

**Submission
No 103**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: City of Parramatta Council

Date received: 22 July 2016

Inquiry into Crown Land - Invitation to make a submission (D04291285)

(a) The extent of Crown Land and the benefits of active use and management of the land in New South Wales

Response

Council manages and maintains a diversity of Crown reserves on behalf of the community including bushland, sporting fields and parks that are highly valued by the local community. They comprise entire reserves, e.g. Lake Parramatta Reserve and portions of larger reserves, e.g. Barton Park.

Council invests significant resources into the capital improvement and ongoing maintenance of these Crown reserves, within which significant council assets including buildings and infrastructure are located. Contrastingly, the Crown currently provides no contributions toward maintenance of facilities (other than a highly competitive small grants program).

As Crown reserves are essentially managed as community land, Council recommends devolvement of those Crown reserves to Council to recognise Council's ongoing role in the management and maintenance of Crown reserves and to ensure consistency of tenure.

It is noted that the majority of public land managed by Council is a combination of community land (managed in accordance with the Local Government Act 1993) and Crown Land (managed in accordance with the Crown Lands Act 1989), this results in unnecessary duplication i.e. Crown Lands reporting, and complexity i.e. Ministerial approval for licences greater than 12 months. It would be beneficial to transfer 'local' Crown reserves to Council for it to be managed under the Local Government Act to improve consistency and remove unnecessary duplication of requirements. Such duplication is highlighted where a reserve comprises both Crown Land and community land.

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

Response

For both Crown Land and reserves that are under the management of the Council, Council has a vigorous process of community consultation on commercial use and disposal of interests in Crown Land. The use of St John's Park, 195A Church Street, Parramatta (Reserve No. 1000494), for outdoor dining for the adjacent restaurant is an example. Council received the development application for the restaurant and conducted extensive public consultation to determine the development Application.

Following this extensive public consultation, Council then undertook a further extensive public consultation process dealing with the proposed outdoor dining use before referring the matter to the local Crown Lands office to seek permission to use St John's Park for outdoor dining.

Council deals with Crown Land in the same manner as land classified Community in accordance with the Local Government Act 1993, which imposes a consultation regime to ensure that Crown Land and land held by Council, is dealt with through an open and transparent process.

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

Response

Council is committed to protecting ecologically sensitive public land (including Crown Land) that contains threatened species, populations and ecological communities. Council has a significant bush regeneration program which utilises experienced bush regeneration contractors to undertake regular management and maintenance works within the network of bushland reserves. These bushland reserves have specialised management requirements which require significant resources and expertise that would be unsustainable to manage at a State level. Council recommends the transfer of Crown Land of ecological significance to local governments to recognise the important role that Councils play in managing and protecting natural resources throughout NSW.

To help with financing the protection and enhancement of Crown Land that are ecologically significant, such as Lake Parramatta Reserve and Moxham Park, Council recommends such Crown Land to be brought under the Biodiversity Banking and Offsets Scheme of NSW. These Crown Land can be assessed for issue of ecosystem and species credits to make it available for purchase in the open market under BioBanking agreements under which trust funds (on sale of the credits) would be set up to pay for long term protection and maintenance of Crown Land that are ecologically significant.

Council also manages Crown Land that is not ecologically sensitive, such as St John's Park, 195A Church Street, Parramatta (Reserve No. 1000494). This land is situated in the heart of the Parramatta CBD and as such Council is in a better position to deal with the use of this land, as previously discussed.

The State Government currently protects Council owned public land, through a number of methods, including:

1. The zoning of those lands under a Local Environmental Plan that goes through a rigorous public and State Government process and subsequently requires final approval of the State Government; and
2. Through the Local Government Act 1993 with the legislative requirement to classify lands as Community or Operational land.

The transfer of Crown Land to Council would most appropriately and effectively be preserved through the current provisions that the State Government has imposed, as noted above.

The transfer to Council of any Crown Land could be conditional on any number of requirements, such as, the land is classified as Community (meaning that the land cannot be sold) and being zoned for public and/or conservation purposes, as follows:

- i. Zone RE1 Public Recreation
- ii. Zone E2 Environmental Conservation
- iii. Zone E3 Environmental Management
- iv. Zone W1 Natural Waterways

Whilst these two conditions may seem innocuous, when the process to change these requires:

1. A rezoning of those lands under a Local Environmental Plan must go through a rigorous public and State Government process and subsequently requires final approval of the State Government; and
2. A reclassification of those lands to Operational (which would permit the land to be sold) must also go through the same rigorous public and State Government process as above, and subsequently requires final approval of the State Government.
3. Further to this, the requirements of the Local Government Act 1993 must also be met.

As such, the transfer of Crown Land to Council is protected through the control that the State Government holds in relation to rezoning and reclassification of the land so that it is preserved and enhanced for future generations.

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

Response

Dealing with Aboriginal Land Claims over Crown Land needs to be considered in a number of ways.

Item 1 - Crown Land to be transfer to Council

In discussions with the Local Land Council, the Local Land Council advised that they hold a blanket claim over all Crown Land however, they advised that if the land was utilised for public purposes then they would lift the claim from those properties so it could be transferred to Council.

Item 2 – Compensation for the alienation of Crown Land

Compensation for the alienation of Crown Land is considered to be a matter for both the Federal Government and the State Government. Councils are not able to meet the financial costs in dealing with Aboriginal Land Claims. If Councils were required to fund any claims for the alienation of Crown Land, these funds would need to be

raised through a significant increase in the payments of rates. Any increase in rates would be unpalatable to the rate payers as Native Title is considered to be a Federal issue as opposed to a local issue.

Item 3 - Aboriginal involvement in the management of Crown Land

Aboriginal involvement in the management of Crown Land would be welcomed by Councils. However, what needs to be considered by Councils is what form of management would be proposed. Currently, Crown Land is managed by the Department of Primary Industries Lands and as such discussions between the State Government, Council and the Deerubbin Local Aboriginal Land Council should be undertaken.