

Crown Lands Compliance Strategy 2020-23

July 2020



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Crown lands - Compliance Strategy 2020-23

First published: July 2020

Department reference number: DOC20/128825

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Preamble

Why we need a compliance strategy

The NSW Department of Planning, Industry and Environment—Crown Lands (Crown Lands) has a legal responsibility to manage, protect and sustain Crown public land assets for the NSW community, now and into the future.

To meet these requirements, we oversee a range of programs and activities that promote compliance with the law and monitor non-compliance, while balancing the use of public assets for private benefit.

The Crown Lands Compliance Strategy 2020–23 outlines our planned and proactive approach to managing important matters within the department's land administration operations. We take our role as land managers seriously and this strategy ensures that priority issues are monitored and addressed, facilitating sound regulatory management of the Crown estate.

Crown Lands is a diverse organisation, with competing challenges and a large asset portfolio. We know we cannot do everything, and this strategy will help us prioritise actions. We are committed to an outcomes-focused and risk-based regulatory approach that aligns with the requirements of the NSW Quality Regulatory Services Initiative.

This strategy provides direction to our staff and Crown land managers who are actively engaged in Crown land management. It also informs the wider community of compliance priorities and how access and the enjoyment derived from this public asset will be maintained.

This strategy is underpinned by our compliance and enforcement policies, publicly available at:

www.industry.nsw.gov.au/lands/what-we-do/management/compliance



Priorities of this strategy

The strategy outlines six priority elements to guide Crown Lands in meeting specific regulatory management objectives over the next three years. We have identified these elements through a variety of information sources, including inspections, audits, regional reports and public feedback.

We believe these priority elements recognise issues that are important to our customers, community, stakeholders and the department. They are discussed later in this strategy document, together with the methodology that the department will use to address them.

Introduction

Crown land comprises 42% of the state and holds a value of approximately \$11 billion. The Crown land portfolio is rich and diverse. It is managed under a multifaceted arrangement, including land managed by the department, community Crown land managers (CLMs), and land held under lease or licence. The size and diversity of the Crown estate means that significant resources are required to ensure the land is accessible, safe and fit for purpose.

Our draft State Strategic Plan outlines the NSW Government's 10-year plan for Crown land management. It provides key information and vision about Crown land and describes our overarching strategy to support environmental, social, cultural heritage and economic values and maximise the long-term wellbeing of NSW. For further information regarding this plan, visit the Crown Lands website industry.nsw.gov.au/lands

Social | Environmental | Cultural | Economic = SUSTAINABLE



Our legislative regulatory framework and responsibilities

Crown land is governed by the *Crown Land Management Act 2016* (the Act), which makes provision for the ownership, use and management of Crown land in NSW. The department's regulatory and administrative framework, which is established within the Act, includes the following interests:

- 54,000 Crown leases and licences, including 7,500 Domestic Waterfront licences
- 35,000 Crown reserves, including local parks, state heritage sites, buildings, community halls, environmental reserves, coastal lands, waterway corridors, sporting grounds, racetracks, showgrounds, caravan parks, camping areas, travelling stock routes, rest areas, walking tracks, commons, community and government infrastructure and facilities
- 958 community Crown land managers, along with many local council managers.

The department's statutory functions are bound by the objects and principles of the Act. The department's premise is that the obligations established in the Act are essential to ensure the continued sustainability and public enjoyment of the Crown estate into the future.

Our compliance and enforcement work upholds government legislation to ensure fair, safe and equitable application of the law. The principles

of Crown land management and use encompass environmental, social, cultural and economic prosperity.

The department also manages a network of Crown public roads under the *Roads Act 1993*. Crown public roads typically comprise land corridors or reserves that have been set aside for legal access and their use as a road is limited by varying factors. Under the *Roads Act 1993*, the department is afforded compliance and enforcement powers that cover unlawful works, obstructions of passageway and encroachments.

Our operating environment provides us with many challenges in the form of diverse events, often driven by people, such as illegal dumping, unauthorised occupations of Crown land and environmental damage to the land through unlawful clearing activities. Through education and presence, we will collectively manage the Crown estate and shape the experiences to be had now, and by future generations.

Our draft State Strategic Plan discusses the intent to strengthen and uphold compliance measures to ensure fair and equitable use within the public's best interest. A strong approach to regulatory compliance is needed to address unauthorised use and willful damage to Crown land.



Compliance vision and purpose

Contemporary enforcement and protection powers

The Act has made available much stronger compliance and enforcement powers to protect Crown land from potential damage and degradation, and ensure equity in public use and enjoyment. Our Compliance and Enforcement Policy and Guidelines outlines our approach to ensure the integrity of our legislative and land management responsibilities. It reinforces that our regulatory actions should be clear and give stakeholders confidence that they will receive consistent and fair treatment.

Our vision

We aspire to be a contemporary and vigorous regulator with clearly defined and consistent rules, policies and guidelines. We identify and record historical, current and emerging risks to prioritise our focus, develop initiatives to manage our highest risks and allocate our resources in the most effective way. Improved compliance breach reporting, risk assessment and case management systems have simplified many processes and improved monitoring capabilities. This enables a more effective and timely response to both internal and public reports and complaints.

The department considers that responsibility also lies with the users and occupiers of Crown land to ensure that they are aware of the conditions of this use and to then comply with them. The Crown Lands website has a variety of guidelines, application forms and fact sheets to help users or potential users of Crown land comply.

Understanding compliance behaviours

Voluntary compliance is more likely to be achieved when the community understands their responsibilities and the reasons behind them. Ensuring the community has the information it needs and know where to find it is essential for compliant behaviours. By addressing the actual causes of noncompliance rather than only its outcomes, we hope to offer a more supportive regulatory environment for those who want to comply.

Our community

The department appreciates that the public have the right to expect:

- competent management of public land through an effective and robust compliance regime that is underpinned by transparency
- that public land is used lawfully
- that public land is being managed in accordance with the objects and principles of the Act.

Seventy per cent of the NSW public regularly use Crown land. It is important that the public have a clear understanding of the department's regulatory role and how they can contribute to a shared responsibility for the environment and its resources.

From educational campaigns to increased face-to-face engagement, the department will achieve its modern regulatory objectives. By providing information, education and support to the community and relevant stakeholders, our collaborative approach when undertaking regulatory activities, will ensure effective management of Crown land.

Six priority elements

This compliance strategy establishes the short-term compliance priorities for Crown Lands. It gives users of Crown land and the broader community clarity about where the department will focus its efforts to protect the environment

and ensure the equitable use of public land. The elements of this strategy recognise issues that are important to the department, Crown land managers and the community and provide guidance and support to the people of NSW.

The Crown Lands three-year compliance strategy has six priority elements

Element one

Review of Crown waterfront tenures and occupations



Element two

Tackling unauthorised activities on Crown reserves



Element three

Engagement, partnerships and support



Element four

Strong and collaborative agency relationships



Element five

Enabling self-regulation



Element six

Building skills and capacity in our workforce



Element one - Review of Crown waterfront tenures and occupations



Crown land includes waterways such as estuaries, oceans, river and lakebeds and foreshore land that adjoins freehold property across NSW. The public has a vested interest in the preservation of and sustainable use of our managed waterways and should feel confident that our waterways, including the marine estate and precious inland river systems, are being cared for and occupied appropriately.

Private structures and facilities on Crown waterways require a domestic waterfront licence to use and occupy Crown land. Appropriate licensing ensures that waterways are not overcrowded and private use is balanced with the public's right to foreshore access.

The strategy intends to ensure that private and community infrastructure on waterfront public land is well placed and meets Crown land management principles.

We strive to ensure an equitable approach in the management of Crown waterways across NSW and make sure that they meet contemporary planning and environmental provisions.

The objectives of this strategy are to ensure that:

- public access to waterfront and submerged Crown land is maximised and domestic waterfront facilities do not obstruct, restrict or discourage the safe and practical access along and adjacent to this land
- waterfront facilities and related operations do not adversely affect the natural environment, including the flow of water, water quality, marine vegetation and other natural coastal processes
- all waterfront occupations are licensed appropriately
- Crown waterfront land and submerged Crown land is preserved for long-term public benefit.

We will do this by undertaking:

- a state-wide public education and awareness campaign
- audits and inspection of waterways to accurately inform issues and compliance actions
- to strengthen our collaborative partnerships with the broader group of government agencies associated with our department; Fisheries and Maritime, together with the Office of Local Government
- to use compliance enforcement provisions where appropriate for unauthorised occupations and structures that do not meet our regulatory and policy requirements and where there is an adverse effect on the environment.



Element two - Tackling unauthorised activities on Crown reserves



Crown reserves are parcels of public land set aside on behalf of the community for a wide range of public purposes including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services. Many of these reserves are managed by local councils or statutory Crown land managers. The remaining are managed by regionally based Crown Lands Offices that ensure they are responsibly managed and that natural resources such as water, flora and fauna and scenic beauty are conserved, while still encouraging public use and enjoyment where appropriate.

Unfortunately, reserves are often the target of various anti-social and damaging activities, illegal dumping being the most prevalent. Waste can have harmful effects. It pollutes ecosystems and waterways and can pose public health and safety risks. Illegal dumping may also lead to anti-social behaviour and crime, making our communities less safe.

To help prevent this behaviour, we will engage with and implement approaches from the Environment Protection Authority's (EPA) NSW Illegal Dumping Strategy 2017-21. The techniques outlined in this compliance strategy closely align with our objectives and we recognise the EPA as the leader in this field, particularly in reducing the environmental effect of waste.

We will do this by undertaking to:

- develop deeper partnerships with the EPA and other relevant NSW Government agencies and local councils to combat illegal dumping
- inform and collaborate with the community and industry about the serious effects of illegal dumping and other prohibited activities on Crown reserves
- identify common dumping sites and other areas frequented by unlawful activities and increase surveillance and impede access by installing structures where appropriate
- provide assistance to communities through education and deterrence campaigns, which in turn can increase public awareness and change behaviours
- continue to build an evidence base to ensure we will have accurate, comprehensive data that will help us direct and prioritise action against illegal dumping and report on these findings. It will tell us how big the problem is, where the problems are and what is being dumped.



Element three - Engagement, partnerships and support



The public needs to understand what the department is responsible for and therefore accountable for, when administering Crown land under the Act. This knowledge should then help the community to realise our vision and purpose for NSW in our everyday operations.

This strategy highlights the areas where we can improve on our current public engagement and awareness methods for our administrative matters and areas where we can continue to excel. We aim to demonstrate how regulatory initiatives, such as identifying and then managing unlawful activities or use on Crown land, can effect positive outcomes for the community and the environment through equitable and sustainable land use.



We will aim to ensure that:

- the public understands the role of the department as a regulator and has confidence in the way in which we do our work
- the information used to inform our regulatory decisions is made publically available
- we provide easy-to-understand and transparent information to communicate our expectations and explain our decisions.

Similarly, our CLMs, including local councils, community groups and corporations, are responsible for the care and control of more than 7,800 appointed Crown reserves. They manage the reserve for the benefit of the community. Without these dedicated volunteers and community-focused organisations, the NSW Government could not provide the number and diversity of publicly available opportunities on Crown land. It is in the interest of the state and the community to ensure that our CLMs have the support to provide the best management they can.

We will do this by:

- introducing educational campaigns for the regulated community to help them comply with the law
- initiating public awareness campaigns to target and support priority areas identified in this strategy
- planned involvement in field days and other informative community events
- developing and publishing support regulatory toolboxes for our CLMs
- developing, launching and promoting better pathways that the community can use to communicate and collaborate with us.

Element four - Strong and collaborative agency relationships



A contemporary regulator learns from and shares information about experiences with other regulators connecting its common activities, skills, and in some cases, common objectives. Accordingly, we will advocate for better ties with other regulatory and industry agencies. Crown Lands is but one member of a broad cluster of operational groups within the NSW Department of Planning, Industry and Environment. Other divisions and government agencies within the broader department include Water, the NSW Environment Protection Authority, Local Government NSW and Office of Local Government—all working towards the common aim of ensuring responsible use and treatment of our environment.

We will do this by:

- establishing a dedicated, resourced contact point within the department to seek out and share findings, data and information with regulatory peers and partners
- expanding our existing regulatory agency links and agreements with our broader group of agencies and establishing more connections to combat unauthorised and threatening uses of the Crown estate to support more effective regulatory environments
- ensuring our regulatory staff participate in networking, collaboration and exchange forums and are challenged to stay up-to-date with developments in regulatory practice
- engaging in workshops for communities of regulatory practice
- investigating data-sharing opportunities within the NSW Department of Planning, Industry and Environment groups
- working with local councils through the Office of Local Government to reduce customer administration burden
- facilitating the establishment of local council rangers and other cluster agency groups as authorised officers under the Act to undertake compliance activities on Crown land within their local government areas.



Element five - Enabling self-regulation



Crown Lands helps local communities and economies grow and prosper by making some Crown land available for lease. A lease of Crown land gives exclusive use over a particular piece of land for a specified term and purpose.

Generally, leases are sought over Crown land where longer-term security is important, such as for commercial purposes. Leasing provides benefits to the state and economy through enabling appropriate groups to manage often significant parcels of Crown land for the benefit of the community. These may be marinas, caravan/tourist parks, aged and child care facilities, registered and sporting clubs and community organisations.

Contemporary regulatory techniques encourage the use of smarter methods to help land managers responsibly monitor those groups using state property. Ensuring that our tenure holders comply with their tenure conditions is

one of these responsibilities; the 'set and forget' approach is not acceptable. A proactive regulator and land manager will adopt practices such as self-regulatory schemes to allow tenure holders to report on their compliance with important conditions, which can then highlight any issues or minimise the need for formal regulatory intervention in many cases.

Introducing a self-regulatory environment is therefore a proactive compliance measure intended to identify and then manage higher-risk tenures within the Crown Lands portfolio. Self-regulation can also potentially lower compliance resourcing and administrative costs to the department, allowing for more time to be spent in other areas. It may also provide greater flexibility and adaptability for our lease holders, as well as leading to effective and efficient regulation and land management.

We will do this by:

- implementing self-regulation requirements for tenure holders, where feasible
- implementing self-regulation reporting requirements for our biggest lease holders through digital technology schemes and processes that provide accessible electronic platforms and a means to report
- monitoring and reporting on the success of this program to inform future growth and development.



Element six - Continuing to build skills and capacity in our workforce



Crown Lands staff are instrumental in overseeing and achieving the department's regulatory responsibilities and overall land management activities. We have a broad range of authorised officers across the state who are certified to undertake specific compliance regulatory actions and can provide support and information to our stakeholders.

We recognise that the community must have confidence that our staff are appropriately trained and adequately resourced to undertake these activities. To assure this confidence, we will deliver ongoing competency based learning opportunities that support our workplace compliance functions, together with streamlined systems and processes. Staff are obliged to follow departmental policy and procedures that ensure they follow clear and consistent methods in regulatory compliance activities.

Our regulatory processes will meet appropriate quality assurance tests that support fair and unbiased decision-making, which will help us achieve our organisational priorities now and into the future.

We will do this by:

- supporting compliance functions with appropriate systems and methods
- investing resources in data, analysis and monitoring practices
- learning with others (agencies within our broader departmental group and stakeholders) through community practice groups, networking opportunities and collaboration
- engaging with quality assurance and review mechanisms to ensure ongoing operational consistency, competency and continuous improvement within our staff and processes
- encouraging collaborative work methods across our state-wide organisation.



Compliance strategy delivery

Crown Lands will deliver the strategy through a variety of methods and in conjunction with specific implementation plans for each priority area over the three-year period. These plans outline our specific operational objectives, how we will go about achieving them and how we can measure outcomes. During this time, we will focus on community engagement and education, as well as collaboration with other relevant government agencies.

The strategy is informed by and will be implemented in line with our ongoing strategic objectives and those of the NSW Government, in conjunction with the adopted Crown Lands State Strategic Plan.

To discuss specific compliance issues in your area, or to report any suspicious activity, visit our website at industry.nsw.gov.au/lands/contact-us

If you would like to discuss any aspects of this plan, please use the contact information below for the Compliance Strategy and Monitoring team.



General enquiries

Compliance Strategy and Monitoring team

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