



The Palm Beach & Whale Beach Association Inc.  
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PALM BEACH & WHALE BEACH ASSOCIATION Inc.

SUBMISSION TO THE NEW SOUTH WALES GOVERNMENT

ON THE CROWN LANDS MANAGEMENT ACT REVIEW

## Introduction

The Palm Beach & Whale Beach Association (PB&WBA) is a community-based group, founded in 1918 and with a membership of over 450 representing the interests of both owners and tenants resident in Palm Beach and Whale Beach, as well as local businesses. It was the leader of a public campaign in 1918 to preserve Governor Phillip Park as a Crown land reserve in perpetuity and the current Council Plan of Management for the Park includes a provision that PBWBA has to be consulted on the plans for the future management of the reserve. We are grateful for the opportunity to put forward our views on the Government's consultation paper on the management of Crown Lands.

## Management of Crown Lands

At our end of the Northern Beaches peninsula lies Governor Phillip Park, a Crown Land reserve managed by Northern Beaches Council. It has an iconic role in the history of Sydney, being visited by Governor Phillip in his first months of Governorship. It is the second most visited venue on the Northern Beaches, with over 250,000 visiting it every year, some to enjoy the scenery and picnic, some to surf and some to visit the adjoining Barrenjoey Headland and lighthouse. As such, it ought to be one of Sydney's showpieces but it is not.

Our experience with this reserve leads us to make a number of recommendations in the Review of Crown Lands Management, to improve their management and increase their value as places of historic interest, places of enjoyment and relaxation and as the green lungs of our cities and towns. They are a precious resource, frequently under pressure to be converted into housing or productive farmland and once lost in this fashion, they can never be replaced.

We are concerned primarily with the responsibilities of Councils which manage Crown Land on behalf of the Crown. Councils are elected bodies, responsible and accountable to their electors. Given the importance of Crown lands, we believe that their role as managers of Crown Lands requires specific accountability, both to their electors and to the Government, as to their performance. The reporting requirements of the Local Government Act are clearly inadequate. The reserves are Crown land held by the Crown for the benefit of the people of New South Wales and as community land, many of them are available for public use. This is in itself justification for an obligation of public accountability by the managers.

Our recommendations are that the management agreements for these Crown reserves managed by Councils should contain the following provisions: -

1. The obligations placed on the Council in relation to the management of a particular reserve should be spelled out in the management agreement and should specify the level of care and maintenance required for that reserve.
2. There should be a public annual budget prepared by the Council for the maintenance and upkeep of the Crown Lands managed by each Council, showing both costs budgeted for and sources of income, where they exist. It can be part of the Council's normal annual public forecast but the reserves need to be separately dealt with in the forecast.
3. The Council's performance, against both the management agreement and the annual forecast, should be reported on annually and should be public documents.
4. Any income received from exploitation of a particular reserve should be applied to the care and maintenance of that reserve, not subsumed into general revenue. The earning of income from a particular reserve almost always involves additional wear and tear on that reserve and this should be the priority first item in the Council's annual financial plan for that reserve. Safeguards are needed to ensure that the income from the reserve is not regarded as a limit of expenditure by the Council in that reserve.
5. Crown reserves are all different – it is unreasonable that a rate for use of reserves is set by the Crown Lands Department, irrespective of the extent of usage or wear and tear on a particular reserve and irrespective of the economic value of the usage. It should be left to Councils to set a usage charge at local market levels, having regard to these factors. Where there is no market value, Councils should consult with expert advisers.
6. Given the nature of the public interest in Crown lands, there is a strong argument that a process of public consultation should take place before the finalisation of agreements to manage are entered into between the Crown Lands Department and councils.
7. For reserves with a high public profile like Governor Phillip Park in Palm Beach, consideration should be given to the appointment of community boards, including an indigenous representative, with either a supervisory or an advisory role.

We would also like to express our reservations about any further appointment of Aboriginal land councils to manage Crown reserves in metropolitan areas. Such bodies are not publicly accountable and the reserves they manage tend to be restricted entry. At a time when public space will be even more valuable as a leisure resource and green lung for an increasing population, we cannot afford to have any more of it with restricted entry.

We thank you for the opportunity to put forward our suggestions.

Yours faithfully

A/Prof Richard West AM

President

Palm Beach & Whale Beach Association, Inc.

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