. I therefore request that witnesses focus on the issues raised by the inquiry's terms of reference and avoid naming individuals unnecessarily. If people in attendance have messages they wish to convey from the public gallery, we ask that you present them to the Committee secretariat, who will usher those to the witnesses if they need that communication. If those who have mobile phones with them could turn their mobile phones onto silent mode, that would be appreciated.

NELA TURNBULL, Legal Services Officer, Tweed Shire Council, Northern Rivers Regional Organisation of Councils, sworn and examined

ROSS DAVIES, Coordinator, Contracts and Property Services, Lismore City Council, Northern Rivers Regional Organisation of Councils, affirmed and examined

MARK ARNOLD, Executive Director Corporate and Community Services, Byron Shire Council, Northern Rivers Regional Organisation of Councils, affirmed and examined

PAUL HICKEY, General Manager, Ballina Shire Council, Northern Rivers Regional Organisation of Councils, sworn and examined

ANDREW LEACH, Manager Asset Planning, Richmond Valley Council, Northern Rivers Regional Organisation of Councils, sworn and examined

MARCUS SCHINTLER, Manager Corporate Services (Governance), Kyogle Council, Northern Rivers Regional Organisation of Councils, affirmed and examined

The CHAIR: Could I have an indication of how many of our witnesses intend to make an opening statement? We will go straight to you, Mr Davies.

Mr DAVIES: I will read from my notes. In recent times it seems that the Crown has become like most other New South Wales State, Federal and local government organisations—that is, lightly staffed, managing large caseloads, and under great pressure from the community and councils to complete their responsibilities. In the 10 years I have been at council I have established a good working relationship with the Crown lands office in Grafton. The staff there are a credit to their organisation. The Lismore City Council has a great deal of its major city landmarks, parks and public buildings located on Crown land. The reality is that councils are the owners and operators of such sites, and subsequently invest hundreds of thousands of dollars in the operation and maintenance of buildings and grounds.

The Lismore City Council would prefer to see local-interest Crown reserves transferred, with certain caveats, to the council. They could then be owned and managed under the Local Government Act. It is my opinion that the time taken to process Federal native title and New South Wales Aboriginal land claims is adding confusion and difficulty to an already challenging task of Crown land management. Some projects proposed for the Lismore community located on Crown land stall due to misunderstanding and delay of the claim outcomes. It is taking an unreasonable length of time—up to five years is common—for the Crown to complete both the Crown and council road reserve closures. Could the Crown consider resourcing this function more adequately for a short period to clear the backlog, or is there any other way that this can be improved? Could this function be transferred totally to the local government sector?

The Lismore City Council would like to see a more proactive approach from the Crown in relation to training opportunities. Council has observed there is no structured training courses offered in managing Crown land. It is also important to capture the learnings from the pilot programs that started with the white paper in 2014-15. Additionally, training should be offered in regional areas, not just in major cities. The review of the Local Government Act has been in progress for some time and obviously was delayed in the New South Wales political environment in 2014-15. It is timely to integrate the findings and the results from the General Purpose Standing Committee into both the Local Government Act and the Crown Lands Act appropriately.

The CHAIR: Just for the information of Committee members, we will be allocating time for questions in 15-minute lots and we will see how we go from there.

The Hon. MICK VEITCH: If that is a prepared statement, could I ask you to table it with the secretariat, please?

Mr DAVIES: Yes, I can table that.

Document tabled.

The Hon. MICK VEITCH: My first question is directed to representatives of the Tweed mainly because they were involved in a local land pilot. In the opening paragraph of your submission, you say that some of the issues considered include the management of Crown land, community involvement and engagement with Crown land and measures for the protection of natural areas as well as contemplation of the Aboriginal land claim regime currently in place. There are a number of items there on which I would like you to extrapolate, if you could. We will start with the Aboriginal land claim regime that is currently in place and the lessons that were learned by the pilot program. What are you able to tell us about the pilot program?

Ms TURNBULL: I will start by saying that when the terms of reference for this inquiry came out, I touched base with David Clark from New South Wales Crown lands, who now is overseeing that process. He advised me that he had no issues with me providing or raising any local land pilot issues to the Committee in my written submission, and I am to assume that that is to extend to this hearing today. In relation to the local land pilot and Aboriginal land claims, there was no real discussion about how to address that the backlog of land claims or how they could be processed better. The local land pilot was more a process of reviewing Crown land parcels within our shire; a review as to whether they were locally used; whether there were valuable parcels that could be developed; and there were questions about whether that would be done by the Crown or by a local council.

The local land pilot did not actually scrutinise Aboriginal land claims, but it was raised as a factor. We quite strongly and repeatedly emphasised the fact that it would be difficult for any Crown reserves to be transferred and vested. There were questions about that transfer process to a local council if there was a claim over it. There was always the question of: How do we deal with that? I will be able to somewhat answer questions about that, but I must reiterate that the local land pilot was more of a testing of the process rather than a process that was going to achieve any outcomes for the issues that we raised. What I was implying in that first paragraph was that, by going through that review, a lot of those things came into focus as issues that need to be dealt with as part of the total process.

The Hon. MICK VEITCH: Thank you. In your submission you also refer to the identification of Crown land in the shire as a part of the pilot. We have heard some testimony as we move around the State from people who have been saying that it is difficult to identify all the parcels of Crown land.

Mr DAVID SHOEBRIDGE: We have had a lot of that testimony.

The Hon. MICK VEITCH: We have had a lot of that testimony. Would that be reflective of the Northern Rivers? Is that the experience? Are you getting information about the parcels of Crown land that may be on the shire boundaries?

Mr DAVIES: I think for most of us, local government knows very intimately the bits of Crown land that are reserves they manage or that they have a daily interaction with. In the rest of the land, yes, it is extremely hard to (a) identify and then (b) find information. But if you do not have a very good relationship with the local Crown lands office, it becomes very difficult. That is a very important way of finding information. Sometimes they have difficulty finding information as well. We have 175 pieces of land scattered throughout and we really only daily or regularly deal with less than 40 or 50 pieces of land. The rest is completely unknown.

Mr HICKEY: The only other thing I would say from the Ballina Shire Council's perspective is that I am pretty sure we know which is Crown land, but the public might not realise that those sporting fields, swimming pools and administration centre are all on Crown land. That is quite surprising in terms of the public's understanding—that it is not council land but it is actually Crown land—so that is probably where some of that misunderstanding comes from.

Ms TURNBULL: What was raised during local land pilot are fragmented Crown land parcels. There were parcels that were alongside waterways; there were parcels that were set aside for camping purposes alongside roadways; there were parcels that were leased to adjacent landowners, which we were not even aware of—they just sprang to our attention during the course of the review. In reviewing the process, there was a whole lot more of them we anticipated to be used.

The Hon. MICK VEITCH: There has been an extensive process to date around Crown land, commencing with the white paper and carried in the white paper. Last Friday the Minister indicated that there probably would not be an exposure draft of the legislation or regulations that may follow. In the light of the significant changes that will be coming from that legislation and this significant reform in Crown land administration, do you have a view about whether there should be an exposure draft or, at the very least, that the bill be laid on the table of the Chamber for a period that is enough to allow people to examine the devil in the detail?

Ms TURNBULL: From Tweed's perspective, in looking at the white paper and our submission, we were clearly of the view that Crown lands, the Local Government Act and the Roads Act all work very closely together. Road closures was an issue that Mr Davies raised. There would need to be some amendment, so that would impact on the other legislation or at least bring it in so that they work together. But it is not so much conflict. If, before the changes are implemented, we were able to review that to see whether operationally the legislation would work alongside the Acts and for us—even if the status quo in relation to Crown land remains

the same—we would like to know that, operationally, we could still work forward and do the actions that that would take.

Mr DAVIES: I can see value in walking through that legislation, but I cannot see any value in looking at it if we cannot make some sort of final change, if we actually see that some of the things that were teased out from the pilot proceedings or the white papers can be a basis for taking advice. If there is no opportunity to make changes, we might as well just get the legislation and deal with it.

Mr HICKEY: I think we are all keen to see something happen. I think we all think it can be improved. I am not too sure how it works without an exposure draft. Obviously, that is a good process. It is on the table for a while so at least we can review it and provide some feedback on that, so I think that would be a good process—not fully understanding it.

Mr SCHINTLER: I concur with the comments that have been made. Obviously, an exposure draft, if you can get hold of one, is a particularly good thing to have and to consider. Although understanding that the Minister has pressures to get the legislation through and that there are competing pressures of Parliament as well, obviously if there was that opportunity, that would be good. We would always be concerned about costs to council. As the Committee would know, councils are always worried about the costs shifting that may occur. I noted the testimony of the Minister at this Committee's hearing last Friday and took some comfort from a few of the things that the Minister had to say in relation to consultation. The Kyogle Council is appreciative of that. But, certainly, if there could be an opportunity to view something before it becomes law, we would always like to see that.

The Hon. MICK VEITCH: Just picking up on your comments about costs to council, Mr Schintler, the Committee visited the Shoalhaven and the councils there—

Mr DAVID SHOEBRIDGE: It was \$2 million in the Shoalhaven and \$7 million net costs to Wollongong.

The Hon. MICK VEITCH: There was a net cost. The councils had actually determined what the net costs of looking after or managing Crown land are to the council. Do any of your councils have those sort of numbers or figures available?

The CHAIR: Particularly if you have feedback on coastal erosion and Crown land on beaches. You can take that on notice.

Mr HICKEY: I think we all agree that our concern is that the Crown will transfer to council the land that costs the community. It operates on net cost. In the end, we will maintain it, look after it, and protect it—all those sorts of things—as against the land that sometimes the Crown keeps, which is the income-generating land. We are all concerned about Marcus Schintler's point about costs shifting where we end up with land that I would not call prime sites, but land that is just more of the cost-to-the-community sites, as such. We maintain a lot of Crown land at the moment and I would say that, for our council, the cost is at least \$1 million, if not more. That would be my concern.

The Hon. MICK VEITCH: I am happy for you to take that on notice so that we can get some accurate figures.

The CHAIR: How do you pay for that at the moment?

Mr HICKEY: It is just out of general rate income, really. That is how we pay for it. The community pays for it out of our general rates.

Mr DAVID SHOEBRIDGE: Shellharbour said that just with one storm event, they had a \$8 million infrastructure bill for repairs on coastal Crown reserves. Do you find those kind of one-off costs in terms of infrastructure, particularly on your coastal reserves?

Ms TURNBULL: Yes. Tweed undertook some major coastal erosion works and part of that was the Kingscliff caravan park, or holiday park, I should say. Some of the costs were emanating from that holiday park fund and the rest came from council. I think there was some funding from the State Government for that as well. I cannot be sure on that. I will have to find that out.

Mr DAVID SHOEBRIDGE: And of course Byron loves talking about Belongil.

Mr HICKEY: Byron is there and Ballina is here.

Mr DAVID SHOEBRIDGE: Yes, yes—sorry.

Mr HICKEY: It is the same sort of issue. In the end, because those Crown foreshore lands are under the control of council most of the time, you have that big liability—climate change, sea level rises and everything else such as storm impacts—to be fair, councils cannot fund that sort of infrastructure. That is our big issue. We are all working on coastal zone management plans but they have got lots of big liability attached as well. It is a complex issue.

Mr DAVID SHOEBRIDGE: And Byron? There is potentially massive liability for councils managing those coastal reserves, aggravated by climate change. What are you doing?

Mr ARNOLD: One area that is obviously very topical is Belongil, which has just been the subject of the construction of the rock wall to protect that area at a cost, I think, of around possibly \$1.5 million. There have been costs over the years to maintain that or reinstate that with sandbags and other protection matters. Those costs, though, I would need go away and research. We have extensive papers within council and we can provide those to the Committee on the costs of over the last 10 or 15 years.

Mr DAVID SHOEBRIDGE: Has that been partly met by the private landowners who benefit, or not?

Mr ARNOLD: In the current works, that was partly met by the owners of land affected, the adjoining landowners.

Mr DAVID SHOEBRIDGE: Details on notice would be useful.

Mr ARNOLD: Yes.

The Hon. MICK VEITCH: My last question before my time runs out relates back to a comment in the Tweed Shire Council's submission to the inquiry about disposal—the processes around obtaining community consultation and input into the disposal of Crown land. Tweed's submission suggests that community input and consultation should follow a course of both traditional—that is, newspaper bases—and contemporary, such as social media and electronic communication networks. Does each of the councils have a view about an adequate way of obtaining community input prior to the disposal of Crown land, or models and methods?

Mr HICKEY: We discussed this. We think that generally the consultation was fairly good but the issue is that people do not agree with the outcomes. People say it has been poor consultation when they do not get the outcome they may agree with. I find it is probably good consultation but it is about trying to balance all that feedback you get. Crown land is very topical—lots of interest. Trying to get the right balance in a decision is not an easy process. To be fair, you often get criticised from some parties if you make a decision, so in the end it is a difficult one. I guess that is all I would say.

Mr DAVIES: Lismore takes the approach that more is best, so we go out both in the local paper and we have our local newsletter, we have social media and we put out media releases. So we go hard at anything that we think is going to be controversial, and disposal of Crown land is always controversial. We go as hard as we can.

The Hon. MICK VEITCH: What is the time frame for that consultation? Is it like 28 days?

Mr DAVIES: The bare minimum is 28 days but we always extend that.

Mr HICKEY: Sometimes we will go further—within three months, sometimes. It just depends on the nature of the issue. It is always a minimum of 28 days, maybe 42, and maybe longer. Councils may resolve to go longer just because of the nature of the topic.

Mr DAVIES: Just to tease out anybody who thinks that they missed out on knowing about the process.

The Hon. MICK VEITCH: Are there any other comments on that? No.

The Hon. CATHERINE CUSACK: Welcome, everyone. I might ask my general manager, Mr Hickey, some questions. We have just come from Dubbo. For the purpose of our inquiry it would be great to get some comments on the differences in the challenges that we have on the coast compared to inland in the management of Crown land. I thought maybe I might ask about flood mitigation challenges and the climate, storms, and the rate of vegetation growth.

Mr HICKEY: You are right, it is back to that question about the whole foreshore as well as the coastal zone and the mouth of the Richmond River as well. Ballina is on the flood plain. I have worked at Byron and Ballina over the past 15 or 16 years and it is very complex trying to manage all the Crown land issues. The council cannot do it all itself. It has to be a partnership with State and Federal governments. The other point about some of the foreshore sites is that I see they are not being practically managed by the Crown. We have some sites, such as the Ballina trawler harbour, where council is now trying to promote that for some sort of

development. We have the old depot site near the centre of Ballina, which is not being practically managed. I do not think Crown lands has the staff to actually do that.

By either transferring those parcels to council or working closer together, we can get more proactive management. A lot of the time they are prime sites, too, so they have a much higher value than some of the western areas. You do get surprised by how much Crown land there is once you get into some of the coastal shires. That is land that people do not understand is Crown land. In just trying to get that management right, we have all got to put more resources into it, too, and just get that balance right between economic development opportunities, employment opportunities, regional development but also increased recreational use as well. There are a lot of sites that really are not being used that much by the public. Just trying to get that balance right is all part of that complex mix. I hope that answers your question.

The Hon. CATHERINE CUSACK: Sure. I was wondering if you could tell the Committee some of the background to the bicycle track on the coast road connecting Ballina to Lennox.

Mr HICKEY: Council has been working on a shared pathway, which is what we call it, between Ballina and Lennox Head. We have been talking to some people over 30 years. It has been a difficult process to get the approval. We now have consent between the two areas; but, again, trying to balance all the interests is difficult. Some people want a full cycleway the whole way; some people want a walking track; some people want nothing. It is a very complex issue. You have the Aboriginal parties involved as well. To be fair, some people do not pay enough attention to the Aboriginal culture in those areas as well, so we are trying to get that balance right.

Only last week council actually moved a resolution to look at a path back towards and within the coastal reserve where we got approval just on the road reserve. From a staff perspective, that is respectful to the Aboriginal people and the environmental groups that made input; but, again, council decided to review that. My concern, again, is the complexity and trying to balance all various interests. It is not an easy process. It does take a lot of time. It has taken 30 years just to get approval and we still have not finished it.

The Hon. CATHERINE CUSACK: For a bicycle track, is it not?

Mr HICKEY: It will spread the reserve on the road as well. Sometimes it does deserve—not that length of time—the right balance.

The Hon. CATHERINE CUSACK: Could I ask you, perhaps taken on notice, to give the Committee maybe even just a small chronology of that cycleway because it highlights, as you said, the complexity for what an ordinary person is a very simple thing to do.

Mr HICKEY: Yes.

The Hon. CATHERINE CUSACK: It will highlight just how difficult it has been for people. Could you also include how many grants had been offered and had to be returned to the Government because we were not able to meet the incredible time frame?

Mr DAVID SHOEBRIDGE: I think a littoral timetable is probably a long timetable. Perhaps there is an issue with that. It is a very long timetable dealing with the different parts.

The Hon. CATHERINE CUSACK: Yes, I understand that but I just think that there are a lot of these issues coming.

Mr DAVID SHOEBRIDGE: Yes.

The Hon. CATHERINE CUSACK: Is it fair to also say that in addition to council resources, residents are investing pretty heavily in taking care of the public reserves? I put that question to all the councils present.

Mr HICKEY: I think that is a good point as well, but from a council perspective, we have a lot of volunteer groups who actually are actively involved in those coastal zones, and that is a great thing. Council can provide some materials and basic essentials and the community groups can provide volunteer labour. That model works really well. Without those, we would not get—we actually had it reported at the last council meeting that we actually had a value of \$600,000 approximately, if not more, of some of that in-kind labour that we get. It is worth a lot to communities. It is good for coastal places, too, where you do get people—some retirees—who are interested in that sort of thing as well. Against that partnership between the levels of government, cooperation between the community and council is how to get things done.

The CHAIR: What qualifications do the volunteers have to have to work on Crown lands, if they are maintaining it to some degree?

Mr HICKEY: No qualifications, but we provide the induction process plus workplace, health and safety [WHS]—those sorts of things. We make sure they work within our corporate procedures. That is the key thing there—making sure they are actually inducted through the council processes—because we have that expertise within council.

The Hon. CATHERINE CUSACK: How many staff does the Ballina council have—managers—creating verges, parks and gardens?

Mr HICKEY: In our parks and our open spaces sections, there are about 30 staff. Really, the report I mentioned last time talked about managing more effectively our vegetation across the shire. We will need to spend \$600,000 or \$1 million or more and it raises whether you want to go for a rate increase and that sort of thing. Lismore council just did one for biodiversity to try to help some of those things, but it is like all levels of government: We struggle to provide the resources we need for some of these things. We have got a lot of coastal area here. We would like to do a lot more revegetation and those sort of works.

The Hon. CATHERINE CUSACK: In terms of councils engaging the State Government on this issue, is the Northern Rivers Regional Organisation of Councils [NOROC] playing a proactive role? I notice that there is not anyone from NOROC here today, even though you are all constituent members.

Mr HICKEY: Oh, yes.

The Hon. CATHERINE CUSACK: There was no submission and I just wonder. Are you approaching it individually, or are you trying to win through NOROC.

Mr DAVIES: That is true, yes. NOROC largely has not undertaken a lot of things that should be undertaken. There have been aspects, but disappointingly, yes, they did not put in a submission. This group was assembled really late—only in less than a fortnight. Yes, we should be doing a lot more.

Mr HICKEY: My only comment on that is that NOROC, from a NOROC perspective, has only one part-time staff member. I also think that when you have regional councils or regional groups, it is a lot more diverse than, say, if you go to Armidale or Dubbo and those sorts of places. Here we have Richmond Valley and Kyogle that may well have different priorities to Byron and Tweed or Ballina. I think there is a really diverse political mix in NOROC compared to other council regions. Trying to get an agreed position with all the councils—and the current constitution of NOROC says that it has to be by 100 per cent consensus—is very hard. In the end, NOROC would do a submission at a very high level but relies on the individual councils to actually do their own submissions because of their different political positions.

The Hon. CATHERINE CUSACK: I guess my point is that Ballina has not made a submission, nor has Kyogle. I understand why not; it is because there are so many inquiries and things. This is where it is helpful for a coordinating body across all the councils, but it disappoints me that that does not happen because, as a result, the voice is not heard. In terms of engaging with government, if there were to be an exposure bill in Parliament, would your expectation be that each of the six councils would separately review, research and engage the Government on that issue? People say that the beauty of having all the small councils is that they work together on those issues, but I am just looking at the evidence of you working together on those issues.

Mr DAVIES: We have started.

Mr HICKEY: My response would be that there are different positions within the councils to some extent, so it depends on what size you do want a council.

The Hon. CATHERINE CUSACK: How do you see the North Coast community's voice being heard? How does our voice get heard in that situation?

Mr HICKEY: We do have State representatives as well. In the end I think NOROC will try to do a submission at a high level. I think if there is an exposure draft and we have concerns, then the councils will make a submission—and council submission sometimes disagree with each other. You do not always get consensus between the councils.

The Hon. CATHERINE CUSACK: What if I disagree? You have got a local member of Parliament [MP]. Has the Ballina Shire Council are met with your MP on this issue?

Mr HICKEY: We meet with the local MP. We have a regular meeting, monthly—myself and the mayor. From our perspective, we have been happy with the white paper. We have not really made a submission to the white paper yet. We are waiting to see what happens. Basically, we have been supportive of what has happened so far. It has been interesting to see what happened to Tweed and the trial councils.

The Hon. CATHERINE CUSACK: Is that your expectation—that this is a matter for the MP, not for the council?

Mr DAVIES: It should be a matter for all, naturally. I have personally been the one that has made the submissions to each of these—the original white paper, the response to it, and to this Committee—because I am the one in council who has the most knowledge of Crown land and the processes behind developing a plan. I think there is largely a misunderstanding of the operational level of Crown land or the impact of it. As far as goes NOROC, yes, I would like to see more of a prudent approach.

The Hon. CATHERINE CUSACK: I have one more question for Mr Hickey and it is to do with the Lighthouse Beach Surf Life Saving Club. I think the council did some great work at negotiating with the Aboriginal community to bring that forward. I want to give some background to that because it seems to me like a good case study in good practice.

Mr HICKEY: Yes. Essentially, what happened there is that there was an Aboriginal land claim—a State Government land claim—over part of the road reserve. We met with the local Aboriginal land council. We negotiated three key points in respect to the State land council removing that land claim. Basically, we agreed that we would not put a fire station that was proposed—a rural fire station—close to an Aboriginal midden site. They have got a quarry that they are looking at operating at some point in time. We also agreed that we would look at that and we would waive any application fees as part of that.

The third point was that we said in relation to the lease with the Ballina surf club we would have a clause whereby the surf club would encourage Aboriginal and community involvement in the surf club. It was a good negotiation where we sat down with the parties and worked out, in my mind, a good outcome. It gets back to the point that I talked about with that recreational park. Over many years we negotiated with the Aboriginal community and got a consent in place. I am worried now that council has asked to review that. You negotiate with people in good and make sure you try to get the best outcome you can between all the various parties. You know, it is never perfect for everybody but you have to try to balance all those various interests.

The CHAIR: Is the majority of community expectation for that pathway to have it delivered?

Mr HICKEY: Yes, the majority. I cannot speak for everybody, but I think it is fair to say that the majority want the pathway delivered. Part of the big delay has been that some people want it all the way through the coastal reserve and some want it on the road reserve. It is classic both ends of the spectrum. You have to get a compromise that does not satisfy everybody but you get a pathway in the end.

The Hon. CATHERINE CUSACK: Over a period of 30 years, council changes. The planning gets reviewed again.

Mr HICKEY: Yes.

Mr DAVID SHOEBRIDGE: Changed last night, or something, did it?

Mr HICKEY: Sorry?

Mr DAVID SHOEBRIDGE: It changed just last night at the last council meeting?

Mr HICKEY: It was last week. It is just a resolution. There are a couple of gentlemen here who spoke strongly in the audience about it. Council has resolved to see if we can push the cycleway further to the east, which means the end of the coastal reserve into the Aboriginal area. That was not the advice from staff. We said, "You've got a consent. We've built a consent. It's safe. It works." From my perspective, it was very frustrating. We negotiated with people in good faith. We had done all that work and—I mean, that is political process. We all make decisions and who knows what this really will come up with. But that was last week.

The Hon. CATHERINE CUSACK: Just coming back to the surf club, were there any issues with the surf club about signing the—

Mr HICKEY: The surf club is a classic one. As I have said, I have worked at Byron and Ballina over the last 15 years and the surf clubs themselves want to keep control of the actual asset, but you see the surf clubs in New South Wales are all falling down. If you go to Lennox Head, it is wearing down and Brunswick and Byron are not in the best shape. They are not being looked after that well. From our perspective the Ballina surf club had fallen down. It was actually demolished so there was not anything there. Council then got in there with a grant from the Federal Government. I cannot remember what it was for—maybe \$3 million. It cost us about \$7 million in the end.

Council then wanted to make sure that the design included a café. We wanted to make sure that the council got the revenue from that to put into the maintenance of the building—you know, get that balance right

between the club having all the ground floor, upstairs being the café and some meeting rooms. Council would run the meeting rooms and the café, just from a probity perspective, so that we knew where the money was going and it was all transparent and so forth. We had a not very disharmonious disagreement with the surf club, which wanted to run the commercial elements and use that money for the surf club. That is fair enough because they need the money for their operations. There was a kiosk downstairs.

In the end we agreed that they would get all the rental from the kiosk downstairs so that all the rental down there would go straight to the surf club. Then council would keep the upstairs rental, which does not offset the cost of maintaining the building but just goes towards maintaining the building because it is in a coastal zone that has lots of wear and tear. We were just trying to get that balance right. Even a new Crown land agreement does not really encourage councils to put money into surf clubs because we do not really—the way I read that agreement, I do not think we get the control over that, yet we are going to put all that money in.

The CHAIR: There are a couple of points there. My understanding of the latest is that the Government has made some progress with the surf lifesaving clubs and that ability to make something back from the properties, which is good. I think that is very wise.

The Hon. CATHERINE CUSACK: Have the programs that were agreed with the local Aboriginal community been delivered by the surf club?

Mr HICKEY: Yes. The fire shed never went there. We moved away from that site. The quarry has not enacted by the Aboriginal community and the lease includes a clause whereby the surf club must promote the involvement of Aboriginal people.

The Hon. CATHERINE CUSACK: Are they doing that?

Mr HICKEY: We have reminded them once or twice and they have sent letters out. At most venues they have invited the Aboriginal community to attend and so forth.

The Hon. CATHERINE CUSACK: Is council following that up?

Mr HICKEY: Yes, we are—as part of that. That has been raised with me and we have followed that up. I know the president of the surf club quite well. I have personally emailed him about that. He has sent letters out. They have done a few good things, yes.

The CHAIR: One of the frustrations we had on the South Coast in the Shoalhaven was that you had successful tourist parks, but you could not take any of the return back from that to ensure the safety of people in that surf season so it could not contribute to the fees. It was very frustrating. You would endorse the idea, if we can free up Crown land opportunities for scouts? There are lots of different community facilities on those things to be able to make a return on those places with a pop-up diner or a pop-up coffee shop as long as it was orientated back towards the functioning of that facility.

Mr HICKEY: Yes, I would agree with that—just to get that balance right. They may have commercialised it but, you know, in the end they are just trying to get some income because we all struggle for income to try to maintain some of these—

The CHAIR: Is it the same for sporting fields?

Mr HICKEY: Yes, sometimes sporting fields.

The CHAIR: Because that is their only income to drive their Little Athletics club or their netball club.

Mr HICKEY: And there are some things we do not know about. They do their own commercial things there, to be honest with you.

The CHAIR: Are you saying that you would encourage us to review the restrictions on making a buck on Crown lands for community groups?

Mr HICKEY: I do not know that I would say "making a buck"; but, yes, it is about getting some revenue back.

The CHAIR: For a return, and to secure the longevity of that service to the community.

Mr HICKEY: Yes, to try to get that balance right.

The CHAIR: I know that there is not a submission in some terms from the representation here so I just want to ask a general question. I appreciate that you are here. What do you want to tell the Committee? Why are you here this morning? I want you to comment on a topic that you feel is important and tell me why you are sitting here today, and maybe the part that the Committee can play in addressing that.

The Hon. MICK VEITCH: As it relates to the terms of reference, or in general?

The CHAIR: Yes, in terms of the terms of reference. I am not here for a counselling session or to take some appointments later.

Mr SCHINTLER: Kyogle put in a submission to the Crown land management review during 2014. We strongly stand by what we put in there. We support the concept of—I will read some of that, if I may, into *Hansard*: "Council strongly supports the concept of the transfer of Crown reserves of local interest to council so that this land can be managed by council under the provisions of the Local Government Act." That is primarily the focus. We would also be of a mind—and I note the contribution of the registrar of Land Rights Act to this Committee as well. We would also be encouraging those 30,000-odd or 29,000-odd land claims, which are currently still there, are addressed as quickly as they possibly can be.

I note comments from the Minister and also the registrar on section 36AA of the Land Rights Act that there is to be some negotiation process as well, as a result of that change to the Land Rights Act, that gives the opportunity for the Minister to sit down with the land councils, or their representative, and come up with perhaps what the top priorities are, and we will know. In that regard I suppose Kyogle is very keen to see that transfer but also very keen, as I said at the start, to make sure that there is no cost associated with it.

The CHAIR: Yes.

Mr SCHINTLER: And ongoing costs associated with it. I would repeat what Mr Hickey said: That we would not want that to be picked so the council was getting the lands that were going to be—

The CHAIR: Because there will be a burden, firstly, if there are transfers back to council, not just for the reason that some of it is a community benefit already and councils already are looking after it and, secondly, following up other legislation will be the biodiversity conservation Act. I am sure that the goalposts in that will be angled a lot more towards whoever owns the land, looking after it, and asset maintenance that includes vegetation and all sorts of things. That will cost money. Are you concerned about that?

Mr SCHINTLER: I suppose that goes to the question of the exposure draft that we spoke about before.

The CHAIR: But this is different legislation. It will not be directly related to the exposure draft.

Mr SCHINTLER: Sure. We would be concerned with anything that was going to be an impost upon council, absolutely—yes.

The CHAIR: Are there any other comments?

Mr DAVIES: Yes. I guess there are two portions of land or two types of land. There is the land that we currently manage. We have all that covered in our budgets, especially for us, parks, et cetera. But, yes, the other land and some of the stuff that is completely unknown to us—

The CHAIR: Noxious weeds.

Mr DAVIES: Yes. There would be a large burden on council to look after that. How that is managed and how that is done certainly need to be considered. How that is funded going forward is always a difficult thing, I guess.

The CHAIR: A lot of that land will not make a return because it is low environmental value, which is great.

Mr DAVIES: No. I know it will cost a lot of money.

The CHAIR: But it will not make a dollar return and full costs recovery, as a waste recycling centre will, or some other centre, or some other road.

Mr DAVIES: I guess Lismore is a land-locked or a non-coastal town.

The CHAIR: Yes.

Mr DAVIES: It has a reduced ability to generate large amounts of money. So, yes, we would struggle. I think the prime concern for us is that for us to be able to manage our 20 or 30 top sites we do have total control over them, and we can put measures in place to generate some money that might go across then to some of the other ones that obviously cannot generate income.

The CHAIR: It is coming from general revenue, but there is only so much general revenue that you have. The farther west we go, the rate base diminishes.

Mr DAVIES: Yes, exactly.

The CHAIR: But the Crown lands inheritance may be greater—

Mr DAVIES: Is larger, yes.

The CHAIR: —with this unread legislation that is coming through. That might be an incredible cost burden.

Mr DAVID SHOEBRIDGE: First of all, Tamara Smith, who is the local member of Parliament, gives her apologies. She is of course in Sydney in Parliament, representing you today, but she would have liked to be here. Ms Turnbull, did council sign a confidentiality agreement about the local land pilot?

Ms TURNBULL: Yes, it did, and that is why I have been in touch with David Clark. It was to not disclose any discussion or disclose the contents of the discussions or the process.

Mr DAVID SHOEBRIDGE: Did they explain why on earth you should be gagged?

Ms TURNBULL: It was more to protect the State Government, they were concerned about, because—

Mr DAVID SHOEBRIDGE: Protect them from what?

Ms TURNBULL: I do not have the document on hand, but from what I understand it was to allow the process to be trialled without it becoming public as to what was being trialled.

Mr DAVID SHOEBRIDGE: Why?

Ms TURNBULL: I cannot tell you that.

Mr DAVID SHOEBRIDGE: Could you provide us with a copy of the agreement, please?

Ms TURNBULL: Can I ask the State Government whether I can provide that?

Mr DAVID SHOEBRIDGE: Yes, absolutely. Of course, we are the Parliament and no private agreement can overcome parliamentary privilege. You can speak with our secretariat about that. Did you feel constrained in what you could put in your submission because of your confidentiality agreement with the State Government?

Ms TURNBULL: No. As I mentioned earlier, I touched base with the fellow who is now overlooking the local land pilot and its subsequent actions. He felt there was no issue with providing details of the local land pilot now because obviously we had signed those confidentiality agreements, but I do not feel I have any constraint in talking about the process because, essentially, it is a process.

Mr DAVID SHOEBRIDGE: What about the outcome?

Ms TURNBULL: The outcome was just a review of the process. There was agreement that we could move forward. There was agreement as to parcels that could be transferred to council. Both parties had agreed that, yes, that would be that action. There was identification of what those parcels were and why we were happy for them to be transferred.

Mr DAVID SHOEBRIDGE: Is that agreement now done? Do you have an agreement about which land?

Ms TURNBULL: No. Essentially, there was just a put and passed that we said okay because there were criteria in evaluating the different Crown land parcels—whether they were of local significance or State significance.

Mr DAVID SHOEBRIDGE: Could you provide us with the criteria on notice, please?

Ms TURNBULL: Yes. I would be happy to do that.

Mr DAVID SHOEBRIDGE: Because of this gag, did you talk with any stakeholders outside of council and the State Government? Did you talk with the community at all?

Ms TURNBULL: No. Essentially, it was an internal review and, as part of that process, we always qualified our responses by stating "This is strictly an internal review" because of the confidentiality provisions. There was no community consultation. There was no consultation with the local Aboriginal groups.

Mr DAVID SHOEBRIDGE: None at all with the local Aboriginal groups?

Ms TURNBULL: Of course, that was repeated but it was repeated concern. Following completion of the land pilot process, I was told that the State Government had been meeting with the New South Wales Aboriginal Land Council and then would move on to the different local Aboriginal land councils.

Mr DAVID SHOEBRIDGE: As far as you know, you did not meet with the local Aboriginal land councils about this joint project.

Ms TURNBULL: No. Essentially, they were to meet with them to describe the process.

Mr DAVID SHOEBRIDGE: Mr Davies, your submission says that actually finding out what on earth happened and what the outcomes are, so as you can have some informed feedback, is essential.

Mr DAVIES: Yes.

Mr DAVID SHOEBRIDGE: Having heard that, are you at all comforted in the process?

Mr DAVIES: Not at all. At present I struggle to understand what we have actually learnt out of it and if there is an outcome out of this at all. It must be some formalised process teasing out what we have learnt here, if this process goes ahead. I would be very keen to drill down on that.

Mr DAVID SHOEBRIDGE: Is that the view of the balance of councils, or do you have different views?

Mr HICKEY: From my perspective, I would be keen to see what is going on. I have not heard much. I think we would like the idea overall, but we have not heard much.

Mr DAVID SHOEBRIDGE: It is all black box. Byron?

Mr ARNOLD: We are very keen to understand the results. Going forward, the land is important to us and getting that balance right as well as being able to understand what the lessons learnt are from Byron—

Mr DAVID SHOEBRIDGE: If any.

Mr ARNOLD: Yes.

Mr DAVID SHOEBRIDGE: Kyogle and Richmond Valley—the same, is it?

Mr LEACH: The same, yes.

Mr DAVID SHOEBRIDGE: To you, Mr Hickey. The Lake Ainsworth caravan park. Your council was sacked or forced to resign, was it? What happened?

Mr HICKEY: No, no. We were not forced to resign. Byron was forced to resign; Ballina was not. From my perspective—again, I have worked at Byron and Ballina—trying to manage Crown reserve caravan parks in a council environment is difficult because you have almost always a conflict between the local residents and those trying to run the caravan park. Often some local residents would like to see the caravan park disappear and be replaced by open space. If you are trying to run a caravan park to provide accommodation to people who are not lucky enough to live on the coast and who come here on holiday, that results in conflict. Councils are voted in by the local residents, who may have issues with the caravan park operating commercially, but it is there for the people of New South Wales, who are not lucky enough to live here and want to come on holiday here.

Trying to get that balance right from the council perspective is difficult. In Ballina's case, getting the expertise to run caravan parks was not easy. From my perspective, I was quite happy to recommend that council resign as long as we got that income stream on an ongoing basis from the caravan parks, which we agreed as part of that outcome. We were not forced to resign; we resigned voluntarily. Councillors may have had that fear that if they did not resign, they would get sacked anyway. That was that underlying tone. But at least we negotiated, and we get an ongoing revenue stream from those caravan parks to help maintain the rest of the Crown reserves.

Mr DAVID SHOEBRIDGE: Do you have a good relationship with the New South Wales Crown Holiday Parks Trust? Do you think they are engaging well with your community and council?

Mr HICKEY: Look, I have been accused of being too close to the former manager of that caravan park trust. I think—it is like I said before—they have a difficult job of trying to consult and get redevelopment done when some residents may not want it. They prefer to see open space and those sorts of things. I think it is that consultation process where they try to do these plans. Some residents do not like them. Trying to get that balance right, I think, is very difficult.

Mr DAVID SHOEBRIDGE: Do you think they do the consultation well?

Mr HICKEY: I think you can always improve your consultation.

The Hon. CATHERINE CUSACK: Chair, can I just ask that those questions also be directed to the Byron Shire Council, which was sacked as trustee.

Mr DAVID SHOEBRIDGE: I was just about to do that. Mr Arnold, in terms of Byron and Brunswick Heads, can you tell me the circumstances in which Byron ceased to be the trust manager?

Mr ARNOLD: It was before my time but it was at the end of 2006 that council was sacked as the manager of the three parks in Brunswick Heads and only one in Byron itself. It was over a number of different issues. Currently, council is working hard on a relationship between the community and the New South Wales holiday park trust to deal with the issues that the community has, which border between the community's use of the foreshore areas and the ability of the parks trust to be able to operate a commercial caravan park there.

Mr DAVID SHOEBRIDGE: The Brunswick Heads Progress Association is very deeply critical of the actions of the New South Wales Crown Holiday Parks Trust. What is the council view? On which side do you fall?

Mr ARNOLD: The council itself has on record a number of resolutions where it has expressed disappointment in the consultation process that has occurred. Having said that, it is currently working with the chair and the chief executive officer [CEO] to improve on that relationship and improve on consultation and the method of consultation with the local community, and on listening to the issues that they raise in relation to the operation of the parks and the ability to use the foreshore for the local community's own recreational purposes.

Mr DAVID SHOEBRIDGE: For myself, I would find it very useful if you could provide some detail about that on notice so that we have council's view as well as that of the residents' association and the holiday park trust. Would that be acceptable?

Mr ARNOLD: We can do that.

The CHAIR: I will ask some questions about the holiday parks trust. In regional councils, particularly coastal councils, there is a real opportunity to get some resource here for community projects. Can you steer us through what you think is restrictive that could be perhaps become unrestrictive in terms of using those funds for the betterment of the community?

Mr HICKEY: I think the issue has always been that the Crown Lands Act says that you need the Minister's permission to take it out of one reserve to another reserve. Tweed has got a very good model up there where they manage to take a significant amount of money out of the caravan or holiday parks. They take a substantial amount. From Ballina's perspective, when we did that negotiation, we just wanted to make sure we have an ongoing revenue stream. But that has always been the issue. You have this Crown lands legislation that says you need the Minister's permission, from memory, to transfer it from one Crown reserve to another. Really, although it may be consolidated, you had better make sure that you do not restrict the caravan park in its revenue.

The CHAIR: Yes, that is fair enough.

Mr HICKEY: Again, you are getting the balance right, the same as anything else.

The Hon. MICK VEITCH: It is a little bit of cross-subsidisation from one to another.

Mr HICKEY: That has always been the theme, you know. The caravan park is there. They attract the tourists. You have to provide surf lifesaving services and all those sorts of things. You should try to use that income where you can. For sure, first it will go to the caravan park but then you have all the other coastal issues that you get from having all those Crown reserves.

The CHAIR: If a case can be made—like section 94s and stuff like that—that we can protect the funds but you can value-add them, you should be able to do that.

Mr HICKEY: Yes. I would agree with that.

The CHAIR: For Committee members' sake, I note that we are now going to be floating questions as we head towards closure. Make sure that you ask any further questions that you immediately want to put on the record.

The Hon. SCOTT FARLOW: What time will we be pulling up stumps?

The CHAIR: We are getting close to that time.

The Hon. SCOTT FARLOW: What time will we be finishing up?

The CHAIR: In about 10 minutes, I think.

The Hon. MICK VEITCH: The submission from the Brunswick Heads Progress Association talks about the chronology and the development of the plan of management and the whole process. We have had lots of testimony and we have been asking lots of questions around plans of management and what is an effective and meaningful way of engaging the community in the development of a plan of management; how long they should last for; and whether the Minister should sign off on them or whether, if they are prepared under the Local Government Act instead of the Crown Lands Act, what status they should have. What are your experiences? How can the power of the use of plans of management be enhanced? Are plans of management an effective way of managing parcels of Crown land?

Mr ARNOLD: Probably I could answer that question in two parts. If you look at the Byron shire, we have two population centres that are largely centred around Crown land. We have Brunswick Heads that has foreshore and beach areas and parks there. We have Byron Bay, which has four open spaces; two of them the council is the reserve trust manager of; one of them has no reserve trust manager, and one is owned by us. In Byron Bay they have recently done a master planning exercise, which involved community groups, bounce groups back and forward, and exhibition. It came up that all those four areas are catalyst sites, which need different forms of development in relation to recreational use or some sort of commercial use to support recreational purposes.

That process took a significant amount of time. I think that consultation drew out everyone's ideas. Having said that, I would not say that all the principles in the plan now have 100 per cent support, but you could say that it had some sort of majority support. From the point of view of the Brunswick Heads Council is not the reserve trust manager for the majority of that land—the reserve trust manager is the New South Wales Crown Holiday Parks Trust—the idea of a management plan in 28 days, probably as you can see from the submissions, has not satisfied the community's needs and wishes to be consulted about how things need to occur.

I think that process probably follows the legislative process whereas the process in which we in Byron Bay have engaged is a little bit more outside the streams. I would say that if in fact you have a number of submissions on one area and none on the other, maybe it is a reflection of the process you are using.

Mr HICKEY: They only thing I would say is that I think the actual approval process is not too bad, but I think with North Coast Holiday Parks, which is sort of a Crown trust, you have that issue where the board is set up to focus on the caravan parks. Maybe they do not get that balance right, so maybe the approval process actually has to have someone else involved; otherwise, it just seems at the moment that they get all the submissions, they ignore them—this is what people say—and they get what they wanted anyway. Maybe that approval projects for those caravan parks may need some sort of balance in the approval process or who signs off on it. You know, perception is reality sometimes. I suggest that just so that you can try to get that balance between the open space and the caravan park issue.

Mr DAVID SHOEBRIDGE: Have you had a look at the submission from the trust? They make it pretty clear that their interests are market focused, single-business focused, critical mass, ability to upgrade, professional risk management, workplace health and safety, but nowhere in there do you find environmental or servicing the local community. Is that kind of reflected in what you see?

Mr HICKEY: I am not saying it is reflected. I just think that board is set up to do exactly what you said.

Mr DAVID SHOEBRIDGE: Make money out of caravan parks.

Mr HICKEY: That is right. It is about everything in life—trying to get that right balance. Maybe you just need to look at why that board is set up.

Mr ARNOLD: I think that in the original plans of management that is probably right, it is about the operations commercially. I think in the more recent discussions where you have asked for details the focus has been how can you share the space and provide foreshore access to the community. Some of that may have to be achieved by reduced commercial use of some of the reserve areas in the holiday park

The Hon. SCOTT FARLOW: In terms of Tweed shire, I am interested in the pilot program. You have gone through and designated all your area in terms of local land and State significant land. As we learnt the other day the next step will be involving local Aboriginal land councils in that process. What can you tell us about that process from your understanding as to when that is rolling out, have you made any assessment yourself as to areas of significant land claims?

Ms TURNBULL: Following direct involvement in both land pilots a representative of the Crown came and visited our councillors to explain that the next step would be engaging with the land councils. I have

not had any reporting back, I am not aware of any reporting back as to how it has gone, how far it has gone, whether it is completed or any outcomes from that.

The Hon. SCOTT FARLOW: From your understanding you are not going to be involved in that process?

Ms TURNBULL: It was just to provide them advice and this was the process we undertook. I am well aware that there will be a lot of land claims that will be effected and brought in. I think it was to tease out the concerns of the Aboriginal community about where their claims might go and how much voice they will be given in the process. That process was a learning curve for the State Government. I have not seen any outcomes following our involvement. I think there is a lot more to go before they come back and say, "Okay, we have made a decision about how this is all going to move forward". I am surprised that this legislation has been drafted while this has not been finalised. I think there is a lot to be learnt through the process. It has not been finalised, particularly the consultation process, and it may impact on how the legislation would be drafted. For me I am still seeing two different paths that might be diverging which raises concerns for me.

The Hon. SCOTT FARLOW: Apart from the exercise have you been asked for any formal feedback from council at all in terms of your perspective on the pilot program?

Ms TURNBULL: Not so much formally. We have had three visits from the local land pilot team and at each operational meeting we do discuss the process, develop criteria and respond to the criteria that they set down—that is the criteria we developed in making our own assessments as to how we reviewed different Crown land parcels—and the last one was David Clarke coming and saying this is the next process, we have to go and engage with those other stakeholders because it is essential, we cannot move forward without doing that. That is essentially where it is up to as far as I am aware. That was the beginning of this year, that would have been January or February this year. That is not very long in the process. It took us several months, most of last year, from the commencement of when we were advised about it going through the process of reviewing and meeting.

The Hon. LOU AMATO: You mentioned about 29,000 Aboriginal land claims in New South Wales. Are you aware of how many claims are with each of your councils? You can take it on notice.

Mr SCHINTLER: No. We are not aware.

Mr DAVID SHOEBRIDGE: On that very point, land claims, it is a question to all the councillors. The State Government is going to do a once in a century review of the Crown Lands Act and how they operate. Crown lands is 42 per cent of the State. Given that the entirety of the State prior to colonisation was Aboriginal land owned and under custodianship of Aboriginal people, do you believe that in any new Act there should be a very clear primary objective of, as much as possible, retaining Crown land to Aboriginal people, recognising their ownership, prior ownership and in some way compensating for dispossession? You can take it on notice.

The Hon. LOU AMATO: Take it on notice if you wish.

Mr SCHINTLER: It is my understanding the Land Rights Act that was introduced in 1983 had bipartisan support for, and the principles that underpin that I would assume would carry forward.

Mr DAVID SHOEBRIDGE: Those principles informed the Crown Land Act as well?

Mr LEACH: From an officer perspective it would be an opinion only. I think something like that would have to come from a council.

Mr DAVID SHOEBRIDGE: We are happy for you to put it on notice.

Mr HICKEY: From a staff member perspective it is all about getting the right balance and how you keep the Aboriginal community involved. In Ballina Shire we have Jali as the land council but we have other Aboriginal families. Trying to get that representation right is not an easy thing. We have to take that into account.

Mr DAVID SHOEBRIDGE: What about the principle?

Ms TURNBULL: I think the principle is sound, but I think in recognising the vesting, transferring or granting of any land to any Aboriginal land councils it must be supported with funding and education to allow them to be able to do it. Do not give them something they cannot look after or you are providing a burden to them. I think you are setting them up for failure unless there is a support network around it.

Mr DAVIES: I largely agree with that approach. Our council is in favour of transferring all this land back. Given the fact of the magnitude this council struggles to manage the land and we are reasonably funded. They will struggle a lot unless supported. Things that we have found in particular is that there is very little understanding of the process of handing this land back. We have worked closely with stakeholders on all of

these matters to try and get some level of agreement, consultation and knowledge about the interested parties. It is a difficult process even when you are positively trying to make it happen.

The Hon. CATHERINE CUSACK: Can I clarify, are you saying that Lismore council wants to give all of its Crown land to the Aboriginal community?

Mr DAVIES: Not all of the Crown land.

The Hon. CATHERINE CUSACK: When you say, "Our council wants to give it all back", what do you mean by that?

Mr DAVID SHOEBRIDGE: They were not his words.

Mr DAVIES: As much as we possibly can that does not interfere with the fundamental running of the council and the community. There is community impact, there is impact on infrastructure and civil buildings.

Mr DAVID SHOEBRIDGE: It is the terms under which it is given back, public access and all of that, these are how negotiations work.

Mr DAVIES: Yes, exactly. It should be for the greater community and not for an individual benefit.

The CHAIR: We will move on to Mr Arnold.

Mr ARNOLD: Going forward, I would say we need to see it in the context so we can have a position on that, but looking back, Byron would support those principles and has worked with those principles over a number of years. There are three ILUAs (Indigenous Land Use Agreements) within our shire, which has meant that land has been transferred to council as part of those agreements and land has been transferred from council as part of that. What it has meant is that you had to look at the circumstances of the land and how it can be of benefit so it is not a burden to the council and not a burden to, in our case, the Arawkal Corporation. Council supports that process going forward and has a committee that meets on a quarterly basis that works through all those issues and looks at those. If that is embedded in the legislation and that relationship is embedded, then that would be a positive thing.

The CHAIR: I thank you all for coming to give evidence today. I know you have travelled little distance, but it was good to come up here to get your feedback. It is very important for New South Wales and particularly for the Northern Rivers region. If you have taken questions on notice, you have 21 days to reply and Sam and the team will help you out if you need some further assistance. We may put some further questions on notice, given your evidence. You will have 21 days to reply. Thanks for your input and for travelling across the mountain range to be here. Continue to enjoy this beautiful place north of Sydney.

(The witnesses withdrew)

DAVID BROWN, Chief Executive Officer, Jali Local Aboriginal Land Council, sworn and examined

LEWEENA WILLIAMS, Chief Executive Officer, Tweed Byron Local Aboriginal Land Council, sworn and examined

The CHAIR: Does anyone wish to make an opening statement?

Mr BROWN: First up, both of us have been involved with the land council system for a number of years now. I have been involved for more than 25 years. It has to be said that if you look at it in the context of land, land was one of the things that we were dispossessed of so far as colonisation in this country is concerned. We were stripped of our language, our culture and other things. The land is the core of our existence today, and I do not know whether I can explain it much more than that of what land means to us. Sorry for digressing a little bit, but we know, contrary to terra nullius, that our people were here for thousands of years. We knew that before the Government came out and legislated it. That is my opening statement, just letting you know how important land is to us and to Aboriginal people. Would you like me to continue?

The CHAIR: Would you like us to ask some questions? I am happy for you to keep going, if that helps?

Mr BROWN: That is okay.

The Hon. CATHERINE CUSACK: I would like us to keep going

The CHAIR: If you are comfortable to keep going, otherwise we will ask questions that will probably stimulate your thoughts.

Mr DAVID SHOEBRIDGE: Mr Brown, take your time.

Mr BROWN: Jali land council—I have just mentioned the statutory boundary—goes into four local government areas, and they are the Richmond River, the Ballina Shire, the Byron Shire, and also the Lismore council, so our statutory boundary goes into those four local government areas. So far as Jali is concerned, we were one of the first land councils to be incorporated under the 1983 Aboriginal Land Rights Act, so in 1983 Jali was basically incorporated. That is over 30 years ago. As part of what we do, we have lodged a number of claims over those years. I still need to make the point at the State level is that there are 27,000 unprocessed claims, which is certainly a concern for all of us Aboriginal people. So far as Jali is concerned, since 1983 we have had 36 claims granted, 97 refused and 159 incomplete. On those figures, I do not know how much of that 159, how long those claims have been with government to be processed. Since 1996, our records show that we have only had two land claims granted and one of them in the last two weeks on some land in east Ballina.

Also, it needs to be mentioned that I know it fixed other land councils in the State, but one piece of land, for example, was going to be granted back to us but it was contaminated land. In other words, as we see it, the government was going to shift that responsibility for rehabilitating that land back onto the land council with no resources to go with it. We did not receive that land claim. I just mention that because contaminated land is also in other parts of the State. Like I mentioned, we have had two granted since 1996, which is two in 20 years. So far as we are concerned, it is very, very disappointing. It has to be said, look, so far as the land rights Act is concerned, again, I have been involved for a number of years, and in those years since 1983, it has to be said that State governments have tried at one time or another to dismantle or weaken land rights. It is something that we have to fight for as Aboriginal people to ensure that the legislation is administered as per the legislation, and if there is any deviation from that legislation, that is when we get up and protest. Like I said, since 1983 governments on both sides have tried to weaken or undermine land rights. That is how we see it.

On the land rights Act, there is a section in that Act—I know it was mentioned here a minute ago, about Aboriginal owners. Now, that is part of the land rights Act that has to be looked at. I do not want to move the focus on to there, but I need to say that because that part of the Act is having an effect on our operations and, to me, it should be superseded by the Commonwealth Native Title Act, so far as Aboriginal owners are concerned in the land rights Act. I just make that point. That section of the land rights Act may need amending, because not only our land councils—I am sure other land councils are in the same category as us. For us to do things as a land council, we are having a section of the Act where the Aboriginal owners are saying they have more say in the land, and they are also members of our land council. So it is complicating things on the ground as far as what we want to do with our land and how we are managing the land. When governments hand back land—Jali has a far tract of land granted in the Ballina shire and that comes with the different zonings. So there are some parcels, for example, that we may be able to build on and there are some with conservation values and that type of stuff. Excuse me, I am talking generally now but any questions of importance can be taken on notice. If I could just finish?

The CHAIR: Go ahead.

Mr BROWN: I just want to say that when land is handed back as part of land claims what we are finding is that we are land managers—land councils are also land managers—and most of the time we don't have the capacity to properly manage our land and we are reliant on grants out here whether they be State or Commonwealth grants to maintain our land. To me there seems to be a gap there and maybe the solution there is more engagement by local government and State government in looking at joint ventures, for example, in talking about enterprises and that. There are some parcels of land, for example, that we will never ever touch because we know there are sites there and those sites are certainly very special to us as part of our culture. The land handed back, we have all different types of zoning and our capacity to manage that is very hard considering that we only get a certain amount of administration money under the Aboriginal Land Rights Act.

So what I am saying there is that there seems to be this lack of resources for us or the lack of capacity in some cases for us to properly our land. Out here, like I say, we are relying **on the grants to apply for grants. To me a much more—taken in conjunction with the Aboriginal Land Rights Act a much better way would be to look at it: Okay, we are here. We are not moving anywhere. We have been here for thousands of years. Let's look at joint ventures. The question is whether local government or State government come into look at joint ventures here, for example. When I say this I am talking on the enterprise development part of our land but there are other zoning parts of the land that we need to look at as well as part of that management. That is what I would like to say, just those four points but I can take questions.**

The CHAIR: Did your group make a submission to the State Development Committee about Aboriginal economic benefits?

Mr BROWN: Did Jali Aboriginal Land Council?

The CHAIR: Yes.

Mr BROWN: No.

The CHAIR: Currently there is a live discussion paper that you might want to contribute to because we have taken some evidence about joint ventures and development corporations working with the Aboriginal community to develop Aboriginal housing or housing opportunities and resources.

Mr BROWN: One example at the moment is that we have a quarry that was acquired via a land claim and one thing we don't want to do at the moment is to operate that quarry. I mean the freeway is 500 metres from that quarry so we are in the process at the moment of looking at developing that quarry. The quality of the rock is not up to standard to look at roads but maybe look at offsets or whatever or roads within the shire. But again that is one piece of land that we were fortunate enough to have granted. The potential there is for an enterprise, of jobs, income turning back into the land council to provide jobs and other things over here. Just on that, every land council has a community land and business plan so we don't—we are not going here and there, we do have a plan that we work to. Land is the most important part of that plan—what we do with that land and how we manage it. I would just like to mention that part.

The CHAIR: Ms Williams, do you wish to contribute in any way?

Ms WILLIAMS: First of all I am nervous so excuse me.

Mr DAVID SHOEBRIDGE: So are we. Ms Cusack, as you know, is local. Mr Farlow is from Sydney.

The Hon. MICK VEITCH: I am from Tumut: Wiradjuri.

Mr DAVID SHOEBRIDGE: Mr Amato is from the Southern Highlands.

The CHAIR: My forefathers are from Bundjalung land.

Ms WILLIAMS: We could be related.

Mr DAVID SHOEBRIDGE: I am from Sydney.

The CHAIR: I have some history up here. I am at home really.

Mr DAVID SHOEBRIDGE: We come from all around the State. We just want to hear what you have to say.

Ms WILLIAMS: I would like to open by saying I am a proud Gumbaynggir-Bundjalung woman. I have been given the honour I guess of presiding over our land council boundary, to take care of country and all that entails. This includes looking after the—they refer to it as—"stones and bones" but also looking after the intangible things, which is very important to our people. It is also about balancing how can we use the land base that we have to create our own economy to move forward in modern society. I guess what governs us—I am

going to echo the same sentiments as Dave has—first and foremost we are driven by our cultural responsibility, secondly comes the legislation that we work under. So everything we do is underpinned by those cultural principals and we cannot deviate from that because there are repercussions for us as Aboriginal people. This is in the Aboriginal world where we not only have our community to answer to, there are also repercussions spiritually for us. It is important for you fellas to understand that because that is the basis of where we operate from.

The land is I guess the physical side of it to make amends for what was done in the past. Balancing that and navigating through the different legislation as well as balancing our cultural responsibilities can, as you can imagine, be very difficult to work through. We are constantly bombarded with things like when people want to change legislation or, we feel, water down the legislation that is our core function. Things such as the Crown lands bill that came in a couple of years ago, that was an attack on our legislation and therefore that is an attack on us as individuals. That is an attack on me as an Aboriginal person to fulfil my cultural responsibilities under my legislation or our legislation I should say. As I said, with that comes employing people, giving them jobs to be able to create their own economy to go and buy their own homes, to take care of their families and so on and so forth. It is also about allowing people, if they are within country, to be able to access country and do what we have always done: access waterways and continue to feed our community with nutritious food from the bush and from the sea. I am a coastal woman and that is very important for us.

We are not only looking after the land, we are looking after the waterways and as a result the general population benefits from that. So when we are looking after fish habitat areas the general public is going to benefit from those breeding grounds because everybody likes to fish and everybody likes to have a feed of fish if you like. I am probably going off the way a little bit here but I guess generally that is it. There is a lot more to say. I could say a whole lot more but that is generally it. Sometimes for us the responsibility can be quite heavy, it can really heavy. Unfortunately for us or fortunately, depends on which way you look at it, we can't escape that responsibility. We can't say, "You know what? It is too hard, I am out of here."

We have to do what we have to do. We have been called into these positions by our old people. It is not a matter of a career choice: "I am going to be a CEO of a land council because that is my career path." It is a responsibility that we have been driven to. Our old people have called us to do this job and we are trying to do it as best we can within the framework and the different legislation that links with the Aboriginal Land Rights Act. We are doing that as best we can, as well as meeting community expectations and cultural responsibility.

The CHAIR: Well said. We have a couple of questions.

Mr DAVID SHOEBRIDGE: Did you hear the evidence of the councils earlier? It was Tweed Shire Council that had the pilot program, was it not?

The Hon. SCOTT FARLOW: Yes.

Mr DAVID SHOEBRIDGE: Did you know that one of the proposals for changes in the Crown Lands Act is that land will be handed back from the Crown to local councils? When the land is handed back to local councils it ceases to be claimable land; it cannot be claimed under the Aboriginal Land Rights Act. Were you ever approached by State Government or by Tweed Shire Council to have discussions about their pilot project about transferring land?

Ms WILLIAMS: I heard a little bit—probably the tail end of it. Our land council is a member of the Aboriginal Advisory Committee within the Tweed Shire Council. That has been operating for a little over 20 years. We have given ourselves a very strong voice and a seat at the table there. We became aware of the pilot project through our State Aboriginal Land Council members. We took it back to our council and said, "We need to take a seat at that table. We must be at that table. You cannot continue to have a relationship with us if you do a deal behind our backs—if you are basically shaking our hand while stabbing us in the back by doing a private negotiation with the Government."

Mr DAVID SHOEBRIDGE: What did council say?

Ms WILLIAMS: They flew the flag for us, I believe. That is my understanding. We have a couple of councillors that sit on that committee as well. We work in collaboration with them on a number of projects throughout the shire on all types of Crown land within the shire and other business that goes on within the shire. There were some people who we knew were going to fly the flag for us. Fortunately, that got up, as far as I know. We were concerned that the council had been forced into this confidentiality agreement and that we were not privy to any of that information, especially given that whatever changes were going to happen would directly impact our legislation and our community.

Mr DAVID SHOEBRIDGE: I have a last question on this before I hand over. Mr Brown and Ms Williams, if the State Government is going to change the Crown Land Act and we will potentially see large amounts of Crown land cease to be Crown land and be handed back to councils—as I said earlier, that would mean that is no longer claimable land—do you feel that the lands councils are adequately resourced to be able to engage with that process and understand the complexities for all the different parcels of Crown lands in your local area or do you think something else needs to be done to properly resource you to engage in that process?

Mr BROWN: If that is the way things are going it blocks us out of the process. What is the issue? The issue is land. If we are going to be blocked out of the process of Crown land as part of the Land Rights Act that is a big concern.

Mr DAVID SHOEBRIDGE: Let us assume that the Government expresses a willingness to have you engaged in that process. I hope that it would. Do you have the resources at hand and the skills on the ground to be able to be meaningfully engaged with this?

Mr BROWN: The simple answer, as far as Jali is concerned, is no—not at this stage.

Ms WILLIAMS: I express the same sentiments; yes.

The Hon. MICK VEITCH: Thank you for coming today. Thank you for your statements; that was quite valuable. I would like to continue on with regard to the relationship you have with the councils. Obviously, Ms Williams, you have had a long period of engagement with the local councils. Mr Brown, is it the same with Jali Local Aboriginal Land Council? Do you have some sort of formalised process with the councils as well as any formal process with the council?

Mr BROWN: Operation-wise, we have a very good relationship with Ballina Shire Council. As far as Byron Shire Council is concerned our statutory boundary goes into Byron Bay. If, for example, there is development in Byron Shire I have tried to communicate with them. Byron Shire has a heritage committee and my view is that we should have a separate committee involving the native titleholders and the Aboriginal local land councils that basically looks at digging into the ground. That is what I am getting at. In Ballina shire if there is any development we have an arrangement where we sent our cultural officers in to do cultural surveys of the land. Bear in mind that in this whole land right along the coast there are piles of evidence of our pre-existence here.

I am probably getting off the track here but, as I said, we have been working on our relationship with Byron Shire Council. That is in progress but it is something that we could work on. We have very little to do with the other two shires—Richmond Valley Council and Lismore City Council. As I said, most of our landholdings are in the Ballina shire and we have a good operational working relationship with the shire.

Ms WILLIAMS: Can I just add that for Tweed Byron, that 20-year relationship was hard fought. It did not happen just out of the blue. We had to fight for many, many years to strengthen it to the position where it is today. That committee which the Tweed Byron Local Aboriginal Land Council sits on is also made up of other Aboriginal organisations within the shire. There are also people who sit on the committee who have native title interests within the shire. We believe that that model is a very good working model for us. Development applications and the like are on the table for us to work through together.

Respectively, each of those people who are at the table have to go back to their groups. If there are things that need to be agreed to or if there needs to be further discussion we have to go back to individual groups and then come back to the table and work together for a resolution with council. Obviously it is not always smooth sailing. There are still people employed in council, as well as some councillors, who do not, I guess, value the Aboriginal position or our voice with regard to Crown lands and other matters.

The Hon. CATHERINE CUSACK: Thank you both for your evidence. Mr Brown, in addition to the dispossession of Aboriginal people of their land, the history here has been particularly brutal, hasn't it?

Mr BROWN: Yes. In the local area from Evans Head to Byron Bay there were several documented massacres of our people. I am a survivor. My ancestor—my great great grandfather—who was born in Ballina in 1840 was a survivor of one of those massacres. These things did take place. There is no doubt about that. If you want to talk about that, these things have to be put on the table and talked out and natted out, or whatever, so that everyone has an understanding. I am not talking about walking around with a black armband or that sort of thing. We want people to understand what happened when this country was colonised and how everything was ripped apart, in a very short time, from our people and from our culture. In the last 30 years we have been trying to get back some of our land—to claim some of our land—that was taken from us during the dispossession of the colonisation.

We are also looking at reviving language. The Gumbaynggir language is now a language that is being taught, it is part of the State curriculum as an option. We understand the history of our people and I do not think a lot of people understand the history, there must be more education. The witness hit on things such as within government departments there are individual public servants who have this institutionalised view of us, a racist institutionalised view. I am not saying it is across the board but certainly public servants that we deal with do not understand the true history of this country. As far as we are concerned up here true stories have not been told.

A lot of that history has not been documented. What we are doing out here, not as part of the land council, is understanding our history and genealogy. All of these things have to be put on the table and discussed properly so we can move on. Education is most important here. As part of our land holdings we have what is called an indigenous protected area which is an area constituted under the Federal legislation. We get an amount of money to administer that land. There is flora and fauna that is protected, it has to be. We have to look at fire management. That is what we are doing at the moment.

We are looking at it as an education thing. In the last two years we have had a lot of primary school kids coming along and they are jumping out of their minds when they realise and see things such as a shell in the ground. The bigger picture is that Aboriginal people are aware there are certain things that were not told to us that we are finding out. We must educate the broader community if we are going to move on properly as a society. I am talking overall generally. Things like massacres and dispossession and all these things need to be put on the table and understood.

The Hon. CATHERINE CUSACK: The reason I asked the question is that in addition to the cultural significance of the land there is a more modern significance, for example, massacre sites in the area.

Mr BROWN: We know that massacre took place in east Ballina. There are some parcels of land where we are co-managing with the Ballina Shire that will never be touched. We are confident there are remains within those areas. We can tell this because there are plants there that require calcium as part of its growth. I have been told that. There are trees over there that rely on calcium so these are parts of land that hopefully will never be developed. They will be there preserved and maintained.

The Hon. CATHERINE CUSACK: I am a local and I have researched this and I have been astounded at the local history here. I can only endorse what you are saying. It is not easy for anybody to talk about it but the fact that nobody talks about it means that it is not well known. For example, the bicycle track on the coast road I understand traversed a massacre site. Do you have knowledge of that?

Mr BROWN: Maybe not a massacre site. Besides massacre sites there are other sites of significance as well. There are birthing and initiation sites.

Mr DAVID SHOEBRIDGE: Middens.

Mr BROWN: One thing about our people, we did not go far from the area because there was abundant food and water. There was no need to travel or go anywhere else.

Mr DAVID SHOEBRIDGE: It has always been a fabulous place to live.

Mr BROWN: Yes, it has.

Ms WILLIAMS: Could I add something in relation to sensitive areas. A lot of the work we do in the Tweed around sensitive areas is a mapping project we have done with the council. I guess that is what I was alluding to before. When we are looking at Crown land and land claims it is not simply under our legislation we have been handed back a piece of land. All land is significant but for the most part there are very sensitive sites within some of these land claims. Outside of that, on Crown land, there are sensitive sites in those areas. We are trying to give a platform for you to understand that. That is why we fight so hard.

Our cultural responsibility is that in some of those areas we are not allowed to go to because there are things that can happen to people. What we are finding now is people are contacting our land councils because there are things happening to them where their houses are built or they have built nearby which we have time and time again said that area is a no-build zone, it is a no-go zone, but because it is Crown land and we do not have ownership. We do not have any control over that. It appears that we are standing there with an armband and they say it is just us being political activists, but it is much deeper than that.

Mr BROWN: Could I add to what my colleague has said. I have had three incidents similar to the cases with people having experiences they cannot explain because they are building or living in a particular area.

Mr DAVID SHOEBRIDGE: This is a question to both of you. I asked it of the councils earlier. We are doing a once in 100-year review of the way the Crown Lands Act operates and the way it works. Do you believe, given that all of this State, the entirety of it, was Aboriginal land before colonisation, and we are now talking about the 42 per cent of the State left as Crown land, do you believe that in any new Act there should be a very clear very central objective which says wherever possible Crown land should be returned to Aboriginal owners and Aboriginal people as a priority? Do you think that should inform any new Act?

Mr BROWN: I believe so. But along with that it is okay to hand back Crown land—

Mr DAVID SHOEBRIDGE: It needs to come with support.

Mr BROWN: Yes, it needs to come with support and maybe build capacity for management. When Crown land is handed back again it comes with zoning. It allows sometimes for us to develop enterprises. I will give an example, we have a tract of land north of Lennox Head and a lot of that is tea tree country. We have been approached by bee keepers. That is something that we can look at as income from our land so we can manage it properly over here with fire control. We are not in it for a profit. Land councils are not profit making. We have to somehow manage very small amounts of money we get to manage the land councils. We only get a certain allocation under the Land Rights Act. Hand back our land and give us the capacity to manage our land. That is the message.

Mr DAVID SHOEBRIDGE: Do you share that position?

Ms WILLIAMS: I think definitely. What we always say is that we need to have a seat at the table. Our voice needs to echo wherever it is needed. A lot of the time the Aboriginal community is the last voice to be considered. Sometimes our voice is used as the last flag to fly in a debate. If someone is fighting over Crown land they will go through every other measure and at the tail end of it the Aboriginal flag is referred to or they want to use the Aboriginal flag to support what they are saying. It is not necessarily because they are supporting what we stand for, it is support for their cause. We are saying at the forefront of everything we need to have a seat at the table. We need to be meaningfully consulted at the very beginning. So before anything is put in concrete or put into legislation, we want to be there at the beginning and have the input and have meaningful dialogue.

The CHAIR: Ms Williams, do you know how many land claims have been established in your section, and how many have been approved?

Ms WILLIAMS: For us, at the moment, in the last year, or really in the last couple of years, we have been granted one land claim. It was a very controversial land claim; I am not sure if you are aware of it. It is lot 490, which sits up in the Tweed Shire. I would like to talk a little bit on that claim, if I could, because what happened is that claim was interfered with. Politicians actually interfered with that claim. They gave the illusion to the general public that that claim—there was actually no mention of the claim, but they wanted that piece of land to turn it into a national park, or whatever it was, some type of parkway, and they were absolutely ignoring the land claim that was there, and they were giving people the illusion that they could go ahead and do that if they drummed up enough support and made enough noise to the media that basically the claim would be wiped. So we sat back quietly. We knew that, by law, that could not happen.

But, as you can see, we are not just fighting to get this backlog of claims to be dealt with that have been sitting on the table since 1983, we are dealing with the general public perception. It is not everybody, but there are groups of people that believe that land councils are not capable of managing Crown land, that we will not fulfil the wishes of anybody and that our ulterior motive is to be greedy, block everything off, and that we just do not have the capacity to manage it. For the Tweed-Byron Aboriginal Land Council, we have actually been granted quite a large portion of beachfront on the Fingal peninsula. We have had that for many years. We work tightly with the local community, we work with the Coastcare group, the bird observers, the primary school, and we run a lot of educational programs.

There are a lot of people in the community that believe it is wasted bushland, it is doing nothing—"Why are these Aboriginal people not doing anything with it; they are wasting it away." For us, there are sensitive areas there; we cannot do things with it, but we also use that land as an educational tool. It is not just sitting there doing nothing. We are actually educating primary schoolchildren, university students, and corporate groups. They come in and we take them on tours, or whatever it is. We are not getting money for that but we are passing on something to the community, to the general public, not just to our own communities.

Mr DAVID SHOEBRIDGE: Ms Williams, we have pretty much run out of time.

The CHAIR: I want to finish with a question, if I could.

Mr DAVID SHOEBRIDGE: More detail on notice about that would be appreciated.

The CHAIR: You are more than welcome to give us written evidence on any of those issues. I want to talk about the dispossession of land. In my view, if you give it back it should be given back in the spirit it was taken. It should be unencumbered by all of the things that we have put over that land to date. You should get it back and your autonomy of what it means to you, how you want to treat it, should be up to you. Do you think that is a fair comment? Whether it be zoning laws or environmental laws, it should really come back to the Aboriginal people to choose where they put that piece of land in light of the community, environmental values, joint ventures, or the opportunity to be self-reliant in economic terms. Do you think it should be unencumbered?

Ms WILLIAMS: Absolutely.

Mr BROWN: Yes.

Mr DAVID SHOEBRIDGE: Irrespective of the environmental controls and the environmental values, you do not want to step entirely outside of that.

The Hon. CATHERINE CUSACK: Can we hear the answer from the witness?

The CHAIR: I would like an answer.

Mr BROWN: Local government can look at joint ventures with local land councils, that is all positive, in the bigger picture.

The CHAIR: That is what my point is. Everybody is quite cool to give it back, as long as you do not touch it, or you do not use it.

Mr DAVID SHOEBRIDGE: I do not think that is true.

The CHAIR: There is an underlying current of some of that, but the whole idea is the value to make some sort of opportunity out of it. Sometimes you may need to protect it for culture and customs, but sometimes you might want to do something with it economically. Yesterday we took evidence that even the Aboriginal land claims should come under our environmental values that we have put on that land. How do you feel about that sort of evidence?

Ms WILLIAMS: We need to have the autonomy to do with that land what we feel is best to get the best outcomes for our people. There is a lot of red tape that gets in the way of doing that. I guess with the unfulfilled land claims that are still on the table—and I keep going back to that—that our Act has not been fulfilled in the spirit of the intent. That aside, the backlog of land claims that have not been fulfilled, there is also the other Crown land that sits outside of that. We want to sit at the table to discuss that because we believe there are a lot of values there that we believe we have the capacity to manage, to deliver not only to our community but to the general public. So we have the capacity to run joint ventures where everybody benefits, not just our own Aboriginal community.

We are in discussions at the moment with some members of our council through our Aboriginal Advisory Committee about the land council being in the best position—Aboriginal group within our shire to look at managing some parks on behalf of the shire, so those discussions have already taken place. There is probably a long way to go, but somebody is listening, which is the most important thing, and they are taking notice that these guys can actually do it. There is actually a wealth of knowledge. It might not come from a university degree but there is a wealth of knowledge to manage land that can also take us down that economic track as well.

The CHAIR: The Government's statement of what is high-valued environmental land may not have the same observation that you may have for a piece of land, therefore, you should be able to utilise it for whatever your group determines is in the best interests of your local community.

Mr BROWN: The Aboriginal people's thinking and concept of land is different to the broader community.

The CHAIR: That is right.

Mr BROWN: Leweena has hit on it there. The question is asked by non-Aboriginal people, "What are they doing with the land?" They have a commercial understanding of land, whereas land is a much deeper part of us and it has been for thousands of years. You know, you have taken away our land, taken away our language, taken away our culture and heritage. You have focused on reserves—when I say "you", you understand I am saying governments have. This is what we are dealing with today. The old 58—what was it—ex-missions in this State, today we are dealing with the damage that has been done in the last couple of hundred years. When they started these reserves or operated them, the old ex-missions, they took people from different

countries, different language groups and said, "You cannot eat traditional food, you cannot practice your traditional ways. Here is the house on a mission. Here is your bread, your flour, your sugar and your blankets."

Now, that has happened in this State over the years since colonisation. For example, today we have Cabbage Tree Island, which is a remnant of those policies in those days, and we are also managing an ex-reserve today. So our possession of land is certainly different from the wider community, because we are trying to get some of our traditional lands back. Leweena is certainly correct. Some of our sites, which are very important to us, are on private land, and the protection for that licence is very thin because we allow a little bit of legislation under the old Environment and Heritage Protection Act to protect that, but the protection is not there. Developers in the past have been deliberately restoring sites, and they know they are only going to get a smack on the hand, a \$1,500 fine—I think it is going back a few years—for destroying a site that, to us—

The Hon. LOU AMATO: Is important.

Mr BROWN: It is very, very important.

The CHAIR: Mr Brown, I am sorry to cut you off but we have gone over time. Your evidence has been very important to this inquiry and I thank both of you for presenting today. You have taken a couple of questions on notice about land claims and there may be some further questions on notice. The Secretariat will help you to get your answers to the Committee within 21 days. Once again, thank you for the deep love for your people and the land and for your evidence today.

(The witnesses withdrew)

JOHN DUNN, President, Brunswick Heads Progress Association, sworn and examined

LEONE BOLT, Member, Brunswick Heads Progress Association, sworn and examined

SEAN O'MEARA, Member, Brunswick Heads Progress Association and Brunswick Heads Foreshore Protection Group, sworn and examined

The CHAIR: Would any of you like to make an opening statement?

Mr DUNN: Firstly, on behalf of the association I would like to thank the Committee for the opportunity to present here today. It reaffirms our faith in democracy to actually be heard by politicians, particularly after the circus of elections that seem to go on. So this is very refreshing, thank you. Ms Bolt is going to speak first.

Mr DAVID SHOEBRIDGE: Thank you for your detailed submission.

The CHAIR: Both of them.

Ms BOLT: I am speaking to the submission on the foreshore parklands at Brunswick Heads and then Mr Dunn will be speaking to the caravan parks so we did two submissions there. I would just like to start by talking about Brunswick Heads. It is a small coastal village with a population just over 1,600. We are totally surrounded by nature reserves. We have maintained our village feel because we have had no urban sprawl whatsoever and to that point we are very unique, I would suggest, even on the eastern seaboard of Australia. So we are surrounded by nature reserves. We have three arms of the river meeting the ocean and along the river around the central business district, we have open grassy foreshore parklands surrounding the central business district, and there is access all around the town via the edge of the river and then we have some more grassy foreshores on the other side of the river between the beach and the river. So it is a huge part of what gives Brunswick Heads its unique feel.

The CHAIR: Are those 1,600 residential lots the full capacity of the urbanisation of Brunswick Heads?

Ms BOLT: The population is 1,600, so there are less lots. At the entrance to Brunswick Heads there is what is called "Bayside". It was a later development and it still has another stage to go. Other than that the actual original village is bounded by nature reserves.

The CHAIR: But there are no more lots in that area.

Ms BOLT: No, none. So there is virtually hardly any new building because there is no land. We believe as residents that those open grassy foreshore parklands give Brunswick the feel and ambience that is drawing people there—if any of you have ever been there you will know what I am talking about.

Mr DAVID SHOEBRIDGE: It has a lovely laid-back beautiful feel, does it not?

Ms BOLT: It harks back to how it might have been in the 1950s. It is just grassy access all around the river. It is just calming for the soul. People come from all the local areas, south-east Queensland, and it is very common to see three generations of a family picnicking on the edge of the river or walking around enjoying the town. We value that as residents and we want that considered in any development by Crown Lands. We have had a number of issues come up with Crown Lands or developments or proposals and as a residents group we believed there had not been any consultation so we took it upon ourselves to letter drop every resident in town and hold public meetings to inform the residents about any plans.

We also took the opportunity to give residents the chance to give us feedback and we have put that data together and that is available in this submission. To date we have not really been listened to. We feel we have been neglected as well, that our parks aren't maintained and that our toilets are an absolute disgrace. We are glad that somebody is looking into it.

The CHAIR: Are there any further opening statements before we continue with questions?

Mr DUNN: I am aware of the time. The secretary of the association is the expert on the caravan parks, the holiday parks, but I will attempt to answer any questions you have. Perhaps you would like to move forward in that way.

The CHAIR: What is your general concern with the caravan parks?

Mr DUNN: Well it is outlined in our submission.

The CHAIR: Is that where you talk about their sale if they are essentially privatised?

Mr O'MEARA: John, if I could just cut in?

Mr DUNN: Sure.

Mr O'MEARA: This has been going on for about the last eight years since the caravan parks were taken from Byron Shire Council and handed over to Crown Lands. It has been mentioned four times in Parliament and there has been huge backlash from the community. Because these caravan parks have kind of developed ad hoc on the river bank—when it was taken over it looked as though we were going to lose about 70 per cent of the town's access to the river. These caravan parks aren't out of town, they are in the middle or centre of the town. It looked as though 70 per cent of the town's foreshore was going to be blocked because of the privatisation of these caravan parks and that is why there has been such upheaval in the town. Opposite my property I walk 20 metres across to put my canoe in the river and it was looking like I was not going to have access to the river. Four generations of my family have just been able to walk across the park and play and fish and swim in the river.

Mr DAVID SHOEBRIDGE: Can you tell us about the consultation you had when these new proposals were being drafted and who engaged in that consultation?

Ms BOLT: There was one meeting held to inform the plans and management and that had five stakeholders—I have got it listed here. They had a representative of the Chamber of Commerce; they had a representative of the Brunswick Valley Woodchop, who runs the local market and runs the woodchop at Christmas; they had the McGregor's Family Carnival, who comes into town and does the carnival at Christmas; and they had Russell Siwicki representing the carnival committee. That was all. They did one walk around and minutes of that meeting are available. No residents were ever involved in any consultation before the plans of management, this particular one in 2014.

Mr O'MEARA: They were all commercial interests.

The CHAIR: And the plan of management is not signed off at this point of time?

Mr O'MEARA: Yes, it is.

Ms BOLT: Yes.

The Hon. CATHERINE CUSACK: Was the council consulted?

Ms BOLT: Byron Shire Council?—I am not sure. No, they only put that one forward.

Mr DUNN: I think I need to clarify some things here about the caravan parks—the holiday parks—because they are a large part of the lands management. There are several issues about the operation of holiday parks. One issue is with the boundaries. Holiday parks are actually operating outside the legal boundaries. That is a consequence of the history. It has been a very popular place, particularly at Christmas time and at Easter. Caravan parks had adjoining Crown land park lands. At Christmas and Easter traditionally the overflow from caravan parks would use those spaces.

The CHAIR: For camping?

Mr DUNN: Camping, yes. At the end of the holidays it is packed up and it reverts back to park lands.

Mr DAVID SHOEBRIDGE: So it is a sort of a seasonal expansion.

Mr DUNN: It is a seasonal thing.

Mr O'MEARA: It was for four weeks of the year and it was called primitive camping. There was no power and no infrastructure.

Mr DUNN: Over time that informal arrangement has been formalised where caravan parks are operating outside their boundaries.

Mr DAVID SHOEBRIDGE: Not just seasonally?

Mr DUNN: Not just seasonally; all the time. It was recognised in 1988 by the council that that was the case, and council have, in each of their licence agreements before the Crown took over, specified that the overflow was only for Christmas and Easter. But that was ignored by the licensees and when Crown Lands took over the parks in 2006 they continued to operate outside the boundaries. As it has become more and more popular, and to make it commercially viable, structures have been built on those encroached lands.

Mr DAVID SHOEBRIDGE: Has it ever been regularised? Have they ever been granted official rights or a licence to expand? I know that the council says that it is the body that is determining this and it keeps getting ignored. Is that the situation?

Mr O'MEARA: They are totally ignored.

Mr DUNN: The council has, over the years, given conditional approval to operate but they have specified that the caravan park should not operate on the enclosed lands, or they have put in place that future operations would be within the legal boundaries and not operate on the encroached lands.

Mr DUNN: None of them has a licence.

Mr O'MEARA: Council has repeatedly given a conditional interim approval to operate. The last was in 2014, and it has expired. So, since 2012 one of the caravan parks, the Ferry Reserve, has not had a licence from council to operate. The other two have not had one since February 2014.

Mr DAVID SHOEBRIDGE: The long and the short of that is that these are being operated by the New South Wales Crown Holiday Parks Trust. Is that right?

Mr DUNN: Since 2006.

Mr DAVID SHOEBRIDGE: And they have been operating unlawfully, off and on.

Mr DUNN: Yes, since 2012 and 2014, and off and on. It has always been a conditional of council that the parks will operate within their boundaries, eventually. The council has been very patient saying, "Yes we understand that this might take time," and they have granted interim licences. They have stopped granting interim licences. With the plans of management in 2014, for the first time the plans of management ignored council resolutions over the years saying that the parks should operate within their legal boundaries and just assumed ownership of—

Mr DAVID SHOEBRIDGE: So we have had the NSW Crown Holiday Parks Trust thumbing its nose at the law and the plans of management being signed off by the Minister. But when you raise these issues what happens?

Mr DUNN: We did not get anywhere. The plans for management were signed off on. We believe that the Minister was probably poorly informed.

The Hon. CATHERINE CUSACK: Can I just clarify one thing. You said that there were interim approvals. What were they?

Mr DUNN: Under the Local Government Act, section 68, a council has to give an approval to operate. That is what council had given Crown Lands, but always specifying that eventually they should be operating within their boundaries.

The Hon. CATHERINE CUSACK: But the interim approvals related to the overflow section.

Mr DUNN: Yes.

The Hon. CATHERINE CUSACK: I understand your objections to that, but it was getting interim approvals from the council. Is that correct?

Mr DUNN: Yes, but the resolutions from council were conditional that the parks operate within their boundaries. Council said, "We will grant you an interim approval to operate because you have taken bookings and you need to operate on a day-to-day basis."

The Hon. CATHERINE CUSACK: Is this the licence for the caravan park itself?

Mr DAVID SHOEBRIDGE: Both.

Mr DUNN: Yes.

The Hon. CATHERINE CUSACK: So the park has not had an unconditional operating licence.

Mr DUNN: No.

Ms BOLT: None of them has

The Hon. CATHERINE CUSACK: For how long has that been the case?

Mr DUNN: That would be since 2006, certainly. And it predates that.

The Hon. CATHERINE CUSACK: When council issues the licence do residents have an opportunity to comment on the licences? Is there any review of the licence that residents can be involved in? I assume that had a lot of input to council about this problem.

Mr O'MEARA: We—the residents group—have been very vocal with council. Council has been behind us all the way.

The Hon. CATHERINE CUSACK: Why do they keep issuing the licence?

Mr O'MEARA: I am not sure.

Mr DUNN: You would have to ask council that, really. I can only assume that it is for day-to-day management reasons.

Mr DAVID SHOEBRIDGE: There is a benefit in having the caravan parks operating. They are trying to address the irregularities. Shutting them down is not the answer.

Mr DUNN: Exactly.

Mr O'MEARA: And they have bookings from year to year—people come back every Christmas.

Mr DUNN: It would be a really difficult thing to shut the business down. It appears that the licensees have been taking advantage of that.

The Hon. CATHERINE CUSACK: And the licensees are the NSW Crown Holiday Parks Trust.

The CHAIR: The managers.

Mr DUNN: Yes, it is the NSW Crown Holiday Parks Trust.

The Hon. CATHERINE CUSACK: Who is actually operating the caravan park?

The CHAIR: There are managers, aren't there, with a tender?

The Hon. CATHERINE CUSACK: Is it a company?

Mr DUNN: I am not sure but they would be leasing.

The CHAIR: They normally tender.

Mr DAVID SHOEBRIDGE: We are going to hear from the NSW Crown Holiday Parks Trust later today.

The Hon. CATHERINE CUSACK: I am just trying to understand who is breaking the law here, or who is breaching the conditions. It is the operator.

The CHAIR: The operator would be.

The Hon. CATHERINE CUSACK: Can somebody just tell me who the operator is?

The CHAIR: More than likely it would be a tender situation. A local council would get an operator for the park and they would be taking advantage of the overflow, one would think.

Mr DAVID SHOEBRIDGE: We will find out. The council has been cut out of this one.

Mr DUNN: We would like to clarify that.

Mr O'MEARA: The Crown directly has put the manager in.

Mr DAVID SHOEBRIDGE: The Trust.

Mr O'MEARA: Yes, the Trust.

Mr DUNN: That is how it operated prior to 2006. Then the what is now the Crown Holiday Parks Trust took control of the caravan parks. So they are tendering out to others.

The CHAIR: That is right. So the council is removed from it and the Trust is running it.

Mr DUNN: The only role council now has is under the Local Government Act. It still has to give a licence under section 68 of the Local Government Act. Currently, we believe it is in the interests of the Crown to forestall and continue operating for as long as possible, because under new legislation that granting of approval to operate—it is called a licence—by council will be removed. It will no longer come under the Local Government Act.

The CHAIR: Council could send a ranger down there and ping anyone who is camping on that site.

Mr DUNN: At the moment, yes.

The CHAIR: I am aware of time and I want to move on. I think we are going to have some answers later through the Crown Lands Trust, as well.

The Hon. MICK VEITCH: In your submission there is a word that I would like you to advance, extrapolate on or explain. You talk about the development of plans of management and community consultation and you say that there should be "meaningful" community consultation.

Ms BOLT: Yes.

The Hon. MICK VEITCH: What do you mean by "meaningful"?

Ms BOLT: I would mean that the community is consulted in the planning stages before any plan is put together, to have input and to give feedback.

Mr DAVID SHOEBRIDGE: Rather than it being a fait accompli.

The Hon. MICK VEITCH: What should that consultation look like?

Ms BOLT: They should come and ask us to meet with them or have discussions. All the consultation we have had has, pretty much, been after the fact. When we have had consultation they have changed. For example, with respect to the dredging they changed the position to go behind Harry's Hill to protect nesting birds. On the walk down to the break wall they left a sand track on the side for surfers and children. We are the people who love our town. We have the best interests and we might often have the best ideas. There is nothing to be afraid of. We want the best for our town. I just do not believe that it is right to come in and to try to force some cookie-cutter solution on our town. It will not work.

Mr DUNN: I can give you a very concrete example of that. There is another involvement of Crown Lands with our boat harbour, which has a master plan that is yet to be approved. The process for that was that the relevant part of Crown Lands and the Department of Primary Industries came and consulted with the community, but it was with select stakeholder groups. They met with the fishing club, the yachties, the marine rescue, the surf clubs, tourist operators and the co-op.

Ms BOLT: And the Chamber of Commerce.

Mr DUNN: Yes. They met with the Chamber of Commerce, but they did not meet with any of the residents.

Mr DUNN: Most of the residents in town had no idea that any of this was going on. We were invited to subsequent meetings. We were not at the first couple. When we found out about it, it was up to the progress association to letter drop the town, put notifications up. We approached primary industries and suggested that they put ads in the local papers so people know.

Mr DAVID SHOEBRIDGE: How did you find out about it?

Mr DUNN: Through the grapevine. It came to our attention and we then approached the—

Ms BOLT: When they were doing the break wall and things they realised that we had a community that was interested.

Mr DAVID SHOEBRIDGE: We are talking about a tripling of the size of the berths at the boat harbour and a substantial increase of retail and car parking at a crucial part of your town and you are not asked?

Ms BOLT: Yes.

Mr DUNN: One of the concerning things for the community is that open space around the boat harbour, Crown land, the co-op is on freehold land and it is an island in the middle of Crown land and the proposal was that the parking for a development on the freehold land would be provided by the Crown. What was partially car park, partially parkland where people had picnics, would be converted into car parking to facilitate a larger development on privately owned land because they would not have to provide parking.

Mr DAVID SHOEBRIDGE: Private benefit at public expense?

Mr DUNN: Yes.

The Hon. MICK VEITCH: With regard to the plan of management, your submission details a chronology in the development of some of those. Drawing on your experience I ask two things: How can the process be improved, and what is your view around an appeals mechanism prior to the Minister signing off on a plan of management?

Mr O'MEARA: This goes back to the second meaningful consultation, which is what this is all about. When the report for the plan of management came out it listed how many objections there were to certain things. It listed 17 objections to blocking of the foreshore. What we did beforehand is that we put out a *change.org* online survey. That was set up specifically addressing the plan of management so it would go to the appropriate bodies. There were 2,500 submissions as part of the plan of management. Over 600 people actually wrote comments, not just submitted, and that was totally ignored as part of the plan of management.

Mr DAVID SHOEBRIDGE: They are only out by 2,481.

Mr O'MEARA: Exactly. We still do not understand why that was totally ignored. It went to all the appropriate places but it was totally ignored. That is where we put all the pressure. We knew we had issues with what was going to be reported because that went back to the people who were running the caravan parks and they were the people looking after all the consultation. They were looking after putting all the results together. We thought that the only safe way we could do this was to put it online so that it couldn't be argued it was there for everybody to see and then it was not.

The Hon. MICK VEITCH: That is an improvement. The appeals mechanism?

Ms BOLT: The appeals mechanism needs to be before the sign-off of the Minister. There needs to be appeal before a draft plan of management goes out. All the work gets done then. There must be consultation. We letter drop everyone in town and let them know. North Coast Holiday Parks runs the day-to-day parks and then the trust oversees that. They put out glossy brochures to town, there were four of them that went out. On every single one of those it said "we are giving money to the surf club and supporting your town". There was no information whatsoever on what was happening, when it was happening, the bulk and scale of what was happening. It was left to us to inform the community.

Mr DAVID SHOEBRIDGE: You had propaganda, not information?

The Hon. TREVOR KHAN: Total propaganda. They were a good citizen.

Ms BOLT: It was an insult to the community really.

The Hon. MICK VEITCH: Mr Dunn, your views on plans of management and how they can be improved: are they a good instrument to manage Crown lands?

Mr DUNN: That is beyond my ability to answer. From our experience it is not including residents early enough in the process. We are presented with a draft plan saying here are the options, choose one.

The Hon. MICK VEITCH: A predetermined result.

Mr DUNN: It is a predetermined result, you choose one. This is really what we want.

Mr DAVID SHOEBRIDGE: Any colour you like, as long as it is black.

Mr DUNN: Yes.

Ms BOLT: The latest tactic with the boat harbour is that they did not take submissions, we filled in an online survey that was option one or two where all options were overkill except option one that did nothing. That does not give consultation. People think they want to contribute so they pick one, but it is not really what they want. It is steering what people want.

The Hon. SCOTT FARLOW: Who was that online survey undertaken by?

Mr O'MEARA: It was primary industries.

The Hon. SCOTT FARLOW: The department of primary industries?

Ms BOLT: Yes. I have the details in here. I thought that this Committee should look to get the results of that particular survey.

Mr DAVID SHOEBRIDGE: We will ask that of the department.

Mr O'MEARA: I think if it is a fair process it is inappropriate that a Minister would be asked to sign-off on something two days after he had been appointed.

The CHAIR: I want to make sure any concerns are on the record. Be mindful if there is anything you want to put on the record and make that comment as well.

Mr DAVID SHOEBRIDGE: I am sorry to give you more work. You are the only consultation body in place in Brunswick Heads. We have had submission 110 from the New South Wales Crown Holiday Parks Trust. The secretariat can provide you a copy. It says what a fine job they are doing, what income they are

providing and what a fine body they are. I would be interested in your giving us your thoughts on the submission. You can do that on notice if you have the time. You are living with them, they are telling us how great it is; I am pretty sure you have a different view.

Ms BOLT: Yes.

The CHAIR: Mr O'Meara, you said that you are representing two different groups, did you want to make any comment?

Mr O'MEARA: The foreshore protection group is a small group that keeps an eye on the foreshore and when things happen they come together.

The CHAIR: Is there anything else?

Mr DUNN: I would like to draw to the Committee's attention, it is in the submission, to the southern end of the Terrace Holiday Park. There is a World War One memorial. It was used as an overflow. It is now, under the 2014 plans of management, incorporated into the caravan park and the management of that area has been desecrated. The memorial trees are an endangered species. They were planted in the 1920s. They are huge. Some of them have been cut down. All have had their lower limbs taken off to enable large camping vehicles to access that part of the park which was originally park land. It changes the nature of the park and the trees themselves. It became an area for tents and now it is being exploited for large camper vans and the like.

Ms BOLT: At that same caravan park access along the foreshore has been disputed over 20 years. The caravan park is ignoring encroachment from mismanagement along the foreshore which is the only missing link in access on the foreshore.

Mr DUNN: It used to be possible to walk from one end of town to the other along the river bank in the terrace reserve. Now you cannot because there are caravan sites and cabins right on the foreshore.

The CHAIR: Have they encroached?

Mr DUNN: It has encroached.

Ms BOLT: It is within that 10 metres or three metres.

Mr DUNN: It has encroached in terms of being within 10 meters of the river bank.

The CHAIR: Your final comment, Ms Bolt?

Ms BOLT: With the foreshore parks, the biggest objection is with the plans and management, all objections to major changes were just ignored, and so you come back to having input, a plan of management, if you can ignore the highest number of objections. So the highest number of objections were against the boardwalk and deck in Banner Park opposite the hotel. That is a 400 metre long square deck engulfing six Norfolk pines and expanding the children's playground there. Also, a fence has to go along the edge there. It is completely unnecessary, complete overkill and it is being done for "access", and yet it is a raised deck.

The CHAIR: Have you received any comments about—

Ms BOLT: Why they did it?

The CHAIR: Why they did not respond to those concerns?

Ms BOLT: They said for access—they have not responded, no.

The CHAIR: That is what I am saying.

Mr DAVID SHOEBRIDGE: It is a levelled grassy area. There is no access issue, is there?

Ms BOLT: There is no access issue. To me, it would create an access issue.

Mr DAVID SHOEBRIDGE: They are treating you like mugs.

Ms BOLT: And they are using the Norfolk pines, which they have ignored forever, as a reason. Anybody with any nous can see that perhaps they are looking to have this as a commercial area at some point because it absolutely does not sit at all with "Brunswick Heads. Simple Pleasures", and the other thing is at Torakina, which is our main picnicking area near Torakina Beach, they have proposed to take over half of that space, which is the main area where people go for picnics to celebrate. They took half that space to create an 18-car car park which, because they would lose other parking spots, will only produce an extra five car parks in the area, and there are other solutions out on the road reserve. It is shocking to think that they would consider taking half of this most-valued space.

The CHAIR: Yes, I saw that in your submission.

Ms BOLT: Why are they doing it?

The CHAIR: I think it is very clear; you have presented some very strong cases. We will need to find out why those decisions were made.

Mr O'MEARA: Can I make one last point?

The CHAIR: Yes.

Mr O'MEARA: In respect of the relationship, I think it would be interesting—if they are coming this afternoon—to find out what they believe their relationship is with Byron Shire Council because as far as we are concerned they have been at loggerheads for the past five years. Also, I do not believe they have a friend in town or in the whole of Brunswick and that is not just people like the progress association, a lot of the commercial interests, a lot of the holiday and accommodation providers, hotel owners, they do not like the fact that you have this huge mega McDonald's style corporation that will have 20 mega caravan parks up and down the coast. The commercial interests in town do not see that as advantageous.

The CHAIR: I will take that on board. Thank you for your evidence. If you have taken questions on notice, you have 21 days to reply. Sam and the team will help you if you need further assistance. We may put some further questions together in light of your evidence. Thank you for your commitment to your town and Brunswick. It sounds beautiful. We should have a site visit. Thank you very much.

Ms BOLT: Can I mention, Patricia Warren is an absolute expert—to a T—with everything that has gone on with the caravan park, so if after you talk to the trust you feel that you have other questions you might like to invite her to Sydney.

(The witnesses withdrew)

(Luncheon adjournment)

LYNETTE WALKER, Secretary, Ballina Environment Society, affirmed and examined

The CHAIR: Do you wish to make an opening statement?

Dr WALKER: I just wanted to say that the Ballina Environment Society is a not-for-profit, non-party political group. It was established in 1987 and is recognised by Ballina Shire Council as a stakeholder for most issues in Ballina Shire. I am representing it. I have tabled a document. You need to receive that.

The CHAIR: Do you want to read from it first or make any comments and then we can table it.

Dr WALKER: Yes, I do need to make a comment. When the submission was being prepared, it was Sunday evening, and when I tried to upload it to the website, it would not upload. After about two hours of trying, they referred me to a contact number for Mr Griffith, and I tried to send it by email but it was much too vast so what I had to do was actually butcher it.

Mr DAVID SHOEBRIDGE: Is that why it is in landscape?

Dr WALKER: Yes, I had some things I wanted to put in that were in landscape, and I could not technically make it work, so it all went in landscape, but I took out the bits that needed to be in landscape. The slip is that you have not actually got the evidence.

The CHAIR: Well, you are here and you can put it on record.

Dr WALKER: This document is a time line of events around Lake Ainsworth from 1996, which is the Lake Ainsworth precinct that I really wanted to give an example. It also quotes the document that I am using. I have given a USB stick to Sam Griffith for us to use at some time. It has on it the documents in full that are quoted here. These are all the documents on that drive, documents that were really as a result of a bigger request from Ballina Environment Society. They are all the documents relating to Lake Ainsworth precinct from 2010 to—I think I said 2014 but it is actually early 2015. I assumed they were all on the public record, but Ballina Environment Society has not released them to the public so you are the first people of the public, if you like, who have access to these documents.

The CHAIR: You are happy to allow us to make them public?

Dr WALKER: Absolutely. I think it is time for them to be public. I sent an analysis of them to Grafton Crown lands. I received no acknowledgement. I never receive an acknowledgement from Crown lands for even sending in submissions for Ballina Environment Society, and I gave a copy of that to Ballina Shire mayor and Ballina Shire general manager, who was here. I have to say that the history is a long tale of rewriting history. The Brunswick Head's main quarrel was with the NSW Crown Holiday Parks Trust but what I found was Crown Lands itself being an advocate for the holiday park trust, and I am really quite disturbed about that. I have given you this map—it is the first page—and it shows an agreement for the handover. Every councillor did not wish to handover the authority to this park but they all said they felt that they had to. So there was a signed agreement and this was part of it. You will find in the bottom corner that it is the Land and Property Management Authority's map. These are the boundaries of the caravan park that was handed over. So it was in two parts, with the road reserve going through the middle and a commitment for the road reserve to be honoured as the road to the north.

This is a map that I just put in—I should mention that before I was asked to become the President of the Ballina Environment Society, which I left a few years ago, I was actually the convenor of what is called the Lake Ainsworth Community Access Group. I want to show you this map of the caravan park. This little coloured bit is the open public space. I think it makes a statement, pretty boldly, that there is not very much open space—there is a bit up here. But I do not actually want to talk about the caravan park in particular; what this is about is what I consider to be the actions of Crown Lands that went on behind the scenes to rewrite the history. The best thing that I can say to you is to please read the timeline and read the documents when you get back to Macquarie Street or wherever it is that you are housed.

I want to say in passing that the Ballina shire staff were quite complicit in burying the history up until about 2014 and then they got on board and they have been very good. I wish to say this about Ballina council: it does consult well. We met a protest group that claimed they weren't consulted and what one spokesman said was, "I know that they connect by their monthly magazine called *Connect*, I know that they put the stuff on the website, I know that they put the stuff in the newspaper, in the local freebie, but I don't read any of those. I wasn't consulted." Well, Ballina council goes the extra mile. Sometimes it holds extra meetings where people can talk for a long time, sometimes it puts on displays in the street where people can talk, it takes submissions

and it pays attention to the submissions. That does not mean that they always make the right decisions by the way, but I want to say that about it right from the start because it is important that they do that.

At the moment what you have got here is a long history of Ballina council, specifically the councillors but in the last couple of years the staff as well, putting up the proposal, being asked to negotiate, negotiating, finding that there is no particular argument to that negotiation and coming back to their original plan—it is that plan that Crown Lands is resisting. The plan has changed and as it changes Crown Lands also changes what it wants but Crown Lands is acting as an advocate for the caravan park trust. It is ignoring its own requirements for consideration of the environment and it is ignoring the submissions that have actually formed council's response to Crown Lands. There is a letter in here from the Minister and it has got an attachment from Crown Lands. I have to tell you that I do have a bit of sympathy for the Minister—it does not seem to be that the record is very accurate.

Now the other part about the late Ainsworth precinct is that there is another Crown Lands thing—this occupies the southern part of Crown Lands, this is Lennox Village and here is the caravan park. The northern part is occupied by the Sport and Recreation centre. The Sport and Recreation centre does not have any trust agreement or anything else so it is actually Crown land that it occupies and it is one-third of the reserve? So the lake and public access is squeezed between these two commercial enterprises. When they formed they were both in perfect places, they were a service to the community. The caravan park was there in this wonderful spot to serve people who came from inland or poor people who could not afford other accommodation to have a holiday by the lake. The Sport and Recreation camp was formed to be a sort of outward bound school for school children. One lot had never been to the sea before and they were wondrous to watch. I watched them on the beach when they first got there and they would look as if: What on earth is this stuff? They would approach like this and then come back and so forth.

Gradually over time it has changed and both of these have now become interested in the maximum commercial gain. There is no consultation with the community at all from Crown Lands unless it regards the council as that but it does not take much notice of the council either, and the Sport and Recreation camp does not have any idea of the environmental value of its location and the community use of it is actually diminishing. The community used to use the swimming pool, it still uses the tennis courts but there is a big proposal for an Olympic ski jump to go into this place. It is actually going to go partly in the riparian zone and the Sport and Recreation officer who came to talk to us about it had no idea. So that is Sport and Recreation itself and the lake here have managers, who I am sure are very competent in their management but they have no idea of the environmental constraints where they are.

Sport and Recreation have cleared native vegetation from the very edges of Lake Ainsworth. I have not directly heard but it was, I assume, to improve the view of the lake. They have cleared some littoral rainforest from the dunes and planted exotic species and left quite a bit of it bare. They do liaise with Lennox Head Landcare—a group of people who are very highly qualified and very dedicated. They said, "Do not make a fuss, Lyn. We are talking to these people and they are listening." I said, "What notice have they taken?" They said, "None." I am saying that there needs to be openness on the part of Crown Lands. There need to be some rules about the usages of these areas. For the rest of it I will leave it up to you to ask me questions. I am sorry you did not have the documents.

The CHAIR: That is okay.

Mr DAVID SHOEBRIDGE: First of all, I am familiar with Lake Ainsworth. It is absolutely beautiful. Some people say that it has special connection with the Aboriginal community and as a women's place. Is that right?

Dr WALKER: Yes.

Mr DAVID SHOEBRIDGE: Do you understand whether or not the Trust or Sport and Recreation have existing meaningful interactions with the local Aboriginal community or the Local Aboriginal Lands Council?

Dr WALKER: I do not know, but I would be very surprised if they did.

Mr DAVID SHOEBRIDGE: You are particularly critical of the fact that there was consultation on three potential options for the caravan parks.

Dr WALKER: Yes.

Mr DAVID SHOEBRIDGE: Option 1, option 2 and option 3.

Dr WALKER: Yes.

Mr DAVID SHOEBRIDGE: Can you give me a very short summary of the differences between the three options. That would help.

Dr WALKER: Yes. I can show you on this aerial view, if you can see it. Option 1 was to go along this route, right along the back here, to join the west road and go up there. All the options closed this road, which was being used as the main road to the Ballina Sport and Recreation Centre.

Mr DAVID SHOEBRIDGE: Is that the road on which the markets are held?

Dr WALKER: They were held there, yes. They have been shifted because the planning is well advanced now to remove this road and make it public open space so that we can restore the riparian zone.

Mr DAVID SHOEBRIDGE: Sorry, I did not mean to interrupt you. Option 1 is to put access on the western side of the lake.

Dr WALKER: Option 1 was around here and along here. Of course these residents objected, and I have to tell you that I live there.

Mr DAVID SHOEBRIDGE: What is option 2?

Dr WALKER: Option 2 is the one here on this document. There is a road reserve that goes along here and up there. That is through the middle of a caravan park. Option 3 was to come through here and along the existing south road. Initially, Crown Lands was a very strong advocate for option 1. It was the only one that was environmentally acceptable to them. They were vehemently opposed to option 3, the existing south road.

Mr DAVID SHOEBRIDGE: Why was that?

Dr WALKER: It offered no environmental improvement. Also, in all of their statements, whatever else they use, they say that something is of benefit or not of benefit to the caravan park.

Mr DAVID SHOEBRIDGE: Council engaged in some consultation and they ended up helping the community and putting their support behind option 2. Is that right?

Dr WALKER: That is right. They did it because they thought it was very unfair to sandwich this little group of houses between a road. They did it also because it is the shortest.

The Hon. CATHERINE CUSACK: Can I just clarify—are these options about where the road would go? Are we talking about road options?

Mr DAVID SHOEBRIDGE: Road options.

Dr WALKER: It was to give access to the Sport and Recreation Centre at the north.

The Hon. CATHERINE CUSACK: These are the options for a new road to go to the sport and recreation centre.

Dr WALKER: There already is a road. It goes up here, and it is not sealed. You can see it a bit on this photo.

The Hon. CATHERINE CUSACK: I know the road.

Mr DAVID SHOEBRIDGE: This is about giving improved access to the sport and recreation centre but also about giving improved access to the caravan park.

Dr WALKER: It will not actually improve access because this road was the road that has mostly been used, and that road was to go.

Mr DAVID SHOEBRIDGE: Okay.

Dr WALKER: It was to give them this access.

Mr DAVID SHOEBRIDGE: That was to compensate for the loss of the other road. Crown Lands eventually signed onto option 2. So you had the council signing onto option 2, most of the community signing onto option 2 and Crown Lands signing onto option 2.

Dr WALKER: Option 2 was signed on in the agreement to hand over the caravan park. They produced this map—I do not know if you can see it—with this road: option 2. They gazetted it as the preferred option, and this is the official map that went into the *Government Gazette*. Then for four years they denied its existence.

Mr DAVID SHOEBRIDGE: Crown Lands denied its existence and have now come behind option 3, which is maintaining the existing road. Is that right?

Dr WALKER: Option 3 was to maintain the existing road. I think the council eventually said, "We will consider them both—option 1 and option 2." They asked, "Would you fund it if we put the road in the long way around?" The reply was, "No."

Mr DAVID SHOEBRIDGE: To get to the nub of your concern about this, there was community consultation about this important issue of closing the existing road for environmental benefits and finding an alternative way. Crown Lands adopted a particular position which was consistent with the council and the community and then, somehow or other, for a reason you do not understand, all of that has been turned on its head. And now Crown Lands is denying that earlier agreement and prosecuting a case for option 3, which is the least preferred outcome.

Dr WALKER: Option 3 was the first preferred outcome for the community but it is not a road reserve, and Crown Lands said that they would not countenance it. They said you would have to acquire it compulsorily and you would have to pay for it, and it would cost you a small fortune.

Mr DAVID SHOEBRIDGE: What is the final outcome on the ground at Lake Ainsworth?

Dr WALKER: It has been changing because the Ballina Environment Society went to talk to Don Page and voice our concern that Crown Lands was denying option 2 and pretending that it did not exist. They also approved option 2 in 2007. The master plan put up these road options in 2005. The council and the community chose option 3—almost no change. That option was only there because the consultants were kind of heavied a bit by council. Crown Lands dismissed it as a political fix, as of no environmental benefit and as not much benefit to the caravan park. They always commented on the benefit to the caravan park. It gets complicated but in 2011 council wrote to Crown Lands and said, "We cannot fund the building of these roads." This one needed to be sealed.

Mr DAVID SHOEBRIDGE: They put a price tag of \$700,000 on that. They said it would cost \$700,000 or so.

Dr WALKER: I am not too sure which figure they were using because all three road options would require funding. They did say \$700,000 but I am not sure that that is accurate. In fact, Crown Lands got quite ridiculous. They said, "If you cannot fund it you should rethink and take option 1." Option 1 was much longer and much more expensive. All I can say is that you should read the documents and you will find this tale.

Mr DAVID SHOEBRIDGE: I have read the submission and I have seen the inconsistent position adopted by Crown Lands.

Dr WALKER: Yes. You have not read the GIPA documents.

Mr DAVID SHOEBRIDGE: I am asking you as a resident and as a member of the local environment society about the impact of this inconsistent position adopted by Crown Lands. What has been the impact on the local community and the local environment?

Ms WALKER: Nothing has been done yet. First of all, when council asked for some funds they got a letter, document 19, which I found arrogant and condescending and it said that we did not approve of option two.

Mr DAVID SHOEBRIDGE: The first outcome is the inconsistent positions which means that nothing has actually happened. What do you understand the current plans to be?

Ms WALKER: They went through a number of plans.

Mr DAVID SHOEBRIDGE: What is the current plan?

Ms WALKER: This road will be removed and they will use this road.

Mr DAVID SHOEBRIDGE: Is that a poor outcome for the environment or a good outcome?

Ms WALKER: Not necessarily poor. It depends on how they do it. My concern is that here at this junction you have the surf club. It is going to be a new surf club here and one of the reasons why is every report came out and said you need a bypass from the lake because of congestion around here. I am concerned at the moment that council is talking about selling this road reserve in order to contribute to that and I am concerned that in eight or nine years they will be in the same position they have always been in. They are making a decision at the moment without the long-term being considered.

The Hon. CATHERINE CUSACK: I know this has been discussed for many years. Thanks for pointing out the surf club. The other thing that will interest members is the beach and you see the strip between

the freshwater lake and the beach and the surf club. At the moment Pacific Parade goes all the way through to there. Can I ask you, sport and recreation never wanted to close that road, did they?

Ms WALKER: In 1994 apparently they had a master plan done, I have not seen it, which said that the western access was the best access.

The Hon. CATHERINE CUSACK: In fairness council has been talking to them about closing the road. At the moment you drive straight in there and sport and recreation have been arguing about that with council.

Ms WALKER: Yes.

The Hon. CATHERINE CUSACK: The issue now arises that Ballina have decided to close the road. In fairness to government and Crown lands that decision has been respected. There has been no overriding of that council decision, even though it is very difficult for sport and rec. Now we have this problem created because council wants to close that road and there is not an alternative access that takes us the other way around the lake to the sport and rec centre. I want to make the point that council has been respected on that. Now we have a problem for the sport and rec centre.

Ms WALKER: I do not know if it is no good.

The Hon. CATHERINE CUSACK: It is because the route is not planned.

Ms WALKER: In June this year the senior infrastructure sport and rec person came to Lennox Head to talk about the proposed Olympic ski site and the first question he was asked was what does he think about the access road. He said they were comfortable with it.

The CHAIR: I feel this is more like a council meeting than an inquiry. We have been kind in getting all the information we need to get but I feel I am adjudicating as mayor. Do you have anything that you want to put in evidence?

The Hon. CATHERINE CUSACK: I want to make that point that Crown lands has been respecting council and sport and rec are trying to open back up to the community again.

Ms WALKER: It did, after the removal of the road and the plan was approved by Crown lands and accepted, sport and rec did start to build things that made it more awkward for them to have the road closed.

The CHAIR: It is not this portfolio. The evidence is helpful. We are looking at processes, we are not looking at development. We are looking at transparency.

Mr DAVID SHOEBRIDGE: It is that process.

The CHAIR: I have picked up on that. I thank you for your evidence. We will take that on board. There is more homework to be done. If there are questions on notice the secretariat will assist you in providing those answers.

(The witness withdrew.)

CRAIG ZERK, Member, Ballina Chamber of Commerce and Port Ballina Taskforce, affirmed and examined

RAY KARAM, Member, Ballina Chamber of Commerce and Port Ballina Taskforce, affirmed and examined

The CHAIR: Would either of you like to make an opening statement?

Mr ZERK: Yes, I would like to make a few points. First, there is a real issue in terms of stakeholder engagement in the management of Crown lands. I can refer to a couple of projects. One is the coastal path which was a project initiated 24 years ago but it is only now coming into fruition. The other is not on Crown land but it is about Crown land and that is the shark barrier which has been installed at Lighthouse Beach. That project was going ahead presumably to the benefit of board riders who have been attacked by sharks but board riders have not been consulted and they are not happy about that.

There is strong consensus within the board riding community that the barrier should not happen. Nevertheless, it is going ahead. I think there is a real need for a more sophisticated community engagement process. One that recognises that there will be divisions in the community but in the end it is the broad population that should be driving the outcome and perhaps there needs to be some how-to book that both the government and local government can draw on in managing Crown lands. What often happens is that council will come up with a project, there is a need for some facility and they will look around for the best site. They will nominate that site, but the question really is not what is the best site for a particular initiative, it is what is the best use for that site. That is how it really hit one of these dot points, which is the long-term benefit of Crown land. What often happens is that councils have a particular agenda and it gets addressed in the course of one electoral cycle, but at the disadvantage of a long-term outcome. I think it is really important that Crown land management ensures that the outcome is one that will engender the community's pride in and respect for Aboriginal culture and Aboriginal peoples.

The CHAIR: The other day we were taking evidence down the South Coast and there were groups that had an issue with the process and I think it was a hunt fest. They did not agree with the principle of the sport rather than just the other issues, but if you talk about best and highest use, their opinion was that that particular park or Crown land was not the best and highest use but that another use would be its best and highest use. Is that the best way to adjudicate on our Crown lands?

Mr ZERK: Again, it is about proper community engagement. The community engagement process, typically, is poorly done. The outcome often results in community outrage. There is a lot of work put in up-front by someone developing a strategy for something and then all that investment gets tossed to one side. It is totally unproductive and a waste of money. People do not take the care to engage properly with the community. In the end, management of a particular parcel of land can be divisive. Under those circumstances you really need to do an independent survey of the community to get a real feel of the community's position, because what often happens is that there is a vocal minority that is driving the agenda and that is to the detriment of the broader community.

The CHAIR: That is my point. If you have a local croquet club and 75 per cent of the community do not want croquet in the community, what does that club do?

Mr ZERK: Yes. Usually—

The CHAIR: I am just drawing a scenario.

Mr DAVID SHOEBRIDGE: They pull out their mallets.

The CHAIR: That is right. If we translate this opposition, there is enough in the community to put the nail into that particular project, yet for a small percentage of the community who like that sport, it is important for them to have some Crown land to have a field on.

Mr ZERK: How you deal with that position is often that there is no public community in the first place. For example, a croquet club. If you went to the community in the first place and said, "There is the croquet club here and people rely on that as their sport", and that kind of thing, humans are generally nice.

The CHAIR: I picked something quite non-confrontational.

Mr ZERK: When you have a situation that people have not been consulted and they do not know the background and all of the issues associated with a particular land parcel, yes, you get to the situation where there is a whole lot of people who are unhappy.

The CHAIR: Maybe I will revert back to gun clubs.

Mr ZERK: They do not deeply consider that minority.

Mr DAVID SHOEBRIDGE: Mr Zerk, as I understood your initial position, sometimes a lot of the conflict happens because instead of council or whoever is managing the Crown land looking at their Crown land more broadly and trying to work out in a proactive way what is the best use for it. Instead, what ends up happening is a particular proposal comes forward, which then pigeon holes on to a piece of Crown land and you end up having a very contentious discussion rather than a more principled overall view of the Crown land estate. You would like the State Government to have a more principled overall view of Crown land to take out some of the heat and division?

Mr ZERK: Yes, have a more strategic way of managing the resource.

Mr DAVID SHOEBRIDGE: Do you have a local example in mind where that is illustrated?

Mr ZERK: There are a number of examples, but a sporting facility comes to mind. Council was looking for a suitable site for an indoor sporting facility. One site that was favoured at one time was a very large parcel of Crown land on the river. Being an indoor sporting facility, my view is why would you put an indoor sporting facility in a prime location? Everything is focused internally and it is not taking advantage of that place. A similar thing is now happening with our swimming pool. We have a swimming pool that is in a prime location and it is essentially going to be bulldozed and council is rebuilding it on that site, the same site, right on the river front.

Mr DAVID SHOEBRIDGE: Is that an internal pool or is it an external pool?

Mr ZERK: No, it is an external pool but it is still not the right use for that site. It is right in the middle of town. Also, the site is quite a small site so there is no room for expansion or provision of additional facilities. Again, to me, that is a short-sighted decision rather than thinking about the whole central business district precinct. Council is going ahead with it but the Chamber is not supportive of it.

Mr DAVID SHOEBRIDGE: Should the State Government come up with a process that facilitates that long-term strategic thinking about Crown lands?

Mr ZERK: Yes, I think so.

Mr DAVID SHOEBRIDGE: Whose job is that? Is it State Government as the ultimate owner, the council as the reserve trust, or does it need to be a collaboration?

Mr ZERK: I think there needs to be a principle that management of Crown lands requires a strategic approach, not a piecemeal approach.

Mr DAVID SHOEBRIDGE: We have heard submission after submission about individual plans of management for individual parcels of Crown land. What you are saying to us is that might be one strategy, but it actually needs, if you like, a council-wide strategy that all those different plans of management hang off. Is that what you are talking about?

Mr ZERK: It needs to be an overarching plan or strategy, or master plan.

The Hon. CATHERINE CUSACK: With respect, the problem is local decision-making. If the State Government started to run councils—are you suggesting that the Government should tell the council where to put its swimming pool, David?

Mr DAVID SHOEBRIDGE: No, I am picking up Mr Zerk's proposition that whoever is managing the Crown lands, and it is probably council, in addition to doing individual plans of management for individual sites, it should also be looking at all of the Crown land in their area and having a more strategic approach. Primarily that should be local councils.

The Hon. CATHERINE CUSACK: That is why governments appoint councils as trustees so that the decisions can be made locally.

Mr DAVID SHOEBRIDGE: I support that the decision be made locally.

The Hon. CATHERINE CUSACK: Right. I am not saying I support this decision, I am saying I support the decision being made locally.

Mr DAVID SHOEBRIDGE: Yes, but rather than individual plots of land being the focus, whoever is managing the Crown land in the locality needs to be looking across the locality as well, rather than individual plans of management.

Mr ZERK: I am very supportive of local decisions.

The Hon. CATHERINE CUSACK: I understand that. Is your issue that council is not doing a good job on a couple of projects?

Mr ZERK: No, I think it has been happening since day one that there is not an overall strategic approach to the management of Crown lands; it is done on a piecemeal basis. Okay, an individual master plan would be wonderful, but how does it fit in with the whole. Again, is it the best use of that site that you are proposing?

The Hon. CATHERINE CUSACK: I think there is really underutilised potential in that area. What sort of uses would the Chamber of Commerce propose for those sites and perhaps a little bit further down as well?

Mr ZERK: I guess it is more about uses that encourage everyone out and onto that waterfront to use it. So that is cycle tracks, parks, dining areas and a marina. We are very supportive of the marina proposal for the Ballina boat harbour and we are supportive of the concept of that project incorporating a commercial aspect so that money can be invested in providing a truly good maritime museum and that kind of thing.

Mr KARAM: Just to activate it, instead of turning our back on it, and building things. It is something to face it and bring it in. We feel that eastern end would be a good point to access the whole town from there. So if you open it out, like a marina or something like that, then it gives you a good access point for people to come through.

The Hon. CATHERINE CUSACK: This is really a problem for many towns because when they were developed they had their backs to the river—sewage discharging into the river—and everything was about front of stream. Now it is a process of understanding that this is our best passage.

Mr KARAM: Yes.

The Hon. CATHERINE CUSACK: My kids grew up in this area and from time to time they love to do waterskiing or doughnuts or whatever. We do not have a boat. There are no sports on the Richmond River so I checked out the Clarence, there is none on the Clarence River and none on the Tweed River—we ended up in Brisbane. From my inquiries I found it was because of the fees and charges being imposed by Crown Lands on businesses trying to start-up but, as I understand it, there have been proposals in Ballina. If you are not familiar with this then I am asking you the wrong question, but I was really surprised because those sorts of opportunities would go so well with tourism and add another arrow to the quiver for Ballina. It does seem there is a lot of red tape and charges for businesses trying to start-up that way.

Mr ZERK: That may be the case, I am not sure of that myself. One thing that we really do need here is a well-serviced marina. We did have a marina but it was disbanded because the land was sold off for residential development.

Mr KARAM: Especially when you look at our locality, like from the Gold Coast to the next port to fuel everything like that we sit in a really good spot for that sort of thing.

The CHAIR: Is there any indication of cruise ships making their way down to this area? Is there anywhere they can berth?

Mr KARAM: Not for cruise ships.

The Hon. CATHERINE CUSACK: The problem is the bar so it is not a reliable port they can come into.

The CHAIR: So there are no proposals by the business chamber anywhere along this part of the coast for that to happen?

Mr ZERK: I do not think our port would be big enough for that to happen. There would be real depth constraints. Even if the bar was dredged I think there would be a real issue, you would not be able to turn vessels around.

The CHAIR: Would you like to make any comments about how the Port Ballina Taskforce is going? Are the stakeholder meetings and things like that working well?

Mr ZERK: Again, I do not think that the broader community is really that aware of what is going on within that taskforce. I am happy with the initiatives that have been reported so far, which include the dredging of the Ballina bar, although in my view we should have a similar situation to that which is installed at the Tweed River.

Mr KARAM: Again what we are saying with the use of that, overall we seem to have a point where it needs to be done so then we look at three options and we take the cheapest option to do it over the shortest time, which does not then support long term. As we were saying, we feel like breaking out a little bit and it might cost extra but that seems to be the more sustainable part. I feel like that is what we did back when but then obviously that might not be a thing for this—finances get in the way. So you go, "Well you want X, we can only afford Y so we will give you K." So you come back here and then everyone goes, "That is not we asked for." That is what we are saying with community consultation. It feels like the community has changed. We have changed how we interact. We used to interact face to face and that sort of thing, now we are online—Twitter, Facebook and that sort of thing.

That is not to say that consultation or whatever needs to go to that extent but it needs to recognise the demographic of speaking to and the Government, even Crown Land, needs to be aware that "Crown land" is an old word, it is an old way to have land set-up, but for these people who want to use it is a new way we have to communicate. But a lot of times people don't step-up. I take your point with the croquet, five people in a community might not want it and they put letters everywhere and all of a sudden it seems like there is a huge thing and we go, "Oh we can't have this." Again, we need to look at who it is and how it is and if it is identified would they live in the area? How is it actually impacting? If you jump online now you can actually vote for something from overseas and you are not actually impacted, you can just take exception to something because you lived there—with respect, you lived there some time ago—and you go, "We don't want that there." Boom, boom, boom and all of a sudden something gets knocked on the head that the community wanted. I don't how that framework works but we need to open up, we need to communicate differently.

The CHAIR: There needs to be a registration of local community members who are writing in and protesting in the name of the community.

Mr KARAM: I think you need to be identifiable, yes.

The Hon. LOU AMATO: Otherwise it does not represent the true views.

Mr KARAM: Absolutely.

Mr DAVID SHOEBRIDGE: We saw that in one consultation process where 81 per cent of the locals were against something but then there were hundreds of submissions from outside the local area in support of it. It makes it very hard for a local authority to work out what to do when you have those kind of submissions.

Mr KARAM: Yes.

The Hon. SCOTT FARLOW: But you, and the Chamber of Commerce in particular, would see the need for the tourism angle in this area as well and the activation. In your evidence today you have talked a lot about the activation of certain Crown lands for the benefits of businesses and the like in the area. So while there maybe people outside of an area who may want a say, they might be people who are contributors to the area as well through tourism.

Mr KARAM: True.

The Hon. SCOTT FARLOW: Would you say that is something you see quite a bit in a tourist town like Ballina?

Mr KARAM: You have a core of a community that supports or goes around but I take what you say absolutely. We might be sounding like we are saying the same things but I do not how you break the broad perspective out because there have been a few things where—I have just lost what I was going to say. It seems to get too narrow in how we decide or how it goes about the process for some reason. Mr Zerk has talked about a couple of them but when it comes to Crown land it seems to be from our discussions, my understanding is that it is just too hard—too hard to communicate to, too hard to free it up. I am not sure if that is true but that is just the experience I have had in the chamber since I have been there but I see business—and again it might sound like an overarching sort of statement—and the community as the same thing. I do not see a separation—if business is not doing well then the community isn't doing well, if the community isn't doing well then business isn't doing well.

do not stand in my position on the chamber and go all business. We encompass or do our best in Ballina to have a look around at everyone and open our eyes—if my business, I have got a couple of business in town if they do well and the other businesses aren't doing well then what have I got? I have got one point to draw people to but if I have got five people there doing well together then you have got five points to draw people to. It pulls more people in so it makes sense that we stand together a bit more. I feel like that is what we attempt to do and that is what my message would be for a lot of these processes: You have got to bring it out and you have got to do your best to pull more people in.

The Hon. SCOTT FARLOW: For instance, with respect to your discussion about a marina it is not that you want to operate in the marina. It is that you see it as draw for Ballina. It will bring more people in. There will be more business and the community will do better and there will be better jobs.

Mr KARAM: It would be a huge draw. We hear people say that that is a great idea. For me, the moment you see it, it seems to open up the street for us to bring in an aspect—

The Hon. LOU AMATO: It would bring in economic development.

Mr KARAM: Yes, it would bring in economic development. And it brings in a mix of use on a piece of Crown land that makes sense. There is water there so you can activate the water part. You can have residential and commercial uses. A maritime museum fits perfectly in that spot. You could have that there, as well. It seems like a proper use.

The Hon. SCOTT FARLOW: We have a traditional view in terms of Crown land that it is land to protect. That is true of a lot of Crown land but then there is also Crown land which, when you are looking at benefits to the community, is best if it is activated. Otherwise it is just land that is not actively used for the community. Do you see tranches of Crown land in this area where that might be the case? They might be protected but that protection is not necessarily allowing the community to enjoy the benefits of the Crown land.

Mr ZERK: None is coming to mind.

The Hon. MICK VEITCH: Can I just ask about community consultation, because it does come up everywhere. I am not sure whether you were here before but I was asking someone who spoke about meaningful consultation what her definition of "meaningful" was. You mentioned a range of different ways—social media and newspapers. I guess the real issue is that people say that they have been consulted but they have not been listened to. That is often an issue that arises. Sometimes people say that they were not consulted at all. I was interested that Mr Zerk spoke about the shark barrier. My understanding was that there was consultation about that process.

Mr ZERK: I know that Department of Primary Industries [DPI] will say that. They did do consultation but they obviously did not reach out to the surfers. They invited a representative from one of the board-riding clubs but there were certain meetings that he could not come up to. They prepared a risk management plan without consulting surfers, which is just ridiculous. Now, after getting bits and pieces of comments from surfers, they have come to the conclusion that this barrier represents a high risk to surfers but that with mitigation measures in place they could reduce that to a moderate risk. All the surfers say, "What is the point of having something that is a moderate risk when the risk of shark attacks is minimal or really low?" How that outcome happened, I do not know.

I think they are still going ahead with it. The concept sounds great but when you drill down into it, for that particular site it is the wrong technology. It does not work. So not only is it a hazard to surfers but it also interferes with their surfing because the thing goes through the surf zone.

The Hon. MICK VEITCH: The DPI undertook consultation. How did they do that? How could they have done that better?

Mr KARAM: This is a great example. The fact is that I am not going to criticise anyone in the process. As we were saying before, it is about two parts coming together. The Government or whoever it is, is used to asking, "What do you need?" or "This is what you need." I can generalise from what I have seen in this incident. We are used to sitting back and either getting it this way or getting it that way. In this instance the Government came and said, "What do you need?" The answer from the community was not clear. The community did not come together. That was our responsibility—it was our 50 per cent, you could say. We did not get together after the Government left and ask, "Collectively what are we going to bring to the table? How do we want this to look? Let's drive this."

The outcome might not get to where we want to go. I am not saying that; I am not naïve. The fact is that there was consultation to a point but, with respect, parts of the community did not get awoken or informed. I feel as if we need to take responsibility for some of that, but not all of it. The DPI needed to do more work but they have come back. I had discussions with them to open it out and say, "You missed the mark. You know you missed the mark, but let us get together." I do not want to tell them how they did it and how to do it next time—where it just learns and gives it to us in a different light—but I want to get together and be honest and say, "Yes, we missed you."

Mr DAVID SHOEBRIDGE: But there were multiple meetings. There was very broad media coverage. There were plenty of consultations by DPI. That was some of the better consultations, I think. It is pretty hard to be against that.

The Hon. CATHERINE CUSACK: There were two big meetings at Lennox that were well attended.

Mr DAVID SHOEBRIDGE: That is right.

The Hon. CATHERINE CUSACK: I would also say, as a member of the Government, that the community did make it clear at those meetings about the Lighthouse Beach barrier. In my opinion it was made clear at those meetings. From of the Government perspective, one of the shark attacks was at Lighthouse Beach. This barrier is not suited for the big open beaches like Lennox Head beach. That is how that happened. There was a stakeholder consultation meeting. I contacted the Minister and made some inquiries. It was recommended to him by the stakeholder consultation committee—which included then the mayor David Wright and others on the committee. It is not simply that DPI was completely—

Mr DAVID SHOEBRIDGE: That is what I am saying.

The Hon. CATHERINE CUSACK: This is more complicated. There are some big lessons to learn because to me the feedback at that meeting was clear.

Mr DAVID SHOEBRIDGE: It was clear at the two meetings, people say.

The Hon. CATHERINE CUSACK: So it does not feel like consultation if people have made their views clear and—

Mr DAVID SHOEBRIDGE: And been ignored.

Mr ZERK: Can I just make a point? What happened was that a decision was made, I understand, in December to install a barrier. I was invited to the first stakeholder meeting, which I think occurred in early December or late November. There were several of those. But the actual proposed alignment of the barrier was not put forward until February. At that point I raised my concerns. Ever since then DPI has been backpedalling and trying to make up ground.

The CHAIR: Once again I am not here for local government. We are exploring the processes.

Mr DAVID SHOEBRIDGE: No, this was a State Government consultation.

The Hon. CATHERINE CUSACK: This is actually a really good example of things going awry, I think.

The CHAIR: That is right. I am just saying that the gentleman is giving us evidence of what the process was for him. I do not want to go into who said what. We want to know if there are cracks in the system and where you think they exist.

Mr DAVID SHOEBRIDGE: That is what Mr Zerk is talking about, with respect. He was actually talking about a consultation process which did not respect the feedback that the community gave, for a variety of reasons.

The CHAIR: I heard what he said.

Mr DAVID SHOEBRIDGE: He was wanting to learn from that.

The Hon. CATHERINE CUSACK: We need to learn.

The Hon. MICK VEITCH: I am ready to move on to another question.

The CHAIR: I am ready to close for the next witness, if that is okay. If I had had my chance I would question you guys a lot because I think the business chambers are a crucial part of communities. They play a different part to the part played by environmentalists, and other groups in the community. Business chambers try to drive growth and the economy for prosperity, which gives potential jobs to young people and sets up the community for a great quality of life.

So I encourage you to continue to be a voice at the stakeholders' table. If you miss the invitation make it your business to make sure you get the invitation through the mayor or the local representatives. It is crucial that you are there. Mr Karam, you made it very clear that it is about big thinking. I am sad to say that most of us get so clouded by the thinking and everyone's views that by the time we get there it is too hard. We definitely need people like you, as representatives of the Chamber of Commerce who have the big vision and not necessarily go for the cheapest price because we end up with something that only meets half the expectations, if that, of the community.

Thank you for your evidence. We appreciate it. If you have not already taken questions on notice we might pose some more questions for you in light of the evidence you have given. If you have questions on notice

you have 21 days in which to answer them. Sam and the secretariat team will be happy to help you. Thank you for your time and your input. It is valuable.

(The witnesses withdrew)

BRAD SHIELDS, Executive Manager Operations, New South Wales Crown Holiday Parks Trust, sworn and examined

STEVE EDMONDS, Chief Executive Officer, New South Wales Crown Holiday Parks Trust, sworn and examined

Mr SHIELDS: We were a little concerned that, as a result of the weather, Mr Edmonds may have been unable to attend. As a result, we have ended up coming here together.

Mr DAVID SHOEBRIDGE: Two is better than one.

Mr SHIELDS: Yes. That is correct.

The CHAIR: Does either of you have an opening statement?

Mr EDMONDS: I think our submission is fulsome. It gives good background on who we are as a trust. We are the largest trust in New South Wales now. As a commercial entity and as an entity that has focused on the triple bottom line, you can see from our submission that we run through a terms of reference, so we have a skills-based board. It is an organisation that was formed by the amalgamation of a number of trusts; there was the North Coast Accommodation Trust, South Coast, and then there were some State parks that were brought into our entity. That was formalised back in 2014 when I was appointed as the chief executive officer [CEO].

The six key planks that we found our corporation on include: to improve the financial viability of the trust through more strategic management of limited funding and reinvestment to facilitate strategic business growth. It is fair to say that we are a not-for-profit organisation. Our income goes back into the improvement of the parks. A key plank there is for the benefit of the people of New South Wales. Our turnover is about \$48 million a year, currently. We have some significant parks with some significant infrastructure backlog issues that we are addressing through some of our recurrent funding being ploughed back into those particular parks. We also contribute significantly to the Public Reserve Management Fund. Five per cent of our revenue goes to that fund. In total, with contributions to both local government—that is through direct contributions to their particular trusts that form part of the trust for a particular local government area—we contribute back to \$4.49 million out of that \$48 million.

In addition to that, we manage some significant pieces of open space. Most of those are adjacent to parks. As an example, with the Red Rock Holiday Park, which is about 30 minutes north of Coffs Harbour, we manage and maintain the 84 hectares of open space and some of the sensitive wetlands. We also are responsible for the rehabilitation of that and things like boardwalks and so on through that particular parcel. Likewise, Scotts Head has 82 hectares of open space. We do not just run holiday parks but we run some of those Crown lands, particularly some of those sensitive Crown land areas adjacent to our parks. We have nine inland parks. They are on catchment dams and they were very significant to local communities, originally. As an example, when Copeton Dam is full, it is approximately two point five times the size of Sydney Harbour. Our park surrounds that. It is a very big park. Some of the parks are up to 1,600 hectares, so you can see the size of management.

It is fair to say that there has been a lot of rundown assets and facilities in those parks. We have been putting whatever surpluses we have back into a very expensive capital program to upgrade those parks. For example, two years ago none of those parks had any sort of water quality within them and visitors had to bring their own potable water. We have put water treatment plants in each of those parks and sewer upgrades to make them compliant, electrical upgrades to the park and bushfire protection asset zones, of which there was none; nor were there any facilities for fighting bushfires. You have the tens of thousands of people coming here in summer. Today are very big assets to maintain. \$12m of this funding has come from the Public Reserve Management Fund.

I think our organisation is an evolving model, but it has already been proven to be very successful. One of the benefits of our organisation is that we have a focus on a particular market. We can provide efficiencies. We have got scale, so we have purchasing power to make sure that we have efficiencies in buying. We have synergies in marketing our products right across the board and, as I said before, we have got a balance between social, environmental and economy. We have that triple bottom line focus. The skills-based board that was appointed in July 2015 also has as a support group a community advisory committee. That was set up by the Government at the time we were established. That is chaired by John King, OAM, who has a very extensive background in tourism. We have a number of different stakeholder groups on that community advisory committee. They represent regional as well as coastal areas and particular interest groups. We facilitate discussion of key stakeholder issues that come up from time to time. That informs a lot of our feedback and our policy. That is probably enough from me.

The Hon. MICK VEITCH: Thank you for your opening statements and for your submission. You have a number of parcels of Crown land, such as caravan parks along the coast and State water parks, like Burrinjuck and Wyangala. Do you have plans of management for each of the individual parcels, or do you have one overarching plan management?

Mr EDMONDS: Thank you for the question. Under the current process, we have individual plans of management. Some of those parks will have current or existing plans of management. It is a very big process to go through each of those and we do not have them for all the parks, but we are progressing through them. We have priority with approximately \$150 million worth of infrastructure upgrades and development over the next 10 years, so we have been prioritising the parks that go through a plan of management process, and that front-ends any particular development.

My background is that I have been a senior executive in local government—the second-biggest council in New South Wales—as well as State Government senior executive roles in State-owned corporations. One of my key drivers for the organisation is to not only go through the technical and legal processes of a plan of management, but actually front-end it now. In the new plan of management, we actually have a consultation process. This might involve a couple of different concepts.

Some speakers, like Dr Walker, referred today to the wider context. I think that is very important. For example, in Forster, the Great Lakes Council has a reserve that goes right around our park at Forster. We are engaging with the council, as the trust holder there, to see what their plan of management is, what their future is, what are the impacts—there is a boat harbour there—on sensitive coastal land. There are protected species that need to be looked after. There is articulation of people going through the park to the park and to the beach. I think there is a wider context or a wider conversation to be had. I am very much a big believer in getting in early and doing that before you actually go through the formal process.

The Hon. MICK VEITCH: Can I ask how intricate or detailed your plans of management are? For example, they include a strategic asset management. Have you borrowed from local government for that process? Is that what they look like?

Mr EDMONDS: That is right. Part of our management of assets is to have a strategic asset management plan. That looks at the whole lot at the outset, the service level at which we want to keep the assets—which is quite a high standard—and then any replacement of those assets. That is part of our financial planning. Like local government, we do 10-year financial forecasts and an asset plan supports that whole thing. We also have a four-year rolling capital works program that we are committed to.

The Hon. MICK VEITCH: Is that part of what is taken out for public consultation? When you do the plan of management are those elements also included for the public consultation?

Mr EDMONDS: They are generally on a corporate basis but when we get down to the specifics of a plan of management that is when those elements come into it. One of the conversations that we have with councils when we start this process is to look at the economic benefits of the development of the park. That is an important thing, particularly in regional and local areas where economic development has been declining, particularly creating jobs for younger people. Those holiday parks are very big multipliers. If you look at business development research, it is a little old now, but it is \$1.38 for every dollar that is spent within the park is spent outside the park.

When you have a turnover of say \$50 million you multiply that through and the more visitors you get and the more income that is obtained by increasing occupancy within the holiday parks the more local tourists you get. That has a net flow-on effect for small business. That has to be balanced with those factors I talked about in the total context of what you are doing as an organisation. Extra visitors create extra wear and tear, they also create extra congestion. You have to look at the design of the market and how it relates to the broader traffic issues.

The Hon. MICK VEITCH: When you undertake the consultation of your plans of management how long do you have the draft plans out for consultation and what methods do you use to engage all stakeholders in seeking views about the plans of management?

Mr EDMONDS: Prior to my arrival in the organisation the statutory process was complied with. In some instances the open period of consultation was longer because of the number of elements in that. What I have said to our executive board is, as we will be doing more plans of management over the next two years before we put pen to paper or produce a final plan or master plan we will go out and identify the key stakeholder groups. They might be chambers of commerce, it might be residents' interest groups, environmental groups, the council, of course, is a key one, and talk to them about developments in and around the park and what are their issues with the park. We have done Lake Ainsworth. The issue there that needs to be addressed and there needs

to be more dialogue on is where that road should go. Should it be a perimeter road? Should it be through the park? Disjoining a park like that has impacts for us from a functional point of view, it divides the park into two.

There are designs that address that but that is not ideal. Running a road along the front of the beach, given its environmental sensitivity, has an impact. There is not always instant solutions to these problems but it is important to get them on the table and discuss them. There is always a way of coming up with something that very often is a compromise, but it has a number of wins for individuals. As an example of that, Coffs holiday park, when it came over to the trust it had the show ground trust right next door. There was a boundary that dissected the caravan park from the showground. A fence was put up to protect the holiday park.

The Hon. MICK VEITCH: I may have asked some questions about the fence.

Mr EDMONDS: Yes. We took away their facilities in doing that. We did that because of the security of the park. Come show time they did not have enough amenities or facilities. Do we then in turn build them for them at a significant cost or do we look at the alternative? The solution we have come up with for the moment is to have a removable fence. We give part of the park back for the duration of the show during the year and the fence is then put back up. There are always solutions to these problems. They are not always thought out well before they are actually done and that is why I am committed to making sure that we do have that dialogue up front so they are all out on the table. We will not always agree but it is important to hear what people have to say.

The Hon. MICK VEITCH: The plans of management that you have in place and the ones you are preparing, how do you accommodate significant sites for our traditional owners? Do you have significant sites with Burrinjuck and other inland parks and also your caravan parks? Are there traditional sites that need recognising and securing? If so, how do you do that in your plan of management?

Mr EDMONDS: That is a critical issue. Heritage items in particular are part of our planning process. We identify them all and do local investigations to find out the level of importance and that goes into the plan of management. We have a consultation with land councils to ensure that we have a management position that is suitable to all parties. That might be, for example, at Glenbawn there is a sacred site there that is fenced off and kept away from the public.

The Hon. MICK VEITCH: Can the traditional owners get access to the site?

Mr EDMONDS: Yes, that's right.

Mr SHIELS: All of the project proposals that are completed for any significant capital works have a component of that that is signed off by the executive that an Aboriginal assessment has been undertaken as part of that development.

The Hon. MICK VEITCH: Have you undertaken any mapping exercises with the traditional owners to determine where the significant sites are or to make sure they have been documented?

Mr EDMONDS: We have taken State mapping as it has been legislated, identified and gazetted but we have not at this stage gone to talk to the traditional land owners about a particular site. But, there is absolutely no reason why that should not be an important part of that plan of management.

The Hon. MICK VEITCH: When it comes to the individual stakeholder's comments on your plans of management how do you accommodate those in the plans of management? Do you have a process where people can make comment on the final plan before it goes to the Minister for sign-off?

Mr EDMONDS: The process to date has been exhibit, take to the department, the review process takes place and a number of submissions are provided with some suggested remedies. In some instances in the past where a plan of management has been adopted it has been after there have been significant changes to the draft plan of management. They remain draft until the point where there are changes made. Once that is made it is then referred to the Minister for approval. A recent controversial one is the adopted plan for Brunswick and there were 37 changes to those plans before they were promoted to the Minister for gazettal. We have started dialogue with council because there are significant issues particularly with the open space, the interface between the park and the water front and setback distances. We believe we have a good solution with that. We have been working with council on that and next week I am coming up to council to talk through that. If that is acceptable to council we will do a revision to the plan of management to adopt those changes.

The CHAIR: That is the encroachment of the campers in the off season particularly?

Mr EDMONDS: Yes. I will give you an example, at Ferry Reserve the adopted plan of management had a boundary between the top of the bank on the waterway back to the park which, from the submissions we got and the talks with council, was not sufficient. What we looked at is a way we can lose front sites, move

those back and take the road that adjoins those reductions in the front site back to a one-way carriage way, rather than two-way. We lose part of the road corridor. That will then allow a 10 metre buffer. We can work with council as to what we do in that open space area such as street furniture connecting the pathway through from the cycleway and walkway so that it articulates through the front of the park.

Those are the sorts of things we do. The usage is important. When you have a lot of tents, guy ropes and so on, they flow over into the area. As an example, on that waterfront we retreat back and a better use would be a safari tent so you are controlling a design of the tent, it is a fixed structure, it does not change. That will give people enough private public open space within their particular rental area so they can enjoy the waterfront as well as the local people.

The CHAIR: So you will be taking that back to the community for comment as well?

Mr EDMONDS: That is right.

Mr DAVID SHOEBRIDGE: As I understand it, you were talking to council but you have not mentioned the community?

The CHAIR: No, I just mentioned the community.

Mr EDMONDS: The steps will be to brief the council, if the council is happy with that as a process going forward, it will resolve then for us to put that on exhibition. It will go through an exhibition process where we will talk about how we are going to amend it and it will be an adjusted plan of management.

The Hon. SCOTT FARLOW: To clarify, it is like any process that any applicant would go through, you deal with council first and then it goes out for the council consultation?

The CHAIR: There is one step in there that I did not like—that I never like—and that is that we will take that amendment out and show you what we are going to do, as opposed to we will take that amendment out and see if that is where we all arrive at. There is a big difference. The second thing I want to ask—

Mr DAVID SHOEBRIDGE: Does Mr Edmonds want to deal with that?

The CHAIR: I will let you come back to it because I think you will prosecute it more than I will. I wanted an initial comment on it. In respect of Crown land management, one of the themes that is happening more is the pop-up diners and coffee places, which is a sign of the times. It can be embraced and people are making a buck. It is good for tourism and the way that tourism operates now. What are your intentions in the future for taking advantage of the pop-up era? Will you open Crown lands or will you not allow that sort of stuff to happen on Crown lands?

Mr SHIELS: Can I answer that, Steve? What we have done in other areas, specifically around Urunga and areas that are popular for public recreation, we have tended to steer away from allowing those commercial activities to be undertaken because of the gazetted use of the land, which is public recreation. If you go down to the 20 acres at Urunga that we look after through the profits of the park, you cannot move down there. There are families picnicking and kicking the soccer ball around, canoeing, walking, those sorts of things, so we have refrained from allowing any commercial activities to be undertaken.

The CHAIR: For me, that is exactly where mum and dad would like a pop-up coffee shop.

The Hon. CATHERINE CUSACK: Somewhere to buy an ice-cream for the kids.

The CHAIR: Hence the reason for the opportunity.

Mr SHIELS: Further to that, in the case of Urunga the local businesses are right across the road from the reserve and we have relationships with those businesses as well. We review any reasonable requests to occupy Crown land and we recently have allowed a monthly market into the reserve at Urunga and we have negotiated an area south where the public are less likely to congregate, so we have an outcome there that the community is very happy with.

The Hon. LOU AMATO: Do you charge a fee for that?

Mr SHIELS: A very minimal fee, and it is a trial at the moment. We have a similar situation at Red Rock with the 84 hectares of reserve there. We have wetlands, Aboriginal sites, boat ramps, boardwalks, barbecues, those sorts of things, and the community are very strong about keeping that as natural as it is, so, again, we have been hesitant about the number or type of commercial activities that we allow. It really is a case-by-case basis.

The CHAIR: That is why a pop-up is good.

The Hon. CATHERINE CUSACK: Are you talking about Red Rock?

Mr SHIELS: Yes.

The Hon. CATHERINE CUSACK: It would be fantastic to have something at Red Rock.

Mr EDMONDS: Maybe in the park itself, rather than in the open spaces.

The Hon. CATHERINE CUSACK: We are not suggesting in the wetlands. We are just wondering if there is an ice cream for the kids.

Mr SHIELS: There is a store at Red Rock that forms part of the holiday park, and certainly there is a matter of equity that comes in there.

Mr DAVID SHOEBRIDGE: You cannot undercut the existing businesses.

Mr SHIELS: That is right, and it is about giving people an equal opportunity who want to supposedly bring businesses into these reserves as well. Brunswick is very different. There is a 30-year history with the wood chop festival.

The Hon. CATHERINE CUSACK: We have got the approach.

Mr DAVID SHOEBRIDGE: Thank you for coming. I do not know if either of you were here when people from the Brunswick Heads Progress Association gave their evidence.

Mr SHIELS: No, but we have read their submission.

Mr DAVID SHOEBRIDGE: It would be fair to say that they are deeply, deeply, deeply critical of the public consultation that the trust has engaged in in Brunswick Heads. Are you aware of that? You have to give a verbal response for *Hansard*.

Mr EDMONDS: If you look back at my history I came into the trust when that was completed.

Mr DAVID SHOEBRIDGE: When did you come on board, Mr Edmonds?

Mr EDMONDS: In 2014.

Mr DAVID SHOEBRIDGE: When did you come on board, Mr Shiels?

Mr SHIELS: In 2007. I have morphed through the trusts and the amalgamations.

Mr DAVID SHOEBRIDGE: If Mr Edmonds cannot answer questions about the erosions, you can, Mr Shiels?

Mr SHIELS: Okay. I think Mr Edmonds touched on it earlier. The plans of management have been concept plans formalised through to a process. Prior to adoption we go out to public exhibition. What has happened historically is that people have been consulted late in the stage of the plan of management, so it goes on exhibition, the submissions are reviewed, modifications are made, those people are notified, then the plan is sent to the Minister for adoption.

Mr DAVID SHOEBRIDGE: I think with Brunswick Heads you initially put it out for exhibition starting on 23 December. How on earth do you explain that?

The Hon. CATHERINE CUSACK: Sorry, can I hear the rest of the answer? I think we are talking about the process.

Mr SHIELS: I am talking about the process moving forward and what we have identified is part of the new trust, and it has been identified when we went through the strategic planning process that the consultation needs to take place at the start, not at the end. I think it is important to note that in the case of Brunswick Heads we are dealing with a plan of management that has been adopted. This is not a plan that is waiting adoption, so I think we have recognised that there has been community—

The Hon. CATHERINE CUSACK: That went through on the old system?

Mr SHIELS: Yes, that is correct, under the North Coast Accommodation Trust. What we are saying now is that the consultation phase needs to be done at the beginning of the process, not wait until the end for it to be done. We have made a commitment to do it moving forward. There are still a number of plans that require the development of plans of management. We are going through the master planning stage now through the inland parts, which will ultimately lead to plans of management as well. That has been through consultation with the trust board, with the staff, with stakeholders such as Chamber of Commerce progress associations. We have

really good relationships with those in other areas and we would like to work on that moving forward for Brunswick Heads.

Mr DAVID SHOEBRIDGE: Mr Shiels, that is extremely cold comfort for the residents of Brunswick Heads who had a consultation process that started two days before Christmas and they were only consulted right at the end. Both of you must know how deeply unhappy the residents at Brunswick Heads are. Are you going to commit to restarting this with them and engaging them in this hopefully reformed public consultation process? Reopen the plan of management so you can get it right.

Mr EDMONDS: That is the process that we are going through now. That is what I described to you a minute ago.

Mr DAVID SHOEBRIDGE: The process you described to the Chair earlier was you sitting down, coming up with an arrangement with council and once you have come up with an arrangement with council you will then put that out and talk to the community about it, which is not consistent with what Mr Shiels and yourself said about going out more broadly before you have a plan of management done.

Mr EDMONDS: In looking at this revision I have looked at the level of submissions and the stakeholder impact that we have had through the whole plan of management process, and that is why we are addressing those particular issues. The most significant one was the setbacks to the waterway, which is one of the key issues we are addressing now.

Mr DAVID SHOEBRIDGE: The Brunswick Heads Progress Association are mortified about this enormous wooden structure that you are proposing in the middle of their public open space. Is that part of what you are talking about? Just be clear. They think that that is a platform that you are going to use for commercial operations and commercial aspects. They are deeply sceptical about your motives.

Mr EDMONDS: I will clarify the situation. The plans of management for amendment that you are looking at now for the holiday parks, you are talking about the open space.

Mr DAVID SHOEBRIDGE: I am talking about all of them. None of them have got community support.

Mr EDMONDS: You are talking about the boardwalks and so on. You are talking about things like Torakina Reserve and Banner Reserve.

Mr DAVID SHOEBRIDGE: Correct.

Mr EDMONDS: They are open space parks, they are not holiday parks, so they are a little bit different. They have their own plans of management. Again, the consultation that came back through that process was that they did not want the boardwalk in Torakina; they wanted to keep it natural. They wanted to keep it natural. There are a number of amenities, for example, that council said to us, "We would like you to upgrade the amenities and put in some paths but we don't want to see all those parklands that you want to build for children. We don't necessarily want to see more car spaces along the edge of those, except where they make sense to do so."

Mr DAVID SHOEBRIDGE: They do not want to see half the picnic area taken up by car park?

Mr EDMONDS: That is right. Again, after we finished this process with the holiday parks we will go back and visit those as well. We have not redeveloped those parks according to the plan of management.

Mr DAVID SHOEBRIDGE: Members of the community are seated in the audience, can you make a commitment now that you are going to go back and reopen these things with a vastly improved community consultation process?

Mr EDMONDS: Absolutely.

Mr DAVID SHOEBRIDGE: When will that happen?

Mr EDMONDS: In the next couple of weeks we are doing this consultation and those open space parks will follow that up.

Mr SHIELS: Can I just add something? Mr Edmonds mentioned his meeting with council next week but the bigger picture to this—and it is mentioned in some of the submissions—is about the section 68 renewal. So it is crucial for our operation to make sure that that is addressed as part of the process.

Mr DAVID SHOEBRIDGE: The community is saying that you have been operating unlawfully because you have not had the section 68 approval for some of your parks that expired in 2014 and you have

been ignoring the law. You are a statutory trust and they cannot believe it. Are they wrong or right about the unlawful operation?

Mr SHIELS: The plan was to address it as part of the approved plan of management, which we are now going back out with.

Mr DAVID SHOEBRIDGE: Are they right or wrong about the unlawful operation since 2014?

The CHAIR: You are out of time.

The Hon. CATHERINE CUSACK: How many visitors a year do you get to your parks?

Mr SHIELS: Visitor nights, about 1.5 million.

The Hon. CATHERINE CUSACK: What would be the demographic of the visitor who is coming to your parks? I am one of them.

Mr SHIELS: It varies. In Brunswick Heads and Byron Bay the majority of our customers are from south-east Queensland, when we get to Evans Head we get to about 50 per cent, then we move further south we see the demographic moving more to a New South Wales user but we do have a contingent of Victorians and people from interstate as well.

Mr EDMONDS: We get a whole range of people from different demographics but we actually go one step further. We have been using Roy Morgan Research to look at the psychographics, which is a combination of buyer behaviours and also demographics. Through that we have seen that parks do vary quite significantly—for example, a lot of our inland parks are what they call "battlers". They tend to be lower income people, people who might be on pensions and so on, who do not have a lot of affordability for a very expensive holiday. Now that does vary on the coast but we do get a combination. We get a broad cross-section of society from the western suburbs of Sydney, Newcastle—in Forster, for example, 30 per cent of its occupants are locals who actually holiday in the park locally.

The Hon. CATHERINE CUSACK: Is it possible for the Committee to get access to that research because I think it would be really insightful as to usage? They are very popular parks.

Mr EDMONDS: Sure.

The Hon. CATHERINE CUSACK: I must congratulate you on your website. You can now see where the parks are and you can look at them whereas previously, when they might have just been managed by councils, it was not really accessible to the public in that way.

Mr EDMONDS: That is right. At that stage I think we had 50 different websites for 35 parks. We have consolidated all of those and bringing them back into one single brand. We are going through a process at the moment to do that; that makes it far better for people who want to visit those places.

The Hon. CATHERINE CUSACK: The users.

Mr EDMONDS: Yes, for the users. On the licensing issue there is a 2005 regulation and these proposed amendments to the plans of management—currently the parks will lose about 61 sites if we go through with pulling back some of the curtilages. Ferry Reserve, for example, will stay about the same but at Terrace 198 sites back to 160, 120 to 97. Also when we redevelop a park and there is compliance with the new regulations setbacks and things are larger so you lose sites overall. That is one factor that has had an impact on coastal parks in particular. The other factor has been transition from holiday parks to highest and best uses, particularly by the private sector. So over the last 20 years, according to research that was conducted in the industry, there have been 462 holiday parks that have gone out of existence across Australia and only two new ones built. So you combine that with the loss of sites as you redevelop parks and there are less spaces on really pristine coastal land to have these holidays. I think we have to be mindful of that. It is important also I think that government works towards creating new sites for holiday parks. Highest and best uses—for example, manufactured housing as we have a social housing issue. Manufactured housing for the private sector has become very attractive so a lot of these holiday parks have become housing estates, residential developments, resorts and so.

Mr DAVID SHOEBRIDGE: Compliance with regulation is very important. When the Government is making the regulations it is important that agencies comply with them. How does the board assure itself that its facilities are compliant?

Mr EDMONDS: What we do through the compliance process is to work with council officers—

The Hon. CATHERINE CUSACK: No, how does the board assure itself that its facilities are compliant?

Mr EDMONDS: We have a compliance register that we provide to the board and that shows all our licences, currency, when they are running out et cetera.

The Hon. CATHERINE CUSACK: What is the level of compliance at the moment? Is it just Ferry Reserve or is that one of the reserves that is non-compliant?

Mr EDMONDS: All of our parks now—I am trying to think?

Mr SHIELS: The Brunswick parks are the only ones that remain unlicensed.

The Hon. CATHERINE CUSACK: I am not talking about unlicensed. I am talking about non-compliant because it has been suggested in relation to all parks—

Mr SHIELS: If I could use—

The Hon. CATHERINE CUSACK: I am really asking how a member of your board knows that the organisation is complying with the law.

Mr SHIELS: Through the compliance register.

The Hon. CATHERINE CUSACK: How many of these are not compliant? I am not even saying "not licensed" because some of these are licensed but they are not compliant.

Mr SHIELS: If I can use the inland parks that we have just recently inherited, which was brought with the amalgamation of the trusts, no APZs, no bushfire management. We spent \$400,000 before Christmas and the firefighting equipment—

The Hon. CATHERINE CUSACK: The bell has gone and my time is up but I really want to know how many have a problem.

Mr SHIELS: If you are talking specifically about licensing—

The Hon. SCOTT FARLOW: I think the Hon. Catherine Cusack is talking about compliance of Crown land and the land you are supposed to be operating on.

The Hon. CATHERINE CUSACK: And the government regulations, including setbacks and keeping the facility inside its proclaimed boundaries.

Mr EDMONDS: Okay, so our parks are compliant with that. We have surveyed boundaries of where the park is, where the edge of the site is, and then there might be State Government land or private sector land, for example. In some cases those boundaries are fenced in other cases, in marine parks, for example, they aren't.

The Hon. LOU AMATO: It can have an overflow effect?

Mr EDMONDS: Yes. In those very big parks we have primitive camping and part of the master plan process has been to say, "Do we actually restrict some of that primitive camping?" Currently you have got maybe three or four access points and you have got dirt roads that people can travel and traverse on. It is a very big management issue to make sure that everyone is within the camping boundaries.

The Hon. CATHERINE CUSACK: Which is why I am interested in how the board knows. Does the board have a compliance committee? What is the mechanism that it assures itself with that its organisation is operating legally?

Mr EDMONDS: We have a risk register, a risk policy, so compliance is a key issue so all statutory compliance requirements, boundary requirements, licensing, et cetera goes into that risk register. Then we have got a subcommittee of the board, an audit and risk committee, and they look at it on a regular basis and go through that. We have peak mapped the initial risk and then we have a residual risk of where we are at the moment because not everything, say bushfire issues, 12 months ago they were not compliant so they became really high priorities, that is a residual risk, then we have got a risk terminating point we have targeted for. So our executive has an action sheet and a timeline according to that—we have just reported today back on that. So when the audit and risk committee do not meet we send out a regular update.

The Hon. CATHERINE CUSACK: You have inherited a lot of icky issues and not a lot of resources, and you have a process to prioritise and work through them. And the board is completing them.

Mr EDMONDS: Correct. In addition to that, from a safety point of view we have said that before we budget for anything from a commercial development point of view we are allocating significant amounts of

money—\$1.5 million straight off the budget—for high-risk items. So those fire upgrades, for example, cost \$7.5 million, to implement. We have fast-tracked that for two years. It was going to take five years but the board said, "No, let us bring that back and get those provisions in place."

Mr DAVID SHOEBRIDGE: There is an unfortunate problem with your evidence. Mr Shiels says that the Brunswick Heads sites were not compliant and, I think, were not within the licence boundaries. Mr Edmonds you have said that all of your sites are compliant and within licence boundaries. Did I misunderstand Mr Shiels evidence? Did I misunderstand your evidence? They appeared inconsistent.

Mr EDMONDS: We currently operate those parks within our licensed area as approved by the plan of management, which has the designated area for the park.

Mr DAVID SHOEBRIDGE: But not in approval with the section 68 licence from the council.

Mr EDMONDS: We are actually bringing back some of the foreshore areas. They will come back into our park. So there will be a re-alignment of our boundary.

Mr DAVID SHOEBRIDGE: Are they consistent with the lawful approvals and licensing given by council, or not?

Mr EDMONDS: Yes.

Mr DAVID SHOEBRIDGE: Is it your evidence, Mr Shiels, that they are consistent with the licensing and the lawful approvals given by council?

Mr SHEILS: I will leave that for the CEO to answer.

The CHAIR: That is the conclusion of that evidence. I think the definition is a bit mixed, and we have heard that Crown Lands is trying to bring everything up to scratch. That is the process when you have new parks.

I would like to ask a quick question about permissive occupancies. Do you have anything to do with any of those on your properties?

Mr SHEILS: Sorry?

The CHAIR: Permissive occupancies like wharf leases or anything extending off your tourist parks.

Mr SHEILS: Not for wharfs, as such.

The CHAIR: For Crown Lands and any under your care?

Mr SHEILS: No.

The CHAIR: That is okay.

Mr SHEILS: Lake Keepit has the soaring club as a lease. And we have sailing clubs and those sorts of things but no boat havens or wharves.

The CHAIR: Thank you very much for your time. You have taken some questions on notice. You have 21 days to deliver the responses to those. Sam and the team will help you to do that. We may put some more questions on notice given the evidence that you have put forward today. I appreciate your time.

(The witnesses withdrew)

MARIA MATTHES, Member, Friends of the Koala Inc., sworn and examined

The CHAIR: Would you like to make any opening statements about your organisation and Crown lands?

Mr DAVID SHOEBRIDGE: It is lovely that the koalas have the last voice here today. Thank you.

The CHAIR: I would have liked you to bring one.

Ms MATTHES: I could have brought in a whole pile of dead ones.

Mr DAVID SHOEBRIDGE: Lift up your bag, Ms Matthes.

Ms MATTHES: I did bring this.

The CHAIR: I did see that picture of the koala.

Ms MATTHES: Friends of the Koala is basically a rescue and rehabilitation organisation, which also advocates for koala protection. Unfortunately, continuing habitat loss has resulted in very difficult and challenging times for rescue and rehabilitation and being able to put them back into the wild—releasing them. Koalas have very specific habitat requirements across the whole landscape and they have a very low tolerance to stress. So it is not as simple as thinking that they will move somewhere else or that we can put them back after we have rehabilitated them because it does not always work.

Usually, Friends of the Koala [FOK] get about 300 koalas into the care centre at Lismore each year from the six local government areas. Last month—July—we had 50 come in. It was full on for everyone involved. We got through it but everything is full at the moment. If we get another one, it will go up to Currumbin or Australia Zoo to be euthanized because we do not have the resources or physical space for people to care for them.

The Hon. CATHERINE CUSACK: What happened?

Ms MATTHES: This is just the reality that we are dealing with.

The Hon. CATHERINE CUSACK: Were they road accidents?

Ms MATTHES: The main threats—we work with councils, local governments, State Government, NGOs, researchers and everything on these—are loss of habitat and fragmentation of their habitat. An example might be at Fishermans Bay at Tomeree. There are the two parts of the park, and Crown land in the middle. I have not followed it up to see what the outcome was. Koalas move through the bit of Crown land between the parks. If that is fragmented with housing or whatever those koalas will get hit or attacked by dogs.

When koalas get highly stressed they get a lot of immuno-deficiency diseases like chlamydia and retrovirus. Those diseases can lead to blindness and infertility and cystitis, which is when the bladder wall thickens so that they have nowhere to store their urine so that it just runs out. That is very painful. If other koalas come in contact with them that exacerbates the problem. If more koalas have to move in with other koalas because they have lost their habitat that results in more contact with disease and increased levels of disease. There is a whole range of things like that.

The situation for New South Wales koalas is quite dire. All the coastal populations and a lot of others are declining. We are unable to have more recruitment because there are mortalities. At the moment the persistence or extinction of the koala populations in New South Wales will be dependent on decisions that are made now and in the near future. Regardless of whether we are talking about State-managed Crown land, council-managed Crown land, privately-managed Crown land, land under Aboriginal claims, caravan parks or the holiday parks that the blokes were referring to before, local reserves, road reserves, recreation reserves, vegetated or cleared, there are numerous parcels of Crown land that the koalas are dependent on for their survival for future generations to see.

We know—you obviously know as well—that everyone wants a piece of the Crown land pie. So we are hoping that there is a bit of the pie for the koalas. A lot of studies have shown the economic benefits of koalas. Years ago a study showed—it has probably increased by now—that \$1.1 billion came into the Australian economy from foreign tourists wanting to see a koala. We would like to think that they would get a bit of the economic pie, the social pie and the environmental pie. If there are three slices for koalas we will take them.

Mr DAVID SHOEBRIDGE: Eucalyptus pie.

Ms MATTHES: Eucalyptus pie.

The Hon. LOU AMATO: Have you spoken at all with the Aboriginal land council? Obviously, they have a lot of claims are out there.

Ms MATTHES: Oh, absolutely we do.

The Hon. LOU AMATO: Perhaps, by working together to protect and save a national icon, in a manner of speaking, that would be a high priority. It might be something that the Government needs to seriously consider.

Ms MATTHES: I would use a couple of examples. In the Wardell area, there is the Ngunya Jargoan Indigenous Protected Area and little Connie Pinball. There is a nice little koala population there, which is part of the Ballina koala population. They are breeding and doing well there. But we do work together and we have a good relationship. There is always a conflict—and that is also within the Aboriginal communities—between providing housing and economic resources, and they are much needed in our area for Aboriginal people. Crown land is also one of the ways in which they can get that. Often it is also a trade-off between protecting their cultural heritage. We do not believe that it should be that they can have one or the other, and not both. Ideally, we should be looking at the areas that have the cultural heritage values because koalas are an important species to the Aboriginal people. Everybody has their own story of *Little Koala* and how it was made and their ancestral beings, and everything that goes with that.

The Hon. LOU AMATO: Are you aware of the claims they have and the areas that they have?

Ms MATTHES: In a lot of areas, I have worked with some of the people at Tweed-Byron and at Jali.

The Hon. LOU AMATO: It would be really important if you could find out and work with them to find out those areas.

Ms MATTHES: We do work more with traditional owners than just the land councils because the land councils are administrative bodies that do not necessarily always represent the views of traditional owners.

The Hon. CATHERINE CUSACK: Perhaps I can help with that line of questioning as well. I would like to disclose that I am a member of Friends of the Koala [FOK] and a big supporter of FOK.

Ms MATTHES: Oh, are you?

The Hon. CATHERINE CUSACK: Yes.

Ms MATTHES: Very good.

The Hon. CATHERINE CUSACK: Lorrain Vass, who is the chair, is a much-loved and respected figure on the North Coast—along with the work that you do. I wish to ask a couple of questions that I think will assist. First of all, in relation to its habitat, people often say, "We have got lots of national parks. Why can't we put the koalas into national parks?" Can you give the answer to that question? Try to emphasise what the habitat is and that the habitat coincides with the land that is prime for development.

Mr DAVID SHOEBRIDGE: The land we want is the land that they want.

The Hon. CATHERINE CUSACK: Yes.

Mr DAVID SHOEBRIDGE: Is that not the point?

Ms MATTHES: There is often a conflict.

The Hon. CATHERINE CUSACK: Could you just explain why they cannot just be put anywhere?

Ms MATTHES: Earlier in my opening I was saying that koalas have specific habitat requirements. Within a population, each individual will have a home range that it establishes. A koala will pick its trees in an area.

The Hon. LOU AMATO: They are territorial, by the way?

Ms MATTHES: Very territorial. For example, at my house, there are some that will go only 300 metres, and that is it. All the trees that they want are within 300 metres. There are others that travel two kilometres and others that travel up to 10 kilometres in their home range. Each koala has its own—

The Hon. CATHERINE CUSACK: Program. It is programmed in, is it not, when they are very young?

Ms MATTHES: It is programmed in. Even when the young ones go off to disperse, they seem to have a set global positioning system [GPS] thing that tells them where they are going, and off they go. But if they come across another male, they will get beaten up and they will get picked on until they find somewhere else

where there are other koalas and where they are not getting beaten up and kicked out, or they become a very submissive male and have a little grunt rather than a big alpha male grunt. That determines the mating cycle, like who gets to mate. There are some that, they say, sly in their while the others are not watching.

The Hon. CATHERINE CUSACK: The habitat is very specific, though, is it not?

Ms MATTHES: The habitat is very specific.

The Hon. CATHERINE CUSACK: You cannot just put them on any tree.

Ms MATTHES: No. That is what I was saying. They like a particular tree. You could have 100 red gums in an area and they might only use 10 or 15 of them, and the others just do not taste good. Things like tallowwoods take up to 18 years before the chemical toxicity in those trees has reduced to a level that enables koalas to eat them.

The Hon. CATHERINE CUSACK: They have been extensively logged on the North Coast.

Ms MATTHES: They have been extensively logged, in private as well as native forestry. It is quite difficult. When their tree is removed, they will go back to that spot. I have watched them walk around in circles and sit down, confused, going, "I know my tree was there.", and they are just looking at you.

The Hon. CATHERINE CUSACK: I am so sorry. I feel as though I am interrupting you a lot.

Ms MATTHES: You're fine.

The Hon. CATHERINE CUSACK: But I just want to get through these questions before my time expires. You referred to a track that they repeat. Often that has been ingrained for many generations. What happens when you put a road across that track that they are going on?

Ms MATTHES: They will try to get across it. If they have fencing up—I have photos of all these—you will see them climbing up and they will go back over that floppy bit. It might take them ages. Some that are not that smart will stand there and for a long time will push on the fence trying to get through. They are not a smart animal. They are instinctual.

The Hon. CATHERINE CUSACK: But they do not move.

Ms MATTHES: One of the problems with koalas also is—and that is why they sleep so much through the day—is that gum leaves do not have a lot of energy in them. Their energy is used moving between their food trees and in mating. When they have to sit for an hour, bashing on a fence or spending a longer time going to other areas, then they are using that energy.

Mr DAVID SHOEBRIDGE: They become very vulnerable.

The Hon. LOU AMATO: They also become stressed.

Ms MATTHES: They also become vulnerable to dogs, stressed, and everything else. There is a largish Crown road reserve in Tweed that goes through the Round Mountain area and it would just be worth millions to the developers that are already developing the Tweed, but it is a really critical area for koalas. If that was to be lost to koalas, that would ultimately see the demise of the Tweed coast population.

The CHAIR: That is one of your concerns stated in your submission—the privatisation of Crown lands.

The Hon. LOU AMATO: What you are really saying is that it is worth millions to the koalas.

Ms MATTHES: It is worth as many millions to the koalas as it is to a developer.

The Hon. CATHERINE CUSACK: Just to wind up on the habitat question—and take it on notice by all means—would it be fair to say that most of the koalas' best habitat is in the Crown land rather than in national parks?

Ms MATTHES: I would have to take that on notice.

The Hon. CATHERINE CUSACK: Sure. Most of the national park is now in the Great Dividing Range. But anyway, take that on notice.

Mr DAVID SHOEBRIDGE: And State forest.

The Hon. CATHERINE CUSACK: State forest and Crown land.

Mr DAVID SHOEBRIDGE: Yes.

The Hon. CATHERINE CUSACK: That is really what they have got, is it not?

Ms MATTHES: State forest is a big one. For example, in Broadwater National Park, the koalas move from the Broadwater Crown land reserve, of which trust I am vice-president.

The Hon. CATHERINE CUSACK: Are you saying that they do not know the park boundary?

Ms MATTHES: No, they do not, and then they go across to the park and back, and they get hit on the highway and everything. But there was a fire when I was probably about 15. When I used to walk out in that area there was a bunch of koalas that lived in this little patch of swamp mahogany trees. After the fire I got Dad to take me out there and we found several skeletons. That little cluster disappeared. They have to have somewhere to colonise from and they have to have somewhere to move to, and that they have to have that unimpeded.

The Hon. LOU AMATO: The more you lose, that also reduces the gene pool.

Mr DAVID SHOEBRIDGE: One of the few State's proven strategies to protect koala populations are those koala plans of management that are done on a council-by-council basis, which is meant to be looking at both private and public land. Do you have any views upon that particular process?

Ms MATTHES: We are not allowed to slang anyone here, are we?

Mr DAVID SHOEBRIDGE: Well, you must tell the truth but do not identify individuals.

Ms MATTHES: No, it is a general comment. It does not matter which side of politics it is; it is just the system. State environmental planning policy [SEPP] 44 was introduced at the best of intentions. FOK has worked closely with Byron, Lismore, Ballina and Tweed in the preparation of their comprehensive koala plans of management. In general, what has gone into their initial drafts has been what it needed. By the time it gets back from the Department of Planning and Environment, there have been some setbacks and compromises made through the process.

That has been happening since the State Environmental Planning Policy was introduced. It is certainly a better process than having individual plans of management where a development is going to have an impact on koalas and that landholder has to prepare one because it is only being prepared in the context of that property, not the whole scheme of things. They could have a lot more. I guess they are what is achievable rather than what is needed.

Mr DAVID SHOEBRIDGE: Have all the north coast councils you mentioned adopted a koala plan of management?

Ms MATTHES: They all have a koala plan of management that has been to the Minister. Ballina's is still with the Minister. It has gone through its final process with council and is with the Minister. Lismore's has been adopted.

Mr DAVID SHOEBRIDGE: I am happy for you to give us that answer on notice.

Ms MATTHES: I will take that on notice.

Mr DAVID SHOEBRIDGE: Is a properly considered koala plan of management the best available way of protecting koala habitat on Crown land or is there a better method for protecting koala habitat on Crown land?

Ms MATTHES: One of the important things is to identify what Crown land has koala habitat and note that koala habitat also encompasses things like a Camphor Laurel. I had the tree loppers doing work near my place and I went for my walk and I said, "They do use camphors ". On a really hot day it is shady and cool and sheltered. They will shelter in a swamp oak and paperbarks. They love the paperbark swamps. Some of the vegetation that the previous speaker was talking about in their holiday parks that they manage is koala habitat.

Mr DAVID SHOEBRIDGE: Could I ask you about travelling stock routes east of the dividing ranges. There is strong support from the agricultural industry west of the dividing ranges because they provide an essential part of agriculture in western New South Wales. Agricultural interests are not so much interested in most travelling stock routes to the east of the ranges because they are narrower and do not have the same kind of economic need for them. In terms of the environment and koalas, how important are travelling stock routes east of the range?

Ms MATTHES: In some places, I can only speak for the ones I am familiar with, on the western plains and slopes around Walgett they are vital. With all the rice there is not much vegetation other than on the travelling stock routes. Around Walgett they are essential. If the travelling stock route was not there—

Mr DAVID SHOEBRIDGE: All the vegetation is gone.

Ms MATTHES: Yes, and the Koalas would be gone as well. With travelling stock routes, it was raised in our submission, if you have a long-term lease or they sell it off you are likely to have an intensified use of that area rather than the sporadic use when it is a time of drought. It does not happen too often but when cattle and koalas come face to face the koala usually loses out. We have had a couple stomped on this year already. If you have trees in a paddock the koalas will go up. One of the koalas was blind in both eyes, it must have been a traumatic experience, sitting there blind with a previously broken pelvis, stomped on, new broken pelvis, all he would have felt was the vibrations around him. If there are trees for them to get up cattle and koalas exist beautifully in the landscape.

Mr DAVID SHOEBRIDGE: They need the trees, vegetation and travelling stock routes?

Ms MATTHES: If they are moving from this paddock across to the national park or nature reserve that might be 800 metres apart and they are moving across an open paddock. If the cows are in that paddock they are as scared of the koala as it is of them. They are just defending their area.

The Hon. CATHERINE CUSACK: The koala would prefer not to be coming down on to the ground and walking across the paddock. Prior to this clearing they would go from tree to tree?

Ms MATTHES: They generally go from tree to tree and that does make catching the sick ones a bit hard sometimes. Even using my area in Ballina as an example, they will still go down and up trees, even when they do not need to they will still do that.

Mr DAVID SHOEBRIDGE: Given the koala is so iconic and such an important part of our identity, before anything significant is done with Crown land there needs to be an audit of the environmental returns that Crown land provides to koalas and other species?

Ms MATTHES: Yes, that was what I was meaning by looking at what area is important for koala persistence across the landscape and what those bits contribute, then looking at what bits would be suitable additions to the council or parks reserve system, identifying the management costs that would go with that because when you have lantana building up around trees that can stop the koalas from getting to a tree. Removing the lantana would create so much habitat for koalas that they could get to without having to fight.

The Hon. MICK VEITCH: In light of your comments around the importance of the vegetation and trees and this legislation looks like being introduced mid or late October with other legislation that may be in the Parliament at the time, the Biodiversity Conservation Act, do you think it is important that we get a chance to look at this legislation in the context of other legislation and have an exposure draft or a period of time when the bills lay on the table for people like yourself to have a look at and see what it really means?

Ms MATTHES: I think it is important. One of the things I was thinking is that we need to have a serious koala and Crown land forum?

The Hon. LOU AMATO: A serious discussion.

Ms MATTHES: To have a real discussion about where these things are that are needed. That would integrate things like the biodiversity conservation bill and Friends of Koalas could make a detailed submission to that review process. If we are going to save the koala in New South Wales, and every state, then we have to bite the bullet and have it as bipartisan and say whatever it takes is what we are going to do.

The Hon. CATHERINE CUSACK: Fantastic evidence, thank you.

Ms MATTHES: If you want a bigger chat I am more than happy.

Mr DAVID SHOEBRIDGE: Next time invite us to Lismore to see the work you have done.

Ms MATTHES: We had a lot of politicians in the Federal election going up and visiting the Koalas.

The CHAIR: There are some questions on notice and you have 21 days to reply. The secretariat will assist you with that.

(The witness withdrew)

(The Committee adjourned at 15.19)