

Submission
No 344

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Name: Name suppressed

Date received: 24 July 2016

Partially
Confidential

Submission – Crown Land Enquiry Terms of Reference

22 July 2016

I lodge the following submission in relation to the Crown Land Enquiry specifically Item 1(b) *'the adequacy of community input and consultation regarding the commercial use and disposal of Crown land'*

I have worked for over a decade in the public service and observed the disposal and lease of a number of Crown Land parcels by colleagues in other departments. I regret to confirm that public concerns over the commercial use and disposal of Crown Land were justified in the instances I observed.

The present disposal & leasing arrangements demonstrate poor administration and vested interest. Two areas are of particular concern:

Competition: In all the instances I observed a leasee or purchaser of disposed land had already been determined by private arrangement with public agencies well before any 'public' disposal process or call for tender was instigated. There were limited assessment criteria for determining between competing proposals and neither the process nor outcomes were publicly available information.

Public exhibition: In many instances the degree of public exhibition of lease or sale arrangements was lacking or non-existent. A few practices are of particular concern:

- Use of 'tender' websites: These websites require registration and are frequently used for large government tenders. However this practice narrows public engagement by strongly favouring government agencies & big business (who are better established to monitor such services) and effectively exclude small businesses and community organisations who may provide more competitive alternatives to land use
- Use of limited exhibition data: Frequently the data provided were selected to limit broader public participation. For example the listing of Lot/DPs without addresses suits big business and government agencies but excludes other interested parties.
- Scope of exhibition: In some cases exhibition is only technically public (if you know where to look). It was frequently reported that the only non-agency person to know of the sale was the neighbouring landowner with an interest in purchase/lease.

Exhibiting lapsed licenses: There is no process for public notification when existing licences lapse. The result is the only 'those in the know' are able to apply for use; this is highly non-competitive.

Renewal of licenses: The current system is prejudiced toward the continuation of existing leases and private over public uses; this does not provide a competitive framework. A considerable number of leases are held for very tenuous uses and with regular renewal are not available for more competitive purposes. The system should provide opportunity when private leases come up for renewal for alternative uses (including public use) to be considered.

Recognition of non-financial and public land uses: Competing uses should be competitively assessed in regard to the potential benefit to the state rather than to private interests.

In particular adequate recognition should be given to benefits of environmental conservation and community recreation as more competitive land uses than commercial private benefit.

In summary I suggest the following matters for consideration by the committee in relation to item (b):

- The potential for mandatory exhibition data requirements. This would assist broader community & business in identifying relevant lease/sale opportunities, including:
 - Maps of property
 - Street Addresses (or nearest)
- Improved exhibition by advertising lease & sale opportunities in a more accessible online format including:
 - A single web portal available on the Crown Lands website
 - Accessible data (not requiring registration/log-in)
 - Providing basic search functionality including Suburb and LGA data and
 - Browsible map features

Documents relating to lease & sale opportunities should be electronically available through this portal without the need for application for documents or registration with the service.

- Public exhibition of licenses within 14 days of failure to renew
- Opportunity for alternative land uses to be presented for land under licence, where the public benefit can be shown to be greater than the current license uses
- Recognition and prioritisation of public interest land uses including recreation & conservation

I commend the committee to their task and look forward to the results of their enquiry.