

Submission  
No 327

## INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

**Name:** Name suppressed

**Date received:** 24 July 2016

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Partially  
Confidential

GENERAL PURPOSE STANDING COMMITTEE NO. 6

Attention: The Chair, Hon. Paul Green MLC

I raise the following concerns:

- The Government is proposing to change the way crown land is managed. This includes the introduction of a business-orientated model and the transfer of crown land to councils. As a consequence, this will see land being reclassified as operational land, or alternately land commercialised or sold off.
- The absence of up-to-date State-wide mapping of Crown land and recent changes to access information under the land title system has made it more difficult and costly to verify where Crown land is held.
- By 2036, NSW's population is projected to increase by 2.2 million people. Crown Land is increasingly being commercialised or sold off, when it needs to be retained and expanded.
- Inadequate consultation about the use and disposal of Crown Land, and, lack of readily access information about the sale, leasing and granting of other interests of Crown land
- Evidence showing the mismanagement of the public estate, e.g. turning crown land into operational land to facilitate major infrastructure projects, with no merit appeal process available for critical infrastructure projects, e.g. Sydney Light Rail and Westconnex projects. Further, once our public assets are transferred to private companies and/or consortiums, access to documents via G.I.P.A. or Freedom of Information would appear to be unavailable. This decreases transparency and allows projects to escape public scrutiny.
- The exhibition of the Crown Lands White Paper in 2014 was inadequate and not well understood. This is reflected by the low submission rate, with only 626 submissions made. The submissions were not made available for public scrutiny, instead they were summarised for the public record, with insufficient information provided.
- The government has indicated it will introduce legislation into parliament soon without making the legislation being available for public comment before its introduction. This is not acceptable.

**Crown lands must be preserved for the benefit of the community and our future generations. These lands are fundamental to our social, economic and environmental well-being and their management must conform to ESD principles.**

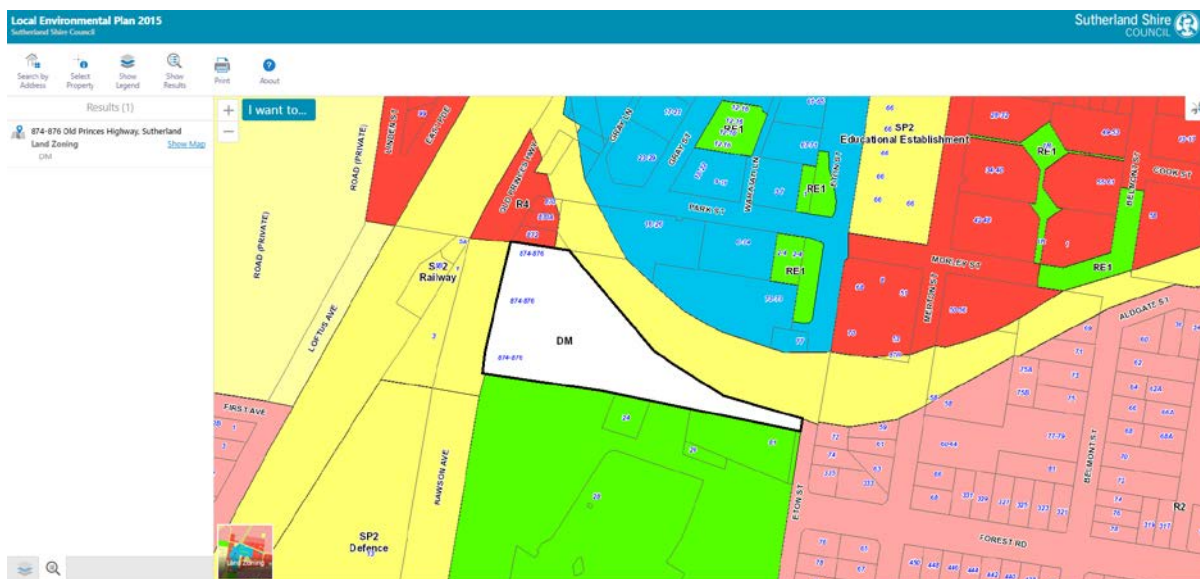
**An increased population housed in higher densities dwellings, with limited access to private outdoor space, will drive demand for open space and recreational facilities.**

**I would also appreciate if the Committee could recommend to government that a Moratorium on the sell off or development of crown and public land be implemented immediately, until such time as the report is handed to Parliament with sufficient time to consider and review the committee's recommendations. The report should also be made public.**

Further, I would like to express my concern about TWO pieces of Crown Land in Sutherland Shire NSW. This is a case study, to demonstrate how the current system allows the undermining of the purpose for which the land has been reserved, that being open space and recreation. It also demonstrates the inadequacy of community input and consultation regarding the commercial use and disposal of crown land. In this case there is no community input. One allotment of land could be on-sold with no public scrutiny. These two parcels became a matter for community concern during the exhibition of, and The Minister's subsequent Independent Review, into Sutherland Shire Draft LEP. Community concerns were also highlighted in a television segment aired on the ABC, hosted by Quentin Dempster.

One parcel of the land concerned is shown in mapping in SSLEP2015 as per the diagram below. The parcel is shown in white, and is marked as "deferred matter". The land, the former Sutherland Bowling Club (now the Sutherland Croquet Club) is providing facilities for the Sylvanvale Foundation. This is reported in later documents as **Crown Land perpetual lease DP752064 and its' 3 land lots, the lessee being The NSW State Branch of the RSL.**

The other parcel is adjoining, directly south, some 13,346 m2 of an area previously marked Public Open Space in SSLEP2006, is currently zoned as RE1, Public Recreation. **The parcel is part of Waratah Park, held by perpetual lease to Sutherland Shire Council.**



The area, marked "Deferred Matter", 870-876 Old Princes Highway Sutherland, was first documented as part of a Community Consultation into Draft Sutherland Centre Strategy, in the first half on 2012. Council Minutes, Strategy and Direction: 23/07/2012 SDC002-13, contained an annexe of 15 redacted submissions received from the consultation. This included 4 pages of submission lodged by a licensed club, a commercial venture, Miranda RSL Club Limited (known as Diggers). This is a commercial venture, and **not the Miranda RSL sub-branch**. Media reports suggest **Miranda RSL sub-branch have distanced themselves from this proposal.**

The 4 page redacted submission, obtained from Sutherland Shire Council minutes site, is reproduced below. It clearly states that discussions were held, by Miranda RSL Club Limited a commercial entity, with senior members of the State Government.

Strategy and Direction

23/07/2012 SDC002-13

Report on Community Consultation: Draft Sutherland Centre Strategy

File Number: LP/06/346505

Director: Environmental Services (MC:MP/LW)

crms 771795555

Sutherland

## MIRANDA RSL CLUB LTD

615 KINGSWAY MIRANDA, NSW, 2228

PHONE 9525 - 0844 FAX 9540 - 3230

John Brunton  
Environmental Director  
Sutherland Shire Council  
Eton Street, Sutherland, NSW.  
May 8th 2012

RECEIVED  
- 9 MAY 2012

Dear Mr Brunton

I am authorised by Club Chairman Kevin Schreiber and his Board of Directors to write to Council re the potential building floor space ratio allocation and rezoning of a parcel of land in Waratah Park known as 870 to 876 Princes Highway.

The land lots in discussion are DP 120503 & DP 120773 & DP 1061715 & "lots 1120 & 1051 & 1086 in DP 752064.

Miranda RSL Club has secured a formal option of consignment for Crown Land Perpetual Lease DP 752064 and its 3 land lots from the lessee, being The NSW State Branch Of The RSL (*Castlereagh Street Sydney*) to Miranda RSL Club.

Informal discussions have been held with Sutherland's Shire Mayor, the General Manager, yourself, councils senior planner, Club Chairman Kevin Schreiber and I.

Subsequently the Club Chairman and I became of the view Council may consider looking favourably on consigning the NSW Crown Land Perpetual Lease granted to Sutherland Shire Council onto Miranda RSL Club for a suitable development.

It is apparent the RSL Club Chairman Kevin Schreiber (*a Shire Councillor*) would not participate in or attend at any formal Council session on this specific matter.

Positive well received discussions have been held with NSW Ministers Annesley, Hazard, Pearce, Constance, Gallagher, Premier O'Farrell (*briefly*) Parliamentary Secretaries Ajaka and Facarra on the community benefit of this proposal.

Miranda RSL Club held negotiations with the Chief Executive Officer of the NSW P-C-Y-C who has agreed to allow the Sutherland P-C-Y-C to be demolished and replaced with a new structure built to acceptable size stipulations and design.

The offsetting requirement for provision of a new P-C-Y-C would be inclusion of this site as a whole in the sought after 3.3 to 1 FSR, rezoning at 38 meter height, redistribution of land mass for that site and transfer of any residual, land, FSR from this stratum to the main project.

The new P-C-Y-C would be a cost free project and fully owned by NSW P-C-Y-C.

There is definite ascetic benefit for the 3 houses on the north western boundary of lot 1086 to be included in this project, Miranda RSL Club is happy to enter into meaningful negotiations on this issue re a suitable financial settlement

**The Miranda RSL project proposal is to provide :-**

- i) The 3 traditional levels of aged care including a separate specialist dementia facility with a forecast capacity of 100 residents.  
*(subject to D/A)*
- ii) Fully self contained accommodation for Over 55 Year Olds (*seniors living*) with quality associated social amenities, approximate capacity 350 units.  
*(subject to D/A)*
- iii) A day care facility for approximately 30 seriously disabled young adults at no cost. (*replace current facility*) *(subject to D/A)*
- iv) A medium size hospital with up to 100 beds.  
*(subject to D/A)*
- v) Specialists doctors consultation rooms.
- vi) A rehabilitation and job training facility for the disadvantaged and the general community.
- vii) A new P-C-Y-C to replace the current facility. (*donated back to P-C-Y-C at no cost*)
- viii) A 4 star accommodation (*residential*) hotel with an approximate capacity of 100 beds and a number of units for disabled adults who are able to live independently with suitable care available. *(subject to D/A)*
- ix) High rise residential units for the general public, approximately 100 units.  
*(subject to D/A)*
- x) Car parking will be provided on site and out of site.

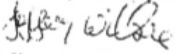
Miranda RSL Club respectfully partitions Council for consideration for the same rezoning, F-S-R allocation and height allocation for this nominated area to replicate that of the Hay Avenue site in Caringbah.

To best provide the variety of quality commercial, medical, hospitality and general accommodation amenities there is a need for the land lots to secure a 3.3 to 1 FSR with a 38 meter height provision in its rezoning and amalgamation of all lots.

Council will note the proposed project is devised to directly address a variety of major issues and significantly strengthen the role of the Shire generally and Sutherland centre specifically.

This proposal embraces commercial facilities, medical facilities, housing for over 55's, general housing, aged care, educational training facilities, hospitality by way of a hotel, sport and leisure facilities by way of a new P-C-Y-C.

I thank you for your time in reviewing this application.

  
Jeffery Wilkie  
General Manager  
Miranda RSL Club Ltd.

Strategy and Direction

23/07/2012 SDC002-13

Report on Community Consultation: Draft Sutherland Centre Strategy

File Number: LP/06/346505

Director: Environmental Services (MC:MP/LW)



## MIRANDA RSL

SUB-BRANCH CLUB LIMITED  
PO BOX 4 MIRANDA, NSW. TELEPHONE 9525-0844  
615 KINGSWAY, MIRANDA, 2228

Mark Carlon  
Manager, Environmental Planning Unit  
Sutherland Shire Council  
Locked Bag 17 Sutherland 1499 Australia  
June 6th 2012

**Re :-** Waratah Park proposal

Dear Mark

On behalf of Miranda RSL Chairman Kevin Schreiber and myself I sincerely thank Sutherland Shire Council General Manager John Rayner, Environmental Director John Brunton and yourself for your comments yesterday.

It is apparent Miranda RSL Club may well be confronted with a time line issue in regards to providing Council with suitably viable documentation to a required standard for consideration by Council Officers and or Councillors in session.

Under the aforementioned circumstances I am authorised by the Clubs Board of Directors to now seek a rezoning of the land lots DP 120503, DP 120773, DP1061715, and 1120 plus 1086 plus 1051 of DP 752064 as a priority and focus on providing an acceptable master plan of the project.

Said land lots cover 3 parcels of Crown Land held under perpetual lease to the NSW RSL State Branch, 1 parcel of Crown Land held under perpetual lease to Sutherland Shire Council, 1 parcel of held by P-C-Y-C and 3 residential houses.

The master plan yet to be presented to Council will seek a floor space ratio of 3.3 to 1 and be premised on a complex covering the land lots identified.

The issues of a suitable Town Planner, relocation of easements and vehicular access are receiving the utmost priority attention.

As discussed yesterday a broad based conceptual draft plan will be provided to you over the coming fortnight for review and further comment on any area that requires specify clarification and or greater depth of attention.

I again thank you for your efforts and advice on this very community minded project.

Sincerely

Jeffery Wilkie  
General Manager

Strategy and Direction

23/07/2012 SDC002-13

Report on Community Consultation: Draft Sutherland Centre Strategy

File Number: LP/06/346505

Director: Environmental Services (MC:MP/LW)

Mark

I have just been notified by Criss Gardiner (*NSW C-E-O of P-C-Y-C*) that the Sutherland P-C-Y-C site Lot number is 1131 / DP 752064.

This information wasn't available to me until literally 10 minutes ago and was therefore not included in my earlier e-mail, I apologise for this late provision of information.

This lot number will need to be included with all other lot numbers for required rezoning in the proposed development area.

I thank you for your patience on this matter.

Jeffery Wilkie  
General Manager  
Miranda RSL Club

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The other parcel of Crown Land adjoining, directly south, some 13,346 m<sup>2</sup> of an area previously marked Public Open Space in SSLEP2006, is currently zoned as RE1, Public Recreation. The parcel is part of Waratah Park.

#### Copied from Council report SDC002-13

“Nevertheless, one aspect of the proposal that could be accommodated at this stage is to enlarge the area so that it reflects the area under negotiation by the Miranda RSL. The drawing below illustrates the area now under consideration by the RSL. It is recommended that the precinct be enlarged so that the southern boundary is tangential to the northern edge of the Sutherland Leisure Centre. At the current FSR, this change would effectively add 13,346 m<sup>2</sup> to the site, thereby increasing overall development potential to 43,346 m<sup>2</sup>. This additional area is currently zoned Zone 13 - Public Open Space under SSLEP2006. Until the detailed masterplan is submitted to Council it is appropriate to maintain the zoning of this land as RE1 Public Recreation to reflect its current use.”



The Miranda RSL proposal is centred on the existing croquet club grounds. The Miranda RSL confirms that it has secured a formal option of consignment for Crown Land Perpetual Lease of the three lots that comprise the existing croquet club facility. It is in discussions concerning the three residential lots, and has secured the agreement of the Chief Executive Officer of the New South Wales PCYC to incorporate the existing PCYC facility into the proposed site, provided a new, replacement facility is incorporated into the development. It is understood that the Miranda RSL also has the support of the Sylvandale Foundation to incorporate its facility into the development, provided a new replacement facility is provided. As exhibited, the site has gross floor space potential of approximately 30,000 m<sup>2</sup>. This is very significant potential development. By way of comparison, the Donald Robinson Village at Sutherland has a gross floor area of approximately 13,477 m<sup>2</sup>. Given that there is no information as to how the development will be designed, it is recommended that the height and floor space ratio limits for the precinct should not be reconsidered at this stage. Instead, a better approach is for the development to be the subject of a stand-alone instrument once an acceptable detailed masterplan is submitted to Council. It is therefore appropriate that the strategy and LEP adopt a maximum height of 28m (Option 2 in the exhibited strategy) and maintain the FSR as exhibited (1.3:1 on the residential lots and 1:1 on land proposed to be zoned RE1).



**Further, the proposal was the subject of many articles in our local paper, The St George and Sutherland Shire Leader.**

**18th April 2013 The Leader (1439171)** The focus of their project is on the former Sutherland Bowling Club now the Sutherland Croquet Club and providing new facilities for the Sylvanvale Foundation." "The whole area was leased by the state government 1961. It is a perpetual lease held in perpetuity over which the RSL has negotiated an option agreement. The council voted last year for the potential southern Sutherland development site, which is outlined in the Sutherland centre strategy, to be extended further south to include 13,340 square metres of Waratah Park, to the boundary of Sutherland Leisure Centre. This has been done at the request of Miranda RSL Club, which is pursuing a major development of the area. "This additional area is currently zoned Public Open Space under SSLEP2006." Sutherland Shire deputy mayor Kevin Schreiber was re-elected as club president when Miranda RSL Club held its annual general meeting last Sunday. Elected to the board for the first time was developer .....

**13<sup>th</sup> August 2013 The Leader (1699360)** MIRANDA RSL hopes to build 500 residential units and a 100-bed residential aged-care centre on land south of Sutherland town centre, adjacent to Waratah Park.... The council's report on the submission said that under the proposal the predominant use of the site was for standard residential flat accommodation, with seniors living accommodation making up only a small component. "While the public benefit of the intended relocation and construction of the new Sylvanvale Foundation is recognised, it is not considered to provide sufficient justification for the form and density of development proposed in the Miranda RSL submission." The council report did not support the RSL proposal, saying the proposed density controls would exceed those of the Kirrawee brick pit and residential component of the Sharks development.

**28th Sept 2013 The Leader (1801096)** A high-rise proposal at Waratah Park, Sutherland, was attributed to Miranda RSL Club. The Returned and Services League, Miranda RSL Sub-branch, has no involvement with these proposals. The proposal is from Miranda RSL Sub-branch Club Limited with an unidentified builder/developer. The club limited's annual financial report to December 31, 2012, includes: - The company's activities are within the suburb of Miranda in the state of NSW. The company operates as a licensed club in the hospitality industry. It uses "Diggers" as logo and for promotions. - Annual report finances, when rounded, show the net loss after income tax as \$637,000 (2011 loss \$660,000). Current liabilities exceed current assets by \$2,212,000. - The company had \$89,000 capital commitments outstanding. The Club Limited Miranda properties are mortgaged to cover debt.

**29th October 2013 The Leader (1870364)** MIRANDA RSL Club has gone into administration after sustaining losses totalling almost \$1.3 million over the past two years. The club's administration is not expected to affect the separate company the club set up to build a large development south of the Sutherland CBD, adjacent to Waratah Park. The focus of the project is the former Sutherland Bowling Club site. The club's annual report detailed the development, known as "the Sutherland project". The area is covered by a Crown Special Lease of Land — a perpetual lease over which the RSL has negotiated an option agreement.

**26th November 2014 The Leader (2717563)** Miranda RSL Club Limited (known as Diggers) "the Miranda RSL Club Limited purchased the premises from the Miranda RSL sub-branch in 1999, the Club Limited has been, generally speaking, operating at a loss and selling club assets, the most recent being the car park now occupied by Aldi,"

**I am astounded that a company which operates as a licensed club in the hospitality industry can negotiate an option agreement on a piece of Crown Land which is covered by a perpetual lease.**

A licensed club, a commercial venture, which according to media reports, has gone into administration and has recorded losses over a sustained period. A licenced club that allegedly hosts the meetings of the Miranda Branch of the Liberal Party! A licensed club intends to leverage profit off a massive development on Crown Land. What happens to that profit? Is it divvied up between share-holders of the Club, or will the profits be eaten up by accumulated debt and potential losses in coming years?

**Please follow the money .....**

**Please explain how publicly owned Crown Lands has become of facilitator for private profit at the expense of our communities .....**

Since mid-2012 when the proposal for this Crown Land was first submitted, a number of new Aged Care facilities have opened in the Shire. Moran at Engadine; Bupa at Kirrawee; Alkira Gardens at Miranda; HammondCare at Miranda; Barden Lodge at Barden Ridge. There is also a proposed extension of ARV at Taren Point. Crown lands should be used to benefit the public. We need sporting fields and open space. We need community facilities. Crown Lands are OUR lands.

Further, there is considerable likelihood that Sutherland Shire will be asked to accept even greater densities. Our Council has acknowledged that they are not able to buy any more land for open space as they do not have the money.

**On the one hand we will have a huge potential for increasing development and population and no ability to increase public open space. Retention of crown land is paramount.**

06/10/2015 DAP035-16

Report Title:SSLEP2015 Amendment 4

File Number: 2015/220811

Author: Manager Environmental Planning (MC)

Minute Number: 254 Council Meeting Date: 19/10/2015

“With the release of the next Subregional Plan, it is likely that Sutherland Shire will again be required to make capacity for further housing growth. The area surrounding Kirrawee-Sutherland is the logical place to explore for increased density because the brick pit development sets a new context and scale for the locality. It is now somewhat illogical that the brick pit site has permissible heights of 50 metres and FSR of 2:1 while the land to the east and west, in the same zone, has height limits of 16 metres and 1:1 FSR. Similarly the redevelopment potential of the surrounding land also needs to be reconsidered within this context.” “If Council wants to seize the potential of Sutherland-Kirrawee it needs to act now so that the best potential long term outcome is not jeopardised by new development that does not maximise the potential of the precinct.”

**Crown lands must be preserved for the benefit of the community and our future generations. These lands are fundamental to our social, economic and environmental well-being and their management must conform to ESD principles. Given the massive development potential and increased densities proposed by our recently legislated SSLEP 2015, these areas are needed for community open space and facilities into the future. An increased population housed in higher densities dwellings, with limited access to private outdoor space, will drive demand for open space and recreational facilities. It is imperative that our crown lands remain in public hands, for public benefit.**

In respect to Native Title, all Crown Land could also be considered un-conceded Aboriginal Land. It is unclear what impact changes to the Crown Lands Act and crown land management will have on Native Title land claim rights, both pending and into the future. Consideration **MUST** be given as to what effect proposals to sell or transfer land to private agencies or individuals will have on future claims. It is essential that Crown Lands are properly managed to protect important environmental, social, and cultural values pending the resolution of any outstanding land claims.