

**Submission  
No 242**

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

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Thank you for the opportunity to provide a submission to the inquiry.

I am a local government professional and town planner with experience in public land management at the local level. This submission is intended to convey elements of my observations and experiences in the effectiveness and political nature of public land management in New South Wales.

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

Crown land, particularly Crown reserves, provide a valuable public asset. These lands in urban, peri-urban and coastal areas provide an essential green framework for active and passive open space, natural area conservation, sporting facilities, community facilities, foreshores, beaches and riparian areas.

The majority of these reserves are managed under trust predominantly by local government. This management is ad hoc, inconsistent and prone to carelessness and ignorance with decision making often dominated by political expediency rather than long term sustainable land management. Adding to the difficulties is the lack of proactive involvement from the State government (particularly its management agency DPI Crown Lands) in the education and enforcement of the legal obligations of land managers under the Crown Lands Act 1989.

Crown land and Crown reserves are an integral component of public land which also includes land held by and managed by councils for their communities. These council owned lands are managed (sometimes equally as poorly as Crown land) under the provisions of the Local Government Act 1993. Often public land, both Crown and council, is seen as an asset to be exploited for short term gain with the regulatory requirements seen as cumbersome, difficult to interpret and as a result non-compliance is rampant.

Crown land provides an essential community asset that is, and should be, managed by local councils for their community. Too often, however, councils seek to manage these assets as a business entity rather than a community service, applying economic rationalism and focusing on short term economic bottom lines. When given the choice, councils occasionally relinquish trust management in favour of direct leasing assets from the Crown to improve financial reporting and rationalising economic investments. While this may result in short term gain, it comes at the expense of the long

term value of the asset to the community, rendering it ultimately disposable as an amortised, depreciated asset to be traded in and upgraded.

As has been foreshadowed in the Crown Lands Review and White Paper, we support the concept of streamlining public land management and providing standardised management requirements and regulations for local government authorities to manage local Crown land and council owned land under the same regulatory framework. It is essential that this streamlined regulatory process includes sufficient accountability and reporting requirements to ensure accountability to both the public and the State government. The relevant State regulatory oversight body needs to be sufficiently resourced to ensure compliance and enforcement with appropriate penalties in place where mismanagement occurs.

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

As stated above, it is our desire to see a more streamlined and consistent approach to the management, classification and identification of purpose of Crown land, ideally achieving consistency with the approaches and requirements applied to public land owned by councils.

It is the position of this submission that Crown land, particularly Crown reserves, in urban, peri-urban and coastal areas are retained as a public asset providing for both current open space and community facility needs as well as a land bank for the needs of future generations. Crown land should only be sold or alienated for private interests when thorough, complete and independent community consultation is undertaken and absolute clarity and transparency is achieved in reaching the conclusion that the land is not needed for current or future community needs.

Where commercial use of Crown land can be sufficiently justified and is not detrimental to the current or future use of the land for public purposes, all economic proceeds should be quarantined and re-invested back into the maintenance, management and improvement of the land rather than for short term economic benefits to corporate interests.

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

It is our position that all public land, both Crown land and land vested in ownership of councils for public purposes, should be accountably and transparently managed in the public interest and for the long term community sustainability. Having a consistent and streamlined public land management regulatory regime will assist land managers and the public in ensuring the land is managed in the public interest and for long term sustainable public benefit.

Management provisions should include improved means of classifying and formally identifying public land according to its current or desired future land use or purpose. There are currently different regulatory processes relating to the classification and identification of purpose for Crown land and council land. These differences result in confusion and impracticalities for land managers, particularly councils responsible for managing land under different and disparate regulatory regimes. Applying greater and enhanced compliance requirements for the use and management of Crown reserves, similar to the accountability and use limitations in the Local Government Act 1993 applied to council owned community land would be a way to ensure Crown land is used, occupied and managed consistent with the community's interests and provide more accountability for land managers to regulate use of land in the public interest.

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

Managing Aboriginal interests in Crown land is a critical issue and one that is often dismissed in the name of economic gain. Many areas of Crown land retain the least disturbed and remaining culturally significant sites to Aboriginal people. Protecting, preserving and managing this is essential to respecting and preserving the ancient culture of the land that has been almost obliterated by European settlement.

It is the position of this submission that tangible, practical and meaningful attempts are made to ensure and enable Aboriginal interests to be recognised in the management of public land. The level of involvement and oversight of Crown land management should be determined in consultation with Aboriginal people and their interests and connections to the land genuinely listened to and respected.

Crown land must be managed for all people and in the interests of the entire community. Enabling Aboriginal people an active and direct role in the use and management of Crown land will provide opportunities for a greater education and understanding of their culture and will improve the information and understanding of non-Aboriginal people of the significance of the land to Aboriginal culture and the importance of respecting, knowing and understanding the land and what it gives us.