

**Submission  
No 105**

## **INQUIRY INTO CROWN LAND IN NEW SOUTH WALES**

**Organisation:** Keep Sydney Beautiful

**Date received:** 22 July 2016

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**Submission to the Inquiry into Crown Land from Keep Sydney Beautiful  
General Purpose Standing Committee No. 6, NSW Legislative Council**

**22 July 2016**

To: The Hon Paul Green MLC, Chair, and other Committee members

Keep Sydney Beautiful is a recently formed community group representing the views of a wide range of people living in the Sydney area. While we welcome development and other measures to improve the liveability of our city, we believe in protecting and enhancing Sydney's rich cultural heritage, green spaces and natural environments for future generations.

In our view, the NSW Upper House Inquiry into Crown Land is very timely. At the moment Sydney is experiencing a period of rapid growth and transformation. With the trend towards higher urban density living, Sydney-siders, and indeed all people in NSW, will increasingly rely on Crown land for convenient, free access to passive natural environments and affordable sporting, cultural and recreational facilities. Undeveloped Crown land also plays an important role in preserving and protecting local natural habitats.

We would like to offer the following input on each of the four points of the Inquiry's Terms of Reference:

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

When addressing this issue, we believe the Inquiry should keep in mind that currently Crown land is owned *by the NSW government on behalf of the people of NSW*. Consequently, decisions regarding the use of Crown land should be made with the goal of maximising the public benefit. Specifically, we advocate:

- Consideration of environmental, cultural, social and heritage values above economic concerns when reviewing the benefits of active use and management of Crown land.
- An up-to-date, public register of all Crown land in NSW.
- Encouragement of wide public use and enjoyment of Crown land when practicable. In our view, this means allowing organisations that run

community facilities on Crown land to enjoy nominal rates of rent so they can guarantee affordable access to their venues. In order to minimise commercial pressures, community-oriented facilities on Crown land should also have access to government grants and/or favourable loan schemes for general maintenance and renovations. We note that a recent KPMG survey revealed that 64 per cent of clubs in NSW were either in financial distress or at risk of it. Many of these clubs are on Crown land. According to ClubsNSW chief executive Anthony Ball, “Small clubs are struggling to meet the ever-increasing costs that are associated with keeping the doors open.” We agree with Mr Ball’s assessment that “It’s a sad fact that for every club that closes, a void is left within the community.” This is especially true if former club land is sold and/or rezoned for commercial use or housing development. In areas where higher density is being encouraged, we believe that protecting existing green space is even more essential.

- Devolving responsibility for appropriate Crown land to local councils *only* if adequate funding for maintenance of the land is provided, and only if appropriate mechanisms are put in place to prevent change-of-use, lease or sale. We recently learned that a sporting club on Crown land in Sydney’s eastern suburbs was advised by the council of a 200% rent increase and given notice that its long-term lease would likely not be renewed.<sup>1</sup>

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

No doubt members of this Inquiry are aware of widespread public concern and even anger over the lack of real community consultation and input with regard to council amalgamations and a host of recent development and infrastructure projects in Sydney and beyond.

We believe that the state government should do everything possible to encourage transparent, meaningful community consultation and input, especially with regard to the commercial use and disposal of Crown land. Specifically, we advocate:

- Not assigning a commercial or market value to Crown land in order to assess the 'opportunity cost', or reduction in value, of reserving it for community use. We believe that this type of assessment may inadvertently trap state governments or councils into believing that holding onto Crown land is too expensive? In all likelihood the commercial value assigned to

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<sup>1</sup> The club asked that its identity not be disclosed because it’s still in negotiation with the council .

Crown land won't properly take into account how the preservation of green space or accessible community facilities on Crown land improves the value of surrounding properties and the area in general. For example, if a bowling club on Crown land is sold for conversion into housing, the surrounding properties and beyond lose green space and access to a recreational venue. Consequently the loss of these valuable amenities may actually lead to a decline in property values in the area. Further, assigning the 'correct' market value to Crown land is problematic because of the considerable health and psychological benefits people derive from green spaces and access to convenient, affordable recreational facilities on Crown land. Limiting these types of opportunities by commercialising or selling off Crown land is likely to lead to a less productive workforce and higher health costs.

- Publishing timely information about Crown lands that have been identified for sale, lease, change-of-use or transfer to local councils, and encouraging widespread community consultation and input before decisions are made about their future.

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

We believe that existing legislation regarding the protection of Crown land should be strengthened and adequate funding should be allocated to protect, enhance and, when necessary, acquire more Crown land.

Social, cultural and environmental concerns should always be placed above economic considerations. As noted above, assessing the 'correct' commercial or economic value of Crown land is fraught with difficulties and may lead to shortsighted decision-making with detrimental long-term consequences.

In our view, the principles for the management of Crown land, as set out in the Crown Land Act 1989, should be respected and if necessary strengthened. They include consideration of environmental protection, encouragement of public use and enjoyment, and a requirement that the natural resources of the land be conserved and sustained for future generations. Overall, we believe that any changes in the legislation should propose ecological sustainable development with respect to Crown land.

As undeveloped Crown lands often provide vital habitat linkages between conservation reserves, they should be adequately maintained and protected. When planning new greenfields housing developments, for example, sufficient

undeveloped land should be acquired or set aside as Crown land in order to preserve local ecosystems.

***(d) the extent of Aboriginal land claims over Crown lands and opportunities to increase Aboriginal involvement in the management of Crown land.***

We believe that mechanisms to identify Aboriginal land claims over Crown lands should be put in place. Aboriginal people have a special relationship with the land and their rights should be respected. We note that if Crown land is leased or disposed of, the rights of Aboriginal people to lodge a claim are diminished.

**Conclusion**

Population pressures, skyrocketing house prices and the push towards higher density living are forcing people to live in smaller homes with limited or no access to private outdoor spaces. Consequently, the citizens of NSW must have access to quality passive natural environments and affordable sporting, recreational and cultural facilities on Crown land.

Crown land serves a vital role in providing essential public amenities. We believe state and local governments have an urgent responsibility to protect and enhance Crown lands for the long-term benefit of the people of NSW.

Thank you for the opportunity to make a submission. We trust you will duly consider community concerns.