

## Post Exhibition - Crown Land Plans of Management

**File No: X030693**

### Summary

On 1 July 2018, the Crown Land Management Act 2016 (CLM Act) came into effect, introducing a new framework for Crown land management in New South Wales, and abolishing the original Reserve Trust regime. Under this framework, all dedicated and reserved Crown land previously entrusted to the City of Sydney, is now to be managed as community classified land under the Local Government Act 1993, requiring a plan of management.

The City of Sydney (City) is currently responsible for the care, control and management of fifty Crown reserves. As a requirement of the Crown Land Management Act 2016, the City must have a plan of management adopted for these Crown reserves as soon as practicable.

A plan of management is an overarching document that guides the use and management of community land. It outlines what the community values about a space, its current and future uses and how it will be managed, maintained and improved.

An integral part of developing plans of management is the undertaking of community engagement. The City conducted consultation from 10 November to 15 December 2020 to inform the development of the draft plans of management. This enabled an understanding of the community's vision for the Crown reserves; how the community uses the land now; and how they would like to use it in the future. The draft plans of management were placed on public exhibition for community feedback for eight weeks commencing from 29 September to 24 November 2021. During the exhibition period, 26 submissions were received.

An important aspect of the engagement program was to recognise the important relationship First Nations communities have to these places and strengthen the relationship with the First Nations peoples. The plans of management provide an opportunity to further develop and foster custodianship, living culture and connection to these places.

The City has developed fourteen specific plans of management and three generic plans of management which are detailed herein and attached to this report. Specific plans of management are suitable for large and/or iconic spaces with unique features and/or diversified uses such as Wentworth Park and Martin Place, whilst generic plans group multiple places that share common characteristics, such as location, e.g. Millers Point Precinct.

The seventeen draft plans of management were submitted to Crown Lands for review late March 2021, providing endorsement for public exhibition in September 2021. As a requirement of the Crown Land Management Amendment (Plan of Management) Regulation 2021, Minister's consent was received enabling sixteen of the plans of management to be put forward for adoption. This report seeks Council's endorsement to adopt the final Crown Land Plans of Management, noting that the Hyde Park Plan of Management will be the subject of a future Council report.

## Recommendation

It is resolved that:

- (A) Council note the outcomes of the public exhibition period as shown at Attachment S to the subject report;
- (B) Council note the change in title of the Observatory Hill Plan of Management to Observatory Park Plan of Management;
- (C) Council note that the Hyde Park Plan of Management is subject to a future Council report; and
- (D) Council adopt the final Crown Land Plans of Management as shown at Attachments B to Q to the subject report.

## Attachments

**Attachment A.** Identification Plan - Local Government Area

### Generic Plans of Management

**Attachment B.** CBD Civic Spaces

**Attachment C.** Millers Point Precinct Crown Reserves

**Attachment D.** General Crown Reserves

### Specific Plans of Management

**Attachment E.** Belmore Park

**Attachment F.** Cook and Phillip Park

**Attachment G.** Erskineville Oval

**Attachment H.** Johnstons Creek Parklands

**Attachment I.** Martin Place

**Attachment J.** Observatory Park

**Attachment K.** Perry Park

**Attachment L.** Prince Alfred Park

**Attachment M.** Rushcutters Bay Park

**Attachment N.** Victoria Park

**Attachment O.** Waterloo Park

**Attachment P.** Wentworth Park

**Attachment Q.** Wynyard Park

**Attachment R.** Resolution of Council - 29 March 2021

**Attachment S.** Summary of Public Exhibition Outcomes November 2021

## Background

1. In 2012, the NSW Government began the first major review of Crown land in 25 years, prompting a comprehensive consultation process with community and other interested parties about the future management of Crown land.
2. This extensive review process culminated in the NSW Parliament passing the Crown Land Management Act 2016 in November 2016 and the Crown Land Legislation Amendment Act in May 2017.
3. The objective of the legislation is to ensure the Crown estate is managed efficiently and effectively and continues to support and generate social, environmental and cultural benefits for the people of NSW.
4. The new legislation commenced on 1 July 2018, introducing a new framework in which all dedicated and reserved land that has been entrusted to the local government councils, is now to be managed as community classified land under the Local Government Act 1993, abolishing the original Reserve Trust regime.
5. The legislation requires the City, as the Crown land manager, to:
  - (a) appoint a dedicated native title manager;
  - (b) categorise the Crown reserves under the Local Government Act 1993;
  - (c) develop and adopt plans of management under the Local Government Act 1993; and
  - (d) manage the Crown reserves under interim arrangements until the plans of management are adopted.
6. A plan of management is an overarching document that guides the use and management of community land. It outlines what the community values about the place, its current and future uses and how it will be managed, maintained and improved in the short to medium-term.
7. To develop these plans of management the City's internal project delivery team was complemented by a team of experienced consultants in key disciplines including Park Management and Development, Crown land and Native Title, Indigenous Culture and Heritage.
8. The Crown Land Plans of Management provide an overview of the City's objectives and management strategies for this land in the short to medium-term. Each plan facilitates the responsible management of these assets in light of present needs.
9. The Crown Land Plans of Management do not address the longer-term development needs of these Crown reserves or how they will meet the objectives for changing community needs throughout the area. The City's Open Space, Sports and Recreation Needs Study 2016 (and any associated updates) is intended to provide a longer-term overview and assist in addressing the future needs in a balanced way.

### Land Categorisation

10. The application of categorisations in whole or part must be consistent with the public purpose of the Crown reserve.
11. There are five categorisations set out in section 36(4) of the Local Government Act 1993:
  - (a) Park;
  - (b) Sportsground;
  - (c) General community use;
  - (d) Area of cultural significance; or
  - (e) Natural area.
12. The categorisation of Crown reserves is applied in the same way as they have been applied for City-owned community classified land.
13. The City has ensured interpretative consistency with the adopted categorisations in its current plans of management for City-owned community land with the categorisations adopted for the Crown reserves covered by these plans of management. As such, the City has applied the park, sportsground and general community use categorisations to the Crown reserves.
14. The categories of a natural area or an area of cultural significance, as defined within the Local Government Act 1993 do not apply to City-owned community land nor reserved Crown land.
15. In accordance with the requirements of the Crown Land Management Act 2016, Crown Lands has approved the categorisations adopted in the plans of management.
16. All current uses, upgrades and/or development projects on Crown reserves within these plans of management are aligned with the category objectives.

### Plans of Management for Crown Reserves

17. The City has developed fourteen specific plans of management and three generic plans of management, which are detailed herein and attached to this report. The Hyde Park Plan of Management is presently under review and has been excluded from this report. This plan of management will be presented to Council for adoption at a later date.
18. Consistent with local government practises, specific plans are suitable for large and/or iconic parks with unique features and/or diversified uses, such as Wentworth Park and Martin Place, whilst generic plans of management are grouped by common characteristics such as location, e.g. Millers Point Precinct.

19. The three generic plans of management for the Crown reserves include:
- (a) CBD Civic Spaces (Attachment B) includes:
    - (i) Customs House Square;
    - (ii) Farrer Place;
    - (iii) Lang Park;
    - (iv) Macquarie Place Park; and
    - (v) Queens Square;
  - (b) Millers Point Precinct Crown Reserves (Attachment C) includes:
    - (i) the Millers Point Recreation and Community Centre;
    - (ii) Clyne Reserve;
    - (iii) Munn Reserve;
    - (iv) Dawes Point Fountain Garden;
    - (v) Argyle Place Park; and
    - (vi) Watson Road Public Toilets; and
  - (c) General Crown Reserves (Attachment D) includes:
    - (i) Shannon Reserve, Surry Hills;
    - (ii) Hollis Park, Newtown;
    - (iii) Glebe Foreshore Walk East, Glebe;
    - (iv) Green Park, Darlinghurst;
    - (v) Franklyn Park Community Space, Glebe;
    - (vi) Robyn Kemmis Reserve, Glebe;
    - (vii) Beare Park and Kings Cross Rotary Park, Elizabeth Bay;
    - (viii) Dr HJ Foley Rest Park, Glebe; and
    - (ix) Andrew (Boy) Charlton Pool (reserve adjoining the pool), Sydney.
20. The specific plans of management for the Crown reserves include:
- (a) Belmore Park, Haymarket (Attachment E);
  - (b) Cook and Phillip Park, Sydney (Attachment F);
  - (c) Erskineville Oval and Harry Noble Reserve, Erskineville (Attachment G);

- (d) Johnstons Creek Parklands, Glebe (including Federal Parks 1 and 2, Bicentennial Parks 1 and 2, Pope Paul VI Reserve, Jubilee Oval, Harold Park and Tram Stop Reserve) (Attachment H);
- (e) Martin Place, Sydney (Attachment I);
- (f) Observatory Park, Millers Point (includes Observatory Hill, Kent Street Tennis Centre and Watson Road Reserve) (Attachment J);
- (g) Perry Park, Alexandria (Attachment K);
- (h) Prince Alfred Park, Surry Hills (Attachment L);
- (i) Rushcutters Bay Park, Rushcutters Bay (Attachment M);
- (j) Victoria Park, Camperdown (Attachment N);
- (k) Waterloo Park, Waterloo (Attachment O);
- (l) Wentworth Park, Glebe (Attachment P); and
- (m) Wynyard Park, Sydney (Attachment Q).

### **Updating Plans of Management**

21. Neither the Crown Land Management Act 2016 nor the Local Government Act 1993 state when plans of management should be reviewed. The City will conduct an annual internal review to monitor the plans of management to ensure they are adequately achieving their objectives and are revised as appropriate.

### **Crown Lands Review**

22. In accordance with the Resolution of Council dated 29 March 2021 (Attachment R), the seventeen draft plans of management were submitted to Crown Lands for verification of the Crown reserves and to ensure compliance with the Crown Land Management Act 2016. Crown Lands notified the City of their endorsement to publicly exhibit all of the plans in September 2021.
23. In accordance with the Crown Land Management Amendment (Plan of Management) Regulation 2021, the 16 plans of management attached to the subject report (Attachments B to Q) were resubmitted to Crown Lands post the public exhibition period for final review.
24. Minister's consent was received 18 February 2022, enabling all sixteen plans to be put forward for Council adoption.

### **Community Consultation**

25. Community engagement to inform the development of the draft plans of management took place from 10 November to 15 December 2020.
26. The City:
  - (a) surveyed the community through a project webpage;
  - (b) held pop-up stalls and conducted intercept surveys;

- (c) held meetings with community groups;
  - (d) held three First Nations online conversations that included the Chief Executive Officer of the Metropolitan Local Aboriginal Land Council and Elders;
  - (e) provided online resources for schools and community members; and
  - (f) notified local residents and park users through letters, signage, E-newsletters and social media.
27. The City also analysed the outcomes of community consultation for these and other open spaces undertaken over the past eight years.
28. The City recognises that the development of these plans of management are an important opportunity for a conversation with the community about Aboriginal people's continuous connection to Country and custodianship of these places in Sydney. As part of setting the context for the community for this engagement, the City commissioned a video from Brett Leavy of Virtual Songlines that depicted an imagining of Gadigal land before colonisation.
29. The results of the engagement was reported to Council 29 March 2021.
30. The key themes identified through the community engagement include:
- (a) Strong support for the recognition and practice of First Nations peoples continuous connection to Country and their important role as caretakers and knowledge holders of these places.
  - (b) Public open spaces are important for mental health, wellbeing and provide a place of refuge and sanctuary for all.
  - (c) Open, green and natural public spaces in the city are highly valued and should accommodate the needs of the growing population.
  - (d) Accessible, safe and inclusive open spaces are important for everyone to enjoy.
  - (e) Diverse and unique open spaces that manage our shared spaces fairly.
  - (f) Open spaces that support wildlife and biodiversity.
  - (g) Preserving our open spaces and safeguarding their history for the future.
  - (h) Improving amenities in our open spaces to increase accessibility and support community use.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030

31. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report on the Final Crown Land Plans of Management aligns with the following strategic directions and objectives:
- (a) Direction 1 - A Globally Competitive and Innovative City - the plans of management support the activation of open space and facilities, further providing the mechanisms to enable greater economic outcomes to be achieved, e.g. alfresco dining in Martin Place.
  - (b) Direction 2 provides a road map for the City to become A Leading Environmental Performer - The plans of management demonstrate the City's leadership in environmental performance through environmental management systems, capital projects, asset management, procurement and contract management.
  - (c) Objective 2.1 Greenhouse gas emissions are reduced across the city.
    - (i) The plans of management enable the implementation of initiatives to support increased energy efficiency and renewable energy across the City's parks and open space.
  - (d) Objective 2.2 Waste from the city is managed as a valuable resource and the environmental impacts of its generation and disposal are minimised.
    - (i) The plans of management support the:
      - Monitoring, reporting and verification of waste data in City facilities within parks; and
      - Facilitate resource innovation and the reduction of waste management impacts.
  - (e) Objective 2.3 Across the city, potable water use is reduced through efficiency and recycling and gross pollutant loads to waterways are reduced.
    - (i) The plans of management enable the identification and maximisation of opportunities for use of alternative water sources which will contribute to a reduction in potable water consumption in the City's parks and open space.
  - (f) Objective 2.5 The City's operations and activities demonstrate leadership in environmental performance. The draft plans of management embody:
    - (i) The City's continuous improvement of its environmental performance through management processes across Council operations;
    - (ii) The integration of environmental criteria into design and construction of City assets to support the City's ability to lead by example;
    - (iii) Implementing a continuous improvement program for the environmental performance of the City's own assets; and

- (iv) Assessment and contract management activities.
- (g) Objective 2.6 The extent and quality of urban canopy cover, landscaping and city greening is maximised.
- (i) The plans of management support:
- The expansion and protection of tree canopy in all parks and open space;
  - The enhancement and expansion of habitat sites;
  - Protecting biodiversity; and
  - Implementation of the Greening Sydney Plan to improve the quality of the City's urban landscape, parks and open space.

(h) Direction 4 - A City for Walking and Cycling.

- (i) Objective 4.3 the number of people who choose to walk and cycle continues to increase.

The plans of management help to promote activities in open spaces and to increase the mode of walking and cycling for leisure and recreation.

(i) Direction 5 - A Lively and Engaging City Centre.

- (i) Objective 5.1 The city centre has safe and attractive public spaces for people to meet, rest and walk through at all times of the day or night; with George Street as a distinctive spine.

The plans of management that encompass the Sydney CBD will integrate with the City's public domain plans that guide and enhance public realm design and development in the city centre.

- (ii) Objective 5.2 The city centre provides diversity of built form, uses and experiences.

The plans of management that encompass the Sydney CBD recognise the important role each space plays in activating individual precincts. This has been recognised through the realisation of public domain plans, further exploring opportunities associated with adjoining development and increasing a greater recognition of built heritage form.

- (iii) Objective 5.4 The city centre is a place for cultural activity, creative expression and participation.

The plans of management support and facilitate the growth of creative and cultural activities in the city centre and seek to identify opportunities to collaborate with local cultural and educational institutions to increase activation of these spaces.

- (j) Direction 6 - Vibrant Local Communities and Economies.
- (i) Objective 6.1 Our city comprises many unique places – a ‘city of villages’ – for communities to live, meet, shop, study, create, play, discover, learn and work.
- The plans of management seek to identify and increase the visibility of local histories and stories that improve the experience of the City's local areas.
- (ii) Objective 6.4 There is equitable access to community facilities and places, parks and recreational facilities to support wellbeing in daily life.
- The plans of management enable parks and community facilities within parks to support the quality of life, wellbeing and personal development of our community, ensuring that local needs are met through services and programs provided.
- (k) Direction 7 - A Cultural and Creative City.
- (i) Objective 7.1 Creativity is a consistent and visible feature of the public domain and there are distinctive cultural precincts in the city and its villages.
- The plans of management recognise that all parks and open space are capable of playing a role in increasing places and precincts of cultural and creative activation.
- (ii) Objective 7.4 The continuous living cultures of Aboriginal and Torres Strait Islander communities is visible and celebrated in our city.
- The plans of management contribute to bringing new focus to the understanding, recognition and celebration of First Nations living culture and connection to Country. The plans will strengthen relationships with the First Nations peoples through their development and implementation, further providing respect and opportunities.
- (l) Direction 9 - Sustainable Development, Renewal and Design.
- (i) Objective 9.3 There are great public buildings, streets, squares and parks for everyone to use and enjoy.
- The plans of management reflect the plans and policies that define public space requirements including buildings, streets, squares and parks. Each plan emphasises the importance of maintaining and renewing all aspects of assets so they are fit for purpose and enable greater community enjoyment.
- (ii) Objective 9.5 The urban environment promotes health and wellbeing.
- The outcomes of the community engagement have reinforced that the community values parks and open space as a place of respite and social wellbeing. The plans of management seek to enhance these qualities by the creation of more opportunities to enjoy these spaces.

- (m) Direction 10 - Implementation through Effective Governance and Partnerships.
  - (i) Objective 10.5 The community is engaged and active in shaping the future of the city.

The community has been engaged at every level in the development of these plans of management based on the City's community engagement framework to enable all members of our community to participate in decisions that shape the city.

### **Organisational Impact**

- 32. The appointment of the Crown Lands Manager, Native Title Manager and development and implementation of these Crown Land Plans of Management address the City's legislative obligations. There has been no significant impact on the City's resources in developing the plans of management nor is there expected to be any organisational impact in the operational aspects following adoption by Council.
- 33. The development of specific and generic plans of management for the Crown reserves will improve the City's measurement of key achievements against its performance indicators.

### **Social / Cultural / Community**

- 34. The plans of management have been prepared to ensure the associated parks and open spaces are conserved and enhanced, remain accessible to the community and further enable future enjoyment, maintain social wellbeing and increase the cultural appreciation of each space.

### **Environmental**

- 35. The plans of management emphasise the importance of preserving and increasing green space within the local government area, as a valued quality of the community. Individual management targets and strategies have been identified to ensure urban ecology, vegetation and tree canopy is preserved, maintained and enhanced in all spaces.
- 36. Each plan of management addresses the importance of water, energy and waste management, further providing the means to implement necessary infrastructure and measures to ensure these spaces are more efficient and can contribute to the City's environmental targets.

### **Financial Implications**

- 37. To ensure the City will be able to meet these requirements and obtain compliance under the Crown Land Management Act 2016, the Office of Local Government provided a funding agreement of \$30,000 in 2019.
- 38. There are no financial implications in the implementation of the plans of management once they are adopted. Individual project budgets that are identified as a result of these plans, will seek any future funding requirements and approvals during subsequent iterations of the City's budgets and Long Term Financial Plans.

## Relevant Legislation

39. Crown Land Management Act 2016 including:
  - (a) Section 3.23(6) Council Crown land managers are required to prepare and adopt a plan of management in accordance with the Local Government Act 1993.
  - (b) Section 3.23(7)(a) states a Council Crown land manager must adopt the first plan of management as soon as practicable, within the interim period.
  - (c) Section 8.7(1)(d) states that a Council Crown land manager cannot submit a plan of management for approval without receiving prior Native Title Manager advice.
40. Crown Land Management Amendment (Plan of Management) Regulation 2021
  - (a) Section 3(5) states that a council manager must obtain the written consent of the Minister to adopt a plan of management.
41. Native Title Act 1993.
42. Local Government Act 1993 including:
  - (a) Sections 25 and 26 require every council to classify all public land as either community or operational.
  - (b) Section 36 requires every council to prepare a plan of management for community land and set the framework for those plans.
  - (c) Section 36(4) requires a draft plan of management for community land to categorise the land by reference to one or more of the following categories:
    - (i) Natural area;
    - (ii) Sportsground;
    - (iii) Park;
    - (iv) Area of cultural significance; and
    - (v) General community use.
  - (d) Section 38 requires a draft plan of management to be publicly exhibited for not less than 28 days, with a period of not less than 42 days from the commencement date of public exhibition during which submissions may be made to Council.
43. The Crown Land Management Act 2016 does not require a public hearing under Section 40A and Section 47G to be conducted in respect of the draft plans of management.
44. It is noted that the plans of management do not override planning instruments such as Local Environmental Plans.

## Public Exhibition

45. In accordance with the Local Government Act 1993, the seventeen draft plans of management were publicly exhibited for eight weeks, commencing 29 September to 24 November 2021. Submissions could be made in writing or via the City website online survey form, telephone or email.
46. The draft plans of management featured on the City's Sydney Your Say page. During the exhibition period, there were 643 unique page views of the Sydney Your Say page.
47. The draft plans of management were available for download on the City website. During the exhibition period, there were 384 downloads of the draft plans.
48. Stakeholders were notified of the exhibition through an e-newsletter. A total of 349 notifications were sent to community organisations, leaseholders, schools, sporting clubs, and people who participated in the 2020 consultation on the draft plans.
49. Exhibition information was included in the October 2021 edition of Sydney Your Say.
50. City staff members attended the Aboriginal and Torres Strait Islander Advisory Panel meeting on 27 October 2021 to take any questions regarding the public exhibition process.
51. Three online stakeholder briefings were held in October 2021, with ten participants representing the Metropolitan Local Aboriginal Land Council, Millers Point Resident Action Group, the Glebe Society, the Blue Wren Subcommittee, the Coalition of Glebe Groups, the Australian Conservation Foundation (Inner West), and the Friends of Orphan School Creek Bushcare Group. Over the public exhibition period, the City received a total of 26 submissions via email and submitted through the online survey.

## Submissions received during Public Exhibition

52. Of the submissions received during the public exhibition period, the majority of comments centred on the following themes. A summary of the responses is provided within Attachment S.
  - (a) Respecting Country
    - (i) There is strong support for recognising Aboriginal peoples' continuous connection to Country. Community feedback called attention to Aboriginal people's custodianship of Crown and other land, and the importance of land to Aboriginal people.
    - (ii) There was also a desire to see spaces returned and dedicated to support the cultural practice, social and economic outcomes for the Aboriginal community.
  - (b) Facilities and Built Infrastructure
    - (i) Most comments were about facilities and infrastructure available in parks. People asked for upgrades to seating, lighting, and wayfinding. More automatic toilets were suggested, as well as a new playground and kids bike path. People proposed that their local park host activities like outdoor dining, farmers markets and entertainment for Sunday family picnics.

- (c) Maintenance, management and facilities
  - (i) Many comments spoke to the impact that maintenance, management, and facilities have on how safe, accessible and user-friendly Crown land parks and reserves are. Feedback on this topic ranged from general requests to manage maintenance to specific concerns about commercial users and park benches.
- 53. The City will continue discussions with the Metropolitan Local Aboriginal Land Council regarding undetermined Aboriginal Land Claims and to pursue opportunities for the shared management of Crown reserves in which the City is appointed the Crown land manager.
- 54. The community feedback indicates overall support for the proposed plans of management and confidence in the City's ability to implement the plans. It aligns with the community values established through consultation in November/December 2020.
- 55. In consideration of this, minimal amendments has been applied to the plans of management in response to the submissions received. Where applicable, additional definitions/overviews have been included in management activities for greater clarity and context.

**AMIT CHANAN**

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