

Ensuring responsible and sustainable management of Crown lands for the people of NSW



When Lands was recreated in 2003 the Crown Lands Division was established to provide a property management service to take over management of Crown land from the former Department of Land and Water Conservation. The key goal of the Division is to optimise environmental, economic and social outcomes on Crown land for the benefit of the people of NSW. The focus is increasingly on asset management as well as administration and land allocation.

Crown Lands Division is the custodian of Crown land status information and under the Crown Lands Acts, administers Crown land held under leases, licences or permit. Crown Lands manages land retained in public ownership for future public use and environmental protection purposes and the lands of the Crown public roads network.

Crown land is allocated for public uses, including schools, hospitals, sports grounds, community recreation, conservation and housing development. A significant portion of Crown land is also available for alternative uses, including leasing for commercial or agricultural purposes, through to land development and sale to meet the needs of expanding regional and rural communities.

Crown Lands recognises that land is a vital resource and aims to protect and manage the Crown lands to provide public value to the community through the following programs:

- Managing and administering Crown lands under lease, licence or permit; lands within the Crown public roads network and unoccupied Crown lands.
- Allocating land to meet needs of the expanding regional communities by responding to demand and providing residential land for quality homesites

and industrial and commercial lands to facilitate business development.

- Managing land sustainably – conserving natural resources for future generations through the creation of conservation reserves whilst also providing development and production opportunities for local communities.
- Supporting farmers by enhancing agricultural opportunities with lease and licences to graze animals and for crop farming.
- Researching Aboriginal land claims and prepare advice to the Minister for Lands to determine claims under the *Aboriginal Land Rights Act 1983*.
- Managing applications made under the *Commonwealth Native Title Act 1993* affecting land in NSW.

Services

Crown Lands Division offers a diverse range of services including:

- Marketing and disposal of Crown land for residential, commercial, industrial and rural use
- Application for lease, licences, enclosure permits and purchase of Crown land
- Conversion/purchase of Crown leasehold tenures
- Reservation of Crown land and assistance in management of local community reserves
- Administration of Crown roads
- Native Title investigation
- Management of 25 Minor Ports along the east coast of NSW and the responsibility for the reserved Crown submerged land including all land up to three nautical miles to sea

- Land survey and title creation including Mean High Watermark definitions and Aboriginal land claims
- General enquiries about Crown land and payment of Crown land accounts
- Management of the Tweed River Entrance Sand Bypass under joint project arrangement with the Queensland Government.

Customers

Crown Lands' clients and customers are diverse and range from the Minister to other government and local government agencies, community groups and individuals.

Crown Lands actively promotes working relationships with local government authorities, reflecting the adoption of proactive management of the Crown Estate. Councils have been supportive of this new focus of Lands.

Crown Lands is also developing professional business relationships to establish broad criteria that will assist both parties in achieving corporate goals.

Crown Lands recognises community support obligations to non-profit organisations, charity groups, pensioners and rural community members encountering financial hardship by providing rental concessions to the value of \$3.7m.

Crown Lands is also working in cooperation with the community and its stakeholders to ensure the smooth implementation of a number of government reforms to Crown land management.

Principal Officers

Graham Harding, General Manager
Crown Lands Division

Stephen Francis, Director of Commercial
Development - Fellow of Australian
Property Institute, Engineering Surveying
Certificate; Associate Diploma in Small
Business; Professional Certificate in
Property Law; Graduate Diploma in
Technology Management; Bachelor of
Business (Land Economy)

Adrian Harte, Director of Land
Management - Bachelor of Science in
Agriculture; Master of Rural Science
Graduate Diploma Public Sector
Management

Graeme Ford, Director of Business
Services Crown Lands - Land &
Engineering Survey Drafting Certificate;
Post Land & Engineering Survey Drafting
Certificate

Craig Barnes, Regional Manager North
Coast - Registered Surveyor, Bachelor
of Surveying, Graduate Certificate in
Business and Technology

Leanne Taylor, Regional Manager
South - Bachelor of Arts and Master in
Education

Andrew McAnespie, Regional Manager
Sydney-Hunter - Bachelor of Surveying;
Graduate Diploma Public Sector
Management

Rob Towler, Acting Regional Manager
Central.

AIMS AND OBJECTIVES FOR 2005/06

- Responsible Crown land management to optimise environmental and socio-economic benefits to the state
- Continued transition to a commercial entity

- Implementation of Crown land legislative reforms by undertaking the Perpetual Lease Conversion program

- Maintain integrity of data to enable accurate internal reporting of the value of the Crown estate

- Implementation of a Program Management model structure to identify and create service delivery efficiencies and opportunities that will provide flexibility and stability into the future

- Support for staff to undertake training in administration and management of public land

- Continue licence negotiations with major communications carriers for use of Crown land for telecommunications towers in light of the Independent Pricing and Regulatory Review into Rental Arrangements for Crown Land Communication Tower Sites

- Continue development of Master Plans for the future direction and development of the Crown land maritime precincts at Coffs Harbour, South Harbour, Tweed Heads, Port Macquarie, Lot 490 and Forster-Tuncurry, with the active participation of government agencies and stakeholders

- Undertake feasibility studies for the development of Ulladulla, Batemans Bay and Wollongong harbours.

PERFORMANCE HIGHLIGHTS

Tweed Project

Crown Lands Division manages the Tweed River Entrance Sand Bypassing Project, which is a joint Queensland and NSW project. The sand bypass project ensures the entrance to the Tweed River

remains navigable and the southern beaches of the Gold Coast are nourished with a regular supply of sand. The entrance channel was clear throughout 2005/06 and the southern beaches of the Gold Coast were not damaged in the March 2006 storms that caused extensive erosion to other beaches in the regions.

Minor Ports

Throughout 2005/06 Crown Lands continued to deliver the Minor Ports, River Entrances and Waterways programs. Some \$3 million was provided for projects to maintain port infrastructure, provide safe, secure boat access, and improve recreational boating facilities and to plan for the future sustainable development of these important assets. Key projects included breakwater maintenance at Coffs Harbour, Yamba and Harrington, jetty repairs at Eden, services upgrades at Ballina, Coffs Harbour and Yamba and planning studies for the redevelopment of Batemans Bay Marina.

Strategic Development and Marketing Program

Achieved a return of \$9.97 million from sales of Crown Land.

Successfully assisted the Justice and Health Department with negotiations and preparation of amendments to the initial Long Bay Project Deed to facilitate access licences for site establishment and construction.

Belmont Wetlands

Belmont coastal wetlands was turned into NSW's 10th State Park - protecting it from destructive development and ensuring future generations can enjoy the beauty and rarity of the flora and fauna within.

A community-based Trust was also appointed to manage the former BHP site, adjoining the Pacific Ocean

between Belmont and Redhead south of Newcastle.

The decision underlines the commitment to the protection of the environment, and ensuring that valuable remnant coastal lands are maintained for future protection.

Trust Handbook

In October 2005 the Crown Lands Division released the Trust Handbook to give guidance and assistance to management, staff and board members of reserve trusts, commons and trustees of schools of arts in performing the duties they have accepted. The handbook contains general information and guidelines as well as regulatory requirements on how to manage a reserve.

There are around 900 reserves managed by community trust boards on a voluntary basis.

Crown Lands Act 1989 amendments

In July 2005, legislative amendments to the *Crown Lands Act 1989* commenced. The new legislation enables a range of contemporary solutions for Crown reserve management, strengthens our ability to protect land that has environmental values, allows more flexibility in dealing with licences and obtaining a fair equity in rental, and provides a voluntary mechanism to transfer land and assets held by schools of arts and other institutions to either the state or local government.

Staff training

To improve staff resource capability Crown Lands Division has negotiated with TAFE to deliver strategic training to staff in middle management and to deliver the nationally credited Certificate III in Conservation and Land Management and a pilot Certificate III Government (Lands Administration).

Hume and Hovell

Crown Lands Division arranged for the construction of a new suspension bridge over the Goobarragandra River to improve public access along the Hume and Hovell Walking Track.

Funding for the construction of the bridge was supported by the Public Reserves Management Fund.

Control of feral animals on Crown land

Crown Lands Division has a responsibility to manage the control of feral animals and game on Crown land. In April 2006, the Minister for Lands, Tony Kelly, announced that hunting of feral animals and game would be permitted in the Grabine Lakeside State Park. The park Trust and NSW Game Council have developed appropriate methods to ensure effective and safe control.

Barigan multi-purpose reserve

In late 2005 five parcels of Crown land were grouped together to form the Barigan Multi-Purpose Reserve. The 25,500 hectares has been reserved for environmental protection, public recreation, heritage purposes and rural services (grazing).

A plan of management will be prepared during 2006/07 to guide the future management of the reserve.

This is the first in the establishment of a series of Regional Crown Reserves covering key Crown land areas in the state.

KEY ISSUES

One of the major government reforms to Crown land management was to reduce administrative costs of managing closed Crown roads by encouraging adjoining property holders to purchase unnecessary closed Crown roads.

Another major government reform initiative was to encourage the conversion of perpetual lease holding to freehold ownership to reduce the Crown's limited equity as well as providing landowners the opportunity of acquiring greater certainty of title at a reduced price.

Both reforms also provide for rigorous environmental assessment of any Crown land disposals to ensure environmental values were safeguarded.

REPORT ON OPERATIONS

Crown land bush fire management

Lands has a statutory responsibility under the *Rural Fires Act, 1997* for bushfire protection on land under its control.

Since January 2005 there has been a substantial increase in the roles and responsibilities of Lands for bushfire management, including a greater responsibility for undertaking non-burning bush fire hazard reductions and fire trails.

With the assistance of Soil Conservation Service and the Rural Fire Services, there was a significant increase in the fire trails and hazard reduction works carried out in 2005/06 on Crown land.

The Crown Lands Division represents Lands on the Bushfire Coordinating Committee and on local Bushfire Management Committees.

A program to record all strategic fire trails on land managed by Lands has been developed, with the cooperation of the Rural Fire Service. The location of 2,628 km of strategic fire trails managed by Lands were identified and mapped in 2004/05.

In 2005/06 Lands began a program of fire trail inspections and rationalisation.

Review of rental arrangements for Crown land communication tower sites

The terms of reference for the review of rental arrangements for Crown land communication tower sites required the Independent Pricing and Regulatory Tribunal (IPART) to review the existing occupancy instruments and occupancy fee arrangements, and to advise on an 'effective and efficient' framework to allow the NSW Government to obtain fair market-based commercial returns that appropriately reflect the benefits realised by all users/occupants of these sites.

IPART recommended that for high-value sites, both rentals and the occupancy terms and conditions should continue to be negotiated between the parties. This will provide flexibility to independently negotiate rental and occupancy terms and conditions for a small number of Ministerially defined high-value sites.

Rentals for low-value sites should be set according to a published fee schedule based on recent market prices; developed initially by IPART and applied by Lands, the National Parks and Wildlife Service and Forests NSW (the land management agencies). The land management agencies will review the published fee schedule every five years from the implementation of the recommended published fee schedule. An independent valuer experienced in the communications industry will be appointed to conduct the review to ensure the published fee schedule reflects fair market-based commercial returns, having regard to:

- recent market rentals agreed for similar sites
- relevant land valuations

- any additional requirements that the land management agency is required to take into account under relevant legislation (for example, principles in section 143(1) *Crown Lands Act 1989*).

IPART's recommendations for low-value sites are proposed to be implemented as a complete package, subject to the land management agencies being able to develop the recommended standard form licence for primary and co-users by the end of 2006. This will provide stable rents that reflect market prices and a consistent long-term licence.

The development of a consistent framework will establish a security of tenure and use conditions not previously available and make Crown land sites more viable and commercially attractive for current and potential communication tower users.

Crown Lease Assessment Tool (CLAT) and Crown Lands Landscape Services Centre

The Landscapes Services Centre in Dubbo changed its name from the Reforms Service Centre during the year to reflect the wider role that the Centre now has in providing a range of services in landscape management.

In addition to playing a key role in the delivery of the Crown land reforms, the Centre is providing expertise and assistance in areas including land assessment and management, covenant development and monitoring as well as plan preparation.

A major focus of the Centre has been to develop systems for assessing and recording environmental values of perpetual leases and Crown roads that have been applied for purchase by holders of Perpetual Leases and Enclosure Permits.

A key milestone of the Centre has been the development of the *Assessment of Environmental Significance* methodology into a computer-based Crown Lease Assessment Tool (CLAT). The CLAT links to the Crown Land Information Database and automates parts of the assessment process including a standard reporting format. Assessment data entered into CLAT is to be stored on the database and regularly updated and used for reporting.

The *CLAT User Guide* and *CLAT Field Sheet Instructions and Notes* have been prepared to assist officers in using this tool. Crown Lands' staff involved in assessing Perpetual Lease conversion applications have been provided with specialised training. The CLAT User Group has been established to identify and recommend enhancements for CLAT as part of a continual improvement process.

Systems have been developed to provide a consistent approach for regional and Centre staff for computerised mapping programs. These programs will provide a consistently high standard of documentation and final plans, particularly in regard to Crown roads. Templates have also been developed to streamline lodgement with the Land and Property Information division.

Cook Park

Cook Park is a Crown reserve comprising land along the foreshore of Botany Bay. It extends 8.5 kilometres, from Sydney Kingsford Smith International Airport in the north, passing through the suburbs of Brighton-le-Sands, Ramsgate Beach, Sans Souci and Dolls Point to Captain Cook Bridge (over Georges River) in the south.

Cook Park, named after Samuel Cook, provides an important open space in the urban environment of the Rockdale

Local Government Area. The Park is a vital recreational resource for local and regional users.

A Plan of Management was adopted by the Minister for Lands on 23 December 1998. On the 2 March 2006 the Minister appointed an Administrator to manage the Park.

The Administrator and Rockdale City Council have agreed that Council will provide day-to-day and general maintenance of the Park. The various lessees have indicated they are pleased with the current operations. The Administrator has approved the commencement of construction of a boardwalk along the beach at Brighton-Le-Sands, and various other capital works, which will provide significant public value. A preliminary review of the existing Plan of Management has also been completed and negotiations have commenced with Council on reviewing other local planning instruments prior to considering new management proposals and community consultation on the issues.

Ulladulla Harbour

Ulladulla is some 220km south of Sydney and is situated around its picturesque and historic harbour. The harbour is a popular destination for locals and tourists, for recreational boating and fishing and is the focal point of the local fishing industry.

The Crown Lands Division has responsibility for the care and control of 25 minor ports that support the state's commercial fishing industry and recreational boating, including Ulladulla harbour.

Recently, demands in Ulladulla for recreational boating, commercial fishing and tourism in general have changed. Opportunities to gain better access around the foreshore and to

the waterway have been raised by the community as well as an interest for improvements within the harbour.

Crown Lands Division has been active in meeting this challenge and is seeking to optimise its management of this key asset and surrounding Crown land.

Crown Lands Division, in consultation with Shoalhaven Council, the Premier's Department and other government agencies, has developed a Concept Plan and carried out a Market Analysis and Economic Evaluation for upgrading of the harbour.

The key features of the Concept Plan include provision for improvements to the existing working harbour and its operations, breakwater extension and navigational improvements, new marina and related amenities/facilities, tourist/residential apartments, eco resort, civic centre/town square, commercial areas with cafes/restaurants, car parking, picnic and BBQ facilities and access that provides linkages within and into the harbour precinct.

The cost for the proposed improvements included in the Concept Plan has been estimated at \$44m. The economic evaluation indicates the return from the commercial/retail/ accommodation components is expected to be positive and fund the proposed improvements.

Crown Lands Division has presented its Concept Plans for Ulladulla Harbour to the community and is seeking comments to ensure all environmental and social issues are adequately addressed and to achieve the optimum outcome in meeting the needs of all stakeholders, both now and into the future.

Relevant environmental studies will be undertaken later in 2006 to assess the benefits of the proposed breakwater and

navigational improvements with a view to progressing the redevelopment in 2007.

NATIVE TITLE, ABORIGINAL LAND CLAIMS AND STATUS BRANCH

Lands continued to assist the Minister in his provision of a response to the native title process in NSW and is actively negotiating settlements by Indigenous Land Use Agreement in some of the 43 native title applications that are filed in the Federal Court.

The land claims process pursuant to the *Aboriginal Land Rights Act 1983* has resulted in a high number of Aboriginal Land Claims being lodged over Crown lands in NSW. Lands continues to carry out investigations and make recommendations to assist the Minister to perform his functions pursuant to the *Aboriginal Land Rights Act 1983*.

A native title test case *Jango v Northern Territory of Australia* [2006] FCA 318 which was potentially important for establishing the principles for determining compensation payable for the extinguishment of native title was handed down and the decision was that native title did not exist. Consequently there is still no clear guidance on compensation principles to be applied by the Valuer General for extinguishment and impairment of native title, however, the case did establish the importance of primary evidence of applicants in the native title process.

AIMS AND OBJECTIVES FOR 2006/07

- Responsible Crown land management to optimise environmental and socio-economic benefits to the state
 - Development of a Regional Crown Reserve Network
 - Development of Master Plans for the future direction and development of Crown land maritime precincts at Coffs Harbour, Southern Harbour, Tweed Heads, Ulladulla, Batemans Bay and Port Stephens
 - Develop partnerships with local government at Port Macquarie, Great Lakes, Ballina, Tweed Heads and Wollongong
 - Continue development of a commercial entity business framework to guide the operations of Crown Lands NSW
 - Improve environmental outcomes by collaborating with Catchment Management Authorities (CMAs)
 - Develop and implement covenants for improved environmental outcomes
 - Negotiate and allocate Crown land for controlled feral animal reduction in conjunction with the Game Council of NSW
 - Streamline processes and reduce cost of administration of Crown land
 - Implement IPART reforms for Telecommunication sites
 - Improve return on operational Crown Lands
 - Prepare and implement a fire management program
 - Improve management of reserves held under Trusts
- Identify and implement appropriate strategic training opportunities for Crown Lands Division
 - Development of Rail Trails and walking tracks
 - Continue to achieve the objectives of keeping the Tweed River Entrance navigable and Gold Coast beaches nourished.