

**Submission
No 263**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: Campbelltown City Council

Date received: 27 July 2016



22 July 2016

The Director
General Purpose Standing Committee No.6
NSW Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Sir or Madam:

Inquiry into Crown Land

I refer to an invitation for Council to make a submission to the inquiry into Crown land in New South Wales currently being undertaken by the NSW Legislative Council's General Purpose Standing Committee No. 6.

It should be noted that Campbelltown City Council has previously lodged a submission associated with consultation on the Crown Lands Legislation White Paper in 2014 that supported the recommendations identified in the Crown Lands Legislation White Paper which set out to:

- Create simpler legislation to support Crown land management in the 21st century;
- Help grow the NSW economy through the more effective management of Crown land;
- Continue the key objective of managing Crown land for the benefit of the people of NSW;
- Reduce red tape for the community and stakeholders;
- Streamline and speed up administration;
- Cement the role of the local communities in the management of Crown land.

In response to the particular items identified as the terms of the inquiry into Crown land:

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

There are a number of important and strategic parcels of Crown land within the Campbelltown LGA (eg. Campbelltown Showground - Campbelltown, Ingleburn Memorial Oval - Ingleburn, Hurley Park Reserve - Campbelltown, Mawson Park - Campbelltown, Kentlyn Reserve - Kentlyn, Seddon/Kennett Park - Glenfield, Junction Road - Leumeah and

along the Georges River) which are utilised for a variety of purposes from bushland, passive/active recreation, commuter buildings, parking, provision of a Rural Fire Brigade Service Station and as a waste depot.

This includes the provision of ovals used for various sporting activities, playgrounds and the public amenity forwarded by the Crown land open space.

These are of vital importance particularly as the Governments planning policies encourage urban consolidation within the existing commercial centres. The identified Crown land (as open space) is important in ensuring Council can deliver the State Governments policy for integrated housing, economic development and transport to existing and new developments to encourage density increases.

The transfer of ownership of Crown land to Council would ensure the continuing provision of fundamental access to quality open spaces currently held in Crown ownership. If any of this land is sold off it would be difficult to sustain the residential development opportunities that the existing open space provides without impacting on residential housing affordability as Council would be required to acquire new open space land reducing the available supply and impacting on the viability of urban development.

The relevant Crown land parcels are managed by Council (in its capacity as Reserve Trustee) with a requirement to report to the Crowns land division regarding any development or improvements provided to the Crown land.

It is considered that the Legislation relating to Crown land should be reviewed to replace inconsistent provisions of the existing Acts and to address the issues of land ownership, particularly to provide the opportunity to transfer existing Crown land to Council at no cost in order to allow Council to manage the Crown lands to provide for the maximum public benefit.

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

Based on the previous performance of the Crown Land Division where they allowed a telecommunications facility to be sited in the middle of a future road alignment at Campbelltown Showground without consultation with Council it is considered that Council would be in a better position to engage the community regarding any uses of Crown land.

Campbelltown City Council supports any recommendation for Crown land to be transferred to Council and managed under the Local Government Act subject to consultation regarding the transfer process.

It is considered that by allowing Councils to own/manage local land under the Local Government legislation will deliver efficiencies and improve community outcomes and would remove the unnecessary duplication and administrative costs incurred under the existing arrangements.

Crown Lands currently add little if no value to the management of local Crown land for which Council is the Reserve Trustee. As an example Council had previously made a request for land to be vested in Council which was identified to provide for a road to improve access to a Crown Reserve which was denied on the basis that the Crown Lands Officer identified (although being impractical) an alternative access being available.

Although the alternate suggested access was impractical the Crown Lands Division subsequently permitted a telecommunications carrier to install a telecommunication facility in the middle of Councils proposed road alignment although Council (Reserve Trustee) had objected to the proposal.

Based on this experience there has obviously been a lack of an understanding of the needs of the local community or willingness to liaise with Council to obtain the most appropriate outcomes relating to the use of Crown land and public benefit to the local community.

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

Under the current system it would be recommended that the Crown Lands Division consult with Councils (and Reserve Trustees) in respect to any proposals involving Crown land in the first instance if they are continue to be responsible for the Crown land.

In relation to the proposed transfer of Crown land to Council it is considered that there is already an adequate process to ensure that the public is notified of the proposed use or disposal of land under the provisions of the Local Government Act. These provisions exist in the Integrated Planning Reporting process required by the Division of Local Government, the classification of land provisions of the Local Government Act and Councils reporting and meeting process which all provide the public an opportunity to provide submissions in respect to any land owned by Council.

Although the current provisions of the Local Government Act in respect to community land and particularly in respect to any change in use (amendments to Plans of Management) require any objections to be referred to the Minister a similar provision can be placed on title of the Crown land if transferred to Council which would require Ministers consent prior to any sale (if sale of land was to be considered).

Any sale of land proposal would require Council to show a benefit to the community in either acquiring an alternative site or using the funds for a public purpose benefiting the community after a public consultation process was undertaken.

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

Council considers that there is an opportunity to consult with the Local Aboriginal Land Councils in respect to Aboriginal land claims associated with Crown land and that this consultation should already be in the process of being undertaken by the Crown Lands Division.

This Council looks forward to undertaking further consultation with the Crown Lands Division regarding the future of Crown land within the Campbelltown LGA.

If you require any further information please contact the undersigned on 4645 4490.

Yours sincerely



John Milicic
Manager Property Services