

28 August 2020

Crown Land
PO Box 2155
DANGER NSW 2309

Via Email: spp@crowland.nsw.gov.au

Dear Sir / Madam

NSROC feedback to the State Strategic Plan – A Vision for Crown Land Discussion Paper

Northern Sydney Regional Organisation of Councils (NSROC) appreciates the opportunity to make a submission to the NSW Government on the State Strategic Plan – A Vision for Crown Land Discussion Paper. I appreciate the extension granted.

NSROC is a voluntary association of eight local government authorities in northern Sydney whose member councils service an area of 639km², stretching from the Hawkesbury River in the north to Sydney Harbour and Parramatta River as far upstream as Meadowbank in the south and generally west of the Harbour Bridge.

In summary, NSROC feedback on the State Strategic Plan – A Vision for Crown Land Discussion Paper focuses on the following points:

- Support for the overarching principles and framework
- The Crown Land Managers process requires some finessing and resourcing
- Native Title and Aboriginal Rights are supported and Native Title Certificate process and resourcing should be addressed
- Support additional data being available and any reporting should add value and not be resource intensive
- NSROC would welcome future engagement with local government to develop the detail of the implementation plan and create improved outcomes for current processes.

Further detail on these points can be found in the attached.

Should you require further information, please do not hesitate to contact me on (02) 9911 3660 or by email at MKenyon@lanecove.nsw.gov.au.

Yours sincerely



Maxine Kenyon
Executive Director

Submission

**Department of Planning, Industry and
Environment**

**State Strategic Plan – A Vision for Crown
Land Discussion Paper**

28 August 2020

Prepared by Northern Sydney Regional Organisation of Councils

Member Councils: Hornsby Council
 Hunter’s Hill Council
 Ku-ring-gai Council
 Lane Cove Council
 Mosman Council
 North Sydney Council
 City of Ryde Council
 Willoughby City Council

Contact: Maxine Kenyon
 Executive Director, NSROC
 mkenyon@lanecove.nsw.gov.au

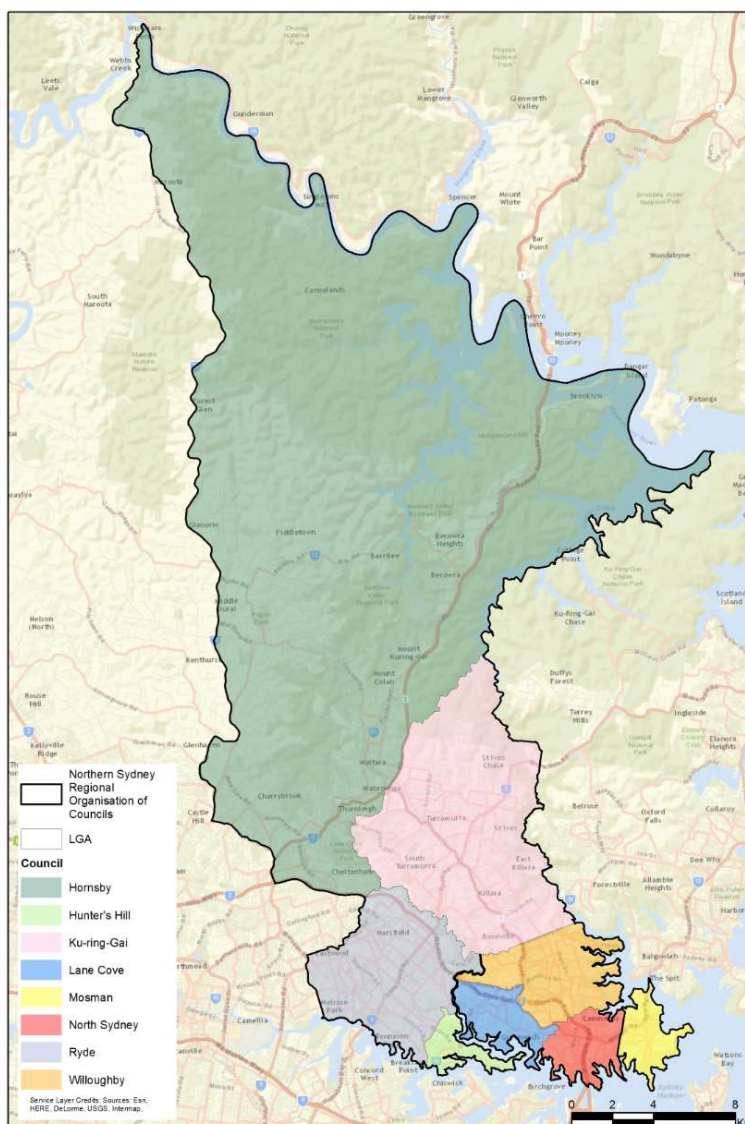
INTRODUCTION

The Northern Sydney Regional Organisation of Councils (NSROC) is pleased to make this submission on the State Strategic Plan – A Vision for Crown Land Discussion Paper.

NSROC is a voluntary association of eight local government authorities in Sydney. The councils service an area extending from the Hawkesbury River in the north to Sydney Harbour in the south, west to Meadowbank on the Parramatta River, as shown in Map 1. The region is home to over 625,000 people, over 400,000 jobs, over 82,000 businesses and a Gross Regional Product of \$68.65 billion, representing 11.52% of the state's Gross State Product.

Our member councils directly employ nearly 3,300 staff and provide an array of services and infrastructure for the benefit of the community. As significant Crown Land Managers, our councils are well placed to inform the development of this Strategy and its implementation. Our input will provide both strategic and operational value which is based on the reality of working across local government areas to strategically plan, develop, manage and deliver operations to facilitate communities that are strong, healthy and prosperous.

It is in this context that NSROC makes this submission, which represents the view of our member councils, while noting, individual councils may also make an independent submission.



Map 1: Northern Sydney Regional Organisation of Councils area

SPECIFIC FEEDBACK

NSROC welcomes this review, our feedback has been grouped into:

- Overarching Principles and Framework
- Crown Land Managers
- Native Title and Aboriginal Rights
- Data and Reporting
- Future Engagement.

Overarching Principles and Framework

- NSROC recognises the need to develop a vision and strategy for the management of Crown land in NSW and improve the way Crown land is managed for the benefit of the community.
- As key Land Managers, our member councils support the guiding principles of consistency, efficiency, fairness and transparency outlined in the new approach. We also value the focus on considering environmental, social, cultural heritage and economic considerations.
- It is recognised that the issues associated with managing Crown lands are complex. Even so, it is important that any changes in direction or the framework do not stifle innovation, do not limit good options and outcomes, and do not inhibit or preclude the ability to respond to changing needs. Reforms must also recognise that development in metropolitan areas is different to other areas of the State in terms of cost of land, population pressures and type of development.
- NSROC supports the intent to streamline processes and reduce red tape for local government Land Managers, it is hoped this will streamline both processes and reduce the resourcing impact on councils.
- In our region, land for open space is rare and costly and this will only be exacerbated with the increasing population pressures on the existing spaces. NSROC has identified in the Sportsground Strategy that our region is already under provided in open space and therefore would support the expansion of green space as outlined in the priorities. We would welcome future opportunities to discuss the increased pressures on open space in our region and how Crown Land could assist in creating additional spaces or maximising what already exists.
- In balance with the above point, there is a need to maintain a balance between expanding green space and protecting the natural environment and maintaining biodiversity.
- NSROC through its Northern Sydney Social and Cultural Strategy, and the Northern Sydney Transport Strategy has identified priority facilities and infrastructure that align with the proposed priorities outlined in the Discussion Paper and could also be supported by Crown Lands.

Crown Land Managers

- The concept of the Crown Land Management Act allowing councils to manage Crown land as their own is a great idea, the enabling and delivery of the idea however needs finessing. Some of the issues have been outlined in this submission, additional feedback can be provided through future engagement.
 - With the significant changes to the Crown Lands Act in 2018 and the impact on councils as Land Managers, funding should be provided to support these additional requirements on assets which are not owned by council.
 - The Land Negotiation Program should be expanded.
 - Oversight under Crown Land Managers has shifted the cost to local government without resourcing.
 - Crown Lands transferring responsibility across to Local Government without establishing the necessary processes.
 - See also commentary regarding Native Title issues below.
- In developing processes based on this Strategic Plan, it is important to reflect on the current challenges local government experience in working with Crown Lands and build them out of future processes, particularly timely responses and a proactive and creative approach to delivering outcomes.
- The provision of tools and resources to volunteer Crown Land Managers should be expanded to all Crown Land Managers.
- Any opportunity to remove red tape for local government given the significant skillset of managing land and providing benefit for the community which already exists within councils.
- Standardised processes are supported, however not at the expense of innovation and creativity to deliver improved outcomes for the community.

- Given the increased pressure on land, particularly in infill areas, a greater level of funding should be provided for works within Crown land to ensure they are enhanced to a suitable level and provide the social, environmental, cultural or financial benefit.
- Councils want to work with Crown Lands to identify surplus sites, particularly those which are a liability and could turn the money into better income generating properties that provide alternative source of sustainable income to assist councils to do more.
- Commercialisation (for councils and others) is supported but needs to be balanced with delivering outcomes for the community.
- The Discussion Paper highlights the impact of tenure on the potentiality of investment from Crown Land Managers or commercial operators. We support a more flexible and appropriate approach commensurate with the investment being offered by others and agree this is a significant issue moving forward.
- Improving and maintaining public foreshore access should be prioritised as an outcome in the assessment of any commercial or domestic waterfront structures.
- We understand the value and benefit of Crown Land Managers and the value local government can provide, however there also needs to be recognition of the role and experience local government has in managing land to provide quality community outcomes. Some of the opportunities include:
 - Provide greater control and flexibility of the land that we manage in the long term.
 - Increased local government engagement through the process of allowing telecommunication towers on Crown land. Typically councils are not engaged nor have any visual of the agreement between the Crown, there are often impacts on the surrounding grounds, such as council parks, which can be significant requiring councils to rehabilitate and maintain the site, manage community feedback, without receiving any income from the activity.
 - Unformed roads which have no intention of being a future road, should be handed over to councils to manage in accordance with the surrounding areas, given they already currently maintain them.
 - Amalgamation of adjoining sites to minimise different reporting and management requirements.
 - Any income generated by a site should offset the costs of the maintenance and oversight undertaken by local government. In addition, local government should have greater flexibility to manage resourcing to deliver the outcomes required.

Native Title and Aboriginal Rights

- NSROC strongly agree and support native title and aboriginal rights and agree that the timeliness of these matters should be improved as outlined in the Discussion Paper.
- It is inappropriate for the Crown to cost shift these issues to local government, given they are typically complex and difficult legal matters. This requires significant external resourcing from local government.
- Funding should be provided to support Native Title Managers for ongoing training, support and legal advice.
- Currently member councils are having difficulty getting Crown Lands to issue Native Title Certificates (NTC). Crown Lands are not issuing NTCs, nor do they have a system in place to issue NTCs, however it is recognised that Crown Lands are working on a proposal address this issue. Even so, we understand that it is proposed to be a paid service, which is again shifting the cost to local government. Removing or at least minimising the additional red tap will not only create a more efficient process but remove the creation of additional costs.
- The current process is cumbersome and even with a future revised process in place it will be unlikely that councils can meet the timeframes. Given, it will leave seven months for council's to request NTCs; Crown Lands to investigate and issue NTCs; Council report the Plan of Management (POM) to the Minister; publically exhibit the PoM; and then, have the PoM adopted by 1 July 2021

as per Crown Land Management Act requirements. The timeframe is unrealistic and a delay of this requirement is required.

- The obligation of councils to manage Crown Lands in accordance with the Legislation and to have a POM consistent with the legislation should suffice without the need for Crown Lands to individually review and approve each POM. Again this would streamline the process and remove additional costs.
- Without a Native Title Certificate councils are unable to undertake capital work improvements and issue leases and licences on this land, restricting the public benefit that can be obtained. NSROC has identified a Native Title Manager who provides Native Title advice, however in some instances they require Crown Lands to issue a Native Title Certificate to finalise the advice provided.

Data and Reporting

- The Discussion Paper highlights the potential for publishing maps and data. We would welcome more information being transparent and available.
- It is important to ensure that there is value and utility in the data captured and published and that relevant data provided to councils is in an accessible and usable format.
- More detail on the specific reporting requirements would be welcomed, to ensure it is effective for purpose and will not be onerous or place a further administrative burden on council.
- It is assumed that any reporting requirements on Land Managers will also be required of the State.

Future Engagement

- Given the significant impacts any changes will have on local government both strategically and operationally, recognition of local government as a core stakeholder and the level of engagement should be commensurate with this role.
- Future guidelines or approaches are mooted in the paper but with little detail. We would welcome engagement through the design and transform stage as outlined in the Discussion Paper and before Crown Land Managers are required to implement.
- Our members would appreciate the ability to have discussion about all Crown land in our region to discuss opportunities to align with council priorities, create efficiencies of management, and maximising value, financial or otherwise.

CONCLUSION

NSROC supports Crown Lands having a strategic approach and the underlying principles and foundations of this document are sound. We have outlined in our submission opportunities to enhance the approach and work in partnership with local government to maximise sustainable outcomes for the benefit of the community.

As local government is a key Crown Land Manager across the State, is imperative that processes allow for innovation, sustainability in operations and finances, provide benefit to our communities and are appropriately resourced. Our member councils want to work together with Crown Lands to deliver a transparent, fair, consistent, efficient yet innovative framework moving forward. We would welcome further engagement on the detailed implementation design, particularly to reduce the red tape and the increasing resourcing impacts on councils.

The suggested revisions outlined above, support open and transparent processes for the delivery of necessary public benefit and will create a more efficient process to support the sustainability of Crown land into the future.

- ENDS -