

Crowns Lands Legislation

White Paper

SUBMISSION

June 2014



CENTRAL NSW
COUNCILS



Centroc's Mission is to be recognised as the lead organisation advocating on agreed regional positions and priorities for Central NSW whilst providing a forum for facilitating regional co-operation and sharing of knowledge, expertise and resources; effectively nurturing sustainable investment and infrastructure development.

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20 June 2014

Crown Lands Management Review
NSW Trade & Investment
PO Box 2185
DANGAR NSW 2309

Crownlands.whitepaper@trade.nsw.gov.au

The Manager,

Re: Crown Lands Legislation White Paper

Thank you for this opportunity to respond to the Crown Lands Legislation White Paper.

Central NSW Councils (Centroc) represents over 220,000 people covering an area of more than 64,000sq kms comprising the Local Government Areas of Bathurst, Blayney, Boorowa, Cabonne, Cowra, Forbes, Lachlan, Lithgow, Oberon, Orange, Parkes, Upper Lachlan, Weddin , Young and Central Tablelands Water.

Centroc's vision is to be recognised as vital to the sustainable future of NSW and Australia.

Its mission is to be recognised as the lead organisation advocating on agreed regional positions and priorities for Central NSW whilst providing a forum for facilitating regional cooperation and sharing of knowledge, expertise and resources.

Centroc has two objectives:

Regional Sustainability - Encourage and nurture suitable investment and infrastructure development throughout the region and support members in their action to seek from Governments financial assistance, legislative and/or policy changes and additional resources required by the Region.

Regional Cooperation and Resource Sharing – Contribute to measurable improvement in the operational efficiency and effectiveness of Member Councils through facilitation of the sharing of knowledge, expertise and resources and, where appropriate, the aggregation of demand and buying power.

The Centroc Board is made up of the 30 Mayors and General Managers of its member Councils who determine priority for the region. These priorities are then progressed via sponsoring Councils. For more advice on Centroc programming and priorities, please go to our website <http://www.centroc.com.au/>

It should be noted that while this submission aggregates the view of members across the region, individual members will be lodging their own submissions that will have differing advice as the parcels of crown lands and their management differs on an lga by lga basis.

This region supports the overall principles of simplification, streamlining, consistency, reducing duplication and red tape. Reducing the current three tiered system to two tiers is also supported. Finally, where members are supportive, negotiating with Crown Lands for better community access and use of parcels of land is also welcomed.

Centroc has five concerns with regard to the White Paper.

Our first concern with both the White Paper, and the wider Crown Land Management Review, is the high likelihood of cost-shifting the management of crown land to local councils. Councils, and therefore ratepayers, already carry the cost burden of un-managed crown land purely because no one else will take responsibility. As an example, sections of member Councils residential areas back on to crown land, for example Travelling Stock Routes that have been forfeited. These unmanaged parcels of land become overgrown and the affected residents look to Council to maintain these sometimes considerable areas, to manage the bushfire and snake threats to their homes.

Our second concern is the recommendation from the Crown Land Management Review for the establishment of a Public Trading Enterprise. Whilst we have no objection to the PTE per-se we would not like to see profits being made at the expense of increased rent to community groups and costs passed on to councils.

Our third concern is the amount and type of crown land exempt from paying rates. If a profit-making PTE is formed then it should pay rates on all crown land under its jurisdiction. Any crown land used for a commercial purpose, including grazing, carbon sequestration and forestry, should pay rates. This additional resource will go some way to helping councils maintain unmanaged crown land, as well as any additional crown land that may be transferred to councils as a result of the Review.

Fourthly, we are concerned regarding the transfer of Crown Lands and this region would suggest that should Crown Lands transfer in management, they transfer in title, such that transfers to Councils involve the issuing of the Certificate of Title in the Council's name.

Fifthly, and finally, is our concern with regard to management of Crown Roads in particular. This is of great concern to a number of our members who have significant numbers of Crown Roads in their lgas. Should Councils have to take control over Crown Roads, it will challenge asset backlogs of varying significance across the region.

Take for example Bathurst who has around 300km of formed Crown Roads in their lga where they currently manage 1200km of roads. Transfer to Bathurst of Crown Roads would add 25% to their roads assets where the maintenance by Bathurst is at a much higher level than the current maintenance provided.

Multiplying this across the region, member Councils are understandably very concerned.

Crown Roads, often drawn on maps without the benefit of survey, are an ongoing issue in this region and any review should attempt to improve this situation, not exacerbate it.

Regarding the questions asked in the submission process, Centroc provides the following feedback:

- There should be a requirement for meaningful reporting with data that is quantifiable and actually useful. The current crown land annual reporting requires daily/weekly/monthly visitor numbers for each reserve under trust management - how can the visitor numbers to an open area/un-gated park or sporting oval be accurately measured?
- In order for local councils to manage reserves to the best of their abilities they need to be supported by well-resourced, well-informed business units within NSW Trade and Investment.
- Council believes any land owner consent, where the activity is consistent with the reserve purpose, should be delegated to the reserve manager.
- NSW Trade & Investment (or the proposed PTE) should have regional relationship managers to engage with local councils, similar to the regional offices before they were replaced by impersonal business centres.
- Regarding public notification of the proposed use or disposal of Crown land it is suggested that using the same provisions provided for within the Local Government Act would be preferable.
- Centroc does not support market based approach to rents for crown land; many parcels of crown land, ie. racecourse, showgrounds, community halls, do not have a translatable commercial value. Also, history shows us community groups will apply to councils for rent assistance via s.356 Local Government Act contribution (ie. a donation). Councils, and therefore ratepayers, will end up paying the rent for crown land.
- Five years is a reasonable amount of time to give tenure holders who currently pay below the statutory minimum rent to move to paying the minimum level of rent as required under the new legislation.
- Rental debt should not be passed on to a new tenure-holder on settlement - no one will pay their rent if they know it can be passed on to the next person. Provision consistent with Real Property Act should be applied.
- Leases should be subject to the Protection of the Environment Operations Act 1997.
- Crown land should be able to be used for all forms of carbon sequestration activities only with normal local planning and development approval and commercial rates applied to land.

As the recommendation for the Review are considered and implement Centroc would like the Government to consider:

1. In some cases the resources, time and money required to take on full ownership of any crown lands in a lga, will be significant, how will the Crown support councils through this transition?
2. If any crown land is transferred to local councils, how will the tenure of existing land be transferred?
3. What classification (with the current options being community or operational under the Local Government Act) will the land be transferred as?
4. What restriction will be placed on any land transferred to a local council?
5. How and when will the backlog of thousands of road closure applications be completed?

Centroc also notes that whilst Aboriginal Land Claims and the Aboriginal Land Right Act are not part of this White Paper or Review there cannot be meaningful reform to crown land management and reduction in red tape until the massive back-log of un-determined claims is addressed.

Centroc urges the Government to give due consideration to LGNSW's submission on the White Paper and to also undertake an extensive period of consultation with local councils and LGNSW before implementing recommendation from both the White Paper and the Crown Land Management Review.

For further advice in regards to this submission please contact the Executive Officer Ms Jennifer Bennett on 0428 690 935 or jenny.bennett@centroc.com.au

Yours sincerely,

A handwritten signature in black ink that reads "Ken Keith". The signature is written in a cursive style with a horizontal line underneath the name.

Cr Ken Keith OAM
Chair
Central NSW Councils (Centroc)