

**Submission
No 273**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: City of Canada Bay

Date received: 22 July 2016

22 July 2016

The Director
General Purpose Standing Committee No 6
Parliament House
Macquarie St
SYDNEY NSW 2000

Dear Director,

Inquiry into Crown land

The City of Canada Bay would like to thank the General Purpose Standing Committee No 6 for the opportunity to provide a submission to this Inquiry.

The City of Canada Bay's response to the Inquiry's Terms of Reference is set out below.

Please note that each page-number reference is to the NSW Government document "Response to Crown Lands Legislation White Paper- Summary of Issues and Government Response" (October 2015).

Response to Terms of Reference

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

Key Issues

Council endorses the various proposals on pages 6, 9, 12, 13 and 18-

- to *"remove red tape where practical"*
- that *"Local Councils will not be required to seek the Crown Land Minister's approval for dealings on reserves because they will be subject to the requirements for managing land contained in the LGA"*
- that *"In order not to duplicate requirements under the LGA, the only reporting obligation in the Crown Lands legislation for Local Councils managing Crown reserves will be to provide information if requested by the Minister"*
- that *"The range of activities proposed in the submissions will inform the list of low impact activities to be included in the streamlined and simplified landowner's consent provisions. This will allow greater flexibility and reduce red tape"*
- that *"new legislation will not require Ministerial approval for minor changes to tenancy agreements"*
- that *"Local Councils and Crown Land Managers will not be charged rent for reserves they manage"*
- to *"retain provisions for the Public Reserves Management Fund to continue as a vehicle to provide funding for Crown reserves with State significance"*

Evidence

- The City of Canada Bay has a total area of 20sqkm. It includes 154 parks and reserves, and 38km of harbour foreshore. Council manages 220ha of open space, equivalent to 11% of the total area.
- Crown land comprises 153ha of the above 220 ha. That is equivalent to 8% of the total area of City of Canada Bay, and 70% of all Council-managed open space. Some additional Crown land is not open space.
- By comparison with other metropolitan local government areas, the City of Canada Bay has a very high proportion of Crown land.
- The benefits of Crown land to the City of Canada Bay community are considerable and include health (eg physical, mental, emotional), social (eg community, volunteerism, entertainment, skill development), environmental (eg visual amenity, conservation, sustainability) and economic (eg tourism, employment, hospitality, entertainment).
- The communities of nearby inner-city local government areas without similarly-large areas of open and public space, heavily use those of the City of Canada Bay.
- Council has developed many plans, policies and strategies to assist the management of Crown land. They include a Recreation Plan, Recreation Facilities Strategy, Asset Management Policy and Local Planning Strategy, and multiple Plans of Management.
- The management of Crown land is a significant administrative and financial cost to Council.
- The NSW Government proposes to amalgamate the local government areas of Burwood, Canada Bay and Strathfield, equivalent to a doubling of Canada Bay's total area and total population.
- The total population for the above region is projected to increase from 151,000 in 2011, to 209,000 in 2031, ie by 38% in 20 years.
- In the future, it will be impossible to maintain the current level of public and open space in direct proportion with increasing population, so generally Council instead will have to embellish and improve access to existing land including Crown land.
- Ongoing demographic changes are also changing the preferred nature of community use of Crown land. They include increased demands for individual, lifestyle and indoor sports at the expense of traditional outdoor team sports, and for passive use of public land in the absence of large backyards in private residences, and for recreation services for the elderly and the very young.
- The proposal on p21 that "*The changes being proposed will lead to a reduced administrative burden on Department of Primary Industries- Lands staff...*" is likely to have the effect of shifting an administrative burden to local government.
- The proposal on p10 that "*Plans of Management will be required for many reserves, particularly reserves that provide a number of facilities and are used by different community sectors. Plans of Management may not always be appropriate for smaller reserves and it may be better to develop other plans, such as strategic plans*" is likely to require local government to prepare a Plan of Management for any community, leased or licensed land, noting that currently local government receives little financial support from sources such as the Public Reserves Management Fund.

Recommendations

- Provide local government with the autonomy and flexibility to be able to adapt current use of large local Crown land areas on a needs basis, to maximise community benefit.
- Enable local government to consider land strategically, rather than parcel-by-parcel.
- Include field floodlighting and amenities blocks in the definition of "low impact" activities.
- Simplify management structures, to provide for one reserve manager to manage a suite of reserves.
- Increase the use of information management systems and on-line technology, to provide fast, efficient and transparent processes.
- Ensure that legislative amendments have the effect of no net cost to local government, noting by comparison p21 *"The changes being proposed will lead to a reduced administrative burden on Department of Primary Industries- Lands staff..."*
- Enable local government to retain land with revenue streams, in order to be able to continue to cross-subsidise high-maintenance land elsewhere.
- Transfer telco leases to local government, where appropriate.
- Better resource local government to administer land on Crown's behalf, including when implementing Plans of Management, and when preparing new Plans of Management and strategic plans for transferred Crown lands.

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

Key Issues

Council endorses the various proposals on pages 6, 7, 12, 13, 16, 17, 18 and 20-

- to *"integrate environmental, social, cultural heritage and economic considerations in decision-making about Crown land"*
- to *"develop a community engagement strategy for dealings with Crown land... as a requirement under the new legislation" that will "recognise the need for a mix of traditional communication methods... and contemporary methods" and "draw on Local Councils' experience of the best means for community engagement in their local government area"*
- that *"rebates, waivers and concessions will continue to be available for community groups and not-for-profit organisations" and that "DPI- Lands will develop a publicly available policy in this regards to ensure that there is transparency and consistency in the application..."*
- that *"There will be no forced transfers of land to Local Councils," "Determining the best manager for the land will be site specific and on a case by case basis" and "the legislation... will not force or require land disposals"*
- that *"Where land is predominantly of local interest, transferring it to Local Councils will allow decisions about that land to be made by local communities rather than by the State Government"*

Evidence

- The proposal on p16 that *"Where land is predominantly of local interest, transferring it to Local Councils will allow decisions about that land to be made by local communities rather*

than by the State Government" might effectively mean that little Crown land would remain in City of Canada Bay.

Recommendations

- Clarify the process and criteria for the transfer of Crown land to community land, and if appropriate community land to operational land.
- Require appropriate consultation with local government, to determine which Crown land has state or regional, rather than local, value.

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

Key Issues

Council endorses the various proposals on pages 7, 10 and 16-

- that *"Land of primarily local value can be made available to Council as community land. This will mean that councils are restricted in how they deal with it under the LGA requirements around community land" and "Where land is predominantly of local interest, transferring it to Local Councils will allow decisions about that land to be made by local communities rather than by the State Government"*
- that *"Plans of Management will be required for many reserves, particularly reserves that provide a number of facilities and are used by different community sectors. Plans of Management may not always be appropriate for smaller reserves and it may be better to develop other plans, such as strategic plans."*

Recommendations

- Retain in new legislation the six Principles of Crown land management, contained within s11 of Crown Lands Act (1989).
- Clarify with respect to both the Local Government Act (1993) and new legislation, the implications of preparing a strategic plan instead of a Plan of Management for any given site.
- Consider the status of boundary lines on foreshores.
- Prevent or at least control private use, eg of foreshores and for marinas.
- Note that a community will maintain a right of appeal to the NSW Government, against any local government resolution regarding Crown land use.

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

Council has not considered this matter, at this time.

Summary

Council's position on proposed Crown land legislation is unchanged from that of its June 2014 submission to the Crown Lands Management Review of 2014-2015, which is attached for your reference, and which states in part that *"In principle, City of Canada Bay supports the development of one piece of legislation to manage Crown land, the proposed streamlining measures associated with improved management and the establishment of better provisions for tenures and rents."*

This submission further identifies those specific areas that Council considers most important. Such areas include the ongoing availability of land, the capacity to adapt its use, and cost-shifting in its administration.

Council's position aligns generally with those outlined in the NSW Government document "Response to Crown Lands Legislation White Paper- Summary of Issues and Government Response" (dated October 2015), and Local Government NSW's submissions to the NSW Government (dated June 2014).

Finally, Council would welcome the opportunity to attend and make an oral submission to any future public hearing relating to this Inquiry.

Should you have any queries or require any further information, please do not hesitate in contacting me.

Yours faithfully,


Gary Sawyer
General Manager