

**Report to General Manager**

Attachments:

1. Crown Land in North Sydney

SUBJECT: Management of Crown Land in North Sydney**AUTHOR:** Megan White, Landscape Architect/Planner**ENDORSED BY:** Rob Emerson, Director Open Space and Environmental Services**EXECUTIVE SUMMARY:**

There are 37 areas of Crown land as designated by the Department of Industry Crown Lands in the North Sydney Council area. Crown land is further divided according to specified management type into either 'Reserve Trust' (21 parcels of land) or 'Devolved to Council' (16 parcels of land).

Following the introduction of the *Crown Land Management Act 2016 (CLM Act 2016)*, Councils have been granted Council Crown Land Manager status over all areas of Crown land that are managed as Reserve Trusts. In accordance with the *CLM Act 2016*, Council must now manage this land consistent with the relevant Plan of Management prepared under the *Local Government Act 1993 (LG Act 1993)*. However, Crown land that is Devolved to Council cannot be leased or licensed by Council and cannot have a Plan of Management in place to govern its use.

In the interest of holistic management of public open space in North Sydney, this report therefore recommends that Council seeks approval from the Minister to be granted Council Crown Land Manager status over the 16 parcels of land that are Devolved to Council.

FINANCIAL IMPLICATIONS:

Nil

RECOMMENDATION:

1. THAT That Council seek approval from the Minister for Lands and Forestry to grant North Sydney Council Crown Land Manager status over the 16 parcels of Crown Land identified in this report as Devolved to Council and seek their inclusion into the relevant generic and specific Plans of Management that will be prepared in accordance with the *Crown Lands Management Act 2016*.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction: 1. Our Living Environment

Outcome: 1.3 Quality urban greenspaces
1.4 Public open space and recreation facilities and services meet community needs

BACKGROUND

The *CLM Act 2016* and *Crown Land Management Regulation 2018* were introduced in July 2018. They substantially change the way in which Council's will manage Crown Land.

The NSW Government expects that this Act and Regulation will:

- Improve the way Crown reserves are managed and facilitate better decision making on the use of Crown Land and its management under the requirement of the *LG Act 1993*;
- Benefit tenants; the Act provides greater flexibility for lease and licence arrangements;
- Benefit community groups and organisations using community facilities as the restructuring of administration should provide more efficient management processes in relation to the use of Crown Land and tenures, and the preparation and adoption of Plans of Management for Crown land allow the community to have a say in their future management; and
- Recognise and facilitate aboriginal involvement in the management of Crown Land.

In the past, Councils managed Crown Land in their Local Government Areas under Crown Land legislation (primarily the *Crown Lands Act 1989*) and managed Council-owned community land under the *LG Act 1993*.

Going forward, Council's will now manage Crown land in their LGAs according to the specified management type of each area of Crown land. Areas of Crown land specified as Reserve Trusts will be managed by Councils as if they were public land under the *LG Act 1993* (subject to some Ministerial oversight). However, Crown Land for which the specified management type is Devolved to Council cannot now be managed by Councils in this way.

CONSULTATION REQUIREMENTS

Community engagement is not required.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

While the *LG Act 1993* requires Councils in NSW to prepare Plans of Management for all Council-owned public land classified as community land, prior to the implementation of the *Crown Land Management Act 2016*, Councils were not required to prepare Plans of Management for Crown Land. However, most Councils, including North Sydney, included these parcels of land in their Plans of Management. This allowed for holistic management of all public open space; including planning for future improvements and addressing any tenure matters.

North Sydney's existing set of Plans of Management guide the use and development of all public open space in the LGA. These important management tools are Council's 'contract with the community'; clarifying direction, both to the community and to staff, and providing a foundation for works programming and budgeting. They form the basis of the parks and reserves Capital Works Programs and are reviewed every 5-6 years to ensure relevancy and currency. Plans of Management are prepared for significant individual parks (significant area Plans of Management) while others incorporate various parks with similar characteristics and uses (generic Plans of Management).

All areas of Crown land in North Sydney are currently included in Council's Plans of Management, and for the reasons stated above, it is important that they remain included as new Plans of Management are prepared in accordance with the requirements of the *CLM Act 2016*.

Types of Crown Land in North Sydney

The Department of Industry Crown Lands has provided an on-line Portal to Councils which identifies the location, management status and land identification information for all the Crown Land in their respective Local Government Areas. A full list and description of the all Crown Land in North Sydney included in the Crown Land Portal is shown in **Attachment 1** – Crown Land in North Sydney.

Crown land in North Sydney is of 2 management types; Reserve Trust and Devolved to Council:

Reserve Trusts

Of the 37 parcels of Crown land in the North Sydney local government area, 21 are identified by the Portal as Reserve Trusts with North Sydney Council having Reserve Trust Manager status. Under the *CLM Act 2016*, North Sydney Council would be now be the Council Crown Land Manager of this land and will manage it under the public land provisions of the *LG Act 1993*. The Crown will retain ownership of the land.

Devolved to Council

There are 16 areas of Crown Land in the North Sydney Council area that are designated as Devolved to Council. The new *CLM Act 2016* does not change the management or ownership of devolved land. Any Crown Land that is a public reserve for the purposes of the *LG Act 1993* with no appointed Crown Land manager or that is not held under lease from the Crown will continue to devolve to Council management in accordance with section 48 of the *LG Act 1993*.

Devolved to Council parks and reserves are parcels of land that will continue to be owned by the Crown and are subject to conditions that restrict and prohibit some functions.

In relation to Devolved Land, the LGA93.S.48 states:

- *land cannot be leased or licensed by council, cannot be used for any purpose inconsistent with its reservation or dedication (unless authorised by the Minister) and cannot have a Plan of Management in place to govern its use.*

Future Plans of Management

While the *CLM Act 2016* requires Councils to now prepare Plans of Management for Crown Land managed as Reserve Trusts, Plans of Management cannot be prepared to govern the use of Crown land that is Devolved to Council. While the 16 parcels of land in the North Sydney Council area that are Devolved Land will remain under Crown ownership, this report recommends that the Management Type should be transferred to Reserve Trust, with North Sydney Council as the Crown Land Manager.

In this way all the land in Council's open space network can then be managed under its relevant Plan of Management and the future management, leasing, licensing, issuing of permits and granting of easements as well as any proposed improvements to these areas can be considered and addressed consistently within the Plan of Management framework.

Advice from the Office of Local Government Crown Lands is that via a Council resolution, Council can apply to be granted Council Crown Land Manager status for areas of Devolved land via an application to the Minister outlining that Council wishes to have all North Sydney's Crown Lands as Reserve Trusts managed in accordance with the relevant specific and generic Plans of Management. Ryde City Council has recently gone through this process and has been successful in having the management status of all their Devolved to Council land amended to Reserve Trust status, with Council as the Crown Land Manager.

Conclusion

Crown land that is Devolved to Council cannot be leased or licensed by Council and cannot have a Plan of Management in place to govern its use. A successful application to the Minister to be granted Council Crown Land Manager Status of the 16 parcels of Devolved to Council land in North Sydney will enable these areas to be included in Council's Plans of Management. While there is no requirement to have Plans of Management for Crown land that is Devolved to Council, these areas need to be included in Council's strategic land management documents so that the management and maintenance of all open space in North Sydney can be carried out in an holistic and consistent manner.

Attachment 1 - Crown Land in North Sydney

The 36 areas of Crown land in the North Sydney Council area are divided according to specified management type into either 'Reserve Trust' (21 parcels of land) or 'Devolved to Council' (16 parcels of land).

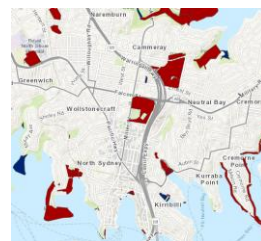
Crown Land - Devolved to Council

No. on Map	Reserve Name	Reserve Number	Purpose of Reservation	Cadastral Information
1	Berry Island Reserve	58957	Public Recreation	Lots: Lot 1 DP 115701, Lots 2-3 DP 548178
2	Bob Gordon Reserve (part of)	1000009	Public Recreation	Lots: 1137 DP 752067
3	Quibaree Park (part of)	100008	Public Recreation	Lots: 1136 DP 752067
4	Watt Park (part of)	96693	Public Recreation	Lots: Lot 7011 DP 93713
5	Clark Park (part of)	500349	Public Recreation	Lots 1-3 DP 931990, Lot 11 DP 1165235, Lot 7325 DP 1165248
6	Copes Lookout	100024	Public Recreation	Lots: Lot 1129 DP 752067
7	Milson Park (part of)	500180	Public Recreation	Lots: Lot 1-2 DP 909065, Lot 7331 DP 1158203
8	High Street Foreshore	100019	Public Recreation	Lots: Lot 1124 DP 752067
9	Anderson Park (part of)	500363	Public Recreation	Lots: Lot 7031 DP 93641
10	Kurraba Reserve (part of)	100021	Public Recreation	Lots: Lot 1126 DP 752067
11	Anzac Park (part of)	500449	Public Recreation	Lots: Lots 607-612 DP 752067
12	Cremorne Garden Plaza	89390	Public Recreation	Lots: Lot 7034 DP 93725
13	Brightmore Reserve (part of)	100020	Public Recreation	Lots: Lot 1125 DP 752067
14	Kareela Road Reserve (Hunts Lookout)	500293	Public Recreation	Lots: Lot 9 DP 4756
15	King Street Road Reserve Jetty	100022	Public Recreation	Lots: Lot 1127 DP 752067
16	Gore Cove Reserve (part of)	100054	Public Recreation	Lots: Lot 1142 DP 752067

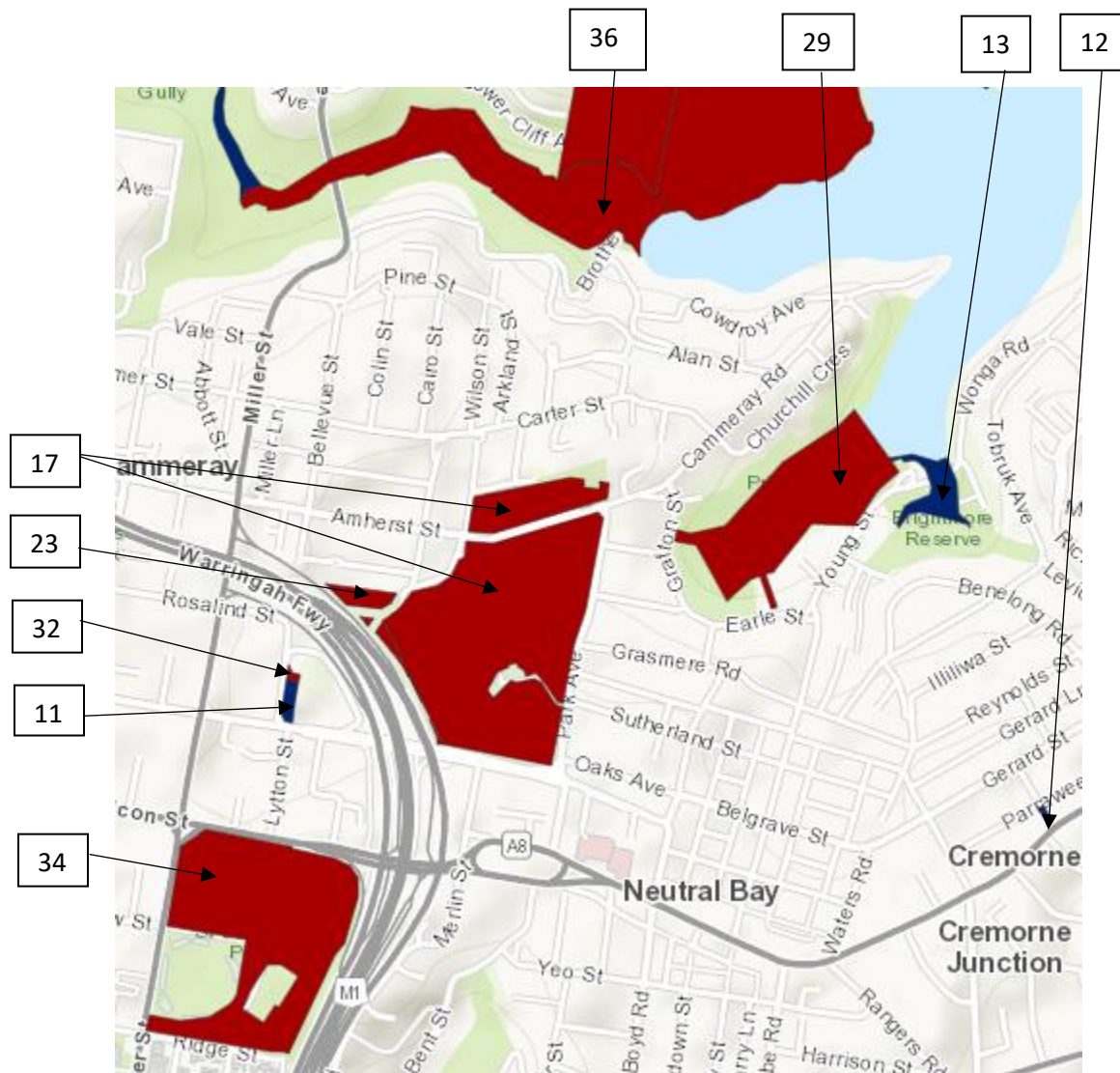
Crown Land - Reserve Trust

No. on Map	Reserve Name	Reserve Number	Purpose of Reservation	Cadastral Information
17	Green Park & most of Cammeray Park	500179	Access to Water/ Public Recreation	Lot 7138 DP 93723, Lots 7302-7303 DP 1136001
18	Clark Park (part of)	500346	Public Recreation	Lot 1 DP 917865
19	Waverton Peninsula Reserve	1004268	Community Purposes/ Public Recreation	Lot 99 DP 1048930, Lots 20, 22 DP 1048933
20	Balls Head Reserve (part of)	83109	Preservation of Aboriginal Carvings & Drawings	Lot 106 DP 1162898
21	Blues Point Reserve (part of)	100007	Public Recreation	Lots 1132-1135 DP 752067
22	Former Olympic Drive	100078	Public Recreation	Lot 6 DP 127637
23	Cammeray Park (part of golf course)	100158	Public Recreation	Lots 2-6 DP 244543
24	Brennan Park (part of embankment)	100182	Public Recreation	Lot 7042 DP 1059448
25	Cremorne Reserve	39677	Public Recreation	Lot 1128 DP 752067, Lot 1 DP 911147, Lot 1 DP 911459, Lots 7337-7341 DP 1139892
26	Waverton Park (part of)	500178	Public Recreation	Lot 1 DP 115703
27	Miss Gladys Carey Reserve	500219	Public Recreation	Lot 7332 DP 1158203
28	Anderson Park & Warringa Park	500352	Public Recreation	Lots 2-3 DP 913708, Lots 7361-7362 DP 1168049
29	Primrose Park (part of)	500456	Public Recreation	Lot 100 DP 727041, Lot 7136 DP 1071218
30	Blues Point Reserve (part of)	82191	Public Recreation	Lot 2 DP 581992, Lot 7048 DP 1077149
31	Waverton Park (part of)	87002	Public Recreation	Lots 1-2 DP 909046
32	Anzac Park (part of)	87861	Public Recreation	Lot 7096 DP 1060619
33	Balls Head Reserve	88999	Public Recreation	Lot 106 DP 1162898
34	St Leonards Park (minus Bowling Club & NS Oval)	89592	Public Recreation	Lots 1106-1107 DP 46990, Lot 7321 DP 1149783
35	West Crescent Street	96739	Public Recreation	Lot 2 DP 48224, Lot 1 DP 909051, Lot 7352 DP 1157191
36	Tunks Park	74114	Public Recreation	Lot 7349 DP 1166085
37	Waverton Park (part of)	500285	Public Recreation	Lot 1 DP 1146265



Map 1 – North Sydney Council - Northern Area



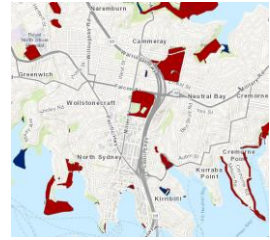
Key Map



Crown Land Management in North Sydney

-  Reserve Trust
-  Devolved to Council



Map 2 – North Sydney Council – South Eastern Area



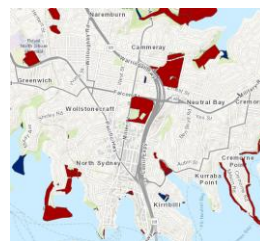
Key Map



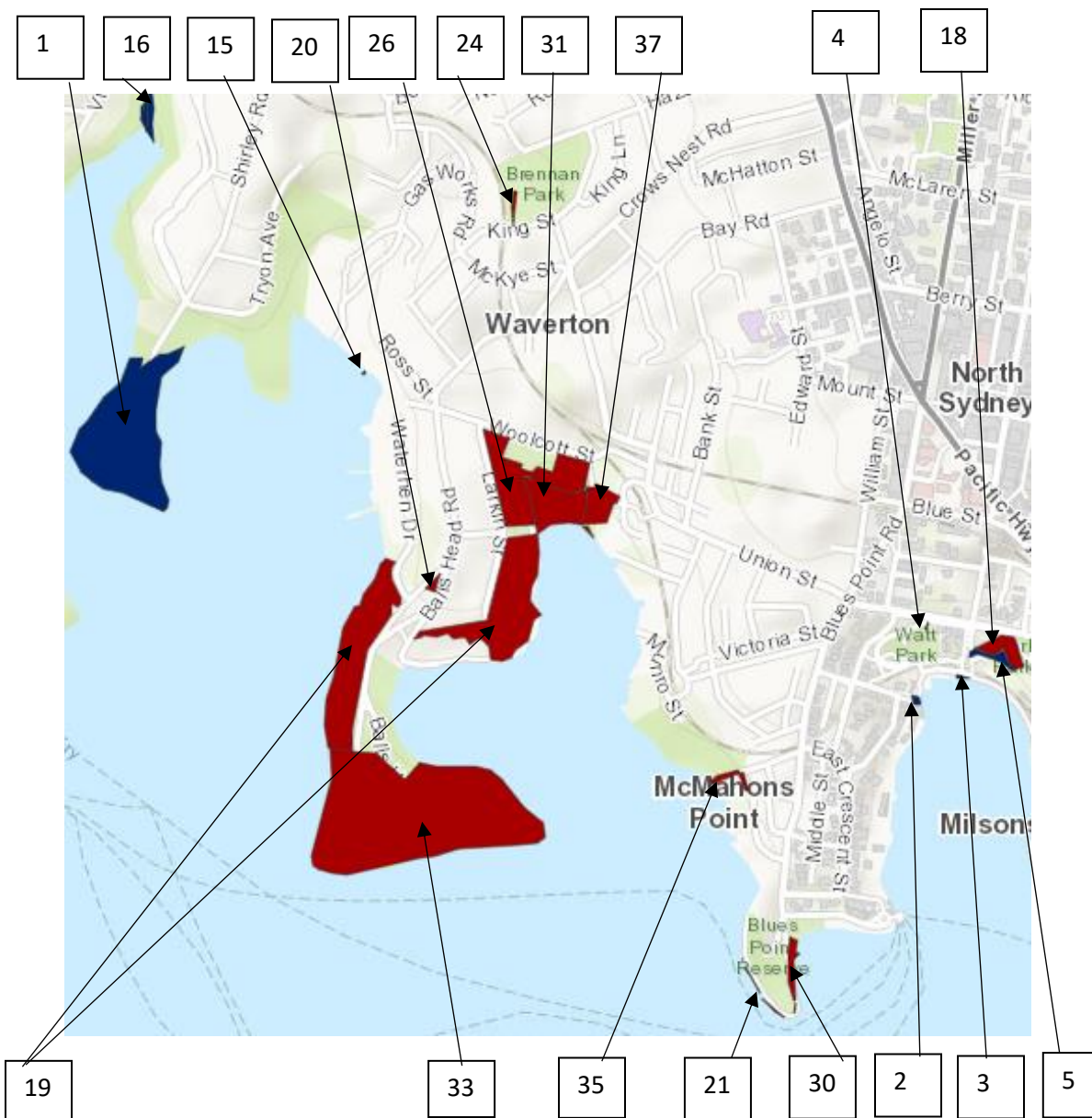
Crown Land Management in North Sydney

-  Reserve Trust
-  Devolved to Council

Map 3 – North Sydney Council – South Western Area



Key Map



Crown Land Management in North Sydney

- Reserve Trust
- Devolved to Council