

State Strategic Plan- A Vision for Crown Land

Shelter NSW Submission

August 20, 2020



About Shelter NSW

Shelter NSW was established in 1975, as the NSW State Housing peak body to advocate for better housing outcomes in response to urban and regional redevelopment pressures. We grew from this to now representing the interests of a diverse network of partners and members who include organisations and individuals that share our vision of a secure home for all NSW residents. We pursue this vision through critical engagement with policy and collaborative leadership initiatives. We have consulted our board, members and network of fellow peak bodies ahead of this submission.

Introduction

Shelter NSW is pleased to respond to the draft State Strategic Plan – A Vision for Crown Land, which outlines a proposed vision and strategy for the management of Crown land across NSW into the future. We welcome the opportunity to make comments on the Draft Strategy and remain open to any further consultations or contribute to the final framework throughout its implementation.

There are over 34 million hectares of Crown land in NSW (approximately 42 per cent of the NSW State). Limited access to affordable land is often a significant barrier to delivering affordable housing options. This lack of affordable housing options diminishes the lives, well-being and productivity of many people and communities.

Climate change is also disproportionately impacting lower-income households without the means to afford adaptation measures. Shelter NSW welcomes the breadth of opportunities available through the Draft State Strategic Plan – A Vision for Crown Land to take the essential first step towards articulating and delivering a fairer and more sustainable NSW.

The following section outlines some proposed strategic planning priorities and actions related to the Draft State Strategic Plan – A Vision for Crown Land Strategic Plan priority areas:

- Enable jobs growth, commercial opportunities and sustainable economic progress in regional and rural NSW
- Expand green space, sustainable quality of life and climate change resilience
- Strengthen and support evolving community connections
- Work with Aboriginal communities to realise the potential of their land rights

Shelters Submission provides feedback on ways to support or strengthen the identified planning priorities. In situations where Shelter NSW suggestions go beyond the direct control of the Authority, we are happy to collaborate on any future advocacy-based actions.

State Strategic Plan - A Vision for Crown Land Outcome - Enable Jobs Growth, Commercial Opportunities and Sustainable Economic Progress in Regional and Rural NSW

Shelter NSW supports any opportunity to support locally-based infrastructure projects that produce clean energy and deliver employment opportunities and stronger local economies. Many lower-income households find the cost of heating or cooling their home, especially in rural and regional NSW where energy cost is often higher, a significant cost burden. This issue has particular impacts due to COVID19, as households are spending more time at home and using more energy. The growing cost of energy has seen an increasing amount of low-income rental households in 'energy poverty' combined with a loss of income or employment opportunities.

Making Crown Land available for wind and solar generation in inland regional NSW will have the benefits of reducing the environmental impact of global warming and helping to generate electricity at relatively lower costs. For many remote and regional centres, especially in the far west regional areas, cheaper energy supply is vital because the price is often significantly higher and impacts lower-income households.

Regional Local Aboriginal Land Councils (LALC) have land that is suitable for wind and solar power generation, agriculture and aquaculturally and bio-banking projects. It would be good for Crown Lands to consult with Land Councils around opportunities for joint venture projects in the area's outlined.

Many of the proposed projects will also generate new jobs for smaller regional communities which have high unemployment levels. Enabling jobs growth, commercial opportunities and sustainable economic progress in regional and rural NSW will have significant benefits for regional populations. Many of these regional towns also have substantial Aboriginal communities and, as such, these projects have the potential to deliver employment opportunities to these communities. For this reason, Shelter NSW would like to see projects on Crown Land linked with Aboriginal employment targets.

Shelter NSW Recommendations

- Investigate opportunities to work with LALC to deliver joint-venture projects, including joint use of Aboriginal land for wind and solar generation projects.
- Ensure that any new industry project includes an Aboriginal employment target, especially in regional communities.
- That Crown Lands prioritise far west NSW for wind and solar generation projects. This type of initiative will support the delivery of lower energy costs to these communities.

State Strategic Plan - A Vision for Crown Land Outcome - Expand Green Space, Sustainable Quality of Life and Climate Change Resilience

Australia's climate is changing, with increasing risks of fire, storms, coastal erosion and deficits in rainfall expected to increase. For NSW to respond appropriately to a changing climate, it will need to be committed to both mitigation and adaptation to reduce our carbon footprint and to transition to net-zero or net-positive emissions.

There is also a growing recognition of how vital access to green open space is to one's quality of life. In response to these issues, the NSW Government has adopted a priority to increase access to quality green open and public space by 2023. While some Crown Land has been managed to protect its environmental benefits in both urban and regional NSW, it is regional areas that have seen the most significant loss of tree coverage. One mitigation strategy is to increase the amount of green landscaped areas across NSW.

As indicated in the Draft State Strategic Plan – A Vision for Crown Land, the continual impact of land clearing practice across NSW has created fundamental pressure on the environment, including soil quality erosion and loss of nutrients. A less widely appreciated effect of land clearing is increased temperature, making many inland regional communities that already experience high temperatures even hotter. In the coming decades, heat-related stress will increase exposing both coastal and inland communities to dangerous levels of heat. The increasing heat levels will see people move away from their traditional homeland to cooler climates. For these reasons, Shelter NSW believes it's essential to build resilience to changing climate now by prioritising the use of Crown Land to deliver green space in regional NSW, combined with an active tree planting and employment strategy.

Shelter NSW Recommendations

- To build resilience to the changing climate, that the NSW Government prioritise the use of Crown Land, particularly in regional NSW, to deliver green landscape spaces in regional towns combined with an active tree planting and employment initiatives.
- That NSW Government ensures that any greening project includes an Aboriginal employment target, especially in regional communities.
- That NSW Government ensures that affordable renewable energy is accessible to all tenants and owners throughout NSW.
- Crown Lands should consult with Planning Authorities to ensure that town and city planning decisions are responsive to environmental hazards, such as bushfires, extreme heat, and flooding to mitigate the effects of climate change.
- That Crown Lands engage genuinely with local Indigenous communities and leaders on questions of sustainability and environmental resilience.

State Strategic Plan - A Vision for Crown Land Outcome - Strengthen and Support Evolving Community Connections

Shelter NSW would fully support the use of Crown Land to expand access to more affordable housing options. Many community members who don't own a home and can't access public housing due to shortages have few options other than the private rental market and have moved to regional and rural NSW to access affordable options. Many also look for affordable choices in the form of Residential land lease communities such as residential parks, caravan parks, manufactured home estates.

As indicated in the draft State Strategic Plan – A Vision for Crown Land, there are almost 500 land lease communities in NSW, accommodating around 34,000 people, and many are on Crown Land. In these situations, residents purchase a manufactured home and have a leasing arrangement with the Land Lease operator. However, disputes between the operator and the manufactured homeowner often result in the dwelling owners being exploited. These disputes often relate to a general lack of protections for dwelling owners about operational standards and professional conduct associated with the Residential Land Lease Managers.

As pointed out by the Tenants' Union of NSW (TU) review of the Residential (Land Lease) Communities in 2017, the Act had failed to bring about improvements for tenants or owners of homes located in Residential (Land Lease) Communities. These matters include a lack of an effective compliance regime and site agreement fees set at unfair market values. Many operators are simply ignoring the site fees requirement, and new agreements do not always set fair market value. Overcharging on utility usage is another issue here seen with site maintenance and repair costs often being passed on to dwelling owners, despite said repairs being part of essential infrastructure. High land leases fees have resulted in prospective purchasers walking away from sales or seeking a reduction in the sale price because of the extra costs they face based on the unfair arrangements. Other matters, such as the value of homes, can decrease due to discriminatory site agreement terms.

Shelter NSW Recommendations

- That the Draft State Strategic Plan – A Vision for Crown Land provide opportunities to deliver housing affordability and security. That Crown Lands introduce policy measures that plan and direct Crown land resources towards regulated non-for-profit public and affordable housing providers.
- Create a register of Crown Lands to identify land suitable for the development of public and affordable housing projects. This register would be used to quantify the amount of available land and estimate what proportion of demand can be met through Crown Land grants, to regulate not-for-profit public and affordable housing providers' discounted sales or long-term leasehold arrangements.
- Any Crown Land Leases for mobile home communities should be required to address the following:

1. strict compliance and enforcement based on fair and transparent standards,
2. support the introduction of minimum energy efficiency standards,
3. support the introduction of fixed-term leases as opposed to the periodic agreement.

State Strategic Plan - A Vision for Crown Land Outcome - Work with Aboriginal Communities to Realise the Potential of Their Land Rights

Aboriginal people and communities hold legal rights regarding Crown Land under the Aboriginal Land Rights Act (ALR) Act and Native Title Legislation. In NSW, the ALRA legislation is part of a compensate framework that allows Crown land to be gifted to Aboriginal Land Councils. As a result, Land Councils acquire Crown Land to create a range of economic, social, cultural and environmental opportunities for their communities. As part of this role, they also provide affordable housing.

To date, 13,356 Aboriginal Land Claims have been reviewed and resolved under the provisions of the ALR ACT, however around 38,000 Aboriginal Land Claims have not been determined. Shelter NSW supports a system to prioritise and accelerate the resolution of these claims, which will reduce uncertainty for LALC.

Shelter NSW Recommendations

- That the NSW Government prioritise Aboriginal Crown Land transfers.
- That the NSW Government work with Aboriginal communities to realise the potential of their land rights.
- That the NSW Government explore opportunities for the co-management of Crown Land to generate mutual benefits for LALCs.

State Strategic Plan - A Vision for Crown Land Outcome - Enabling Initiatives will Support Delivery of the Plan

The Draft State Strategic Plan – A Vision for Crown Land proposes the development and provision of tools and support for volunteer land management organisations. Many LALCs operate voluntarily and provide service to their communities. LALCs also hold responsibility and obligations on land that is zoned as environmental and often need assistance to ensure these lands are appropriately managed and maintained. For these reasons, Shelter NSW see the inclusion of LALC in any training and development regarding land management practises as essential.

Shelter NSW Recommendations

- That the NSW Government engage with and support Aboriginal organisations in the management and maintenance of land zoned as environmental management.

- Build an understanding of the benefits of Crown Land to native title and Aboriginal land rights.

Thank you

Shelter NSW appreciates the opportunity to comment on the Draft State Strategic Plan – A Vision for Crown Land. We hope that the comments and insights we have provided bring some value to Government’s strategic planning work in the housing policy space.

We are also happy to engage on the issues raised in our submission. If you wish to discuss our submission in more detail, please contact Stacey Miers on 0410 633 272 or by email at stacey@shelternsw.org.au.

Sincerely Yours,

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